



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**ORDINANCE APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO EXECUTE A SPACE/USE PERMIT
WITH AIR CULINAIRE WORLDWIDE, LLC, FOR A TERM OF
37 MONTHS FOR A MINIMUM MONTHLY RENT OF \$500 OR
10% OF GROSS REVENUE, WHICHEVER IS GREATER, TO
PROVIDE IN-FLIGHT CATERING SERVICES AT OAKLAND
INTERNATIONAL AIRPORT.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.2, dated October 8, 2020 (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. The Board hereby finds that this action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"). The CEQA Guidelines, Section 15061(b)(3) ("common sense exemption") states that CEQA applies only to projects that have a potential for causing a significant effect on the environment. Entering into a Space/Use Permit ("SUP") to grant access for Air Culinaire Worldwide, LLC ("Air Culinaire") to provide in-flight catering services will not have a significant effect on the environment, and therefore is not a project under CEQA. 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. The Board hereby approves the terms and conditions set forth in the Agenda Report for the SUP with Air Culinaire, for a term of thirty seven (37) months from June 1, 2020, through June 30, 2023, with a minimum monthly rent of \$500 or 10% of gross revenues, whichever is greater, to provide in-flight catering services, as described in the Agenda Report.

Section 4. The Board hereby authorizes the Executive Director to execute the SUP with Air Culinaire, and to make such additions, modifications, or corrections as necessary to implement the SUP or to correct errors, subject to the limitations set forth herein and provided that any such addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

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.

Section 6. 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