J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
Secretary of the Board

PORT OF OAKLAND

BOARD OF PORT COMMISSIONERS

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AGENDA

Regular Meeting of the Board of Port Commissioners
December 11, 2014 – 1:00 p.m.
Board Room – 2nd Floor

ROLL CALL

Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.

1. CLOSED SESSION

Closed Session discussions and materials may not be disclosed to a person not entitled to receive it, unless the Board authorizes disclosure of that confidential information.

1.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Pursuant to California Government Code Section 54956.8)

Property:	Oakland Army Base
Negotiating Parties:	Prologis, LP; CCIG Oakland Global, LLC; Oakland Global Rail Enterprises, LLC and Port of Oakland
Agency Negotiator:	John Driscoll, Director of Maritime
Under Negotiation:	Price and Terms of Tenancy

Property:	Berths 25-26 (Port of Oakland)
Negotiating Parties:	Ports America Outer Harbor Terminal, LLC and Port of Oakland
Agency Negotiator:	John Driscoll, Director of Maritime
Under Negotiation:	Price and Terms of Tenancy

Property:	555 Maritime Street, Oakland *(Approximately 38 acres of land currently occupied by Shippers Transport Express that is adjacent to the Port-owned rail terminal operated by Burlington Northern Santa Fe in the Port's Maritime area).*
Negotiating Parties:	Lineage Logistics and Port of Oakland
Agency Negotiator:	John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Tenancy

1.2 THREATE TO PUBLIC SERVICES OR FACILITIES – (Pursuant to California Government Code Section 54957)

Consultation with: Eric Napralla
Acting Port Facilities Security Officer

1.3 CONFERENCE WITH LABOR NEGOTIATORS – (Pursuant to California Government Code Section 54957.6).

Employee Organizations: International Federation of Professional and Technical Engineers, Local 21 (IFPTE-Local 21); Services Employees International Union, Local 1021 (SEIU-Local 1021); Western Council of Engineers (WCE); and International Brotherhood of Electrical Workers, Local 1245 (IBEW-Local 1245)

Unrepresented Employees: Unit H and M

ROLL CALL/OPEN SESSION (Approximately 4:00 p.m.)

Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.

CLOSED SESSION REPORT

The Port Attorney or Board Secretary will report on any final actions taken in Closed Session.

2. CONSENT ITEMS

Action by the Board under "Consent Items" means that all matters listed below have been summarized and will be adopted by one motion and appropriate vote. Consent Items may be removed for further discussion by the Board at the request of any member of the Board.

2.1 Resolution: Authorization to 1) Execute an Easement Relocation Agreement and 2) Conveyance of a Permanent Easement for the Relocation of the U.S. Navy's Overhead Electrical Lines to a Joint Utility Trench as Part of the Redevelopment of the Former Oakland Army Base **(Engineering/Maritime)**

2.2 Ordinance: Extension of Month-to-Month Space Assignment Agreements That Have Been in Effect for More than One Year as of December 11, 2014 **(Maritime)**

2.3 Resolution: Building Permit: Installation of New Gate Information Displays Monitors (GIDS), and new Electronic Backboard Displays (EBDS) at the Southwest gates in Terminal 2; 1 Airport Drive, Terminal 2 (M130) **(Engineering)**

2.4 **Resolution:** Authorization to Execute an Other Transaction Agreement (OTA) with the Transportation Security Administration (TSA) for the National Explosives Detection Canine Team Program (NEDCTP) **(Aviation)**

2.5 **Ordinance 4310:** 2nd Reading of An Ordinance Authorizing The Executive Director To Amend And Extend Two Leases Between The City Of Oakland And The Port For Parcels Of Land (By Berths 9 And Buildings 88/99 And 804) At The Former Oakland Army Base Through December 31, 2019.

2.6 **Ordinance 4311:** 2nd Reading of An Ordinance Approving And Adopting Rules And Regulations To Meet The Requirements Of The General Permit For Waste Discharge Requirements ("WDRS") For Storm Water Discharges From Small Municipal Separate Storm Sewer Systems.

2.7 **Ordinance 4312:** 2nd Reading of An Ordinance Approving The Terms And Conditions Of A First Amendment To The Space/Use Permit With Host International, Inc. To Remove Certain Premises From The Assigned Space, And To Incorporate The Provisions Of The Settlement Agreement As Approved By Resolution 14-84.

2.8 **Ordinance 4313:** 2nd Reading of An Ordinance Approving The Terms And Conditions Of A Space/Use Permit For Non-Exclusive Retail And Duty Free Concession Privileges For World Duty Free Group North America.

2.9 **Ordinance 4314:** 2nd Reading of An Ordinance Approving Amendments To Space/Use Permits With Andale Management Group, Inc., Gotham Foods Two LLC, Silver Dragon Café LLC; Taste, Inc. And Youth Employment Partnership To Modify Certain Economic Terms.

2.10 **Report:** Quarterly Report of Construction Change Orders for 1st Quarter FY 14/15 **(Engineering)**

3. MAJOR PROJECTS

This segment of the meeting is reserved for action and discussions regarding the status of Major Projects and issues of special importance.

4. BUDGET & FINANCE

This segment of the meeting is reserved for action or discussion regarding the status of Budget and Finance issues.

4.1 **Report:** Unaudited Financials for 3 months ended September 30, 2014 including Capital Expenditure Report

5. STRATEGY & POLICY

This segment of the meeting is reserved for action or discussion on Strategy and Policy Issues.

5.1 **Ordinance:** Ordinance Amending By-Laws and Administrative Rules of the Board of Port Commissioners and Repealing Ordinance No. 4164 **(Legal)**

5.2 **Report:** Update on Port Priority Projects for Funding Consideration by the Alameda County Transportation Commission, as Authorized by the Passage of Alameda County Measure BB **(Government Affairs)**

5.3 **Report:** Review Proposed Provisions of a New Purchasing Ordinance to Replace Existing Port Ordinance 1606 **(Finance & Admin)**

6. REMAINING ACTION ITEMS

Remaining Action Items are items not previously addressed in this Agenda that may require staff presentation and/or discussion and information prior to action by the Board.

6.1 **Resolution:** Authorization to Amend Ben E. Nutter Terminal Lease Agreement to Accurately Reflect Premises and Billing Practices **(Maritime)**

6.2 **Resolution:** Re-Program Port Security Grant Round 13 Funding to Staff a Port Security Management System **(Maritime)**

6.3 **Resolution:** Approval of Budget and Authorization for the Executive Director to Implement 12 New Common Use Self Service Kiosks and Provide 5 Years of 2nd Level Support and Software Upgrades at Oakland International Airport **(Aviation)**

6.4 **Ordinance:** Approval of a License and Concession Agreement with Norcal Rental Group, LLC for a 62 Month Term for the Premises Located at 295 Hegenberger Way **(CRE)**

6.5 **Resolution:** Approval of an Exclusive Negotiating Agreement with the Backyard LLC for Property Located at Oak Street and Embarcadero Road **(CRE)**

7. UPDATES/ANNOUNCEMENTS

The President, Members of the Board and the Executive Director will report on noteworthy events occurring since the last Board Meeting.

8. SCHEDULING

This segment of the meeting is reserved for scheduling items for future Agendas and/or scheduling Special Meetings

8.1 **Motion:** Approval for the Executive Director, or His Designee, to Conduct an Environmental Review Hearing for the Schnitzer Steel Industries, Inc. "Stormwater Improvement Project **(Environmental)**

In accordance with the "By-laws and Administrative Rules, Board of Port Commissioners (Article IX, Section 20)", environmental review on projects on privately-owned property within the Port Area is subject to a public hearing by the Executive Director. However, the Board must first authorize the Executive Director to proceed with the environmental review hearing. Schnitzer Steel, a materials recycling and processing facility, is located on privately-owned property within the Port Area. Schnitzer Steel proposes to construct a "Stormwater Improvement Project", which requires a Port development permit with an environmental determination prepared pursuant to the California Environmental Quality Act (CEQA). The Port of Oakland is the CEQA Lead Agency for this project.

Port staff requests that the Board authorize the Executive Director to notice and hold an Environmental Review Hearing to consider the Initial Study (IS) and adopt a Negative Declaration (ND) for the Schnitzer Steel Industries (Schnitzer) "Stormwater Improvement Project". The draft ND and Initial Study can be found on the Port's web site: **http://www.portofoakland.com/environment/publications.aspx.**

OPEN FORUM

The Board will receive public comment on non-agenda items during this time. Please fill out a speaker card and present it to the Secretary of the Board.

ADJOURNMENT

The next Regular Meeting of the Board will be held on January 15, 2015.

PUBLIC PARTICIPATION

To Speak on an Agenda Item

You may speak on any item appearing on the Agenda. Please fill out a Speaker's Card and give it to the Board Secretary ***before the start of the meeting*** or immediately after conclusion of Closed Session. Cards received after the start of the meeting will be treated as a single request to speak in Open Forum. All speakers will be allotted a minimum of one minute.

To Receive Agendas & Related Materials

Should you have questions or concerns regarding this Agenda, or wish to review any of the Agenda Related Materials, please contact the Board Secretary, John Betterton, at: (510) 627-1696, or visit our web page at: **www.portofoakland.com**

To receive Port Agendas and Agenda Related Materials by email, please email your request to: **jbetterton@portoakland.com**

Disability Related Modifications

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, may submit a written request, electronic request, or telephone request [via the California Relay Service (telephone) for the hearing impaired at (800) 735-2922], to the Secretary of the Board ***no later than five working days*** prior to the scheduled meeting date.

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Language & Interpretive Services

As a grantee of federal aid grant funds from the US Department of Transportation, the Port is responsible for ensuring equal access to its programs, services, and benefits. To request bilingual interpreters or materials in alternate formats, please contact the Assistant Secretary of the Board no later than five working days prior to the scheduled meeting date.

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Scented Products

Please refrain from wearing scented products to this meeting so attendees who experience chemical sensitivities may attend.

Commissioner's Statement of Intention

We are a governing Board whose authority lies with the entirety of the Board.

We govern in accordance with our fiduciary duty to the Port of Oakland.

We conduct ourselves with clarity and transparency, grounded in the principles of integrity, trust and respect.

We reach our decisions through candid, open and deliberative debate and hold both staff and ourselves accountable for implementing them.