

**RESOLUTION NO. 73802**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE ESTABLISHING PARKING RATES, CHARGES  
AND FEES AT THE NORMAN Y. MINETA SAN JOSE  
INTERNATIONAL AIRPORT AND REPEALING  
RESOLUTION NO. 71745**

**WHEREAS**, the San Jose City Council ("City Council") has the authority to establish parking rates, charges and fees for municipal off-street parking facilities at the Norman Y. Mineta San Jose International Airport ("Airport Parking Facilities"), the lots and location of which are designated from time to time by separate Council Resolution; and

**WHEREAS**, on September 16, 2003, the City Council adopted Resolution No. 71745, establishing Parking Rates, Charges and Fees at the Airport Parking Facilities; and

**WHEREAS**, the City Council desires to establish the parking fees and charges at the Airport Parking Facilities and to authorize the Director of Aviation ("Director") to, among other things, incorporate discount rate structures, implement rates for additional service programs, and allow for discounts for future parking to improve customer service;

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

**SECTION 1. Fees, Rates and Charges.**

The fees, rates and charges for parking in Airport Parking Facilities are established as follows:

A. Hourly Parking Lot and Parking Garage. In the Hourly Parking Lot and Parking Garage, as designated by Director, the rate charged for each vehicle parking space, except a parking space designated for use by disabled persons and disabled veterans, shall be:

The first twenty minutes or fraction thereof ..... \$1.00  
Each additional successive twenty minutes or any fraction thereof..... \$1.00

Subject to the following adjustments: (a) a maximum charge of \$10.00 to \$40.00 for parking for a period not exceeding 24 consecutive hours, as such maximum charge may be established by the Director in accordance with the provisions of Section 4, and (b) a charge of \$0.00 to an amount not exceeding \$3.00 for parking for each fifteen, twenty or thirty minute period, or any portion thereof, as such charge may be established by the Director in accordance with the provisions of Section 4.

Except as otherwise provided in Section 4, additional time parked in excess of any 24 consecutive-hour period shall be charged for by applying the same rates and charges to all time parked after the respective 24-hour period.

B. Long Term Parking Lots. In the Long Term Parking Lot, as designated by Director, for each vehicle parking space, the rate charged for parking shall be:

The first twenty minutes, or fraction thereof .....\$1.00  
Each additional successive twenty minutes or any fraction thereof.....\$1.00

Subject to the following adjustments: (a) a maximum charge of \$5.00 to an amount not exceeding \$20.00 for parking for a period not exceeding 24 consecutive hours; and (b) a charge of \$0.00 to an amount not exceeding \$3.00 for parking for each fifteen, twenty or thirty minute period or any portion thereof, as such charge may be established by the Director in accordance with the provisions of Section 4.

Except as otherwise provided in Section 4, additional time parked in excess of any 24 consecutive-hour period shall be charged for by applying the same rates and charges to all time parked after that 24-hour period.

C. Employee-Parking. In the portion of the Airport Parking Facilities designated by the Director for use by employees of Airport tenants, contractors, permittees, or licensees, the following rates, fees and charges shall apply:

1. Initial distribution of card/permit ..... \$10.00 - \$20.00  
(nonrefundable)
2. Failure to return card/permit @ cancellation ..... \$25.00 - \$75.00  
(nonrefundable)
3. Monthly Employee Parking Usage Charge ..... \$10.00 - \$120.00  
All Employee Parking Facilities

D. Intermediate Rate Parking. The Director may designate a portion of the Airport Parking Facilities as an "Intermediate Rate Parking Lot". The rate charged for each vehicle parking space in an Intermediate Rate Parking Lot, except a parking space designated for use by disabled persons and disabled veterans, shall be:

- The first twenty minutes or fraction thereof ..... \$1.00
- Each additional successive twenty minutes or any fraction thereof ..... \$1.00

Subject to the following adjustments: (a) a maximum charge of \$6.00 to an amount not exceeding \$20.00 for parking for a period not exceeding 24 consecutive hours; and (b) a charge of \$0.00 to an amount not exceeding \$3.00 for parking for each fifteen, twenty or thirty minute period or any portion thereof, as such charge may be established by the Director in accordance with the provisions of Section 4.

Except as otherwise provided in Section 4, additional time parked in excess of any 24 consecutive-hour period shall be charged for by applying the same rates and charges to all time parked after the respective 24-hour period.

E. Disabled Parking. The rate charged for parking in a parking space for a disabled person or a disabled veteran displaying a distinguishing placard or license plate shall be the daily rate charged for the Long Term Parking Lot.

F. Oversized Vehicle. All oversized vehicles occupying more than one space in the various parking facilities will be assessed a fee equivalent to the number of spaces occupied by that vehicle.

G. Urgency Long - Term Rate. The Director is hereby authorized to approve the use of the Hourly Parking Lot and Parking Garage for Long-Term Parking patrons on an urgency basis when Long-Term lots are filled to capacity, and to charge Long-Term parking rates in connection with such use. The Director shall approve such use through issuance of a parking ticket and shall take adequate steps to insure appropriate use of such tickets.

H. Lost Ticket. If the time of parking cannot be ascertained by reason solely of the patron's loss of or inability to produce a parking ticket to determine when parking commenced, the parking charge shall be computed by multiplying the applicable maximum rate times the number of days the vehicle license number or other vehicle identification number has been recorded as being within the lot. If the vehicle license number or other vehicle identification number has not been recorded, the maximum per-day rate charge shall be the maximum 24-hour rate for the facility in which the vehicle was parked.

I. Suspension of Charges. Notwithstanding the foregoing provisions, the Director or his or her designated representative may permit vehicles to exit Airport Parking Facilities without charge as follows:

1. If the Director or his or her designated representative determines that the normal waiting time under acceptable levels of service has been exceeded.
2. If the Director or his or her designated representative determines that Airport traffic congestion will be relieved by the diversion of traffic to any of the parking lots; any vehicle which is diverted to any such parking lot may be permitted to exit without charge as to the first twenty minutes of parking.

3. If the Director or his or her designated representative determines and substantiates that a hardship involving an Airport patron's person or damage to property while on the Airport has occurred, or emergency circumstances exist.

J. Adjustment of Charges. Notwithstanding the foregoing provisions, the Director or his or her designated representative may evaluate the circumstances surrounding a dispute over the calculation of a parking charge and adjust such fee if he or she believes that the circumstances warrant the adjustment.

K. Fee Adjustment. The Director may grant authorization to the parking contractor for processing parking fee adjustments of \$3.00 or less without the prior approval of Director, only if the parking contractor determines that the normal waiting time under acceptable levels of service has been exceeded. The parking contractor must submit documentation in form and substance satisfactory to Director, within the time period determined by Director, substantiating each authorized adjustment. Prior to implementing any fee adjustment pursuant to this Section, the parking contractor must obtain the Director's approval of a procedure to be followed for each adjustment, which must include adequate security precautions.

L. Computation of Parking Time. The Director may authorize a designated period ranging from 0 to 30 minutes from any Airport Parking Facility which shall not be included in the computation of parking time for the purposes of fixing the fees, rates and charges under this Resolution to accommodate customer delays in exiting the specific parking facility due to traffic congestion, equipment malfunction, or other operational issues as approved by Director.

## **SECTION 2. Validation of Parking Tickets Pursuant to Validation Agreement.**

A. Validated Parking Tickets. Parking tickets issued for the Hourly Parking or Long Term Parking Lots or Parking Garage may be validated as provided in this

Section 2. A validated parking ticket shall entitle the holder to the amount of time validated without charge, and the rates, charges and fees stated in subsections 1.A, 1.B and 1.D shall apply to parking for any time exceeding the amount of time validated.

B. Validation Agreement. The Director may permit any of the City's tenants, licensees, concessionaires or permittees at the Airport to validate parking tickets issued to the patrons of such tenants, licensees, concessionaires or permittees at their premises at the Airport for use of parking spaces in the Airport Parking Facilities. Permission may be granted pursuant to a written validation agreement substantially in the same form as Exhibit A, attached hereto and entered into between the Director or his or her designated representative, on behalf of the City, and such tenant, licensee, concessionaire or permittee. The validation agreement shall be approved as to form by the City Attorney and filed with the City Clerk.

C. Obligation of Validator. Any tenant licensee, concessionaire or permittee who has entered into a validation agreement with the City shall be referred to as a "validator." A validator is permitted to issue a ticket validation for a specific period of time as set forth in the form of validation agreement in Exhibit A, which period of time shall not exceed twenty-four (24) hours. A parking ticket may be validated only once. The maximum amount of time for which a parking ticket may be validated shall be twenty-four (24) hours. Unless exempted by City, a validator shall be required to pay the City for each validated ticket and the amount of payment shall be as stated in the validation agreement. Validators shall validate parking tickets only for their customers at their place of business at the Airport.

**SECTION 3.**            **Validation of Parking Tickets by the Director of Aviation.**

Upon request of any person designated in this Section 3, the Director or his or her designated representative is authorized to validate a ticket issued to such person for parking in the Airport Parking Facilities at the Airport, provided that such validation is subject to and in accordance with the following conditions, restrictions and limitations:

A.     Parking tickets shall be issued and validated only for the following designated persons:

1.     Any person who, with the permission of the Director or his or her designated representative, attends any regular or special meeting of a governmental or quasi-governmental body, association, agency, board, bureau, commission, committee, or subcommittee at the Airport;
2.     Any person who attends a meeting or function at the Airport called by the Director or his or her designated representative to conduct or discuss official City business;
3.     Contractors, while working at the Airport on behalf of the City, on Airport construction projects.
4.     Volunteer staff or non-profit organizations which provide information and assistance at the Airport to members of the traveling public pursuant to agreements with the City, while on the Airport in order to provide such assistance.

B.     The Director or his or her designated representative shall, whenever validation is otherwise provided for in this Section:

1. Validate each parking ticket which is issued for parking in any Airport Parking Facility at the Airport.
2. Validate each parking ticket only once, and each validation shall be for a time no longer than is reasonably necessary to allow a designated person to be in attendance at the meetings or projects described in Subsection 3.A.

C. A parking ticket which is validated by the Director or his or her designated representative shall entitle the ticket holder to park without charge for the time for which the Director or his or her designated representative has validated such ticket.

**SECTION 4. Adjustment of Parking Rates and Computation of Parking Time by Director.**

A. The Director is authorized to increase or decrease the parking fees, rates and charges from time to time in accordance with the amounts specified in this Resolution if the Director determines that such an adjustment in the parking fees, rates and charges will facilitate the optimum use of spaces in the Airport Parking Facilities in a cost and revenue efficient manner considering both volume of traffic and convenience to the general public. The Director shall only increase or decrease the parking fees, rates and charges upon providing reasonable notice to the public by posting of appropriate signs at the entrance to the various public lots, or by notifying tenants and employees for employee lots.

B. The increases or decreases in parking fees, rates and charges which the Director is hereby authorized to make are as follows:

1. Increase or decrease the time periods for assessing charges in the Airport Parking Facilities within a range of fifteen to thirty minutes.

2. Increase or decrease the maximum daily charge for parking in the Hourly Parking Lots and Parking Garage as set forth in Section 1. A within a range of ten dollars (\$10.00) to an amount not exceeding forty dollars (\$40.00).
3. Increase or decrease the maximum daily charge for parking in the Long Term Parking Lots as set forth in Section 1.B within a range of five dollars (\$5.00) to an amount not exceeding twenty dollars (\$20.00) for any period not exceeding twenty-four (24) consecutive hours.
4. Increase or decrease the charge for each fifteen, twenty or thirty minute period or any fraction thereof of parking in the Hourly Parking Lots, the Long-Term Parking Lots, and the Parking Garage within a range of \$0.00 to an amount not exceeding \$3.00.
5. Adjust the parking charge for the Valet Parking Rate up to seventy percent (70%) above the posted Short Term or Long Term Rate as set forth in Section 8 of this Resolution.
6. Adjust the parking charge for Parking Promotions up to seventy percent (70%) below the non-discounted rate as set forth in Section 7 of this Resolution.
7. Increase or decrease the complimentary time for each lot from 0 to 30 minutes.
8. Adjust the parking charge for Reserved Parking Rates up to seventy percent (70%) above the posted Short Term or Long Term Parking Rate as set forth in Section 9 of this Resolution.

9. Increase or decrease the amount issued for Customer Service Parking Rate Vouchers as set forth in Section 10 by up to seventy percent (70%) of the posted Short Term or Long Term parking rate.
10. Increase or decrease the charge for monthly employee parking as set forth in Section 1.C(3) (Employee Lot) within a range of \$10.00 to an amount not exceeding \$120.00 per employee per month.
11. Increase or decrease the parking charge for the Frequent Parker Program within the range described in Section 6 of this Resolution.
12. Increase or decrease the charge for failure to return a permit as set forth in Section 1.C(2) (Employee Lot) within a range of \$25.00 to an amount not exceeding \$75.00 per employee per month.
13. Increase or decrease the initial distribution charge for a permit as set forth in Section 1.C(1) (Employee Lot) within a range of \$10.00 to an amount not exceeding \$20.00 per employee per month.

**SECTION 5. Decreases - Airport Parking Facilities.**

In increasing or decreasing the maximum daily rates for the Airport Parking Facilities pursuant to this Resolution, the Director may authorize the collection of parking charges for vehicles which entered the Airport Parking Facilities prior to the effective date of this Resolution, but exit after the effective date of this Resolution, at the lower maximum daily rate.

**SECTION 6.**            **Frequent Parker Program.**

“Frequent Parker Program” refers to a program which would allow the Director of Aviation to establish a parking program available to the public, whereby the customer prepays for parking services over a specified period of time. The Director may establish a discounted parking rate for the Frequent Parker Program, which shall not be less than seventy percent (70%) of the prevailing daily parking rate for the facility. The Director shall provide notice of the Frequent Parker Program and applicable rate in conformance with Section 4 of this Resolution.

**SECTION 7.**            **Parking Promotions.**

The Director is authorized to establish promotional parking programs that would allow a maximum discount of up to seventy percent (70%) of the revenue that would have been generated from the posted rate structure. These programs shall occur in accordance with Section 4 of this Resolution and only if the Director determines that such programs will enhance customer service and increase revenue generation. These promotions may be based on coupon, advertised promotions, dollars off promotions, specific promotional time periods, or other means.

**SECTION 8.**            **Valet Parking.**

The Director is authorized to approve valet parking rates up to seventy percent (70%) above the posted Short-Term or Long-Term daily rate. This rate may be structured upon full analysis of the expenses, revenues and potential activity of the proposed service, as determined by the Director.

**SECTION 9.**            **Reserved Parking.**

The Director is authorized to approve reserved parking rates up to seventy percent (70%) above the posted Short-Term or Long-Term daily rate. This rate may be

structured upon full analysis of the expenses, revenues and potential activity of the proposed service, as determined by the Director.

**SECTION 10.**        **Customer Service.**

The Director is authorized to increase or decrease the amount of time not included in the computation of parking time as set forth in Section 1.L of this Resolution. This adjustment shall occur only if the Director determines that such adjustment will facilitate customer service and is necessary or prudent to enable the Airport to maintain its competitiveness with other Bay Area Airports.

The Director or his or her designated representative is also authorized to issue reduced parking rate vouchers of up to seventy percent (70%) of the posted Short-Term or Long-Term parking rate. These vouchers would be issued for qualifying customers filing valid written complaints of poor customer service and would be used on a future visit. The Director or his or her designated representative would investigate each complaint and determine if it qualifies for a voucher.

**SECTION 11.**        **Repeal of Prior Resolution.**

Resolution No. 71745 is repealed in its entirety.

ADOPTED this 5<sup>th</sup> day of June, 2007, by the following vote:

AYES: CAMPOS, CHIRCO, CONSTANT, CORTESE,  
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS;  
REED

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

VACANT DISTRICT 4

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk

EXHIBIT A  
AGREEMENT AUTHORIZING VALIDATION OF  
PARKING TICKETS BY

AT THE NORMAN Y. MINETA SAN JOSE INTERNATIONAL  
AIRPORT PARKING FACILITIES

This Validation Agreement, dated for convenience, \_\_\_\_\_, 200\_, is entered into by and between City of San Jose, a municipal corporation of the State of California ("City"), and \_\_\_\_\_, a corporation duly organized and existing under the laws of the State of \_\_\_\_\_ ("Validator").

For and in consideration of their mutual promises and subject to the following terms, provisions and conditions, City and Validator agree:

1. Validator shall validate parking tickets issued by City to airport patrons of Validator for the use of City's municipal off-street parking facilities ("Airport Parking Facilities") at the Norman Y. Mineta San Jose International Airport ("Airport"). The forms of validation may include, without limitation, validation stamps, validations by machine imprint or perforation, validation vouchers or tickets, or other forms as approved by the Director of Aviation.
2. Pursuant to this Validation Agreement, Validator may validate parking tickets for use of Airport Parking Facilities for periods not exceeding \_\_\_\_\_ [Specify hours, not to exceed twenty-four (24)]. Validator shall be required to pay City for the amount of any validated ticket approved by Validator which exceeds the specified number of hours allowed in this Validation Agreement.
3. Validator shall validate parking tickets only for patrons of the \_\_\_\_\_ [specify Lot(s)] occupied by Validator at the Airport, and Validator shall not accept, charge, or receive any money, thing of value, or other consideration for any parking ticket validation. Validator shall pay to City an amount of money equal to the Parking Garage Lot rate which City would otherwise have been entitled to charge and receive for the validated time of parking under such parking ticket.
4. This Validation Agreement shall have a term commencing \_\_\_\_\_ [Date] and ending \_\_\_\_\_ [Date]. [The term must be limited to three years or less.] This Agreement shall terminate upon the expiration or termination of the Agreement as referenced herein, whichever is earlier, or by City with or without cause, at any time, and without any advance notice; provided, however, that after such termination, Validator shall return promptly to City any stamps, vouchers, tickets or other excess validation supplies furnished by the City.

5. Any and all communications, including written notices of all types, may be delivered to the addresses indicated below or to any other address as may be noticed by a party:

City of San Jose: Director of Aviation  
Norman Y. Mineta San Jose International Airport  
1732 No. First St., Suite 600  
San Jose, CA 95112-4538

Validator: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WITNESS THE EXECUTION** of this Agreement by the parties on the date first written above.

**“CITY”**

APPROVED AS TO FORM:

CITY OF SAN JOSE, a municipal corporation

\_\_\_\_\_  
Sr. Deputy City Attorney

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Director of Aviation

**“VALIDATOR”**

a corporation

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_