

5/28/15
Item: 2.1
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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**ORDINANCE APPROVING SPACE/USE PERMIT WITH SKY CHEFS,
INC. AT OAKLAND INTERNATIONAL AIRPORT.**

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.1, dated May 28, 2015 (the "Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; now, therefore

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received.

Section 2. The Board hereby approves the terms and conditions set forth in the Agenda Report for the Space/Use Permit with **Sky Chefs, Inc.** ("Sky Chefs") located at Oakland International Airport (i) incorporating the terms of the Right of Entry and Indemnity Agreement and paying 10% of Sky Chef's on-airport gross receipts to the Port, resulting in approximately \$12,500 of monthly revenue, and (ii) providing for the occupancy of 4,000 square feet of warehouse space within Building M111 for a primary term of three (3) years, with two (2) one (1) year options to renew at a rental rate of \$2,000 per month.

Section 3. The Board hereby authorizes the Executive Director to execute the Space/Use Permit with **Sky Chefs**, subject to approval as to form and legality by the Port Attorney.

Section 4. The Board hereby finds and determines that entering into the Space/Use Permit is not subject to CEQA under CEQA Guidelines Section 15301 (Existing Facilities), which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible

or no expansion of use beyond that existing at the time of the lead agency's determination.

Section 5. This ordinance is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective contract.

Section 6. This ordinance shall be retroactively effective to December 14, 2014 upon adoption by the Board.

DRAFT

President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney