

**OMAR BENJAMIN**  
Executive Director

**DOUGLAS WARING**  
Deputy Executive Director

**JOE WONG**  
Deputy Executive Director

**DAVID L. ALEXANDER**  
Port Attorney

**JOHN T. BETTERTON**  
Secretary of the Board

**PORT OF OAKLAND**  
**BOARD OF PORT COMMISSIONERS**  
530 Water Street • Oakland, California 94607

Telephone: (510) 627-1100  
Facsimile: (510) 451-5914  
TDD/TTY – Dial 711

E-Mail: [board@portoakland.com](mailto:board@portoakland.com)  
Website: [www.portofoakland.com](http://www.portofoakland.com)

**VICTOR UNO**  
President

**MARGARET GORDON**  
Second Vice-President

**ANTHONY A. BATARSE, JR**  
Commissioner

**PAMELA CALLOWAY**  
Commissioner

**JAMES W. HEAD**  
Commissioner

**KENNETH KATZOFF**  
Commissioner

## MINUTES

### Special Meeting of the Board of Port Commissioners Wednesday, April 22, 2009 - 12:00 p.m.

#### ROLL CALL

President **Uno** called the Meeting to order at 12:07 p.m., and the following Commissioners were in attendance:

Commissioner **Batarse**, Commissioner **Calloway**, Vice-President **Gordon**, Commissioner **Head**, Commissioner **Katzoff**, and President **Uno**.

#### CLOSED SESSION

President **Uno** convened the Board in Closed Session at the hour of 12:08 p.m. to hear the following two Items:

##### 1. CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiator: Austris Rungis  
Employee Organizations: IBEW Local 1245, IFPTE Local 21, SEIU Local 1021,  
and Western Council of Engineers

##### 2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 6 matter(s)

#### ROLL CALL\OPEN SESSION

President **Uno** called the Meeting back to order in Open Session at 1:40 p.m., and the following Commissioners were in attendance:

Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Head**, Commissioner **Katzoff**, and President **Uno**. Vice-President **Gordon** rejoined the meeting at 1:45.

## CLOSED SESSION REPORT

The Port Attorney stated that there were no final actions taken in Closed Session.

## PRESIDENT'S REPORT

## EXECUTIVE DIRECTOR'S REPORT

## MARITIME

Vice-President **Gordon** gave an account of the April 16<sup>th</sup> Maritime Committee Meeting. She reported that the Committee had approved for forwarding to the full Board Items M-1 through M-5.

*A Motion to approve Items M-1 through M-4 was made by Vice-President **Gordon** and seconded by Commissioner **Katzoff**.*

- M-1 Resolution No. 09051**, Authorization For The Executive Director To Reject All Responses Received To The Oakland Army Base Request For Qualifications Released In January Of 2009, And Authorize The Executive Director To Reissue A New Request For Qualifications For The Award Of An Exclusive Negotiating Agreement For Development Of A Portion Of The Former Oakland Army Base That Is Owned By The Port Of Oakland.

*The Motion to approve Item M-1 passed by the following votes: (5) Ayes: Commissioner **Batarse**, Vice-President **Gordon**, Commissioner **Head** Commissioner **Katzoff**, and President **Uno**; (1) Abstain: Commissioner **Calloway**.*

- M-2 Resolution No. 09052**, Approval Of First Supplemental Agreement With The Regents Of The University Of California, Acting On Behalf Of Its Library - Regional Oral History Office, To Implement The Oakland Army Base Oral History Program.

*The Motion to approve Item M-2 passed by the following votes: (6) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Vice-President **Gordon**, Commissioner **Head**, Commissioner **Katzoff**, and President **Uno**.*

- M-3 Resolution No. 09053**, Authorizing And Approving A Further Amendment To The Howard Terminal Amended And Restated Non-Exclusive Preferential Assignment Agreement From SSA Terminals, LLC To Allow For An Assignment To SSA Marine, Inc., A Washington Corporation, Or A Wholly-Owned Subsidiary Thereof.

*The Motion to approve Item M-3 passed by the following votes: (6) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Vice-President **Gordon**, Commissioner **Head**, Commissioner **Katzoff**, and President **Uno**.*

- M-4 Port Ordinance No. 4101** Approval Of A Proposed Amendment To Tariff 2A Adding Section 02300-02325 For A Temporary Discount And Incentive Program.

*The Motion to approve Item M-4 passed by the following votes: (4) Ayes: Commissioner **Batarse**, Commissioner **Head** Commissioner **Katzoff**, and President **Uno**; (2) Abstain: Commissioner **Calloway** and Vice-President **Gordon***

*A Motion to approve Items M-5 was made by Commissioner **Head** and seconded by Commissioner **Katzoff**.*

**Doug Bloch, Cory Peters and David Chidester addressed the board on Item M-5.**

- M-5 Resolution No. 09054**, Direct Port Staff To Prepare A Maritime Comprehensive Truck Management Program (CTMP) Document That Includes A Port Registry And Other “Core” And “Future” Components As Generally Described In The Attached Preliminary CTMP Framework.

*The Motion to approve Item M-5 passed by the following votes: (6) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Vice-President **Gordon**, Commissioner **Head**, Commissioner **Katzoff**, and President **Uno**.*

At 2:29 Commissioner **Head** was excused from the meeting.

## **OPERATIONS**

### **EXECUTIVE COMMITTEE**

Vice-President **Gordon** gave an account of the April 7<sup>th</sup> Executive Committee Meeting.

### **AUDIT, BUDGET AND FINANCE**

Commissioner **Batarse** gave an account of the April 8<sup>th</sup> Audit, Budget & Finance Committee Meeting. He reported that the Committee had approved for forwarding to the full Board Items O-1 through O-4.

*A Motion to approve Items O-1 through O-4 was made by Commissioner **Batarse** and seconded by Commissioner **Calloway**.*

- O-1 Resolution No. 09055** 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 A Certain Portion Of The Port’s Capital Improvement Program Under Provisions Of The Tax Equity And Fiscal Responsibility Act Of 1982 “TEFRA”.
- O-2 Resolution No. 09056** Revisions To Financial Management Reserve Policies For The Port Of Oakland.
- O-3 Resolution No. 09057** Six-Month Extension Of The Agreement Between The Port Of Oakland And Great West Retirement Services For Recordkeeping And Administrative Services For The Port Of Oakland Deferred Compensation Plan. (\$0)

- O-4 Resolution No. 09058** Authorization To Execute Second Supplemental Intermediate Lien Indenture And Take Certain Actions Thereto.

*The Motion to approve Items O-1 through O-4 passed by the following votes: (5) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Vice-President **Gordon**, Commissioner **Katzoff**, and President **Uno** (1) Excused; Commissioner **Head***

## **ADMINISTRATION**

Item O-5 was pulled on the recommendation of staff.

- O-5 PULLED** Addition Of One (1) Position Of Chief Financial Officer; And The Appointment Of The Chief Financial Officer (Cost To Be Determined).

## **APPROVAL OF THE MINUTES**

*On a Motion by Vice-President **Gordon**, seconded by Commissioner **Calloway**, the Board approved by consensus the Minutes of the Regular Meeting of April 7, 2009.*

## **SUMMARY ITEMS**

*A Motion to approve items S-1 through S-6 was made by Commissioner **Batarse** and seconded by Commissioner **Katzoff**.*

### **Building Permits**

- S-1 Resolution No. 09059 Shippers Transport Express; 555A Maritime Street:** Improvements to the area being subleased by ConGlobal from Shippers Transport for storage and maintenance of containers. Work will include installation of office and restroom trailers, concrete pads, refer outlets, and wash facilities. Containers will be used for enclosed work areas for refrigeration and structural repairs. Work will also include related electrical, plumbing and sewer work. Conditions will apply to protect water quality and other Port interests This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Section 15301, Class 1 – Existing Facilities. Valuation of work: \$400,000.

### **Ordinances For Second And Final Reading**

- S-2 Port Ordinance No. 4096** Ordinance Amending Port Ordinance No. 2613, As Amended, Fixing Certain Promotional And Discount Parking Rates In Certain Of The Port's Public Automobile Parking Facilities At Metropolitan Oakland International Airport
- S-3 Port Ordinance No. 4097** An Ordinance Approving And Authorizing Execution Of A Purchase And Sale Agreement With The City Of Alameda ("Alameda") For The Port Of Oakland's Purchase Of A 5-Acre Parcel.

- S-4 Port Ordinance No. 4098** An Ordinance Authorizing The Director Of Maritime To Extend The Term Of Space Assignments With PCC Logistics (“PCC”), Three Rivers Trucking (“TRT”) And United Intermodal Services (“UIS”), Regarding The Former Oakland Army Base.
- S-5 Port Ordinance No. 4099** An Ordinance Amending Port Ordinance No. 867 To Create An Additional Position Of Youth Aide BB.
- S-6 Port Ordinance No. 4100** An Ordinance Amending Port Ordinance No. 867 To Create An Additional Position Of Deputy Port Attorney III And To Delete One Position Of Deputy Port Attorney IV.

**OPEN FORUM**

Sanjiv Handa addressed the board in Open Forum.

**ADJOURNMENT**

*There being no additional business, the Board adjourned at 2:48 PM.*

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**John Betterton, Secretary**

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**Date**