

RESOLUTION NO. 73387

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SECOND AMENDMENT TO THE AGREEMENT FOR OPERATION AND MANAGEMENT OF THE THEATRE FACILITY WITH THE SAN JOSE REPERTORY THEATRE (REP) TO MAKE AN ADVANCE PAYMENT OF THE CITY FUNDING ASSISTANCE TO THE REP IN THE AMOUNT OF THE REMAINING THREE QUARTERLY PAYMENTS FOR THE FISCAL YEAR 2006-2007 TOTALING \$225,000

WHEREAS, in December 1995 the City Council of the City of San José (“City Council”) adopted a resolution authorizing the City Manager to execute an Operation and Management (“O&M”) Agreement with the San José Repertory Theatre (“REP”) for the operation and maintenance of a new theater facility (“Agreement”); and

WHEREAS, under the Agreement, the City of San José (“City”) provides annual ongoing funding of \$300,000 to support operation and maintenance of the theater facility; and

WHEREAS, the REP has requested an advance on the remaining three quarterly payments of \$75,000 each totaling \$225,000, based on the O&M Agreement that commits a total of \$300,000 for fiscal year 2006-2007 to support the REP’s operations and maintenance, in order to assist the REP in meeting their monthly operating expenses; and

WHEREAS, the City desires to negotiate and execute a Second Amendment to the Agreement for Operation and Management of the Theatre Facility with the San José Repertory Theatre entered into on December 14, 1995 to make an advance payment of

the City Funding Assistance to the REP in the amount of the remaining three quarterly payments for the fiscal year 2006-2007 totaling \$225,000;

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

The City Manager is hereby authorized to negotiate and execute a Second Amendment to the Agreement with for the Operation and Management of the Theatre Facility with the San José Repertory Theatre to make an advance payment of the City Funding Assistance to the REP in the amount of the remaining three quarterly payments for the fiscal year 1006-2007 totaling \$225,000.

ADOPTED this 29th 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

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk