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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

### SPECIAL Meeting of the Board of Port Commissioners

Tuesday, December 8, 2009 - 3:00 p.m.

#### ROLL CALL

President **Uno** was excused.

President **Head** called the Meeting to order at 3:13 P.M., and the following Commissioners were in attendance:

Commissioner **Batarse**, Commissioner **Calloway**, Commissioner, **Gonzales**, 2<sup>nd</sup> Vice-President **Gordon**, Commissioner **Katzoff** and President **Head**.

#### CLOSED SESSION

President **Head** convened the Meeting in Closed Session at 3:15 P.M. to hear the following Items:

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.**
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR.**

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

3. **CONFERENCE WITH LABOR NEGOTIATORS**

Agency Negotiator: Austris Rungis  
Employee Organizations: Western Council of Engineers

## ROLL CALL/ OPEN SESSION

President **Head** reconvened the Meeting in Open Session at 4:02 P.M., and the following Commissioners were in attendance:

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

President **Uno** was excused.

## CLOSED SESSION REPORT

*The Board Secretary reported that the Board had unanimously approved (7 Ayes) in Closed Session on December 1, 2009 the following Resolution:*

**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.

## AVIATION

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

Sanjiv Handa addressed the Board on Item A-1.

**A-1 Resolution No. 09173** 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.

*The Motion to approve Item A-1 passed by the following votes: (6) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Commissioner **Katzoff** and President **Head**; (1) Excused: President **Uno***

## COMMERCIAL REAL ESTATE

Commissioner **Katzoff** reported on the December 2<sup>nd</sup> Commercial Real Estate Committee Meeting. He reported that the Committee had approved for forwarding to the full Board Item C-1

*A Motion to approve Item C-1, was made by Commissioner **Katzoff** and seconded by Commissioner **Gonzales**.*

**C-1 Resolution No. 09174** Approval Of A License & Concession Agreement With The Association For The Preservation Of The Presidential Yacht Potomac For Various Port Premises For A Three Year Term With A Total Minimum Rent Of \$24,192.00 Per Year.

*The Motion to approve Item C-1 passed by the following votes: (6) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Commissioner **Katzoff** and President **Head**; (1) Excused: President **Uno***

## **OPERATIONS**

Vice-President **Gordon** gave a report on the December 1<sup>st</sup> Executive Committee Meeting.

## **APPROVAL OF THE MINUTES**

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

## **SUMMARY ITEMS**

*The Board took the Summary Items out of order.*

*A Motion to approve Item S-1, was made by Commissioner **Gonzales** and seconded by Commissioner **Calloway**.*

Eddie Dillard addressed the Board on Item S-2.

**S-2 Port Ordinance 4115** An Ordinance Approving And Authorizing The Execution Of A Development Agreement And A Use, Operation And Maintenance Agreement With The San Francisco Bay Area Rapid Transit District ("Bart") For The Bart-Oakland International Airport Connector Project, Including Payment Of A Port Contribution From Certain Passenger Facility Charges In An Additional Amount Not To Exceed \$43.9 Million; Finding That The Bart Project Stabilization Agreement Meets The Requirements Of Port Resolution No. 09080; And Delegating Authority For Certain Future Actions To The Executive Director And Director Of Aviation.

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

*On a Motion by Commissioner **Gonzales**, seconded by Commissioner **Calloway**, the Board approved Items S-1, S-3 and S-4 by the following votes: (6) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Commissioner*

***Katzoff and President Head; (1) Excused: President Uno***

- S-1 Port Ordinance 4114** An Ordinance Amending Port Ordinance No. 3634 Relating To Identification Badges At Metropolitan Oakland International Airport.
- S-3 Port Ordinance 4116** An Ordinance Amending Port Ordinance No. 867 To Create An Additional Position Of Deputy Port Attorney IV And To Delete One Position Of Deputy Port Attorney V.
- S-4 Port Ordinance 4117** Ordinance Amending Port Ordinance No. 867 Ratifying And Setting The Compensation Of Certain Employees Of The Port Department Belonging To Employee Representation Units H, J And M And Amending Section 1.0301 Providing Professional Development Benefits For Certain Officers And Employees.

**OPEN FORUM**

Sanjiv Handa addressed the Board in Open Forum.

**ADJOURNMENT**

*There being no additional business, the Board adjourned at 4:42 PM.*

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**John Betterton, Secretary**

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**Date**