

RESOLUTION NO. 73385

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE DIRECTOR OF AVIATION TO EXECUTE AMENDMENTS TO AIRLINE AGREEMENTS DOCUMENTING CHANGES TO LEASED SPACE**

**WHEREAS**, on November 15, 2005, the San Jose City Council ("Council") approved recommendations to proceed with a Terminal Area Improvement Program ("TAIP") at the Norman Y. Mineta San Jose International Airport ("Airport"); and

**WHEREAS**, the TAIP will require multiple airline moves that must be done quickly and efficiently, documenting all changes to the airlines' leased space; and

**WHEREAS**, the passenger airlines currently operating at the Airport, occupy space in the terminals pursuant to either (a) Operating Agreements and Terminal Building Leases or Licenses ("Airline Leases"), that expire on November 30, 2007; (b) Airline Leases that have expired and continue on a month to month holdover; or (c) Letters of Understanding that have been issued by the Director of Aviation ("Director") pending negotiation and execution of an Airline Lease; and

**WHEREAS**, San Jose Municipal Code Section 25.08.310 authorizes the Director to execute a lease if the term is for three years or less; and

**WHEREAS**, the Director may not execute a subsequent lease involving the same property to the same lessee absent the express authorization of Council; and

**WHEREAS**, authorizing the Director to negotiate and execute amendments to document changes to leased space to all current and holdover Airline Operating Agreement and Terminal Building Leases from the date of execution through the earlier of City Council approval of new Airline Lease and Operating Agreements or November 30, 2007 is necessary to implement the TAIP; and

**WHEREAS**, authorizing the Director to relocate airlines currently operating without an Operating Agreement and Terminal Building Lease through the earlier of City Council approval of new Airline Lease and Operating Agreements or November 30, 2007 is necessary to implement the TAIP;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The Director of Aviation is hereby authorized to:

1. Negotiate and execute amendments to all current and holdover Airline Operating Agreements and Terminal Building Leases or Licenses to relocate airlines in the terminals as necessary to accommodate the Airport Terminal Area Improvement Program with no other changes to the terms and conditions for the period from the date of execution through the earlier of City Council approval of new Airline Leases and Operating Agreements or November 30, 2007.
2. Relocate airlines currently operating without an Operating Agreement and Terminal Building Leases or Licenses in the terminals as necessary to accommodate the Airport Terminal Area Improvement Program through the earlier of City Council approval of new Airline Leases and Operating Agreements or November 30, 2007.

ADOPTED this 29<sup>th</sup> day of August, 2006, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,  
NGUYEN, PYLE, REED, WILLIAMS, YEAGER;  
GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

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RON GONZALES  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk