

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE NO. 4451**

**ORDINANCE APPROVING AMENDMENT TO SPACE/USE PERMIT  
WITH CIVIL AIR PATROL TO EXTEND THE TERM BY FIVE  
YEARS AT A MONETARY CONSIDERATION OF \$1.00 PER ANNUM  
FOR PREMISES AT NORTH FIELD 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 2.1, dated November 30, 2017 (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 the Amendment to Space/Use Permit with **Civil Air Patrol** to extend the term five years to November 30, 2022, with a 30-day termination provision by either party, for monetary consideration of \$1.00 per annum.

**Section 3.** The Board hereby authorizes the Director of Aviation to execute the Amendment to Space/Use Permit with Civil Air Patrol, subject to approval as to form and legality by the Port Attorney.

**Section 4.** The Board hereby finds and determines that amending the Space/Use Permit with Civil Air Patrol is categorically exempt from the California Environmental Quality Act ("CEQA") Guidelines pursuant to Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment

or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.



**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.

The Board of Port Commissioners, Oakland, California, November 30, 2017. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Hamlin, Martinez, Yee and President Story - 7. Noes: 0.


Daria Edgerly  
Secretary of the Board

Adopted at a Regular Meeting held December 14, 2017  
by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and President Story - 7  
Noes: 0

  
\_\_\_\_\_  
President.  
  
Attest:   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

  
\_\_\_\_\_  
Port Attorney

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE NO. 4452**

ORDINANCE APPROVING SECOND SUPPLEMENT TO LICENSE  
AND CONCESSION AGREEMENT WITH SFO HOTEL SHUTTLE,  
INC. FOR AN INITIAL TERM OF FOUR YEARS AT A RENTAL  
OF \$17,084.10 PER MONTH, PLUS TWO FIVE-YEAR OPTIONS,  
FOR 51,770 SQUARE FEET OF IMPROVED REAL PROPERTY AT  
THE NORTH FIELD 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 2.2, dated November 30, 2017 (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 the Second Supplement to License and Concession Agreement with **SFO Hotel Shuttle, Inc.** ("SFO Shuttle") to extend the term for an initial four-year period from July 1, 2018 through June 30, 2022, with SFO Shuttle's option to extend for two additional five-year terms, for initial rent commencing July 1, 2018 at \$17,084.10 per month, subject to adjustment as described in the Agenda Report.

**Section 3.** The Board hereby authorizes the Executive Director to execute the Second Supplement to License and Concession Agreement, and such other additional documents as may be necessary to effectuate the approval, subject to approval as to form and legality by the Port Attorney.

**Section 4.** The Board hereby finds and determines that the Second Supplement is exempt from the California Environmental Quality Act



("CEQA") Guidelines pursuant to Section 15061(b)(3) which states that CEQA applies only to activities that have a potential for causing a significant effect on the environment, and approving the Second Supplement will not result in a physical change in the environment, and therefore is not subject to CEQA and no further environmental review is required.

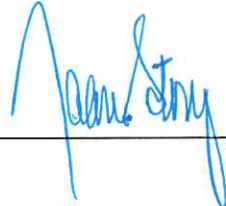

**Section 5.** This ordinance is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. Unless and until a separate written contract 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.

The Board of Port Commissioners, Oakland, California, November 30, 2017. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Hamlin, Martinez, Yee and President Story - 7. Noes: 0.

Daria Edgerly  
Secretary of the Board

Adopted at a Regular Meeting held December 14, 2017  
by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and  
President Story - 7  
Noes: 0

  
\_\_\_\_\_  
President.  
  
