

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4703

**ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE
DIRECTOR TO EXECUTE A FIVE-YEAR TERM EXTENSION OF
MULTIPLE AGREEMENTS WITH AIRPORT TENANTS AND SERVICE
PROVIDERS OPERATING AT OAKLAND INTERNATIONAL AIRPORT.**

WHEREAS, from 1997 through 2023, the Board of Port Commissioners of the City of Oakland ("Board") adopted ordinances and resolutions approving the terms and conditions of forty-eight agreements for tenants and service providers occupying space and/or operating throughout Oakland International Airport, as set forth in Exhibit 1; and

WHEREAS, the Board has reviewed and evaluated the Agenda Report for Agenda Item 2.1, dated May 11, 2023 (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 not subject to the California Environmental Quality Act ("CEQA") because the proposed action does not involve an activity that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment as further defined in Section 21065 of the Public Resources Code.

Section 2. 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 3. The Board hereby approves of the extension of the forty-eight agreements listed on Exhibit 1 for one or more additional terms ending no later than June 30, 2028 under their existing rent structures.

Section 4. The Board hereby authorizes the Executive Director to execute the extension agreements, 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 separate written contract(s) are duly executed on behalf of the Board as authorized by this ordinance, are signed as approved as to form and legality by the Port Attorney, and are delivered to other contracting party, there shall be no valid or effective contract(s).

The Board of Port Commissioners, Oakland, California, May 11, 2023.
Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Lee, Martinez, Story, and President Leslie - 7.

Daria Edgerly,

Secretary of the Board

Adopted at a Regular Meeting held May 25, 2023
by the following vote:

Ayes: Commissioners Butner, Cluver, Colbruno, Lee, Martinez, Story, and
President Leslie - 7
Noes: 0



President.

Attest:



Secretary.

Approved as to form and legality:



Port Attorney

Exhibit 1

Aviation Properties Agreements

Party	Use¹	Location	Agreement²	Board #³	Board Date	Monthly Rent	FY2023 Revenue⁴
Air Culinaire Worldwide	Airline Services	No Premises	SUP	O:4574	44051	\$ 500.00	\$ 6,000.00
Airport Mailers	Passenger Amenity	South Field: M103	TRA	O:4480	6/14/2018	\$ 300.00	\$ 3,600.00
Airport Terminal Services, Inc.	Airline Services	South Field: M103	SUP	O:4221	42873	\$ 15,853.48	\$ 371,515.00
Alaska Airlines, Inc.	Warehouse	South Field Cargo Building	SUP	O:4335	5/28/2015	\$ 20,275.66	\$ 231,356.00
Alameda County Mosquito Abatement	Environmental Investigation	No Premises	SUP	O:4242	7/11/2013	\$ -	\$ -
ARINC	Airline Services	South Field: M367	SUP	O:4320	1/15/2015	\$ 250.00	\$ 3,000.00
Cal-Air Aviation Services, Inc.	Airline Services	No Premises	SUP	R:09-140	10/6/2009	\$ 250.00	\$ 3,000.00
Chevron U.S.A., Inc.	Environmental Investigation	South Field Tank Farm	L&C	R:06-060	3/7/2006	\$ -	\$ -
City of Oakland – Oakland Police Department	Aircraft Storage	North Field: L710	L&C	O:4385	7/14/2016	\$ -	\$ -
Civil Air Patrol	Squadron Headquarters	North Field: L105	SUP	O:4560	6/11/2020	\$ -	\$ -
CleanNet of the Bay Area	Airline Services	No Premises	SUP	O:4233	6/13/2013	\$ 250.00	\$ 4,200.00
Unifi Aviation Services LLC (f/k/a DAL Global Services LLC)	Warehouse	South Field Cargo Building	L&C	R:04-004	1/20/2004	\$ 10,208.16	\$ 392,080.00
DeSilva Gates Construction	Construction Storage	Doolittle Drive @ Eden Road	TRA	R:12-121	9/20/2012	\$ 2,700.00	\$ 32,400.00

1 Airline Services include: passenger, ground, and cargo handling; aircraft and equipment maintenance and repair; airline facilities janitorial.
 2 Agreement Types: Lease = Lease; L&C = License and Concession Agreement; ROE = Right-of-Entry and Indemnity Agreement; SUP = Space/Use Permit; MOU = Memorandum of Understanding; TRA = Temporary Rental Agreement.
 3 Board action taken: R = Resolution and O = Ordinance, or where “No Action”; this action will be the first time the Board has approved the agreement.
 4 Projected revenue in the Board’s adopted FY2023 Budget.

Party	Use ¹	Location	Agreement ²	Board # ³	Board Date	Monthly Rent	FY2023 Revenue ⁴
EcoServices, LLC	Airline Services	No Premises	SUP	O:4230	3/28/2013	\$ 250.00	\$ 12,000.00
Federal Express Corporation ⁵	Drop Box	South Field: M103	ROE	R:09-9151	4/20/1999	\$ 355.00	\$ 355.00
Flying Food Group, LLC	Airline Services	No Premises	SUP	R:10-154	11/16/2010	\$ 500.00	\$ 168,000.00
G2 Secure Staff, LLC	Airline Services	No Premises	SUP	R:19-120	12/12/2019	\$ 250.00	\$ 300,000.00
Gate Gourmet, Inc.	Airline Services	No Premises	ROE	O:4230	4/11/2013	\$ 500.00	\$ 12,000.00
Immaculate Flight LLC	Airline Services	No Premises	SUP	O:4601	5/27/2021	\$ 500.00	\$ 6,000.00
Jet Blast Aircraft Detailing, LLC	Aircraft Cleaning	No Premises	SUP	R:12-036	4/5/2012	\$ 500.00	\$ 6,000.00
Leidos, Inc.	TSA Equipment Maintenance	No Premises	SUP	O:4291	6/26/2014	\$ -	\$ -
Lloyd W. Aubry Co., Inc.	Airline Services	No Premises	L&C	R:04-210	8/3/2004	\$ 250.00	\$ 3,000.00
Master Lightning Security Solutions	Airline Services	No Premises	SUP	O:4233	6/13/2013	\$ 250.00	\$ 54,000.00
Matrix Aviation Services, Inc.	Airline Services	No Premises	ROE	R:09-141	10/6/2009	\$ 250.00	\$ 240,000.00
McGee Air Services	Airline Services	No Premises	SUP	O:4584	2/11/2021	\$ 250.00	\$ 3,000.00
New Tech Aircraft Services, Inc.	Airline Services	No Premises	SUP	R:11-148	1/17/2011	\$ 250.00	\$ 60,000.00
Next Century Aviation	Aircraft Storage	North Field: L710	L&C	R:07-198	8/7/2007	\$ 3,647.00	\$ 43,571.00
Oakland Flyers	Flight and Ground Training School	North Field: L606	L&C	R:04270	10/5/2004	\$ 1,927.00	\$ 28,012.00
Oakland Fuel Facilities Corp.	Modular Structure Parking	South Field Stadium Area	L&C	R:04-039	3/2/2004	\$ 625.18	\$ 7,689.00
Oakland Fuel Facilities Corp.	Vehicle Fueling Facilities	South Field Stadium Area	L&C	O:3379	9/2/1997	\$ 2,500.11	\$ 30,388.00
Oakland Aviation Museum	Storage	North Field: L621	L&C	R:4223	4/11/2003	\$ -	\$ -
Passur Aerospace, Inc.	Radar Facilities	ARFF	SUP	R:10-064	6/22/2010	\$ -	\$ -

⁵ FedEx rental is per year, not per month.

Party	Use ¹	Location	Agreement ²	Board # ³	Board Date	Monthly Rent	FY2023 Revenue ⁴
PrimeFlight Aviation Services, Inc.	Airline Services	No Premises	SUP	O:4336	5/28/2015	\$ 250.00	\$ 72,000.00
Prospect International Airport Services Corp.	Airline Services	No Premises	SUP	O:44532	9/12/2019	\$ 250.00	\$ 300,000.00
Rainbow Mobile Wash	Airline Services	No Premises	L&C	R:04-045	3/2/2004	\$ 250.00	\$ 4,800.00
SCIS Air Security Corp.	Security Services	No Premises	L&C	R:09-157	11/3/2009	\$ 250.00	\$ 3,000.00
Sky Chefs, Inc.	Airline Services	South Field: M111	SUP	O:4230	4/11/2013	\$ 2,500.00	\$ 132,000.00
Smarte Carte, Inc.	Carts and Lockers	South Field: Various	SUP	O:4425	6/8/2017	\$ 4,446.21	\$ 60,000.00
Southwest Airlines Co.	Warehouse	South Field Cargo Building	L&C	R:07-024	2/6/2007	\$ 31,901.71	\$ 362,471.00
Southwest Airlines Co.	Ground Support	North Field: L617	L&C	R:07-295	12/18/2007	\$ 10,134.71	\$ 97,883.00
Southwest Airlines Co.	Provisioning Center	South Field: M155	Lease	O:4269	12/19/2013	\$ 34,196.96	\$ 395,843.00
Sundance Air Services, Inc.	Aircraft Maintenance	North Field: L908	L&C	R:10-110	9/7/2010	\$ 3,410.00	\$ 12,459.00
Taste, Inc. dba Volo	Storage	South Field: M103	TRA	O:4480	6/14/2018	\$ -	\$ -
Transportation Security Administration	Storage Magazine	North Field: L922	MOU	O:4480	6/14/2018	\$ -	\$ -
Transportation Security Administration	Lost and Found Office	South Field: M101	MOU	O:4234	6/13/2013	\$ -	\$ -
Tricopian, LLC	Automated Retail	South Field: Various	SUP	O:4296	6/5/2014	\$ 1,200.00	\$ 14,400.00
United Air Lines, Inc.	Radar Facilities	ARFF	L&C	R:04265	10/5/2004	\$ 5,323.54	\$ 61,844.00
United Parcel Service	Warehouse	South Field Cargo Building	L&C	R:06134	6/6/2006	\$ 240,260.80	\$ 2,833,920.00
Total FY23 Budgeted Revenue							\$6,371,786.00

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4704

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A FIRST AMENDMENT TO THE LICENSE AND CONCESSION AGREEMENT WITH HANWEN INVESTMENT INC, DBA DRAGON GATE OAKLAND, FOR THE PREMISES LOCATED AT 1 FRANKLIN STREET, OAKLAND, TO ADJUST THE RENT PAYMENT SCHEDULE AND EXTEND THE TERM BY TWO MONTHS, 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 2.2, dated May 11, 2023, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, Section 706 of the City of Oakland ("City") Charter gives to the Board the complete and exclusive power and duty for and on behalf of the City to make provisions for the needs of commerce, shipping, and navigation of the Port and to promote the development, construction, and operation of all waterfront properties, including piers, wharves, sea walls, docks, and other improvements; and

WHEREAS, the proposed action will provide service for members of the public who use the waterfront, and is consistent with the Port's duty to use and manage Port property in trust for the people of the State of California (the "Tidelands Trust"), and the private use of Port property pursuant to the requested approval will not interfere with the Tidelands Trust; 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 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 or his designee to:

A. Execute the proposed First Amendment to the License and Concession Agreement ("Agreement") with **Hanwen Investment Inc, dba Dragon Gate Oakland**, for the premises located at 1 Franklin Street, Oakland, to adjust the rent payment schedule and extend the term by two (2) months, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney. Furthermore, if the proposed Agreement is not fully executed within thirty (30) days after the effective date of the Board's approval, the approval shall be null and void unless extended at the sole and absolute discretion of the Executive Director or his designee.

B. Make any additions, modifications, or corrections as necessary to implement the Agreement, 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 11, 2023.
Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Lee, Martinez, Story, and President Leslie - 7.

Daria Edgerly,

Secretary of the Board

Adopted at a Regular Meeting held May 25, 2023
by the following vote:

Ayes: Commissioners Butner, Cluver, Colbruno, Lee, Martinez, Story, and
President Leslie - 7
Noes: 0



President.

Attest:



Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4705

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A LICENSE AND CONCESSION AGREEMENT WITH MOUSSA GROUP LLC FOR THE PREMISES LOCATED AT 7717 OAKPORT STREET, OAKLAND, FOR A TERM OF SEVEN (7) YEARS, FOR AN INITIAL MONTHLY RENT OF \$7,669.00, 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 May 11, 2023, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, Section 706 of the City of Oakland ("City") Charter gives to the Board the complete and exclusive power and duty for and on behalf of the City to make provisions for the needs of commerce, shipping, and navigation of the Port and to promote the development, construction, and operation of all waterfront properties, including piers, wharves, sea walls, docks, and other improvements; and

WHEREAS, the proposed action will provide service for members of the public who use the waterfront, and is consistent with the Port's duty to use and manage Port property in trust for the people of the State of California (the "Tidelands Trust"), and the private use of Port property pursuant to the requested approval will not interfere with the Tidelands Trust; 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 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 15332 of the CEQA Guidelines because the proposed action: (a) is consistent with applicable general plan and zoning designation and policies; (b) occurs within city limits, the site is no more than five acres, and is substantially surrounded by urban uses; (c) the site has no value as habitat for endangered, rare, or threatened species; (d) approval of the proposed action would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) the site can be adequately served by all required utilities and public services.

Section 2. The Board hereby approves and authorizes the Executive Director or his designee to:

A. Execute the proposed License and Concession Agreement ("Agreement") with **Moussa Group LLC**, for the premises located at 7717 Oakport Street, Oakland, for a term of seven (7) years, for an initial monthly rent of \$7,669.00, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney. Furthermore, if the proposed Agreement is not fully executed within thirty (30) days after the effective date of the Board's approval, the approval shall be null and void unless extended at the sole and absolute discretion of the Executive Director or his designee.

