

PORT ORDINANCE NO. 4331

ORDINANCE APPROVING AMENDMENT NO. 2 TO SPACE/USE PERMIT - PUBLIC PAY TELEPHONE CONCESSION WITH JAROTH, INC. DOING BUSINESS AS PACIFIC TELEMAGEMENT SERVICES FOR PUBLIC PAY TELEPHONE CONCESSION PRIVILEGES AT OAKLAND INTERNATIONAL AIRPORT.

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WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.3, dated April 23, 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 Amendment No. 2 to Space/Use Permit - Public Pay Telephone Concession with **Jaroth, Inc.**, doing business as **Pacific Telemagement Services** for public pay telephone concession privileges located at Oakland International Airport for an extension through June 30, 2016, at a rental rate of 26% of gross receipts, with no minimum annual guaranty, subject to termination by either party upon thirty days' notice.

**Section 3.** The Board hereby authorizes the Executive Director to execute Amendment No. 2 to Space/Use Permit - Public Pay Telephone Concession with **Jaroth, Inc.**, doing business as **Pacific Telemagement Services**, subject to approval as to form and legality by the Port Attorney.

**Section 4.** The Board hereby finds and determines that extension of the Space/Use Permit is not subject to CEQA under the general rule in Section 15061(b)(3) of the CEQA Guidelines that states that CEQA applies only to activities that have a potential for causing a significant effect on the environment, and that it can be seen with certainty that there is no possibility that an extension of the Space/Use Permit for public pay telephone concession privileges may have a significant effect on the environment.

**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 effective immediately upon adoption by the Board.