

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.**

**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 - 6. Recused: President Story - 1. Noes: 0.

Daria Edgerly  
Secretary of the Board