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Commissioner

GILDA GONZALES
Commissioner

KENNETH KATZOFF
Commissioner

MICHAEL LIGHTY
Commissioner

MINUTES

Meeting of the Board of Port Commissioners

Tuesday, February 16, 2010 – 2:00 p. m.

ROLL CALL

President **Uno** called the Regular Meeting of the Board to order at 2:10 p.m., and the following Commissioners were in attendance:

Commissioner **Calloway**, Commissioner, **Gonzales**, 2nd Vice-President **Gordon**, 1st Vice President **Head**, Commissioner **Katzoff**, and President **Uno**

CLOSED SESSION

President **UNO** convened the Meeting in Closed Session at 2:10 p.m. to hear the following Items:

1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** - Government Code Section 54956.8

Property: Oak to Ninth Area, Oakland
Negotiating Parties: Port of Oakland and Oakland Harbor Partners, LLC
Agency Negotiator: Director of Commercial Real Estate
Under Negotiation: Price and Terms of Payment

2. **CONFERENCE WITH LEGAL COUNSEL** - ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
5 matters

3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** - Government Code Section 54957: Title: Executive Director

OPEN SESSION/ ROLL CALL

President **Uno** reconvened the Meeting in Open Session at 5:34 p.m., and the following Commissioners were in attendance:

Commissioner **Calloway**, Commissioner, **Gonzales**, 2nd Vice-President **Gordon**, 1st Vice-President **Head**, Commissioner **Katzoff**, Commissioner **Lighty** and President **Uno**.

CLOSED SESSION REPORT

The Port Attorney reported that the Board had not taken any final actions in Closed Session.

AVIATION

*A Motion to approve Items A-1 and A-2 was made by Vice-President **Head** and seconded by Commissioner **Gonzales**.*

A-1 **Resolution No. 10-5** Ratification of License and Concession Agreement with Kaiser Air, Inc. for Aircraft Storage and maintenance With a Monthly Rental of \$10,365 (Port Building L-310-East), 8991 Earhart Road, North Airport.

A-2 **Resolution No. 10-6 & Port Ordinance No. 4118** First Reading of Ordinance Approving the Terms and Conditions and Authorizing the Execution of an Airline Operating Agreement and Ratification of License and Concession Agreement with Flight Express, Inc. for Parking of Aircraft in Support of Dedicated Air Cargo Operations/Business With a Monthly Rental of \$1,685.03 (Adjacent to Port Building L-906, 980 Harbor Bay Parkway, North Airport)

*The Motion to approve Items A-1 and A-2 passed by the following votes: (7) Ayes: Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff**, Commissioner **Lighty**, and President **Uno***

COMMERCIAL REAL ESTATE

Commissioner **Katzoff** reported on the February 3rd Commercial Real Estate Committee Meeting. He reported that the Committee had approved for forwarding to the Board Item C-1.

At 5:46 p.m., the Board Secretary announced the opening of a Public Hearing on Item C-1.

The following **individuals** addressed the Board on Item C-1: Mike Ghilmetti, John Coppinger, Barry Lubouiski, Jennie Ong, John Chappman, Bill Aboudi, Niaomi Schiff,

Sharon Cornu, Cari Chan, Andy Nelson, Tam Tran and Gary Knecht .

President **Uno** declared the Public Hearing closed at 6:15 p.m.

- C-1** **Resolution No. 10-7 & Port Ordinance No. 4119** Public Hearing and Authorization for the Executive Director to Execute an Amendment to the Amended and Restated Option to Purchase and Ground Lease Real Property, and Execute a Tidelands Trust Exchange Agreement, a Purchase and Sale Agreement, an Open Space Ground Lease, a Marina Ground Lease and Other Related Documents for the Oak to Ninth District Project.

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

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

MARITIME

*A Motion to approve Items M-1, Option 1 of the Agenda Report was made by Commissioner **Calloway** and seconded by Commissioner **Gonzales**.*

- M-1** **Resolution No. 10-8** Approve a License Agreement between Ports America Outer Harbor Terminals, LLC and International Transportation Services, Inc. for use of portions of the Berths 20-24 premises, and ratify the extension of a space assignment to International Transportation Services, Inc. up to December 31, 2009.

John Russel addressed the Board on Item M-1.

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

OPERATIONS

Commissioner **Lighty** reported on the January 26th Administration Committee. He reported that the Committee had approved for forwarding to the full Board Items O-1 through O-5

*A Motion to approve Items O-1 through O-4 was made by Commissioner **Lighty** and seconded by Commissioner **Gordon**.*

Items O-5 and O-6 were pulled on the recommendation of Staff.

- O-1 **Resolution No. 10-9** Extension of Eligible List for Administrative Specialist from March 3, 2010 through March 3, 2011. (\$0)
- O-2 **Port Ordinance No. 4120** Addition of One (1) Limited Duration Position of Deputy Port Attorney III in the Port Attorney's Office that will not Exceed June 30, 2010. (Estimated Additional Cost of \$84,350 for FY 09-10 that Includes Benefits)
- O-3 **Port Ordinance No. 4121** Addition of One (1) Limited Duration Position of Port Assistant Management Analyst in the Administration and Social Responsibility Division that will not Exceed June 30, 2010 and Deletion of One (1) Position of Port Job Researcher. (Estimated Cost Savings of \$35,985 for FY09-10)
- O-4 **Resolution No. 10-10** Resolution Authorizing Port of Oakland Employees in Units C (Western Council of Engineers); I, J, K, L (Local 21); H (Senior Management); J (Professional/Attorneys) and M (Labor Relations Staff) Hired After October 1, 2009 to Contribute Their Employee Contribution to the California Public Employees' Retirement System Through Pre-Tax Payroll Deductions (\$0)

*The Motion to approve Items O-1 through O-4 passed by the following votes: (7) Ayes: Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff**, Commissioner **Lighty**, and President **Uno***

- O-5 **PULLED** Adoption of an Ordinance to Revise Port Ordinance No. 2832 to Allow Schools Meeting Certain Conditions to Occupy the Business Park.

Vice-President Head gave an account of the February 11th Audit, Budget and Finance Committee Meeting.

- O-6 **PULLED** Authorization to Establish Open Account Agreements for FY2009-10 and Re-Allocate as Necessary in an Aggregate Amount Not To Exceed \$5,755,000.

*A Motion to approve Items O-7 was made by Vice-President **Head** and seconded by Commissioner **Calloway**.*

- O-7 **Resolution No. 10-11** Resolution Authorizing a Letter of Credit Agreement relating to a Letter of Credit in the Amount of \$8,000,000 to be Issued in Favor of Ace American Insurance Company, and Certain Acts Related Thereto.

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

APPROVAL OF THE MINUTES

*On a Motion by Commissioner **Head**, seconded by Commissioner **Calloway**, the Board approved the Minutes of the Special Meeting of January 11, 2010 by the following votes: (6) **Ayes:** Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff**, and President **Uno**; (1) **Abstain:** Commissioner **Lighty***

SUMMARY ITEMS

Matt Davis and Eve Grossman presented a report on Legislative Advocacy and Funding Status

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business, the Board adjourned in memory of Jaime Ortiz at 6:52 p.m.

John Betterton, Secretary

Date