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AGENDA

Regular Meeting of the Board of Port Commissioners
Thursday October 24, 2013 – 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 **Yee** and President **Butner**.

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 Paragraph (1) of Subdivision (d) of California Code Section 54956.9):

CMC Food Services LLC And NNF Grewal, Inc., V. Port Of Oakland, Et Al.; Alameda County Superior Court Case No.: RG13685134

1.2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9 2 matter(s))

1.3 THREAT TO PUBLIC SERVICES OR FACILITIES – (Pursuant to California Government Code Section 54957).

Consultation with: TSA Federal Security Director

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

Property: Berth 25-26
Negotiating Parties: Port of Oakland and Ports America Outer Harbor Terminal
Agency Negotiator: Executive Director Chris Lytle, Acting Maritime Director Jean Banker, Port Attorney Danny Wan
Under Negotiation: Price and Terms of Tenancy

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

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

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:** Building Permit Application: Hertz QTA Site, 8000 Earhart Rd. – Modifications To Fuel Dispensers **(Engineering)**
- 2.2 **Resolution:** Building Permit Application: Aviation Institute Of Maintenance – Installation Of Identification Sign **(Engineering)**
- 2.3 **Resolution:** Approval Of A Second Supplemental Agreement To Right Of Way Use Permit Agreement (Onshore) With SFPP, L.P. (Kinder Morgan Energy Partners) For Petroleum Products Pipelines And Facilities At Oakland International Airport **(Aviation)**
- 2.4 **Resolution:** Deletion of One (1) Position of Airport Terminal Maintenance Coordinator and the Addition of One (1) Position of Aviation Project Coordinator in the Aviation Facilities Department **(Administration)**
- 2.5 **Resolution:** Building Permit Application: Clear Channel Outdoor - Relocate Billboard to reflect new freeway alignment, Bay Bridge Toll Plaza **(Engineering)**
- 2.6 **Resolution:** Resolution Honoring *The East Bay – United Nations Association* And The UN Flag Raising Ceremony on October 26, 2013.
- 2.7 **Ordinance No. 4256**, 2nd Reading Of An Ordinance Approving And Authorizing Execution Of License And Concession Agreement With The French Artist Club For Premises Located At 2400 Embarcadero Road.

- 2.8 **Ordinance No. 4257**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Amendment To The Lease With Shippers Transport Express, Inc. To Extend The Term For One Year .
- 2.9 **Minutes:** Approval Of The Minutes For The Regular Meeting Of September 26, 2013. **(Board Secretary)**
- 2.10 **Report:** Report Of Appointments, Separations And Leaves Of Absence For FY 2013-14 First Quarter (July 1, 2013 – September 30, 2014) **(Administration)**

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.

- 3.1 **Report:** Major Project Update - Bart Connector **(Aviation)**
- 3.2 **Report:** OAB Project Status Update **(Maritime)**

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:** Status of Outstanding City Payments
- 4.2 **Resolution:** Authorization (i) to Reimburse the City of Oakland for Certain Special Services that occurred in FY 2002 through FY 2013 and (ii) for the Executive Director to Negotiate and Execute a Supplemental MOU with the City of Oakland for Certain Special Services Effective FY 2014

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:** Approval Of A Release Of The Deed Of Trust And Amendments To The Restrictive Covenant And Other Related Agreements For Certain Parcels In The Oak To Ninth District Project Area **(CRE)**
- 6.2 **Ordinance:** Amendments To Port Tariff 2-A And Port Ordinance 3439 To Incorporate Various Procedures And Requirements For Use Of The Shore Power System **(Maritime)**

- 6.3 **Ordinance:** Extension To The Agreement With Evergreen Marine Corporation (Taiwan) Ltd. For Approximately 15 Acres Of Land At Berth 34 Through June 30, 2018 **(Maritime)**

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 **Announcement:** California Association Of Port Authorities Recognizes The California Lesbian , Gay, Bisexual And Transgender Ports Diversity Group **(Executive)**

8. SCHEDULING

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

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 November 14, 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.