

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

12/19/2024
Item No.: 2.3
CT/pcm

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ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AMENDMENT NO. 2 TO THE SPACE/USE PERMIT FOR SECURITY CHECKPOINT CUSTOMER SERVICE ENHANCEMENT PROGRAM WITH SECURITY POINT MEDIA, LLC TO EXTEND THE TERM THROUGH JUNE 30, 2027 AND MODIFY RENT AND PREMISES FOR PREMISES AT OAKLAND AIRPORT WITH ANTICIPATED REVENUES OF \$728,125 OVER THE PROPOSED EXTENDED TERM, WAIVE THE RESTRICTION IN RESOLUTION NO. 16-144 - RESOLUTION APPROVING A RESTATEMENT, AFFIRMATION AND UPDATE TO THE BOARD'S POLICY FOR AWARDED CONCESSION AND CUSTOMER SERVICE PRIVILEGES AT THE TERMINAL COMPLEX AT OAKLAND AIRPORT AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.3, dated December 19, 2024 (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. The Board hereby finds and determines that the proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15301 of the CEQA Guidelines because the proposed action consists of activities that involve negligible or no expansion of an existing use.

Section 2. The Board hereby approves the terms and conditions set forth in the Agenda Report for Amendment No. 2 to Space/Use Permit for Security Checkpoint Customer Service Enhancement Program ("SUP") with **Security Point Media, LLC** to extend the term for four years to June 30, 2027 for rent of 15% of gross sales (July 1, 2023 through February 28, 2025), 20% of gross sales (March 1, 2025 through February 28, 2026) and 25% of gross sales (March 1, 2026 through June 30, 2027), as further described in the Agenda Report.

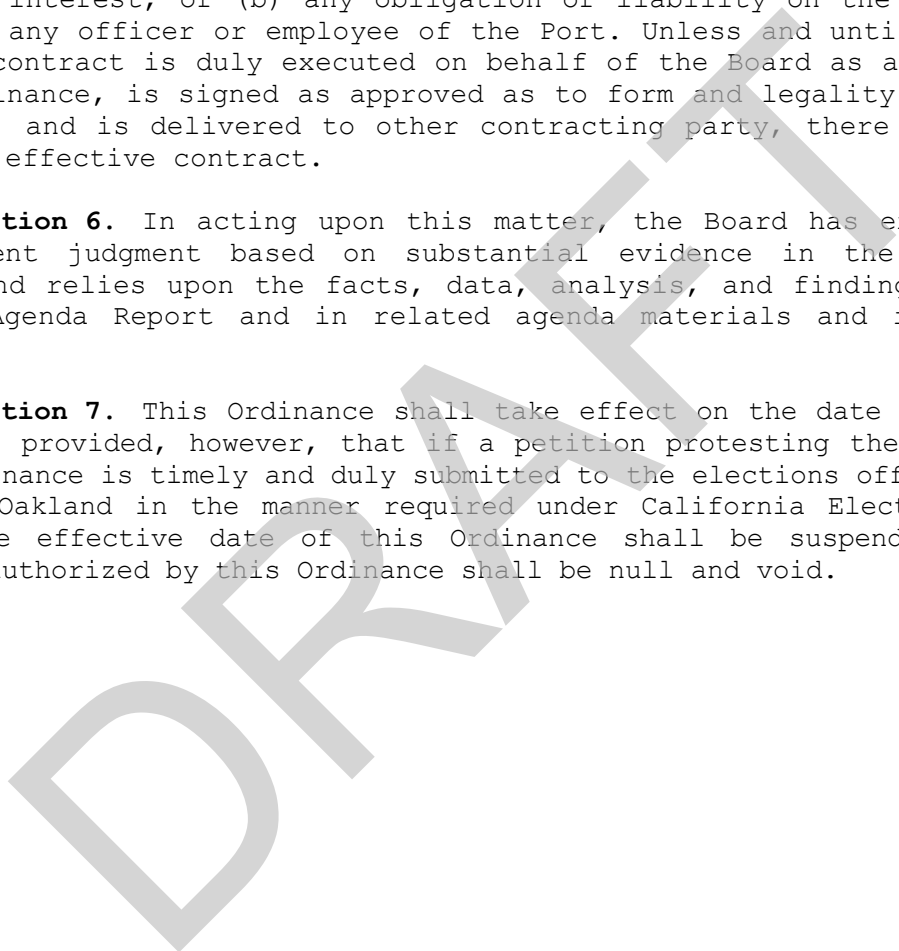
Section 3. The Board hereby exempts the proposed extended term from the prohibition in Resolution No. 16-144 that there be no extensions to any concession agreement and finds it is in the best interest of the Airport to negotiate the terms and conditions of Amendment No. 2 with **Security Point Media, LLC**.

Section 4. The Board hereby authorizes the Executive Director to (i) execute Amendment No. 2 to SUP with **Security Point Media, LLC**, subject to approval as to form and legality by the Port Attorney, and (ii) make such additions, modifications, or corrections as necessary to implement Amendment No. 2 to SUP or to correct errors, subject to the limitations set forth herein and provided that any such addition, modification or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

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 Port. 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. 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 7. This Ordinance shall take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.



President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney