

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.

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