

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

6/13/19

Item 6.2

CT/MS



ORDINANCE APPROVING (I) A FIRST AMENDMENT TO A SPACE/USE PERMIT WITH SWISSPORT FUELING, INC. TO EXTEND THE OUTSIDE EXPIRATION DATE FROM JUNE 30, 2019 TO JUNE 30, 2023, AND (II) A SPACE/USE PERMIT WITH EASTERN AVIATION FUELS, INC. DBA TITAN AVIATION FUELS OPERATING AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, on May 8, 2014, the Board of Port Commissioners of the City of Oakland ("Board") adopted Ordinance No. 4289 approving a Space/Use Permit ("SUP") with Swissport Fueling, Inc. ("Swissport") for a term of five years, terminating June 30, 2019, for into-plane fueling services at Oakland International Airport ("Airport"); and

WHEREAS, Eastern Aviation Fuels, Inc., dba Titan Aviation Fuels ("Eastern Aviation") has been contracted by JetSuiteX, a subtenant of Signature Flight Support, to provide into-plane fueling services in the North Field of the Airport; and

WHEREAS, the Board has reviewed and evaluated the Agenda Report for Agenda Item 6.2, dated June 13, 2019 (the "Agenda Report") and related agenda materials, has received the expert testimony of 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.

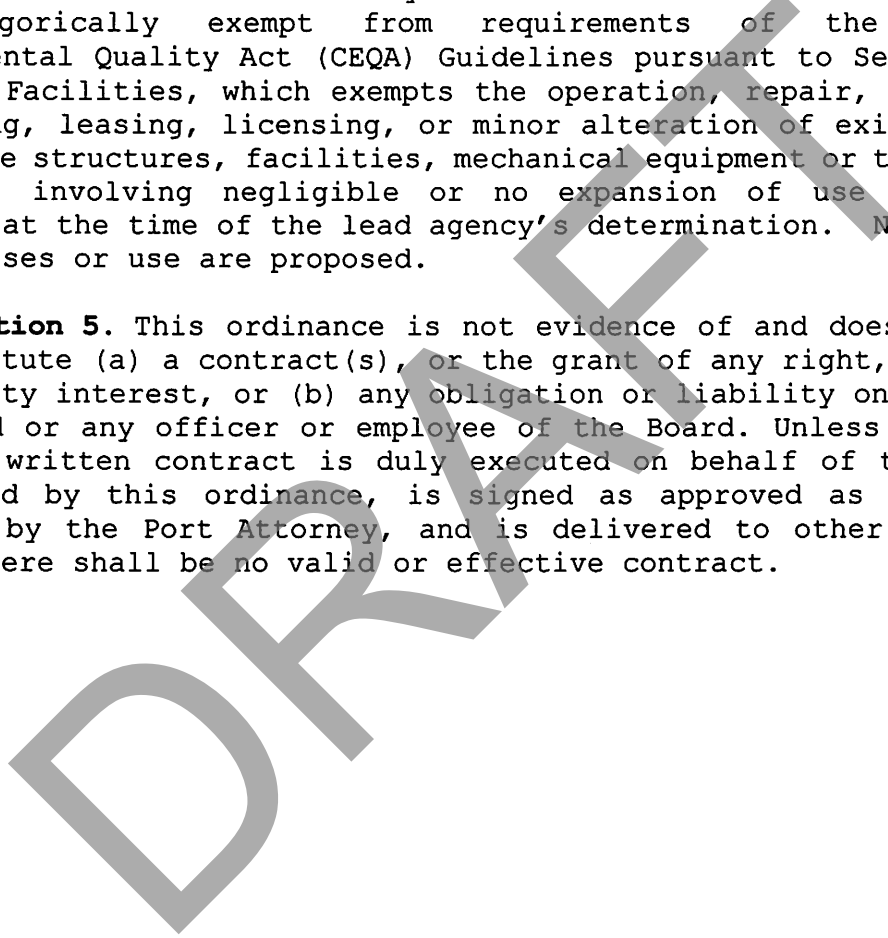
Section 2. The Board hereby approves the terms and conditions set forth in the Agenda Report for (i) the First Amendment to SUP with Swissport to extend the term of the current SUP to June 30, 2023 for consideration of a minimum monthly fee of \$250.00 or 10% of gross revenues, whichever is greater, and a performance deposit of \$75,000 (approximately 2X average monthly billings), as described in the Agenda Report, and (ii) the Space/Use Permit with Eastern Aviation for a term expiring June 30, 2023, at the rate of \$0.85 per gallon of fuel for all fuel sold to base tenants as contracted fuel, and \$0.21 per gallon of

fuel for all other fuel sold to non-base tenants for operations on the North Field, plus 10% of Gross Revenues for operations on the South Field, and a performance deposit of \$12,000 (approximately 3X average monthly billings)), as described in the Agenda Report.

Section 3. The Board hereby authorizes the Executive Director to execute the First Amendment to SUP with Swissport and the Space/Use Permit with Eastern Aviation, and any other necessary documents to effect the proposed transactions, subject to approval as to form and legality by the Port Attorney.

Section 4. The Board hereby finds and determines that this action is categorically exempt from requirements of 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. No changes to the premises or use are proposed.

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.



President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney