

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A JOINT USE AGREEMENT WITH ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, JOINT USE AND FUNDING OF AN ARTIFICIAL TURF SOCCER FIELD, SYNTHETIC RUNNING TRACK AND SUPPORT AMENITIES IN AN AMOUNT NOT TO EXCEED \$1.5 MILLION; EXECUTE AN AMENDMENT TO THE AGREEMENT, SUBJECT TO COMPLETION OF CEQA REVIEW BY THE DISTRICT; AND TERMINATE THE AGREEMENT ON BEHALF OF THE CITY FOR ANY REASON DEEMED PRUDENT BY THE CITY MANAGER

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

The City Manager is hereby authorized:

1. To negotiate and execute a Joint Use Agreement (“Agreement”) with Alum Rock Union Elementary School District (“District”) for a 25-year term from project acceptance for the design, construction, operation, maintenance, joint use and funding of an artificial turf soccer field, a synthetic running track and support amenities (“Project”) on William L. Sheppard Middle School property in an amount not to exceed \$1,500,000; and
2. To execute an amendment to the Agreement, subject to the completion of CEQA review by the District, to include lights to illuminate the soccer field as a part of the Project and to increase the City of San José’s (“City”) contribution to the Project by \$500,000 for a total of \$2,000,000; and
3. To terminate the Agreement on behalf of the City for any reason deemed prudent by the City Manager, including without limitation if the Project does not include lights to illuminate the soccer field.

ADOPTED this _____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk