

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

530 Water Street • Oakland, California 94607
(510) 627-1696(w) • (510) 839-5104(f) • TDD/TTY 711

E-Mail: board@portoakland.com
Website: www.portofoakland.com

CESTRA BUTNER
President

ALAN S. YEE
First Vice-President

EARL HAMLIN
Second Vice-President

MICHAEL COLBRUNO
Commissioner

JAMES W. HEAD
Commissioner

BRYAN R. PARKER
Commissioner

VICTOR UNO
Commissioner

AGENDA

SPECIAL Meeting of the Board of Port Commissioners

December 19, 2013 – 1:00 p.m.

Board Room – 2nd Floor

Board President, Ces Butner has called a Special Meeting of the Board of Port Commissioners to consider the following items:

ROLL CALL

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

OPEN SESSION (*Approximately 45 Minutes*)

5. STRATEGY & POLICY

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

- 5.1 Ordinance & Resolution:** Creating Classifications, Adding and Deleting Senior Management Positions and Amendment to Staffing Plan to Conform to Executive Director's Senior Management Reorganization Plan (**Executive Office**)

1. CLOSED SESSION (*Approximately 1:45 p.m.*)

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

Abigail Kelly v. Port of Oakland, Does 1 through 100, inclusive Alameda County Superior Court Case No.: RG12647385

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 5 Matters)

1.3 CONFERENCE WITH REAL PROPERTY NEGOTIATOR – (Pursuant to 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

Property: Howard Terminal / Berths 67-68
Negotiating Parties: Port of Oakland and Various Parties
Agency Negotiator: Acting Director of Maritime, Jean Banker
Under Negotiation: Price and Terms of Tenancy

1.4 PUBLIC EMPLOYEE APPOINTMENT– (Pursuant to California Government Code Section 54956.7).

Title: Director of Maritime

ROLL CALL/OPEN SESSION (*Approximately 3:45 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 **Ordinance No. 4266**, 2nd Reading Of Ordinance Authorizing And Approving The Extension Of Month-To-Month Space Assignment Agreements That Have Been In Effect For More Than One Year As Of December 12, 2013. **(Maritime)**
- 2.2 **Ordinance No. 4267**, 2nd Reading Of Ordinance Approving And Authorizing The Executive Director To Enter Into An Amendment To The Non-Exclusive Preferential Assignment Agreement (“Lease”) With Ports America Outer Harbor Terminal LLC For The Berths 25/26 Marine Terminal For Six Months, Through June 30, 2014. **(Maritime)**
- 2.3 **Ordinance No. 4268**, 2nd Reading Of Ordinance Approving Terms And Conditions Of And Authorizing Approval And Execution Of A Five-Year Extension Of License And Concession Agreement With Piedmont Hawthorne Aviation, LLC, D/B/A Landmark Aviation, For A Monthly Rent Of \$9,159.88 Adjustable On June 1, 2014 And Annually Thereafter, No Less Than The Annual Increase In The Consumer Price Index. **(Aviation)**
- 2.4 **Ordinance No. 4269**, 2nd Reading Of Ordinance Approving A Second Amendment To Lease Of The Lease Between Port Of Oakland And Southwest Airlines Co. Dated February 1, 2014 (501 Alan Shepard Way) **(Aviation)**
- 2.5 **Ordinance No. 4270**, 2nd Reading Of Ordinance Amending Section 9 Of Port Ordinance No. 3634 Relating To Charges For Use Of Facilities At Oakland International Airport, North Field. **(Aviation)**
- 2.6 **Ordinance No. 4271**, 2nd Reading Of Ordinance Approving Terms And Conditions For And Authorizing Approval And Execution Of Space/Use Permit With World Duty Free Group North America. **(Aviation)**
- 2.7 **Building Permit:** City of Oakland, Improvements on 5 Acre Port site for City Contractor Yard **(Engineering)**
- 2.8 **Building Permit:** City of Oakland, Utility Improvements on Port Property in the Maritime Area **Engineering)**
- 2.9 **Minutes:** Approval of the Minutes from the Special Meeting of December 2, 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.

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 **Report:** Review of Resolution 13-131 Authorizing the Executive Director to Enter Into a Professional Services Agreement with BMT International Security Services for Security Services at the Middle Harbor Shoreline Park. **(Maritime)**
- 6.2 **Resolution:** Authorization to Extend Existing Security Services Contract for Middle Harbor Shoreline Park **(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.

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 January 23, 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.

John Betterton, Secretary of the Board
530 Water Street, Oakland, CA 94607
jbetterton@portoakland.com
(510) 627-1696

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
530 Water Street, Oakland, CA 94607
dedgerly@portoakland.com
(510) 627-1337

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.