

PORT ORDINANCE NO. 4421

ORDINANCE APPROVING SPACE/USE PERMIT WITH
AIRPORT TERMINAL SERVICES, INC. OPERATING AS AN
AIRLINE SERVICES PROVIDER 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 6.3, dated May 18, 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 Space/Use Permit with **Airport Terminal Services, Inc.** to operate as an airline services provider at Oakland International Airport for a concession fee of 10% of gross revenue, with a minimum monthly concession fee of \$250, and the right to occupy approximately 594 square feet of office space in Terminal 1 pursuant to the annual Rates and Charges Ordinance (initial monthly rent of \$13,360.84 based on the current Rates and Charges Ordinance) for a term of approximately five years, expiring March 31, 2022, with the right of either party to terminate upon written 30-day notice.

Section 3. The Board hereby authorizes the Executive Director to execute the Space/Use Permit with **Airport Terminal Services, Inc.**, subject to approval as to form and legality by the Port Attorney.

Section 4. The Board hereby finds and determines that entering into the Space/Use Permit is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 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, May 18, 2017.
Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Hamlin, Martinez, Story, Yee and President Colbruno - 6.
Excused: Commissioner Butner - 1. Noes: 0.

John T. Betterton
Secretary of the Board