BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4566

ORDINANCE AMENDING PORT OF OAKLAND
ORDINANCE NO. 4430 RELATING TO LANDING
AND TENANT TERMINAL SPACE RENTAL FEES AT
OAKLAND INTERNATIONAL AIRPORT, CHANGING
THE METHODOLOGY FOR COLLECTING TERMINAL
1 BAGGAGE CLAIM FACILITY USAGE FEES FOR
FY2020-21, AND WAIVING AIRCRAFT PARKING
FEES FOR CERTAIN SIGNATORY AIRLINES.

WHEREAS, the Board of Port Commissioners of the City of Oakland
(“Board”) has reviewed and evaluated the Agenda Report for Agenda Item No.
6.1, dated June 25, 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:

The charges for use of facilities and the provision of Aviation Fuel
at Oakland International Airport were established pursuant to Port
Ordinance No. 4430 adopted by the Board on July 13, 2017, as amended, and
are hereby further amended, consistent with the Agenda Report, as follows:

Section 1. The Board hereby finds and determines that this action
is exempt from the California Environmental Quality Act (“CEQA”) pursuant
to the CEQA Guidelines Section 15061(b)(3) (“common sense exemption”), which
states that CEQA applies only to activities that have a potential for causing
a significant effect on the environment, approving the proposed FY 2020-21
Rates & Charges and other fees will not have a significant effect on the
environment, and therefore is not a project under CEQA and no further
environmental review is required.

Section 2. The landing fees and operation charges established
under Section 2 and the space rental charges established under
Section 10 of Port Ordinance No. 4430 are hereby amended as
shown on the revised Rate Schedule attached to this Ordinance.

Section 3. The last sentence of Section 9 of Port Ordinance No. 4430
is hereby amended to read as follows: “For Fiscal Year 2020-2021, for
Signatory Airlines, the Aircraft storage fees set forth in Sections 9.a.(1),
9.a.(3), 9.b.(1), 9.b.(2), 9.d.(1), 9.e.(1), and 9.e.(2) shall be held in
abeyance, provided that such Signatory Airline is concurrently operating
scheduled passenger or cargo service at the Airport.”

Section 4. The following sentences are added to the end of Section
10.2: “For Fiscal Year 2020-2021, any Signatory Airline, using Baggage
Claim Space at Terminal 1, shall pay a Baggage Claim Fee per deplaning
passenger, as shown in the Rate Schedule, regardless of the number of
passengers who actually check bags. Any under or over-collection of
EXHIBIT A
RATE SCHEDULE

LANDING FEES

Signatory Airline; Based Tenant, Engaged in Commercial Operations
Minimum Charge per Landing
Landing Fee
2(a) $ 51.14
2(b)(i) $ 4.09

All Other Aircraft
Minimum Charge per Landing
Landing Fee
2(a) $ 63.93
2(b)(ii) $ 5.11

No landing fee shall be charged for landings of:

1 Any Aircraft which, after taking off from the Airport, and without making a landing at any other airport, returns to land at the Airport because of meteorological conditions, mechanical or operating causes, or any other reason of emergency;
3 $ 0

2 Any Based Tenant Aircraft not engaged in Commercial Operations;
7(a) $ 0

3 Aircraft chartered or operated by the federal government or by the State of California or any of their agencies, except in the event that an agreement between the Port and the federal government or the State of California or any of their agencies establishes such landing fees;
7(b) $ 0

4 Federal government or State of California Aircraft being repaired or overhauled by an Airport-based company for which prior approval of the Director has been obtained.
7(c) $ 0

5 Angel Flight operations
7(d) $ 0

6 Student pilots of schools providing Flight Instruction Services
7(e) $ 0
**TERMINAL RATES AND FEES**

**Terminal Space Rental Rates (psf/per month)**

| Category I - Preferential Ticket Counter Space | 10.1(a) | $ 29.226 |
| Category II - Exclusive Office and Preferential Holdroom Space | 10.1(b) | $ 26.303 |
| Category III - Baggage Claim Space | 10.1(c) | $ 23.381 |
| Category IV - Preferential Baggage Make-up Space | 10.1(d) | $ 20.458 |
| Category V - Common Use Ticket Counter Space | 10.1(e) | $ 14.613 |
| Category VI - Common Use Office Space | 10.1(f) | $ 13.152 |
| Category VII - Common Use Baggage Make-up Space | 10.1(g) | $ 10.229 |

**Preferential Holdroom Monthly Charge (per each Holdroom)**

10.1 $ 65,371.33

**Baggage Claim Monthly Charges - Signatory Airline**

10.2 $ 363,851

Allocated based on % deplaning passengers - Terminal 2

**Baggage Claim Fee per Deplaned Passenger - Signatory Airline - Terminal 1**

10.2 $ 8.12

**Baggage Claim Fee per Deplaned Passenger - Non-Signatory Airline**

10.2 $ 10.16

**Common Use Fee per Operation - Signatory Airline**

10.3 $ 702

**Common Use Fee per Operation - Non-Signatory Airline**

877

**Secondary Use Fees per Operation**

10.4

Applicable to Signatory Based Airline only

- Aircraft with 90 seats or more $ 495
- Aircraft with 31 to 89 seats 247
- Aircraft with 30 seats or fewer 124

**Airline Self-Service Kiosk - per unit per month**

10.5 $ 50.00

**Federal Inspection Services (FIS) Facility Fee**

10.7 $ 12.00
Baggage Claim Fees for Terminal 1 for Fiscal Year 2020–2021 will be trued-up in connection with the Port’s completion of Fiscal Year 2020–2021 audited financial reports. The Port shall either invoice (for under-collection) or reimburse (for over-payment) the true-up amounts, and the Signatory Airlines shall pay any such invoices. The true-up shall apply only to any Signatory Airline using Baggage Claim Space at Terminal 1 in FY2021 based on its proportional share of total deplaned passengers at Terminal 1 in FY2021 (excluding any Signatory Airline deplaning in Terminal 1 but using Terminal 2 Baggage Claim Space).”

Section 5. The last sentence of Section 10.14 of Port Ordinance No. 4430 is hereby amended to read as follows: “The rental rate for concession office and storage space is $5.113 per square feet per month.”

Section 6. This Ordinance shall take effect on the date of its final adoption, and shall be retroactively effective July 1, 2020, for Signatory Airlines, and effective October 1, 2020 for all others; 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.

Section 7. 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.

The Board of Port Commissioners, Oakland, California, June 25, 2020. Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Colbruno, Lee, Leslie, Martinez, Story and President Butner – 7. Noes: 0.

Daria Edgerly
Secretary of the Board

Adopted at a Special Meeting held July 14, 2020
by the following vote:

Ayes: Commissioners Cluver, Colbruno Lee, Leslie, Martinez, Story and President Butner – 7
Noes: 0

[Signature]
President.

[Signature]
Secretary.

Approved as to form and legality:

[Signature]
Port Attorney
BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4567

ORDINANCE: (I) APPROVING AND AUTHORIZING EXECUTION OF AMENDMENTS WAIVING THE REQUIREMENT TO PAY MINIMUM ANNUAL GUARANTEE FOR FOURTEEN MONTHS (MAY 2020 THROUGH JUNE 2021) FOR TWENTY AIRPORT CONCESSIONAIRES; (II) APPROVING AND AUTHORIZING EXECUTION OF AMENDMENTS EXTENDING THE TERM OF SPACE/USE PERMIT BY ONE YEAR TO MAY 31, 2022 FOR TWO AIRPORT CONCESSIONAIRES: WORLD DUTY FREE GROUP (AKA HUDSON NEWS) AND TASTE, INC. (DBA VINO VOLO); AND (III) WAIVING MONTHLY RENTAL FOR AUTOMATED SPECIALTY RETAIL AND BANK-OPERATED AUTOMATIC TELLER MACHINES LOCATED WITHIN CLOSED AREAS OF THE TERMINAL COMPLEX 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 No. 6.2, dated June 25, 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. 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 finds and determines that to draft and execute Minimum Annual Guarantee ("MAG") waiver amendments with Oakland International Airport ("Airport") concessionaires 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 drafting and executing MAG waiver amendments with Airport concessionaires 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 3. The Board hereby approves the terms and conditions set forth in the Agenda Report for: (i) waiving the requirement for twenty concessionaires listed on Exhibit 1 operating at Oakland International Airport to pay MAG for fourteen months (May 2020 through June 2021); (ii) extending the term of the Space/Use Permit by one year to May 31, 2022, for two Airport concessionaires - World Duty Free Group (aka Hudson News), and Taste, Inc. (dba Vino Volo); and (iii) delegating authority to the Director of Aviation to waive monthly rental for Automated Specialty Retail and Bank-Operated Automatic Teller Machines located within closed areas of the
Exhibit 1

1 Airport Mailers
2 Avis Budget Car Rental, LLC
3 Bank of America
4 Clear Channel Airports
5 Enterprise Rent-A-Car Co of San Francisco, LLC
6 Federal Express Corporation
7 Fox Rent A Car, Inc.
8 Tricopian, Inc. (Fuel Rod)
9 The Hertz Corporation
10 World Duty Free Group (Hudson News)
11 Jabbarbox, Inc.
12 MAG USA, Inc. (Escape Lounge)
13 Oakland Golf, LLC (Metro Golf Links) *
14 OutFront Media
15 Security Point Media
16 Smarte Carte
17 SouveNEAR
18 Taste, Inc. (Vino Volo)
19 Wells Fargo Bank
20 Zoom Systems

*The Port and the City of Oakland ("City") are parties to a Lease, and the City and Oakland Golf, LLC are parties to a Sublease. MAG waiver is subject to City approval.
Terminal Complex at the Airport for up to fourteen months commencing May 1, 2020, through June 30, 2021.

Section 4. The Board hereby authorizes the Executive Director to (i) execute amendments and any other documents required to effect the proposed transactions, subject to approval as to form and legality by the Port Attorney, and (ii) make such additions, modifications, or corrections as necessary to implement such amendments and other documents 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.

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.

The Board of Port Commissioners, Oakland, California, June 25, 2020. Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Colbruno, Lee, Leslie, Martinez, Story and President Butner – 7. Noes: 0.

Daria Edgerly
Secretary of the Board

Adopted at a Special Meeting held July 14, 2020 by the following vote:

Ayes: Commissioners Cluver, Colbruno Lee, Leslie, Martinez, Story and President Butner – 7
Noes: 0

[Signature]
President.

Attest:  
Secretary.

Approved as to form and legality:
[Signature]
Port Attorney
BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4568

ORDINANCE APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO EXECUTE A THIRD
AMENDMENT TO THE TEMPORARY RENTAL AGREEMENT
WITH THE CITY OF OAKLAND FOR POLICE OFFICER
STAFF TRAINING TO EXTEND THE TERM THROUGH
JUNE 30, 2023, AT BERTH 33 IN THE SEAPORT.

WHEREAS, the Board of Port Commissioners of the City of Oakland
("Board") has reviewed and evaluated the Agenda Report for Agenda Item
No. 6.3, dated June 25, 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; and

WHEREAS, the Port entered into a rent-free Temporary Rental
Agreement with the City of Oakland ("City") on or about August 1, 2017,
for as-needed access and use by the City’s Police Department of
approximately 11.5 acres of paved land at the Berth 33 Backlands in the
Seaport ("TRA"); and

WHEREAS, the Port and the City amended the TRA to extend the term
through July 31, 2019; and

WHEREAS, the Port and the City further amended the TRA to extend
the term through July 31, 2020; and

WHEREAS, the City has requested a longer-term extension to the TRA,
which Port staff recommends providing on modified terms to increase the
size of the Premises and to require a security deposit, as well as other
matters; 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 finds and determines that based upon
all of the information received by the Port to date:
A. The proposed Third Amendment to the TRA is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301, which exempts the leasing of public facilities that involve negligible or no expansion of existing or former use. The proposed action maintains existing activities on a modified site consistent with former size and use and, therefore, no further environmental review is required; and

B. The proposed Third Amendment to the TRA provides a direct benefit to the Port and the City and can be accommodated without adverse impacts to the Port’s maritime operations.

Section 3. The Board hereby approves and authorizes the Third Amendment to the TRA with the City for police officer staff training on the following terms and conditions, and as further set forth in the Agenda Report:

A. Premises: Approximately 11.5 acres of paved land at Berth 33 ("Premises Area");

B. Term: August 1, 2020, through June 30, 2023;

C. Modification of Premises During Term of TRA, as Amended: In its sole discretion and with no less than thirty (30) days written notice, the Port may modify the Premises by reducing or expanding the area leased to the City. In no event shall the total area leased to the City exceed the "Premises Area";

D. Termination: Either party can terminate the TRA, as amended, with 30 days’ advance written notice;

E. Improvements to Premises: In its sole discretion, the Port may install fencing and/or barricades to separate and protect the Premises from adjacent tenants and uses. The City shall reimburse the Port for costs incurred;

F. Monthly Rent: $0;

G. Security Deposit: $10,000 (New requirement; the current TRA has no security deposit requirement); and,

H. Use of Premises: As-needed access and use for purposes of conducting skills classes and training for City police department officers.

Section 4. The Board hereby approves and authorizes the Executive Director or his designee to execute a Third Amendment to the TRA with the City and to make minor amendments to the TRA consistent with the
intent of this ordinance and 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, 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 agreement 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 the other contracting party, there shall be no valid or effective agreement.

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.

The Board of Port Commissioners, Oakland, California, June 25, 2020. Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Colbruno, Lee, Leslie, Martinez, Story and President Butner - 7. Noes: 0.

Daria Edgerly
Secretary of the Board

Adopted at a Special Meeting held July 14, 2020
by the following vote:

Ayes: Commissioners Cluver, Colbruno Lee, Leslie, Martinez, Story and President Butner - 7
Noes: 0

Approved as to form and legality:

[Signature]
Port Attorney

[Signature]
President.

Attest: [Signature]
Secretary.