

RESOLUTION NO. 73092

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FOURTH AMENDMENT TO THE AIRPORT FOOD AND BEVERAGE CONCESSION AGREEMENT WITH HOST INTERNATIONAL, INC. AND AUTHORIZING THE DIRECTOR OF AVIATION TO NEGOTIATE AND EXECUTE AMENDMENTS TO THE CONCESSION AGREEMENT TO ADD OR REMOVE CONCESSION LOCATIONS AND REIMBURSE HOST FOR ANY UTILITY INFRASTRUCTURE UPGRADES FOR FUTURE NEW CONCESSION AREAS FOR A COST NOT TO EXCEED \$100,000 PER NEW CONCESSION AREA

WHEREAS, on December 12, 1998, the San Jose City Council approved the award of the Airport Food and Beverage Concession Agreement (“Concession Agreement”) to Host International, Inc. (“Host”), which Concession Agreement has since been amended; and

WHEREAS, the parties wish to amend the Concession Agreement to provide for the City’s reimbursement to Host for certain utility improvements constructed by Host in its concession areas at the Airport and to reflect various changes to the concession areas at the Airport; and

WHEREAS, the Council wishes to delegate to the Director of Aviation the authority to execute certain amendments to the Concession Agreement;

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

1. The City Manager is hereby authorized to negotiate and execute a fourth amendment to the Concession Agreement with Host international, Inc. to:
 - a. Reimburse Host for the utility stub outs and cost of constructing certain improvements and to bring proposed concession spaces into compliance with the fire requirements of the Uniform Building Code for a total amount, to be paid by the City not to exceed \$60,000; and
 - b. Add a new concession location and remove one concession location for the Concession Areas operated by Host.

2. The Director of Aviation is authorized to negotiate and execute amendments to the Concession Agreement to:
 - a. Add or remove concession locations, so long as any additional concession locations are subject to the Concession Fees as set out in the Concession Agreement; and
 - b. Reimburse Host for any utility infrastructure upgrades for future new Concession Areas at the Airport for a cost not to exceed \$100,000 per new Concession Area.

ADOPTED this 14th day of March, 2006, by the following vote:

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

NOES: NONE

ABSENT: CAMPOS

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk