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**VICTOR UNO**  
President

**JAMES W. HEAD**  
First Vice-President

**MARGARET GORDON**  
Second Vice-President

**ANTHONY A. BATARSE, JR**  
Commissioner

**PAMELA CALLOWAY**  
Commissioner

**GILDA GONZALES**  
Commissioner

**KENNETH KATZOFF**  
Commissioner

## MINUTES

### Regular Meeting of the Board of Port Commissioners Tuesday, December 1, 2009 - 1:00 p.m.

#### ROLL CALL

President **Uno** called the Meeting to order at 1:31 P.M., and the following Commissioners were in attendance:

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

#### CLOSED SESSION (1:00 p.m.)

President **Uno** convened the Meeting in Closed Session at 1:32 p.m. to hear the following Items:

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 2 matter(s)
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR.** Government Code Section 54956.8.

Property: #1 Airport Drive, South Airport  
Negotiating Parties: Port of Oakland, Bay Area Rapid Transit  
Agency Negotiator: Deborah Ale-Flint, Acting Director of Aviation  
Under Negotiation: Terms and Conditions of the Development Agreement

Property: Outer Harbor Terminals: Berths 20 through 24  
Negotiating Parties: Port of Oakland, Ports America Outer Harbor Terminals, LLC  
Agency Negotiator: James Kwon, Director of Maritime and relevant Port staff  
Under Negotiation: Price and Terms and Conditions of Lease

## ROLL CALL/OPEN SESSION

President **Uno** reconvened the Meeting in Open Session at 4:22 P.M., and the following Commissioners were in attendance:

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

## CLOSED SESSION REPORT

*The Board unanimously approved (7 Ayes) in Closed Session the following:*

**Resolution No. 09167** Authorizing The Development Of A Process Which Consists Of The Following Activities And Related Expenditures: (1) Implement Flushing And Water Quality Monitoring Plans For Port Water Distribution System; And (2) Initiate A Consultative Process With The East Bay Municipal Utility District And The California Department Of Public Health.

## PRESIDENT'S / EXECUTIVE DIRECTOR'S REPORTS

Sanjiv Handa addressed the Board on the President's and Executive Director's Reports.

## AVIATION

Vice-President **Head** gave the November 23rd Aviation Committee Report. He reported that the Committee had approved for forwarding to the full Board Items A-1 through A-4.

*A Motion to approve Items A-2, A-3 and A-5 was made by Vice-President **Head** and seconded by Commissioner **Calloway**.*

Item A-1 was pulled by unanimous consent of the Board.

- A-1** **PULLED** Resolution Authorizing A Third Amendment To The November 7, 2000 Settlement Agreement With The City Of San Leandro, Extending The Project Obligations Period For The Completion Of The Residential Sound Insulation Program.
- A-2** **Port Ordinance 4114** First Reading Of An Ordinance Approving And Authorizing An Increase In The Fee For Airport Identification Badges And Establishing A Fee For Lost And/Or Unaccounted For Airport Identification Badges With Anticipated Additional Revenue Of Approximately \$60,000. (Oakland International Airport)

**A-3 Resolution No. 09168** Resolution Approving Amendment No. 1 To Space/Use Permit For Non-Exclusive In-Terminal Advertising Concession With Clear Channel Outdoor dba Clear Channel Airports With Guaranteed Revenue Of \$8,600,000. (1 Airport Drive, South Airport)

*The Motion to approve Items A-2 and A-3 passed by the following votes: (7) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff** and President **Uno**.*

Item A-4 was pulled on the recommendation of staff.

**A-4 PULLED** Authorization To Enter Into Professional Services Agreement With URS Corporation In The Amount Of \$480,000 To Provide Aviation Environmental Consulting Services For The Airport Perimeter Dike Improvement Project.

BART Executive Director, Dorothy Dugger, addressed the Board in support of Item A-5.

The following individuals addressed the Board on Item A-5: Sanjiv Handa, Christie Monsen, Michael Quigley, Andrew Slitcka, Scott Peterson, Sylvester Grigsby, Michael Baines, Reginald Mixon and Barry Luboviski.

**A-5 Port Ordinance 4115** First Reading Of An Ordinance Authorizing The Executive Director To Execute A Development Agreement And An Use, Operation And Maintenance Agreement With The San Francisco Bay Area Rapid Transit District ("BART") For The BART-Oakland International Airport Connector, An Automated Guideway Transit System, To Connect The Airport With BART's Existing Regional Rail Transit System, In An Amount Not To Exceed An Additional \$43,900,000 In Port Contribution.

*The Motion to approve Item A-5 passed by the following votes: (6) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, and President **Uno**; (1) No: Commissioner **Katzoff**.*

## MARITIME

Commissioner **Calloway** reported on the November 4<sup>th</sup> Maritime Committee Meeting.

Bill Aboudi addressed the Board on the Maritime Committee Report.

## OPERATIONS

Vice-President **Head** reported on the November 17<sup>th</sup> Executive Committee Meeting.

Commissioner **Batarse** reported on the November 18<sup>th</sup> Audit, Budget & Finance Committee Meeting. He reported that the Committee had approved for forwarding to the full Board Item O-1.

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

- O-1 Resolution No. 09169** Waiver of Standard Bidding and Authorization for Executive Director to Enter Into Information Technology Systems Licensing, Hardware, Maintenance and Support Agreements for an Amount Not To Exceed \$316,000.

*The Motion to approve Item O-1 passed by the following votes: (7) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff** and President **Uno**.*

Commissioner **Batarse** reported on the November 23<sup>rd</sup> Administration Committee Meeting. He reported that the Committee had approved for forwarding to the full Board Items O-2 through O-4.

*A Motion to approve Items O-2 through O-4 was made by Commissioner **Batarse** and seconded by Vice-President **Head**.*

- O-2 Resolution No. 09170** Extension Of Eligible List For Port Associate Environmental Scientist (Air Quality Specialty) From December 7, 2009 Through December 7, 2010. (\$0)

- O-3 Port Ordinance 4116** Deletion Of One (1) Position Of Deputy Port Attorney V And The Addition Of One (1) Position Of Deputy Port Attorney IV In The Port Attorney's Office. (Estimated Cost Savings of \$53,200 For FY09-10; Annualized Cost Savings Of \$43,100).

- O-4 Port Ordinance 4117** Enactment Of The Ordinances And Adoption Of The Resolutions Necessary To Set The Salaries And Certain Benefits For Port Of Oakland Employees In Units H, J And M. (Net Savings of \$353,946).

*The Motion to approve Items O-2 through O-4 passed by the following votes: (7) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff** and President **Uno**.*

## **APPROVAL OF THE MINUTES**

*On a Motion by Vice-President **Head**, seconded by Commissioner **Gonzales**, the Board approved the Minutes of the Regular Meeting of November 17, 2009 by the following votes: (6) Ayes: Commissioner **Batarse**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff** and President **Uno**; (1) Abstain: Commissioner **Calloway***

**SUMMARY ITEMS**

*On a Motion by Vice-President **Head**, seconded by Commissioner **Gonzales** , the Board approved Items S-1 and S-2 by the following votes: (7) **Ayes:** Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff** and President **Uno**.*

**S-1 Resolution No. 09171 Firewood Cafe.:** 1 Airport Drive, Terminal 2, Building #M130. Tenant improvements in an existing space (E5) in Terminal 2, opposite Gate 23. The work includes installation of new flooring, bar, cabinetry, brick oven, service kitchen, lighting, signage, and furniture for the new cafe. Work also includes related plumbing, electrical and mechanical work. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301. Valuation of work: \$300,000.

**S-2 Resolution No. 09172 Port America Outer Harbor (PAOH):** 1425 Maritime Street, Berth 20-24. Demolition and removal of existing improvements at the entrance and exit gates currently in use at Berths 20-24. Work will include grading and paving to conform grades in these areas. The existing entrance and exit gate complexes will be abandoned when PAOH takes over the site on January 1, 2010. They are nearing completion of new entrance and exit gates approved under separate permit. The Board of Port Commissioners previously approved this project under the requirements of the California Environmental Quality Act through certification of the Final Initial Study/Mitigated Negative Declaration for the Reconstruction of Berth 22 Wharf and Reconfiguration of Adjacent Yards on January 21, 2003, Resolution No. 03013. The attached First Addendum to the IS/MND; considered by the Board on July 21, 2009, when it approved the permit for new entrance and exit gates with Resolution No. 09123, discussed the project within the context of current CEQA requirements and concluded that the project would not result in new or substantially greater impacts than identified in the existing IS/MND.. Valuation of work: \$250,000.

**OPEN FORUM**

Bill Aboudi and Sanjiv Handa addressed the Board in Open Session.

**ADJOURNMENT**

*There being no additional business, the Board adjourned at 6:03 PM.*

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**John Betterton, Secretary**

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**Date**