M I N U T E S

Regular Meeting of the Board of Port Commissioners
Tuesday, January 18, 2005 - 3:00 p.m.

ROLL CALL

President Scates called the meeting to order at 3:18 p.m., and the following Commissioners were in attendance:

Commissioner Ayers-Johnson, Commissioner Katzoff, First Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

Second Vice-President Batarse was excused.

CLOSED SESSION

President Scates convened the Board in Closed Session at 3:15 p.m. to consider the following items:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Pursuant to subdivision (a) of Section 54956.9. Names of cases:

   City of Oakland v. Oscar Niemeth Towing, Inc.,
   Alameda County Superior Court Civil Case No. RG04181699
   (Breach of contract, fraud, conversion)

   City of Oakland v. Douglas C. Niemeth dba Bayside Dredging Company,
   Alameda County Superior Court Civil Case No. WG041819
   (Unlawful detainer)

   City of Oakland v. Teresita Banguis-Punla,
   Alameda County Superior Court Civil Case No. RG04185153
   (Unlawful detainer)
City of Oakland v. Teresita Banquis-Punla,  
Alameda County Superior Court Civil Case No. RG04185027  
(Breach of contract)

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:  
(8 Matters) 

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Government Code Section  
54956.8.  
Property: Oakland Army Base  
Negotiating Parties: Port of Oakland, Oakland Base Reuse Authority, Oakland  
Redevelopment Agency, and City Council  
Agency Negotiator: Executive Director, Jerry A. Bridges  
Under Negotiation: Price and Terms of Payment 

OPEN SESSION 
President Scates reconvened the Board into Open Session at 4:19 pm. 

FIRST CLOSED SESSION REPORT 

The Port Attorney reported that the Board had not completed the Closed Session Agenda  
and would reconvene in Closed Session after speakers were heard in Open Forum. The  
Board Secretary reported that the Board had approved by unanimous consent the  
following closed session items:  

Resolution 05001, Authorizing And Approving Retention Of Special Counsel. 

Resolution 05002, Approving And Authorizing Execution Of A Tolling Agreement With  
Avis Rent A Car System, Inc. ("Avis"), Concerning Contamination At The Metropolitan  
Oakland International Airport ("Airport"). 

Resolution 05003, Approving And Authorizing Execution Of A Tolling Agreement With  
The Hertz Corporation ("Hertz") Concerning Contamination At The  
Metropolitan Oakland International Airport ("Airport"). 

Resolution 05004, Approving And Authorizing Execution Of A Tolling Agreement With  
Union Pacific Railroad Company ("Up") Concerning Contamination At Or Adjacent To  
Berth 57, Oakland, California.
Commissioner Katzoff gave an account of the January 10, 2005 Aviation Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items A-1 through A-11.

A motion to approve Items A-1 through A-4 and Items A-6 through A-11 was made by Commissioner Katzoff and seconded by Commissioner Ayers-Johnson.

A-1 Resolution 05005, Ratification Of Addenda And Award Of Contract For Reconstruction Of East Apron – Phase 1, South Field, Oakland International Airport, AIP 3-06-0170-29, AIP 3-06-0170-36 In The Amount Of $12,566,465. (Resolution)

A-2 Resolution 05006, Approval Of A $50,000 Per Year Increase To The Annual Contract For Removal Of Rubber Deposits From Runways, Oakland International Airport. (Resolution)

A-3 Resolution 05007, Authorization To Execute A Customer Generation Agreement With PG&E And A Similar Agreement With FedEx To Interconnect And Operate FedEx’s Proposed Solar Power Generating Facility In Parallel With The Existing Distribution Systems At The Airport. (Resolution)

A-4 Resolution 05008, Approval Of Fifth Amendment To The Measure B Funding Agreement, Fourth Amendment To The Measure B Project Implementation Agreement, And Loan Agreement With The Alameda County Transportation Authority (ACTA) For The Airport Roadway Project (ARP), Oakland International Airport. (Resolution)

A-6 Resolution 05010, Approval Of License And Concession Agreement With Avis Rent A Car System, Inc. (Vicinity Of Langley/Earhart Road, North Airport). (Resolution)

A-7 Resolution 05011, Approval Of License And Concession Agreement With Enterprise Rent A Car Company Of San Francisco (Vicinity Of Ryan/Earhart Road, North Airport). (Resolution)

A-8 Resolution 05012, Approval Of License And Concession Agreement With Fox Rent A Car, Inc. (Vicinity Of Ryan/Earhart Road, North Airport). (Resolution)

A-9 Resolution 05013, Approval Of License And Concession Agreement With The Hertz Corporation (Vicinity Of Ryan/Earhart Road, North Airport). (Resolution)

A-10 Resolution 05014, Authorization To Approve Supplemental Agreement With Lochard Corporation To Upgrade The Airport Noise And Operations Monitoring System. Cost Is $35,000 For The First Year; $8,000 Annually For Two Years. (Resolution)

A-11 Resolution 05015, Authorization To Dispense With Standard Bidding Procedures And To
Authorize A Change Order To Extend Existing Contract With West Coast Contractors, Inc. To Complete The Final Phase Of The Airport's Sound Insulation Program In Alameda. Estimated Amount Is $1,7000,000. (Resolution)

The motion to approve Items A-1 through A-4 and A-6 through A-11 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and President Scates. (1) Excused: Vice-President Batarse.

On the recommendation of staff, Item A-12 was pulled.

A-12 PULLED: Approval Of Modification Of Ordinance No. 3648 To Assess Ground Transportation Fees. (Ordinance)

A motion to approve Item A-5 was made by Commissioner Katzoff and seconded by Commissioner Ayers-Johnson.

Two public speakers, Darrel Carey and Geoffrey Pete, addressed the board on Item A-5.

A-5 Resolution 05009, Approval Of A Second Supplemental Agreement To The Contract For The Design Of The Garage And Customer Services Building Project, And Deletion Of Parking Garage/CSB Portions Of The Project, Oakland Terminal Expansion Program (Tex). (Resolution)

The motion to approve Item A-5 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and President Scates. (1) Excused: Vice-President Batarse.

MARITIME

Commissioner Kramer gave an account of the December 20, 2005 Maritime Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items M-1 through M-5.

A motion to approve Items M-1 through M-5 was made by Commissioner Kramer and seconded by Commissioner Katzoff.

M-1 Resolution 05016, Approval Of Negotiation And Execution Of A Change Order To The Berths 32/33 Wharf Rehabilitation Project For The Costs Associated With Relocation Of The New Mooring Bollards And Miscellaneous Changes At Berths 32/33.

M-2 Resolution 05017, Approval Of Negotiation And Execution Of A Change Order To The Berth 22 Wharf Replacement Project For The Costs Associated With Rebuilding Approximately 150 Linear Feet Of Wharf At Berth 23.
M-3 Resolution 05018, Authorization To Dispense With Standard Bidding Procedures For The Wharf And Embankment Strengthening Program (WESP), Berths 23-26 & 30, Outer Harbor.


M-5 Resolution 05020, Approval Of First Supplemental Agreement With Geomatrix Consultants, Inc., (Contract #02377) To Investigate, Design, And Provide Construction Oversight Of The Former UP Roundhouse Site.

The motion to approve Items M-1 through M-5 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and President Scates. (1) Excused: Vice-President Batarse.

APPROVAL OF THE MINUTES

On a motion by President Scates, seconded by Commissioner Protopappas, the Board unanimously approved the Minutes of the Regular Meeting of December 21, 2004.

SUMMARY ITEMS

A motion to approve Item S-1 and S-2 was made by Commissioner Kramer and seconded by Commissioner Protopappas.

S-1 Resolution 05021, Delta Air Lines, Inc. #1 Airport Drive, Terminal 1 (M101, M102 and M103): Installation of a self-ticketing kiosk and a telephone kiosk in the ticketing lobby (M101); in-salvation of a boarding card reader at Gate 15, and installation of a new local area network in Terminal 1. Project includes related electrical and data cabling work. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301(a). Valuation of work: $40,000.

S-1 Resolution 05022, SSA Terminals, Inc.; Dragon Power/W&D Consultants, Inc. 1717 Middle Harbor Road: Test installation of a hydraulic system that generates electrical energy by extracting kinetic energy from moving vehicles. This project includes installation of subsurface vaults with surface grates, trenching, related electrical and mechanical work, and installation of an equipment cabinet. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15304, and Section 15306. Permanent operation of the system beyond the test period will require a separate permit. Valuation of work: $10,000.
OPEN FORUM

Sanjiv Handa, Donna Darwazeh, David Smith and Arthur King addressed the Board in Open Forum.

Commissioner Ayers-Johnson reported on the life and death of distinguished Oaklander, Martin Jacks.

SECOND CLOSED SESSION

President Scates reconvened the Board in Closed Session at 5:14 p.m. to consider Closed Session Agenda items not covered in the first session.

The Board took no final action on items discussed in the Second Closed Session.

ADJOURNMENT

There being no additional business the Board adjourned at 5:35 p.m.

John Betterton, Secretary
Board of Port Commissioners
Regular Meeting of the Board of Port Commissioners  
Tuesday, February 1, 2005 - 3:00 p.m.

ROLL CALL

President Scates called the meeting to order at 3:10 p.m., and the following Commissioners were in attendance:

Commissioner Ayers-Johnson, Second Vice-President Batarse, Commissioner Katzoff, First Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

CLOSED SESSION

President Scates convened the Board in Closed Session at 3:12 p.m. to consider the following items:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Pursuant to subdivision (a) of Section 54956.9. Names of cases:

   City of Oakland v. Harding ESE, Inc., et al.,  
   District Court, N.D. Case No. CV-03-03534

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Government Code Section 54956.8.

   Property: Oakland Army Base  
   Negotiating Parties: Port of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council  
   Agency Negotiator: Executive Director, Jerry A. Bridges  
   Under Negotiation: Price and Terms of Payment
Property: Jack London Square Project
Negotiating Parties: Port of Oakland, Jack London Square Partners, CEP-JLS1, CEP-JLS2
Agency Negotiator: CRE Director, Omar Benjamin
Under Negotiation: Price and Terms of Payment

Item 3 was not discussed in Closed Session on the recommendation of Staff.

3. PULLED - CONFERENCE WITH LABOR NEGOTIATOR AS PROVIDED UNDER GOVERNMENT CODE SECTION 54957.6:

OPEN SESSION

President Scates reconvened the Board into Open Session at 4:22 pm.

FIRST CLOSED SESSION REPORT

The Port Secretary reported that the Board had unanimously approved the following Resolution

Resolution 05023, Authorizing And Approving Increased Expenditure Authority Of Special Counsel and Necessary Experts (see Item 1 from Closed Session)

AIRPORT

Commissioner Katzoff gave an account of the January 24, 2005 Aviation Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items A-1 through A-6.

A motion to approve Items A-1 through A-4 and Item A-6 was made by Commissioner Katzoff and seconded by Commissioner Ayers-Johnson.

Sanjiv Handa addressed the Board on Item A-1

A-1 Amendment of Port Ordinance To Revise Airport Parking Lot Rates.

Sanjiv Handa addressed the Board on Item A-2

A-2 Resolution 05024, Agreement For Airport Security Inside The Terminals At Metropolitan Oakland International Airport With The City Of Oakland (Annual Budget Of $5.1 Million).

A-3 Resolution 05025, Approval Of License And Concession Agreements With Fox Rent-A-Car, Inc. (Vicinity Of Port Building L-810 And Earhart Road, North Airport.)
First Reading Of An Ordinance Approving A Conduit Use Agreement With Time Warner Telecom Of California, L.P., With An Initial Monthly Rent Of $1,387.78 At The South Field Of Oakland International Airport.

First Reading Of An Ordinance Approving 2005 Airline Landing Fees And Tenant Terminal Space Rentals.

The motion to approve Items A-1 through A-4 and A-6 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and President Scates.

A motion to approve Item A-5 as modified was made by Commissioner Katzoff and seconded by Commissioner Ayers-Johnson.

The following members of the public addressed the board on Item A-5: Chuck Mack, Russell Spector, Frank Feridon and Chris.

Resolution 05026, Authorizing an expedited request for proposals to select a limousine operator for the Oakland Metropolitan International Airport.

The motion to approve Item A-5 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Commissioner Kramer, Commissioner Protopappas and President Scates. (1) No: Vice-President Kiang.

COMMERCIAL REAL ESTATE

Commissioner Protopappas gave an account of the January 19, 2005 Commercial Real Estate Committee meeting.

Item C-1 was pulled on the recommendation of staff.

PULLED: Approval Of Amendments To The Agreement For Acquisition Of Ground Lease Interests, Approval Of Amendments To Existing Ground Leases, Approval Of Amendments To The Operating Agreement, Approval Of Ground Leases And Approval Of Purchase And Sale Agreements, For Various Properties In Jack London Square, And Adoption Of Related CEQA Findings And A Statement Of Overriding Considerations. (Resolution) (Ordinance)
MARITIME

Commissioner Kramer gave an account of the January 31, 2005 Maritime Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items M-1 through M-4.

A motion to approve Items M-1 through M-4 was made by Commissioner Kramer and seconded by Vice President Batarse.

M-1 Resolution 05027, Authorization To Dispense With Standard Bidding Procedures For The Procurement Of Electrical Equipment For APL Yard And Gate Redevelopment, Middle Harbor, In The Estimated Amount Of $3,000,000.

M-2 Resolution 05028, Authorization To Dispense With Standard Bidding Procedures For Deepening Of The Outer Harbor Berths As Necessary To Support The -50 Foot Deepening Project.


M-4 Resolution 05030, Authorization To Temporarily Relocate Marine Express, Inc. To 9th Avenue Terminal, Berth 83, During Construction Of Phase 1B Of The Inner Harbor Turning Basin Component Of The -50 Ft. Deepening Project Under A No Cost Temporary Wharf Assignment.

The motion to approve Items M-1 through M-4 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and President Scates.

OPERATIONS

ADMINISTRATION

Commissioner Ayers-Johnson gave an account of the January 25, 2005 Administration Committee meeting. She reported that the Committee had recommended for consideration by the full Board Items O-1, O-3, O-4 and O-7.

Sanjiv Handa spoke on the Administration Committee Report.
O-1 Resolutions 05031, 05032, 05033, Authorization To Prepare And Execute Agreements With Consultants For On-Call Architectural/Engineering, Mechanical And Telecommunication Engineering Design Services For Projects At The Port Of Oakland, Each At An Estimated Amount Of $39,000, $152,000, And $116,000 Respectively. (Resolution)

Item O-2 was pulled on the recommendation of staff.

O-2 PULLED: Title Change For One Allocated Position From Port Technical Support Analyst II To One Port Technical Support Specialist II In The MIS Department. (Ordinance)

O-3 First Reading Of An Ordinance Approving Addition Of One Position To Executive Assistant And Deletion Of One Position Of Port Assistant Management Analyst In The Port Communications Division. (Net Annual Savings Of $2,700).

O-4 First Reading Of An Ordinance Approving Amendment Of Salary Schedule For Government Affairs Specialist Classification From Existing Salary Schedule 530.3 To Existing Salary Schedule 515.1 (Net Annual Savings Of $6,168).

Items O-5 and O-6 were pulled on the recommendation of staff.

O-5 PULLED: Authorization To Enter Into Agreement With High Line Corporation For Upgrading/Replacing The Current HP 3000 Based Human Resource Information/Payroll System. (Resolution)

O-6 PULLED: Approval To Enter Into An As-Needed Communications Consultant Services Agreement With Solem & Associates In An Amount Not To Exceed $40,000. (Resolution)

O-7 Resolution 05034, Approval For Executive Director To Enter Into Negotiations For The Establishment Of Outdoor Advertising Opportunities In The Port Area. (Resolution)

The motion to approve Items O-1, O-3, O-4 & O-7 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and President Scates.

AUDIT, BUDGET & FINANCE

Vice President Kiang gave an account of the January 27, 2005 Audit, Budget & Finance Committee Meeting. He reported that the Committee had recommended for consideration by the full Board Items O-8 and O-9.
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O-8 Resolution 05035 & 05036, Approval To 1) Dispense With Standard Bidding Procedures And Procure Bids For Various Supplies And Services Using Informal Competitive Process, And 2) Increase The Purchase Order Contract Amounts For Existing Suppliers – Alameda Electrical Distributors, Inc.; Platt Electric And San Leandro Electric Supply – From $50,000 Each To $100,000 Each. (Resolution)

O-9 Resolution 05037, Approval Of First Supplemental Agreement With Macias, Gini And Company, LLP, For Professional Auditing And Accounting Services For The Port Of Oakland. (Resolution)

The motion to approve Items O-8 and O-9 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and President Scates.

APPROVAL OF THE MINUTES

On a motion by Commissioner Kramer, seconded by Commissioner Katzoff, the Board unanimously approved the Minutes of the Regular Meeting of January 18, 2005.

SUMMARY ITEMS

On a motion by Commissioner Katzoff, seconded by Commissioner Kramer, the Board unanimously approved Summary Items S-1 through S-3.

S-1 Resolution 05038, FedEx Corporation. PowerLight Corporation: #1 Sally Ride Way, Ramp at Buildings M132 and M141: PowerLight Corporation contractor for FedEx proposes to install approximately 81,000 square feet of photovoltaic (solar panels) roof tiles assemblies over the existing flat roof tops of the three FedEx leased buildings. This project includes related electrical work and will interconnect to the Port’s power system. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301, and Class 11, Section 15311. Valuation of work: $277,400.

S-2 Resolution 05039, Corinthian Colleges, Inc. CPS Signs, Inc., 9636 Earhart Road, Building L118: Remove two existing 2’X12’ illuminated signs and replace with two new 2’X12’ non-illuminated signs. The proposed wall signs will be mounted on the front (street side) and rear (ramp side) of the building and will read “WyoTech”, the tenant’s dba. The signs proposed meet the North Airport Sign Policy. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 11, Section 15311(a). Valuation of work: $1,500.
S-3 jetBlue Airways, Inc. John N. Bratichak (Architects); #1 Airport Drive, Terminal 1 (M101): Remodeling of office space for jetBlue in the baggage claim area of Terminal 1. Work to include cabinet work, additional lighting, and electrical work. Project includes related finish, telephone and data cabling work. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301. Valuation of work: $10,000.

OPEN FORUM

Sanjiv Handa addressed the Board in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 5:34 p.m.

John Betterton, Secretary
Board of Port Commissioners
ROLL CALL

President Scates called the meeting to order at 3:15 p.m., and the following Commissioners were in attendance:

Commissioner Ayers-Johnson, Second Vice-President Batarse, Commissioner Katzoff, First Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

CLOSED SESSION

President Scates convened the Board in Closed Session at 3:17 p.m. to consider the following items:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Pursuant to subdivision (a) of Section 54956.9. Names of cases:

   Pacific Coast Building Products v. Lumbermen Mutual Casualty Company, Alameda County Superior Court Case No. 2001-024620

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Government Code Section 54956.8.

   Property: Oakland Army Base
   Negotiating Parties: Port of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
   Agency Negotiator: Executive Director, Jerry A. Bridges
   Under Negotiation: Price and Terms of Payment
OPEN SESSION

President Scates reconvened the Board into Open Session at 4:08 pm.

FIRST CLOSED SESSION REPORT

The Port Attorney reported that no final action had been taken in Closed Session, but that an additional Closed Session would be necessary after Open Forum.

Sanjiv Handa addressed the Board on the Closed Session Report.

AIRPORT

A motion to approve Item A-1 was made by Commissioner Katzoff and seconded by Commissioner Ayers-Johnson.

Sanjiv Handa addressed the Board on Item A-1.

A-1 Resolution 05042, Acceptance of TFCA grants and related obligations to purchase alternative fuel vehicles.

Sanjiv Handa addressed the Board on Item A-2.

The motion to approve Item A-1 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and President Scates.

COMMERCIAL REAL ESTATE

Commissioner Protopappas gave an account of the February 2nd, 2005 Commercial Real Estate Committee meeting.

A motion to approve Item C-1 was made by Commissioner Protopappas and seconded by Commissioner Kramer.

Sanjiv Handa addressed the Board on items C-1 and C-2.
C-1 Resolution 05043, Authorization To Dispense With Standard Bidding Procedures For Design/Build Of The Project: Construction Of Parking Automation And Revenue Control System For The Washington Street And Underground Garage, In The Estimated Amount Of $1,630,000.

The motion to approve Item C-1 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and President Scates. (1) Abstention Commissioner Katzoff.

Item C-2 was pulled at the recommendation of the staff.

C-2 PULLED: Approval Of Amendments To The Agreement For Acquisition Of Ground Lease Interests, Approval Of Amendments To Existing Ground Leases, Approval Of Amendments To The Operating Agreement, Approval Of Ground Leases And Approval Of Purchase And Sale Agreements For Various Properties In Jack London Square, And Adoption Of Related CEQA Findings And A Statement Of Overriding Considerations. (Resolution) (Ordinance)

MARITIME

A motion to approve Items M-1 and M-2 was made by Commissioner Kramer and seconded by Vice President Batarse.

M-1 Resolution 05044, Ratification For Authorization To Dispense With Standard Bidding Procedures For The Procurement Of Lighting Equipment For The 12-Acre Expansion At Berth 30, Outer Harbor, In The Amount Of $170,000.

M-2 Resolution 05045, Approval Of Consultant Agreement For On-Call Professional Hydrographic Surveying And Mapping Services.

The motion to approve Items M-1 and M-2 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and President Scates.

OPERATIONS

ADMINISTRATION

A motion to approve Items O-1 and O-2 was made by Commissioner Ayers-Johnson and seconded by Commissioner Protopappas.
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O-1 Resolution 05046, Approval Of Consultant Agreement For On-Call Professional Land Surveying And Mapping Services.

O-2 Resolutions 05047 & 05048, Authorization To Prepare And Execute Agreements With Design Teams For On-Call Geotechnical Engineering Services At The Port Of Oakland.

The motion to approve Items O-1 and O-2 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and President Scates.

APPROVAL OF THE MINUTES

President Scates corrected a mistake in the Minutes of February 1, 2005

On a motion by Commissioner Kramer, seconded by Commissioner Protopappas, the Board unanimously approved the Minutes of the Regular Meeting of February 1, 2005.

SUMMARY ITEMS

Item S-1 was pulled on the recommendation of Staff.

S-1 PULLED FedEx Corporation. PowerLight Corporation: #1 Sally Ride Way, Ramp at Buildings M132 and M141: PowerLight Corporation contractor for FedEx proposes to install approximately 81,000 square feet of photovoltaic (solar panels) roof tiles assemblies over the existing flat roof tops of the three FedEx leased buildings. This project includes related electrical work and will interconnect to the Port’s power system. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301, and Class 11, Section 15311. Valuation of work: $277,400.

On a motion by Commissioner Protopappas, seconded by Commissioner Kramer, the Board unanimously approved Summary Items S-2 through S-7.

S-2 Resolution 05049, GTE Mobilenet of California, Inc. (dba Verizon); Peacock Associates: #1 Airport Drive, Terminals 1 & 2 (M101, M102, M103 and M130): Installation of a wireless distributed antenna system consisting of 30 antennas and associated equipment. Project to include related data cabling and electrical work. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15031. Valuation of work: $300,000.

S-3 Port Ordinance No. 3830, Being “An Ordinance Amending Port Ordinance No. 2613 As Amended, Fixing Certain Revised Parking Rates In The Port’s Public Automobile Parking Facilities At Metropolitan Oakland International Airport.”
S-4  **Port Ordinance No. 3831, Being** “An Ordinance Approving And Authorizing Execution Of A Conduit Use Agreement With Time Warner Telecom Of California, L.P.”

S-5  **Port Ordinance No. 3832, Being** “An Ordinance Amending Port Ordinance No. 3634 Relating To Landing And Tenant Terminal Space Rental Fees At Metropolitan Oakland International Airport.”

S-6  **Port Ordinance No. 3833, Being** “An Ordinance Amending Sections 5.026 And 5.169 Of Port Ordinance No. 867.”

S-7  **Port Ordinance No. 3834, Being** “An Ordinance Amending Section 5.091 Of Port Ordinance No. 867.”

**OPEN FORUM**

Sanjiv Handa addressed the Board in Open Forum.

**SECOND CLOSED SESSION**

President Scates reconvened the Board in Closed Session at 4:47 p.m. to consider Closed Session Agenda items not covered in the first session.

The Board took no final action on items discussed in the Second Closed Session.

**ADJOURNMENT**

*There being no additional business the Board adjourned at 5:15 p.m.*

John Betterton, Secretary
Board of Port Commissioners
ROLL CALL

President Scates called the meeting to order at 3:05 p.m., and the following Commissioners were in attendance:

Commissioner Ayers-Johnson, Second Vice-President Batarse, Commissioner Katzoff, First Vice-President Kiang, Commissioner Kramer, and President Scates.

Commissioner Protopappas was excused.

CLOSED SESSION

President Scates convened the Board in Closed Session at 3:07 p.m. to consider the following items:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Pursuant to subdivision (a) of Section 54956.9. Name of case:

   Pacific Coast Building Products v. Lumbermen Mutual Casualty Company, Alameda County Superior Court Case No. 2001-024620

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (4 matters)
3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Government Code Section 54956.8.

Property: Jack London Square Project
Negotiating Parties: Port of Oakland, Jack London Square Partners, CEP-JLS1, CEP-JLS2
Agency Negotiator: CRE Director, Omar Benjamin
Under Negotiation: Price and Terms of Payment

Property: Oakland Army Base
Negotiating Parties: Port of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
Agency Negotiator: Executive Director, Jerry A. Bridges
Under Negotiation: Price and Terms of Payment

4. CONFERENCE WITH LABOR NEGOTIATOR AS PROVIDED UNDER GOVERNMENT CODE SECTION 54957.6:

Agency Negotiator: Austris Rungis, IEDA
Employee Organization: IBEW Local 1245

OPEN SESSION

President Scates reconvened the Board into Open Session at 4:03 pm.

FIRST CLOSED SESSION REPORT

The Port Attorney reported that no final action had been taken in Closed Session, but that an additional Closed Session would be necessary after Open Forum.

AIRPORT

Commissioner Katzoff gave an account of the February 28, 2005 Aviation Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items A-1 through A-5.

A motion to approve Items A-1 through A-5 was made by Commissioner Katzoff and seconded by Commissioner Ayers-Johnson.

A-1 Resolution 05050, Approval Of Access Agreement With The United States Of America, Department Of The Army For A One-Year Term (Eight Parcels On North Airport.)

A-2 Resolution 05051, Authorization To Award A 3-Year Professional Services Agreement To Soluziona USA, Inc. In The Amount Of $1,436,400.
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A-3 **First Reading Of An Ordinance**, Approving A Wireless Telecommunications Agreement With New Cingular Wireless PCS, LLC With An Initial Monthly Rental Of $3,150 (8991 Earhart Road, North Airport.)

A-4 **Resolution 05052**, Approval Of The Right Of Entry And Second Amendment To Agreement For Operation And Maintenance Of Aviation Fuel Facilities At Oakland International Airport With Oakland Fuel Facilities Corporation At A Monthly Payment ("Compensation") Of $406,863 (Facilities Located Throughout The South Airport.)


The motion to approve Items A-1 through A-5 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, and President Scates. (1) Excused: Commissioner Protopappas.

Item A-6 was pulled by the Board on the recommendation of Staff.

A-6 First Reading Of An Ordinance Approving A Space/Use Permit With Sprint Spectrum LP For A Wireless Fidelity Communication Services Agreement At Oakland International Airport With An Initial Monthly Payment Of $3,333 (One Airport Drive, South Airport). (Ordinance).

COMMERCIAL REAL ESTATE

A motion to approve Item C-1 was made by Commissioner Kramer and seconded by Commissioner Batarse.

Jim Fallasci of Jack London Square Partners addressed the Board on Item C-1.

C-1 **Resolutions 05054 & 05055**, Approval Of Amendments To The Agreement For Acquisition Of Ground Lease Interests, Approval Of Amendments To Existing Ground Leases, Approval Of Amendments To The Operating Agreement, Approval Of Ground Leases And Approval Of Purchase And Sale Agreements For Various Properties In Jack London Square, And Adoption Of Related CEQA Findings And A Statement Of Overriding Considerations.

The motion to approve Item C-1 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, and President Scates. (1) Excused: Commissioner Protopappas.
Commissioner Kramer gave an account of the February 28, 2005 Maritime Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items M-1 through M-7.

*A motion to approve Items M-1 through M-7 was made by Commissioner Kramer and seconded by Vice President Batarse.*

**M-1 Resolution 05056,** Authorization To Dispense With Standard Bidding Procedures And Award A Contract, Or Negotiate A Change Order, For Maintenance Dredging, Berth 34, Outer Harbor.

**M-2 Resolution 05057,** Authorization To Waive Competitive Bidding And Award A Contract For Furnishing Labor, Material And Equipment For Spot Painting Of Port Of Oakland Cranes For The Period Commencing March 1, 2005 And Ending November 30, 2005 Or 2006, At An Estimated Amount Of $50,000.

**M-3 Resolution 05058,** Authorization For Procurement Of Crane Power Interchange Electrical Switchgear, Berths 30-33, Outer Harbor.

**M-4 Resolution 05059,** Approval Of An Agreement With Pacific Northwest National Labs To Provide Engineering Services For U.S. Customs And Border Protection, Radiation Portal Monitor Program, For An Estimated Total Reimbursable Amount Of $2,000,000.

**M-5 Resolutions 05060, 05061 & 05062,** Authorization To Execute On-Call Agreements With Anchor Environmental, LLC, Weston Solutions, And Pacific EcoRisk For Environmental Technical Services For Maintenance And New Work Dredging And Disposal Projects And Other Maritime Projects.

**M-6 Resolution 05063,** Recommendation To Declare Crane X422 Inadequate And Obsolete Under Section 5.13(a) Of The Port’s Master Indenture, And To Authorize The Executive Director To Negotiate The Terms For Sale Or Disposal.

**M-7 Resolution 05064,** Approval of new contract for consultant to provide real estate services for maritime division at a cost of $50,000.

*The motion to approve Items M-1 through M-7 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, and President Scates. (1) Excused: Commissioner Protopappas.*
OPERATIONS

ADMINISTRATION

Commissioner **Ayers-Johnson** gave an account of the February 22, 2005 Administration Committee meeting. She reported that the Committee had recommended for consideration by the full Board Items O-1 through O-9.

*A motion to approve Items O-1 through O-9 was made by Commissioner Ayers-Johnson and seconded by Vice-President Batarse.*


**O-2 Resolution 05066**, Ratify A $1,606,000 Increase To The Annual Contract For Performing Emergency Spill Response Or Emergency Repairs In A Hazardous Environment For Port Of Oakland Facilities.

**O-3 Resolution 05067**, Ratify A $990,000 Increase To The Annual Contract For Performing Emergency Spill Response And Handling Hazardous Materials At Port Of Oakland Maritime And Aviation Construction Sites.

**O-4 Resolution 05068**, Authorization To Prepare And Execute An Agreement With Golder Associates For On-Call Geotechnical Engineering Services At The Port Of Oakland, For An Estimated Amount Of $115,000.


**O-6 Resolution 05070**, Recommendation From The Public Art Committee Requesting Approval Of Container Exhibit At Jack London Square.

**O-7 Resolution 05071 and First Reading of an Ordinance**, Unit Transfer Of The Classification Of Secretary Of The Board From Unit E To Unit H, And Assignment Of Salary At The Rate Of $7,481 Per Month.
O-8 **Resolution 05072**, Creation Of A New Classification And One Position: Assistant Secretary Of The Board; Reclassification Of One Incumbent In The Executive Assistant Position To Assistant Secretary Of The Board; Creation Of A New Salary Schedule 463.9 (a--$4893; b--$5138; c--$5396; d--$5719; e--$6063); Deletion Of One Executive Assistant Position In The Executive Office.

O-9 **Resolution 05073**, Allocation Of One Limited Duration Assignment Position Of Port Associate Environmental Planner Or Scientist In The Environmental Planning Department For A Period Not To Exceed Seven Years. ($20,000)

*The motion to approve Items O-1 through O-9 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, and President Scates. (1) Excused: Commissioner Protopappas.*

**AUDIT, BUDGET & FINANCE**

Vice-President Kiang gave an account of the February 23, 2005 Audit, Budget & Finance Committee meeting. He reported that the Committee had recommended for consideration by the full Board Item O-10.

*A motion to approve Item O-10 was made by Vice-President Kiang and seconded by Commissioner Ayers-Johnson.*

O-10 **Resolution 05074**, Authorization To Prepare And Execute A Professional Services Consultant Agreement For A Fixed Asset Physical Inventory For The Port Of Oakland.

*The motion to approve Item O-10 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, and President Scates. (1) Excused: Commissioner Protopappas.*

**APPROVAL OF THE MINUTES**

*On a motion by Commissioner Kramer, seconded by Commissioner Katzoff, the Board unanimously approved the Minutes of the Regular Meeting of February 15, 2005.*
SUMMARY ITEMS

On a motion by Commissioner Kramer, seconded by Commissioner Katzoff, the Board unanimously approved Summary Item 1.

S-1 Resolution 05075, City of Oakland; City of Oakland Public Works; 7101 Edgewater Drive (K604): Installation of a replacement roof top HVAC unit. Work includes alteration to the roof structure and existing mechanical system, and installation of a roof screen. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1(a), Section 15301. Valuation of work: $20,000.

OPEN FORUM

Sanjiv Handa addressed the Board in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 4:51 p.m.

John Betterton, Secretary
Board of Port Commissioners
Regular Meeting of the Board of Port Commissioners
Tuesday, March 15, 2005 - 3:00 p.m.

ROLL CALL

President Scates called the meeting to order at 3:10 p.m., and the following Commissioners were in attendance:

Commissioner Ayers-Johnson, Second Vice-President Batarse, Commissioner Katzoff, First Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

CLOSED SESSION

President Scates convened the Board in Closed Session at 3:12 p.m. to consider the following items:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Government Code Section 54956.8.

   Property: Oakland Army Base
   Negotiating Parties: Port of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
   Agency Negotiator: Executive Director, Jerry A. Bridges
   Under Negotiation: Price and Terms of Payment

   Property: Jack London Square Project
   Negotiating Parties: Port of Oakland, Jack London Square Partners, CEP-JLS1, CEP-JLS2
   Agency Negotiator: CRE Director, Omar Benjamin
   Under Negotiation: Price and Terms of Payment
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Pursuant to subdivision (a) of Section 54956.9. Name of case:


OPEN SESSION

President Scates reconvened the Board into Open Session at 4:08 pm.

FIRST CLOSED SESSION REPORT

The Board Secretary reported that during Closed Session the Board had unanimously approved the following Resolution related to Closed Session Item 2.

 Resolution 05076, Approving Appointment of Special Counsel.

AIRPORT

_A motion to approve Items A-1 through A-4 was made by Commissioner Katzoff and seconded by Commissioner Ayers-Johnson._

A-1 Resolution 05077, Ratification Of Submittal Of Application To The Federal Aviation Administration.

A-2 Resolution 05078, Adoption Of The Final Subsequent Initial Study/Mitigated Negative Declaration For The Oakland International Airport Materials Management Program (MMP); Adoption Of The Mitigation Reporting And Monitoring Program (MMRP), And Adoption Of Related CEQA Findings.

A-3 Resolution 05079, Adoption Of A Policy For Awarding Concession And Customer Service Privileges In The Terminal Buildings At Oakland International Airport.

A-4 First Reading Of An Ordinance, Approving A Space/Use Permit With Sprint Spectrum LP For A Wireless Fidelity Communication Services Agreement At Oakland International Airport With An Initial Monthly Payment Of $3,333 (One Airport Drive, South Airport).

_The motion to approve Items A-1 through A-4 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates._

-2-
COMMERCIAL REAL ESTATE

Commissioner Protopappas gave an account of the March 2, 2005 Commercial Real Estate Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items C-1 and C-2.

A motion to approve Items C-1 and C-2 was made by Commissioner Protopappas and seconded by Commissioner Kramer.

C-1 Resolutions 05080, Approval Of A License And Concession Agreement With Richard Daniels Transportation LP For The Use Of One Acre Of Unpaved Land At The Ninth Avenue Terminal, At An Annual Rental Rate Of $54,360.

C-2 Resolutions 05081, Approval Of A Third Supplemental Agreement To The Gray & Reynolds Properties, Inc. Lease, Extending The Pre-Term By A Period Not To Exceed Six Months, At The Rental Rate Of $1,250 Per Month For The 1.1 Acre Site Located At 1221 Embarcadero.

The motion to approve Items C-1 and C-2 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

MARITIME

A motion to approve Item M-1 was made by Commissioner Kramer and seconded by Vice-President Batarse.

M-1 Resolution 05082, Ratification Of Authorization To Dispense With Standard Bidding Procedures For The Early Procurement Of Sheet Piles, Fenders And Bollards For The Construction Of Berth 23 And Berth 30 Wharf And Embankment Strengthening Program (WESP), Outer Harbor, In The Estimated Amount Of $3,000,000.

The motion to approve Item M-1 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.
SUMMARY ITEMS

On a motion by Commissioner Protopappas, seconded by Commissioner Kramer, the Board unanimously approved Summary Items S-1 through S-5.

S-1 Port Ordinance No. 3835, Being "An Ordinance Approving And Authorizing The Execution Of A Wireless Telecommunications Agreement With New Cingular Wireless PCS, LLC."

S-2 Port Ordinance No. 3836, Being "An Ordinance Making Certain Findings And Determinations In Support Of, And Authorizing Execution Of Purchase And Sale Agreements With Jack London Square Partners, LLC For The Port Of Oakland's Sale Of Site D And Site F2."

S-3 Port Ordinance No. 3837, Being "An Ordinance Approving And Authorizing Execution Of Ground Leases With Jack London Square Partners, LLC, For Sites C, F1, F3, G And Pavilion 2."

S-4 Port Ordinance No. 3838, Being "An Ordinance Amending Section 4.03 Of Port Ordinance No. 867."

S-5 Port Ordinance No. 3839, Being "An Ordinance Amending Port Ordinance No. 867, Amending Sections 2.05 And 5.026 And Adding New Section 14.03."

OPEN FORUM

Sanjiv Handa addressed the Board in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 5:25 p.m.

John Betterton, Secretary
Board of Port Commissioners
Special Meeting of the Board of Port Commissioners
Friday, March 18, 2005 - 12:00 p.m.

ROLL CALL

President Scates called the meeting to order at 12:05 p.m., and the following Commissioners were in attendance:

Commissioner Ayers-Johnson, Second Vice-President Batarse, Commissioner Katzoff, First Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

CLOSED SESSION

President Scates convened the Board in Closed Session at 12:07 p.m. to consider the following items:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code Section 54957(b):

   Title: Executive Director

OPEN SESSION

President Scates reconvened the Board into Open Session at 12:41 pm.

Commissioner Ayers-Johnson was excused from the meeting at 1:00 due to illness.

Hy Pomerance and Rebecca Dybas of Red Oak Consulting facilitated a discussion with Commissioners on implementing the Board's direction for the Port. The discussion included strategic planning, communications, the roles of the Board and Senior Management and the measures of success.
OPEN FORUM
No speakers addressed the Board in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 3:35 p.m.

John Betterton, Secretary
Board of Port Commissioners
ROLL CALL

President Scates called the meeting to order at 3:15 p.m., and the following Commissioners were in attendance:

Commissioner Ayers-Johnson, Second Vice-President Batarse, Commissioner Katzoff, First Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

CLOSED SESSION

President Scates convened the Board in Closed Session at 3:17 p.m. to consider the following items:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Pursuant to subdivision (a) of Section 54956.9. Names of cases:

City of Oakland v. Harding ESE, Inc. et al.,
U.S. District Court, N.D. Case No. CV-03-03534.

Pacific Coast Building Products v. Lumbermen Mutual Casualty Company,
Alameda County Superior Court Case No. 2001-024620

Wesco Distribution, Inc. v. Thunder Electric, Inc., et al.
Alameda County Superior Court Case No. RG 04191998

City of Oakland v. Subway Real Estate Corp., et al.
In the matter of a controversy between the Port of Oakland, the City of Oakland Civil Service Board and Paul Chavez.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Pursuant to subdivision (a) of Section 54956.9. Name of case:

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Government Code Section 54956.8.

   Property: Oakland Army Base
   Negotiating Parties: Port of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
   Agency Negotiator: Executive Director, Jerry A. Bridges
   Under Negotiation: Price and Terms of Payment

   Property: Easement For Site South Of Bay Bridge Toll Plaza
   Negotiating Parties: Port of Oakland, California Dept. of Transportation
   Agency Negotiator: Jerry A. Bridges, Executive Director
   Under Negotiation: Price and Terms of Payment

4. PERSONNEL MATTER. Government Code Section 54957(b)(1) (1 matter).

OPEN SESSION

President Scates reconvened the Board into Open Session at 4:11 pm.

FIRST CLOSED SESSION REPORT

The Board Secretary reported that during Closed Session the Board had unanimously approved the following Resolutions:

Resolution 05083, Approving Appointment Of Special Counsel. (Passed But Not Reported At The Regular Meeting Held On March 15, 2005)

Resolution 05084, Resolution Authorizing The Port Attorney To File A Lawsuit And Approving Increased Expenditure Authority Of Special Counsel. (see Closed Session Item 1: Pacific Coast Building Products v. Lumbermen Mutual Casualty Company)

Resolution 05085, Resolution Authorizing And Approving Increased Expenditure Authority Of Special Counsel. (see Closed Session Item2)

Resolution 05086, Resolution Authorizing And Approving The Executive Director To Execute Settlement Agreement And Release Of Claims To Gallagher & Burk/R&L Brosamer, Joint Venture. (see Closed Session Item2)
Resolution 05087, Resolution Delegating And Authorizing The Executive Director To Execute Tolling Agreements Related To Defects In Construction. (see Closed Session Item2 )

Resolution 05088, Resolution Authorizing And Approving Increased Expenditure Authority Of Special Counsel. (see Closed Session Item2 )

AIRPORT

Commissioner Katzoff gave an account of the March 28, 2005 Aviation Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items A-1 through A-6.

A motion to approve Items A-1 through A-7 was made by Commissioner Katzoff and seconded by Commissioner Ayers-Johnson.

A-1 Resolution 05089, Approval Of An Increase In Staff Authority To Approve Change Orders To The Contract For The Construction Of Electrical Substation, Building M-363, Terminal 2, South Field, Oakland International Airport, No. 3-06-0170-33.

Members of the public (Theresa Garvin, Andrea Lowe and Frank Tucker) addressed the Board on Item A-1.

A-2 Resolution 05090, Approval Of A License And Concession Agreement With Southwest Airlines, Co., For 8,734+ Square Feet Of Space At The Cargo Building At An Initial Monthly Rental Of $12,402.28 (10 Alan Shepard Way – South Airport).

A-3 Resolution 05091, Approval Of A Five Month Memorandum Of Understanding With The City Of Alameda Covering 13,600+ Square Feet Of Submerged Land West Of Oakland International Airport At A No-Rental For The Extended Term (South Airport).

A-4 Resolution 05092, Approval Of License And Concession Agreement With O.C. Jones & Sons, Inc. For Approximately 21,700 Square Feet Of Unimproved Land (Doolittle Drive).

A-5 Resolution 05093, Declare As Surplus Five Port-Owned Compressed Air Tanks And Associated Framework, Transfer Title Of Those Tanks To Air Perfection, Inc., And Authorize Air Perfection, Inc. To Remove And Salvage Those Tanks At No Cost To The Port (1100 Airport Drive, South Airport.)

A-6 Resolution 05094, Approval Of A License And Concession Agreement With ShuttlePort Of California LLC, A California Limited Liability Company For The Use Of Office Space At The Oakland Maintenance Center For No Monetary Consideration (1100 Airport Drive, South Airport).
The motion to approve Items A-1 through A-6 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

A motion to approve Item A-7 (adopting option 3 of the Agenda Report) was made by Commissioner Katzoff and seconded by Commissioner Ayers-Johnson.

Members of the public (Jim Ensign, David Flett and Billy Gipson) addressed the Board on Item-A-7.

A-7 First Reading Of An Ordinance, Approving A Five-Year Lease, Including Prior Occupancy Of The Space, With The United States Of America, General Services Administration, On Behalf Of The Transportation Security Administration, For 952+ Square Feet Of Office And Break/Locker Room Space In Terminal 1 At Oakland International Airport (1 Airport Drive, South Airport).

The motion to approve Items A-7 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

COMMERCIAL REAL ESTATE

Commissioner Protopappas reported on the April 13, 2005 Commercial Real Estate Committee meeting.

Due to his current business dealings with Viacom Outdoor, Commissioner Protopappas, recused himself and left the meeting during all discussion, deliberation and decision making on Item C-1.

A motion to approve Item C-1 was made by Commissioner Ayers-Johnson (with a provision that the Resolution and Ordinance not take effect prior to May 1, 2005 to honor a request made by the Oakland City Council). The Motion was seconded by Commissioner Kramer.

C-1 Resolutions 05095 and First Reading Of An Ordinance, Authorizing The Executive Director To Enter Into A License And Concession Agreement With Viacom Outdoor For The Establishment Of A General Advertising Sign In The Area Along Highway I-80 In The Vicinity Of The Bay Bridge Toll Plaza, And Approval Of A Resolution Granting The Executive Director Authorization To Execute A 1-Year Exclusive Negotiations Agreement For The Final Terms And Placement Of Outdoor Advertising On Port-Owned Or Controlled Property. (not take effect prior to May 1, 2005, see above)
The motion to approve Item C-1 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, and President Scates. (1) Recused: Commissioner Protopappas

MARITIME

Commissioner Kramer gave an account of the March 21, 2005 Maritime Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items M-1 through M-7.

A motion to approve Items M-1 and M-3 through M-7 was made by Commissioner Kramer and seconded by Vice-President Batarse.

M-1 Resolution 05096, Authorization And Approval To Extend Purchase Limits Previously Authorized With Purchase Order 4718 For An Interim Office Trailer For Occupancy By East Bay Regional Park District To Manage Middle Harbor Shoreline Park.

Item M-2 was pulled on the recommendation of Staff

M-2 Authorization For The Executive Director To Enter Into A First Supplemental Agreement With Strategic Solutions Partners In The Amount Of $60,000 For Sales And Marketing Related Administrative Functions To Support The Port Of Oakland's Maritime Marketing Program.

M-3 Resolution 05097, Authorization To Dispense With Standard Bidding Procedures For Work Associated With The Construction Of Site Improvements At The Former Union Pacific Roundhouse Area, Inner Harbor, In The Amount Of $8,000,000.

M-4 Resolution 05098, Ratification Of Change Order For Additional Earthwork, Demolition Of Building D-833, Middle Harbor.


M-6 Resolution 05100, Approval Of Consultant Agreement With ENVIRON International Corporation For Professional Services To Conduct Air Quality Feasibility Studies In Relation To The Proposed New Berth 21 Terminal Project.

M-7 First Reading Of An Ordinance, Recommending Approval of Addition Of Crane Numbers X-C40, X-C41, X-446, X-447, X-448 And X-436, And To Establish Rental Rates, Maintenance And Repair Rates, And Power Rates Thereon Within Port Of Oakland Tariff 2-A
The motion to approve Items M-1 and M-3 through M-7 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

OPERATIONS

ADMINISTRATION

Commissioner Ayers-Johnson gave an account of the March 22, 2005 Administration Committee meeting. She reported that the Committee had recommended for consideration by the full Board Items O-1 through O-5.

A member of the public, Joyce Harris, addressed the Board on the Administration Committee Report.

A motion to approve Items O-1 through O-5 was made by Commissioner Ayers-Johnson and seconded by Commissioner Protopappas.


O-3 First Reading Of An Ordinance, Authorizing Deletion Of One Media/Public Relations Manager Position In The Communications Division; Creation Of A New Classification, And One Position Of Media/Public Relations Specialist (Cost Savings Of $1,442.)

O-4 Resolution 05105, Authorization To Execute A Professional Services Agreement With Bureau Veritas Quality International (BVQi)-North America For ISO 9000 Certification And Surveillance Services, For A Maximum Of $50,000.

O-5 Resolution 05106, Approval To Enter Into An Agreement With Solem & Associates For As-Needed Communications Training And Consultant Services In An Amount Not To Exceed $40,000.

The motion to approve Items O-1 through O-5 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.
AUDIT, BUDGET & FINANCE COMMITTEE

Vice-President Kiang gave an account of the March 21, 2005 Audit, Budget & Finance Committee meeting. He reported that the Committee had recommended for consideration by the full Board Item O-6.

A motion to approve Item O-6 was made by Vice-President Kiang and seconded by Vice-President Batarse.

O-6 Resolution 05107, Approval Of Amendment To The Deferred Compensation Plan Of The Port Of Oakland.

Item O-7 was pulled on the recommendation of staff.

O-7 Approval Of “Code Of Business Conduct” For The Port Of Oakland And Implementation Process:

The motion to approve Item O-6 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

March 30th Public Art Committee Meeting

Commissioner Ayers-Johnson gave an account of the March 31, 2005 Public Art Committee meeting.

APPROVAL OF THE MINUTES

On a motion by Commissioner Kramer, seconded by Commissioner Protopappas, the Board unanimously approved the Minutes of the Regular Meetings of March 1st, March 15th, and the Special Meeting of March 18th, 2005.

SUMMARY ITEMS

On a motion by Commissioner Kramer, seconded by Commissioner Protopappas, the Board unanimously approved Summary Items S-1 and S-2

S-1 Resolution 05109, Sprint Spectrum LP; 1 Airport Drive, Terminals 1 and 2: The Port has approved a Wireless Fidelity Services Communication agreement (Wi-Fi) with Sprint Spectrum LP. Sprint will create wireless local area networks at the Oakland International Airport serving the traveling public and airline/airport staff. The proposed work includes installation of communication equipment on the interior and exterior of the terminal buildings. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301(a). Valuation of work: $250,000.
S-2  **Port Ordinance No. 3840, Being**, “An Ordinance Approving And Authorizing A Space/Use Permit With Sprint Spectrum L.P. For Wireless Fidelity Communication Services Agreement.”

**OPEN FORUM**

Sanjiv Handa, Henry Williams and Ray Bullock addressed the Board in Open Forum.

**SECOND CLOSED SESSION**

President *Scates* re-convened the Board in Closed Session at 5:44 p.m. to consider items not finished in the first Closed Session:

**OPEN SESSION**

President *Scates* re-convened the Board in Open Session at 6:30 p.m.

**ADJOURNMENT**

*There being no additional business the Board adjourned at 6:34p.m.*

\[Signature\]  
John Betterton, Secretary  
Board of Port Commissioners
Roll Call

President Scates called the meeting to order at 3:00 p.m., and the following Commissioners were in attendance:

Second Vice-President Batarse, Commissioner Katzoff, First Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

Commissioner Ayers-Johnson was excused.

Closed Session

President Scates convened the Board in Closed Session at 3:02 p.m. to consider the following items:

1. Conference with Legal Counsel — Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (3 matters)

   Property: Oakland Army Base
   Negotiating Parties: Port of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
   Agency Negotiator: Executive Director, Jerry A. Bridges
   Under Negotiation: Price and Terms of Payment

OPEN SESSION

President Scates reconvened the Board into Open Session at 4:02 pm.

FIRST CLOSED SESSION REPORT

The Port Attorney reported that during Closed Session the Board had taken no final action, but would need to reconvene in Closed Session after Open Forum to continue discussion of Item 3.

AIRPORT

Commissioner Katzoff gave an account of the April 25, 2005 Aviation Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items A-1 through A-6.

Sanjiv Handa addressed the Board on the Aviation Committee Report.

_A motion to approve Items A-1 through A-6 was made by Commissioner Katzoff and seconded by Vice-President Kiang._

A-1 Resolution 05109, Authorization To Dispense With Standard Bidding Procedures And Award A Contract For Furnishing Maintenance And On-Call Service For Various Elevators, Escalators And Moving Walkways At Port Of Oakland Facilities, And To Increase This Contract By $20,000 Annually For The Period Commencing June 1, 2005 And Ending December 31, 2005 Or 2006.


A-3 Resolution 05111 Approval Of License And Concession Agreement With City Building, Inc. (9532 Earhart Road, North Airport.)

A-4 Resolution 05112, Approval Of License And Concession Agreement With Federal Express Corporation For Aircraft Parking Space At The Oakland Maintenance Center At A Rate Of $7,500.00 For The First Month, And $1,000.00 Per Month Thereafter (1100 Airport Drive – South Airport.)

A-5 Resolution 05113, Approval Of License And Concession Agreement With National Rental (US), Inc. (Vicinity Of Port Building L-810 And Earhart Road, North Airport). (Resolution)
A-6 Resolution 05114, Airline Waste And Recycling Program: Payment For Debris Box Service (Golden Gate Disposal & Recycling Co.)

COMMERCIAL REAL ESTATE

A motion to approve Items C-1 and C-2 was made by Commissioner Protopappas and seconded by Commissioner Kramer.

C-1 First Reading Of An Ordinance, Authorizing The Execution Of A Sixth Supplemental Agreement To The East Bay Regional Park District Lease For The Addition Of Damon Slough Trail Links, Staging Area And Temporary Use Areas To The Lease Premises Located Along San Leandro Bay: Martin Luther King, Jr. Regional Shoreline.

C-2 Resolution 05114, Authorization To Dispense With Standard Bidding Procedures For The Construction Of Waterfront Public Access Improvement At The Oakland Ferry Terminal (Small Business Program), In The Estimated Amount Of $550,000.

The motion to approve Items C-1 and C-2 passed by the following votes: (6) Ayes: Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates. (1) Excused: Commissioner Ayers-Johnson

MARITIME

Commissioner Kramer gave an account of the April 18, 2005 Maritime Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items M-1 through M-4.

A motion to approve Items M-1 through M-4 was made by Commissioner Kramer and seconded by Vice-President Batarse.

M-1 First Reading Of An Ordinance, Approving a General Rate Increase To Port Of Oakland Tariff 2-A, Effective July 1, 2005.

M-2 Resolution 05116, Authorization To Extend List Of Consultants To Provide As-Needed Marine Terminal Yard And Gate Planning And Design At The Port Of Oakland For An Additional Two Years.

M-3 Resolution 05117, Recommendation To Authorize Executive Director To Negotiate Agreements With DTC Engineers And Constructors, LLC And The U.S. Army Reserves Regarding Port’s Proposed Acquisition Of Buildings 762 And 780 Parcels, And To Execute Reimbursement Agreement With DTC Engineers And Constructors, LLC.
M-4 Resolution 05118, Recommendation To Approve And Authorize An Amendment To The Non-Exclusive Preferential Assignment Agreement With SSA Terminals, LLC To Delete 0.943 Acres From The Premises.

The motion to approve Items M-1 through M-4 passed by the following votes: (6) Ayes: Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates. (1) Excused: Commissioner Ayers-Johnson

OPERATIONS

ADMINISTRATION

Commissioner Protopappas gave an account of the April 26th, 2005 Administration Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items O-1 through O-5.

Sanjiv Handa addressed the Board on the Administrative Committee Report.

A motion to approve Items O1-, O-2 and O-4, through O-8 was made by Commissioner Protopappas and seconded by Vice-President Batarse.

O-1 Resolution 05119, Authorization For $3,000,000 Increase In Expenditure Limit For Furnishing Labor, Materials And Equipment For Paving, Grading And Associated Contractor Services For Port Of Oakland Facilities For The Period Commencing July 1, 2004 And Ending June 30, 2005, 2006 Or 2007 (Non-SBE Contracts Only).

O-2 Resolutions 05120, Authorization To Execute On-Call Agreements With ETIC Engineering, MSE Group, Ninyo & Moore, R&M Environmental And Infrastructure, SCA Environmental, And Science Applications International Corporation For Environmental Consulting Services.

Item O-3 was pulled on the recommendation of the Executive Director.

O-3 PULLED: Approval To Adopt A Policy To Evaluate The Performance Of Professional Services Consultants Under Contracts Administered By The Engineering Division And For Using These Performance Evaluations In The Selection Of Professional Services Consultants.

O-4 Resolution 05121, Approval To Execute A Second Amendment To The Agreement With Bank Of America To Extend The Port’s Loan And Bond Guarantee Fund.

O-5 Resolution 05122, Approval To Increase The Funding Level To Extend The Professional Services Agreement With Parson, Inc., To Administer The Maritime And Aviation Project Labor Agreement (MAPLA).
O-6 Resolution 05123, Appointment Of Chief Financial Officer (Interim Appointment).  (Resolution)

O-7 Resolutions 05124, Approval And Ratification Of A Contract And Approval Of Salary Increases For International Brotherhood Of Electrical Workers, Local 1245.

Item 0-3 was pulled on the recommendation of the Executive Director.

O-8 Resolution 05125, Authorization For The Executive Director To Negotiate And Enter Into A Professional Services Agreement With Red Oak Consulting In The Amount Of $115,000 To Provide Strategic Development Services.

The motion to approve Items O-1, O-2 and O-4 through O-8 passed by the following votes: (6) Ayes: Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.  (1) Excused: Commissioner Ayers-Johnson

AUDIT, BUDGET & FINANCE COMMITTEE

Vice-President Kiang gave an account of the April 28, 2005 Audit, Budget & Finance Committee meeting. He reported that the Committee had recommended for consideration by the full Board Item O-11 through O-15.

A motion to approve Items O-11 through O-15 was made by Vice-President Kiang and seconded by Vice-President Batarse.

O-11 Resolution 05228, Approval Of A Contract With Milliman, Inc. To Provide Actuarial Valuation Services For The Port's Retiree Health Plan And Workers Compensation Exposures.

O-12 Resolution 05229, Approval Of The Second Supplemental Agreement To The Audit Contract With Macias, Gini And Company, LLP To Perform Audit Services For FY Ending June 30, 2005.

O-13 Resolution 05230, Approval Of A 3-Year Contract With Montague DeRose And Associates LLC To Provide Financial Advisory Services For The Port's Tax Exempt Commercial Paper Program, Variable And Fixed Rate Bond Issues, And Other Financial Solutions With Regard To The Capital Improvement Program.

O-14 Resolution 05231, Authorization Of A 3-Year Contract Not To Exceed $125,000 With George Hills Company, Inc.
O-15 Resolution 05232, Approval Of Write-Off Of Uncollectible Accounts In The Amount Of $779,427.

The motion to approve Items O-11 through O-15 passed by the following votes: (6) Ayes: Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates. (1) Excused: Commissioner Ayers-Johnson

APPROVAL OF THE MINUTES

On a motion by Commissioner Kramer, seconded by Vice-President Kiang, the Board unanimously approved the Minutes of the Regular Meeting of April 19, 2005

SUMMARY ITEMS

On a motion by Commissioner Protopappas, seconded by Vice-President Kiang, the Board unanimously approved Summary Items S-1, S-2, S-3, S-4, S-6 and S-7.

Sanjiv Handa addressed the Board on the Summary Items.

S-1 Resolution 05133, Sprint Spectrum LP: 1 Airport Drive, Terminals 1 and 2. The Port has approved a Wireless Fidelity Services Communication agreement (Wi-Fi) with Sprint Spectrum LP. Sprint will create wireless local area networks at the Oakland International Airport serving the traveling public and airline/airport staff. The proposed work includes installation of communication equipment on the interior and exterior of the terminal buildings. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301(a). Valuation of work: $250,000.

S-2 Resolution 05134, Crown Castle USA; NSA Wireless, Inc. for Crown Castle: 107 Burma Road. Modifications to the antennas at the existing monopole site. The work will replace five existing antennas on the pole with six new ones of similar size. The project will also include related wiring to connect to the equipment shelter. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301. Valuation of work: $18,000.

S-3 Port Ordinance No. 3841, Being, “An Ordinance Approving A Five-Year Lease, Including Ratification Of Prior Occupancy Of The Space, With The United States Of America, General Services Administration, On Behalf Of The Transportation Security Administration, For 952+ Square Feet Of Office And Break/Locker Room Space In Terminal 1 At Oakland International Airport (1 Airport Drive, South Airport.)

S-6  **Port Ordinance No. 3844, Being**, "An Ordinance Amending Port Ordinance No. 2833 Adding Crane Nos. X-C40, X-C41, X-446, X-447, X-448 And X-436 To Tariff No. 2-A And Establishing Rates And Charges For Their Use."

S-7  **Port Ordinance No. 3845, Being**, "An Ordinance Amending Section 5.099 Of Port Ordinance No. 867."

Commissioner **Protopappas** did not take part in the discussion, deliberation or decision on item S-5.

*A motion to approve Item S-5 was made by Commissioner Katzoff and seconded by Commissioner Kramer*

S-5  **Port Ordinance No. 3843, Being**, "An Ordinance Approving And Authorizing Execution Of A Multi-Year License And Concession Agreement With Viacom Outdoor."

*The motion to approve Item S-5 passed by the following votes: (5) Ayes: Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, and President Scates. (1) Excused: Commissioner Ayers-Johnson. (1) Recused: Commissioner Protopappas*

**OPEN FORUM**

Sanjiv Handa addressed the Board in Open Forum.

**SECOND CLOSED SESSION**

President **Scates** re-convened the Board in Closed Session at 5:03 p.m. to consider item O-9.


Anita Brooks, Mary McKinney and Lester Pierson addressed the Board in Closed Session.

**SECOND OPEN SESSION**

President **Scates** re-convened the Board in Open Session at 5:26 p.m.

*A motion to approve Item O-9 contingent upon failure of employee to sign the "Last Chance Agreement" was made by Commissioner Katzoff and seconded by Commissioner Kramer. The Motion carried by the following votes: (6) Ayes: Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates. (1) Excused: Commissioner Ayers-Johnson*
THIRD CLOSED SESSION

President Scates re-convened the Board in Closed Session at 5:33 p.m. to consider item O-10.

O-10 Resolution 05127, Public Employee Discipline/Dismissal/Release.

Al Loera addressed the Board on Item O-10.

THIRD OPEN SESSION

President Scates re-convened the Board in Open Session at 5:41 p.m.

A motion to approve Item O-10 was made by Commissioner Katzoff and seconded by Commissioner Protopappas. The Motion carried by the following votes: (6) Ayes: Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates. (1) Excused: Commissioner Ayers-Johnson

ADJOURNMENT

There being no additional business the Board adjourned at 5:44 p.m.

John Betterton, Secretary
Board of Port Commissioners
MINUTES

Regular Meeting of the Board of Port Commissioners
Tuesday, May 17, 2005 - 3:00 p.m.

ROLL CALL

President Scates called the meeting to order at 3:06 p.m., and the following Commissioners were in attendance:

Commissioner Ayers-Johnson, Second Vice-President Batarse, Commissioner Katzoff, First Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

COMMERCIAL REAL ESTATE

Commissioner Protopappas gave an account of the May 4, 2005 Commercial Real Estate Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items C-1 through C-4.

A motion to approve items C-1 through C-4 was made by Commissioner Protopappas and seconded by Commissioner Kramer.

C-1 First Reading of an Ordinance, Approving An Amendment To Lease With National Railroad Passenger Corporation For A 3-Year Extension To The Lease For Office Space On The 5th Floor Of 530 Water Street At An Annual Rental Of $235,144.80

C-2 Resolutions 05142 & 05143, Authorization To Amend Resolution No. 04325, Agreement With ABM Engineering, To Adjust Compensation As A Result Of New Union Agreement Effective September 1, 2004, At An Estimated Cost Of $14,552.00 Annually Plus Contingency Not To Exceed $25,251.10 And, (2) Authorization To Amend Purchase Order With ABM Janitorial Services To Extend Services For An Additional Six (6) Months At An Estimated Cost Of $102,552.00 ($17,092 x 6 months)
C-3 Resolution 05144, Ratification Of Addenda And Award Of Contract For The Design-Bui. Of Parking Automation And Revenue Control System For The Washington Street And Underground Garages, Jack London Square, In The Amount of $1,280,123.00

Melvin Harrison addressed the Board on Item C-4.

C-4 Resolution 05145, Approval Of Agreement For Terminating Buyer's Covenants And Repurchase Agreement with Hensel Phelps Construction Company, Inc. For The 2.5 Acre Parcel On Hegenberger Road For The Sum Of $200,000.00

The motion to approve Items C-1 through C-4 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

OPERATIONS

Commissioner Ayers-Johnson gave an account of the April 27th Public Art Committee.

Administration

A motion to approve Item O-1 was made by Commissioner Ayers-Johnson and seconded by Commissioner Kramer.

O-1 Resolution 05146, Approval To Enter Into An Agreement With Electrosonic Image Control For Consultation, Programming, Equipment And Infrastructure For Public Art Media At The Oakland International Airport In An Amount Not To Exceed $203,000.00

The motion to approve Item O-1 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

Audit, Budget & Finance

A motion to approve Item O-1 was made by Vice-President Kiang and seconded by Vice-President Batarse.

O-2 Resolution 05147, Authority To Renew Port Of Oakland Insurance Policies And Port Insurance Program In An Amount Not To Exceed $5,015,658.00

The motion to approve Item O-2 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.
APPROVAL OF THE MINUTES

Commissioner Ayers-Johnson requested a correction be made in the Minutes of May 3, 2005.

On a motion by Commissioner Protopappas, seconded by Commissioner Ayers-Johnson, the Board unanimously approved the Minutes of the Regular Meeting of May 3, 2005.

SUMMARY ITEMS

On a motion by Commissioner Protopappas, seconded by Commissioner Kramer, the Board unanimously approved Summary Items S-1 through S-5.

S-1 Resolution 05148, Approving a Building Permit for SSAT: 1999 Middle Harbor Road, Berths 57-59: Improvements to the inbound and outbound portals. The project is to construct equipment improvements at the three portals, with a pre-fabricated steel building structure over each site. The project will also include related electrical and mechanical work. This project was analyzed per the requirements of the California Environmental Quality Act as part of the Environmental Impact Report for the development of Berths 55-58. Valuation of work: $1,500,000.

S-2 Resolution 05149, Approving a Building Permit for Southwest Airlines: 1 Airport Drive, Terminal 2, OAK: Modifications to the baggage conveyor system. The project is to reconfigure the baggage system during construction of the EDS facility, and the modifications will be removed when that project is complete. The project will also include related electrical and mechanical work. This project was analyzed per the requirements of the California Environmental Quality Act in May 2002. Valuation of work: $270,000.

S-3 Port Ordinance No. 3846, An Ordinance Approving And Authorizing Execution Of A Sixth Supplemental Agreement With East Bay Regional Park District.

S-4 Port Ordinance No. 3847, An Ordinance Amending Port Ordinance No. 2833 Increasing Tariff No. 2-A Rates For Dockage, Wharfage, Wharf Storage And Wharf Demurrage And Making Other Modifications Thereto.

S-5 Port Ordinance No. 3848, An Ordinance Amending Section 2.06 And Adding Section 1.296 To Port Ordinance No. 867 Ratifying And Fixing The Compensation Of Certain Employees Of The Port Department.

OPEN FORUM

No person spoke in Open Forum.
CLOSED SESSION

President Scates convened the Board in Closed Session at 3:26 p.m. to consider the following items:

1. Conference With Legal Counsel – Existing Litigation. Pursuant to subdivision (a) of Section 54956.9. Names of cases:

   City of Oakland v. Exxonmobil Corporation, United States District Court, Northern District of California, Case No. C02 2968 MHP

   City of Oakland v. Harding ESE, Inc. et al., United States District Court, Northern District of California, Case No. CV-03-03534

2. Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:

   (3 Matters)


   Property: Oakland Army Base
   Negotiating Parties: Port of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
   Agency Negotiator: Executive Director, Jerry A. Bridges
   Under Negotiation: Price and Terms of Payment

   Property: 2.6 Acre Parcel on Hegenberger and Pardee
   Negotiating Parties: Port of Oakland, Hensel Phelps and Balaji Enterprises
   Agency Negotiator: CRE Director, Omar R. Benjamin
   Under Negotiation: Price and Terms of Payment

ADJOURNMENT

There being no additional business the Board adjourned at 5:28 p.m.
MINUTES

Regular Meeting of the Board of Port Commissioners
Tuesday, June 7, 2005 - 3:00 p.m.

ROLL CALL

President Scates called the meeting to order at 3:05 p.m., and the following Commissioners were in attendance:

Commissioner Ayers-Johnson, Second Vice-President Batarse, Commissioner Katzoff, First Vice-President Kiang, Commissioner Protopappas, and President Scates.

Commissioner Kramer was excused.

CLOSED SESSION

President Scates convened the Board in Closed Session at 3:10 p.m. to consider the following items:

1. CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION.
   Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (3 matters), and initiation of litigation pursuant to subdivision (c) of Section 54956.9 (2 matters).

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Government Code Section 54956.8.

   Property: Oakland Army Base
   Negotiating Parties: Port of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
   Agency Negotiator: Executive Director, Jerry A. Bridges
   Under Negotiation: Price and Terms of Payment
CLOSED SESSION REPORT

The Board Secretary reported that during the Closed Session the Board had unanimously approved (6 ayes, 1 excused) the following Resolutions related to Closed Session Item 2,

Resolution 05150, Approving Appointment Of Special Counsel.

Resolution 05150, Approving And Authorizing The Port Attorney To Take Any And All Actions Necessary (Including Giving Of Notices Terminating Tenancy And Filing Complaints For Unlawful Detainer And Breach Of Contract) To Recover From Pacific Commodities Transportation, Inc. ("Pacific Commodities") The Premises Known As 555 Maritime Street, Building D412 And Parcel B, Oakland ("Premises"), And Damages And/Or Other Remedies.

AVIATION

Commissioner Katzoff gave an account of the June 6, 2005 Aviation Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items A-1 through A-11.

A motion to approve Items A-1 through A-11 was made by Commissioner Katzoff and seconded by Commissioner Ayers-Johnson.

A-1 First Reading of an Ordinance, Approving Mid Year Adjustment To Airline Rates And Charges Generating $1.5 Million In Revenue This Calendar Year And $3 Million For FY 05/06, And Amending Port Ordinance No. 3634.

A-2 Resolution 05152, Approval Of License And Concession Agreement With Alaska Airlines, Inc., For 4,381 Square Feet Of Space At The Cargo Building At A Monthly Rental Of $6,352.45 (3 Alan Shepard Way – South Airport).

A-3 First Reading of an Ordinance, Approving An Amendment To Port Ordinance No. 3634 To Adjust North Field Fees.

A-4 First Reading of an Ordinance, Approving A Multi-Year License And Concession Agreement With Jack W. Ratliff Corporation dba Astro-Aire Enterprises (8400 Earhart Road, North Airport.)

A-5 Resolution 05153, Approval A Resolution To Declare As Surplus Two Existing 250-Horsepower Air Compressors, Transfer Title Of Those Air Compressors To Air Perfection, Inc., Authorize Air Perfection, Inc. To Remove And Salvage Those Air Compressors, And Authorize Air Perfection, Inc. To Install Two New 15-Horsepower Air Compressors At No Cost To The Port (1100 Airport Drive, South Airport).
A-6  Resolution 05154 and First Reading of an Ordinance, Approving A License And Concession Agreement With SFPP, L.P. Covering Approximately 2,000 Square Feet Of Land At The South Airport, And First Reading Of An Ordinance Approving The Terms And Conditions Of A Second Supplemental Agreement To Right Of Way Permit Agreement (Offshore) With SFPP, L.P. For Submerged Pipelines Located Off The Southern Boundary Of The Airport, For A Total Consideration Of $22,667.02 (South Airport).

A-7  First Reading of an Ordinance, Approving The Terms And Conditions Of A Wireless Telecommunications Agreement With MetroPCS California/Florida, Inc. dba MetroPCS At An Initial Monthly Rental Of $3,740. (#1 Airport Drive, South Airport).

A-8  Resolution 05155, Approval Of A Third Amendment To Agreement For Operation And Maintenance Of Aviation Fuel Facilities At Oakland International Airport With Oakland Fuel Facilities Corporation At A Monthly Payment (“Compensation”) Of $406,863 (Facilities Located Throughout The South Airport.)


A-10  Resolution 05157, Approval Of Negotiation And Execution Of Change Orders To The Reconstruction Of East Apron – Phase 1, South Field, Oakland International Airport, AIP 3-06-0170-29 And AIP 3-06-0170-36, Project For Costs Associated With Modifying The Pavement Section And Expanding The Limits Of Pavement Reconstruction In The Vicinity Of Terminal 2, South Field, Oakland International Airport.

A-11  Resolution 05158, Approval Of First Supplemental Agreement With DMJM+Harris, Inc., For Engineering Services For Reconstruction Of East Apron – Phase 2, South Field, Oakland International Airport.

The motion to approve Items A-1 through A-11 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Protopappas, and President Scates. (1) Excused: Commissioner Kramer.

MARITIME

Vice-President Batarse gave an account of the May 16, 2005 Maritime Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items M-1 and M-2.

A motion to approve Items M-1 and M-2 was made by Vice-President Batarse and seconded by Commissioner Protopappas.
M-1 Resolution 05159, Authorization To Make Payments To Qualifying Tenants For Relocation Claims As Required By Construction Of Phase 1B Of The Inner Harbor Turning Basin.

M-2 Resolution 05159, Authorization For The Director Of Maritime To Enter Into An Agreement With Marine Digest & Cargo Business News To Produce "The China Conference 2006" In Oakland, With The Port Of Oakland As A Primary Sponsor At A Cost Of $30,000.

The motion to approve Items M-1 and M-2 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Protopappas, and President Scates. (1) Excused: Commissioner Kramer.

OPERATIONS

Commissioner Ayers-Johnson gave an account of the May 25, 2005 Public Art Committee meeting.

Administration

Commissioner Ayers-Johnson gave an account of the May 24, 2005 Administration Committee meeting. She reported that the Committee had recommended for consideration by the full Board Items O-1 through O-6.

A motion to approve Items O-1 through O-6 was made by Commissioner Ayers-Johnson and seconded by Vice-President Batarse.

O-1 Resolution 05161, Approval Of “Code Of Business Conduct” For Port Of Oakland Executive, Management, Professional And Administrative Staff.

O-2 Resolution 05162 and First Reading of an Ordinance, Approving Delegation Of Authority To Executive Director And Port Attorney.

O-3 Resolution 05163, Authorization For The Executive Director To Negotiate And Enter Into A Professional Services Agreement With Malcolm Pirnie, Inc. – Conducted Through Red Oak Consulting – In The Amount Of $115,000, To Provide Strategic Development Services.

O-4 First Reading of an Ordinance, Approving A Proposed Revision To Port Ordinance No. 3694, Sections 3 And 4: Public Art Funding.

O-5 Resolution 05165, Approval To Enter Into An Agreement With The Investment Board/Oakland Private Industry Council To Share The Cost And Responsibilities Of Supervision And Direction For A PLA Construction Resource Coordinator.
O-6 Resolution 05166, Approval To Negotiate With MMIA, Inc./NOR-CAL, FDC, And Merriweather And Williams Insurance Services, Inc. To Administer The Port’s Surety Bond And Financing Services Program, And Authorize The Executive Director To Execute A Contract With Both Parties.

The motion to approve Items O-1 Through O-6 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Protopappas, and President Scates. (1) Excused: Commissioner Kramer.

Audit, Budget & Finance

Vice-President Kiang gave an account of the May 26, 2005 Audit, Budget & Finance Committee meeting. He reported that the Committee had recommended for consideration by the full Board Item O-7.

A motion to approve Item O-7 was made by Vice-President Kiang and seconded by Commissioner Ayers-Johnson.

O-7 Resolution 05167, Delegation To The Chief Financial Officer The Authority To Sign Declarations Of Official Intent For Reimbursement Of Port Expenditures From Future Debt Issuances.

The motion to approve Item O-7 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Protopappas, and President Scates. (1) Excused: Commissioner Kramer.

APPROVAL OF THE MINUTES

On a motion by Commissioner Ayers-Johnson, seconded by Commissioner Protopappas, the Board unanimously approved the Minutes of the Regular Meeting of May 17, 2005.

SUMMARY ITEMS

On a motion by Commissioner Protopappas, seconded by Commissioner Katzoff, the Board unanimously approved Summary Items S-1 through S-8.

S-1 Resolution 05167, SSAT: 1 Market Street, Howard Terminal: Installation of a pre-fabricated shed, approximately 20'X24' to be used as storage at the carpenter area. The proposal does not include any electrical or mechanical work. This project is covered by the analysis in the Howard Terminal Improvements Project Initial Study/Negative Declaration. No additional environmental analysis is required. Valuation of work: $18,000.
Minutes of the Regular Meeting  
June 7, 2005

S-2 **Resolution 05168**, BNSF Railroad Company, 333 Maritime Street, JIT: Removal of portions of the existing asphalt paving and replacement with new paving. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 2, Section 15302, replacement or reconstruction. Valuation of work: $500,000.

S-3 **Resolution 05169**, Unicold Corporation: 555 Maritime Street, Building C516: Installation of two additional dock levelers at the existing loading dock. The proposal includes related electrical work. This project has been determined to be exempt from the requirements of the California Environmental Quality Act as documented by the Joint Intermodal Terminal EIR, Second Addendum, approved on August 7, 2001. Valuation of work: $30,000.

S-4 **Resolution 05170**, CA One / CNN: 1 Airport Drive, Terminal 1, Building M102, OAK: Remodel of the existing gift shop. The work is to add electronic news displays, remove drop ceiling, paint, and upgrade finishes and furnishings to create a CNN theme. The project will also include related electrical and mechanical work. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301(a). Valuation of work: $575,000.

S-5 **Resolution 05171**, Cingular, Inc.; CPS Signs, Inc. / NSA Wireless, Inc.: 8517 Earhart Road, Building L310: Installation of six cellular antennas at the roof line of Hangar 3 and three equipment cabinets at the northeast corner of the hangar adjacent to Earhart Road. Project to include related electrical work. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301(a). This permit is valid for a period of ten years to allow for phasing of the project. Valuation of work: $45,000.

S-6 **Resolution 05172**, Crown Castle USA: Pacific Bell Wireless; 107 Burma Road: Modifications to the antennas at the existing monopole site. The work will add one grid dish antenna on the existing monopole. The project will also include related wiring to connect to the equipment shelter. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301(a). Valuation of work: $10,000.

S-7 **Resolution 05173**, GSC Logistics; 512 Maritime Street, Build C512: Removal of non-bearing exterior wall section to create additional loading dock space. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class as documented by the Joint Intermodal Terminal EIR, Second Addendum approved August 7, 2001. Valuation of work: $30,000.

OPEN FORUM

Sanjiv Handa addressed the Board in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 4:45 p.m.

John Betterton, Secretary
Board of Port Commissioners
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MINUTES

Regular Meeting of the Board of Port Commissioners
Tuesday, June 21, 2005 – 3:00 p.m.

ROLL CALL

President Scates called the meeting to order at 3:11 p.m., and the following Commissioners were in attendance:

Commissioner Ayers-Johnson, Second Vice-President Batarse, Commissioner Katzoff, First Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

CLOSED SESSION

President Scates convened the Board in Closed Session at 3:13 p.m. to consider the following items:

1. Conference With Legal Counsel – Existing Litigation. Pursuant to subdivision (a) of Section 54956.9. Names of cases:
   
   City of Oakland v. Gallagher Properties, Inc., U.S. District Court Case No. C-01-3212 EDL

2. Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (2 Matters)


   Property: Oakland Army Base
   Negotiating Parties: Port of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
   Agency Negotiator: Executive Director, Jerry A. Bridges
   Under Negotiation: Price and Terms of Payment
CLOSED SESSION REPORT

The Board Secretary reported that during the Closed Session the Board had unanimously approved (7 ayes) the following Resolution:

**Resolution 05174**, Resolution Approving And Authorizing Execution Of A Settlement Agreement And Mutual Release With Unite D States Aviation Underwriters, Inc. ("USAIG"), Puritan Insurance Company ("Puritan") And TIG Insurance Company F/K/A Transamerica Insurance Company ("TIG") Concerning City Of Oakland V. Gallagher Properties, Inc., U.S. District Court Case No. C-01-3212 EDL Regarding The EZBH Site At The Metropolitan Oakland International Airport ("Airport")

COMMERCIAL REAL ESTATE

A motion to approve Items C-1 and C-2 was made by Commissioner Protopappas and seconded by Commissioner Kramer.

**C-1 Resolution 05176**, Approval Of Transfer Of 50% Of The Ownership In The Oyster Reef Seafood Restaurant And Bar, LLC, For The Property Leased From The Port Of Oakland Located At 1000 Embarcadero, Oakland, With The Annual Minimum Rent Of Approximately $20,064.

**C-2 Resolution 05177** Approval Of The FY 05/06 Budget For The Association Of The Preservation Of The Presidential Yacht Potomac, Cash Contribution And In-Kind Services Totaling $172,743.

The motion to approve Items C-1 and C-2 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Commissioner Kramer, Vice-President Kiang, Commissioner Protopappas, and President Scates.

A motion to approve Resolution 05175 (related to Items C-3 and M-2) was made by Commissioner Kramer and seconded by Commissioner Katzoff.

**Resolution 05175**, Resolution Determining That Immediate Action On Supplemental Agenda Reports Items M-2 And C-3 Is Required To Avoid A Substantial Adverse Impact If Action Were Deferred And That The Need For Such Action Came To The Attention Of The Board Subsequent To The Original Agenda Being Posted.

The motion to approve Resolution 05175 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Commissioner Kramer, Vice-President Kiang, Commissioner Protopappas, and President Scates.
A motion to approve Item C-3 was made by Commissioner Kramer and seconded by Commissioner Katzoff.

Rajiv, representing a number of local truckers, addressed the Board on Item C-3.

C-3 Resolution 05178, Authorization for the Executive Director to Negotiate and Enter into a Parking Management Agreement with Pansini Oakland Associates (a California Limited Partnership) to Operate and Manage a Truck Parking Facility on a Portion of the Oakland Army Base at a Monthly Cost to be Negotiated.

The motion to approve Item C-3 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Commissioner Kramer, Vice-President Kiang, Commissioner Protopappas, and President Scates.

MARITIME

Commissioner Kramer gave an account of the June 20, 2005 Maritime Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items M-1 and explained that Item M-2 was being heard on an emergency basis.

A motion to approve Items M-1 and M-2 was made by Commissioner Kramer and seconded by Commissioner Katzoff.

Commissioner Protopappas was excused from the meeting at 5:00 pm.

M-1 Resolution 05179, Approval Of Third Supplemental Agreement With Liftech Consultants, Inc., For Design Of Berths 32/33 Wharf Rehabilitation, Outer Harbor.

Rajiv, representing a number of local truckers, addressed the Board on Item C-3. Sanjiv Handa also addressed the Board on this issue.

M-2 Resolution 05180, Authorization for the Executive Director to Negotiate and Enter into an Agreement with the Oakland Base Reuse Authority (OBRA) to Lease a Portion of the Oakland Army Base at a Monthly Rental Rate of $42,665.00.

The motion to approve Items M-1 and M-2 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, and President Scates. (1) Excused: Commissioner Protopappas.
OPERATIONS

Administration

*A motion to approve Item O-1 was made by Commissioner Ayers-Johnson and seconded by Vice-President Batarse.*

Sanjiv Handa addressed the Board on Item O-1.

**O-1 Resolution 05181**, Approval Of A Public Benefits Rebate Program For Energy Conservation Projects Under The Port Of Oakland’s Public Benefits Program.

*The motion to approve Item O-1 passed by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, and President Scates. (1) Excused: Commissioner Protopappas.*

APPROVAL OF THE MINUTES

*On a motion by Commissioner Kramer, seconded by Commissioner Katzoff, the Board approved the Minutes of the Regular Meeting of June 7, 2005.*

SUMMARY ITEMS

*On a motion by Commissioner Ayers-Johnson, seconded by Vice-President Batarse, the Board unanimously approved Summary Items S-1 through S-8.*

**S-1 Resolution 051827**, APL; 1579 Middle Harbor Road: Install four antennas on four existing 100-foot light poles. Each antenna is one meter square. The work will include electrical connections. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301(a). Valuation of work: $5,000.

**S-2 Port Ordinance No. 3850, Being** “An Ordinance Amending Port Ordinance No. 3634 Relating To Landing And Tenant Terminal Space Rental Fees At Metropolitan Oakland International Airport.”

**S-3 Port Ordinance No. 3851, Being** “An Ordinance Amending Section 9 Of Port Ordinance No. 3634 To Adjust North Field Fees Relating To Charges For Use Of Facilities At Metropolitan Oakland International Airport.”

**S-4 Port Ordinance No. 3852, Being** “An Ordinance Approving And Authorizing Execution Of A Multi-Year License And Concession Agreement With Jack W. Ratliff Corporation Doing Business As Astro-Aire Enterprises.”
S-5 Port Ordinance No. 3853, Being "An Ordinance Approving And Authorizing Execution Of A Second Supplemental Agreement To Right Of Way Use Permit Agreement (Offshore) With SFPP, L.P."

S-6 Port Ordinance No. 3854, Being "An Ordinance Approving And Authorizing The Execution Of A Wireless Telecommunications Agreement With MetroPCS California/Florida, Inc., Doing Business As MetroPCS."

S-7 Port Ordinance No. 3855, Being "An Ordinance Amending Port Ordinance Nos. 3508, 3509 And 3510."

S-8 Port Ordinance No. 3856, Being "An Ordinance Amending Port Ordinance No. 3694."

OPEN FORUM

Doug Niemeth of Oscar Niemeth Towing, Prelmer Newman of Local 790, and Sanjiv Handa of the East Bay News Service addressed the Board in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 5:15 p.m.

John Betterton, Secretary
Board of Port Commissioners
ROLL CALL

President Scates called the meeting to order at 3:20 p.m., and the following Commissioners were in attendance:

Commissioner Ayers-Johnson, Second Vice-President Batarse, Commissioner Katzoff, First Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

CLOSED SESSION

President Scates convened the Board in Closed Session at 3:22 p.m. to consider the following items:

1. Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (3 Matters)


   Property: Oakland Army Base
   Negotiating Parties: Port of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
   Agency Negotiator: Executive Director, Jerry A. Bridges
   Under Negotiation: Price and Terms of Payment

CLOSED SESSION REPORT

The Board Secretary reported that during the Closed Session the Board had unanimously approved (7 ayes) the following 3 Resolutions:
Resolution 05183, Resolution Approving And Authorizing The Port Attorney To Take Any And All Actions Necessary (Including Filing A Complaint For Breach Of Contract And Other Causes Of Action) Against Kaiser Air, Inc. Relating To The Premises Known As Hangar 5.


Resolution 05185, Resolution Approving And Authorizing Settlement With Douglas Niemeth, dba Bayside Dredging Company Concerning City Of Oakland V. Douglas C. Niemeth, dba Bayside Dredging Company, Alameda County Superior Court, Case No. WG-04-181829, And Douglas Niemeth And Oscar Niemeth Towing, Inc., Concerning City Of Oakland V. Oscar Niemeth Towing, Alameda County Superior Court Case No. RG-04-181699, Actions Prosecuted For Default By Oscar Niemeth Towing, Inc., Of Memorandum Of Understanding Regarding Silver Eagle Tugboat Repower Project.

AIRPORT

Commissioner Katzoff gave an account of the June 27, 2005 Aviation Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items A-1 and A-2.

Sanjiv Handa addressed the Board on the Committee Report.

A motion to approve Item A-2 was made by Commissioner Katzoff and seconded by Vice-President Kiang.

A-2 Resolution 05187, Authorization To Accept The Federal Aviation Administration (FAA) Grant Offer For AIP-38 In The Amount Of $1-Million.

The motion to approve Item A-2 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Commissioner Kramer, Vice-President Kiang, Commissioner Protopappas, and President Scates.

A motion to approve Item A-1 was made by Commissioner Katzoff and seconded by Commissioner Kramer.

Neither Commissioner Ayers-Johnson nor Protopappas took part in the discussion, deliberation or decision on Item A-1, and were absent from the room during all action on the item.
A-1 **Resolution 05186**, Second Supplemental Agreement With E-Agency, Inc. For Marketing Support Services For Fiscal Year 05/06 In The Amount Of $60,000.

*The motion to approve Item A-1 passed by the following votes: (5) Ayes: Vice-President Batarse, Commissioner Katzoff, Commissioner Kramer, Vice-President Kiang, and President Scates. (2) Recused: Commissioner Ayers-Johnson and Commissioner Protopappas*

**MARITIME**

Commissioner **Kramer** gave an account of the June 20, 2005 Maritime Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items M-1 through M-3.

*A motion to approve Items M-1 through M-3 was made by Commissioner Kramer and seconded by Vice-President Batarse.*

M-1 **Resolution 05188**, Authorization To Amend The Joint Intermodal Terminal Facility Lease Agreement To Allow Locomotive Fueling Operations At The Terminal At No Cost To The Port Of Oakland.

M-2 **Resolution 05189**, Recommended Authority To Enter Into Electric Service Agreements To Sell Electric Power Required For Dredging, Authorization To Negotiate A Change Order To Dispose The Dredge Material From The Berths 32/33 Wharf Rehabilitation, Outer Harbor, Oakland, At The San Francisco Deep Ocean Disposal Site (SF-DODS), And Authorization To Accept Amended Regulatory Permits (Approximately $1 Million).

M-3 **Resolution 05190 and First Reading of an Ordinance**, Recommended Approval Of And Authorization To Execute Agreements With Pacific Gas And Electric Company ("PG&E"), United States Navy, East Bay Municipal Utility District, City And County Of San Francisco And Schnitzer Steel Industries, Inc. ("Schnitzer") Regarding Rights To The Capacity In PG&E's 115 KV Electric Line ("POON Line") Between PG&E's Substation C To Execute The Port's Outer Harbor Davis And Cuthbertson Electric Substations, And Port Grant Of Easements To PG&E In Port Property For PG&E Service Of Electricity To Schnitzer's Property Adjacent To Port Marine Terminals; And Recommended Approval Of Building Permit To PG&E To Construct Improvements Necessary To Serve Schnitzer ($550,000 Income).

*The motion to approve Items M-1 through M-3 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Commissioner Kramer, Vice-President Kiang, Commissioner Protopappas, and President Scates.*
OPERATIONS

Administration

Commissioner **Ayers-Johnson** gave an account of the June 28, 2005 Administration Committee meeting. She reported that the Committee had recommended for consideration by the full Board Items O-1 through O-4 and Item O-9.

*A motion to approve Item O-1 through O-4 and O-9 was made by Commissioner Ayers-Johnson and seconded by Commissioner Katzoff.*

**O-1 Resolution 05191**, Approval Of First Supplemental Agreement With CorVel Corporation To Provide Workers’ Compensation Medical Bill Review Service And Utilization Review Service, For An Amount Not To Exceed $120,000.

**O-2 First Reading of an Ordinance**, Title Change For Position Of Airport Operations Superintendent, Airside To Aviation Security Superintendent


Sanjiv Handa addressed the Board on Item O-4.

**O-4 First Reading of an Ordinance**, to Adopt A Master Fee Schedule For The Engineering Division (Approximately $125,000 Income Per Year)

Sanjiv Handa addressed the Board on Item O-9.

**O-9 Resolution 05197**, Authorization To Enter Into Agreements To Obtain Event Promotion And Production Services For 2005 PortFest – World Music And Jazz Festival.

*The motion to approve Items O-1 through O-4 and Item O-9 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Commissioner Kramer, Vice-President Kiang, Commissioner Protopappas, and President Scates.*

Audit, Budget & Finance

Vice-President **Kiang** gave an account of the June 29, 2005 Audit, Budget & Finance Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items O-6 through O-8.
A motion to approve Items O-6 through O-8 was made by Vice-President Kiang and seconded by Commissioner Kramer.

Sanjiv Handa addressed the Board on the Committee Report.

O-6 Resolution 05194, Declaration Of Port Revenue Fund Surplus For FY 2003-04; Recommendation To Transfer Surplus To General Fund Of City; And Approval To Reimburse The City For General Services And Lake Merritt Trust Purposes For An Amount Not To Exceed $1,673,824.

O-7 Resolution 05195, Approval To Enter Into A Letter Of Credit And Reimbursement Agreement With BNP Paribas And Lloyds TSB Related To The Port Of Oakland Commercial Paper Notes In An Amount Not To Exceed $300 Million Outstanding At Any One Time; Approval Of The Form And Distribution Of An Offering Memorandum Related To The Commercial Paper Program; Approval Of A New Dealer Agreement; And Certain Other Transactions.

O-8 Resolution 05196, Authorize And Approve The Publication Of Notice And The Holding Of A Public Hearing Pursuant To Section 147(f) Of The Internal Revenue Code Of 1986, As Amended, In Connection With The Financing Of The Port’s Capital Improvement Program.

The motion to approve Items O-6 through O-8 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Commissioner Kramer, Vice-President Kiang, Commissioner Protopappas, and President Scates.

A motion to approve Item O-5 was made by Vice-President Kiang and seconded by Commissioner Ayers-Johnson.

Sanjiv Handa addressed the Board on Item O-5.

O-5 Resolution 05193 Approval Of The Annual Operating And Capital Budgets For Fiscal Year Ending June 30, 2006.

The motion to approve Item O-5 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Commissioner Kramer, Vice-President Kiang, Commissioner Protopappas, and President Scates.
Public Art

Commissioner Ayers-Johnson gave an account of the June 29, 2005 Public Art Committee meeting.

Sanjiv Handa addressed the Board on the Committee Report.

APPROVAL OF THE MINUTES

On a motion by Commissioner Kramer, seconded by Commissioner Protopappas, the Board approved the Minutes of the Regular Meeting of June 21, 2005.

ELECTION OF OFFICERS

Sanjiv Handa addressed the Board on the Election of Officers.

On a motion by President Scates, seconded by Commissioner Katzoff the Board unanimously elected John Betterton and Cheryl Friedman to serve as Secretary and Assistant Secretary of the Board, respectively.

On a motion by President Scates, seconded by Commissioner Kramer, the Board unanimously elected Commissioners Katzoff, Batarse and Ayers-Johnson to serve as President, 1st Vice-President and 2nd Vice-President, respectively.

OPEN FORUM

Sanjiv Handa of the East Bay News Service addressed the Board in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 4:50 p.m.

John Betterton, Secretary
Board of Port Commissioners
PORT OF OAKLAND
BOARD OF PORT COMMISSIONERS
530 Water Street • Oakland, California 94607

President Scates called the meeting to order at 3:10 p.m., and the following Commissioners were in attendance:

Commissioner Ayers-Johnson, Second Vice-President Batarse, Commissioner Katzoff, First Vice-President Kiang, Commissioner Kramer Commissioner Protopappas, and President Scates.

CLOSED SESSION

President Scates convened the Board in Closed Session at 3:14 p.m. to consider the following items:

1. Conference With Legal Counsel – Existing Litigation. Pursuant to subdivision (a) of Section 54956.9. Names of cases:

   City of Oakland v. Mardeco, Inc., et al.,
   United States District Court, Northern District of California,
   Case No. C-02-0702

   City of Oakland v. Oscar Niemeth Towing,
   Alameda County Superior Court Case No. RG-04-181699

   City of Oakland v. Douglas C. Niemeth, dba Bayside Dredging Company,
   Alameda County Superior Court, Case No. WG-04-181829
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
(3 matters), and initiation of litigation pursuant to subdivision (c) of Section 54956.9 (1 matters).

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Government Code Section 54956.8.

Property: Oakland Army Base
Negotiating Parties: Port of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
Agency Negotiator: Executive Director, Jerry A. Bridges
Under Negotiation: Price and Terms of Payment

CLOSED SESSION REPORT

The Board Secretary reported that during the Closed Session the Board had unanimously approved (7 ayes) the following Resolution related to Closed Session Item 1:

Resolution 05198, Resolution Approving And Authorizing Execution Of: 1) A Settlement Agreement And Mutual Release With Clyde R. Gibb; 2) A Settlement Agreement And Mutual Release With Mardoco, Inc.; 3) A Settlement Agreement And Mutual Release With Alameda County And Union Pacific Railroad Company; And 4) A Defense Funding And Settlement Agreement Between Port Of Oakland And The Insurer Group, All Concerning The East Basin Marina/Parcel F Litigation (City Of Oakland V. Mardeco, Inc. Et Al.; U.S. District Court, Northern District Of California, Case Number C 02 0702 EDL).

RATIFY ELECTION OF NEW OFFICERS

A motion to approve the following Resolution was made by President Scates and was seconded by Commissioner Kramer.

Resolution 05199, Declaring Election Of Officers At The Board Meeting Of July 5, 2005.

President: Kenneth S. Katzoff
1st Vice President: Anthony A. Batarse, Jr.
2nd Vice President: Darlene Ayers-Johnson

Secretary of the Board: John T. Betterton
Assistant Secretary of the Board: Cheryl M. Friedman

Sanjiv Handa addressed the Board on the ratification of new officers.
The motion to approve Resolution 05199 passed by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Vice-President Batarse, Commissioner Katzoff, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, and President Scates.

COMMERCIAL REAL ESTATE

Commissioner Protopappas gave an account of the July 6, 2005 Commercial Real Estate Committee meeting. He reported that the Committee had recommended for consideration by the full Board Item C-1.

A motion to approve Item C-1 was made by Commissioner Protopappas and seconded by Commissioner Scates.

Sanjiv Handa addressed the Board on the Commercial Real Estate Committee report.

Resolution 05200, Approval To Amend And Restate Ferry Service Agreement Between The Port Of Oakland And The City Of Alameda In The Amount Of $83,325.00

The motion to approve Item C-1 passed by the following votes: (7) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and President Katzoff.

Commissioner Protopappas took no part in the discussion, deliberation or decision on Item C-2, and was not in the room during the consideration of the item.

A motion to approve Item C-2 was made by Commissioner Scates and seconded by Vice-President Batarse.

Resolution 05201, Authorization To Approve Application Of Viacom Outdoor For A Building Permit For Construction And Erection Of A General Advertising Sign On Port Area Property, In The Area Along Highway I-80 In The Vicinity Of The Bay Bridge Toll Plaza And Making Certain Findings.

The motion to approve Item C-2 passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kiang, Commissioner Kramer, Commissioner Scates and President Katzoff. (1) Recused: Commissioner Protopappas.
Commissioner Kramer gave an account of the July 18th, 2005 Maritime Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items M-1 through M-4, M-6 and M-7. He stated that Item M-5 had been pulled pending finalization of the agreement.

Sanjiv Handa addressed the Board on the Maritime Committee report.

*A motion to approve Items M-1 through M-4, M-6 and M-7 was made by Commissioner Kramer and seconded by Vice-President Batarse.*

**M-1** *Resolution 05202*, Authorization To Dispense With Standard Bidding Procedures For The Demolition Of Buildings C-506 Through C-508, C-511 Through C-513, C-515 And Other Miscellaneous Structures At Berths 32-34, Outer Harbor (Small Business Program), In The Estimated Amount Of $2 Million.

**M-2** *Resolution 05203*, Authorization To Dispense With Standard Bidding Procedures For The Procurement Of Electrical Equipment For Replacement Of Existing Main Switchgear, Reefer Unit Substations And High Mast Light Poles At Berths 32-34, Outer Harbor, In The Estimated Amount Of $3,500,000.

**M-3** *Resolution 05204*, Approval Of Second Supplemental Agreement With Geomatrix Consultants, Inc. (Contract #02377) To Investigate Design And Provide Construction Oversight For The Former Union Pacific Roundhouse Site In The Amount Of $350,000.

**M-4** *Resolution 05205*, Authorization To Dispense With Standard Bidding Procedures For Interim Improvements To The Maritime Support Center Area, In The Estimated Amount Of $2,500,000.

**M-5** PULLED: Recommendation To Approve And Authorize Execution Of Non-Preferential Assignment Agreement With Eagle Marine Services, LTD For Berths 60-63 At An Initial Annual Revenue Level Of $6.8 Million.

**M-6** *Resolution 05206*, Authorization For The Executive Director To Enter Into A First Supplemental Agreement With Strategic Solutions Partners In The Amount Of $15,000 For Sales And Marketing Related Administrative Functions To Support The Port Of Oakland's Maritime Marketing Program.
M-7 **Resolution 05207**, Recommendation To Adopt An Ordinance Establishing Rates, Charges And General Operating Rules For Daily And Monthly Truck And Container-On-Chassis Parking At The Subaru Lot With An Estimated Revenue Potential Of $200,000.

The motion to approve Items M-1 through M-4, M-6 and M-7 passed by the following votes: (7) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and President Katzoff.

**OPERATIONS**

**Administration**

A motion to approve Item O-1 was made by Vice-President Ayers-Johnson and seconded by Commissioner Protopappas.

Sanjiv Handa addressed the Board on Item O-1.

O-1 **First Reading of an Ordinance**, Reorganization Of The Maritime Division Resulting In The Elimination Of Positions/Downgrading And Upgrading Of Positions/Creation Of Classifications And Positions/Deletion Of Positions/Title Change, And Amendment Of Salary Schedule. (Net Cost Savings Of $357,000.)

The motion to approve Items M-1 through M-4, M-6 and M-7 passed by the following votes: (7) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and President Katzoff.

**City/Port Liaison Committee**

Vice-President **Ayers-Johnson** gave an account of the July 5, 2005 City/Port Liaison Committee Meeting.

Sanjiv Handa addressed the Board on the Committee Report.

**SUMMARY ITEMS**

On a motion by Vice-President Ayers-Johnson, seconded by Commissioner Scates, the Board unanimously approved Summary Items S-1 through S-4.

S-1 **Resolution 05207**, NSF Railroad Company: 333 Maritime Street, JIT: Construction of service road and driveways for locomotive fueling station. No permanent tanks or piping are planned at this time. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class1, Section 15301. Minor alteration of existing facilities and Class 3, Section 15303 new construction
or conversion of small structures, increase in capacity for trains is covered by JIT EIR, approved by the Board of Port Commissioners in June, 1999. Valuation of work: $90,000

S-2 Port Ordinance No. 3857, “An Ordinance Approving And Authorizing Execution, Acceptance And Delivery Of Easement Documents To And From Pacific Gas And Electric Company (“PG&E”)."

S-3 Port Ordinance No. 3858, “An Ordinance Amending Port Ordinance No. 867, And Adding New Section 10.0212.”

Sanjiv Handa addressed the Board on Item S-4.

S-4 Port Ordinance No. 3859, “An Ordinance Establishing A Master Fee Schedule For Development Permits, Subdivision Actions, Environmental Review, Utility Services, And Duplication And Research Services Provided By The Port’s Engineering Division And Superseding Certain Provisions Of Port Ordinance Nos. 2083, 2124 And 2581.”

OPEN FORUM

Sanjiv Handa and James Ingram addressed the Board in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 5:00 p.m.

John Betterton, Secretary
Board of Port Commissioners
Regular Meeting of the Board of Port Commissioners
Tuesday, August 2, 2005 - 3:00 p.m.

ROLL CALL

President Katzoff called the meeting to order at 3:06 p.m., and the following Commissioners were in attendance:

2nd Vice-President Ayers-Johnson, 1st Vice-President Batarse, Commissioner Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and President Katzoff.

CLOSED SESSION

President Katzoff convened the Board in Closed Session at 3:07 p.m. to consider the following items:

1. Conference With Legal Counsel – Existing Litigation. Pursuant to subdivision (a) of Section 54956.9. Names of cases:

   City of Oakland v. Waste Management of Alameda County, Inc. et al, U.S. District Court, Northern District of California No. C 02-3484 CRB

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (5 matters), and initiation of litigation pursuant to subdivision (c) of Section 54956.9 (2 matters).
CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Government Code Section 54956.8.

Property: Oakland Army Base
Negotiating Parties: Port of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
Agency Negotiator: Executive Director, Jerry A. Bridges
Under Negotiation: Price and Terms of Payment

CLOSED SESSION REPORT

The Board Secretary reported that during the Closed Session, the Board had unanimously approved the following Resolutions:

Resolution 05208, Resolution Approving And Authorizing Execution Of: 1) A Settlement Agreement And Mutual Release With Frederick J. Wood AKA Fred J. Wood And E.K. Wood Lumber Company ("Wood Agreement"); And 2) A Settlement Agreement And Partial Release With Respect To The Proposed Union Point Park Site With Zurich American Insurance Company, As Successor To Zurich Insurance Company, U.S. Branch, By Operation Of Law ("Zurich Agreement"), Concerning The Proposed Union Point Park Site (City Of Oakland V. Waste Management Alameda County, Inc. Et Al; U.S. District Court, Northern District Of California, Case Number C023484 CRB).

Resolution 05209, Resolution Approving And Authorizing Execution Of An Extension Of Tolling Agreement With Union Pacific Railroad Company ("UP") Concerning A Release Of Oil On Or About May 21, 2001, From UP’s Connection Of Its Storm Drain Line To The Port’s Storm Drain Line At Berth 57, Oakland, California.

Resolution 05210, Resolution Approving And Authorizing Execution Of A Settlement Agreement And Partial Release With Respect To Jack London Square Site A ("Settlement Agreement") With Zurich American Insurance Company, As Successor To Zurich Insurance Company, U.S. Branch, By Operation Of Law ("Zurich"), Concerning Site A (Meadow In Front Of Port Administration Building) Which Is Also Commonly Known As Parcel C Of The Jack London Square Development Parcels.

Sanjiv Handa addressed the Board on the Executive Director’s Report.

AVIATION

Vice-President Batarse gave an account of the July 25, 2005 Aviation Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items A-1 through A-7.

A motion to approve Items A-1 through A-7 was made by Vice-President Batarse and seconded by Vice-President Ayers-Johnson.
A-1  Resolution 05211, Authorization To Accept The Federal Aviation Administration (FAA) Grant Offer Of An Amount Not To Exceed $19 Million $18,123,134 For Airport Improvement Program (AIP)-37.

A-2  Resolution 05212, Approval Of Third Party Agreement(s) With Off-Airport Parking Service Provider(s) To Execute A Grant For $323,625 With The Bay Area Air Quality Management District For The Purchase And Refund Of The Incremental Cost Difference Associated With 15 Compressed Natural Gas (CNG) Shuttle Vans.

A-3  Resolution 05213, Approval Of An Agreement To Extend Right-Of-Entry And Indemnity Agreement With Hensel Phelps Construction Co. For 1,800+ Square Feet Of Office Space And Additional Storage Space At The Oakland Maintenance Center At A Rental Of $1,000 Per Month (1100 Airport Drive – South Airport.)

A-4  Resolution 05214, Approval Of A Third Agreement To Extend Right-Of-Entry And Indemnity Agreement With The San Francisco Bay Area Rapid Transit District (BART) For No Monetary Consideration (Adjacent To Airport Drive, South Airport.)

A-5  Resolution 05215, Ratification Of Addendum And Award Of Contract For Reconstruction Of Aprons In The Vicinity Of Hangars 1 Through 5, North Field, Oakland International Airport, AIP 3-06-0170-32, AIP 3-06-0170-36, And AIP 3-06-0170-37, In The Amount Of $12,744,872.

A-6  Resolution 05216 Approval Of Owner-Directed Change Order, Terminal 2 Project, Airport Terminal Expansion Program, (Amount To Be Certified By The Board Of Port Commissioners).

A-7  Resolution 05217, Authorization To Execute An Agreement With Turner Construction Company For The Guaranteed Maximum Price For The Landside Project (Roadways, Parking Lots And Curbside), Oakland Terminal Expansion Program (Tex) In The Amount Of $68,346,363; And Authorization Of Additional Expenditure Authority For The Contracts With Dillard Environmental Services And Consolidated Engineering Laboratories (Certified By The Board Of Port Commissioners).

The motion to approve Items A-1 through A-7 passed by the following votes: (7) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and President Katzoff.

MARITIME

Items M2 and M3 were pulled from consideration on the recommendation of staff.

A motion to approve Items M-1, M-4 and M-5 was made by Commissioner Kramer and seconded by Commissioner Protopappas.
M-1 Resolution 05218, Authorization To Amend The Right-Of-Entry And Indemnity Agreement Between The Port Of Oakland (Port) And BART For BART's Vibro-Replacement/Compaction Demonstration Program To Allow The Port To Repave The Demonstration Site At BART's Expense.

M-2 PULLED: Approval Of First Supplemental Agreement With Cash & Associates For On-Call Professional Services For Berths 32-34 Yard And Terminal Improvements, Outer Harbor (Amount To Be Certified By The Board Of Port Commissioners).


M-4 Resolution 05219, Authorization To Negotiate And Execute An Agreement With Han-Padron Associates, LLP, And To Dispense With Standard Bidding Procedures For Container Terminal Yard Improvements Within The Maritime Support Center Area, All In The Estimated Amount Of $2,500,000.

M-5 Resolution 05220, Approval Of Addendum To The Oakland Harbor Navigation Improvement (-50 Foot) Project Final EIR To Add The SF-8 Site As A Dredged Material Reuse/Disposal Site, And Authorization To Accept Amended Regulatory Authorizations And Implement Permit Conditions For Deepening At Berths 22-26, 30, 32-33, 35-37, And 67-68, In The Estimated Amount Of $150,000.

The motion to approve Items M-1, M-4 and M-5 passed by the following votes: (7) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and President Katzoff.

OPERATIONS

Administration

Vice-President Ayers-Johnson gave an account of the July 26, 2005 Administration Committee meeting. She reported that the Committee had recommended for consideration by the full Board, Items O-1 through O-5.

A motion to approve Items O-1 through O-5 was made by Vice-President Ayers-Johnson and seconded by Vice-President Batarse.

O-1 Resolution 05221, Authorization To Renew Agreement With General Networks Corp. For Phase 2 Implementation Of The Port Document Management System (Not To Exceed $309,000).

O-2 Resolution 05222, Authorization To Enter Into An Agreement With Lehman, English, Kelly & O'Keefe, LLC, In The Amount Of $95,000 ($80,000 Plus $15,000 For Unforeseen Work And Expenses) For State Administrative Lobbying Services.
Minutes of the Regular Meeting
August 2, 2005

O-3 Resolution 05223, Approval To Enter Into A Second Supplemental Agreement With Nossaman, Guthner, Knox & Elliott, LLP, In The Amount Of $123,000 ($108,000 Plus $15,000 For Unforeseen Work And Expenses) For State Legislative Lobbying Services.

O-4 Resolution 05224, Approval Of First Supplemental Agreement With Curtis And Tompkins, LTD., (Contract #03116) To Provide As-Needed Analytical Laboratory Professional Services In The Amount Of $400,000.

O-5 Resolution 05225, Approve And Authorize The Executive Director To Implement Supplement No. 4 To Northern California Power Agency (NCPA) Joint Powers Agreement To Permit BART To Change Their Membership Status From Associate To A Full Member Of NCPA (No Amount Involved.)

The motion to approve Items O-1 through O-5 passed by the following votes: (7) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and President Katzoff.

APPROVAL OF THE MINUTES

On a motion by Vice-President Ayers-Johnson, seconded by Commissioner Kramer, the Board unanimously approved the Minutes of the Regular Meetings of July 9, 2005 and July 19, 2005.

SUMMARY ITEMS

On a motion by Commissioner Protopappas, seconded by Commissioner Kramer, the Board unanimously approved Summary Items S-1 and S-2.

Sanjiv Handa addressed the Board on Item S-1.

S-1 Second reading of Port Ordinance No. 3860, An Ordinance Establishing Rates, Charges And Rules And Regulations For Daily And Monthly Truck And Container-On-Chassis Parking At The Subaru Lot Truck Parking Facility.

Sanjiv Handa addressed the Board on Item S-2.

S-2 Second reading of Port Ordinance No. 3861, An Ordinance Amending Port Ordinance No. 867, To Change The Titles Of Certain Positions, To Amend Salary Schedule Assignments Of Certain Positions, To Create New Positions, And To Delete Sections 11.0031, 11.024, 11.0281 And 16.5.

OPEN FORUM

Sanjiv Handa addressed the Board in Open Forum.
SECOND CLOSED SESSION

The Board reconvened in Closed Session at 4:36 to complete the Closed Session Agenda. The Secretary reported that there were no additional Items to report out of the second Closed Session.

ADJOURNMENT

There being no additional business, the Board adjourned at 5:05 p.m.

John Betterton, Secretary
Board of Port Commissioners
ROLL CALL

President Katzoff called the meeting to order at 3:08 p.m., and the following Commissioners were in attendance:

2nd Vice-President Ayers-Johnson, 1st Vice-President Batarse, Commissioner Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and President Katzoff.

CLOSED SESSION

President Katzoff convened the Board in Closed Session at 3:09 p.m. to consider the following items:

1. Conference With Legal Counsel – Existing Litigation. Pursuant to subdivision (a) of Section 54956.9. Names of case:

Karen McGowen and Kevina Mays v. Port of Oakland, et al, Alameda County Superior Court, Civil Case No. RG-040186062

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (6 matters)
CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Government Code Section 54956.8.

Property: Certain parcels known as Harbor Bay Village 6 in the City of Alameda
Negotiating Parties: Port of Oakland and Harbor Bay Isle Associates
Agency Negotiator: Executive Director, Jerry A. Bridges
Under Negotiation: Price and Terms of Easement

Property: Oakland Army Base
Negotiating Parties: Port of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
Agency Negotiator: Executive Director, Jerry A. Bridges
Under Negotiation: Price and Terms of Payment

OPEN SESSION

President Katzoff reconvened the Board in Open Session at the hour of 4:18 pm.

CLOSED SESSION REPORT

The Board Secretary reported that during the Closed Session, the Board had unanimously approved the following Resolutions:

Resolution 05226, Ratifying, Confirming and Approving the Continued Part-Time Appointment of Special Counsel, 2) Authorizing the Port Attorney to File Counterclaims Against Kinder Morgan Energy Partners, L.P. and SFPP, L.P. (Collectively “KMEP”) or Third Party Claims Against Other Responsible Parties, and 3) Authorizing the Issuance of Subpoenas to Third Parties to Obtain Insurance or Other Relevant Documentation Related to a Release of Fuel from KMEP’s Pipeline Discovered in February 2005.

Resolution 05227, Approving and Authorizing Execution of a Settlement Agreement and Partial Release with Respect to the Charles P. Howard Terminal (“Settlement Agreement”) with Zurich American Insurance Company, as Successor to Zurich Insurance Company, U.S. Branch, by Operation of Law (“Zurich”).

Sanjiv Handa addressed the Board on the Closed Session Report.

AVIATION

Vice-President Batarse gave an account of the August 29th, 2005 Aviation Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items A-1 through A-3, A-5 and A-6.
A motion to approve Items A-1, A-2, A-3 and A-5 was made by Vice-President Batarse and seconded by Vice-President Ayers-Johnson.

A-1 **First Reading of an Ordinance**, Fourth Amendment To Business Jet Center Oakland L.P. Lease To Add Premises In And Around Portions Of Hangars 7, 8, 3 East, L-142 And L-130 And Realign Uses For A Net Monthly Rent Increase Of $22,039.71, To Provide A Conditional Monthly Rent Credit Of $9,512.20, And To Take Certain Other Fixed Based Operator (FBO) Actions: 7951, 7843, 8991, 9351 And 9465 Earhart Road, North Airport.

A-2 **First Reading of an Ordinance**, Approving The Terms And Conditions And Authorizing The Execution Of An Airline Operating Agreement And Its Space/Use Permit With Lineas Aereas Azteca, S.A. de C.V. At Oakland International Airport With Anticipated Monthly Revenues Of $36,000 (#1 Airport Drive, South Airport).

A-3 **Resolution 05228**, Approval To Authorize A Professional Services Agreement For Airport Environmental Planning Services To Assist The Noise And Environmental Compliance Office In Managing, Administering And Implementing Airport Development Program Mitigation Projects In The Amount Of $125,000.

Item A-4 was pulled on the recommendation of staff and was not considered.

A-4 Authorization To Approve An Agreement Between The Port Of Oakland And Harbor Bay Isle Associates (HBIA) Which Will Allow HBIA To Apply For Approvals From The City Of Alameda For Residential Development In A Certain Portion Of The Harbor Bay Business Park.

A-5 **Resolution 05229**, Ratification Of Submittal Of Grant Application And Acceptance Of The Federal Aviation Administration (FAA) Grant Offer Of $1.5 Million For AIP-39.

The motion to approve Items A1-, A-2, A-3, and A-5 passed by the following votes: (7) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and President Katzoff.

A motion to hear Item A-6 as an urgency item, was made by Vice-President Batarse and seconded by Commissioner Kramer, and passed unanimously.

A motion to approve Item A-6 was made by Vice-President Batarse and seconded by Commissioner Kramer.

A-6 **Resolution 05230** First Amendment To The Interim Funding Agreement Between The Port Of Oakland And The San Francisco Bay Area Rapid Transit District (BART) Authorizing The Expenditure Of Up To An Additional $500,000 For Engineering, Design And Related Services Performed By BART On The Oakland Airport Connector Project.
Sanjiv Handa and Jesus Vargas addressed the Board on Item A-6.

The motion to approve Item A-6 passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and President Katzoff. (1) Abstention: Commissioner Kiang.

COMMERCIAL REAL ESTATE

Commissioner Protopappas gave an account of the August 3, 2005 Commercial Real Estate Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items C-1 through C-3.

A motion to approve Items C-1 through C-3 was made by Commissioner Protopappas and seconded by Commissioner Scates.

C-1 First Reading of an Ordinance, Approving An Amendment To Lease With Il Pescatore Ristorante Granting Five Additional Years To The Option Period To Extend The Term Of The Lease, For The Premises Known As 31 Webster Street, With An Annual Minimum Rent Of $90,000.

C-2 Resolution 05231: Approval Of A License And Concession Agreement With Big P’s Construction For The Use Of 8,400 Square Feet Of Warehouse Space Located At 305 – 6th Avenue, At An Annual Rental Rate Of $36,288.

C-3 Resolution 05232: Approval Of A License And Concession Agreement With 1-800 Radiator Franchise, Inc., dba Radiator Express Warehouse For The Use Of 2,776 Square Feet Of Warehouse Space Located At 351 Embarcadero, At An Annual Rental Rate Of $13,320.

The motion to approve Items C-1 through C-3 passed by the following votes: (7) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and President Katzoff.

MARITIME

Vice-President Ayers-Johnson gave an account of the August 15, 2005 Maritime Committee meeting. She reported that the Committee had recommended for consideration by the full Board Items M-1 through M-4.

Items M-1 through M-4 were pulled and not considered.
M-1  Recommendation To Approve And Authorize Execution Of Non-Preferential Assignment Agreement With Eagle Marine Services, Ltd. For Berths 60-63, At An Initial Annual Revenue Level Of $6.8 Million And With Terminal Improvement Costs Of $50 Million.


M-3  Approval Of First Supplemental Agreement With Cash & Associates For On-Call Professional Services For Berths 32-34 Yard And Terminal Improvements, Outer Harbor (Amount Certified By The Board Of Port Commissioners).

M-4  Authorization To Award Contract For Procurement Of Highmast Lighting System For Berths 60-63 In The Amount Of $768,010.09, And To Reject Bids And Negotiate And Execute A Contract For Procurement Of Medium-Voltage Metal-Clad Switchgear, Outdoor Unit Substations, Including Power Transformers And Lighting Control System, Medium-Voltage Power Transformers, And Neutral Grounding Resistors For Berths 60-63, Inner Harbor.

OPERATIONS

Administration

Commissioner Kramer gave an account of the August 23, 2005 Administration Committee meeting. He reported that the Committee had recommended for consideration by the full Board, Items O-1 through O-5.

A motion to approve Items O-1, O-2 and O-5 was made by Commissioner Kramer and seconded by Vice-President Ayers-Johnson.

O-1  First Reading of an Ordinance, Approval Of Salary Increase For Certain Unrepresented And Management Employees In Employment Units D&E, Effective June 18, 2005 ($587,000 Included In FY 05-06 Approved Budget.)

Sanjiv Handa addressed the Board on Item O-1.

O-2  First Reading of an Ordinance, Approval To Enter Into Agreement With Martin & Associates In An Amount Not To Exceed $60,000 For An Economic Impact Study On The Port Of Oakland, Seaport.

O-3  Resolution 05233, Reorganization Of The Aviation Division's Project Management Department Resulting In The Deletion And Creation Of Classifications And Assignment Of Salary Schedules (Estimated Net Annual Cost Savings Of $25,000).

Item O-4 was pulled on the recommendation of staff and was not considered.
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O-4  Approval Of Port Of Oakland Airport Concession Disadvantaged Business Enterprise (ACDBE) Program And ACDBE Goals And Methodology Report.

O-5  Resolution 05234, Approval To Negotiate With NOR-CAL To Administer The Financial Services Portion Of The Port’s Surety Bond And Financing Services Program, And Authorize The Executive Director To Execute A Contract For An Amount Not To Exceed $50,000.

The motion to approve Items O-1, O-2, O-3 and O-5 passed by the following votes: (7) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and President Katzoff.

Audit, Budget & Finance

Commissioner Scates gave an account of the August 4 and August 25, 2005 Administration Committee meetings. She reported that the Committee had recommended for consideration by the full Board, Items O-6.

A motion to approve Item O-6 was made by Commissioner Scates and seconded by Commissioner Protopappas.

O-6  Resolutions 05235, 05236, 05237, Approval To Amend And Extend For Two Years, Contracts With Ricondo And Associates, Norbridge, Inc., And C.H. Elliott & Associates To Provide Financial Feasibility Services For Financial Solutions With Regard To The Capital Improvement Program And A Bond Tax Certificate. Total Amount For The Three Contracts Not To Exceed $400,000.

Public Art

Vice-President Ayers-Johnson gave an account of the August 2, 2005 Public Art Committee meeting.

APPROVAL OF THE MINUTES

On a motion by Commissioner Scates, seconded by Commissioner Kramer, the Board unanimously approved the Minutes of the Regular Meeting of August 2, 2005.

SUMMARY ITEMS

On a motion by Commissioner Protopappas, seconded by Commissioner Scates, the Board unanimously approved Summary Items S-1 and S-2.
S-1  Resolution 05238, Business Jet Services. Applied Biosystems (sub-tenant), 9255 Earhart Road, L-150: Tenant improvements within existing tenant space at Hangar 1. Work will include alteration of interior partition walls and related electrical and mechanical systems. Additional work includes installation of concrete ramps from the interior of the hangar to the space, and at the exterior landing on the AOA access doorway. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15300. Valuation of work: $30,000.

S-2  Resolution 05239, Alaska Airlines, 3 Alan Shepard Way, M-106: Interior tenant improvements within existing tenant space in the Air Cargo Building. Work will include alteration of interior partition walls and related electrical and mechanical systems. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301(a). Valuation of work: $25,000.

PRESENTATION ON OPEN MEETING LAWS

Deputy Port Attorney James Allen gave a presentation on Open Meeting Laws.

OPEN FORUM

There were no speakers in Open Forum.

SECOND CLOSED SESSION

The Board reconvened in Closed Session at 6:00 to complete the Closed Session Agenda. The Secretary reported that there were no additional items to report out of the second Closed Session.

ADJOURNMENT

There being no additional business, the Board adjourned at 6:48 p.m.

John Betterton, Secretary
Board of Port Commissioners
M I N U T E S

Regular Meeting of the Board of Port Commissioners
Tuesday, September 20, 2005 - 3:00 p.m.

ROLL CALL

President Katzoff called the meeting to order at 3:05 p.m., and the following Commissioners were in attendance:

2nd Vice-President Ayers-Johnson, 1st Vice-President Batarse, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and President Katzoff.

Commissioner Kiang was excused.

CLOSED SESSION

President Katzoff convened the Board in Closed Session at 3:06 p.m. to consider the following items:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (6 matters)

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Government Code Section 54956.8.

Property: Oakland Army Base
Negotiating Parties: Port Of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
Agency Negotiator: Executive Director, Jerry A. Bridges
Under Negotiation: Price and Terms of Payment
OPEN SESSION

President Katzoff reconvened the Board in Open Session at the hour of 4:04 pm.

CLOSED SESSION REPORT

The Board Secretary reported that during the Closed Session, the Board had unanimously approved (6 ayes, 1 absent) the following Resolutions:

Resolution 05241, Resolution Authorizing And Approving Execution Of A Second Defense Funding Agreement And Partial Settlement Agreement Regarding Indemnity Between The Port Of Oakland And Zurich Regarding The Ninth Avenue Terminal (“2nd DFA”).


AVIATION

A motion to approve Items A-1 through A-4 was made by Vice-President Batarse and seconded by Commissioner Kramer.

A-1 Resolution 05243, Ratification Of Submittal Of Grant Application And Acceptance Of The StopWaste.Org Grant Offer Of $65,000; Approval To Dispense With Standard Bidding Procedures; Approval To Extend Contract No. 04148 With Oakland Museum Of California By $185,000 For Exhibit Design, Fabrication And Installation Of Interpretive Displays On Bay Ecology And Sustainability At Oakland International Airport (OAK).

A-3 Resolution 05245, Authorization To Dispense With Standard Bidding Procedures To Furnish And Install Eleven Passenger Boarding Bridges, South Field, Oakland Airport, In The Estimated Amount Of $9,500,000.

A-4 Resolution 05246, Approval To Increase Contingency Funds For Carter & Burgess, Inc. For Engineering Services For The Reconstruction Of East Apron – Phase 1, South Field, Oakland Airport, AIP 3-06-0170-29 And AIP 3-06-0170-36, In The Amount Certified By The Board Of Port Commissioners.

The motion to approve Items A-1-through A-4 passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and President Katzoff. (1) Absent: Commissioner Kiang.

COMMERCIAL REAL ESTATE

Commissioner Protopappas gave an account of the September 7, 2005 Commercial Real Estate Committee meeting.

MARITIME

Commissioner Kramer gave an account of the September 19, 2005 Maritime Committee meeting. He reported that the Committee had recommended for consideration by the full Board Items M-1 through M-7.

A motion to approve Items M-1 through M-7 was made by Commissioner Kramer and seconded by Vice-President Ayers-Johnson.

M-1 Resolution 05247, Authorization To Award Contract For Procurement Of Highmast Lighting System For Berths 60-63 In The Amount Of $768,010.99, And To Reject Bids And Negotiate And Execute A Contract For Procurement Of Medium-Voltage Metal-Clad Switchgear, Outdoor Unit Substations Including Power Transformers And Lighting Control System, Medium-Voltage Power Transformers, And Neutral Grounding Resistors For Berths 60-63, In The Estimated Amount Of $2-Million.

M-2 Resolution 05248, Approval Of First Supplemental Agreement With Cash & Associates For On-Call Professional Services For Berths 32-34 Yard And Terminal Improvements, Outer Harbor (Amount Certified By The Board Of Port Commissioners.)

M-4 First Reading of an Ordinance, Recommendation To Approve And Authorize Execution Of Non-Preferential Assignment Agreement With Eagle Marine Services, Ltd. For Berths 60-63 At An Initial Annual Revenue Level Of $6.8-Million, And With Terminal Improvement Costs Of $50-Million.

M-5 First Reading of an Ordinance, Recommendation To Approve And Authorize An Amendment To The Non-Exclusive Preferential Assignment Agreement With SSA Terminals, LLC To Cancel Construction Of Administration Building, Increase Premises By Approximately 1 Acre, And Modify Compensation Terms.

M-6 First Reading of an Ordinance, Approval To Grant The State Of California, Department Of Transportation (CalTrans) An Easement For Permanent And Temporary Property Rights To Accommodate The San Francisco Oakland Bay Bridge (SFOBB) East Span Post-Construction Storm Water Treatment Project.

M-7 Resolution 05250, Authorization For A Right Of Entry And Indemnity Agreement Between The Port Of Oakland (Port) And San Francisco Bay Area Rapid Transit District (BART) For The BART On Shore Vibro-Replacement Along The Transbay Tube Project.

The motion to approve Items M-1 through M-7 passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and President Katzoff. (1) Absent: Commissioner Kiang.

OPERATIONS

Administration

A motion to approve Items O-1, O-2 and O-4 through O-6 was made by Vice-President Ayers-Johnson and seconded by Commissioner Kramer.

O-1 First Reading of an Ordinance, Creation Of A New Classification And One Position Of MIS Customer Services Supervisor, And Deletion Of One Position Of Port Technical Support Analyst IV.

O-2 First Reading of an Ordinance, Corrections To Maritime Reorganization – Amendment Of Salary Schedule Assignment For The Classification Of Chief Wharfinger; Deletion Of The Classification And Position Of Maritime Security Manager, And Creation Of A Classification And One Position Of Port Facilities Security Officer.

Item O-3 was pulled on the recommendation of staff and was not considered.
O-3 Reconfiguration Of Project Management And Support Department Within The Engineering Division, Resulting In The Creation Of One Additional Position Of Senior Account Clerk; The Creation Of One Additional Position Of Port Financial Analyst, And The Deletion Of Two Port Assistant Engineers (E&M Work).

O-4 Resolution 05251 and First Reading of an Ordinance, Salary Adjustments For Certain Classifications In Employment Unit H That Report To The Executive Director Or The Deputy Executive Director ($125,400 Per Year).

Millie Cleveland addressed the Board on Item O-4.

O-5 Resolution 05252 and First Reading of an Ordinance, Compensation Adjustment For The Executive Director ($60,000.)

O-6 Resolution 05253, Approval Of Port Of Oakland Airport Concession Disadvantaged Business Enterprise (ACDBE) Program And ACDBE Goal And Methodology Report.

