

RESOLUTION NO. 74777

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ APPROVING THE CITY OF SAN JOSÉ THREE-YEAR AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION PLAN UPDATE FOR NON RENTAL CAR CONCESSIONS IN ACCORDANCE WITH THE REGULATIONS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION

WHEREAS, The United States Department of Transportation (“USDOT”) Airport Concession Disadvantaged Business Enterprise (“ACDBE”) program regulations were revised on April 21, 2005; and

WHEREAS, adherence to this program is required to remain eligible for Federal Aviation Administration (“FAA”) financial assistance for airport development; and

WHEREAS, the ACDBE program provides targets to minimize concerns related to minority discrimination in the award and administration of opportunities at the Norman Y. Mineta San José International Airport (“Airport”); and

WHEREAS, the Airport’s revised ACDBE program for Fiscal Years 2006 through 2008 was approved by the FAA on August 28, 2006; and

WHEREAS, the Airport’s ACDBE participation plan update for fiscal years 2009 through 2011 has been drafted and submitted to the FAA with a Disadvantaged Business Enterprise (“DBE”) participation target of 9.61% for non-rental car concessions; and

WHEREAS, the proposed ACDBE participation plan update proposes to meet the City’s’ participation target using race-neutral means: and

WHEREAS, the FAA is determining if a car rental concession DBE participation target will be required and is expected to offer a determination later this year; and

WHEREAS, the FAA approved the Airport's draft ACDBE program and participation target, excluding rental car concessions on December 19, 2008;

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

1. The City of San José three-year Airport Concession Disadvantaged Business Enterprise participation plan update in accordance with the regulations of the United States Department of Transportation is approved.
2. The three-year Airport Concession Disadvantaged Business Enterprise participation target of 9.61% for all Airport concessions other than car rentals, for the City's fiscal years 2009 through 2011 is approved.
3. The determination that it is not feasible to establish a Market Area or a three-year ACDBE participation target for car rental concessions for the City's fiscal years 2009 through 2011 at this time is approved.
4. The City Manager or her designee is authorized to make revisions and/or submit revisions of the three-year ACDBE participation plan update to the Federal Aviation Administration that are necessary to comply with applicable federal regulations and to achieve the objectives of the program.

ADOPTED this 3rd day of February, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk