

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4444

**ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE
DIRECTOR TO ENTER INTO A 10-YEAR LICENSE AND
CONCESSION AGREEMENT WITH T-MOBILE WEST, LLC FOR
A TELECOMMUNICATIONS FACILITY ON THE ROOF AT 101
WASHINGTON STREET, OAKLAND, CALIFORNIA.**

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 October 12, 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. T-Mobile West, LLC ("TMO") has been using and occupying approximately 120 square feet of the southeasterly corner of the roof of the Port's public parking garage at 101 Washington Street, Oakland, California ("Premises") to operate, maintain, repair, and replace certain telecommunication antennas and related equipment on said Premises for the past year pursuant to a Temporary Rental Agreement that will expire on October 31, 2017; and

B. TMO wishes to continue such use of the Premises for another ten (10) years and therefore wishes to enter into a new 10-year License and Concession Agreement ("L&C") with the Port for the same Premises. A site plan and map of the Premises is shown on the map attached to the Agenda Report as Exhibit A; and

C. The Premises are not currently usable for parking or other public parking garage uses, and Port staff believe that TMO's use and occupancy of the Premises is an appropriate use of that space and will allow the Port to receive revenue from an area that would not otherwise

be rentable. The Premises will also allow TMO to offer and provide cellular coverage to members of the public using the Jack London Square area; and

D. Port staff have negotiated and recommend a new 10-year License and Concession Agreement with TMO under the following terms:

- i. Premises: an approximately 120 square foot area of the southeastern corner of the 7th floor roof of the Port's public parking garage at 101 Washington Street, as shown and depicted in the map attached to the Agenda Report as Exhibit A;
- ii. Term: November 1, 2017 to October 31, 2027;
- iii. Monthly Rent: \$5,871/mo. with 3% annual increases;
- iv. Security Deposit: \$17,613, or three (3) times the monthly rent;
- v. Proposed Use of the Premises: operation, maintenance, repair and replacement of an unstaffed telecommunications facility comprised of antennas and related equipment attached to certain walls of the Premises;
- vi. TMO is responsible for all maintenance and operation of its equipment on the Premises. There are no proposed Port maintenance responsibilities.

E. The Board further finds and determines that the proposed Temporary Rental Agreement is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301 of the CEQA Guidelines, 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. No changes to the premises or use are proposed.

F. 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.

G. The proposed License and Concession Agreement will put currently unrentable property to productive use, generate revenues for the Port of otherwise unproductive property, and is in the best interest of the Port; and

H. The proposed License and Concession Agreement 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 License and Concession Agreement will not interfere with the Tidelands Trust.

Section 3. The Board hereby authorizes the Executive Director or his designee to execute the proposed License and Concession Agreement with TMO 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.

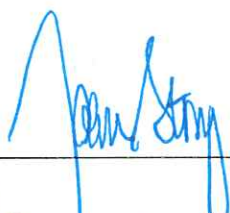
Section 4. This ordinance is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. Unless and until a separate written agreement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

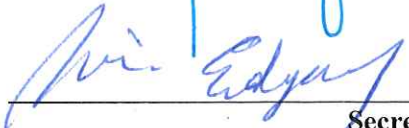
The Board of Port Commissioners, Oakland, California, October 12, 2017. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Hamlin, Martinez, Yee and President Story - 7. Noes: 0.

Daria Edgerly
Acting Secretary of the Board

Adopted at a Regular Meeting held October 26, 2017
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Martinez, Yee and
President Story - 5
Excused: Commissioners Bunter and Cluver - 2
Noes: 0



President.
Attest: 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4445

ORDINANCE AMENDING AND RESTATING RULES AND
REGULATIONS FOR OAKLAND INTERNATIONAL AIRPORT,
WHICH SHALL SUPERSEDE PORT ORDINANCE NO. 4362 AND
SHALL BE EFFECTIVE JANUARY 1, 2018, AND APPROVING
EXTENSIONS OF THE TRANSPORTATION NETWORK COMPANY
COMMERCIAL GROUND TRANSPORTATION NON-EXCLUSIVE
OPERATING PERMITS WITH RASIER-CA, LLC (DBA UBER),
LYFT, INC., AND TICKENGO, INC. (DBA WINGZ) THROUGH
DECEMBER 31, 2017.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 5.1, dated October 12, 2017 (the "Agenda Report") and related agenda materials, including the amended and restated Rules and Regulations for Oakland International Airport, substantially in the form attached thereto and available at www.portofoakland.com/port/board-of-commissioners/board-meetings/, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, during the Board meeting on September 28, 2017, the Board received expert testimony of Port staff, received public comment, and discussed establishing a differential trip fee among various ground transportation modes, and between alternative fuel and non-alternative fuel vehicles, but directed Port staff to bring the ordinance back for another first reading; and

WHEREAS, during the first reading of this ordinance at the October 12, 2017 Board meeting, the Board adopted a differential trip fee between (a) lower capacity vehicles (taxis, limousines, and transportation network company vehicles), and (b) higher capacity vehicles (courtesy vehicles and shuttles) and alternative fuel vehicles of any mode, for the purpose of improving local air quality while supporting the Port's cost recovery efforts for its ground transportation program; and

WHEREAS, the Board after hearing testimony at its September 28 and October 12 meetings finds that higher capacity vehicles causes less congestion and alternative fuel vehicles causes less air pollution, and therefore a differential rates are needed to reduce congestion, lessen

air quality impacts and recover costs of ground transportation program;
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 and adopts the amended and restated Rules and Regulations for Oakland International Airport, which shall supersede Port Ordinance No. 4362 and as substantially set forth in the attachment to the Agenda Report, to be effective January 1, 2018, subject to approval by the Port Attorney as to form and legality.

Section 3. The Board hereby approves the terms of, and authorizes the Executive Director to execute, extensions of the Transportation Network Company Commercial Ground Transportation Non-Exclusive Operating Permits with **Rasier-CA, LLC (dba Uber), Lyft, Inc., and Tickengo, Inc. (dba Wingz)** through December 31, 2017, provided that such extensions are approved as to form and legality by the Port Attorney.

Section 4. The Board further finds and determines that approval of the amended and restated Rules and Regulations and extensions of the TNC Pilot Program Permits are exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301, 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, 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, October 12, 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.

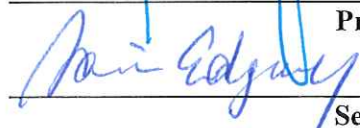
Daria Edgerly
Acting Secretary of the Board

Adopted at a Regular Meeting held October 26, 2017
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Martinez, Yee and
President Story - 5
Excused: Commissioners Bunter and Cluver - 2
Noes: 0

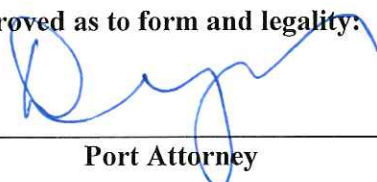
Attest:



President.


Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4446

ORDINANCE APPROVING AMENDMENT NO. 2 TO SPACE/USE
PERMIT WITH CLEAR CHANNEL OUTDOOR DBA CLEAR CHANNEL
AIRPORTS TO CORRECT AND RESOLVE RENTAL CALCULATION
ISSUES IDENTIFIED BY THE OFFICE OF AUDIT SERVICES,
FOR NO CHANGE IN COMPENSATION, FOR ADVERTISING
LOCATED THROUGHOUT THE TERMINAL COMPLEX AT OAKLAND
INTERNATIONAL AIRPORT.

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 October 12, 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 Amendment No. 2 to Space/Use Permit with **Clear Channel Outdoor dba Clear Channel Airports** ("Clear Channel") to correct and resolve rental calculation issues identified in audit findings as described in the Agenda Report.

Section 3. The Board hereby authorizes the Executive Director to execute Amendment No. 2 to Space/Use Permit with Clear Channel, 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 Clear Channel 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, October 12, 2017. Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Colbruno, Hamlin, Martinez, Yee and President Butner - 6. Excused: President Story -1. Noes: 0.

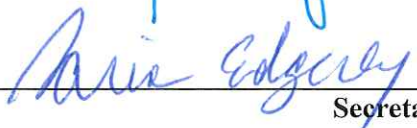
Daria Edgerly
Acting Secretary of the Board

Adopted at a Regular Meeting held October 26, 2017
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Martinez, Yee and
President Story - 5
Excused: Commissioners Bunter and Cluver - 2
Noes: 0



President.

Attest: 

Secretary.

Approved as to form and legality:



Port Attorney