The motion to approve Items O-1, O-2 and O-4 through O-6 passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and President Katzoff. (1) Absent: Commissioner Kiang.

Public Art

Vice-President Ayers-Johnson gave an account of the August 31, 2005 Public Art Committee meeting.

APPROVAL OF THE MINUTES

Approval of the Minutes for the August 30th meeting was deferred at the request of the Board Secretary.

SUMMARY ITEMS

On a motion by Commissioner Protopappas, seconded by Vice-President Ayers-Johnson, the Board unanimously approved Summary Items S-1 through S-5.

S-1 Port Ordinance 3862, An Ordinance Approving And Authorizing Execution Of Fourth Amendment To Lease With Business Jet Center-Oakland, L.P.

S-3  Port Ordinance 3864, An Ordinance Approving And Authorizing Execution Of An Amendment To Lease With Il Pescatore Ristorante.

S-4  Port Ordinance 3865, An Ordinance Amending Sections 2.03 And 2.05 And Adding Section 1.296 To Port Ordinance No. 867 Ratifying And Fixing The Compensation Of Certain Employees Of The Port Department.

S-5  Port Ordinance 3866, An Ordinance Amending Port Ordinance No. 867 To Create New Positions And To Delete Certain Positions.

OPEN FORUM

Monsa Nitoto and Sanjiv Handa addressed the Board in Open Forum.

SECOND CLOSED SESSION

The Board reconvened in Closed Session at 5:43 to complete the Closed Session Agenda. The Secretary reported that the following resolution was passed unanimously by the Board (6 Ayes, 1 absent):

Resolution 05254, Resolution Concerning Certain Layoffs.

ADJOURNMENT

There being no additional business, the Board adjourned at 6:12 p.m.

John Betterton, Secretary
Board of Port Commissioners
ROLL CALL

Vice-President Batarse called the meeting to order at 3:02 p.m., and the following Commissioners were in attendance:

2nd Vice-President Ayers-Johnson, 1st Vice-President Batarse, Commissioner Kiang, Commissioner Protopappas and Commissioner Scates.

President Katzoff was excused for observance of Rosh Hashanah.

CLOSED SESSION

Vice-President Batarse convened the Board in Closed Session at 3:04 p.m. to consider the following items:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (6 matters)

City of Oakland v. West Bay Builders,
Alameda County Superior Court Case No. RG 05-213266

City of Oakland v. TIG Insurance Co.,
Alameda County Superior Court Case No. RG 05-231833

Delta Airlines, Inc. et al,
United States Bankruptcy Court, Southern District of New York, Chapter 11 Case No. 05-17923-pcb
2. Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956:9: (4 matters)

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Government Code Section 54956.8.

Property: Oakland Army Base
Negotiating Parties: Port Of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
Agency Negotiator: Executive Director, Jerry A. Bridges
Under Negotiation: Price and Terms of Payment

OPEN SESSION

Vice-President Batarse reconvened the Board in Open Session at the hour of 3:59 pm.

CLOSED SESSION REPORT

The Board Secretary reported that during the Closed Session, the Board had unanimously approved (6 ayes, 1 excused) the following Resolutions:

Resolution 05255, Resolution Approving Retention Of Special Counsel.
Resolution 05256, Resolution Approving Retention Of Special Counsel.
Resolution 05257, Resolution Authorizing Legal Proceedings Against Subway Sandwich Shops.

AVIATION

Commissioner Kiang gave an account of the September 26, 2005 Aviation Committee meeting.

A motion to approve Item A-1 was made by Commissioner Kiang and seconded by Commissioner Ayers-Johnson.


The motion to approve Item A-1- passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates (1) Excused: President Katzoff.
COMMERCIAL REAL ESTATE

A motion to approve Item C-1 was made by Commissioner Protopappas and seconded by Commissioner Scates.

Item 2 was tabled at the request of Commissioner Kramer.

C-1 Resolution 05259, Approval Of A Fourth Supplemental Agreement To The Gray & Reynolds Properties, Inc. Lease, Extending The Pre-Term By A Period Of 120 Days And Deleting The Current 33% Pre-Leasing Requirement At The Rental Rate Of $1,250 Per Month For The 1.1 Acre Site Located At 1221 Embarcadero.

Al Loera addressed the Board on Item C-1.

C-2 Authorization To Contract For Landscaping Services With Rubicon Enterprises Inc. In The Oakland Airport Business Park At A Cost Not To Exceed $50,000 Per Year.

The motion to approve Item C-1 passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates (1) Excused: President Katzoff.

MARITIME

A motion to approve Items M-1 through M-3 was made by Commissioner Kramer and seconded by Vice-President Ayers-Johnson.

M-1 Resolution 05260, Approval Of First Supplemental Agreement With Ben C. Gerwick, Inc. For Engineering Services For The Wharf Embankment Strengthening Of Berths 35-37 At Outer Harbor In An Amount Certified By The Board Of Port Commissioners.

M-2 Resolution 05261, Approval Of Professional Services Agreement With GeoSyntec Consultants For Environmental Consulting Services In Support Of Petroleum Cleanup Efforts At Berths 23/24 In An Amount Certified By The Board Of Port Commissioners.

M-3 Resolution 05262, Recommended Reallocation Of Up To $2.98 Million Of The Funds From The Existing Vision 2000 Air Quality Mitigation Program To The Port Truck Replacement Project.

The motion to approve Items M-1 through M-3 passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates (1) Excused: President Katzoff.
OPERATIONS

Administration

Vice-President Ayers-Johnson gave an account of the September 27, 2005 Administration Committee meeting.

*An motion to approve Items O-1 through O-5 was made by Vice-President Ayers-Johnson and seconded by Commissioner Kramer.*

O-1 **Resolution 05263**, Delegation To Executive Director Of Authority To Accept And Approve Certain Routine, Standard And/Or Ministerial Regulatory Permits, Approvals And Permitting Conditions.

O-2 **Resolutions 05264, 05265, 05266**, Authorization To Waive Standard Bidding And Enter Into Agreements For Management Information Systems Licensing, Maintenance And Support, FY05-06 ($205,000).

Al Loera addressed the Board on Item O-3.

O-3 **First Reading of an Ordinance**, Deletion Of One Vacant Custodian Position In The Landside Operations Department (AS33) And The Addition Of One Account Clerk Position In The Aviation Facilities Department (AF31) Within The Aviation Division ($1,368.)

O-4 **First Reading of an Ordinance**, Deletion Of One Position Of Associate Airport Noise Abatement Specialist And The Addition Of One Position Of Senior Airport Noise Abatement Specialist In The Airport Operations Office ($9,804.)

Al Loera addressed the Board on Item O-5.

O-5 **First Reading of an Ordinance**, Deletion Of One Position Of Office Specialist II In The Airport Operations Office; Creation Of The New Classification And One Position Of Airport Operations Assistant In The Airport Operations Office; Creation Of New Salary Schedule 95 (a--$4494; b--$4718; c--$4952; d--$5249; e--$5566). ($8,196.)

O-6 **First Reading of an Ordinance**, Work Week Hour Conversion From 37.5 To 40 Hours Per Week, And Amendment Of Salary Schedule Assignment For The Classification Of Port Construction Administrator From Existing Salary Schedule 700 (a--$6036; b--$6339; c--$6662; d--$7045; e--$7449) To New Salary Schedule 714 (a--$6438; b--$6762; c--$7106; d--$7515; e--$7946), And Creation Of New Salary Schedule 714 (a--$6438; b--$6762; c--$7106; d--$7515; e--$7946). ($6,000)

Al Loera addressed the Board on Item O-7.
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O-7 First Reading of an Ordinance, Deletion Of One Port Staff Accountant I Position And The Addition Of One Port Staff Accountant II Position In The Finance Division ($9,624).

The motion to approve Items M-1 through M-3 passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates (1) Excused: President Katzoff.

Public Art

Vice-President Ayers-Johnson gave an account of the September 28th, 2005 Public Art Committee meeting.

APPROVAL OF THE MINUTES

On a motion by Vice-President Ayers-Johnson seconded by Commissioner Scates, the Board unanimously approved the Minutes of the Regular meetings of August 30, 2005 and September 20, 2005.

SUMMARY ITEMS

On a motion by Commissioner Kramer, seconded by Commissioner Scates, the Board unanimously approved Summary Items S-1 through S-8.

S-1 Resolution 05267, Approving a Building Permit for Southwest Airlines: 1 Airport Drive, Terminal 2 (M140, M367 & M368): Remodeling of Terminal 2 spaces created by the Terminal 2 Expansion and Renovation Projects. Work includes removal of existing partition walls and installation of new partition walls. Project also includes related finish, electrical, plumbing, and data cabling work. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301. Valuation of work: $5,400,000

S-2 Port Ordinance 3867, An Ordinance Approving And Authorizing The Execution Of A Non-Exclusive Preferential Assignment Agreement With Eagle Marine Services, Ltd. For Berths 60-63 Marine Terminal Facilities.

S-3 Port Ordinance 3868, An Ordinance Approving And Authorizing The Execution Of Supplemental Agreement Amending The Third Amended And Restated Non-Exclusive Preferential Assignment Agreement With SSA Terminals, LLC ("SSAT") For The Combined Berths 57-59 Terminal And Howard Terminal.

S-4 Port Ordinance 3869, An Ordinance Approving And Authorizing Execution And Delivery Of A Grant Of Temporary And Permanent Easement Rights To The State Of California, Department Of Transportation.
S-5  **Port Ordinance 3870**, An Ordinance Amending Port Ordinance No. 867 To Create A New Position Of MIS Customer Services Supervisor, And To Delete One Position Of Port Technical Support Analyst IV.

S-6  **Port Ordinance 3871**, An Ordinance Amending Port Ordinance No. 3861 To Correct An Administrative Oversight To The Maritime Reorganization.

S-7  **Port Ordinance 3872**, An Ordinance Amending Port Ordinance No. 867 To Ratify And Fix The Compensation Of Certain Employees Of The Port Department And To Adjust The Compensation Of Certain Employees Of The Port Department.

S-8  **Port Ordinance 3873**, An Ordinance Amending Port Ordinance No. 867 Adjusting Compensation Of Section 5.00.

OPEN FORUM

Sanjiv Handa addressed the Board in Open Forum.

ADJOURNMENT

*There being no additional business, the Board adjourned at 4:49 p.m.*

John Betterton, Secretary
Board of Port Commissioners
Regular Meeting of the Board of Port Commissioners  
Tuesday, October 18, 2005 - 3:00 p.m.

ROLL CALL

President Katzoff called the meeting to order at 3:06 p.m., and the following Commissioners were in attendance:

Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas and Commissioner Scates.

2nd Vice-President Ayers-Johnson and 1st Vice-President Batarse were excused.

CLOSED SESSION

President Katzoff convened the Board in Closed Session at 3:08 p.m. to consider the following items:

1. Conference With Legal Counsel – Existing Litigation. Pursuant to subdivision (a) of Section 54956.9. Names of cases:

   City of Oakland v. West Bay Builders,  
   Alameda County Superior Court Case No. RG 05-213266

   Thunder Electric v. C. Overaa & Co., et al.  
   Alameda County Superior Court Case No. RG 04-191998

   Lescure Company, Inc. v. C. Overaa & Co.  
   Alameda County Superior Court Case No. RG 05-213536

2. Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (3 matters)

Property: Oakland Army Base
Negotiating Parties: Port Of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
Agency Negotiator: Executive Director, Jerry A. Bridges
Under Negotiation: Price and Terms of Payment

Property: Adjacent to Bay Bridge Approach
Negotiating Parties: Port of Oakland and Clear Channel, Inc.
Agency Negotiator: Director of Commercial Real Estate, Omar R. Benjamin
Under Negotiation: Price and Terms of Payment

Property: Various Parcels in Commercial Real Estate Area
Negotiating Parties: Port of Oakland and Various Tenants
Agency Negotiator: Director of Commercial Real Estate, Omar R. Benjamin
Under Negotiation: Price and Terms of Payment

OPEN SESSION

President Katzoff reconvened the Board in Open Session at the hour of 4:04 pm.

CLOSED SESSION REPORT

The Board Secretary reported that during the Closed Session, the Board had unanimously approved (5 ayes, 2 excused) the following Resolutions:

Resolution 05268, Approving Retention Of Special Counsel in Connection with the Bart Oakland Airport Connector Project.

COMMERCIAL REAL ESTATE

Commissioner Protopappas gave an account of the October 5, 2005 Commercial Real Estate Committee Meeting. He reported that the Committee had recommended for consideration by the full Board Items C-1 through C-3.

A motion to approve Items C-1 through C-3 was made by Commissioner Protopappas and seconded by Commissioner Scates.

C-1 First Reading of an Ordinance, Approving An Amendment To The Lease Between The Port Of Oakland And Waterfront Plaza Hotel, LLC, For The Premises Known As Jack's Bistro, To Revise The Legal Description Of The Patio Area From 842 Square Feet To 1,417 Square Feet, At A Rental Rate Of Various Percentages Of Gross Restaurant Revenue (Approx. $7,500 Annual Rent, Based On 2004 Sales)
C-2 **Resolution 05269**, Approval Of Fiscal Year 2005-06 Annual Rental Rates For License And Concession Agreements.

C-3 **Resolution 05270**, Authorization To Contract For Landscaping Services With Rubicon Enterprises, Inc. In The Oakland Airport Business Park At A Cost Not To Exceed $50,000 Per Year.

The motion to approve Items C-1 through C-3 passed by the following votes: (5) Ayes: Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates, and President Katzoff. (2) Excused: Vice-President Ayers-Johnson and Vice-President Batarse.

MARITIME

Commissioner Kramer gave an account of the October 17, 2005 Commercial Real Estate Committee Meeting. He reported that the Committee had recommended for consideration by the full Board Items M-1 through M-4.

A motion to approve Items M-1 through M-4 was made by Commissioner Kramer and seconded by Commissioner Protopappas.

M-1 **Resolution 05271**, Award Of Contract For Procurement Of Electrical Equipment For American President Lines (APL) Yard And Gate Redevelopment, Inner Harbor, In The Amount Of $205,764.37.

M-2 **Resolution 05272**, Award Of Contract For Crane Power Interchange Electrical Switchgear, Berths 30-33, Outer Harbor, In The Amount Of $171,975.

M-3 **Resolution 05273 an 05274**, Request For Approval And Authorization To Negotiate And Execute A Change Order To Direct Vortex Marine Construction To Accelerate Wharf Strengthening Work At Berth 23 And Berth 24, And To Amend The Existing Agreement With APM Terminals Pacific Ltd. To Add The Berth 23 Wharf And Backland Area To The Agreement Premises For A Period Of One Year.

M-4 First Reading of an Ordinance, Recommendation To Approve And Authorize Execution Of Agreements With DTC Engineers And Constructors, LLC And The U.S. Army Reserves For The Port’s Proposed Acquisition Of Buildings 762 And 780 Parcels At The Former Oakland Army Base.

The motion to approve Items M-1 through M-4 passed by the following votes: (5) Ayes: Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates, and President Katzoff. (2) Excused: Vice-President Ayers-Johnson and Vice-President Batarse.
OPERATIONS

Audit, Budget & Finance

Commissioner Scates gave an account of the October 7, 2005 Audit, Budget & Finance Committee Meeting. She reported that the Committee had recommended for consideration by the full Board Items O-1 through O-4.

A motion to approve Items O-1, O-3 and O-4 was made by Commissioner Scates and seconded by Commissioner Kiang.


O-3 Resolutions 05277, Authorization To Purchase 42 Pieces Of Equipment (Motor Vehicles And Special Purpose Equipment) For $1,545,000. And Declare As Surplus And Obsolete, 20 Pieces Of Equipment.

O-4 Resolutions 05278, A Six-Month Extension Of The Agreement Between The Port Of Oakland And Great West Retirement Services For Administrative Services And Recordkeeping For The Port Of Oakland Deferred Compensation Plan ($0).

The motion to approve Items O-1, O-3 and O-4 passed by the following votes: (5) Ayes: Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates, and President Katzoff. (2) Excused: Vice-President Ayers-Johnson and Vice-President Batarse.

A motion to approve Item O-2 was made by Commissioner Scates and seconded by Commissioner Kiang.

O-2 Resolutions 05276, A Six-Month Extension Of The Agreement Between The Port Of Oakland And Great West Retirement Services For Administrative Services And Recordkeeping For The Port Of Oakland Deferred Compensation Plan ($0).

The motion to approve Item O-2 passed by the following votes: (4) Ayes: Commissioner Kiang, Commissioner Protopappas, Commissioner Scates, and President Katzoff. (1) Abstention: Commissioner Kramer (2) Excused: Vice-President Ayers-Johnson and Vice-President Batarse.

APPROVAL OF THE MINUTES

On a motion by Commissioner Kramer seconded by Commissioner Protopappas, the Board unanimously approved the Minutes of the Regular Meeting of October 4, 2005.
SUMMARY ITEMS

On a motion by Commissioner Protopappas, seconded by Commissioner Kramer, the Board unanimously approved Summary Items S-1 through S-5.

S-1 Port Ordinance No. 3874, An Ordinance Amending Port Ordinance No. 867 To Add An Additional Position Of Account Clerk, And To Delete One Position Of Custodian.

S-2 Port Ordinance No. 3875, An Ordinance Amending Port Ordinance No. 867 To Add An Additional Position Of Senior Airport Noise Abatement Specialist, And To Delete One Position Of Associate Airport Noise Abatement Specialist.

S-3 Port Ordinance No. 3876, An Ordinance Amending Port Ordinance No. 867 To Create A New Salary Scheduled And A New Position Of Airport Operations Assistant, And To Delete One Position Of Office Assistant II.

S-4 Port Ordinance No. 3877, An Ordinance Amending Section 2.06 And Section 9.152 Of Port Ordinance No. 867.

S-5 Port Ordinance No. 3878, An Ordinance Amending Port Ordinance No. 867 To Add An Additional Position Of Port Staff Accountant II, And To Delete One Position Of Port Staff Accountant I."

OPEN FORUM

Sanjiv Handa addressed the Board in Open Forum.

ADJOURNMENT

There being no additional business, the Board adjourned at 5:02 p.m.

John Betterton, Secretary
Board of Port Commissioners
ROLL CALL

President Katzoff called the meeting to order at 3:08 p.m., and the following Commissioners were in attendance:

2nd Vice-President Ayers-Johnson, 1st Vice-President Batarse, Commissioner Kramer, Commissioner Protopappas and Commissioner Scates.

Commissioner Kiang was excused.

CLOSED SESSION

President Katzoff convened the Board in Closed Session at 3:10 p.m. to consider the following items:

1. Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (3 matters)


Property: Oakland Army Base
Negotiating Parties: Port Of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
Agency Negotiator: Executive Director, Jerry A. Bridges
Under Negotiation: Price and Terms of Payment
OPEN SESSION

President Katzoff reconvened the Board in Open Session at the hour of 4:00 pm.

CLOSED SESSION REPORT

The Port Attorney reported that no final actions had been taken in Closed Session.

AVIATION

Vice-President Batarse gave an account of the October 26, 2005 Aviation Committee Meeting. He reported that the Committee had recommended for consideration by the full Board Items A-1 through A-8.

A motion to approve Items A-1 through A-8 was made by Vice-President Batarse and seconded by Commissioner Kramer.

A-1 Resolution 05279, Authorization To Approve The Issuance Of A Request For Qualifications ("RFQ") To Interested Firms For The Operation Of An Airport Public Parking Facilities Concession At A Maximum Cost To The Port Of $150,000.

A-2 Resolution 05280, Authorization To Approve An Agreement Between The Port Of Oakland And Harbor Bay Isle Associates (HBIA), Which Will Allow HBIA To Apply For Approvals From The City Of Alameda For Residential Development In A Portion Of The Harbor Bay Business Park.

A-3 Resolution 05281, Authorization To Dispense With Standard Bidding Procedures To Procure System Consulting Services For Development And Implementation Of MP2 Computerized Maintenance Management System To Manage Maintenance Of Port Assets At Oakland International Airport In The Amount Of $75,000.

A-4 First Reading of an Ordinance, Approving A Two-Year License And
Concession Agreement For 25,400 Square Feet Of Space With Pacific Gas & Electric For An Initial Monthly Rental Of $18,739.09 (7843 Earhart Road, North Airport).

A-5  Resolution 05282, Approval Of A License And Concession Agreement With Air Serv Corporation For Aircraft Cabin Cleaning And Facilities Janitorial Services For A One-Year Term With A Monthly Rental Of $250 Or 10% Of Gross Revenues, Whichever Is Greater (#1 Airport Drive, South Airport).

A-6  Resolution 05283, Approval Of A Lease Modification/Supplement With The United States Of America, Department Of Transportation, Federal Aviation Administration For Airport Surveillance Radar Site For No Monetary Consideration (#1 Airport Drive, South Airport).

A-7  Resolution 05284, Approval To Enter Into An Agreement With San Francisco Bay Area Rapid Transit District (BART) For The Sale Of Pre-Paid BART Tickets In An Amount Not To Exceed $25,000.

A-8  Resolution 05285, Approval To Negotiate Extension Of Contract For Furnishing Maintenance And Service For Parking Lot Revenue Control Systems For The Period Commencing January 1, 2006 And Ending December 31, 2006, 2007 Or 2008, South Field, Oakland International Airport, In The Amount Of $150,000 Per Year.

The motion to approve Items A-1 through A-8 passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, and President Katzoff. (1) Excused: Commissioner Kiang.

MARITIME

A motion to approve Item M-1 was made by Commissioner Kramer and seconded by Vice-President Ayers-Johnson.

M-1  Resolutions 05286, 05287, 05288, Authorization To Accept The State Of California Homeland Security Grant Award And Authorization For The Executive Director To Negotiate And Procure Certain Emergency Response Equipment, Emergency Communications And EOC Management Equipment, And Radio Frequency Identification Equipment (RFID) On A Best Value Basis;

Authorization To Transfer A Portion Of The Security Grant To The City Of Oakland Police Department For The Purposes Of Replacing An Obsolete Marine Patrol Boat And Purchase Of Specialized
Communications Equipment To Support The Port's Security Program; And, Authorization For The Executive Director To Negotiate And Execute A Memorandum Of Agreement Defining The Oakland Police Department's Use Of The New Patrol Vessel And Response Procedures In Support Of The Port's Security Program And Federal Regulations;

Authorization For The Executive Director To Negotiate And Execute Professional Services Agreements With: (a) The California Maritime Academy To Provide Federally Approved Facility Security Officer Training For The Port Of Oakland And Marine Terminal Designated Security Personnel; (b) eModal To Provide Truck And Driver Database Management Services And Support For The Port's Truck Tracking Program, Utilizing The RFID Equipment Funded Under The State Grant; And (c) Nextel/Campus Wireless To Implement A 6-Month Pilot GPS/Wireless Trucker Dispatch Program To Improve Terminal Gate Productivity And Monitor Trucks Utilizing Port Roads Or Accessing Restricted Areas.

The motion to approve Item M-1 passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, and President Katzoff. (1) Excused: Commissioner Kiang.

OPERATIONS

Administration

A motion to approve Items O-1, O-2, O-3, O-4 and O-6 was made by Vice-President Ayers-Johnson and seconded by Commissioner Kramer.

O-1

First Reading of an Ordinance, Deletion Of One Position Of Port Engineering Technician II And The Addition Of One Position Of Port Principal Engineering Technician In The Engineering Design Department ($9,895.)

O-2

Resolution 05289, Authorization To Enter Into A Contract With Waters-Oldani Executive Recruitment, A Division Of The Waters Consulting Group, Inc., For Executive Search Services For The Position Of Chief Financial Officer ($27,500.)

O-3

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And Related Services ($100,000.)

**O-4 Resolution 05291**, Recommendation To Modify Update Existing Port Equal Opportunity (EO) Policy.

Item O-5 was pulled on the recommendation of staff and not considered by the Board.

**O-5**

Recommendation To Adopt A Policy Establishing A Pilot Program To Evaluate The Performance Of Professional Services Consultants Under Contracts Administered By The Engineering-Division And For Using Those Performance Evaluations In The Selection Of Professional Services Consultants. (Resolution)


The motion to approve Items O-1, O-2, O-3, O-4 and O-6 passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, and President Katzoff. (1) Excused: Commissioner Kiang.

**APPROVAL OF THE MINUTES**

On a motion by Vice-President Ayers-Johnson seconded by Commissioner Scates, the Board unanimously approved the Minutes of the Regular Meeting of October 18, 2005.

**SUMMARY ITEMS**

On a motion by Commissioner Kramer, seconded by Vice-President Ayers-Johnson, the Board unanimously approved Summary Items S-1 and S-2.

**S-1**

Port Ordinance No. 3879, Being “An Ordinance Approving And Authorizing Execution Of A Tenth Supplemental Agreement To Lease With Waterfront Plaza Hotel LLC.”

**S-2**

Port Ordinance No. 3880, Being “An Ordinance Approving And Authorizing Execution And Consummation Of Purchase And Sale Agreement With DTC Engineers And Constructors, LLC (“DTC”) And A No-Cost Lease With The United States Of America (“USA”) On Behalf Of The U.S. Army Reserves Regarding The Port’s Acquisition
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Of Title From The USA To The Buildings 762 And 780 Parcels At The Former Oakland Army Base And A Port Lease Back Of The Parcels To The USA.”

OPEN FORUM

There where no speakers in Open Forum.

ADJOURNMENT

There being no additional business, the Board adjourned at 4:38 p.m.

John Betterton, Secretary
Board of Port Commissioners
Regular Meeting of the Board of Port Commissioners  
Tuesday, December 6, 2005 - 3:00 p.m.

ROLL CALL

President Katzoff called the meeting to order at 3:05 p.m., and the following Commissioners were in attendance:

2nd Vice-President Ayers-Johnson, Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas and Commissioner Scates.

1st Vice-President Batarse was excused.

CLOSED SESSION

President Katzoff convened the Board in Closed Session at 3:07 p.m. to consider the following items:

1. Conference With Legal Counsel – Existing Litigation. Pursuant to subdivision (a) of Section 54956.9. Names of cases:

Thunder Electric v. C. Overaa & Co., et. al. Alameda County Superior Court Case No. RG 04-191998

2. Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (6 matters)

Property: Oakland Army Base
Negotiating Parties: Port Of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
Agency Negotiator: Executive Director, Jerry A. Bridges
Under Negotiation: Price and Terms of Payment

OPEN SESSION

President Katzoff reconvened the Board in Open Session at the hour of 4:00 pm.

CLOSED SESSION REPORT

The Board Secretary reported that the Board had approved in Closed Session the following Resolution related to closed Session Item 2:

Resolution 05293, approving the Appointment of Special Counsel (Farella, Braun & Martel).

AVIATION

Commissioner Kiang gave an account of the November 28, 2005 Aviation Committee Meeting. He reported that the Committee had recommended for consideration by the full Board Items A-1 through A-9.

A motion to approve Items A-1 through A-9 was made by Commissioner Kiang and seconded by Commissioner Kramer.


A-2 Resolution 05295, Authorization To Dispense With Standard Bidding Procedures To Procure The Replacement Of Boiler #1, Building M-104, South Field, Oakland International Airport, In An Amount Certified By The Board Of Port Commissioners.

A-3 Resolution 05296, Resolution Conditionally Delegating To The Director Of Aviation The Authority To Amend Certain Hertz Corporation Agreements To Increase Performance Deposit Requirements And To Approve Consent To Assignment Including Waiver Of Any Data Submittal Requirements (7600 And 8000 Earhart Road, North Airport.)
A-4 Resolution 05297, Approval Of A Contractual Agreement With ShuttlePort Of California, LLC, A California Limited Liability Company For The Operation Of The On-Airport Parking Lot Shuttles, Employee Shuttles, AirBart Shuttle And Ground Transportation Curbside Management Services.

A-5 Resolution 05298, Approval Of A Fourth Amendment To Agreement For Operation And Maintenance Of Aviation Fuel Facilities At Oakland International Airport With Oakland Fuel Facilities Corporation At A Monthly Payment (“Compensation”) Of $406,863 (Facilities Located Throughout The South Airport.)

A-6 Resolution 05299, Approval Of A Second Supplemental Agreement To Annex “A” Space/Use Permit Of The Airline Operating Agreement With Southwest Airlines Co., Authorizing It To Maintain A Port-Owned Baggage Conveyance System At Terminal 2 Of The South Airport, At No Cost To The Port (1 Airport Drive – South Airport.)

A-7 Resolution 05300, Declare As Surplus A Port-Owned 12,000 Gallon Above-Ground Fuel Storage Tank And Two Electronic Pumping Units, Transfer Title Of Those Improvements To The City Of Livermore, And Authorize The City Of Livermore To Remove Those Improvements At No Cost To The Port (1100 Airport Drive, South Airport.)

A-8 Resolution 05301, Declare As Surplus A Port-Owned Free Standing Sanding Booth, Transfer Title Of The Sanding Booth To United Airlines, Inc. And Authorize United Airlines, Inc. To Remove And Salvage The Sanding Booth For A Sale Price Of $6,500 Payable To The Port (1100 Airport Drive, South Airport.)

A-9 Resolution 05302, Ratification Of A Settlement Agreement With Aloha Airlines, Inc. For It To Assume Port Agreements And Pay Pre-Petition Debt And Certain Other Amounts Due Totaling Approximately $642,000.

The motion to approve Items A-1 through A-9 passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates, and President Katzoff. (1) Excused: Vice-President Batarse.

MARITIME

Commissioner Kramer gave an account of the November 17, 2005 Maritime Committee Meeting. He reported that the Committee had recommended for consideration by the full Board Items M-2 and M-3.

A motion to approve Items M-2 and M-3 was made by Commissioner Kramer and seconded by Vice-President Ayers-Johnson.
M-2 Resolution 05303, Approval Of (1) Final Plans And Project Manual For Construction Of Marine Operations Building E-121; (2) Final Plans And Project Manual For Construction Of Maintenance And Repair Building E-122; And (3) Draft Plans And Project Manual For APL (EMS) Yard And Gate Redevelopment, Berths 60-63 Terminal, Middle Harbor, In The Estimated Amount Of $39,500,000; (4) Ratification Of Competitive Negotiation Process For Procurement Of Medium-Voltage Switchgear; And (5) Increased Period For Viable Bids From 60 Days To 120 Days.

M-3 Resolution 05304, Authorization To Enter Into Agreement With East Bay Municipal Utility District For The Proposed Relocation Of A Water Supply Pipeline In The Vicinity Of Berths 60-63 Terminal, Middle Harbor, In The Estimated Amount Of $350,000.

The motion to approve Items M-2 through M-3 passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates, and President Katzoff. (1) Excused: Vice-President Batarse.

OPERATIONS

Administration

Vice-President Ayers-Johnson gave an account of the November 22, 2005 Administration Committee Meeting. She reported that the Committee had recommended for consideration by the full Board Items O-1 through O-7.

A motion to approve Items O-1 through O-7 was made by Vice-President Ayers-Johnson and seconded by Commissioner Kramer.

O-1 First Reading of an Ordinance, Reconfiguration Of Project Management And Support Department Within The Engineering Division Resulting In The Creation Of One Regular Full-Time Position Of Senior Account Clerk; The Creation Of One Regular Full-Time Position Of Port Financial Analyst, And The Deletion Of Two Limited Duration Port Assistant Engineers (E&M Work). (Net Cost Savings Of $58,300 In FY 05-06; Net Cost Savings Of $71,000 In FY 06-07).

O-2 Resolution 05305, Salary Adjustment And Reporting Relationship Change For The Position Of Secretary Of The Board ($1,1043 Additional Cost For FY 05-06; $13,388 Additional Cost For FY 06-07).

O-3 First Reading of an Ordinance, Deletion Of One Position Of Port Human Resource Technician And The Creation Of A New Classification And One Position Of Port Human Resources Operations Technician In The Human Resources Department.
O-4 First Reading of an Ordinance, Deletion Of One Position Of Port Human Resources Clerk And The Creation Of A New Classification And One Position Of Port Human Resources Assistant In The Human Resources Department. (Net Cost Savings Of $6,000 In FY 05-06; Additional Cost Of $3,432 For FY 06-07).

O-5 Resolution 05306, Authorization To Renew Contracts For Certain Employee Benefits, Delegate Authority For Certain Future Amendments To Employee Benefit Contracts And Amend The Port’s Flexible Spending Plan.

O-6 Resolution 05307, Authorization To Enter Into An Agreement With Construction Rigging Consultants For Heavy Equipment And Driver Training Course For Certain Employees ($19,293.)

O-7 Resolution 05308, Authorization To Allow Staff To Informally Negotiate On The Open Market And Execute A Professional Services Agreement To Provide A Web-Based Electronic Progress Payment And Certified Payroll System For An Amount Not To Exceed $160,000.

The motion to approve Items O-1 through O-7 passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates, and President Katzoff. (1) Excused: Vice-President Batarse.

Audit, Budget & Finance

Commissioner Scates gave an account of the November 10th, 2005 Audit, Budget & Finance Committee Meeting. She reported that the Committee had recommended for consideration by the full Board Item O-8.

A motion to approve Item O-8 was made by Commissioner Scates and seconded by Commissioner Protopappas.

O-8 Resolution 05309, Declaration Of Port Revenue Fund Surplus For FY 2004-05; Recommendation To Transfer Surplus To General Fund Of City; And Approval To Reimburse The City For General Services And Lake Merritt Trust Purposes For An Amount Not To Exceed $1,775,294.

The motion to approve Item O-8 passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates, and President Katzoff. (1) Excused: Vice-President Batarse.

The Port Attorney, made a presentation on an urgency item that came to the attention of the staff after the posting of the Agenda which required immediate action. He explained that the item had not been through the Committee process.
A motion to hear and approve Item O-9 was made by Commissioner Kramer and seconded by Commissioner Protopappas.

O-9 Resolution 05310, An Ordinance Amending The Effective Date Of Conversion Of Work Week From 37.5 To 40 Hours Per Week And Assignment To New Salary Schedule 714 For The Position Of Port Construction Administrator ($18,760). (Resolution)

The motion to hear and approve Item O-9 passed by the following votes: (6) Ayes: Vice-President Ayers-Johnson, Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates, and President Katzoff. (1) Excused: Vice-President Batarse.

APPROVAL OF THE MINUTES

By consensus the Board approved the Minutes of the Regular Meeting of November 1, 2005.

SUMMARY ITEMS

On a motion by Commissioner Kramer, seconded by Commissioner Protopappas, the Board unanimously approved Summary Items S-1 through S-4.

S-1 Resolution 05311, Building Permit for Southwest Airlines; 1 Airport Drive, Terminal 2 (M140, M365 & M368): Installation of pre-conditioned air "PC AIR" units at each of the gates 20-26 in Terminal 2. Work includes installation of new conduit connecting the units to Building No. 362, and related electrical. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Sections 15301 and 15303. Valuation of work: $400,000

S-2 Resolution 05312, Building Permit for MetroPCS: 1 Airport Drive, Terminal 1 and 2: Installation of antennas and equipment in the terminal buildings to provide cell phone service for MetroPCS. Project includes related electrical work. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities; 15303, New Construction Small Equipment. Valuation of work: $150,000.

S-3 Port Ordinance No. 3881, Approving And Authorizing Execution Of License And Concession Agreement With Pacific Gas And Electric Company.

S-4 Port Ordinance No. 3882, Amending Port Ordinance No. 867 To Create One Additional Position Of Port Principal Engineering Technician And To Delete One Position Of Port Engineering Technician II."
OPEN FORUM

Sanjiv Handa spoke in Open Forum.

ADJOURNMENT

There being no additional business, the Board adjourned at 4:48 p.m.

John Betterton, Secretary
Board of Port Commissioners
MINUTES

Regular Meeting of the Board of Port Commissioners
Tuesday, December 20, 2005 - 3:00 p.m.

ROLL CALL

President Katzoff called the meeting to order at 3:04 p.m., and the following Commissioners were in attendance:

2nd Vice-President Ayers-Johnson, 1st Vice-President Batarse, Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates

CLOSED SESSION

President Katzoff convened the Board in Closed Session at 3:05 p.m. to consider the following items:

1. Conference With Legal Counsel – Existing Litigation. Pursuant to subdivision (a) of Section 54956.9. Names of cases:

Thunder Electric v. C. Overaa & Co., et. al. Alameda County Superior Court Case No. RG 04-191998

2. Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (5 matters)


Property: Oakland Army Base
Negotiating Parties: Port Of Oakland, Oakland Base Reuse Authority, Oakland Redevelopment Agency, and City Council
Agency Negotiator: Executive Director, Jerry A. Bridges
Under Negotiation: Price and Terms of Payment
OPEN SESSION

President Katzoff reconvened the Board in Open Session at the hour of 4:04 pm.

CLOSED SESSION REPORT

The Board Secretary reported that the Board had approved in Closed Session the following Resolutions all relating to Closed Session Item 2:

Resolution 05313, Settlement Agreement with O.C. Jones and Sons.


Resolution 05315, Tolling Agreement with JAM Securities Co.

Resolution 05316, Tolling Agreement with Shell Oil Co.

AVIATION

A motion to approve Items A-1 and A-2 was made by Vice-President Batarse and seconded by Commissioner Protopappas.

Andrew Kahn and Steven Churchill addressed the Board on Item A-1.

A-1 Resolution 05317, Approval Of A Resolution Adopting Labor Peace/Harmony Provision For Inclusion In Request For Proposals For Airport News And Gift And Food And Beverage Concession Privileges.

The motion to approve Item A-1 passed by the following votes: (6) Ayes: Vice-President Batarse, Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates, and President Katzoff. (1) No: Vice-President Ayers-Johnson.

A-2 Resolution 05318, Approval Of A Resolution Authorizing Issuance Of Requests For Proposals For The Offering Of Food, Beverage, Newsstand And Duty Free Privileges At Oakland International Airport (Currently $5.7 Million).

The motion to approve Item A-2 passed by the following votes: (7) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates, and President Katzoff.
COMMERCIAL REAL ESTATE

Commissioner Protopappas gave an account of the December 7, 2005 Commercial Real Estate Committee Meeting. He reported that the Committee had recommended for consideration by the full Board Items C-1 through C-3.

A motion to approve items C-1 through C-3 was made by Commissioner Protopappas and seconded by Commissioner Scates.

C-1 Resolution 05319, Approval Of A 3-Year Janitorial Services Agreement With ABM Janitorial Services, Providing Janitorial Cleaning Services For Various Port Properties Located In Jack London Square, With An Annual Contract Fee Of $187,200.

C-2 Resolution 05320, Approval Of A Fifth Amendment To The Gray & Reynolds Properties, Inc. Ground Lease, Correcting The Legal Description Of The Premises, Modifying Lender Protections Provision Of Lease And Approving An Assignment Of The Lease To Estuary Cove Partners I, LLC. In Addition, The Resolution Would Authorize The Port To Approve Documents And Execute The Estoppel Certificate Related To Lessee’s Lender Financing, At The Current Construction Rental Rate Of $1,250. Per Month, For The 1.1 Acre Site Located At 1221 Embarcadero.

C-1 Resolution 05321, Approval For The Executive Director To Negotiate And Execute A Memorandum Of Understanding With The City Of West Sacramento/Port Of Sacramento Regarding Management And Operations Of The Port Of Sacramento.

The motion to approve items C-1 through C-3 passed by the following votes: (7) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates, and President Katzoff.

MARITIME

Commissioner Kramer gave an account of the December 20, 2005 Maritime Committee Meeting. He reported that the Committee had recommended for consideration by the full Board Items M-1, M-2 and M-3.

A motion to approve items M-1 through M-3 was made by Commissioner Kramer and seconded by Vice-President Ayers-Johnson.

M-1 Resolution 05322, Approval Of Plans And Project Manual For The Construction Of Berths 35/37 Wharf Modifications For Berth Deepening At Outer Harbor, Port Of Oakland, In The Estimated Amount Of $24,300,000; And Adoption Of The Final Initial Study, Mitigated Negative Declaration And Mitigation Monitoring And Reporting Program For The Berth 35 Wharf Extension.
M-2 Resolution 05323, Supplemental Approval To Execute A Change Order To Accelerate Wharf Strengthening Work At Berth 23 In Order For The Port To Lease The Improved Wharf To Maersk Pacific Limited By February 1, 2006, As Part Of The Work For The Construction Of Wharf And Embankment Strengthening Program, Berths 23-26 And 30, Outer Harbor.

M-3 Resolution 05324, Approval Of Third Supplemental Agreement With Geomatrix Consultants, Inc., (Contract #02377) To Investigate, Design And Provide Construction Oversight For Improvements At The Former Union Pacific (UP) Roundhouse Site, In The Amount Of $150,000.

The motion to approve Items M-1 through M-3 passed by the following votes: (7) Ayes: Vice-President Ayers-Johnson, Vice-President Batarse, Commissioner Kramer, Commissioner Kiang, Commissioner Protopappas, Commissioner Scates, and President Katzoff.

APPROVAL OF THE MINUTES

Action on the Minutes of the Regular Meeting of December 6, 2005 was deferred until the next Board Meeting.

SUMMARY ITEMS

On a motion by Commissioner Protopappas, seconded by Commissioner Kramer, the Board unanimously approved Summary Items S-1 through S-7.

S-1 Resolution 05325, Building Permit for T-Mobile: 1 Airport Drive, Terminal 1 and 2. Installation of three new panel antennas with connections to existing equipment in the terminal buildings to improve cell phone service for T-Mobile. Project includes related electrical work. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301, Existing Facilities. Valuation of work: $9,500.

S-2 Resolution 05326, Alameda County Sheriff, Airport Police Services: 8980 Earhart Road (Bldg. L-311): Installation of a new free-standing sign at the Airport Police Services Facility of the Alameda County Sheriff's Office. The sign will be an engraved wood panel, approximately 8' wide by 3' high, mounted on wood posts approximately 5' high. The sign conforms to the North Airport Sign Standard Policy. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Section 15311, Signs for Existing Facilities. Valuation of work: $5,000.

S-3 Port Ordinance No. 3883, An Ordinance Amending Port Ordinance No. 867 To Create One Additional Position Each Of Senior Account Clerk And Port Financial Analyst And To Delete Two Positions Of Limited Duration Of Port Assistant Engineers (E&M Work).
S-4  Port Ordinance No. 3884, An Ordinance Amending Section 4.03 Of Port Ordinance No. 867.

S-5  Port Ordinance No. 3885, An Ordinance Amending Port Ordinance No. 867 To Create A New Position Of Port Human Resources Operations Technician And To Delete One Position Of Port Human Resources Technician.

S-6  Port Ordinance No. 3886, An Ordinance Amending Port Ordinance No. 867 To Create A New Position Of Port Human Resources Assistant And To Delete One Position Of Port Human Resources Clerk.

S-7  Port Ordinance No. 3887, An Ordinance Amending Section 2.06 And Section 9.152 Of Port Ordinance No. 867.

OPEN FORUM

Sanjiv Handa and Herb Grabel spoke in Open Forum.

ADJOURNMENT

There being no additional business, the Board adjourned at 5:06 p.m.

Cheryl Friedman, Assistant Secretary
Board of Port Commissioners