

PORT ORDINANCE NO. 4527

ORDINANCE APPROVING (I) A LEASE WITH SEASTRAND ENGINEERING LLC FOR AN INITIAL FIVE YEAR TERM, WITH ONE FIVE YEAR OPTION, WITH FIRST YEAR ANNUAL RENT AT APPROXIMATELY \$92,935, AND (II) A FIFTH SUPPLEMENT AND AMENDMENT TO LEASE AND OPTION TO LEASE TO A LEASE DATED SEPTEMBER 1, 2011 WITH PIEDMONT HAWTHORNE AVIATION, LLC DBA SIGNATURE FLIGHT SUPPORT TO AMEND THE PREMISES AND ADJUST ANNUAL RENT OPERATING AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board has reviewed and evaluated the Agenda Report for Agenda Item 6.3, dated June 27, 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 Lease with Seastrand Engineering LLC ("Seastrand"), for an initial term of five years commencing August 1, 2019 and expiring July 31, 2024, with an option for an additional five years to July 31, 2029 upon mutual agreement, for first year annual rent of approximately \$92,935, as described in the Agenda Report, and (ii) the Fifth Supplement and Amendment to Lease and Option to Lease to a Lease dated September 1, 2011 with Piedmont Hawthorne Aviation, LLC dba Signature Flight Support ("Signature") to amend the Premises and adjust rent based on such amended Premises, as described in the Agenda Report.

Section 3. The Board hereby authorizes the Executive Director to execute the Lease with Seastrand and the Fifth Supplement and Amendment to Lease and Option to Lease with Signature, 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.

The Board of Port Commissioners, Oakland, California, June 27, 2019. Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Lee, Leslie, Martinez, Story and President Butner - 6. Excused: Commissioner Colbruno - 1. Noes: 0.

Daria Edgerly

Secretary of the Board