

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

6/23/2022
Item No.: 6.2
CT/pcm

Heh

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A FIRST AMENDMENT TO TEMPORARY RENTAL AGREEMENT WITH DELUX PUBLIC CHARTER, LLC DBA JSX OPERATING AT OAKLAND INTERNATIONAL AIRPORT FOR CUSTOMER PARKING FOR A TOTAL TERM OF JUST OVER FOUR YEARS FROM MAY 7, 2021 THROUGH JUNE 30, 2025, WITH TOTAL CONSIDERATION OF \$113,465 FOR THE EXTENDED TERM (MAY 7, 2022 TO JUNE 30, 2025).

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 June 23, 2022, ("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, in May 2021, the Port executed a Temporary Rental Agreement ("TRA") with Delux Public Charter, LLC dba JSX ("JSX") with a term of May 7, 2021 to May 6, 2022 that allowed for JSX to occupy a portion of the parking lot ("L-142 Lot") that is located across the street from Port Building L-142 ("L-142") where JSX operates its passenger service as a based subtenant to Signature Flight Support; and

WHEREAS, JSX has requested an extension of the TRA, and a reduction in the monthly rent in exchange for repair work that JSX is scheduled to perform on the L-142 Lot; 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 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 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 to:

A. Execute the proposed First Amendment to TRA ("Amendment") with JSX for a portion of L-142 Lot to operate a parking lot for monthly rent of \$3,000 during the extended term of May 7, 2022 through June 30, 2025, subject to termination by either party upon 30 days written notice and subject to JSX spending a minimum of \$100,000 in tenant improvements, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

B. Make any additions, modifications, or corrections as necessary to implement the Amendment, 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.

President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney