

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 19-15

**RESOLUTION APPROVING AND AUTHORIZING
SETTLEMENT OF THE PORT OF OAKLAND'S CLAIM
AGAINST PIEDMONT HAWTHORNE AVIATION, LLC DBA
SIGNATURE FLIGHT SUPPORT FOR UNPAID
UNREIMBURSED RENT CREDITS AND ASSOCIATED
DELINQUENCY FEES.**

WHEREAS, Piedmont Hawthorne Aviation, LLC d/b/a Signature Flight Support ("Signature") operates as a Fixed Base Operator at Oakland International Airport; and

WHEREAS, the Office of Audit Services completed an audit of Signature's operations for the period November 1, 2013 through October 31, 2015 and found that Signature owed the Port \$1,000,000 for unreimbursed rent credits (and \$137,850 in associated delinquency fees), as well as for under-reported fuel flowage fees and under-reported landing fees

WHEREAS, Signature paid the Port the under-reported fuel flowage fees and under-reported landing fees, but not the associated delinquency fees; and now therefore be it

RESOLVED, that the Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director to execute for and on behalf of the Board a Settlement Agreement (i) waiving the \$1,000,000 unreimbursed rent credits (and associated \$137,850 delinquency fees), and (ii) waiving the \$72,268 delinquency fees associated with the under-reported fuel flowage fees and under-reported landing fees, in exchange for Signature agreeing to (iii) delete from Signature's leasehold an area identified as the Hangar 2 Apron, (iv) provide office space to Civil

Air Patrol at nominal charge through June 30, 2021, and (v) relinquish apron space adjacent to Port-owned Building L118, subject to approval by the Port Attorney as to form and legality; and be it

FURTHER RESOLVED, that this resolution 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 Board. This resolution approves and authorizes the execution of an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, 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.

At the regular meeting held on March 28, 2019

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and President Butner – 7

Noes: 0

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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 19-16

**RESOLUTION APPROVING BUILDING PERMIT
REQUESTED BY SOUTHWEST AIRLINES.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.1 - the Summary Sheet for Permit Application (Port Permit No. 5207) dated March 11, 2019 - and related agenda materials ("Agenda Sheet"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, that 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 Sheet and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform certain work at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following work:

- A. Applicant: **Southwest Airlines.**
- B. Premises: 1 Airport Drive, Terminal 2, Oakland, California.
- C. Estimated Cost: \$1,500,000.00.
- D. Work: Construction of improvements to the "T-Point" checked baggage screening area between Terminals 1 and 2. The work will reconfigure and add to the existing space, going from one belt running parallel to Airport Drive to three belts running perpendicular. Work includes addition of a new canopy (approximately 4,990 square feet), new belts and screening equipment, installation of related electrical, data, and fire water and alarm services, and connections to the Terminal building. The work will fill in the gap in the wall along

the sidewalk between Terminals 1 and 2, remove the temporary fencing, and complete the sidewalk.

- E. Sustainability: Applicant will follow current Green Building and Energy Codes as enforced by the City of Oakland, as well as the construction debris recycling requirements. The project includes installation of site design measures to reduce pollution, stormwater runoff peak flows and volumes, and other impacts. No other sustainability measures are being considered for this project.

SECTION 2. The Board hereby finds and determines that the work to be performed under this building permit is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines under Section 15301, Class 1(e), which exempts additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the project area is not environmentally sensitive.

SECTION 3. (a) Neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant, or (ii) releases Applicant from any obligation with respect to said work or with respect to any agreement between the Port and Applicant; and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Port.

SECTION 4. This resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on March 28, 2019

Passed by the following vote:

Ayes: Commissioners Colbruno, Lee, Leslie, Martinez, Story and President Butner – 6

Excused: Commissioner Cluver - 1

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 19-17

**RESOLUTION APPROVING BUILDING PERMIT
REQUESTED BY SSA TERMINALS (OAKLAND), LLC.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.2 - the Summary Sheet for Permit Application (Port Permit No. 5220) dated March 11, 2019 - and related agenda materials ("Agenda Sheet"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, that 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 Sheet and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform certain work at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following work:

- A. Applicant: **SSA Terminals (Oakland), LLC.**
- B. Premises: 1717 Middle Harbor Road, Oakland, California.
- C. Estimated Cost: \$75,000.00.
- D. Work: Installation of a new guard booth (approximately 8'x18') to replace the existing booth at the east entrance to the terminal. Work includes new foundation and K-rail for the new booth, utility connections, and removal of the old booth and foundation.

E. Sustainability: This project will install pre-constructed booths with some site preparation. The work will meet the California Green Building Code and Debris Recycling requirements as applicable. No other sustainability measures are being considered for this project.

SECTION 2. The Board hereby finds and determines that the work to be performed under this building permit is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines under Section 15301, Class 1(e), which exempts additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area of the structures before the addition or 2,500 square feet, whichever is less.

SECTION 3. (a) Neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant, or (ii) releases Applicant from any obligation with respect to said work or with respect to any agreement between the Port and Applicant; and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Port.

SECTION 4. This resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on March 28, 2019

Passed by the following vote:

Ayes: Commissioners Colbruno, Lee, Leslie, Martinez, Story and
President Butner – 6

Excused: Commissioner Cluver - 1

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 19-18

**RESOLUTION APPROVING BUILDING PERMIT
REQUESTED BY JABRRBOX LLC.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.3 - the Summary Sheet for Permit Application (Port Permit No. 5230) dated March 11, 2019 - and related agenda materials ("Agenda Sheet"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, that 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 Sheet and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform certain work at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following work:

- A. Applicant: **Jabrrrbox LLC.**
- B. Premises: 1 Airport Drive, Connector Building, Oakland, California.
- C. Estimated Cost: \$140,000.00.
- D. Work: Installation of three unattended modular work booths in the connector building near Terminal 2 to be used for privacy and technology-enabled space. Work includes connections to the floor for seismic safety and connection to existing electricity.

E. Sustainability: This project will install pre-constructed booths with minimal on-site assembly and will meet the California Green Building Code and Debris Recycling requirements as applicable. No other sustainability measures are being considered for this project.

SECTION 2. The Board hereby finds and determines that the work to be performed under this building permit is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines under Section 15301, Class 1(a), which exempts projects involving interior alterations to existing facilities involving negligible or no expansion of an existing use.

SECTION 3. (a) Neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant, or (ii) releases Applicant from any obligation with respect to said work or with respect to any agreement between the Port and Applicant; and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Port.

SECTION 4. This resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on March 28, 2019

Passed by the following vote:

Ayes: Commissioners Colbruno, Lee, Leslie, Martinez, Story and President Butner – 6

Excused: Commissioner Cluver - 1

Noes: 0