Attest:   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

  
\_\_\_\_\_  
Port Attorney

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE NO. 4453**

ORDINANCE    APPROVING    AMENDMENT    NO.    1    TO  
TELECOMMUNICATIONS    LICENSE    AGREEMENT    WITH    NEW  
CINGULAR WIRELESS PCS, LLC TO EXTEND THE TERM BY  
FIVE YEARS AT AN INITIAL LICENSE FEE OF \$11,675 PER  
MONTH FOR A SITE ON THE ROOFTOP AREA AT HANGAR 3 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 2.3, dated November 30, 2017 (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 the Amendment No. 1 to Telecommunications License Agreement with **New Cingular Wireless PCS, LLC**, doing business as AT&T Mobility Corporation LLC, to extend the term five years from January 1, 2018 through December 31, 2022, for an initial monthly license fee of \$11,675.00, subject to adjustment as described in the Agenda Report.

**Section 3.** The Board hereby authorizes the Executive Director to execute the Amendment No. 1 to Telecommunications License Agreement with New Cingular Wireless PCS, LLC, subject to approval as to form and legality by the Port Attorney.

**Section 4.** The Board hereby finds and determines that the proposed Amendment No. 1 is categorically exempt from the California Environmental Quality Act ("CEQA") Guidelines pursuant to Section 15301, Existing

Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.


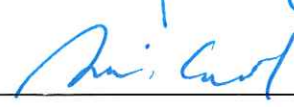
**Section 5.** This ordinance is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. Unless and until a separate written contract 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.

The Board of Port Commissioners, Oakland, California, November 30, 2017. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Hamlin, Martinez, Yee and President Story - 7. Noes: 0.

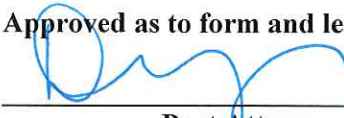
Daria Edgerly  
Secretary of the Board

Adopted at a Regular Meeting held December 14, 2017  
by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and  
President Story - 7  
Noes: 0

  
\_\_\_\_\_  
President.  
  
Attest:   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

  
\_\_\_\_\_  
Port Attorney



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE NO. 4454**

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXTEND THE TERM OF THREE TEMPORARY RIGHT OF ENTRY AND CONSTRUCTION ACCESS AGREEMENTS FOR THREE YEARS WITH THE CITY OF OAKLAND AND THE AFFECTED TENANTS FOR INSTALLATION OF WATERFRONT TRAIL IMPROVEMENTS ON THREE PORT-OWNED PROPERTIES LOCATED ALONG THE OAKLAND ESTUARY.

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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 2.4, dated November 30, 2017 (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; and

**WHEREAS**, Section 706 of the 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 approvals will promote commerce and navigation, 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 State of California (the "Tidelands Trust"), and private uses of Port property pursuant to the proposed approvals will not interfere with the Tidelands Trust; 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 of, and authorizes the Executive Director to execute, extensions of the Temporary Right of Entry and Construction Access Agreements for three years (through December 31, 2020) for installation of waterfront trail improvements with the parties and at the sites described below, as further described in the Agenda Report and in this ordinance, provided that such extensions are approved as to form and legality by the Port Attorney:

- A. With the **City of Oakland and East Bay Regional Park District** for the Crowley Site located at 1441-1551 Embarcadero Road; and
- B. With the **City of Oakland and Embarcadero Cove Enterprises LLC** for the Embarcadero Cove properties located at 1901-1951 Embarcadero Road; and
- C. With the **City of Oakland** for the Livingston Street Pier site located at Embarcadero Road and Livingston Street.

**Section 3.** The Board further finds and determines that the requested approvals are exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301(c), which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features (such as sidewalks, bicycle and pedestrian trails, and similar facilities), involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

**Section 4.** 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 Board. 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.

The Board of Port Commissioners, Oakland, California, November 30, 2017. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Hamlin, Martinez, Yee and President Story - 7. Noes: 0.

Daria Edgerly  
Secretary of the Board

Adopted at a Regular Meeting held December 14, 2017  
by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and  
President Story - 7  
Noes: 0

Attest:

  
\_\_\_\_\_  
President.

  
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

  
\_\_\_\_\_  
Port Attorney



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE NO. 4455**

**ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE  
DIRECTOR TO ENTER INTO A THIRD AMENDMENT TO TEMPORARY  
RENTAL AGREEMENT WITH O.C. JONES AND SONS, INC. TO  
EXTEND THE TERM THROUGH JUNE 30, 2018 FOR APPROXIMATELY  
6 ACRES OF VACANT LAND BY 7<sup>TH</sup> STREET AND OLD NAVY ROAD,  
OAKLAND, CALIFORNIA.**

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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 2.5, dated November 30, 2017 (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 finds and determines as follows:

A. O.C. Jones and Sons, Inc. ("OC Jones") has been using and occupying long, narrow strip of approximately 6 acres (the "TRA Area") of vacant land located between northwesterly boundary of the 7<sup>th</sup> Street and old Navy Road rights of way and the easterly boundary of the Berths 25-33 premises used by TraPac, LLC ("TraPac") pursuant to a Non-Exclusive Preferential Assignment Agreement ("NEPAA") entered into with the Port in October, 2016 ("Premises").

B. The TraPac NEPAA requires TraPac to design and construct certain improvements to portions of TraPac's Premises, and OC Jones is TraPac's general contractor for such construction work.

C. Due to the location of the TRA Area, the TRA Area has limited utility or revenue generation potential associated with alternative purposes, and in consideration of the terms and conditions of the NEPAA, the Port entered into a temporary rental agreement ("TRA") with OC Jones granting OC Jones a temporary right to use the TRA Area for a laydown site in connection with Phase 1 of TraPac's improvements; and

D. The Port and OC Jones have amended the TRA two separate times to slightly expand the TRA Area and extend the term of the TRA; and

E. The Port and OC Jones now wish to further amend the TRA to reduce the TRA Area back to its original approximately 6 acres, extend the term of the TRA to June 30, 2018, and modify other terms and conditions of the TRA for OC Jones to perform Phase 2 of TraPac's improvements; and

F. The proposed amendment to the TRA with OC Jones (the "Third Amendment") will therefore include the following terms:

- i. Premises: the original TRA Area consisting of approximately 6 acres of a long, narrow strip of vacant land located between northwesterly boundary of the 7<sup>th</sup> Street and old Navy Road rights of way and the easterly boundary of the TraPac Premises;
- ii. Extension Term: December 28, 2017 to June 30, 2018;
- iii. Monthly Rent: no charge in consideration of the terms and conditions of the TraPac NEPAA;
- iv. Proposed Use of the Premises: construction laydown, subject to Port rules, including, without limitation, the Port's soil management and environmental protocols;

G. The Board further finds and determines that the proposed Third Amendment to the TRA with OC Jones is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines, Article 19, Section 15301, Existing Facilities, which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that existing.

H. Section 706 of the 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 water front properties including piers, wharves, sea walls, docks, and other improvements.

I. The proposed Third Amendment is consistent with the terms and conditions of the TraPac NEPAA and will facilitate TraPac's construction and completion of valuable improvements pursuant to the NEPAA; and

J. The proposed Third Amendment is consistent with the Port's duty to use and manage Port property in trust for the State of California (the "Tidelands Trust"), and the private use of Port property pursuant to the First Amendment will not interfere with the Tidelands Trust.

**Section 3.** The Board hereby authorizes the Executive Director or his designee to execute the proposed Third Amendment with OC Jones and to make minor amendments thereto consistent with the intent of the Board as described in the Agenda Report and this ordinance, subject to approval as to form and legality by the Port Attorney.

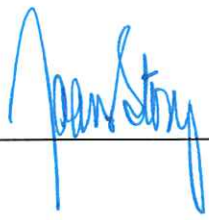
**Section 4.** This ordinance is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. Unless and until a separate written agreement 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.


The Board of Port Commissioners, Oakland, California, November 30, 2017. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Hamlin, Martinez, Yee and President Story - 7. Noes: 0.

Daria Edgerly  
Secretary of the Board

Adopted at a Regular Meeting held December 14, 2017  
by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and  
President Story - 7  
Noes: 0

  
\_\_\_\_\_  
President.

Attest:   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

  
\_\_\_\_\_  
Port Attorney



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE NO. 4456**

**ORDINANCE APPROVING AIRLINE OPERATING AGREEMENT  
WITH DELUX PUBLIC CHARTER, LLC DOING BUSINESS AS  
JETSUITEX, OPERATING AT OAKLAND INTERNATIONAL  
AIRPORT.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.1, dated November 30, 2017 ("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**, 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 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 approves the terms and conditions of the Port's standard form Airline Operating Agreement ("AOA") with Delux Public Charter, LLC doing business as JetSuiteX, for a term expiring on September 30, 2021, at the rates set forth in the Port's annual Rates and Charges Ordinance and terms and conditions set forth in the Agenda Report, and upon such standard terms and conditions as specified in the AOA, subject to the Port Attorney's review and approval as to form and legality.

**Section 2.** The Board hereby authorizes the Executive Director to execute the AOA, subject to the Port Attorney's approval as to form and legality.

**Section 3.** The Board hereby finds and determines that entering into the AOA is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15301, Existing Facilities. CEQA does not apply to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical

features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

**Section 4.** This ordinance is not evidence of and does not create or constitute (a) a contract or lease, 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 separate written agreement(s) are duly executed on behalf of the Board as authorized by this ordinance, is signed and 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(s).

The Board of Port Commissioners, Oakland, California, November 30, 2017. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Hamlin, Martinez, Yee and President Story - 7. Noes: 0.

Daria Edgerly  
Secretary of the Board

Adopted at a Regular Meeting held December 14, 2017  
by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and  
President Story - 7  
Noes: 0

Attest:

  
\_\_\_\_\_  
President.

  
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

  
\_\_\_\_\_  
Port Attorney

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE NO. 4457**

**ORDINANCE APPROVING AMENDMENT TO LEASE WITH DHL EXPRESS (USA), INC. TO EXTEND THE TERM FOR FIVE YEARS AT AN INITIAL RENTAL OF \$43,848 PER MONTH FOR PREMISES AT NORTH FIELD 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 6.2, dated November 30, 2017 (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 the Amendment to Lease with **DHL Express (USA), Inc.** ("DHL") to extend the term five years to December 31, 2022, with an additional five-year mutual option to extend the term to December 31, 2027 (both the Port and DHL would need to agree to the extension) for initial rental of \$43,848 per month, and on the terms and conditions described in the Agenda Report.

**Section 3.** Based on DHL's excellent payment history, the Board hereby approves of the security deposit in the amount of \$88,000, which would be an exception to the Port's Administrative Policy No. 509 which requires security deposits to be three times monthly billings.

**Section 4.** The Board hereby authorizes the Executive Director to execute the Amendment to Lease with DHL, subject to approval as to form and legality by the Port Attorney.



**Section 5.** The Board hereby finds and determines that the Amendment to Lease is categorically exempt from the California Environmental Quality Act ("CEQA") Guidelines pursuant to Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.


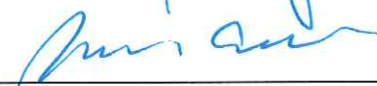
**Section 6.** This ordinance is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. Unless and until a separate written contract 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.

The Board of Port Commissioners, Oakland, California, November 30, 2017. Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Colbruno, Hamlin, Martinez, Yee and President Butner. Noes: 0 Recused: President Story - 1

Daria Edgerly  
Secretary of the Board

Adopted at a Regular Meeting held December 14, 2017  
by the following vote:

Ayes: Commissioners Colbruno, Cluver, Hamlin, Martinez, Yee and  
President Butner  
Noes: 0  
Recused: President Story - 1

  
\_\_\_\_\_  
President.  
  
Attest:   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

  
\_\_\_\_\_  
Port Attorney

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE NO. 4458**

ORDINANCE AUTHORIZING THE EXECUTIVE DIRECTOR TO (1) EXTEND THE TERM OF A NO-COST TEMPORARY RENTAL AGREEMENT WITH SEAFARER'S MINISTRY OF THE GOLDEN GATE THROUGH MARCH 31, 2018 AND (2) ENTER INTO A NO-COST LEASE WITH SEAFARER'S MINISTRY OF THE GOLDEN GATE FOR A 0.2 ACRE PARCEL OF LAND IN THE MARITIME AREA FOR A TERM OF FIVE YEARS WITH ONE FIVE-YEAR EXTENSION OPTION.

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item 6.3, dated November 30, 2017 (the "Agenda Report") and related materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment;

**WHEREAS**, since the mid-1990's, various faith-based entities have operated the Seaman Center (the "Center"), a modular building located on approximately 0.2 acres in a designated area within Port View Park in the Seaport area. The Center provides support services to visiting seafarers and workers in the local maritime industry in the forms of counseling, meals, recreation, and communications (email and telephone access);

**WHEREAS**, the Port has entered into a temporary rental agreement with Seafarer's Ministry of the Golden Gate (Seafarer's) for operation of the Center to allow Port staff and Seafarer's the time to finalize a longer-term lease ("Rental Agreement"); and

**WHEREAS**, Port staff proposes to extend said Rental Agreement through March 31, 2018 and seeks approval to enter into a no-cost five-year lease with Seafarer's for operation of the Center; and 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 finds and determines that the proposal to authorize the Executive Director to extend the Rental Agreement with Seafarer's and to enter into a lease with Seafarer's was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines. The proposed actions are categorically exempt from CEQA requirements pursuant to Section 15301, which exempts leasing of existing facilities.

**Section 3.** The Board authorizes the Executive Director or his designee to amend the Rental Agreement with Seafarer's to extend the terms of such Agreement for a total additional term ending no later than March 31, 2018.

**Section 4.** The Board hereby approves the terms and conditions of the proposed new lease with Seafarer's with the following material terms:

1. Term: Five (5) year initial term, with one five (5) year option to extend subject to mutual agreement of the Port and Seafarer's.
2. Premises: 0.2 acres of land in a designated area within Port View Park at the Seaport.
3. Rent: \$0, including waiver of security deposit. Staff is recommending a no-cost lease given the nature of services provided by Seafarer's.
4. Termination: Either party may terminate the lease with a 90-day written advance notice.
5. Maintenance: Seafarer's is responsible for all maintenance and utility costs.

**Section 5.** The Board hereby authorizes the Executive Director or his designee to approve and execute any documents that may be required to carry out the extension of the subject Agreement as described in the Agenda Report, in consultation with and subject to the Port Attorney's approval as to form and legality.



**Section 6.** This Ordinance is not evidence of and does not create or constitute (a) a contract or lease, 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 separate written agreements are duly executed on behalf of the Board as authorized by this Ordinance, are signed and approved as to form and legality by the Port Attorney, and are delivered to each of the other contracting parties, there shall be no valid or effective agreements.

The Board of Port Commissioners, Oakland, California, November 30, 2017. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Hamlin, Martinez, Yee and President Story - 7. Noes: 0.

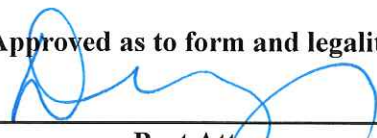
Daria Edgerly  
Secretary of the Board

Adopted at a Regular Meeting held December 14, 2017  
by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and  
President Story - 7  
Noes: 0

  
\_\_\_\_\_  
President.  
Attest:   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

  
\_\_\_\_\_  
Port Attorney