B. Make any additions, modifications, or corrections as necessary to implement the Agreement, 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 11, 2023.
Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Lee, Martinez, Story, and President Leslie - 7.

Daria Edgerly,

Secretary of the Board

Adopted at a Regular Meeting held May 25, 2023
by the following vote:

Ayes: Commissioners Butner, Cluver, Colbruno, Lee, Martinez, Story, and
President Leslie - 7
Noes: 0



President.
Attest: 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4706

**ORDINANCE APPROVING OAKLAND INTERNATIONAL AIRPORT
HANGAR/RAMP SPACE AGREEMENTS WITH MULTIPLE
GENERAL AVIATION TENANTS, FOR TERMS COMMENCING ON
VARIOUS DATES AND EXPIRING JUNE 30, 2026, WITH
ANTICIPATED ANNUAL REVENUES OF \$8,538.00 FOR FY
2023, OPERATING AT THE NORTH FIELD OF OAKLAND
INTERNATIONAL AIRPORT.**

WHEREAS, the Board of Port Commissioners (the "Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.1, dated May 11, 2023 (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. 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 3. The Board hereby approves the terms and conditions set forth in the Agenda Report for the Oakland International Airport Hangar/Ramp Space Agreements (the "Agreements") with the four General Aviation ("GA") tenants, as set forth in Exhibit A, for a term commencing on the dates set forth in Exhibit A, and expiring June 30, 2026, thereby permitting the continued occupancy by the tenants of the ramp/apron space, Port-owned Port-a-Ports, Port-owned T-Hangars and Tie-down areas plus ingress and egress over the Port's property at the North Field of Oakland International Airport.

Section 4. The Board hereby authorizes the Executive Director of the Port to execute, and/or ratifies the Executive Director's execution of, the Agreements with the four GA tenants, and to make such additions, modifications, or corrections as necessary to implement the Agreements 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. 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 11, 2023.
Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Lee, Martinez, Story, and President Leslie - 7.

Daria Edgerly,

Secretary of the Board

Adopted at a Regular Meeting held May 25, 2023
by the following vote:

Ayes: Commissioners Butner, Cluver, Colbruno, Lee, Martinez, Story, and
President Leslie - 7
Noes: 0



President.

Attest:


Secretary.

Approved as to form and legality:


Port Attorney

EXHIBIT A

North Field General Aviation Tenants (New Agreements and Amendments)						
Tenant	Agreement Type	Facility	Location	Start Date	Rate	FY 22/23 Revenues
Brannigan, John	Agreement	Port-a-Port	6-B-3	9/1/22	\$ 327	\$ 3,270
Cutler, Kenneth	Agreement	Port-a-Port	6-A-7	2/1/23	\$ 327	\$ 1,635
Stone Aviation LLC	Agreement	Port-a-Port	6-C-5	4/1/23	\$ 257	\$ 771
Walker, John	Agreement	T-Hangar	906A	1/1/23	\$ 477	\$ 2,862
TOTALS					\$ 1,388	\$ 8,538

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4707

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SPACE/USE PERMIT WITH SP PLUS OAK RCC JOINT VENTURE FOR USE OF 51,770 SQUARE FEET OF PARTIALLY PAVED LAND TO SUPPORT RENTAL CAR SHUTTLE BUS STORAGE AND OPERATIONS AT OAKLAND INTERNATIONAL AIRPORT FOR A TERM EXPIRING ON DECEMBER 31, 2027, 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 6.2, dated May 11, 2023 (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. 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 3. The Board hereby approves the terms and conditions set forth in the Agenda Report for the Space/Use Permit ("SUP") with **SP Plus OAK RCC Joint Venture** ("SP Plus") for storage and operation of the common use transportation system rental car shuttle busses at Oakland International Airport ("Airport") for a term expiring on December 31, 2027, for fixed monthly rent of \$21,190.30, subject to annual CPI adjustments.

Section 4. The Board hereby authorizes the Executive Director of the Port to execute the SUP with SP Plus, subject to approval as to form and legality by the Port Attorney, and make any additions, modifications, or corrections as necessary to implement the SUP, 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. 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 11, 2023. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Lee, Martinez, Story, and President Leslie - 7.

Daria Edgerly,
Secretary of the Board

Adopted at a Regular Meeting held May 25, 2023
by the following vote:

Ayes: Commissioners Butner, Cluver, Colbruno, Lee, Martinez, Story, and
President Leslie - 7
Noes: 0

President.

Attest:

Secretary.

Approved as to form and legality:

Port Attorney