

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

10/8/2020
Item No.: 6.1
CT/msr



**ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE
DIRECTOR TO EXECUTE A THIRD AMENDMENT TO LEASE WITH
AVIS BUDGET CAR RENTAL, LLC AND A THIRD AMENDMENT
TO LEASE WITH DTG OPERATIONS, INC. FOR USE OF
PROPERTY AT THE NORTH FIELD OF OAKLAND INTERNATIONAL
AIRPORT WITH ANTICIPATED TOTAL REVENUES OF \$634,800
IN FISCAL YEAR 2020-2021.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.1, dated October 8, 2020 ("Agenda Report") and related 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. The Board hereby finds that this action, to adopt an ordinance approving and authorizing the Executive Director to enter into Third Amendments to Lease with both Avis Budget Car Rental, LLC ("Avis") and DTG Operations, Inc. ("DTG") extending the terms of said Leases for an additional eight (8) months with the same terms and conditions, was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"). The common sense exemption in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that extending the Leases will result in a physical change in the environment, and therefore this action is not subject to CEQA and no further environmental review is required.

Section 2. 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 3. Based upon the information contained in the Agenda Report, the Board hereby approves and authorizes the Executive Director to execute (i) a Third Amendment to Lease with Avis, extending the term of the Lease eight (8) months through June 30, 2021, with the same terms

and conditions, with anticipated total revenue to the Port in the amount of \$437,704, and (ii) a Third Amendment to Lease with DTG, extending the term of the Lease eight (8) months through June 30, 2021, with the same terms and conditions, with anticipated total revenue to the Port in the amount of \$197,096, as more fully set forth in the Agenda Report, subject to approval by the Port Attorney as to form and legality.

Section 4. 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.

Section 5. This Ordinance shall take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.

President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney