



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember Domingo  
Candelas, District 8  
Councilmember Peter Ortiz,  
District 5

**SUBJECT:** SEE BELOW

**DATE:** 2/23/2024

APPROVED:

**SUBJECT: RAGING WATERS LEASE ASSIGNMENT, AMENDMENT, AND LONG-TERM REQUEST FOR PROPOSAL DEVELOPMENT**

## **RECOMMENDATION**

Accept staff recommendations with the following amendments:

1. Should Assignee terminate the Lease Agreement prior to expiration of this Lease, Assignee forfeits any reimbursement costs in its entirety.
2. As part of the guiding principles for the request for proposal, staff should include the following:
  - a. The future operator should prioritize local preference for entry level positions when hiring including individuals residing within zip codes: 95122, 95121, 95148, 95127, 95116,
  - b. The future operator should create pathways to expand community access similar to Happy Hollow Park & Zoo's "Access for All" program.

## **ANALYSIS**

To safeguard the City and mitigate the risk of another operator breaching the lease agreement, we must have a provision to enforce compliance of the lease. In the event of a lease violation, the agreement should stipulate clear consequences, including the forfeiture of any reimbursement by the operator. Furthermore, mechanisms for regular monitoring and oversight should be established to detect and address any potential breaches promptly. By implementing these safeguards and accountability measures, the city can effectively protect itself from the adverse consequences of an operator breaking the lease, thereby protecting the community's interests and investments.

### **“Access for All”**

As an asset to the city, the park should serve the local community members by providing equal access to all San José families, regardless of their socioeconomic status. Therefore, we should implement a program that enables all families to access the park and enjoy its various recreational activities similar to Happy Hollow's “Access for All” program. This program allows residents who qualify for the “Access for All” eligibility card, to receive up to four (4) tickets per visit at a discounted rate. This program ensures that everyone, including low-income families, seniors, and people with disabilities can enjoy the park's facilities.

*The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.*