

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Paul Krutko

**SUBJECT:** Sharks Ice at San Jose City Use Program **DATE:** April 28, 2008

Approved

Date

4-5-08

**COUNCIL DISTRICT:** City-Wide

## RECOMMENDATION

Approval of the Sharks Ice at San Jose City Use Program Policy and delegation of authority to the City Manager for approval of eligible events.

## OUTCOME

Approval of the Sharks Ice at San Jose City Use Program Policy will support the City free use of Sharks Ice at San Jose without facility rental or admission fees for up to one hundred (100) hours per year.

## BACKGROUND

According to the terms and conditions of the Amended Lease and Management Agreement for the Ice Centre of San Jose (now known as Sharks Ice at San Jose), the City is entitled to non-exclusive use of the facility or exclusive use of individual rooms for up to 100 hours per year without paying a facility rental or admission fee. The City delegated administration of City use to the Arena Authority. As a result, the Arena Authority has created a policy that supports City access to the ice training facility.

## ANALYSIS

On February 27, the Arena Authority Board of Directors unanimously approved a recommendation to accept the Sharks Ice at San Jose City Use Policy (Attachment A) and forward the document to City Council for approval. The Authority Board approval followed a series of planning meetings with representatives from HP Pavilion Management/Sharks Ice at San Jose and the Arena Authority's Community Programs Committee in an effort to identify and develop City free use

program guidelines. The Authority's Community Programs Committee is responsible for the oversight and administration of City and community use programs as identified in agreements between the City and HP Pavilion Management. The Arena Authority will advise Council on City free use of Sharks Ice at San Jose through an annual report and through regular updates to the Arena Authority Board's Mayor and City Council liaisons.

### **EVALUATION AND FOLLOW-UP**

As stated in the attached policy guidelines, the Arena Authority will from time to time review the program criteria with the City and HP Pavilion Management.

### **PUBLIC OUTREACH/INTEREST**

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City.
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach.

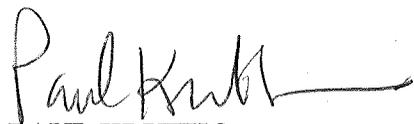
The above criteria do not apply to this recommendation.

### **COORDINATION**

This memo has been coordinated with the City Attorney's Office and the Budget Office.

### **CEQA**

Not a project.

  
PAUL KRUTKO  
Director  
Office of Economic Development

For further information please contact Chris Morrisey, Executive Director  
of the San Jose Arena Authority, at 977-4783.

## ATTACHMENT A

# San Jose Arena Authority

## Sharks Ice at San Jose City Use Program Policy Information

### Background

The City Use Program for Sharks Ice at San Jose provides for civic opportunities for the use of Sharks Ice at San Jose by the City of San Jose. The program, created in 2008 and administered to by the San Jose Arena Authority, provides access to the ice training facility by the City of San Jose without paying facility rental or admission fees for any City purpose.

Sharks Ice at San Jose is a community ice facility, owned by the City of San Jose and operated by HP Pavilion Management/San Jose Sharks. The facility features four public ice rinks, a restaurant, locker rooms, pro shop, and snack bar. The facility also serves as the San Jose Sharks ice training facility and includes numerous physical training amenities. As a public asset, Sharks Ice at San Jose annually offers skating instructions for thousands of at-risk youths throughout the community.

### Purpose

The purpose of the City Use Program Policy for Sharks Ice at San Jose is to establish program guidelines for the non-exclusive use of Sharks Ice at San Jose for purposes deemed appropriate by the City that are free of rental or admission costs.

### Program Components

During the term of the Amended Lease and Management Agreement for Sharks Ice at San Jose, City will have free access to the facility for up to one hundred (100) hours per year. City use totals will be determined annually by the fiscal year (July-June).

Scheduling for City access will be consistent with facility manager's rules and regulations regarding use and scheduling of the facility.

Under the terms of this policy, City will have free access to the following areas at Sharks Ice at San Jose:

- Three public ice rinks with associated locker rooms
- Conference rooms
- Main entrance lobby area
- Second floor mezzanine area
- Sharks hockey team practice ice rink when not scheduled for Sharks practice
- Other designated public spaces in the facility

General use of the facility can include, but is not limited to, the following:

- Civic or social events in the public areas
- Meetings in the conference rooms
- City-sponsored hockey or ice skating competitions, tournaments and ice-oriented recreational activities on the facility's four rinks (Please note that these events cannot compete or conflict with current programs, tournaments, competitions and/or organizations that already exist at Sharks Ice at San Jose/HP Pavilion Management.)

Under the terms of this policy, City will not have free or exclusive access to the following areas:

- Sharks hockey team physical training facilities
- Sharks locker rooms
- Sharks hockey team practice rink ice when scheduled for use by the Sharks
- Sharks Ice at San Jose Pro Shop
- Administrative and Sharks hockey team offices
- Stanley's Restaurant (access available through nonexclusive use)
- Snack Bar
- Skate rental room

### *Applicant Information*

The following departments and affiliates within the City of San Jose are eligible to apply for free use under the guidelines of the City Use Program:

- All City of San Jose departments
- The Offices of the Mayor and City Council
- All City-sponsored Commissions and Boards
- Associations for City administrative departments

### *Scheduling and Event Information*

City will coordinate access to the ice facility in conjunction with the San Jose Arena Authority and HP Pavilion Management.

Free use requests by City and affiliate applicants will be considered on a first-come, first-serve, as well as, a case-by-case basis.

HP Pavilion Management agrees to provide Sharks Ice at San Jose dates for City free use while acknowledging facility manager's priority rights respecting scheduling restrictions due to certain franchise events and national, regional and area competitions. As such, City is mindful of scheduling free use dates that do not conflict with facility manager's schedule of programs, events and tournaments.

City free use dates and times can be put on a tentative hold for up to one year prior to the scheduled event date with confirmation being secured 90 days prior to the event date.

No events that are primarily of a political, religious or discriminatory nature may be considered for application.

Applicants may not submit application requests that would allow access to the facility on a regular or ongoing basis.

If the applicant is interested in a catered event, Stanley's Restaurant at Sharks Ice at San Jose can be contacted for details on catering requests. Please note that alcohol service is provided solely in Stanley's Restaurant and cannot be served or consumed in other areas of the facility. Additionally, Stanley's Restaurant can be accessed for nonexclusive use. Coordination of activities at Stanley's Restaurant is conducted through the manager of the ice facility.

### *Application Procedures*

Sharks Ice at San Jose City Use Program applications can be secured by contacting the San Jose Arena Authority at 408-977-4780 or at the Arena Authority's web site at [www.sjaa.com](http://www.sjaa.com). Once the Arena Authority has received a completed application, Authority staff and representatives from HP Pavilion Management will review the application to address the nature and scope of the request for free use.

If the Arena Authority and HP Pavilion Management deem an application to be qualified for free use at Sharks Ice at San Jose, the application will be forwarded to the City Manager's Office for consideration and approval.

Arena Authority staff will facilitate ongoing communication with the applicant and HP Pavilion Management to ensure that the scheduling and planning for the requested use date is administered to in a professional and efficient fashion. HP Pavilion Management will likewise work directly with the Arena Authority by providing reasonable lead time regarding event scheduling and date(s).

### *Insurance and Program Costs*

Where applicable, the applicant will be obligated to meet the mandated minimum insurance requirements as reasonably determined by HP Pavilion Management.

Please note that applicant costs not affiliated with the free use of the facility could be incurred. These costs could include but would not be limited to the following: food service costs; event promotions and advertising; security; equipment costs; event set up and disassembly; and all associated expenses not related to the conditions of this free use program.

A pre-event deposit may be required by the applicant, which, pending final reconciliation of all program-related costs, will be returned in part, or in full to the applicant following the event.

### *Program Review*

From time to time, the Arena Authority will review this set of criteria with the City of San Jose and HP Pavilion Management to evaluate the components of the program.