

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO ACCEPT THE 2009 DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL GRANT IN THE AMOUNT OF \$80,830 AND TO EXECUTE THE GRANT AGREEMENT

WHEREAS, the City of San José (“City”) desires to undertake a certain project designated as the Downtown Core and Santana Row Entertainment Zones to be funded in part from funds made available through the Grant Assistance Program (GAP) administered by the Department of Alcoholic Beverage Control (hereafter referred to as ABC);

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

1. The City Manager of the City of San José is authorized, on its behalf, to submit the grant proposal to ABC and is authorized to execute on behalf of the City Council of the City of San José the grant agreement, including any extensions or amendments thereof and any subsequent agreement with the State in relation thereto.
2. It is agreed that any liability arising out of the performance of this agreement, including civil court actions for damages, shall be the responsibility of the CITY and the authorizing agency. The State of California and ABC disclaim responsibility for any such liability.
3. Grant funds received hereunder shall not be used to supplant expenditures controlled by this body.
4. It is also agreed that this award is not subject to local hiring freezes, and the City will provide a project manager for the term of the grant.
5. The City Manager of the City of San José is authorized to accept the 2009 Alcoholic Beverage Control Grant in the amount of \$80,830.
6. The City Manager is authorized to execute the grant agreement specifying the grant terms as well as any and all related documents necessary to effectuate the grant, including any extensions or amendments and any related subsequent contracts.

ADOPTED this _____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk