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PORT OF OAKLAND

BOARD OF PORT COMMISSIONERS

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Second Vice-President

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Commissioner

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Commissioner

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Commissioner

SUPPLEMENTAL AGENDA

Regular Meeting of the Board of Port Commissioners

Thursday July 11, 2013 – 1:00 p.m.

Board Room – 2nd Floor

ROLL CALL

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

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 LEGAL COUNSEL - EXISTING LITIGATION. Pursuant to Subdivision (a) of California Government Code Section 54956.9.

SSA Terminals, LLC and SSA Terminals (Oakland), LLC v. the City of Oakland, Acting by and Through its Board of Port Commissioners Docket No. 09-08

CMC Food Services LLC and NNF Grewal, Inc., v. Port of Oakland, et al.; Alameda County Superior Court Case No.: RG13685134

Kheven LaGrone, v. City of Oakland, Port of Oakland, City of Oakland Civil Service Board; Alameda County Superior Court Case No.: RG13684664

1.2 CONFERENCE WITH REAL PROPERTY NEGOTIATOR - As provided under California Government Code Section 54956.8:

Property: Oakland Army Base
Negotiating Parties: Port of Oakland and Various Parties
Agency Negotiator: Acting Director of Maritime, Jean Banker
Under Negotiation: Price and Terms of Tenancy

ROLL CALL/OPEN SESSION (Approximately 3:00 p.m.)

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

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 **Ordinance:** Amendment to Temporary Rental Agreement with Chevron Environmental Management Company (**Environmental**)
- 2.2 **Ordinance:** Ratification of a Space/Use Permit with Alameda County Mosquito Abatement District (**Aviation**)
- 2.3 Authorize the Executive Director to negotiate and execute a one year lease extension with a four year option with GSC Logistics, Inc. at Building D-512. (**Maritime**)
- 2.4 **Ordinance No. 4239**, 2nd Reading of an Ordinance Amending Port Ordinance No. 3634, As Amended, Relating To Landing And Tenant Terminal Space Rental Fees At Metropolitan Oakland International Airport.
- 2.5 **Ordinance No. 4240**, 2nd Reading of an Ordinance Updating Port Ordinance 3859, The Engineering And Environmental Division Master Fee Schedule To Include The Administrative Appeal Fee Approved By The Board In 2012.
- 2.6 **PULLED Ordinance No. _____**, 2nd Reading of an Ordinance that will be considered at the special meeting of July 2, 2013.

~~Ordinance To Authorize The Executive Director To Execute Certain Lease Agreements And Amendments Relating To Berths 55-56 And Berths 57-59 And Berths 60-63 Necessary To Effectuate A Settlement Agreement In The Matter Of (1) SSA Terminals, LLC And SSA Terminals (Oakland), LLC V. The City Of Oakland, Acting By And Through Its Board Of Port Commissioners, Federal Maritime Commission Docket No. 09-08; And (2) City Of Oakland, Acting By And Through Its Board Of Port Commissioners, Plaintiff V. SSA Terminals, LLC, SSA Terminals (Oakland), Llc, Et Al., Defendants And SSA Terminals, LLC, SSC Terminals (Oakland), LLC Et Al., Counterclaimants V. City Of Oakland, Acting By And Through Its Board Of Port Commissioners, Counter-Defendants, United States District Court For The Northern District Of California Case No. C11-01446.~~

- 2.7 Approval of the Minutes of the Regular Meeting of June 13, 2013. (**Board Secretary**)

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.

5. STRATEGY & POLICY

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

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 **Ordinance:** Lease with the City of Oakland for 5 acres of land on the former Oakland Army Base for City truck parking operations. **(Maritime)**
- 6.2 **Motion: Resolution:** Request for Direction to Executive Director on Jack London Improvement District Ballot **(CRE)**
- 6.3 **Urgency Item**

In accordance with the Port's Rules for Public Participation, the following agenda item has been modified and may be considered by the Board of Port Commissioners upon a determination by a two-thirds vote of Commissioners present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those present, that there is a need to take immediate action which came to the attention of the Port after the original agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting:

An Ordinance to authorize the Executive Director to execute certain lease agreements and amendments relating to Berths 55-56 and Berths 57-59 and Berths 60-63 necessary to effectuate a settlement agreement in the matter of (1) SSA Terminals, LLC and SSA Terminals (Oakland), LLC v. the City of Oakland, acting by and through its Board of Port Commissioners, Federal Maritime Commission Docket No. 09-08; and (2) City of Oakland, acting by and through its Board of Port Commissioners, Plaintiff v. SSA Terminals, LLC, SSA Terminals (Oakland), LLC, et al., Defendants and SSA Terminals, LLC, SSA Terminals (Oakland), LLC, et al., Counterclaimants v. City of Oakland, acting by and through its Board of Port Commissioners, Counter-Defendants, United States District Court for the Northern District of California Case No. C11-01446 should such settlement be approved after the required posting of the agenda.

A resolution to authorize the Executive Director to execute certain assignment, and termination agreements relating Berths 55-56 and Berths 60-63 necessary to effectuate a settlement agreement in the matter of (1) SSA Terminals, LLC and SSA Terminals (Oakland), LLC v. the City of Oakland, acting by and through its Board of Port Commissioners, Federal Maritime Commission Docket No. 09-08; and (2) City of Oakland, acting by and through its Board of Port Commissioners, Plaintiff v. SSA Terminals, LLC, SSA Terminals (Oakland), LLC, et al., Defendants and SSA Terminals, LLC, SSA Terminals (Oakland), LLC, et al., Counterclaimants v. City of Oakland, acting by and through its Board of Port Commissioners, Counter-Defendants, United States District Court for the Northern District of California Case No. C11-01446 should such settlement be approved after the required posting of the agenda.

7. UPDATES/ANNOUNCEMENTS

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

7.1 Port Summer Interns' Introduction to Port Board of Commissioners (SRD)

8. SCHEDULING

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

9. ELECTION OF OFFICERS

The President, First Vice President and Second Vice President (Officers) shall be elected by the Board, from among the Board members, at the first regular meeting in July of each year. Ratification of the election will take place at the next Board Meeting and the results shall be expressed by Resolution. Officers will serve until their successors are elected by the Board.

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 July 25, 2013 at 1:00 PM

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.portoakland.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.

Daria Edgerly, Assistant Secretary of the Board
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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.