BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4272

ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO CREATE THE NEW CLASSIFICATIONS OF DIRECTOR OF COMMUNICATIONS AND PRINCIPAL ASSISTANT TO THE EXECUTIVE DIRECTOR.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 5.1, dated December 19, 2013 ("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, City of Oakland Charter Article VII, Section 706(21) provides in part that "all offices and places of employment in the permanent service of the Board shall be created by ordinance duly passed"; now therefore,

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. Section 11.08 is hereby added to Port Ordinance No. 867 to create the classification of Director of Communications.

Section 2. Section 5.012 is hereby added to Port Ordinance No. 867 to create the classification of Principal Assistant to the Executive Director.

Section 3. In acting upon the matters contained herein, 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 materials and in testimony received.

The Board of Port Commissioners, Oakland, California, December 19, 2013. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Parker, Uno, Yee and President Butner - 6. Excused: Commissioner Head -1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a special meeting held January 23, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Uno, Yee and President Butner – 6
Excused: Commissioner Parker – 1
Noes: 0

President.

Attest _____

Secretary.

Approved as to form and legality:

_____

Port Attorney

299334.v1

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4273

ORDINANCE AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO VARIOUS TEMPORARY AND LONG TERM EASEMENTS WITH THE CITY OF OAKLAND AT THE FORMER OAKLAND ARMY BASE.

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 3.3, dated July 25, 2013 (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 authorizes the Executive Director to enter into various Temporary and Long Term Easements with the City of Oakland ("City") at the former Oakland Army Base ("OAB"), to support construction and operation of improvements such as rail yards and spurs, Maritime Street and Burma Road reconstruction, other road improvements, utilities, a storm water outfall, site preparation and similar activities, subject to the terms and conditions as further detailed and explained in the Agenda Report.

Section 3. The Board hereby finds and determines that the proposal to authorize the Executive Director to enter into various Temporary and Long Term Easements with the City at the OAB as described in the Agenda Report was previously reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines. In July 2002, the City, as the lead agency under CEQA, certified an Environmental Impact Report ("EIR") for reuse of the OAB. On September 17, 2002, the Board, acting on behalf of the Port as a responsible agency under CEQA, adopted

findings and a mitigation program in reliance on the City's EIR. (Resolution No. 02317). In June 2012, the Board considered the 2012 OAB Project Initial Study/Addendum and adopted mitigation measures applicable to the Port from the City's OAB Standard Conditions of Approval/Mitigation Monitoring and Reporting Program ("SCA/MMRP")with Resolution NO. 12-76. The OAB EIR and the 2012 Addendum described projects to be developed by the Port and City on and immediately adjacent to the former OAB, and the possible need for City and Port land exchanges to support construction and operation of improvements such as rail yards and spurs, Maritime Street and Burma Road reconstruction, other road improvements, utilities, a storm water outfall, site preparation and similar activities as described in the Agenda Report. Thus, no further CEQA review is required to take the actions recommended in the Agenda Report.

Section 4. This ordinance is not evidence of and does not create or constitute (a) a contract, agreement, lease 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.

The Board of Port Commissioners, Oakland, California, July 25, 2013. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner - 7. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held February 13, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner – 7
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4274

ORDINANCE AMENDING SECTION 9 OF PORT ORDINANCE NO. 3634 RELATING TO CHARGES FOR USE OF FACILITIES AT OAKLAND INTERNATIONAL AIRPORT, NORTH FIELD.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 6.5 dated December 12, 2013, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, that 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; now, therefore

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. Subsection d(1) of Section 9 of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"For paved or improved aircraft parking spaces in the North Field, other than those described in subsection e(1), e(2), e(3), f(1) or f(2), designated to accommodate aircraft with wingspans or length, whichever is greater, the rates shall be as follows (as further adjusted by the Consumer Price Index as described below):

Tiedowns:	**Monthly Rate**	**First 8 Hours or Fraction Thereof**	**Each Additional 8 Hours or Fraction Thereof**	**Maximum Total Daily Rate**
40 feet or less	$ 65.00	$ 6.00	$ 3.00	$ 8.00
50 feet or less	80.00	7.00	4.00	12.00
75 feet or less	162.00	12.00	5.00	19.00
100 feet or less	182.00	18.00	6.00	29.00
125 feet or less	283.00	29.00	12.00	42.00
150 feet or less	413.00	40.00	18.00	57.00
175 feet or less	547.00	52.00	28.00	77.00
200 feet or less	675.00	64.00	33.00	95.00
Over 200 feet	816.00	77.00	39.00	116.00
Blimp 40 feet or less	1,258.00	84.00	40.00	125.00
Taxi-in/taxi out	110.00	7.0	4.00	12.00

The monthly rates set forth above (but not the hourly or daily rates) will increase (but not decrease) each year for the next five years, beginning July 1, 2014, by the increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers for the San Francisco/Oakland/San Jose Area, rounded up to the nearest whole dollar."

Section 2. Subsection g(2) of Section 9 of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"For storage of aircraft in T-hangars in the North Field, the monthly storage rates exclusive of office space in said T-hangars shall be as follows (as further adjusted by the Consumer Price Index as described below):

Hangar Area (Port owned Hangars)	**Monthly Rates**
Port-A-Port (single)	$262.00
Port-A-Port (light twin)	317.00
T-Hangar (840 sq. feet)	269.00
T-Hangar (960 sq. feet)	307.00
T-Hangar (1,110 sq. feet)	355.00
T-Hangar (1,152 sq. feet)	369.00
T-Hangar (1,596 sq. feet)	511.00

Hangar Area Between Hangar 6 & 7, and South of Building L-606 (Port owned Hangars)	**Monthly Rates**
T-Hangar (1,060 sq. feet)	414.00
T-Hangar (1,340 sq. feet)	522.00

Hangar Area (Privately owned Port-A-Port)	**Monthly Rates**
Ramp Space (780 sq. feet)	$ 140.00
Ramp Space (1,060 sq. feet)	191.00
Ramp Space (1,340 sq. feet)	243.00
Ramp Space (2,050 sq. feet)	369.00

The rate for office space in said T-hangars shall be $0.3026 per square foot per month rounded to the nearest dollar for the total office space occupied. Electricity shall be provided separately on a metered basis.

The monthly rates set forth above will increase (but not decrease) each year for the next five years, beginning July 1, 2014, by the increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers for the San Francisco/Oakland/San Jose Area, rounded up to the nearest whole dollar."

Section 3. The Board of Port Commissioners hereby finds and determines that the establishment and imposition of the above rates pursuant to Sections 1 and 2 of this ordinance is exempt from the requirements of the California Environmental Quality Act under California Public Resources Code Section 21080(b)(8) and Sections 15273 and 15061(b)(3) of Title 14 of the California Code of Regulations. The bases for the exemption are that the rates are established and imposed for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas and it can be seen with certainty that there is no possibility that imposition of the rates referenced herein will have a significant effect on the environment.

Section 4. This ordinance shall be effective July 1, 2014.

The Board of Port Commissioners, Oakland, California, December 12, 2013. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Yee and President Butner - 6. Excused: Commissioner Uno - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held February 13, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner – 7
Noes: 0

President.

Attest _____

Secretary.

Approved as to form and legality:

_____

Port Attorney

298927

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4275

ORDINANCE APPROVING AND AUTHORIZING FIVE-YEAR EXTENSIONS OF 162 EXISTING AGREEMENTS WITH GENERAL AVIATION TENANTS AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5, dated December 12, 2013 ("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;

WHEREAS, that 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; now, therefore

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby approves and authorizes the extensions of 162 existing agreements listed on Exhibit A to this ordinance for five years, through June 30, 2019, at the rates set forth in Exhibit A to this ordinance and the terms and conditions set forth in the Agenda Report, and upon such standard terms and conditions as specified in such agreements, subject to the Port Attorney's review and approval as to form and legality.

Section 2. The Board hereby authorizes the Director of Aviation to:

A. execute the extension/rental revision amendments under the terms and conditions contained in the Agenda Report, subject to the Port Attorney's review and approval as to form and legality; and

B. make such additions, modifications, or corrections as necessary to implement the amendments 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 3. The Board hereby finds and determines that the amendments are categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 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.

Section 4. 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. This ordinance approves and authorizes the execution of contracts in accordance with the terms of this ordinance. 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 be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, December 12, 2013. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Yee and President Butner - 6. Excused: Commissioner Uno - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held February 13, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner – 7
Noes: 0

Cestra E. Butner
President.

Attest: Betterton
Secretary.

Approved as to form and legality:

Port Attorney

298948

EXHIBIT A
North Field General Aviation Tenants

Ramp-Apron Space

TENANT	Use	Premises	Monthly Rent	FY 13/14 Revenues
Paul Traver	Aircraft Storage	L-611 (6-A-1)	$ 243.00	$ 2,916.00
Joseph Mudd	Aircraft Storage	L-611 (6-A-3)	$ 243.00	$ 2,916.00
Larry Fistolera	Aircraft Storage	L-611 (6-A-5)	$ 243.00	$ 2,916.00
Rodney Pimentel	Aircraft Storage	L-611 (6-A-7)	$ 243.00	$ 2,916.00
James Gabbert/Next Century	Aircraft Storage	L-611 (6-A-9)	$ 243.00	$ 2,916.00
Merrill Martin	Aircraft Storage	L-611 (6-A-11)	$ 243.00	$ 2,916.00
William Montague	Aircraft Storage	L-611 (6-A-13)	$ 243.00	$ 2,916.00
Bruce Lymburn	Aircraft Storage	L-611 (6-A-15)	$ 243.00	$ 2,916.00
Rodney Pimentel	Aircraft Storage	L-611 (6-A-17)	$ 129.00	$ 1,548.00
L-611 (Row A) Subtotal			**$ 2,073.00**	**$ 24,876.00**
Arlene & Bert Inch	Aircraft Storage	L-611 (6-B-1)	$ 243.00	$ 2,916.00
Allan Edwards	Aircraft Storage	L-611 (6-B-2)	$ 243.00	$ 2,916.00
Simon De Giuli Botta	Aircraft Storage	L-611 (6-B-3)	$ 243.00	$ 2,916.00
Donald Brody	Aircraft Storage	L-611 (6-B-5)	$ 243.00	$ 2,916.00
Larry Fistolera	Aircraft Storage	L-611 (6-B-7)	$ 243.00	$ 2,916.00
Andre Cyr	Aircraft Storage	L-611 (6-B-8)	$ 243.00	$ 2,916.00
William Montague	Aircraft Storage	L-611 (6-B-9)	$ 243.00	$ 2,916.00
Robert Coussens	Aircraft Storage	L-611 (6-B-10)	$ 243.00	$ 2,916.00
Marshall Cromer	Aircraft Storage	L-611 (6-B-11)	$ 182.00	$ 2,184.00
Matthew Tutino	Aircraft Storage	L-611 (6-B-12)	$ 243.00	$ 2,916.00
Larry Fistolera	Aircraft Storage	L-611 (6-B-13)	$ 182.00	$ 2,184.00
Albert & Jean Ferrari	Aircraft Storage	L-611 (6-B-14)	$ 243.00	$ 2,916.00
James Blanco	Aircraft Storage	L-611 (6-B-15)	$ 182.00	$ 2,184.00
James and Kathleen Bauer	Aircraft Storage	L-611 (6-B-16)	$ 182.00	$ 2,184.00
Paul Holland	Aircraft Storage	L-611 (6-B-17)	$ 182.00	$ 2,184.00
Peter Dessart	Aircraft Storage	L-611 (6-B-18)	$ 182.00	$ 2,184.00
L-611 (Row B) Subtotal			**$ 3,522.00**	**$ 42,264.00**
James Hager	Aircraft Storage	L-611 (6-C-1)	$ 182.00	$ 2,184.00
David McCloskey	Aircraft Storage	L-611 (6-C-2)	$ 182.00	$ 2,184.00
Gary Kelson	Aircraft Storage	L-611 (6-C-3)	$ 182.00	$ 2,184.00
James Hager	Aircraft Storage	L-611 (6-C-4)	$ 182.00	$ 2,184.00
Thierry Locard/Yakflight	Aircraft Storage	L-611 (6-C-5)	$ 182.00	$ 2,184.00
William Montague (2 spaces @ $182)	Aircraft Storage	L-611 (6-C-6/6-C-16)	$ 364.00	$ 4,368.00
Victoria Thys (Barnes)	Aircraft Storage	L-611 (6-C-7)	$ 182.00	$ 2,184.00
Marc Paisin	Aircraft Storage	L-611 (6-C-8)	$ 182.00	$ 2,184.00

Ramp-Apron Space cont'd.

TENANT	Use	Premises	Monthly Rent	FY 13/14 Revenues
James Hager	Aircraft Storage	L-611 (6-C-9)	$ 182.00	$ 2,184.00
James Breazeale	Aircraft Storage	L-611 (6-C-10)	$ 182.00	$ 2,184.00
William Montague	Aircraft Storage	L-611 (6-C-12)	$ 182.00	$ 2,184.00
Scott Solmonson	Aircraft Storage	L-611 (6-C-13)	$ 182.00	$ 2,184.00
Patrick Murray	Aircraft Storage	L-611 (6-C-14)	$ 182.00	$ 2,184.00
Steven Tappan	Aircraft Storage	L-611 (6-C-15)	$ 182.00	$ 2,184.00
Scott Solmonson	Aircraft Storage	L-611 (6-C-17)	$ 182.00	$ 2,184.00
Athanassios Diacakis	Aircraft Storage	L-611 (6-C-18)	$ 182.00	$ 2,184.00
Amos Nathaniel Goldhaber	Aircraft Storage	L-611 (6-C-19)	$ 367.00	$ 4,404.00
L-611 (Row C)			**$ 3,461.00**	**$ 41,532.00**

James Gabbert/Next Century	Aircraft Storage	L-611 (6-D-1)	$ 182.00	$ 2,184.00
Kenneth Landau	Aircraft Storage	L-611 (6-D-2)	$ 367.00	$ 4,404.00
James Gabbert/Next Century (2spaces)	Aircraft Storage	L-611 (6-D-3/6-D-5)	$ 364.00	$ 4,368.00
Fite Prop, LLC/Rodney Fite 2 spaces	Aircraft Storage	L-611 (6-D-4/6-D-6)	$ 364.00	$ 4,368.00
James Gabbert/Next Century (3 spaces)	Aircraft Storage	L-611 (6D7/6D9/6D11)	$ 546.00	$ 6,552.00
James Hager	Aircraft Storage	L-611 (6-D-8)	$ 182.00	$ 2,184.00
Garrett Gruener	Aircraft Storage	L-611 (6-D-10)	$ 182.00	$ 2,184.00
James Hager	Aircraft Storage	L-611 (6-D-12)	$ 182.00	$ 2,184.00
Sheldon Ramsay/SR Aviation Inc.	Aircraft Storage	L-611 (6-D-13)	$ 182.00	$ 2,184.00
Donald Brody	Aircraft Storage	L-611 (6-D-14)	$ 182.00	$ 2,184.00
Donald Brody	Aircraft Storage	L-611 (6-D-16)	$ 182.00	$ 2,184.00
L-611 (Row D)			**$ 2,915.00**	**$ 34,980.00**

"New T-Hangars"

TENANT	Use	Premises	Monthly Rent	FY 13/14 Revenues
Building L-878				
Jerry Wagner	Aircraft Storage	L-878A	$ 317.00	$ 3,804.00
Anthony Huckaba/Aero Enterprises LLC	Aircraft storage	L-878B	$ 317.00	$ 3,804.00
Mark Baird	Aircraft storage	L-878C	$ 317.00	$ 3,804.00
Colin Cross	Aircraft storage	L-878D	$ 317.00	$ 3,804.00
William Kimmerer	Aircraft storage	L-878E	$ 317.00	$ 3,804.00
Paul Bemowski	Aircraft storage	L-878F	$ 317.00	$ 3,804.00
John Rabkin	Aircraft storage	L-878G	$ 317.00	$ 3,804.00
Stephen Williams	Aircraft Storage	L-878H	$ 317.00	$ 3,804.00
Jonathan Reining	Aircraft storage	L-878J	$ 317.00	$ 3,804.00
Sam Sipkins/Ann Granberg	Aircraft storage	L-878K	$ 262.00	$ 3,144.00
Steve Marlin	Aircraft storage	L-878L	$ 262.00	$ 3,144.00
Julius Timbol	Aircraft Storage	L-878N	$ 262.00	$ 3,144.00
Roland Feldmeier	Aircraft storage	L-878P	$ 262.00	$ 3,144.00
Maurice McEvoy	Aircraft storage	L-878R	$ 262.00	$ 3,144.00
Stephen Blankenship	Aircraft storage	L-878S	$ 262.00	$ 3,144.00
Aaron B. Dwyer	Aircraft storage	L-878T	$ 262.00	$ 3,144.00
Roger/Diedre Meads	Aircraft storage	L-878U	$ 262.00	$ 3,144.00
Bldg. L-878 Subtotal			**$ 4,949.00**	**$ 59,388.00**

"New T-Hangars", Cont'd.

TENANT	Use	Premises	Monthly Rent	FY 13/14 Revenues
Building L-879				
Christian Borth	Aircraft storage	L-879A	$ 262.00	$ 3,144.00
Brad Lewis	Aircraft storage	L-879B	$ 262.00	$ 3,144.00
Steven Booska	Aircraft storage	L-879C	$ 262.00	$ 3,144.00
Michael Wasteney	Aircraft Storage	L-879F	$ 262.00	$ 3,144.00
James Gay	Aircraft storage	L-879G	$ 262.00	$ 3,144.00
Peter Killcommons	Aircraft storage	L-879H	$ 262.00	$ 3,144.00
Bruce Godfrey	Aircraft storage	L-879J	$ 262.00	$ 3,144.00
Brian Cain	Aircraft storage	L-879K	$ 262.00	$ 3,144.00
Jerry Rowell	Aircraft storage	L-879L	$ 262.00	$ 3,144.00
Stefon Shelton	Aircraft storage	L-879M	$ 262.00	$ 3,144.00
Noel Cragg	Aircraft storage	L-879P	$ 262.00	$ 3,144.00
Robin Beauchamp	Aircraft storage	L-879Q	$ 262.00	$ 3,144.00
Bldg. L-879 Subtotal			**$ 3,144.00**	**$ 37,728.00**
Building L-880				
Henry Hallam	Aircraft storage	L-880A	$ 262.00	$ 3,144.00
Conway B. Jones	Aircraft storage	L-880C	$ 262.00	$ 3,144.00
Fred & Charles Aden	Aircraft storage	L-880D	$ 262.00	$ 3,144.00
Inger Kareem Fahmi	Aircraft storage	L-880E	$ 262.00	$ 3,144.00
Gerard Cerchio	Aircraft storage	L-880F	$ 262.00	$ 3,144.00
Brent & Anne Smith	Aircraft storage	L-880G	$ 317.00	$ 3,804.00
Bldg. L-880 Subtotal			**$ 1,627.00**	**$ 19,524.00**
Building L-611				
W. Chandler Wonderly	Aircraft Storage	L-611 (6-B-4)	$ 522.00	$ 6,264.00
Richard Green	Aircraft Storage	L-611 (6-C-11)	$ 414.00	$ 4,968.00
Building L-611 Subtotal			**$ 936.00**	**$ 11,232.00**

"Old T-Hangars"

TENANT	Use	Premises	Monthly Rent	FY 13/14 Revenues
Robert Weinstein	Aircraft Storage	L-905A	$ 478.00	$ 5,736.00
Daniel Chadbourne	Aircraft Storage	L-905B	$ 478.00	$ 5,736.00
Ralph Higgs	Aircraft Storage	L-905C	$ 478.00	$ 5,736.00
Alameda Aero Club	Aircraft Storage	L-905D	$ 478.00	$ 5,736.00
Bldg. L-905 Subtotal			**$ 1,912.00**	**$ 22,944.00**
Eva Fields	Aircraft Storage	L-906A	$ 334.00	$ 4,008.00
Stanmore Cooper	Aircraft Storage	L-906B	$ 253.00	$ 3,036.00
Paul Millner	Aircraft Storage	L-906C	$ 253.00	$ 3,036.00
William Bartlett	Aircraft Storage	L-906D	$ 253.00	$ 3,036.00
Stephen S. Ashley	Aircraft Storage	L-906E	$ 253.00	$ 3,036.00
Lionel Madore & Julia Irvine	Aircraft Storage	L-906F	$ 253.00	$ 3,036.00
David King	Aircraft Storage	L-906G	$ 253.00	$ 3,036.00
Dennis Wassmann	Aircraft Storage	L-906H	$ 253.00	$ 3,036.00
Arthur DiGrazia	Aircraft Storage	L-906J	$ 253.00	$ 3,036.00
Jordan Coonrad	Aircraft Storage	L-906K	$ 334.00	$ 4,008.00
Bldg. L-906 Subtotal			**$ 2,692.00**	**$ 32,304.00**
John Rabkin	Aircraft Storage	L-907A	$ 253.00	$ 3,036.00
Howard Clay II	Aircraft Storage	L-907B	$ 253.00	$ 3,036.00
Mon K. Lee	Aircraft Storage	L-907C	$ 253.00	$ 3,036.00
Peter Falk	Aircraft Storage	L-907D	$ 253.00	$ 3,036.00
Michael Eggan	Aircraft Storage	L-907E	$ 334.00	$ 4,008.00
David Ruegg	Aircraft Storage	L-907F	$ 334.00	$ 4,008.00
Bruce Bolla	Aircraft Storage	L-907G	$ 253.00	$ 3,036.00
L. Duane Roach	Aircraft Storage	L-907H	$ 253.00	$ 3,036.00
Barry Burgess	Aircraft Storage	L-907J	$ 253.00	$ 3,036.00
David Penney/Ronald Put	Aircraft Storage	L-907K	$ 253.00	$ 3,036.00
Bldg. L-907 Subtotal			**$ 2,692.00**	**$ 32,304.00**
William O'Keefe Jr.	Aircraft Storage	L-909A	$ 351.00	$ 4,212.00
Wayne Marchant	Aircraft Storage	L-909B	$ 287.00	$ 3,444.00
Robert Borromeo	Aircraft Storage	L-909C	$ 287.00	$ 3,444.00
Arnold Lim	Aircraft Storage	L-909D	$ 287.00	$ 3,444.00
Joe Trujillo	Aircraft Storage	L-909E	$ 287.00	$ 3,444.00
Ivar Anderson	Aircraft Storage	L-909F	$ 287.00	$ 3,444.00
Roy Trillia	Aircraft Storage	L-909G	$ 287.00	$ 3,444.00
Bruce Bauer	Aircraft Storage	L-909H	$ 287.00	$ 3,444.00
Kelli Gant & Mike McHugh	Aircraft Storage	L-909J	$ 287.00	$ 3,444.00
Robert Linford	Aircraft Storage	L-909K	$ 351.00	$ 4,212.00
Bldg. L-909 Subtotal			**$ 2,998.00**	**$ 35,976.00**
Sheldon Ramsay/SR Aviation Inc.	Aircraft Storage	L-910A	$ 287.00	$ 3,444.00
Lelan Sparks	Aircraft Storage	L-910B	$ 287.00	$ 3,444.00
Roger Boyvey	Aircraft Storage	L-910C	$ 287.00	$ 3,444.00
Carol Healy	Aircraft Storage	L-910D	$ 287.00	$ 3,444.00
Randall Shaffer	Aircraft Storage	L-910F	$ 351.00	$ 4,212.00
Leo O'Farrell	Aircraft Storage	L-910G	$ 287.00	$ 3,444.00
Barbara Bolton	Aircraft Storage	L-910H	$ 287.00	$ 3,444.00
Randall Perkins	Aircraft Storage	L-910J	$ 287.00	$ 3,444.00
Duane Sitter/Linda Norris	Aircraft Storage	L-910K	$ 287.00	$ 3,444.00
Bldg L-910 Subtotal			**$ 2,647.00**	**$ 31,764.00**

Tiedowns

TENANT	Use	Premises	Monthly Rent	FY 13/14 Revenues
William John	tie-down	T-1	$ 77.00	$ 924.00
Aerial Beacon/Sam Gaadi	tie-down	T-2	$ 77.00	$ 924.00
Kenneth Levins	tie-down	T-3	$ 77.00	$ 924.00
Mike Karp	tie-down	T-4	$ 77.00	$ 924.00
Stephen Ashley	tie-down	T-6	$ 77.00	$ 924.00
John Mathison	tie-down	T-7	$ 77.00	$ 924.00
Ronald Jones (2 spaces @ $77)	tie-down	T9/T10	$ 154.00	$ 1,848.00
Serge Ruiz	tie-down	T-12	$ 77.00	$ 924.00
Alameda Aero Club	tie-down	T-14	$ 77.00	$ 924.00
Alameda Aero Club (2 spaces @ $77)	tie-down	T-18/T-19	$ 154.00	$ 1,848.00
Dan Malmgren	tie-down	6-B-6	$ 77.00	$ 924.00
Greg Keller	tie-down	906-2	$ 77.00	$ 924.00
Charles Greer	tie-down	906-4	$ 77.00	$ 924.00
James E. Stevens	tie-down	907-4	$ 77.00	$ 924.00
William Drummond	tie-down	907-7	$ 77.00	$ 924.00
Erick Davidson	tie-down	909-1	$ 77.00	$ 924.00
Weston Isberg	tie-down	909-4	$ 77.00	$ 924.00
FBN Holding Corporation	tie-down	910-4	$ 77.00	$ 924.00
Jason Cabot	tie-down	A-3	$ 77.00	$ 924.00
David Newitt	tie-down	A-6	$ 77.00	$ 924.00
James Watkins	tie-down	B-2	$ 77.00	$ 924.00
Michael Wasteney	tie-down	M-9	$ 77.00	$ 924.00
Tiedown Subtotal			$ 1,848.00	$ 22,176.00

North Field General Aviation Tenants (Summary)

TENANT CATEGORY	# of transactions	Monthly Rents	FY 13/14 Revenues
Ramp/Apron Space			
L-611 (Row A)	9	$ 2,073.00	$ 24,876.00
L-611 (Row B)	16	$ 3,522.00	$ 42,264.00
L-611 (Row C)	18	$ 3,461.00	$ 41,532.00
L-611 (Row D)	15	$ 2,915.00	$ 34,980.00
Ramp/Apron Space subtotal	**58**	**$ 11,971.00**	**$ 143,652.00**
New T-Hangars			
Bldg. L-878	17	$ 4,949.00	$ 59,388.00
Bldg. L-879	12	$ 3,144.00	$ 37,738.00
Bldg. L-880	6	$ 1,627.00	$ 19,524.00
Bldg. L-611	2	$ 936.00	$ 11,232.00
T-Hangars subtotal	**37**	**$ 10,656.00**	**$ 127,882.00**
Old T-Hangars			
Bldg. L-905	4	$ 1,912.00	$ 22,944.00
Bldg. L-906	10	$ 2,692.00	$ 32,304.00
Bldg. L-907	10	$ 2,692.00	$ 32,304.00
Bldg. L-909	10	$ 2,998.00	$ 35,976.00
Bldg. L-910	9	$ 2,647.00	$ 31,764.00
Old T-Hangars Subtotal	**43**	**$ 12,941.00**	**$ 155,292.00**
Tie Downs			
24 locations	**24**	**$ 1,848.00**	**$ 22,176.00**
TOTALS	**162**	**$ 37,416.00**	**$ 449,002.00**

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4276

ORDINANCE APPROVING THE NON-EXCLUSIVE PREFERENTIAL ASSIGNMENT AGREEMENTS WITH EVERPORT TERMINAL SERVICES INC., FOR APPROXIMATELY 15 ACRES OF LAND AT BERTH 34, AND UP TO AN ADDITIONAL 29 ACRES OF LAND AT BERTH 33 AND 34, THROUGH JUNE 30, 2018.

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.7, dated January 23, 2014 (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 in connection with such Agenda Report; 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 in connection with such Agenda Report.

Section 2. The Board approves and authorizes the Executive Director to enter into a Non-Exclusive Preferential Assignment Agreement ("NEPAA") with Everport Terminal Services, Inc., ("Everport") for approximately 15 acres of land at Berth 34, through June 30, 2018 under substantially the same terms and conditions as the current NEPAA with Evergreen Marine Corporation (Taiwan) Ltd and specifically including the following:

a. The term of the NEPAA shall commence on January 1, 2014 and automatically terminate on June 30, 2018 unless otherwise expressly agreed to by the Port and Everport in writing;
b. Rent shall be $67,353.77 per acre per year;
c. Rent shall be subject to an annual increase equal to the greater of 2% or CPI, not to exceed 3%;
d. Except for certain maintenance obligations set forth in the NEPAA, the Port shall have no obligation to make any improvements to the premises during the term of the NEPAA; and
e. The NEPAA may be further amended to include up to 29 acres of additional upland area by Berth 33 and Berth 34 at the same

rates and under other terms and conditions that are mutually agreed-upon by the Port and Everport, and that are equal to or better than those set forth and explained in the Agenda Report and the current NEPAA between the Port and Evergreen.

Section 3. This ordinance amends, replaces, and supercedes in its entirety Ordinance No. 4262 approved by the Board on November 14, 2013.

Section 4. This ordinance is not evidence of and does not create or constitute (a) a contract, agreement, lease 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. This ordinance approves and authorizes the execution of an agreement in accordance with the terms of this ordinance. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this ordinance, is signed and approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

Section 5. This ordinance shall be effective immediately upon its adoption by the Board following its second reading.

The Board of Port Commissioners, Oakland, California, January 23, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Uno, Yee and President Butner - 6. Excused: Commissioner Parker - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held February 13, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner – 7
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4277

ORDINANCE APPROVING A 5% INCREASE TO TARGET RENTAL RATES AND HOLDOVER RENTS FOR PROPERTIES IN THE COMMERCIAL REAL ESTATE DIVISION PORTFOLIO AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE AGREEMENTS OR ADJUST EXISTING AGREEMENTS.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.3, dated January 23, 2014 (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 approves the 5% increase to Target Rental Rates and Holdover Rental Rates for properties in the Commercial Real Estate Division portfolio for an increase of approximately $21,479 in annual revenue, consistent with the Agenda Report.

Section 3. The Board hereby directs and authorizes the Executive Director or his designee to negotiate and execute Short-Term Rental Agreements under Article IX, Section 6 of the Board's By-Laws and Administrative Rules under the newly approved Target Rental Rates and authorizes the Executive Director or his designee to adjustment existing agreements under the newly approved Holdover Rental Rates, subject to approval by the Port Attorney as to form and legality.

Section 4. The Board hereby finds and determines that this transaction is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines pursuant to Class 1, Section 15301 (p), which exempts renewals, extensions or amendments to tenancy agreements when the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

Section 5. This ordinance shall take effect thirty (30) days from and after its final adoption.

The Board of Port Commissioners, Oakland, California, January 23, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Uno, Yee and President Butner - 6. Excused: Commissioner Parker - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held February 13, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner – 7
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4278

ORDINANCE APPROVING TERMS AND CONDITIONS OF AND AUTHORIZING APPROVAL AND EXECUTION OF A LICENSE AND CONCESSION AGREEMENT WITH TRANSFER CASE EXPRESS, INC. FOR THE PREMISES LOCATED AT 1285 EMBARCADERO ROAD AT A MONTHLY RENTAL RATE OF $3,500.00.

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.1, dated February 13, 2014 (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 approves the terms and conditions set forth in the Agenda Report for a License and Concession Agreement with Transfer Case Express, Inc., for an eighteen (18) month term at a monthly rental rate of $3,500.00, subject to specified adjustments and all other standard terms of the Port's form License and Concession Agreement including holdover provisions.

Section 3. The Board authorizes the Executive Director, or his designee, to approve and execute for and on behalf of the Board the License and Concession Agreement with Transfer Case Express, Inc. and such other documents as may be necessary to consummate this transaction, subject to approval by the Port Attorney as to form and legality, and subject to the condition that the approvals set forth in this ordinance be valid for no longer than 30 days, and that if the subject documents are not fully executed by that date such approval shall be null and void unless further extended at the sole and absolute discretion of the Executive Director or his designee.

Section 4. The Board hereby finds and determines that this transaction is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Port CEQA Guidelines Section, Article 19, Section 15300.4, which directs public agencies, in the course of establishing their own procedure, to list specific activities that fall within each of the exempt classes categorized under Article 19 (Categorical Exemptions), and Port CEQA Guidelines Section 15301(p), which exempts the execution of licenses or License and Concession Agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and proposed License and Concession Agreement between the Port and Transfer Case Express falls within this class of exemptions.

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 change order.

Section 6. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, February 13, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Yee and President Butner - 6. Excused: Commissioner Uno - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held February 27, 2014
by the following vote:
Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner – 7
Noes: 0

President.

Attest: _____
Secretary.

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Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4279

ORDINANCE APPROVING TERMS AND CONDITIONS OF AND AUTHORIZING APPROVAL AND EXECUTION OF A LICENSE AND CONCESSION AGREEMENT WITH HADAL, INC. FOR THE PREMISES LOCATED AT 1363 EMBARCADERO ROAD AT A MONTHLY RENTAL RATE OF $9,560.74.

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.2, dated February 13, 2014 (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 approves the terms and conditions set forth in the Agenda Report for a License and Concession Agreement with Hadal, Inc. for the premises located at 1363 Embarcadero Road, for a three (3) year term at a monthly rental rate of $9,560.74.

Section 3. The Board hereby authorizes the Executive Director, or his designee, to approve and execute for and on behalf of the Board the subject License and Concession Agreement and such other documents as may be necessary to consummate this transaction, subject to approval by the Port Attorney as to form and legality, and subject to the condition that the approvals set forth in this ordinance be valid for no longer than 90 days, and that if the subject documents are not fully executed by that date such approval shall be null and void unless further extended at the sole and absolute discretion of the Executive Director or his designee.

Section 4. The Board hereby finds and determines that this transaction is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Port CEQA Guidelines Section, Article 19, Section 15300.4, which directs public agencies, in the course of establishing their own procedure, to list specific activities that fall within each of the exempt classes categorized under Article 19 (Categorical Exemptions), and Port CEQA Guidelines Section 15301(p), which exempts the execution of License and Concession Agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and the proposed activity falls within this class of exemptions.

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 change order.

Section 6. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, February 13, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Yee and President Butner - 6. Excused: Commissioner Uno - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held February 27, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner – 7
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4280

ORDINANCE AMENDING PORT ORDINANCE 2613 AND APPROVING THE MODIFICATION TO THE AIR SERVICE PARKING PROMOTION PROGRAM.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.3, dated February 13, 2014 ("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;

WHEREAS, that 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; now, therefore

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby approves the amendment to Port Ordinance 2613, as amended, to reflect the Air Service Parking Promotion program, as modified, and authorizes the Executive Director or Director of Aviation to modify the Air Service Parking Promotion program to allow for up to five days of free parking to customers flying on transoceanic and international air services routes as further described in the Agenda Report, subject to the Board-approved timeframe and eligibility requirements.

Section 2. The Board hereby finds and determines that the program is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15273. CEQA does not apply to the establishment, modification, structuring, restructuring, or approval rates, tolls, fares, and other charges by public agencies which the public agency finds are the purpose of: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; (3) meeting financial reserve needs and requirements; (4) obtaining funds for capital projects necessary to maintain service areas; or (5)

obtaining funds necessary to maintain such intra-city transfers as are authorized by the city charter.

Section 3. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, February 13, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Yee and President Butner - 6. Excused: Commissioner Uno - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held February 27, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner – 7
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

300728

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4281

ORDINANCE APPROVING TERMS AND CONDITIONS OF AND AUTHORIZING APPROVAL AND EXECUTION OF A SHORT TERM AGREEMENT WITH THE UNIVERSITY OF CALIFORNIA AT BERKELEY FOR A GREENHOUSE GAS MONITOR ON THE ROOF OF 530 WATER STREET FOR A FIVE YEAR TERM AT NO MONTHLY RENTAL RATE.

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.1, dated February 27, 2014 (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 approves the terms and conditions set forth in the Agenda Report for a short term rental agreement with the Regents of the University of California to allow placement of a greenhouse gas monitor on the roof of 530 Water Street for a five (5) year term, commencing March 1, 2014 through February 28, 2019, for no monetary consideration, subject to specified adjustments.

Section 3. The Board hereby authorizes the Executive Director, or his designee, to approve and execute for and on behalf of the Board the short term rental agreement and such other documents as may be necessary and appropriate to consummate this transaction, subject to approval by the Port Attorney as to form and legality.

Section 4. The Board hereby finds and determines that the placement of an air monitor on the roof of 530 Water Street is not an activity that will result in direct or indirect physical changes in

the environment. Therefore, the proposed activity is not a project under CEQA and no environmental review is required (CEQA Guidelines Sections 15060(c)(3) and 15378).

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 agreement.

Section 6. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, February 27, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner - 7. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held March 13, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner – 7
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4282

ORDINANCE APPROVING AN AMENDMENT TO THE WATERFRONT HOTEL LEASE TO INCLUDE THE PREMISES LOCATED AT 489 WATER STREET, OAKLAND, CALIFORNIA FOR $154,503.75 IN REVENUE TO THE PORT OF OAKLAND FOR THE FIRST 10-YEARS.

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.1, dated February 27, 2014 (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 adopts an ordinance approving the terms and conditions set forth in the Agenda Report for an amendment to the Waterfront Hotel Lease with Jack London Square Associates, LLC to include the premises at 489 Water Street as part of the Hotel lease premises with a concurrent term expiring on August 14, 2061, subject to a starting monthly rent of $1.39 per square foot, with adjustments to rent over time, including a 3% annual increase and fair market value adjustment every 10th year, subject to approval by the Port Attorney as to form and legality.

Section 3. The Board hereby authorizes the Executive Director, or his designee, to approve and execute for and on behalf of the Board such amendment and such other documents as may be necessary and appropriate to consummate the contemplated transaction, subject to approval by the Port Attorney as to form and legality.

Section 4. The Board hereby finds and determines that the contemplated lease amendment between the Port and Jack London Square Associates, LLC has been determined to be exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines, Article 19, Section 15300.4, which directs public agencies

in the course of establishing their own procedures, to list specific activities that fall within each of the exempt categorized under Article 19 (Categorical Exempts), and Port CEQA Guidelines Section 15301(p), which exempts the execution of leases or License and Concession Agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing. Approval of the proposed amendment between the Port and Jack London Square Associates, LLC falls within this class of exemptions.

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 agreement.

Section 6. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, February 27, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Parker, Uno, Yee and President Butner - 6. Excused: Commissioner Head - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held March 13, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner – 7
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4283

ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF AN AMENDMENT TO THE GROUND LEASE FOR 98 BROADWAY.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.1, dated March 13, 2014 (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 approves the terms and conditions set forth in the Agenda Report and authorizes the Executive Director or his designee to approve and execute for and on behalf of the Board an amendment to the 98 Broadway ground lease to include an adjustment to the lease premises to accommodate a new regional restaurant-entertainment venue for the entire premises, including a full service restaurant, three satellite bars, a gaming area with video and interactive games, interpretative zones with exhibits on the history of Oakland and the Oakland Waterfront, a 16 lane bowling facility, and an outdoor beer garden, with fire pits located in clustered seating areas and outdoor bocce courts for patrons for the current term of the existing Lease with Premises unchanged, and such other agreements and other documents as may be necessary to consummate this transaction, consistent with the terms and conditions set forth in the Agenda Report, as approved by the Port Attorney as to form and legality.

Section 3. The Board hereby conditions this approval and authorization such that it shall be valid for no longer than 60 days from the date of passage of this Ordinance, and that if the requested

documents are not fully executed by that date the approval and authorization set forth in this Ordinance shall be null and void unless further extended at the sole and absolute discretion of the Executive Director or his designee.

Section 4. The Board hereby finds and determines that the approval of the proposed amendment to the 98 Broadway ground lease premises is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 "Existing Facilities" of the CEQA Guidelines 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. This action is also exempt from the requirement of CEQA pursuant to Section 15301(p) of the Port's CEQA guidelines, which exempts renewals, extensions or amendments to leases or the execution of leases where the premises were previously leased to the same or another person and involving negligible or no expansion of use beyond that previously existing. As the subject property is located within the land use jurisdiction of the City of Oakland, proposed development on the property will require compliance with any and all applicable zoning and building permit requirements. In addition, the lease requires that the Lessee comply with all applicable Laws at all times, which would include compliance with local land use laws of the City of Oakland.

Section 5. The Board hereby finds and determines that the proposed project is consistent with the Public Trust Doctrine for water related commerce, navigation and fisheries, and with the legislative grants to the Port, pursuant to certain conditions pertaining to the design and operation of the space, as further described in the correspondence attached as Exhibit A to this Ordinance.

Section 6. 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 agreement.

Section 7. This Ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, March 13, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner - 7. Noes: 0.

John T. Betterton
Secretary of the Board

. Adopted at a regular meeting held March 27, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Parker, Uno, Yee and President Butner – 6
Excused Commissioner Head – 1
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4284

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXTEND THE LEASE WITH BNSF RAILWAY COMPANY TO CONTINUE TO OPERATE AT THE JOINT INTERMODAL TERMINAL THROUGH SEPTEMBER 30, 2014.

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the proposed lease extension with BNSF Railway Company ("BNSF") to continue to operate at the Joint Intermodal Terminal ("JIT") through September 30, 2014, as set forth in the Agenda Report for Agenda Item 2.3, dated March 27, 2013 (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 as follows:

A. The proposed lease extension with BNSF was reviewed in accordance with requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA guidelines. This lease extension is categorically exempt from CEQA pursuant to the Port CEQA Guidelines, Section 15301(p), which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing

Section 3. The Board approves and authorizes the Executive Director to extend the Lease with BNSF for the Joint Intermodal Terminal, through September 30, 2014, under the same terms and conditions of the existing Lease.

Section 4. 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. This ordinance approves and authorizes the execution of an agreement in accordance with the terms of this ordinance. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this ordinance, is signed and approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

Section 5. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, March 27, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner - 7. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held April 10, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner – 7
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4285

ORDINANCE APPROVING A LEASE WITH RESTAURANTS UNLIMITED, INC. FOR THE PREMISES LOCATED AT 1 FRANKLIN.

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.1, dated March 27, 2014 (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 approves the terms and conditions set forth in the Agenda Report for a Lease with Restaurants Unlimited, inc. for the premises located at 1 Franklin Street, Oakland, California, at a monthly rental rate of $27,348.00 per month for the first twelve months, subject to annual rent increases thereafter, and an additional percentage rent, for a term of ten years with one option to extend the term by an additional ten (10) years, at an increased monthly rental rate.

Section 3. The Board hereby authorizes the Executive Director, or his designee, to approve and execute for and on behalf of the Board the subject Lease and such other documents as may be necessary to consummate this transaction, subject to approval by the Port Attorney as to form and legality.

Section 4. The Board hereby finds and determines that the Lease is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Port CEQA Guidelines pursuant to Section 15301, Existing Facilities. CEQA does not apply to 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.

In addition, the ten-year lease has been determined to be categorically exempt from CEQA Guidelines pursuant to Section 15300.4 and Port CEQA Guidelines Section 15301(p) (Existing Facilities). Subsection (p) categorically exempts the execution of renewals, extensions, or amendments to lease for license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person and involving negligible or no expansion of use beyond the previously existing.

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 change order.

Section 6. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, March 27, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Parker, Uno, Yee and President Butner - 6. Excused Commissioner Head - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held April 10, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner – 7
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4286

ORDINANCE APPROVING A FIVE-YEAR LICENSE AND CONCESSION AGREEMENT WITH VA TRANSPORTATION, INC., FOR THE PREMISES AT 2400 EMBARCADERO ROAD, FOR A MONTHLY RENT OF $1,850.40.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.3, dated April 10, 2014 (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 approves the terms and conditions set forth in the Agenda Report for the License & Concession Agreement with VA Transportation, Inc. for a (5) year term for the premises located at 2400 Embarcadero Road, at a rent of $1,850.40 per month (subject to specified adjustments), and hereby authorizes the Executive Director or his designee to approve and execute such License & Concession Agreement and such other agreements and such additional documents as may be necessary to consummate the transaction contemplated in this Agenda Report for and on behalf of the Board, subject to approval by the Port Attorney as to form and legality, and subject to the condition that the approvals set forth in this ordinance be valid for no longer than 90 days, and that if the subject documents are not fully executed by that date such approval shall be null and void unless further extended at the sole and absolute discretion of the Executive Director or his designee.

Section 3. The Board hereby finds and determines that this transaction is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines, Article 19, Section 15300.4, which directs public agencies

in the course of establishing their own procedures, to list specific activities that fall within each of the exempt classes categorized under Article 19 (Categorically Exemptions), and Port CEQA Guidelines Section 15301(p), which exempts the execution of leases or License and Concession Agreements where the premises or licensed activity was previously leaded or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

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 change order.

Section 5. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, April 10, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Yee and President Butner - 6. Excused Commissioner Uno - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held April 24, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Yee and President Butner – 5
Excused: Commissioners Parker and Uno – 2
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4287

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A GRANT OF EASEMENT TO EAST BAY MUNICIPAL UTILITY ("EBMUD") TO RELOCATE AN EXISTING WATER LINE ALONG 14TH STREET, OAKLAND, CA.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.1, dated April 24, 2014 (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, in order to complete the Port's Outer Harbor Intermodal Terminal ("OHIT") Rail Yard Phase 1 project at the former Oakland Army Base ("OAB"), an existing EBMUD water line needs to be relocated and installed at a depth that will not interfere with construction and operation of the new rail yard; and

WHEREAS, the Port and EBMUD have identified an alignment for a new, relocated water line (as generally shown in the schematic drawing attached hereto as Exhibit A and hereafter referred to as the "New Easement Area") that will minimize the impact to the Port's rail yard project; and

WHEREAS, Port staff seeks authorization to grant EBMUD an easement in such New Easement Area (i) to allow EBMUD to relocate, install, operate, repair, replace, and construct a new water line, and (ii) conditioned upon EBMUD executing and delivering to the Port a quitclaim deed of their existing property rights to the area where EBMUD's existing water line is currently located; 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 it is in the best interest of the Port to approve and authorize the Executive Director of the Port or his designee to execute an easement to EBMUD to relocate an existing water line along 14th, Street, Oakland, CA, install, operate, repair, replace, and construct a new water line within the New Easement Area, all in a form approved by the Port Attorney and consistent with the purposes set forth in the Agenda Report and in this Ordinance.

Section 3. The Board hereby finds and determines that the proposal to grant an easement and to EBMUD to relocate an existing water line as described in this Agenda Report was previously reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA")and the Port CEQA Guidelines as follows:

a. In July 2002, the City of Oakland, acting by and through its City Council ("City"), as the lead agency under CEQA, certified an Environmental Impact Report ("EIR") for reuse of the OAB. On September 17, 2001, the Board, acting on behalf of the Port as a responsible agency under CEQA, adopted findings and a mitigation program in reliance on the City's EIR (Resolution No. 02317). In June 2012, the Board considered the 2012 OAB Project Initial Study/Addendum ("2012 Addendum") and adopted mitigation measures applicable to the Port from the City's OAB Standard Conditions of Approval/Mitigation Monitoring and Reporting Program ("SCA/MMRP")with Resolution No. 12-76.

b. The OAB EIR and the 2012 Addendum described projects to be developed by the Port and City on and immediately adjacent to the former OAB, and the possible need for utility relocations during development as described in the Agenda Report. Thus, no further CEQA review is required to take the actions recommended in the Agenda Report.

c. EBMUD and its contractors will be required to comply with applicable mitigation measures and standard conditions of approval in the adopted SCA/MMRP, with is available on-line at:

www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/s/ApplicantionandZoningInformation/OAK042281.

d. All projects on the Economic Development Conveyance property at the former OAB must be completed in compliance with the September 27, 2002 Remedial Action Plan ("RAP") and Risk Management Plan ("RMP", which is Appendix E to the RAP) prepared for the California Department of Toxic Substances Control and the Oakland Base Reuse Authority.

Section 4. The Board hereby approves and authorizes the Executive Director to negotiate and execute an easement to relocate an existing water line along 14th, Street, Oakland, CA, install, operate,

repair, replace, and construct a new water line within the New Easement Area, all in a form approved by the Port Attorney and consistent with the purposes set forth in the Agenda Report and in this Ordinance in partial consideration for EBMUD executing and delivering to the Port a quitclaim deed of their existing property rights to the area where EBMUD's existing water line is currently located.

Section 5. This ordinance approves and authorizes the execution of an easement in accordance with the terms of this ordinance. Unless and until a separate written instrument is duly executed on behalf of the Board as authorized by this ordinance, is signed and approved as to form and legality by the Port Attorney, and is recorded on title, there shall be no valid or effective easement.

The Board of Port Commissioners, Oakland, California, April 24, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner - 7. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held May 8, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Yee and President Butner – 5
Excused: Commissioners Parker and Uno – 2
Noes: 0

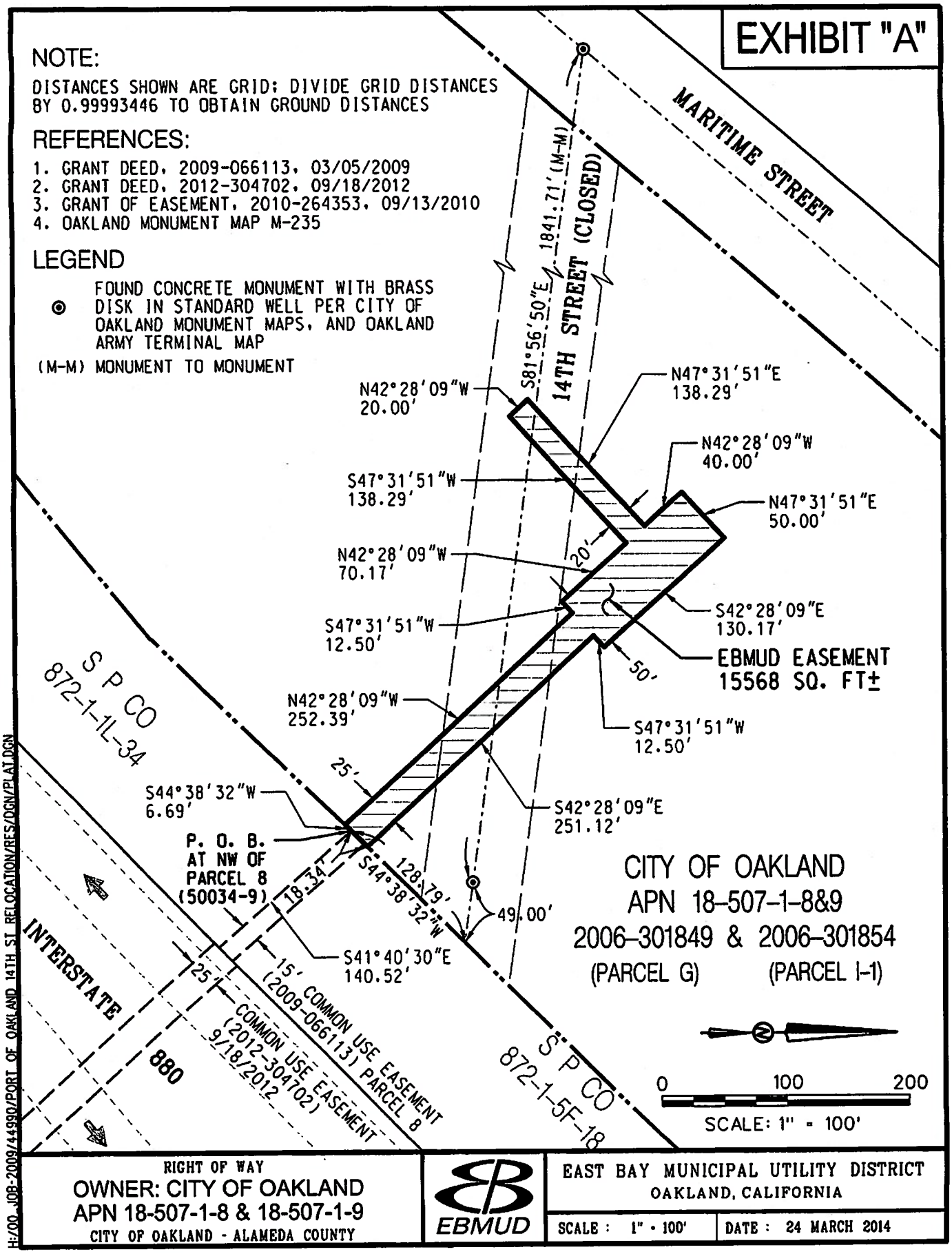
Cristina E. Butner
President.

Attest: J Betterton
Secretary.

Approved as to form and legality:

Port Attorney

EXHIBIT "A"



RIGHT OF WAY
OWNER: CITY OF OAKLAND
APN 18-507-1-8 & 18-507-1-9
CITY OF OAKLAND - ALAMEDA COUNTY

EBMUD

EAST BAY MUNICIPAL UTILITY DISTRICT
OAKLAND, CALIFORNIA

SCALE : 1" = 100' | DATE : 24 MARCH 2014

H:/00_JOB-2009/44990/PORT_OF_OAKLAND_14TH_ST_RELOCATION/RES/DGN/PLAT.DGN

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4288

AN ORDINANCE AMENDING PORT ORDINANCE NO. 3634 RELATING TO FINGERPRINTING FEES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 2.2, dated April 24, 2014 ("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;

WHEREAS, that 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; now, therefore

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. Section 10.5 of Port Ordinance No. 3634 is hereby amended and restated to read as follows:

"**Section 10.5:** The following fees are hereby established for Airport Security Identification Display Area (SIDA) badges issued by the Port and fingerprinting/criminal history records check:

New SIDA Badge and renewal fee	$ 25.00
First lost/unaccounted for badge	$ 50.00
Second lost/unaccounted for badge	$ 75.00
Third lost/unaccounted for badge	$100.00
Fourth lost/unaccounted for badge	Permanent Revocation
Failure to surrender and return SIDA badge upon termination	$ 50.00
Fingerprinting/Criminal History Records Check	$ 50.00

Missing Badge Price: A price of $25.00 is established for each missing badge to partially defray costs to the Airport for guarding against the misuse of a missing badge. This price is in addition to other normal badge prices.

Airport Vehicle Parking Ramp Access Permits: The following prices are hereby established for Port-issued vehicle permits at the Airport:

Type of Permit	Fee
Reserved Area Vehicle Parking	$5.00
Ramp Area Vehicle Access	5.00"

Section 2. The Board hereby ratifies the previous collection of the fingerprinting/criminal history records check fee.

Section 3. The Board hereby finds and determines that the action is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15378(a) because the action is not a "Project" under CEQA.

Section 4. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, April 24, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner - 7. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held May 8, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Yee and President Butner – 5
Excused: Commissioners Parker and Uno – 2
Noes: 0

President.

Attest: **Secretary.**

Approved as to form and legality:

Port Attorney

302467

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4289

ORDINANCE APPROVING AND AUTHORIZING A SPACE/USE PERMIT WITH SWISSPORT FUELING, INC., TO CONTINUE PROVIDING INTO-PLANE FUELING SERVICES AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 2.3, dated April 24, 2014 ("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,

WHEREAS, that 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; now, therefore

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby approves a Space/Use Permit ("Agreement") between the **CITY OF OAKLAND**, a municipal corporation, acting by and through the Board, and **SWISSPORT FUELING, INC.** ("Swissport"), to continue providing into-plane fueling services to member airlines of Oakland Fueling Facilities Corporation ("OFFC") at Oakland International Airport for a term of five years, subject to the right of either party to terminate on 30 days written notice, for consideration of 10% of gross revenues, subject to a minimum of $250 per month, on the other terms and conditions as set forth in the Agenda Report, and upon such standard terms and conditions as specified in the Agreement and approved by the Executive Director.

Section 2. The Executive Director is hereby authorized to execute said Agreement subject to the Port Attorney's review and approval as to form and legality.

Section 3. The Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act Guidelines Section 15301 (Existing Facilities).

Section 4. This ordinance is not evidence of and does not create or constitute (a) a contract, agreement, lease 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. This ordinance approves and authorizes the execution of said Agreement in accordance with the terms of this ordinance. Unless and until a separate written Agreement is duly executed on behalf of the Board as authorized by this ordinance, is signed and approved as to form and legality by the Port Attorney, and is delivered to Swissport, there shall be no valid or effective Agreement.

The Board of Port Commissioners, Oakland, California, April 24, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner - 7. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held May 8, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Yee and President Butner – 5
Excused: Commissioners Parker and Uno – 2
Noes: 0

President.

Attest _____

Secretary.

Approved as to form and legality:

_____
Port Attorney

302469

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4290

ORDINANCE APPROVING AN AIRLINE OPERATING AGREEMENT WITH NORWEGIAN AIR SHUTTLE ASA.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.2, dated April 24, 2014 ("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, that 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; now, therefore

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby approves the terms and conditions of the Port's standard form Airline Operating Agreement ("AOA") with the **NORWEGIAN AIR SHUTTLE ASA** ("Norwegian") for a term expiring on September 30, 2016, at the rate and terms and conditions set forth in the Agenda Report, and upon such standard terms and conditions as specified in the AOA, subject to the Port Attorney's review and approval as to form and legality.

Section 2. The Board hereby authorizes the Executive Director to execute, subject to the Port Attorney's approval as to form and legality, the AOA with Norwegian.

Section 3. The Board hereby finds and determines that this agreement is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15301, Existing Facilities. CEQA does not apply to 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.

Section 4. This ordinance is not evidence of and does not create or constitute (a) a contract or lease, 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 separate written agreement(s) are duly executed on behalf of the Board as authorized by this ordinance, is signed and 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(s).

The Board of Port Commissioners, Oakland, California, April 24, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner - 7. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held May 8, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Yee and President Butner – 5
Excused: Commissioners Parker and Uno – 2
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4291

ORDINANCE APPROVING AND AUTHORIZING A SPACE/USE PERMIT WITH LEIDOS, INC., TO ALLOW FOR MAINTENANCE OF PASSENGER SCREENING EQUIPMENT OWNED BY THE TRANSPORTATION SECURITY ADMINISTRATION AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 2.3 dated June 5, 2014 ("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;

WHEREAS, that 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; now, therefore

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby approves a Space/Use Permit ("Agreement") between the **CITY OF OAKLAND**, a municipal corporation, acting by and through the Board, and **LEIDOS, INC.** ("LEIDOS"), to allow for maintenance of passenger screening equipment owned by the Transportation Security Administration ("TSA") at Oakland International Airport for a term of the earlier of (i) either party giving the other party 30 days written notice of its intention to terminate the agreement, or (ii) January 31, 2018, for no monetary consideration, and upon such other terms and conditions as set forth in the Agenda Report, and upon such standard terms and conditions as specified in the Agreement and approved by the Executive Director.

Section 2. The Board hereby authorizes the Executive Director (i) to execute said Agreement, subject to the Port Attorney's review and approval as to form and legality, and (ii) make such additions, modifications, or corrections as necessary to implement the Agreement 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 3. The Board hereby finds and determines that executing this Agreement is categorically exempt from the requirements of the California Environmental Quality Act Guidelines pursuant to Section 15301 (Existing Facilities).

Section 4. This ordinance is not evidence of and does not create or constitute (a) a contract, agreement, lease 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. This ordinance approves and authorizes the execution of said Agreement in accordance with the terms of this ordinance. Unless and until a separate written Agreement is duly executed on behalf of the Board as authorized by this ordinance, is signed and approved as to form and legality by the Port Attorney, and is delivered to Leidos, there shall be no valid or effective Agreement.

Section 5. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, June 5, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Parker, Uno, Yee and President Butner - 6. Excused: Commissioner Head -1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held June 26, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Uno and
President Yee – 5
Excused: Commissioner Parker and President Butner – 2
Noes: 0

President.

Attest _____

Secretary.

Approved as to form and legality:

_____

Port Attorney

303421

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4292

ORDINANCE AUTHORIZING THE EXECUTIVE DIRECTOR TO (1) ENTER INTO A SECOND SUPPLEMENTAL AGREEMENT TO THE NON-EXCLUSIVE PREFERENTIAL ASSIGNMENT AGREEMENT ("NEPAA") WITH TRAPAC, INC., TO CLARIFY THE MAG ADJUSTMENT TERMS OF THE NEPAA; AND (2) TO MODIFY THE NAME OF THE ENTITY THAT IS SIGNATORE TO THE NEPAA FROM TRAPAC INC. TO TRAPAC, LLC.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item 2.5, dated June 5, 2014 (herein 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

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 proposal to enter into a Supplemental Agreement to the NEPAA with Trapac, Inc., is categorically exempt from requirements of the California Environmental Quality Act ("CEQA") pursuant to the Port CEQA Guidelines, Section 15301(p), which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

Section 3. The Board hereby approves the terms and conditions of and authorizes the Executive Director or her designee to (1) enter into a Second Supplemental Agreement to the NEPAA with Trapac Inc., to clarify the allocation of annual percentage increases to the Minimum Annual Guaranty ("MAG") under the NEPAA; and (2) to change the legal entity that is signatore to the NEPAA from Trapac Inc., to Trapac, LLC.

Section 5. This ordinance is not evidence of and does not create or constitute (a) a contract or lease, 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 separate written agreement(s) are duly executed on behalf of the Board as authorized by this resolution, is signed and 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(s).

Section 6. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, June 5, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Parker, Uno, Yee and President Butner - 6. Excused: Commissioner Head -1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held June 26, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Uno and
President Yee – 5
Excused: Commissioner Parker and President Butner – 2
Noes: 0

President.

Attest: **Secretary.**

Approved as to form and legality:

Port Attorney

303471

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4293

ORDINANCE APPROVING AND AUTHORIZING A NEW RIGHT OF WAY USE PERMIT AGREEMENT WITH SFPP, L.P. COVERING: (i) TWO PETROLEUM PRODUCTS PIPELINES THAT RUN ALONG THE BULK OF THE LENGTH OF THE PERIMETER DIKE SURROUNDING THE OAKLAND INTERNATIONAL AIRPORT AND UNDER THE SAN FRANCISCO BAY; (ii) A METERING STATION; AND (iii) A CATHODIC PROTECTION SYSTEM, FOR A TWENTY-FIVE (25) YEAR TERM, AN INITIAL ANNUAL RENTAL OF $63,935 PLUS TWO ADDITIONAL PAYMENTS TOTALING $2.7 MILLION.

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.1, dated June 5, 2014 (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 approves and authorizes the Executive Director to execute a New Right of Way Use Permit Agreement with SFPP, L.P. ("the Permit") for petroleum products pipelines and facilities at the Oakland International Airport ("Airport") which covers the following existing facilities at the Airport: (i) two petroleum products pipelines (10" diameter and 12" diameter) running 18,671 feet in length within the Airport Perimeter Dike ("APD") and 11,837 feet in length under San Francisco Bay offshore from the Airport; (ii) a 14,400± square foot metering station adjacent to the South Field Tank Farm; and (iii) 2,000± square feet of land on the APD improved with a Cathodic Protection System for the pipelines for an initial annual rental of $63,935 plus two additional payments totaling $2.7 million for a term of twenty-five (25) years commencing on July 1, 2014, and terminating on June 30, 2039, subject to the Port Attorney's review and approval as to form and legality.

Section 3. The Board approves an exception to Port Policy, No. AP 509, Collection of Delinquent Accounts - Policies and Guidelines, to reduce the security deposit required to be provided by SFPP, L.P. to $150,000 which is approximately two times the average billings due under the Permit due to SFPP, L.P.'s good payment history.

Section 4. The Board hereby finds and determines that the approval of the Permit is categorically exempt from the California Environmental Quality Act ("CEQA") Guidelines pursuant to Sections 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.

Section 5. This ordinance is not evidence of and does not create or constitute (a) a contract, agreement, lease 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.

Section 6. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, June 5, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Parker, Uno, Yee and President Butner - 6. Excused: Commissioner Head -1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held June 26, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Uno and President Yee – 5
Excused: Commissioner Parker and President Butner – 2
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4294

ORDINANCE APPROVING A SPACE/USE PERMIT WITH ACCESSIBLE AVIATION, INC. FOR PORT BUILDING L-712 LOCATED AT 8053 EARHART ROAD FOR A FIVE-YEAR TERM, AT A MONTHLY RENT OF $2,094.84.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.2, dated June 5, 2014 (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 approves the terms and conditions set forth in the Agenda Report for the Space/Use Permit with **Accessible Aviation, Inc.** for Port Building L-712, located at 8053 Earhart Road for a five-year term at a minimum monthly rental rate of $2,094.84, subject to termination by either party upon thirty days' notice, and hereby ratifies the Executive Director's approval and execution of said Space/Use Permit, and hereby authorizes the Executive Director, or his designee, to approve such other agreements and such additional documents as may be necessary to consummate this transaction for and on behalf of the Board, subject to approval by the Port Attorney as to form and legality.

Section 3. The Board hereby finds and determines that this transaction is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines, Section 15301(p), which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the

same or another person, and involving negligible or no expansion of use beyond that previously existing.

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 change order.

Section 5. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, June 5, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Parker, Uno, Yee and President Butner - 6. Excused: Commissioner Head -1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held June 26, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Uno and
President Yee – 5
Excused: Commissioner Parker and President Butner – 2
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4295

ORDINANCE APPROVING A SPACE/USE PERMIT WITH TECHNICAL EDUCATION SERVICES, INC. DBA AVIATION INSTITUTE OF MAINTENANCE FOR A HANGAR, OFFICE BUILDING AND WAREHOUSE, AT A MONTHLY RENT OF $32,958.79.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.3, dated June 5, 2014 (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 approves the terms and conditions set forth in the Agenda Report for the Space/Use Permit with Technical Education Services, Inc. dba Aviation Institute of Maintenance at Port Buildings L-105, L-118 and L-151 for a term of three (3) years at a monthly rental rate of $32,958.79, and hereby ratifies the Executive Director's approval and execution of said Space/Use Permit, and hereby authorizes the Executive Director, or his designee, to approve such other agreements and such additional documents as may be necessary to consummate this transaction for and on behalf of the Board, subject to approval by the Port Attorney as to form and legality.

Section 3. The Board hereby finds and determines that this transaction is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines, Section 15301(p), which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the

same or another person, and involving negligible or no expansion of use beyond that previously existing.

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 change order.

Section 5. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, June 5, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Parker, Uno, Yee and President Butner - 6. Excused: Commissioner Head -1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held June 26, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Uno and
President Yee – 5
Excused: Commissioner Parker and President Butner – 2
Noes: 0

President.

Attest: **Secretary.**

Approved as to form and legality:

Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4296

ORDINANCE APPROVING AND AUTHORIZING A SPACE/USE PERMIT WITH TRICOPIAN LLC FOR THE INSTALLATION AND OPERATION OF AUTOMATED PORTABLE CHARGER DISPENSER MACHINES AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated June 5, 2014 ("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, that 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; now, therefore

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby approves a Space/Use Permit ("Agreement") between the **CITY OF OAKLAND**, a municipal corporation, acting by and through the Board, and **TRICOPIAN LLC**, for the installation and operation of automated portable charger dispenser machines at Oakland International Airport for a term expiring on May 31, 2018, for a Minimum Annual Guarantee of $14,400 for up to six machines, and upon such other terms and conditions as set forth in the Agenda Report, and upon such standard terms and conditions as specified in the Agreement and approved by the Executive Director.

Section 2. The Board hereby authorizes the Executive Director (i) to execute said Agreement, subject to the Port Attorney's review and approval as to form and legality, and (ii) make such additions, modifications, or corrections as necessary to implement the Agreement 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 3. The Board hereby authorizes the Director of Aviation to supplement the Agreement to add locations under the same terms and conditions, subject to the Port Attorney's approval as to form and legality.

Section 4. The Board hereby finds and determines that executing this Agreement is categorically exempt from the requirements of the California Environmental Quality Act Guidelines pursuant to Section 15301 (Existing Facilities).

Section 5. This ordinance is not evidence of and does not create or constitute (a) a contract, agreement, lease 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. This ordinance approves and authorizes the execution of said Agreement in accordance with the terms of this ordinance. Unless and until a separate written Agreement is duly executed on behalf of the Board as authorized by this ordinance, is signed and approved as to form and legality by the Port Attorney, and is delivered to Tricopian LLC, there shall be no valid or effective Agreement.

Section 6. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, June 5, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Parker, Uno, Yee and President Butner - 6. Excused: Commissioner Head -1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held June 26, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Uno and
President Yee – 5
Excused: Commissioner Parker and President Butner – 2
Noes: 0

President.

Attest

Secretary.

Approved as to form and legality:

Port Attorney

303464

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4297

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MONTH-TO-MONTH EXTENSION TO THE PORTS AMERICA OUTER HARBOR TERMINAL, LLC NON-EXCLUSIVE PREFERENTIAL ASSIGNMENT AGREEMENT FOR THE BERTHS 25/26 MARINE TERMINAL.

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the proposed extension of the Non-Exclusive Preferential Assignment Agreement ("NEPAA") with Ports America Outer Harbor Terminal LLC ("Ports America") for the Berths 25/26 as set forth in the Agenda Report for Agenda Item 6.7, dated June 5, 2014 (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 as follows:

A. Continued use of the NEPAA premises for marine terminal purposes is not subject to the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines, which 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 existing NEPAA for the same uses on the premises, including the prohibitions on soil disturbances, will result in a physical change in the environment, and therefore this action is not subject to CEQA.

B. In addition, the proposed extension to the term of the NEPAA between the Port and Ports America is categorically exempt from the CEQA pursuant to the Port CEQA Guidelines, Section 15301(p), which exempts renewals, extensions or amendments to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion or use beyond that previously existing. Extending the NEPAA with the existing tenant, Ports America, to continue its current business operations meets the criteria of this exemption.

Section 3. The Board approves and authorizes the Executive Director to enter into a month-to-month extension to the NEPAA with Ports America for the Berths 25/26 Marine Terminal under the same terms and conditions as the current NEPAA with the following modifications:

- Minimum monthly rent will be approximately $725,000.00 per month;
- The NEPAA will be terminable by either party by giving 30-day's written notice to the other of termination, and upon such termination, Ports America will be given up to an additional 60 days to vacate and surrender the Berths 25/26 Marine Terminal premises provided that Ports America continues to pay its monthly rent as provided herein;
- The Port will be allowed to market the Berths 25/26 Marine Terminal premises to any other interested party, in the Port's sole and absolute discretion, at any time during the extended term of the NEPAA; and
- Ports America will pay the Port for use of the cranes at Berths 25/26 at crane rates set forth in Port Tariff 2-A (as the same may be modified from time-to-time by the Board) whenever Ports America uses such cranes on any portion of Berths 20-24

Section 4. 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. This ordinance approves and authorizes the execution of an agreement in accordance with the terms of this ordinance. Unless and until a separate written agreement is duly executed on behalf of the Board as

authorized by this ordinance, is signed and approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

Section 5. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, June 5, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Parker, Uno, Yee and President Butner - 6. Excused: Commissioner Head -1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held June 26, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Uno and
President Yee – 5
Excused: Commissioner Parker and President Butner – 2
Noes: 0

President.

Attest: **Secretary.**

Approved as to form and legality:

Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4298

ORDINANCE AMENDING PORT ORDINANCE NO. 867 RATIFYING AND SETTING THE COMPENSATION OF CERTAIN EMPLOYEES OF THE PORT DEPARTMENT BELONGING TO EMPLOYEE REPRESENTATION UNIT H.

WHEREAS, the Board of the Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.1, dated June 26, 2014, ("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 salary schedules set forth in Port Ordinance No. 867 for employees of the Port Department belonging to Employee Representation Unit H, excluding the Executive Director, shall be and the same are hereby amended by increasing the rates of compensation (base wages) set forth on said salary schedules by an additional two and one-half percent (2.5%) effective in the pay period containing July 1, 2014.

Section 2. In acting upon the matters contained herein, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, findings and conditions set forth in the Agenda Report and in related materials and in testimony received.

The Board of Port Commissioners, Oakland, California, June 26, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno and President Yee - 6. Excused: President Butner - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held July 10, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner – 7
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4299

ORDINANCE AMENDING PORT ORDINANCE NO. 3634, AS AMENDED, RELATING TO LANDING AND TENANT TERMINAL SPACE RENTAL FEES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT.

WHEREAS the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.4, dated June 26, 2014 ("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 the Metropolitan Oakland International Airport were, established pursuant to Port Ordinance No. 3634 adopted by the Board on April 3, 2001, and are hereby amended, consistent with the Agenda Report, as follows:

Section 1. Section 2 of Port Ordinance No. 3634 is hereby amended to read in full as follows:

> "**Section 2.** Except as provided in Sections 3, 5 and 7 of this ordinance, or by a written agreement between the Port and an Airline Operator, or as may be waived pursuant to a marketing incentive policy authorized by the Port if such waiver is reflected in a written agreement between the Port and an Airline Operator, the following landing fees and operation charges are hereby established for each aircraft using the landing areas, including the helicopter landing areas, at the Airport:
>
> a. (i) For Based Aircraft described in subsection (c) of this Section 2, and having a maximum gross landing weight of less than 12,500 pounds, the rate shall be $40.54 per landing; provided, however, that effective October 1,

2014 if the operator of such Based Aircraft has not signed and returned the Port's Airline Operating Agreement, the rate shall be $50.68 per landing until such Agreement has been signed and returned by the operator of such Based Aircraft.

(ii) For other Aircraft having a maximum gross landing weight of less than 12,500 pounds, the rate shall be $50.68 per landing, except as hereafter set forth in subsection (c) of this Section 2.

b. For Aircraft having a maximum gross landing weight of more than 12,500 pounds, the rate shall be $4.05 per 1,000 pounds of maximum gross landing weight per Aircraft, except as hereafter set forth in subsection (c) of this Section 2.

c. For aircraft operated by a Based Tenant Operator, a Certificated Airline Operator that is listed in the Official Airline Guide as providing scheduled service to and from the Airport, or an Airline Operator that leases or licenses a minimum of 20,000 square feet of land or ramp area on the South Field on at least a month-to-month basis, or that leases or licenses a minimum of 2,200 square feet of air cargo building space on the South Field on at least a month-to-month basis, the rate shall be $3.24 per 1,000 pounds of maximum gross landing weight per Aircraft; provided however, that effective October 1, 2014, this subsection (c) shall not apply to any Airline Operator that has not signed and returned to the Port the Port's Airline Operating Agreement."

Section 2. Section 3 of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"**Section 3.** A landing fee shall not be assessed against 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. The landing fee and operation charge for any other non-Revenue Landing, including but not limited to training and familiarization flights, of Aircraft operated by a Certificated Airline Operator are hereby established at $1.62 for each 1,000 pounds of maximum gross landing weight per Aircraft landed by Certificated Airline Operators covered by Section 2c hereof and $2.03 for each 1,000 pounds of maximum gross landing weight per Aircraft landed by Certificated Airline Operators covered by Section 2b hereof."

Section 3. Section 10.1 of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"**Section 10.1.** Except as otherwise provided by a written agreement between the Port and an Airline Operator, or as may be waived pursuant to a marketing incentive policy authorized by the Port if such waiver is reflected in a written agreement between the Port and an Airline Operator, the following charges for space rental or license of ticketing counters and related office, holding room and baggage area in the Terminal Buildings are hereby established:

a. Ticketing counter space in Buildings M-101, M-102 and M-130, $20.135 per square foot per month;

b. Office space behind ticketing counters in Buildings M-101, M-102 and M-130 and office space in Buildings M-102, M-103, M-130, M-157, M-158, M-367, and XU70, $18.122 per square foot per month;

c. Baggage claim area in Buildings M-101 and M-368, $16.108 per square foot per month; and

d. Baggage make-up area in Buildings M-101, M-102, M-130 and M-363, $14.094 per square foot per month.

e. Ticket Counter Use - Airline Operators who lease or license any ticketing counter space on a per use basis to provide domestic or international scheduled or nonscheduled service to the Airport shall pay a use fee of $550.00 per four-hour use. Such leasing or licensing of the ticketing counter space by an Airline Operator shall make such Airline Operator a Based Tenant Operator under this Ordinance.

f. Ticket Counter - Common Use, $10.068 per square foot per month.

g. Office Space - Common Use, $9.061 per square foot per month; and

h. Baggage Make-Up - Common Use, $7.048 per square foot per month

i. Concession office/storage space in Buildings M-101, M-102, M-103, M-130, M-367 and M-368, $3.524 per square foot per month."

Section 4. Section 10.2 of Port Ordinance No. 3634 is hereby amended to add the following:

"All Airline Operators that are Based Tenant Operators shall pay to the Port for the use of the baggage claim area and the baggage conveyor facilities a fee for passengers deplaning at the Airport from flights from which baggage is handled over and through such area or facilities. Said fee - as specified in **Schedule A** - shall be charged based on the number of passengers onboard Airline Operator's Aircraft regardless of the number of such passengers who actually have their baggage handled over or through such area and facilities."

Section 5. Section 10.10(a) - (f) of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"**Section 10.10.** All Airline Operators who are preferentially assigned the use of a ticketing unit and associated loading bridge gate in the second level of the Airport's Terminal I (Building M-103) and Terminal II (Buildings M-130 and M-367) shall pay to the Port a second level use fee in the sum of $46,794.00 per month for each ticketing unit and associated loading bridge gate so assigned. Such assignment shall not include any specific seating areas, but shall include the right for assignee's passengers to use any of the common seating areas in said second level. The Airport Assistant Director of Aviation shall have the right to secondarily assign any such ticketing unit and associated loading bridge gate to another Airline Operator, provided that such secondary assignee's use of said ticketing unit and associated loading bridge gate does not unreasonably interfere with the use of the preferential assignee. The fees for secondary use shall be as follows:

a. Based Tenant Operator with Holdroom

(i) Except as otherwise provided in subsection (ii) below, Based Tenant Operators that are assigned the use of a ticketing unit and associated loading bridge gate and are listed in the Official Airline Guide as providing scheduled service to and from the Airport shall pay the following charge:

Holdroom and Loading Bridge Charge - $275.60 per enplaning operation.

(ii) Effective October 1, 2014, if an Airline Operator described in subsection (i) above has not signed and returned the Port's Space/Use Permit covering its space in the Terminal Buildings, and does not sign and return such Space/Use Permit within 60 days after its receipt of such Space/Use Permit, then commencing on the 61st day after Airline Operator's receipt of such Space/Use Permit, and ending on the date the Port receives the Space/Use Permit signed by such Airline Operator, the charge to such Airline

Operator under subsection (i) above shall be increased to $344.50 per enplaning operation.

b. Based Tenant Operator without Holdroom

(i) Except as otherwise provided in subsection (ii) below, Based Tenant Operators who are not assigned the use of a ticketing unit and associated loading bridge gate and are listed in the Official Airline Guide as providing scheduled service to and from the Airport shall pay the following charge:

Holdroom and Loading Bridge Charge - $2.12 per enplaning passenger.

(ii) Effective October 1, 2014, if an Airline Operator described in subsection (i) above has not signed and returned the Port's Space/Use Permit covering its right to use space in the Terminal Buildings, and does not sign and return such Space/Use Permit within 60 days after its receipt of such Space/Use Permit, then commencing on the 61st day after Airline Operator's receipt of such Space/Use Permit, and ending on the date the Port receives the Space/Use Permit signed by such Airline Operator, the charge to such Airline Operator under subsection (i) above shall be increased to $2.65 per enplaning passenger.

c. Affiliated Operator

(i) Except as otherwise provided in subsection (ii) below, Airline Operators who are affiliated with a Based Tenant Operator and are listed in the Official Airline Guide as providing scheduled service to and from the Airport shall pay the following charge:

Holdroom and Loading Bridge Charge - $2.12 per enplaning passenger.

(ii) Effective October 1, 2014, if an Airline Operator described in subsection (i) above has not signed and returned the Port's Space/Use Permit covering its space in the Terminal Buildings, and does not sign and return such Space/Use Permit within 60 days after its receipt of such Space/Use Permit, then commencing on the 61st day after Airline Operator's receipt of such Space/Use Permit, and ending on the date the Port receives the Space/Use Permit signed by such Airline Operator, the charge to such Airline Operator under subsection (i) above shall be increased to $2.65 per enplaning passenger.

d. Affiliated Operator using Small Aircraft

(i) Except as otherwise provided in subsection (ii) below, Airline Operators who are affiliated with a Based Tenant Operator and are listed in the Official Guide as providing scheduled service to and from the Airport utilizing Aircraft that are too small to be serviced with a loading bridge provided by the Port shall pay the following charge:

Holdroom Charge - $1.75 per enplaning passenger.

(ii) Effective October 1, 2014, if an Airline Operator described in subsection (i) above has not signed and returned the Port's Space/Use Permit covering its right to use space in the Terminal Buildings, and does not sign and return such Space/Use Permit within 60 days after its receipt of such Space/Use Permit, then commencing on the 61st day after Airline Operator's receipt of such Space/Use Permit, and ending on the date the Port receives the Space/Use Permit signed by such Airline Operator, the charge to such Airline Operator under subsection (i) above shall be increased to $2.19 per enplaning passenger.

e. Non-Based, Non-Tenant Operator Airline Operators who are not a Based Tenant Operator and are not listed in the Official Airline Guide as providing scheduled service to and from the Airport shall pay the following charge:

Terminal Use Fee	$4.19	per enplaning passenger
Holdroom & Loading Bridge Charge	$2.65	per enplaning passenger
Security Fee	$40.00	per enplaning operation
Baggage Claim Area	$1.84	per deplaning passenger

f. Non-Terminal Operator - Airline Operators who do not use the Terminal Buildings and are not subject to the Airplane Operator Security requirements of 14 CFR 108 for domestic operators or 14 CFR 129 for foreign air carriers and foreign operators of U.S. registered Aircraft shall not be assessed a secondary use charge.

In the event a preferential assignee is unable to use the ticketing unit and loading bridge gate preferentially assigned to it by reason of the gate being temporarily inoperable, and if in such event said preferential assignee is required to use another ticketing unit and loading bridge gate in said second level of Building M-103, Building M-130 and Building M-367, said preferential assignee shall not be assessed an additional secondary use fee for such use.

For the purpose of this Section 10.10, a preferential assignment shall give the assignee the right to a preferential nonexclusive use of a certain ticketing unit and associated loading bridge gate in the said second level of the Airport Terminal I (M-103) and Terminal II (M-130 and M-367) on a month-to- month basis, together with the right to utilize for its passengers using said unit and gate, the common seating areas in said second level. For the purposes of this Section 10.10, a secondary assignment shall give the assignee the right to secondary use of a certain ticketing unit and loading bridge gate in said second level for a period specified, such right being subordinate to the prior rights of the preferential assignee, together with the right to utilize for its passengers using said unit and gate, the common seating areas in said second level. Except as hereinabove specifically provided, secondary assignments of said second level ticketing units and loading bridge gates shall not make the Airline Operator receiving such secondary assignments a Based Tenant Operator."

Section 6. Section 10.13 of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"**Section 10.13.** A concession fee of ten percent (10%) of Gross Revenue, subject to a minimum monthly fee of (i) $250 for those operating on South Field, and (ii) $500 for in-flight caterers and those operating on North Field, is hereby established for all Airline Services Providers. For any Airline Services Provider that occupies space, such Airline Services Provider shall also pay the applicable charge for such space as set forth in this Ordinance or as set forth in a separate agreement between the Port and the Airline Services Provider, in addition to the fee set forth in this Section 10.13. An "**Airline Services Provider**" shall mean any third-party company, entity or person operating at the Airport (in either South Field or North Field) that provides services to passenger and cargo airlines, corporate and private aircraft owners, and/or any other entity operating at the Airport, including, but not limited to, passenger and cargo handling, in-flight catering services, aircraft washing, airline tenant space janitorial services, aircraft maintenance and repair, passenger, catering and cargo security, and specialized equipment maintenance and repair. Notwithstanding the foregoing, Airline Services Provider shall not include any third-party company, entity or person that provides services to Airport concessionaires who operate food/beverage, retail, news/gifts and/or duty free concessions at the Airport. "**Gross Revenue**" shall have the meaning set forth in the applicable agreement between the Port and the Airline Services Provider. Gross Revenue and Gross Receipts have the same meaning."

Section 7. The Board of Port Commissioners hereby finds and determines that the imposition of the changes referred to in Sections 1 - 6 of this ordinance is exempt from the requirements of the California Environmental Quality Act pursuant to Public Resources Code Section 21080(b)(8) and Title 14 of the California Code of Regulations Sections 15273 and 15061(b)(3).

Section 8. Sections 1-6 of this Ordinance shall be retroactively effective July 1, 2014 for airlines belonging to the Airline Affairs Committee and effective October 1, 2014, for non-based airlines, ground handlers and other terminal tenants.

Section 9. 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.

Schedule A

BAGGAGE CONVEYOR FACILITIES		
Terminal 1 (Shared by all Terminal 1 Airlines, allocated by passengers deplaning in Terminal 1)	$329,995	Monthly Allocation
Terminal 2 (Shared by all Terminal 2 Airlines, allocated by passengers deplaning in Terminal 2)	$250,678	Monthly Allocation

The Board of Port Commissioners, Oakland, California, June 26, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno and President Yee - 6. Excused: President Butner - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held July 10, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno, Yee and President Butner – 7
Noes: 0

President.

Attest _____

Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4300

ORDINANCE APPROVING A FIVE-YEAR LICENSE AND CONCESSION AGREEMENT WITH SHANGHAI SINTANG INDUSTRIAL CO., LTD, FOR THE PREMISES LOCATED AT 2400 EMBARCADERO ROAD, FOR A MONTHLY RENT OF $7,442.00.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.2, dated July 10, 2014 (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 approves the terms and conditions set forth in the Agenda Report for the License & Concession Agreement with Shanghai Sintang Industrial Co., Ltd. for a (5) year term for the premises located at 2400 Embarcadero Road, at a rent of $7,442.00 per month (subject to specified adjustments), and hereby authorizes the Executive Director or his designee to approve and execute such License & Concession Agreement and such other agreements and such additional documents as may be necessary to consummate the transaction contemplated in the Agenda Report for and on behalf of the Board, subject to approval by the Port Attorney as to form and legality, and subject to the condition that the approvals set forth in this ordinance be valid for no longer than 90 days, and that if the subject documents are not fully executed by that date such approval shall be null and void unless further extended at the sole and absolute discretion of the Executive Director or his designee.

Section 3. The Board hereby finds and determines that this transaction is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA

Guidelines, Article 19, Section 15300.4, which directs public agencies in the course of establishing their own procedures, to list specific activities that fall within each of the exempt classes categorized under Article 19 (Categorically Exemptions), and Port CEQA Guidelines Section 15301(p), which exempts the execution of leases or License and Concession Agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

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 change order.

Section 5. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, July 10, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Yee and President Butner - 6. Excused: Commissioner Uno - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held July 24, 2014
by the following vote:

Ayes: Commissioners Butner, Colbruno, Hamlin, Head, Parker, Uno and President Yee – 7
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4301

ORDINANCE AMENDING PORT OF OAKLAND TARIFF NO. 2-A TO INCREASE SPACE ASSIGNMENT RATES BY 2.6%, AND TO INCORPORATE ADMINISTRATIVE UPDATES EFFECTIVE SEPTEMBER 1, 2014.

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report dated July 10, 2014 (the "Agenda Report") for Agenda Item 6.3 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 as follows:

A. The proposed modifications to Port Tariff No. 2-A were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA guidelines. The proposed Space Assignment rate is statutorily exempt from CEQA under Section 15273(b) of the CEQA Guideline since CEQA does not apply to the modification or approval of rates and other charges by public agencies that the public agency finds are for the purpose of meeting operating expenses or for funding capital projects necessary to maintain service within existing service areas.

B. The proposed rate increase is for those funding purposes, so meets the criteria for this exemption. CEQA also does

not apply to the other proposed updates to Tariff No. 2-A under section 15061(b)(3)of the CEQA Guidelines, since it can be seen with certainty that there is no possibility that the proposed minor updates and corrections to Tariff No. 2-A may have a significant effect on the environment.

Section 3. The Board approves and authorizes a 2.6% increase to the Space Assignments Rates in Section X-B, Item No. (I)10160 of Port of Oakland Tariff No. 2-A, as shown in the following table effective on September 1, 2014:

SECTION X - B: SPACE ASSIGNMENT RATES

Space Assignment rates will be assessed as contained in the following table which designates the types of areas used and assigned; if and as available: (See Item 10155):

TYPE OF AREA	DOLLARS PER SQUARE FOOT PER MONTH				
	UNPAVED	ROCKED		PAVED	
		Without Lighting or Fencing	With Lighting and Fencing	Without Lighting or Fencing	With Lighting and Fencing
Land	$.117	$.145	$.165	$.173	$.215
Warehouse Space	First Floor Level $.34	THIS SPACE LEFT INTENTIONALLY BLANK			
In Bond Storage (See Item 10155)	$.37				
OFFICE SPACE N.O.S.	Non-Air Conditioned		Air Conditioned		
	$1.13		$1.29		

Section 4. The Board approves and authorizes administrative updates to reflect current crane and facility locations/availability, and current staff contact information.

Section 5. If any provision of this Agreement, or its application to any Person or circumstance, is held invalid by any court, the invalidity or inapplicability of such provision shall not affect any other provision of this Agreement or the application of such provision to any other Person or circumstance, and the remaining portions of this Agreement shall continue in full force and effect, unless enforcement of this Agreement as so modified by and in response to such invalidation would be grossly inequitable under all of the

circumstances, or would frustrate the fundamental purposes of this Agreement.

Section 6. This ordinance shall be effective on September 1, 2014.

The Board of Port Commissioners, Oakland, California, July 10, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Yee and President Butner - 6. Excused: Commissioner Uno - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held July 24, 2014
by the following vote:

Ayes: Commissioners Butner, Colbruno, Hamlin, Head, Parker, Uno and President Yee – 7
Noes: 0

President.

Attest

Secretary.

Approved as to form and legality:

Port Attorney

304480

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4302

ORDINANCE AMENDING PORT ORDINANCE NO. 867 CREATING A NEW CLASSIFICATION OF MANAGER OF UTILITY ADMINISTRATION.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 2.3, dated July 24, 2014 ("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. Section 8.30 is hereby added to Port Ordinance No. 867 to read as follows:

Section No.	No. of Positions	Title	Salary or Schedule No.
8.30	1	Manager of Utility Administration	557.8

Section 2. In acting upon the matters contained herein, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, findings and conditions set forth in the Agenda Report and in related materials and in testimony received.

The Board of Port Commissioners, Oakland, California, July 24, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Colbruno, Hamlin, Head, Parker, Uno and President Yee - 7. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held September 11, 2014
by the following vote:

Ayes: Commissioners Butner, Colbruno, Hamlin, Uno and
President Yee – 5
Excused: Commissioners Head and Parker – 2
Noes: 0

President.

Attest Betterton

Secretary.

Approved as to form and legality:

Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4303

ORDINANCE APPROVING AND RATIFYING A SPACE/USE PERMIT WITH PIEDMONT HAWTHORNE AVIATION, LLC DBA LANDMARK AVIATION.

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.4, dated July 24, 2014 (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 approves the terms and conditions proposed in the Agenda Report for and hereby ratifies the Executive Director's execution of a Space/Use Permit with Piedmont Aviation, LLC dba Landmark Aviation for a five- (5) year term at a monthly rental rate of $4,374, subject to specified increases over time, for approximately 8,780 square feet of office, shop and parking uses within the Hangar 6 (Building L-610) premises, subject to the Port Attorney's approval as to form and legality.

Section 3. The Board hereby finds and determines that this transaction is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant Port CEQA Guidelines Section 15301(p), which exempts renewals, extensions or amendment to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of that previously existing.

Section 5. This ordinance is not evidence of and does not create or constitute (a) a contract, agreement, lease 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.

The Board of Port Commissioners, Oakland, California, July 24, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Colbruno, Hamlin, Head, Parker, Uno and President Yee - 7. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held September 11, 2014
by the following vote:

Ayes: Commissioners Butner, Colbruno, Hamlin, Uno and President Yee – 5
Excused: Commissioners Head and Parker – 2
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4304

ORDINANCE APPROVING VARIOUS SPACE/USE PERMITS WITH AIRLINE SERVICES PROVIDERS OPERATING AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 2.6, dated September 11, 2014 ("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, 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; now, therefore,

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board approves the terms and conditions of, and ratifies the Executive Director's execution of, Space/Use Permits ("SUP") with **British Airways PLC** and **Pegasus Aviation Services, LLC,** to provide services to passenger and cargo airlines as described in the Agenda Report, each for a term of five years through March 31, 2019, and each with a minimum monthly fee of $250 or 10% of gross revenues, whichever is greater, and at terms and conditions set forth in the Agenda Report, and upon such standard terms and conditions as specified in the SUP and approved by the Executive Director, subject to the Port Attorney's review and approval as to form and legality.

Section 2. The Board hereby authorizes the Executive Director 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.

Section 3. The Board hereby finds and determines that executing these SUPs is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15301, Existing Facilities. CEQA does not apply to 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.

Section 4. This ordinance is not evidence of and does not create or constitute (a) a contract or lease, 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 separate written agreement(s) are duly executed on behalf of the Board as authorized by this ordinance, is signed and 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(s).

The Board of Port Commissioners, Oakland, California, September 11, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Colbruno, Hamlin, Uno and President Yee - 5. Excused: Commissioners Head and Parker - 2. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held September 25, 2014
by the following vote:

Ayes: Commissioners Butner, Colbruno, Hamlin, Head, Parker, Uno and President Yee – 7
Noes: 0

President.

Attest: Betterton
Secretary.

Approved as to form and legality:

Port Attorney

306242

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4305

ORDINANCE APPROVING A SPACE/USE PERMIT WITH AVIATION PORT SERVICES L.L.C. AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 2.7, dated September 11, 2014 ("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, 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; now, therefore,

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby approves the terms and conditions set forth in the Agenda Report for the Space/Use Permit ("SUP") with **Aviation Port Services, L.L.C.**, based on the following terms:

A. The term of the SUP is for five years through April 30, 2019, subject to termination by either party upon thirty days' notice;

B. Consideration for the operating privilege is 10% of gross revenues;

C. Right to occupy approximately 124 square feet of office space in Terminal 1 at an initial monthly rent of $2,259.28 pursuant to the Rates and Charges Ordinance;

D. Right to occupy approximately 2,200 square feet of warehouse space in the Cargo Building at an initial monthly rent of $4,000, subject to annual increase based on changes in the CPI; and

E. The additional terms and conditions as further described in the Agenda Report.

Section 2. The Board hereby ratifies the Executive Director's execution of said SUP, and hereby authorizes the Executive Director 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.

Section 3. The Board hereby finds and determines that execution of the SUP is categorically exempt from the 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.

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 be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, September 11, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Colbruno, Hamlin, Uno and President Yee - 5. Excused: Commissioners Head and Parker - 2. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held September 25, 2014
by the following vote:

Ayes: Commissioners Butner, Colbruno, Hamlin, Head, Parker, Uno and President Yee – 7
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4306

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A NO-RENT LEASE AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY FOR SIX ACRES OF LAND IN THE ROUNDHOUSE/SHEREX AREA FOR A TERM OF 66 YEARS IN EXCHANGE FOR THE DISPLACEMENT OF APPROXIMATELY SIX ACRES OF PARKING AND STORAGE USES ON UNION PACIFIC LANDS FOR THE NEW SOUTH LEAD TRACKS TO THE PORT'S NEW RAIL YARD IN THE OAKLAND ARMY BASE.

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the proposed no-rent Lease Agreement with Union Pacific Railroad Company ("UP") for six acres of land in the Roundhouse/Sherex area for a term of 66 years to replace a comparable amount of land on UP property being displaced to accommodate the new South Lead tracks to the Port's new rail yard in the Oakland Army Base, as set forth in the Agenda Report for Agenda Item 6.1, dated September 11, 2014 (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 as follows:

A. The proposal to execute a lease agreement or any project-related agreement with UP for constructing the lead track is part of the Phase 1 Rail Yard project at the former OAB. Project components such as this were previously reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines.

B. In July 2002, the City of Oakland (City), as the lead agency under CEQA, certified an Environmental Impact Report (EIR) for reuse of the OAB. On September 17, 2002, the Board, acting on behalf of the Port as a responsible agency under CEQA, adopted findings and a mitigation program in reliance on the City's EIR (Resolution No. 02317). In June 2012, the Board considered the 2012 OAB Project Initial Study/Addendum (2012 Addendum) and

adopted mitigation measures applicable to the Port from the City's OAB Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCA/MMRP) with Resolution No. 12-76.

C. The OAB EIR and the 2012 Addendum described projects to be developed by the Port and City on and immediately adjacent to the former OAB, including rail improvements on non-Port property. Thus, no further CEQA review is required to take the actions recommended in this agenda report.

Section 3. The Board approves and authorizes the Executive Director to execute a no-rent Lease Agreement with Union Pacific Railroad Company for approximately six acres of land within the Roundhouse/Sherex area (all as depicted in the map attached hereto as Exhibit A) for a Term on 66 years in exchange for the displacement of a comparable amount of land on UP property. The proposed Lease Agreement will have the following major terms and conditions:

A. Premises: The Premises will be approximately six acres of paved and lighted contiguous land within the Roundhouse/Sherex area, which the Port will have the right to move anywhere within the Roundhouse/Sherex area so long as the Port provides at least 120 days prior written notice that includes a site plan for the proposed new Premises within the Roundhouse/Sherex area, the new Premises are paved, lighted, and of comparable functionality as the lands on UP's property where the new South Lead will be developed, and there is no cost to UP for its relocation to the new Premises;

B. Rent: The Port will not charge UP rent for the term of the Lease;

C. Term: 66 years. Upon expiration of the term, the parties will engage in good faith negotiations for a new lease upon terms that are mutually acceptable to each party;

D. Permitted Uses: The operation, relocation, and storage of intermodal containers, chassis, trailers, and tractors that support UP's intermodal business, and purposes incidental thereto, and for no other purpose;

E. Improvements: Port to provide initial paving, lighting, and fencing of Premises, but UP to maintain, repair and replace thereafter. UP will not install any improvements without the Port's prior approval based upon the Port's reasonable and sound discretion.

F. Such other terms and conditions as are consistent with the intent of this Ordinance and the Agenda Report.

Section 4. 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. This ordinance approves and authorizes the execution of an agreement in accordance with the terms of this ordinance. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this ordinance, is signed and approved

as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

Section 5. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, September 11, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Colbruno, Hamlin, Uno and President Yee - 5. Excused: Commissioners Head and Parker - 2. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held September 25, 2014
by the following vote:

Ayes: Commissioners Butner, Colbruno, Hamlin, Head, Parker, Uno and President Yee – 7
Noes: 0

President.

Attest: Betterton
Secretary.

Approved as to form and legality:

Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4307

ORDINANCE FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT OF OAKLAND TO APPROVE THE EXTENSION OF DELEGATION OF AUTHORITY TO FIX AND DETERMINE REQUESTED RATE CHANGES FOR THE MARINA BERTHS ENCUMBERED BY A DEPARTMENT OF BOATING AND WATERWAYS LOAN ("DBW") TO THE EXECUTIVE DIRECTOR UNTIL AUGUST 2029.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 2.2 dated October 9, 2014, ("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, on April 30, 2004 the ownership and operation of the Port's recreational Marinas was transferred to Oakland Marinas, LP pursuant to a 50 year Lease and Operating Agreement. Portions of the marina improvements transferred as a part of the Lease were constructed with a loan the Port obtained from the Department of Boating and Waterways in February 1994. Pursuant to the Lease terms and the obligations of the DBW loan, the Lessee is require to fix and proscribe fees and charges in connection with the use of the Marinas subject to approval by the Port; and

WHEREAS, the authority to approve any requested changes in Marina Rates and Charges was delegated to the Executive Director of the Port for an initial period of the Lease term. This delegation has expired, requiring that any future changes to Marina Rates and charges be approved by the Board unless the current delegation of this authority to the Executive Director is extended; and

WHEREAS, that 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; now therefore

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

SECTION 1. Based upon the information contained in the Agenda Report, and testimony received, the Board finds that:

A. It is in the best interest of the Port to authorize the extension of the delegation of the authority to approve requested changes in the Rates and Charges for the Marinas encumbered by the DBW loan to the Executive Director of the Port until August 2029.

B. It is in the best interest of the Port to authorize the Executive Director or his designee to approve and execute such other agreements and additional documents as may be necessary to consummate the transaction contemplated, subject to approval by the Port Attorney as to form and legality.

SECTION 2. The Board hereby approves the following:

A. The extension of the delegation of the authority to approve requested changes in the Rates and Charges for the Marinas encumbered by the DBW loan to the Executive Director of the Port until August 2029.

B. The authorization of the Executive Director or his designee to approve and execute such other agreements and additional documents as may be necessary to consummate the transaction contemplated, subject to approval by the Port Attorney as to form and legality.

SECTION 3. In accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3) states that CEQA applies only to projects, which have the potential for causing a significant effect on the environment, the activity is not subject to CEQA. Continuing to delegate authority to the Executive Director to fix and determine requested changes in the Rates and Changes is not a project under CEQA, and no environmental review is required.

SECTION 4. 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. This ordinance approves and authorizes the execution of an agreement(s) in accordance with the terms of this ordinance. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this ordinance, is signed and approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement(s).

SECTION 5. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, October 9, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Colbruno, Hamlin, Head, Uno and President Yee - 5. Excused: Commissioners Parker and Uno - 2. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held October 23, 2014
by the following vote:

Ayes: Commissioners Butner, Colbruno, Hamlin, Head, Parker, Uno and President Yee – 7
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

307142-v2

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4308

ORDINANCE APPROVING AMENDMENT NO. 1 TO SPACE/USE PERMIT - PUBLIC PAY TELEPHONE CONCESSION WITH JAROTH, INC. DOING BUSINESS AS PACIFIC TELEMANAGEMENT SERVICES FOR PUBLIC PAY TELEPHONE CONCESSION PRIVILEGES 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 2.6, dated October 23, 2014 (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 approves the terms and conditions set forth in the Agenda Report for Amendment No. 1 to Space/Use Permit - Public Pay Telephone Concession with **Jaroth, Inc.**, doing business as **Pacific Telemanagement Services** for public pay telephone concession privileges located at Oakland International Airport for a six month extension through April 30, 2015, at a rental rate of 26% of gross receipts, with no minimum annual guaranty, subject to termination by either party upon thirty days' notice.

Section 3. The Board hereby finds and determines that extension of the Space/Use Permit is not subject to CEQA under the general rule in Section 15061(b)(3) of the CEQA Guidelines that states that CEQA applies only to activities that have a potential for causing a significant effect on the environment, and that it can be seen with certainty that there is no possibility that an extension of the Space/Use Permit for public pay telephone concession privileges may have a significant effect on the environment.

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 be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, October 23, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Colbruno, Hamlin, Head, Parker, Uno and President Yee - 7. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held November 13, 2014
by the following vote:

Ayes: Commissioners Butner, Colbruno, Hamlin, Head, Parker, Uno and President Yee – 7
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4309

ORDINANCE AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE AMENDMENTS TO THE CURRENT EXISTING AGREEMENTS AND OTHER RELATED DOCUMENTS WITH SSA TERMINALS, LLC AND ITS AFFILIATES FOR THE USE AND OCCUPANCY OF THE BERTHS 55-56 AND BERTHS 57-59 MARINE TERMINALS RELATED TO COMPENSATION, TERM AND CERTAIN EQUIPMENT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the staffs' recommendation to negotiate and execute certain amendments to agreements and related documents with SSA Terminals, LLC and its affiliates (collectively, "SSA") for the Berths 55-56 and Berths 57-59 marine terminals related to compensation, term and certain equipment, as set forth and described in Agenda Report Item 6.2 ("Agenda Report"), dated October 23, 2014 and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; and,

WHEREAS, 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;

BE IT ORDAINED BY THE BOARD OF PORT COMMISSIONERS OF THE CITY OF OAKLAND AS FOLLOWS:

SECTION 1. The Board hereby finds and determines as follows:

A. That the authorization to negotiate and execute certain amendments to the agreements and related documents with the SSA Terminals, LLC and its affiliates for the Berths 55-56 and Berths 57-59 marine terminals was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port CEQA Guidelines, and it has been determined to be categorically exempt. CEQA Guidelines, Section 15301(p), exempts renewals, extensions or amendments to leases or

license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, involving negligible or no expansion of use beyond that previously existing.

B. Portions of the lease premises are under the oversight of several regulatory agencies, including Alameda County Department of Environmental Health (Regulatory Order 0000035) due to diesel fuel in shallow groundwater, remaining from a former use as a locomotive refueling facility. A deed restriction on that portion of the site prohibits certain land uses and activities, such as groundwater extraction and excavation or soil disturbance without further regulatory review and approval of a soil management plan. Continued use of the deed-restricted portion of the site for marine terminal purposes is not subject to CEQA under Section 15061(b)(3) of the CEQA Guidelines, which 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 and amending the existing lease for the same uses on that portion of the site will result in a physical change in the environment, and therefore this action is not subject to CEQA.

C. The raising of existing terminal container cranes has also been reviewed in accordance with CEQA, and Section 15301 (Class 1) categorically exempts minor alterations to existing mechanical equipment with negligible or no expansion of use beyond that previously existing.

D. For all the reasons stated herein, no additional environmental review is required at this time.

SECTION 2. After due consideration of all materials and information presented in connection with this matter, the Board hereby approves and authorizes the Executive Director of the Port of Oakland ("Executive Director") to negotiate and execute the following modifications to the compensation provisions of the existing Non-Exclusive Preferential Assignment Agreements ("NEPAAs") for the Berths 55-56 Terminal and the Berths 57-59 Terminal, respectively, to combine the minimum annual guarantee and associated rates for both terminals as follows:

A. A combined standard breakpoint level equal to the sum of the breakpoint levels for the two terminals;

B. Basic All-Inclusive Throughput Rates for both terminals equal to the weighted average of such rates at each terminal; and

C. Overage All-Inclusive Throughput Rates for both terminals equal to such rates at the Berths 57-59 Terminal.

SECTION 3. After due consideration of all materials and information presented in connection with this matter, the Board hereby approves and authorizes the Executive Director to negotiate and execute an amendment to the NEPAA for the Berths 55-56 Terminal to revise the option provisions of the NEPAA for the Berths 55-56 Terminal to provide for two (2) options: (i) the first option would extend the term of the Berths 55-56 Terminal to December 31, 2017 and must be exercised if at all by giving notice to the Port no later than June 30, 2015; and (ii) the second option would extend the term of the Berths 55-56 Terminal to June 30, 2022 and must be exercised if at all by giving notice to the Port no later than September 30, 2016.

SECTION 4. After due consideration of all materials and information presented in connection with this matter, the Board hereby approves and authorizes the Executive Director to negotiate and execute an amendment to the NEPAA for the Berths 57-59 Terminal to revise the crane raising and reimbursement provisions as follows:

A. Allow SSA to raise up to four (4) Port-owned cranes;

B. Provide for the Port to reimburse SSA the lesser of the estimated raising cost of $3 million plus 10% or the actual raising cost;

C. If SSA raises 4 cranes, provide for the Port to reimburse SSA for two cranes in the first year following completion of the crane raising and one crane per year for the following two years thereafter; and

D. Allow the Port to recover from SSA the cost of its reimbursements (plus Port's cost of capital) via additional payments (i.e., payments in excess of the pre-crane raising compensation) from SSA under the NEPAA for the Berths 57-59 Terminal.

SECTION 5. The Board hereby further authorizes the Executive Director to negotiate and execute such additional modifications to the existing NEPAAs for the use and occupancy of the Berths 55-56 and Berths 57-59 terminals, respectively, as are beneficial or neutral to the Port, including, without limitation, the following:

A. Combining and/or eliminating the IPI breakpoints and reconciling the IPI incentive refund provisions to ensure, among other things, that double refunds are not allowed;

B. Basing monthly MAG (fixed) rent payments on the higher non-IPI Guarantee rates and eliminating any year-end reconciliations if the IPI Guarantee is not satisfied;

C. Providing for the escalation of all compensation components pursuant to the NEPAAs; and

D. Such other adjustments to align other provisions within the NEPAAs to the modifications provided hereinabove.

SECTION 6. 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. This ordinance approves and authorizes the execution of an agreement in accordance with the terms of this ordinance. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this ordinance, is signed and 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, and be it

Section 7. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, October 23, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Colbruno, Hamlin, Head, Parker, Uno and President Yee - 7. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held November 13, 2014
by the following vote:

Ayes: Commissioners Butner, Colbruno, Hamlin, Head, Parker, Uno and President Yee – 7
Noes: 0

President.

Attest: **Secretary.**

Approved as to form and legality:

Port Attorney

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4310

ORDINANCE AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND AND EXTEND TWO LEASES BETWEEN THE CITY OF OAKLAND AND THE PORT FOR PARCELS OF LAND (BY BERTHS 9 AND BUILDINGS 88/99 AND 804) AT THE FORMER OAKLAND ARMY BASE THROUGH DECEMBER 31, 2019.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the staffs' recommendation to: 1) amend and extend the lease from the Port of Oakland ("Port") to the City of Oakland ("City") for certain Port-owned lands at Berth 9 to add an additional 1.4 acres to the premises, for a total of 5.1 acres, extend the term for an additional 3.5 years through December 31, 2019, and modify the permitted uses of the premises for Caltrans' construction staging activities in connection with the deconstruction of the old eastern span of the Bay Bridge; and 2) amend and extend the lease form the City to the Port for two separate parcels of City-owned Lands (near Buildings 88 & 99 and Building 804) on the former Oakland Army Base ("OAB") totaling 1.4 acres, for an additional 3.5 years through December 2019, as set forth and described in Agenda Report Item 3.2 ("Agenda Report"), dated November 13, 2014 and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; and,

WHEREAS, 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; now, therefore

BE IT ORDAINED BY THE BOARD OF PORT COMMISSIONERS OF THE CITY OF OAKLAND AS FOLLOWS:

SECTION 1. The Board hereby finds and determines as follows:

A. The proposal to authorize the Executive Director to amend and extend two separate no cost leases for 3.5

years between the City and the Port for parcels of land at the former OAB was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port CEQA Guidelines.

B. The City, as the lead agency under CEQA, certified an Environmental Impact Report ("EIR") in 2002 for reuse of the OAB. The Board, acting on behalf of the Port as a responsible agency under CEQA, adopted findings and a mitigation program in reliance on the City's EIR (Resolution No. 02317, September 17, 2002). In June 2012, the Board considered the 2012 OAB Project Initial Study/Addendum ("IS/Addendum") and adopted mitigation measures applicable to the Port from the City's OAB Standard Conditions of Approval/Mitigation Monitoring and Reporting Program ("SCA/MMRP") with Resolution No. 12-76. The OAB EIR and the 2012 OAB IS/Addendum described maritime support leasing on the former OAB, and contemplated possible City and Port land exchanges as described in the Agenda Report.

C. The proposed sublease of Berth 9 by the City to CalTrans for construction staging during demolition of the old eastern span of the Bay Bridge is a short-term industrial and maritime-related activity that is compatible with neighboring activities at the Port and on the OAB. The property will be used for construction laydown, material handling, mobile offices, and docking of tugs, barges and launches to transport material and workers between Berth 9 and the Bay Bridge demolition site. Pieces of the bridge will be disassembled at the bridge site, moved by barge to Berth 9, and transferred to trucks to be hauled off-site. No material or pieces will be stored or demolished on Port property. The City is responsible for obtaining and complying with any permits required to conduct maritime support operations in compliance with the project described in The IS/Addendum.

D. The Port, the City and all other users of the leased properties are required to comply with the applicable mitigation measures and standard conditions of approval in the adopted SCA/MMRP, which is available on line at:

http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/s/ApplicationandZoningInformation/OAK042281.

All projects on the Economic Development Convenyance property at the former OAB must be completed in compliance with the September 27, 2002 Remedial Action Plan ("RAP") and Risk Management Plan ("RMP", which is Appendix E to the RAP) prepared for the State of California Department of Toxic Substances Control and the Oakland Base Reuse Authority, which is available online at: http://www.envirostor.dtsc.ca.gov/public/final_documents2.asp?global_id=01970006&doc_id=5003117.

A Covenant to Restrict Use of Property - Environmental Restriction was recorded on the OAB property on August 8, 2003.

E. For all the reasons stated herein, no further CEQA review is required to amend and extend the leases.

SECTION 2. After due consideration of all materials and information presented in connection with this matter, the Board hereby approves and authorizes the Executive Director of the Port of Oakland ("Executive Director") to negotiate and execute amendments to two leases between the City and the Port for Parcels of land at the OAB through December 31, 2019 as follows:

A. Port Lease to City of Berth 9:

i. add an additional approximately 1.4 acres to the current Berth 9 lease premises;

ii. extend the term of the lease an additional 3.5 years through December 31, 2019; and

iii. modify the permitted uses to allow for Caltrans' use of the Berth 9 leased premises for construction staging activities in connection with the deconstruction of the old eastern span of the Bay Bridge.

B. City Lease to Port of Two Parcels (one by Buildings 88 & 99 and one by Building 804) in the OAB: to extend the term of the lease an additional 3.5 years through December 31, 2019.

SECTION 3. 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. This ordinance approves and authorizes the execution of an agreement in accordance with the terms of this ordinance. Unless and until a separate written agreement is duly executed on behalf of the Board as

authorized by this ordinance, is signed and 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, and be it

Section 4. This ordinance shall be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, November 13, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Colbruno, Hamlin, Head, Parker, Uno and President Yee - 7. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held December 11, 2014
by the following vote:

Ayes: Commissioners Butner, Colbruno, Hamlin, Parker and President Yee – 5
Excused: Commissioners Head and Uno – 2.
Noes: 0

President.

Attest:

Secretary.

Approved as to form and legality:

Port Attorney

307905

BOARD OF PORT COMMISSIONERS

CITY OF OAKLAND

PORT ORDINANCE NO. 4311

ORDINANCE APPROVING AND ADOPTING RULES AND REGULATIONS TO MEET THE REQUIREMENTS OF THE GENERAL PERMIT FOR WASTE DISCHARGE REQUIREMENTS ("WDRS") FOR STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 6.2 dated November 13, 2014, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, that 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 material and in testimony received; and

WHEREAS, the Port under the management and control of the Board of Port Commissioners of the City of Oakland ("City") established by Section 701 of the Charter of the City of Oakland, has certain authority within the Port Area, as such may be revised from time-to-time; and

WHEREAS, storm water runoff from urban and developed areas poses a threat to public health, safety and the environment; and

WHEREAS, the 1987 Amendments to the Clean Water Act, require certain operators of Municipal Separate Storm Sewer Systems ("MS4s") to implement a program managing storm water discharges to and through their MS4 in accordance with an NPDES Permit; and

WHEREAS, on February 5, 2013, the State Water Resources Control Board issued an NPDES Permit for MS4s ("MS4 Permit") requiring the Port to register for and comply with the MS4 Permit; and

WHEREAS, the Port has jurisdiction over storm water and surface drainage within the Port Area, except for areas under the

storm water jurisdiction of the City pursuant to agreement or other actions of the Port and the City; and

WHEREAS, the Port is required by the MS4 Permit to have legal authority to control discharges to its storm water drainage system; and

WHEREAS, the Board has authority to adopt ordinances promoting public health and safety; now, therefore,

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The "Port of Oakland Storm Water Ordinance", as shown in Exhibit A to this Ordinance is hereby approved and adopted. That Ordinance shall be referred to as the "Port of Oakland Storm Water Ordinance".

Section 2. This Ordinance and the Port of Oakland Storm Water Ordinance shall be effective on April 1, 2015.

The Board of Port Commissioners, Oakland, California, November 13, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Colbruno, Hamlin, Head, Parker, Uno and President Yee - 7. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held January 15, 2015
by the following vote:

Ayes: Commissioners Butner, Colbruno, Hamlin, Head, Parker and President Yee – 6
Excused: Commissioner Uno – 1.
Noes: 0

President.

Attest: _____
Secretary.

Approved as to form and legality:

_____
Port Attorney

306359

EXHIBIT A

PORT OF OAKLAND

STORM WATER ORDINANCE

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ARTICLE 1.
Purpose, Definitions and General Provisions

1.1 PURPOSE AND INTENT.

The purpose and intent of this Ordinance is to:

(a) promote the health, safety, and general welfare of citizens;

(b) protect and enhance the water quality of water bodies of San Francisco Bay and its tributaries, in a manner pursuant to, and consistent with, Storm Water Laws by:

1. reducing Pollutants in Storm Water discharges to the maximum extent practicable; and

2. eliminating unauthorized Non-Storm Water Discharge to the Port Storm Drains; and

(c) support implementation and administration of the Port's program for managing Storm Water.

1.2 DEFINITIONS.

As used in this Ordinance:

(a) **Best Management Practices ("BMPs")** means practices that are designed to prevent or reduce Non-Storm Water Discharge or the discharge of Pollutants in Storm Water runoff. BMPs encompass activities, procedures, structures and facilities, and may control rates and volumes of Storm Water runoff. BMP examples include: operation and maintenance procedures; erosion and sediment control practices; facility management practices to prevent and clean up spills, ensure proper waste disposal, prevent Non-Storm Water Discharge, and protect stored materials from contact with Storm Water; treatment facilities; and such other practices as the Port determines appropriate for the control of Pollutants in Storm Water.

(b) **Board of Port Commissioners** means the board established by Section 701 of the Charter of the City of Oakland.

(c) **City** means the City of Oakland, a charter city organized and existing under the Constitution of the State of California.

(d) **Construction Activity** means activities related to construction projects in which soil is disturbed, including, but not limited to, clearing and grubbing, grading, excavating, earth moving, digging, underground utility removal or installation, demolition, paving and repaving where soil is exposed, and structure construction. Construction Activity may be subject to Storm Water Permit requirements.

(e) **Director** means the Port of Oakland Executive Director and his/her designated Representatives.

(f) **Fees** means fees, rates, charges, assessments, or other amounts.

(g) **Governmental Authority** means any court, Federal, State or local government, department, commission, board, bureau, agency or other regulatory, administrative, governmental or quasi-governmental authority, including the U.S. Environmental Protection Agency, SWRCB, RWQCB, the Port, and any successor agency.

(h) **Hazardous Materials** means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, managed, disposed of, or otherwise handled.

(i) **Illicit Connections** means: (i) Any pipe, drain or conveyance, whether on the surface or subsurface, which conveys anything other than Storm Water to the Port Storm Drains; or (ii) any conveyance which allows any Non-Storm Water Discharge (including sewage, wastewater, or wash water) to enter the Port Storm Drains, such as pipes from indoor drains and sinks, regardless of whether such pipe had been previously allowed, permitted, or approved by a Governmental Authority.

(j) **Illicit Discharge** means any direct or indirect Non-Storm Water Discharge to any Receiving Waters or Port Storm Drains, except as authorized in Section 2.2 of this Ordinance.

(k) **Industrial Activity** means activities related to or involving manufacturing, processing or material storage at an industrial facility, including activities described in 40 CFR Section 122.26 (b)(14). Industrial Activity may be subject to Storm Water Permit requirements.

(l) **Law** means any applicable resolution, order, writ, injunction, decree, judgment, law, ordinance, decision, opinion, ruling, policy, program, permit, statute, code, rule or regulation, authorization or other approval by, or other directives issued by, any Governmental Authority, as such may be amended, modified or revised from time to time.

(m) **Low Impact Development ("LID")** is a development approach to minimize the effect of development on site hydrology and Storm Water quality after Construction Activity is complete. LID includes structures, design features, facilities, or devices, to control Storm Water discharge flows, rates and volumes, or to minimize, and prevent where possible, Storm Water contact with, and transport of, sediment, Pollutants, and, except as expressly permitted by the Port, Non-Storm Water Discharge. LID is an evolving term subject to the interpretation of Governmental Authorities.

(n) **MS4** means Municipal Separate Storm Sewer System, including the Port Storm Drains.

(o) **MS4 Permit** means the State-issued NPDES Permit applicable to and regulating the Port Storm Drains, as such permit is issued, reissued, modified, amended or superseded.

(p) **Non-Storm Water Discharge** means any discharge to the Port Storm Drains or Receiving Waters that is not composed entirely of Storm Water.

(q) **Notice of Penalty ("NOP")** means a notice setting a penalty provided by the Director pursuant to Section 5.2(c) of this Ordinance.

(r) **Notice of Violation ("NOV")** means a notice of alleged violation provided by the Director pursuant to Section 5.2(a) of this Ordinance.

(s) **NPDES Permit** means a National Pollutant Discharge Elimination System permit issued by a Governmental Authority pursuant to the Clean Water Act (33 U.SC. §1251 et. seq.), including, but not limited to, any permit regulating the discharge of Storm Water from Construction Activity, Industrial Activity or an MS4.

(t) **Person** means any individual (including, without limitation, the heirs, beneficiaries, executors, legal representatives or administrators thereof), company, corporation, partnership, joint venture, trust, limited liability company, limited partnership, joint stock company, unincorporated association, or other entity.

(u) **Pollutant** means anything which causes or contributes to Pollution. Pollutants include, but are not limited to: toxic materials, paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes; landscaping wastes; washwater; refuse, rubbish, trash, garbage, litter, debris or other discarded or abandoned material, objects, articles, and accumulations, so that same may cause or contribute to Pollution; floatables and sediment; pesticides, herbicides, and fertilizers; Hazardous Materials, hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including, but not limited to, sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind.

(v) **Pollution** as defined by California Water Code Section 13050, as such may be amended from time to time, means the human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses. Pollution may include impairment of the quality of waters to the degree which creates a hazard to the public health.

(w) **Port Area** means that area under the Port's jurisdiction as designated in Section 725 of the Charter of the City.

(x) **Port Storm Drains** means Port-owned and operated MS4, including facilities that collect, convey or discharge Storm Water runoff, including, but not limited to, catch basins, drainage pipes, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, ditches, swales, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, outfalls, and other drainage structures which are within the Port Area and are not part of a publicly owned treatment works as defined at 40 CFR Section 122.2.

(y) **Post-Construction Storm Water Controls** means BMPs designed, constructed or installed primarily for the purpose of controlling runoff discharge volumes, flows or rates (reducing hydromodification), or minimizing the generation, transport or discharge to Receiving Waters of sediment, Pollutants and Non-Storm Water Discharge after Construction Activity is concluded. Post-Construction Storm Water Controls include Storm Water Facilities.

(z) **Premises** means any building, lot, parcel of land, or portion of land, including properties leased by the Port to third parties, whether improved or unimproved including adjacent sidewalks and parking strips.

(aa) **Protest** means a request for review of an NOV or an NOP submitted to the Port in accordance with Section 5.5 of this Ordinance.

(bb) **Receiving Waters** means surface waters and groundwater, including Waters of the U.S. as defined under the Clean Water Act (33 U.SC. §1251 et. seq.), and Waters of the State as defined under the Porter-Cologne Act (California Water Code §13000 et seq.), including, but not limited to, San Francisco Bay, the Oakland Harbor, estuary, wetlands, and any tributaries thereto.

(cc) **Representative** means, with respect to any Person, any other Person acting on behalf of, or designated by such Person, including a director, officer, employee, official, partner, member, owner, agent, consultant, engineer, contractor, sub-contractor, sub-lessee, customer, or other Person for whom such Person is at law responsible.

(dd) **RWQCB** means the Regional Water Quality Control Board, San Francisco Bay Region.

(ee) **Storm Water** means any surface flow, runoff, or drainage consisting of water from precipitation.

(ff) **Storm Water Facilities** means structures, devices, facilities or design features, including, without limitation, ditches, vegetated swales, channels, pipes, conveyances, drains, inlets, outfalls, pervious pavements, retention basins, detention basins, and other above-ground and below-ground features sometimes known as "Post-Construction Storm Water Controls," "green infrastructure," or "Low Impact Development," that are designed, constructed or installed primarily to reduce or control Storm Water discharge volumes, flows or rates, or to prevent or minimize Storm Water contact with, transport of, or discharge from the property of, sediment, Pollutants, Non-Storm Water Discharge or other material. Functions of Storm Water Facilities include, without limitation, any one or combination of the following: the collection, conveyance, transport, treatment, retention, detention, or discharge of Storm Water.

(gg) **Storm Water Laws** means the Clean Water Act (33 U.SC. §1251 et. seq.), the Porter-Cologne Act (California Water Code §13000 et seq.), the regulations, and Storm Water Permits issued thereunder, and any other Law relating directly or indirectly to Storm Water discharge, or which may be violated by Storm Water discharge or Non-Storm Water Discharge to the Port Storm Drains or Receiving Waters.

(hh) **Storm Water Permit** means any applicable individual or general NPDES Permit or waste discharge requirements, waiver of waste discharge requirements or other authorization by a Governmental Authority issued pursuant to Storm Water Laws that pertain to Storm Water runoff, as such may be amended, modified or revised from time to time. Storm Water Permit includes, without limitation, the general NPDES permits pertaining to Storm Water discharge from Industrial Activity, Construction Activity and MS4s.

(ii) **SWRCB** means the State Water Resources Control Board.

1.3 APPLICABILITY.

This Ordinance shall apply to all discharges to or through the Port Storm Drains generated on any developed or undeveloped land within the Port Area, or generated by activities occurring within the Port Area.

1.4 ADMINISTRATION.

The administration of this Ordinance shall be under the authority of the Director, as delegated to designated Port personnel. Any powers granted or duties imposed upon said Director may be delegated by the Director to Persons or entities acting in the beneficial interest of, or in the employment of, the Port. The Port may also coordinate with other entities to implement programs to implement Storm Water Laws.

1.5 GUIDANCE.

The Director may prepare, and update as appropriate from time-to-time, policies, procedures, specifications, and other guidance to implement this Ordinance, Port programs respecting Storm Water, or requirements of Storm Water Laws. Such guidance may be compiled in a Storm Water Manual or other document(s) containing BMP design standards and performance criteria; minimum BMP requirements; acceptable

treatment practices; maintenance requirements; reporting requirements; procedures for obtaining Port approval; Post-Construction Storm Water Controls; and alternative compliance options, among other matters.

1.6 REGULATORY CONSISTENCY.

This Ordinance shall be construed to assure consistency with the requirements of Storm Water Laws.

1.7 COMPLIANCE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards. The Port does not intend or imply that compliance with this Ordinance ensures compliance with Storm Water Laws. Any Person subject to requirements of Storm Water Laws or Storm Water Permits shall be responsible for their compliance with such Storm Water Laws or Storm Water Permits. Neither the Port nor any agent or employee thereof shall be liable for any injury or damages resulting from any Person's reliance on this Ordinance or any administrative decision lawfully made thereunder.

ARTICLE 2.
Discharge Prohibitions

2.1 PROHIBITED DISCHARGES.

Except as otherwise provided in Section 2.2, below, the following are prohibited:

(a) Non-Storm Water Discharge.

Non-Storm Water Discharge is prohibited, except as authorized in Section 2.2 of this Ordinance.

(b) Violation of Water Quality Standards.

No Person shall discharge, permit or cause to be discharged to the Port Storm Drains or any Receiving Waters, either directly or indirectly, any material, including, but not limited to, a Pollutant or water containing any Pollutant, that constitutes a nuisance, causes or contributes to a violation of applicable State or federal water quality standards or objectives or otherwise violates Storm Water Laws.

(c) Illicit Connections.

The construction, use, maintenance or continued existence of Illicit Connections to the Port Storm Drains or Receiving Waters is prohibited. This prohibition expressly includes, without limitation, Illicit Connections made in the past, regardless of whether the connection was permissible under Storm Water Law or practices applicable or prevailing at the time of connection.

(d) Illicit Discharges.

Illicit Discharges are prohibited.

(e) Waste Disposal.

No Person shall cause or permit any waste, trash, rubbish, debris, litter, garbage, discarded or abandoned objects or other materials to be located at any place where such would contact Storm Water or be transported by Storm Water to Receiving Waters.

(f) Landscape Runoff

Non-Storm Water Discharge from landscaped areas shall not exceed incidental levels. Water leaving an intended use area is not incidental if it is part of the facility design, or if it is due to negligence, excessive application, or intentional overflow or application.

2.2 EXCEPTIONS.

(a) Authorized Non-Storm Water Discharge.

Except when specifically determined to be a significant source of pollutants to Receiving Waters, Non-Storm Water Discharges from the following activities are exempt from the prohibitions in Section 2.1 above when Pollutant discharges are identified and managed with effective control measures to minimize adverse impacts to Receiving Waters:

1. potable water line flushing and other discharges from potable water sources;

2. incidental runoff from landscaped areas;

3. diverted stream flows;

4. springs, rising groundwater; uncontaminated groundwater infiltration to the Port Storm Drains, and uncontaminated pumped groundwater;

5. uncontaminated foundation and footing drains;

6. uncontaminated water from crawl space pumps;

7. air conditioning condensation;

8. individual residential car washing;

9. flows from riparian habitats and wetlands;

10. dechlorinated swimming pool discharges; and

11. flows from fire-fighting.

(b) Permitted Discharge.

Discharges regulated under an NPDES Permit, discharge exemption or waiver issued by a Governmental Authority to the Person discharging, are exempt from the prohibitions in Section 2.1 above, provided that the Person is in full compliance with all requirements of such permit and other applicable requirements of Storm Water Laws or Governmental Authorities.

(c) Protection of Health and Safety.

Discharges specified in writing by the Director, RWQCB or SWRCB as necessary to protect public health and safety are exempt from the prohibitions in Section 2.1 of this Ordinance.

(d) Agency Exemption.

The Director may, with written concurrence of the RWQCB, exempt in writing other Non-Storm Water Discharges which are not a significant source of Pollutants to the Port Storm Drains or Receiving Waters.

ARTICLE 3.
Regulations and Requirements

3.1 GENERAL REQUIREMENTS.

(a) Compliance with Laws and Permits.

1. All Persons shall comply with, and shall require such Person's Representatives to comply with, all applicable requirements of Storm Water Laws, including specifically, prohibitions, limitations and requirements applicable to discharges from Port Storm Drains conveying Storm Water discharge from such Person's activities, facility or property to Receiving Waters.

2. Persons subject to Storm Water Permit requirements shall apply or register for, implement and comply with such Storm Water Permit(s). Evidence of coverage by a Storm Water Permit shall be provided to the Port in a form acceptable to the Director, at the commencement of coverage and promptly upon request. Evidence of such coverage may be required prior to, or as a condition of, any Port permit, lease or other Port authorization. Notice of Storm Water Permit termination shall be provided to the Port promptly following termination of coverage.

3. All Persons shall cooperate with the Port in protecting water quality, including, without limitation, developing, implementing, operating, maintaining, monitoring and improving BMPs; investigating the source of Pollutants and Illicit Discharges; monitoring water quality; and responding to and correcting any alleged noncompliance with Storm Water Laws.

(b) Best Management Practices.

1. BMPs Required.

Any Person who engages in activities in the Port Area or who owns or occupies property that discharges to Port Storm Drains, shall implement BMPs to reduce, and where possible prevent, Pollutants and Non-Storm Water Discharge from entering the Port Storm Drains or Receiving Waters. At a minimum, such Person shall:

(i) Implement and maintain BMPs appropriate to the activities, operations, facilities and potential Pollutants;

(ii) Operate and maintain existing structures, equipment and vehicles to prevent the release of Pollutants from such structures, equipment and vehicles to Storm Water or Receiving Waters;

(iii) Immediately clean up spills and take all reasonable steps to prevent accidental discharge of Pollutants or Non-Storm Water Discharge into the Port Storm Drains or any Receiving Waters;

(iv) Maintain owned or occupied property so as to prevent erosion of soils;

(v) Keep and maintain owned or occupied property reasonably free of trash, litter, debris, waste or other materials that may cause Pollution in any Receiving Waters; and

(vi) Regularly remove trash and debris from open drainage channels within or running along the boundary of the Premises, facility or area of activity, as applicable.

2. BMP Standards.

The Director may adopt requirements, criteria, performance standards, guidance or recommendations for BMPs for any type of activity, operation, or facility. The requirements promulgated by Governmental Authorities shall otherwise apply as appropriate.

(c) Structural BMPs.

1. Design.

Structural BMPs, including Storm Water Facilities, shall be selected or designed for performance, with appropriate consideration of maintenance needs and costs, the likelihood of failure, vector control and any other factors as may be specified by the Director. Storm Water Facilities shall be designed to meet the more stringent flow, volume and design storm criteria specified by applicable Storm Water Laws.

2. Operation and Maintenance.

Structural BMPs shall be operated and maintained to ensure they continue to function effectively. The Director may establish operation and maintenance requirements for structural BMPs on a general, categorical or case-by-case basis. Operation and maintenance requirements may encompass operation, cleaning, repair, testing, monitoring, periodic inspection and maintenance. The Director may require preparation and implementation of an operation and maintenance plan, and, upon written request, delivery of records documenting operation and maintenance. Failure to perform or report on operation and maintenance as specified shall constitute a violation of, and be subject to penalties provided by, this Ordinance.

(d) Easements.

The Director may require an easement or other consent for access to inspect or maintain Storm Water Facilities as a condition of approval for development or construction.

3.2 ELIMINATION OF ILLICIT DISCHARGES AND CONNECTIONS.

(a) The Director may require, by written notice, that a Person responsible for an Illicit Discharge immediately, or by a specified date, discontinue the Illicit Discharge and, if necessary, take measures to eliminate the source of the Illicit Discharge to prevent the occurrence of future Illicit Discharges.

(b) Illicit Connections shall be eliminated or expressly authorized by the Director within six (6) months following notification by the Director to the Person owning or occupying property, regardless of whether or not the connection or discharges to it had been established or approved prior to the Effective Date of this Ordinance. The Director may, in his or her discretion and with conditions as appropriate, extend the six (6) month deadline.

(c) If, subsequent to eliminating a connection found to be in violation of this Ordinance, the responsible Person can demonstrate that an Illicit Discharge will no longer occur, said Person may request the Director's approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible Person's expense.

3.3 CONTROL OF POLLUTANTS DURING CONSTRUCTION.

(a) Generally.

Construction Activity at all sites where soil is disturbed shall be managed to minimize and where possible prevent erosion, sedimentation, Non-Storm Water Discharge and release of Pollutants into site runoff. Construction Activity shall be performed in compliance with all applicable Storm Water Permits, including any Port conditions and requirements. The Director may establish general or specific requirements for Construction Activity, and may include conditions with project approval. When two or more requirements are inconsistent, the requirement more protective of water quality shall apply.

(b) Notice.

Except as otherwise required by the Director, any Person who intends to undertake Construction Activity within the Port Area shall notify the Port no less than twenty (20) calendar days prior to commencement of such Construction Activity. Such Persons shall fully cooperate with the Port in the Director's inspection of such Person's Premises and Construction Activity under Section 4.1.

(c) Construction On Port Property.

Port tenants undertaking Construction Activity on Port Property shall be solely responsible for applying or registering for, implementing and complying with, any applicable Storm Water Permit.

(d) As-built Plans.

Within sixty (60) calendar days of completion of any Construction Activity, or such period as may be extended in the Director's discretion, the project proponent shall submit to the Port as-built plans showing the storm drain system, Storm Water Facilities, underground utilities, major structures or any other features as requested by the Director. Except as otherwise reasonably determined by the Director in his/her discretion, the failure of a construction project to conform to plans approved by the Director relating to Storm Water Facilities, shall be a violation of this Ordinance.

3.4 PROJECT DESIGN TO CONTROL POLLUTANTS AFTER CONSTRUCTION.

(a) Post-Construction Storm Water Controls Required.

Development and redevelopment projects, except interior remodeling projects with no exterior work, shall incorporate appropriate Post-Construction Storm Water Controls as required by Storm Water Permits, unless waived.

(b) Scope of Requirements.

Site-specific Post-Construction Storm Water Controls shall be established through processes of project approval or building permit issuance by the Port under Section 708 of the Charter of the City, or the City if so directed by the Port. The Director may condition project approval and building permit issuance on implementation of specified Post-Construction Storm Water Controls, including, but not limited to, specified site design measures, Storm Water Facilities, LID design standards, an alternative management program, and acceptance of, or arrangement for, responsibility for long-term operation and maintenance of such Post-Construction Storm Water Controls. Post-Construction Storm Water Control requirements may by waived in the discretion of the Director or the Board of Port Commissioners as appropriate, as authorized by Storm Water Permits or the RWQCB. Project approval on private property may be conditioned on recordation of an easement for access to Storm Water Facilities in accordance with Section 3.1(d). Storm Water Facilities shall be constructed, reconstructed, installed or retrofitted in accordance with Port-approved plans and must

be inspected and approved in writing by the Director before such Storm Water Facilities may be connected to Port Storm Drains.

(c) Operation and Maintenance.

Storm Water Facilities shall be operated and maintained to ensure effective performance over the reasonable life of the Storm Water Facility. Operation and maintenance may include operation, cleaning, repair, testing, monitoring, maintenance, inspection and reporting. Except as otherwise established by agreement with the Port, operation and maintenance of Storm Water Facilities on Port-owned property, including the costs thereof, shall be the responsibility of the property occupant in accordance with a plan prepared or requested by, and acceptable to, the Port. Responsibility for operation and maintenance on non-Port-owned property shall ultimately be with the property owner.

The Director may require revision to any operation and maintenance plan when Storm Water Facilities fail to perform as designed or expected. The Person responsible for operation and maintenance shall annually report all such operation and maintenance activities to the Port each July 1, and at such other times as the Director may reasonably request. If the Person fails to adequately maintain Storm Water Facilities to perform effectively as designed, the Port may, but is not obligated to, undertake the necessary work to improve performance and the Person shall reimburse the Port for all associated costs and pay penalties to the Port as provided by this Ordinance. The Person shall be responsible for its proportionate share of the construction costs, and operation and maintenance costs, of any Storm Water Facilities installed to treat combined Storm Water from the Premises and other properties.

3.5 STORM WATER PROTECTION PLAN.

Any Person who engages in activities in the Port Area, or who owns or occupies property that discharges to Port Storm Drains, and such activity or property has the potential to contribute Pollutants to Storm Water, shall, upon direction by the Director in the Director's discretion, prepare and submit to the Director a storm water protection plan for such activity or property. Failure to implement such plan shall constitute a violation of this Ordinance.

3.6 NOTIFICATION OF SPILLS AND POLLUTANT RELEASES.

Notwithstanding other requirements of Law, as soon as any Person has information of any known or suspected release of any material which has resulted or may result in a significant quantity of Pollutants or Non-Storm Water Discharge entering into Storm Water, the Port Storm Drains, or Receiving Waters from such facility or operation, such Person shall take all necessary steps to ensure the, containment, abatement and cleanup of such release. In the event of a release of a Hazardous Material, such Person shall immediately notify the Director by phone, and make all other legally required notifications. Except as otherwise required by the Director, in the event of a release of a Pollutant that is not a Hazardous Material, such Person shall notify the Director in person or by phone as soon as practicable, but no later than three (3) calendar days after the release. Notifications in person or by phone shall be confirmed by written notice mailed or e-mailed to the Director within five (5) calendar days of the release. If the discharge of a Pollutant emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for no less than five (5) years.

ARTICLE 4.
Inspection and Monitoring

4.1 INSPECTIONS.

(a) Port Inspections.

Whenever necessary to make an inspection to assess or enforce compliance with this Ordinance, or whenever the Director reasonably believes a condition exists or potentially exists on a Premises which constitutes a violation of this Ordinance or Storm Water Laws, or poses a threat to water quality, the Director may enter such Premises at all reasonable times, upon reasonable notice, to inspect such Premises, review or copy records related to Storm Water or perform any duty imposed by this Ordinance. The Director may seek assistance from any court of competent jurisdiction in obtaining such entry, as appropriate.

(b) Imminent Threat.

The Director shall be permitted to immediately enter any Premises and inspect, monitor, sample, and undertake other necessary actions when, in the Director's opinion, there exists an immediate threat to the health, safety or welfare of the public.

(c) Documentation.

Any Person who engages in activities in the Port Area or who owns or occupies property that discharges to Port Storm Drains, shall retain for a period no less than five (5) years and provide to the Port upon request, documents and information related to Storm Water, including, but not limited to, plans, records, logs, data, reports, permit registration or termination documents, industrial classification code, or notices or correspondence to or from the RWQCB, the SWRCB or the Port.

4.2 MONITORING.

(a) Observations and Sampling.

During any inspection as provided herein, the Director may photographically record site observations and take samples and perform any testing deemed necessary to investigate or document site conditions, or otherwise support the site inspection or investigation.

(b) Long Term Monitoring.

The Port shall have the right to establish on any Premises, such devices deemed, in the Director's discretion, reasonably necessary and appropriate for monitoring of Storm Water over an extended period. The Port shall minimize interference with the operations and facilities of the occupant in the use and maintenance of such devices. If such devices monitor Storm Water discharges from the Premises, the Director shall, upon request, provide the results of such monitoring to the property owner or occupant.

(c) Requirement to Monitor and Analyze.

The Director may require, in his or her sole discretion upon written notice, any Person who engages in activities in the Port Area or who owns or occupies Premises that discharge to Port Storm Drains and such activities or Premises have the potential to contribute Pollutants to Storm Water, to collect and analyze Storm Water for specified Pollutants at said Person's expense, and furnish the results to the Port.

ARTICLE 5.
Enforcement

5.1 VIOLATIONS.

(a) Acts in Violation of this Ordinance.

It shall be a violation of this Ordinance for any Person to:

1. Fail to comply with any provision of this Ordinance;

2. Conceal a violation of this Ordinance;

3. Fail to timely comply with a directive of the Director issued pursuant to this Ordinance;

4. Fail to comply with conditions of approval for construction projects; or

5. Cause or permit any discharge to the Port Storm Drains or Receiving Waters that constitutes a nuisance, causes or contributes to a violation of applicable Storm Water Laws, including any such prohibitions, limitations, and requirements applicable to discharges from Port Storm Drains conveying Storm Water discharge from such Person's activities, Premises or facility to Receiving Waters.

(b) Separate Violations.

A separate violation shall be deemed committed on each day during or on which a violation occurs or continues. A person who violates any provision of this Ordinance may also be in violation of Storm Water Laws and may be separately subject to the additional sanctions of such Laws including civil and criminal penalties.

5.2 ENFORCEMENT ACTIONS.

Whenever the Director finds or has reason to believe that a violation of this Ordinance has occurred or is occurring, the Director may take all appropriate action and pursue all available legal remedies to enforce this Ordinance, including, but not limited to, the following:

(a) Notice of Violation ("NOV").

The Director may issue a written NOV describing the violation, requiring action, specifying the time period or deadline for such action, and notifying the alleged violator of his or her right to protest the order as provided in Section 5.5 of this Ordinance. The written NOV may, at the Director's discretion, include one or more of the following:

1. An order to abate a nuisance or correct a violation, including immediate action to clean up any spill or abate any violation that poses an immediate threat to public health, safety or the environment. The Director may require abatement of uncontrolled sources of Pollutants within thirty (30) calendar days of notification if such Pollutants could pose an environmental threat. The Director may, as appropriate, require a spill, discharge or Pollutant release cleaned up and abated within seventy-two (72) hours of notification. An order to abate and/or clean up shall set forth a deadline for completion, and shall further advise that, should the violator fail to abate or clean up by the established deadline, the work will be done by the Port or a contractor designated by the Director and the expense thereof shall be charged to the violator pursuant to ARTICLE 5;

2. An order to construct, implement, operate, repair, maintain and/or replace source control or treatment BMPs;

3. An order to cease and desist specified discharges, practices, activities or operations within a specified time frame if Pollutant sources or activities are not abated;

4. An order to investigate and/or eliminate Illicit Discharges or Illicit Connections;

5. An order to inspect and/or monitor. Monitoring may include sampling and analysis;

6. An order to prepare and/or submit documents or reports;

7. An order to reimburse costs, including administrative, abatement, remediation, sampling and analysis, legal and staff time costs; or

8. An order to undertake any other action to eliminate a violation.

(b) Inspections.

The Port may perform inspections to confirm a Person has addressed an NOV to the Director's satisfaction.

(c) Notice of Penalty ("NOP").

The Director may issue a written NOP describing the violation and ordering the recipient to pay, within a specified period of time, a penalty as provided in Section 5.4 of this Ordinance. The NOP must notify the violator of his or her right to protest the penalty as provided in Section 5.5 of this Ordinance.

(d) Extension of Time.

If an extension of time is required to clean up or abate a spill, discharge or Pollutant release, or take other action directed in an NOV or NOP, the Director may establish a new time frame and notify appropriate Governmental Authorities of such revised timeframe as may be required by Storm Water Laws.

(e) Legal Action.

Whenever any condition is caused or permitted to exist in violation of any of the provisions of this Ordinance that the Director determines is a threat to public health, safety, or the environment, and declares to be a nuisance, the Director may, in addition to the enforcement processes and penalties herein provided, commence legal actions and/or equitable proceedings in a court of competent jurisdiction to abate, enjoin, or otherwise compel the cessation of such nuisance or abatement of the nuisance at the violator's expense. If the Port prevails in such action and/or proceeding, it shall be entitled to recover costs, attorneys' fees, and costs of Port attorneys and staff in addition to any taxes, fees, assessments, penalties and interest.

(f) Written Enforcement Notices.

Any written notice provided under this Section 5.2 shall be served personally by hand delivery, certified mail or email to the owner or occupant of the Premises where the violation occurred, or to the Person believed responsible for the violation, or both.

(g) Notice to State and Federal Authorities.

Notwithstanding any other provision of this Ordinance, the Director may report known or suspected violations of Storm Water Laws, to Governmental Authorities.

5.3 ABATEMENT BY THE PORT.

(a) Failure to Abate.

If a nuisance has not been abated as required by the NOV, or if a spill or release has not been abated or cleaned up as required by the NOV, the Port may enter upon the subject Premises and abate and/or clean up the nuisance or spill at the expense of the Port and the Port may recover the amount or such expense, including the cost of inspection, enforcement and correction to the full extent permitted by Government Code Section 54988, as it may be amended from time to time.

(b) Emergency.

When, in the Director's discretion, a condition exists which poses an immediate threat to the public health, safety or the environment, or an immediate threat of significant violation of Storm Water Laws affecting public health, safety or the environment, the Director may immediately enter the subject Premises and inspect or perform or cause to be performed work necessary to abate such danger or threat or to clean-up a release.

(c) Reimbursement.

The costs of abatement or clean-up performed by the Port shall be fully reimbursed by the Premises owner, occupant and/or responsible Person as appropriate. Any relief obtained under this Section 5.3 shall not prevent the Port from seeking other and further relief authorized under this Ordinance, other applicable Laws or any agreement with the Port. Failure to reimburse the Port within a reasonable time shall constitute a violation of this Ordinance.

5.4 PENALTIES.

(a) Penalties.

In addition to all other costs, a Person who violates or fails to comply with a NOV or any provision of this Ordinance shall, upon written NOP as provided in Section 5.2(c) above, be subject to a penalty of up to and including Five Hundred Dollars ($500.00) per day for each violation, as such amount may be modified from time to time in the Charter of the City.

(b) Penalty Alternative.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the Director may require alternative compensatory actions, including but not limited to, monitoring, installing Storm Water Facilities, storm drain stenciling, attendance at compliance workshops, shore cleanup, and other measures as appropriate in the Director's discretion.

(c) Revocation of Port Authorizations.

The Director may, in his/her discretion, revoke or modify Port authorizations, terminate a Person's tenancy agreement or right of occupancy of Port Premises, or revoke or modify any license, authorization or other privilege conferred by the Port, for significant or chronic violation of Storm Water Laws.

5.5 APPEAL.

(a) Filing a Protest.

Any Person named in an NOV or NOP may protest such order or penalty or attorneys' fees and costs by sending by certified mail or hand delivering to the Director's office a written request for review within twenty (20) calendar days of receipt of such NOV or NOP. Such Protest shall specify all reasons why the order or penalty or assessment of attorneys' fees should be rescinded or modified.

(b) Review and Decision.

Within twenty (20) calendar days of receipt of a Protest, the Director shall send a written decision by certified mail to the Person filing such Protest. The Director's decision shall be final, unless, within ten (10) calendar days of receipt of such decision, the Person requests in writing, by certified mail or hand delivery, that a hearing be held on the matter.

(c) Hearing.

Within ten (10) calendar days of receiving a request for a hearing, the Director shall send a written notice of the date and time of a public hearing to the requesting Person. At any such hearing, the requesting Person may attend, give testimony, and present evidence. The issues addressed at the hearing shall be limited to those specifically raised in the hearing request. The hearing is an administrative process, not a criminal proceeding or a civil court of law proceeding. Costs of transcription of any testimony taken shall be borne by the Person requesting transcription. The Director may affirm, modify or reverse any aspect of the written notice under review. The Director shall issue a final decision within twenty (20) calendar days of the hearing.

(d) Liens.

Notwithstanding any other provision of this Ordinance to the contrary, the costs incurred by the Port in the abatement of a violation or nuisance may be placed against any privately owned and affected property as either a nuisance abatement lien or a special assessment lien pursuant to Government Code Section 38771, et seq., as amended from time-to-time or a lien pursuant to Government Code Section 54988 as amended from time-to-time. The Port may enforce a lien under this Ordinance in any manner permitted by Law, including filing a civil action to either foreclose on its liens or to obtain a money judgment or both, or pursuing non-judicial foreclosure. The Port may elect, upon thirty (30) calendar days written notice to all known and record owners of the privately owned and affected Premises, to convert any nuisance abatement lien authorized by this Ordinance to a special assessment lien, or vice versa. Costs recoverable under this Ordinance shall include those categories of costs and fees set forth in Civil Code Section 3496, regardless of the type of nuisance involved.

5.6 REMEDIES NOT EXCLUSIVE.

The remedies provided for in this Ordinance shall be cumulative and not exclusive of any other remedies and shall not preclude the Port from any other relief which otherwise is available.

ARTICLE 6.
Fees

6.1 FEES.

The Director may establish Fees to recover the reasonable costs of services and infrastructure provided by the Port for the management of Storm Water.

6.2 FEES IN LIEU.

The Director may establish a fee-in-lieu to apply when any requirement of this Ordinance is waived, reduced, extended, or otherwise suspended.

6.3 FAILURE TO PAY FEES A VIOLATION.

Failure to timely pay Fees shall be a separate violation of this Ordinance.

ARTICLE 7.
Miscellaneous Provisions

7.1 WRITTEN NOTICE.

Except as otherwise provided in this Ordinance or by the Director, any written notice or request provided under this Ordinance may be delivered by hand delivery, mail or email.

7.2 CONFLICT OF LAW.

This Ordinance is not intended to interfere with, abrogate or annul any other ordinance, resolution rule, or regulation, statute, or other provision of Law. The requirements of this Ordinance establish minimum requirements, and if any provision of this Ordinance imposes restrictions different from those imposed by any other Port ordinance, resolution, rule, or regulation or other provision of Law, the provision that is more restrictive or imposes a higher protective standard for the Port, human health, safety or the environment shall take precedence.

7.3 LIABILITY OF PORT.

Persons subject to Storm Water Laws shall be solely responsible for compliance with such laws. The Director, including any Port official or employee, acting under authorization of this Ordinance, if acting in good faith and within the course and scope of his/her employment of the Port, shall not be liable for any damage that may accrue to Persons or Premises as the result of or by reason of any act or omission occurring in the good faith discharge of the duties of employment.

7.4 SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any Person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

7.5 EFFECTIVE DATE.

This Ordinance shall be in full force and effect on April 1, 2015.

7.6 RELATIONSHIP TO TARIFF 2-A.

The foregoing provisions shall supersede any provisions in Tariff No. 2-A that are in direct conflict with the storm water provisions of this Ordinance.

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4312

ORDINANCE APPROVING THE TERMS AND CONDITIONS OF A FIRST AMENDMENT TO THE SPACE/USE PERMIT WITH HOST INTERNATIONAL, INC. TO REMOVE CERTAIN PREMISES FROM THE ASSIGNED SPACE, AND TO INCORPORATE THE PROVISIONS OF THE SETTLEMENT AGREEMENT AS APPROVED BY RESOLUTION 14-84.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item No. 6.4, dated November 13, 2014 ("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, that 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; and

WHEREAS, the Board duly passed on Resolution No. 14-84 on September 11, 2014, approving a Settlement and Mutual Release Agreement ("Settlement Agreement") with Host International, Inc. ("Host") and Unite Here Local 2850, finally resolving disputes between the parties relating to concession litigation; and

WHEREAS, the Settlement Agreement called for a first amendment to Host's Space/Use Permit from the Port to allow for: (1) an upward adjustment to Host's pricing of products; (2) removal of all retail premises from the subject Permit; (3) modification of terms related to Host's minimum annual guaranteed payments and storage rental rates; (4) modification of terms related to midterm refurbishment obligations; and (5) the addition and modification of certain definitions; and now, therefore,

BE IT ORDAINED BY THE BOARD OF PORT COMMISSIONERS OF THE CITY OF OAKLAND AS FOLLOWS:

SECTION 1. The Board hereby approves the terms and conditions of a First Amendment to Space/Use Permit with Host, as more fully set forth above, in the Agenda Report, and in the Settlement Agreement.

SECTION 2. The Board hereby authorizes the Executive Director or his designee to:

A. Execute on behalf of the Board a First Amendment to Space/Use Permit with Host, as more fully set forth above, in the Agenda Report, and in the Settlement Agreement, subject to the Port Attorney's approval as to form and legality;

B. Make such additions, modifications, or corrections as necessary to implement the First Amendment to Space/Use Permit 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 and the Settlement Agreement.

SECTION 3. The Board hereby finds and determines that this amendment does not require California Environmental Quality Act "CEQA" analysis since there is no physical impact to the environment.

SECTION 4. 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 other contracting party, there shall be no valid or effective agreement.

SECTION 5. This ordinance shall be effectively immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, November 13, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker and President Yee - 5. Recused: Commissioner Butner - 1. Excused: Commissioner Uno - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held December 11, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Parker and
President Yee – 4
Recused: Commissioner Butner – 1.
Excused: Commissioners Head and Uno – 2.
Noes: 0

President.

Attest: JBetterton
Secretary.

Approved as to form and legality:

Port Attorney

307933

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4313

ORDINANCE APPROVING THE TERMS AND CONDITIONS OF A SPACE/USE PERMIT FOR NON-EXCLUSIVE RETAIL AND DUTY FREE CONCESSION PRIVILEGES FOR WORLD DUTY FREE GROUP NORTH AMERICA.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item No.6.5 dated November 13, 2014 ("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, that 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; and

WHEREAS, Oakland International Airport's ("Airport) master concessionaire, Host International, Inc. ("Host"), has divested itself of its retail and duty free operations and desires to transfer such concession units at the Airport to World Duty Free Group North America ("WDFG") upon generally the same terms and conditions as those set forth in Host's Space/Use Permit; and now, therefore,

BE IT ORDAINED BY THE BOARD OF PORT COMMISSIONERS OF THE CITY OF OAKLAND AS FOLLOWS:

SECTION 1. The Board hereby approves terms and conditions for a Space/Use Permit with WDFG on substantially the same terms and conditions as those set forth in the Port's Space/Use Permit with Host, and as more fully set forth in the Agenda Report, including modifications to the midterm refurbishment requirements.

SECTION 2. The Board hereby authorizes the Executive Director or his designee to:

A. Execute on behalf of the Board a Space/Use Permit with WDFG, providing non-exclusive retail and duty free concession privileges at the Airport, for a term expiring on May 31, 2121, for an estimated revenue of $9,750,000 and subject to the terms and conditions set forth herein and in the Agenda Report, subject to the Port Attorney's approval as to form and legality;

B. Make such additions, modifications, or corrections as necessary to implement the Space/Use Permit 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 3. The Board hereby finds and determines that this Permit does not require California Environmental Quality Act "CEQA" analysis since there is no physical impact to the environment.

SECTION 4. 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 other contracting party, there shall be no valid or effective agreement.

SECTION 5. This ordinance shall be effectively immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, November 13, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno and President Yee - 6. Recused: Commissioner Butner - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held December 11, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Parker and
President Yee – 4
Excused: Commissioners Head and Uno – 2.
Recused: Commissioner Butner – 1.
Noes: 0

President.

Attest: Betterton
Secretary.

Approved as to form and legality:

Port Attorney

307941

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

PORT ORDINANCE NO. 4314

ORDINANCE APPROVING AMENDMENTS TO SPACE/USE PERMITS WITH ANDALE MANAGEMENT GROUP, INC., GOTHAM FOODS TWO LLC, SILVER DRAGON CAFÉ LLC; TASTE, INC. AND YOUTH EMPLOYMENT PARTNERSHIP TO MODIFY CERTAIN ECONOMIC TERMS.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.6, dated November 13, 2014 (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 approves the terms and conditions set forth in the Agenda Report for the Amendments to Space/Use Permits with Andale Management Group, Inc., Gotham Foods Two LLC, Silver Dragon Café, LLC, Taste, Inc., and Youth Employment Partnership, to modify certain economic terms , including adjusting the pricing of products, modifying terms related to minimum annual guaranty adjustments, eliminating storage space rental and adding additional assigned space to the Taste Inc. Space/Use Permit, on premises located at Oakland International Airport which said economic terms are consistent with the same economic modifications concurrently provided Host International, Inc. ("Host"), which is more fully described and set forth in the Agenda Report.

Section 3. The Board hereby finds and determines that the actions are not a project that require CEQA analysis since there is no physical impact to the environment.

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 be effective immediately upon adoption by the Board.

The Board of Port Commissioners, Oakland, California, November 13, 2014. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Uno and President Yee - 6. Recused: Commissioner Butner - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held December 11, 2014
by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Parker and
President Yee – 4
Excused: Commissioners Head and Uno – 2.
Recused: Commissioner Butner – 1.
Noes: 0

President.

Attest: Betterton
Secretary.

Approved as to form and legality:

Port Attorney