

PORT ORDINANCE NO. 4793
ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE
DIRECTOR TO EXECUTE A SECOND AMENDMENT TO TEMPORARY
RENTAL AGREEMENT WITH DELUX PUBLIC CHARTER, LLC DBA
JSX OPERATING AT OAKLAND AIRPORT FOR A TOTAL TERM
OF JUST OVER SEVEN YEARS FROM MAY 7, 2021 THROUGH
JUNE 30, 2028, 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 6.1, dated May 8, 2025, ("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; and

WHEREAS, in May 2021, the Port executed a Temporary Rental Agreement ("TRA") with Delux Public Charter, LLC dba JSX ("JSX") with a term of May 7, 2021 to May 6, 2022 that allowed for JSX to occupy a portion of the parking lot ("L-142 Lot") that is located across the street from Port Building L-142 ("L-142") where JSX operates its passenger service as a based subtenant to Signature Flight Support; and

WHEREAS, pursuant to Port Ordinance No. 4655 (July 7, 2022), the Board approved extending the TRA to June 30, 2025; and

WHEREAS, JSX has requested a further extension of the TRA; and

WHEREAS, 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; 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 and authorizes the Executive Director to:

A. Execute the proposed Second Amendment to TRA ("Amendment") with JSX for a portion of L-142 Lot to operate a parking lot for monthly rent of \$7,786 during the extended term of July 1, 2025 through June 30, 2028, subject to rent adjustments of 3% annually on July 1, 2026 and each July 1 thereafter and subject to termination by either party upon 30 days written notice, as further described in the

Agenda Report, subject to approval as to form and legality by the Port Attorney.

B. Make any additions, modifications, or corrections as necessary to implement the Amendment, 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 3. This Ordinance is not evidence of and does not create or constitute (a) a contract, 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 agreement 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 the other contracting party, there shall be no valid or effective agreement.

Section 4. 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.

The Board of Port Commissioners, Oakland, California, May 8, 2025.
Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Dominguez Walton, Lee, Leslie, Martinez, Myres and President Colbruno - 7. Noes: 0.

Daria Edgerly,

Secretary of the Board