

2.45 Approval of the San José Earthquakes Flag Raising and Free Use for the Earthquakes Alumni Players Reception event co-hosted by Council District 6 and the San Jose Sports Authority as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

Recommendation:

As recommended by the Rules and Open Government Committee on June 12, 2024:

- (a) Adopt a resolution authorizing “Free Use” for the private, invitation-only Earthquakes Alumni Players Reception held at the City Hall Rotunda on June 27, 2024;
- (b) Approve the Earthquakes Alumni Players Reception event scheduled on June 27, 2024, as a City Council Sponsored Special Event and approve the expenditure of funds;
- (c) Approve the San José Earthquakes Flag Raising scheduled on June 27, 2024, as a City Council sponsored Special Event and approve the expenditure of funds; and
- (d) Approve and accept donations from various individuals, businesses, or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Davis)

[Rules Committee referral 6/12/2024 - Item B.7]



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: June 18, 2024

SUBJECT: Approval of the San José Earthquakes Flag Raising and Free Use for the Earthquakes Alumni Players Reception event co-hosted by Council District 6 and the San Jose Sports Authority as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events

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[Rules Committee referral 6/12/2024 - Item B.7]



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Councilmember Davis
District 6

SUBJECT: SEE BELOW

DATE: June 7, 2024

Approved

Date: June 7, 2024

SUBJECT Approval of the San José Earthquakes Flag Raising and Free Use on June 27, 2024 for the Earthquakes Alumni Players Reception event co-hosted by Council District 6 and the San Jose Sports Authority as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

RECOMMENDATION

1. Adopt a resolution authorizing “Free Use” for the private, invitation-only Earthquakes Alumni Players Reception held at the City Hall Rotunda on Thursday, June 27, 2024;
2. Approve the Earthquakes Alumni Players Reception event on June 27, 2024 as a City Council Sponsored Special Event and approve the expenditure of funds;
3. Approve the San José Earthquakes Flag Raising scheduled on June 27, 2024, as a City Council sponsored Special Event and approve the expenditure of funds; and
4. Approve and accept donations from various individuals, businesses, or community groups to support the events; and
5. Place the item on the Tuesday, June 18, 2024 City Council Agenda for action.

BACKGROUND

In June 2019, the City adopted the Schedule of Fees Resolution No. 79138, Section 13.080 for Free Use of the City Hall Facility and Plaza Use. Presently, the resolution allows the City Council, Redevelopment Agency Board, and City departments to have “Free Use” of the facilities for those events that 1) qualify as official city business; 2) are free and open to the public; 3) occur on a Sunday through Friday; and 4) are booked 30 days in advance. Resolution No. 79138 does not apply to free use requests for private, invitation-only events that are not free and open to the public and as such City Council approval is required to authorize free use for the Earthquakes Alumni Player Reception on Thursday, June 27, 2024.

ANALYSIS

The Earthquakes Alumni Player Reception will be held on June 27, 2024 in the City Hall Rotunda. Approval for this event’s free use designation is required because the event will be a private, invitation-only event. Free use is being requested because of the public benefit this Player Reception will bring to the City of San Jose. This event aims to welcome former players of the San Jose Earthquakes soccer team to the city. It's a celebration marking 50 years of the

Earthquakes in San Jose, as they currently stand as the only top-level men's professional soccer team in the Bay Area. San Jose Earthquakes Soccer has significantly contributed to the city's economy, notably through Avaya Stadium during local and international matches and events. Moreover, they actively support and organize youth soccer clinics for the benefit of San Jose's youth.

Approval by the City Council of the event will ensure compliance with the Council's prior direction regarding Council Special Events. In observance of existing fundraising disclosure requirements, Councilmember Dev Davis will report any cash or in-kind donations received for the event on their Disclosure of Fundraising Report (DFR-1). Approval of this memorandum will enable Council District 6, City departments, and the Office of the City Clerk to proceed with the event. Any cash donations received will be processed pursuant to the City's normal financial and budgetary procedures.

The San Jose Sports Authority is a 501(c)(3) non-profit organization whose mission is to increase the City of San Jose's economic development, visibility, and civic pride through sports. Serving as the City's sports commission since its inception in 1991, the Sports Authority has provided leadership and support to attract or host hundreds of sporting events in San Jose and the South Bay. The Sports Authority also supports and operates community, youth, and amateur sports programs, including the San Jose Sports Hall of Fame, and the REACH Youth Scholarship Program.

The raising of the Earthquakes Flag is permitted under Council Policy 2- 1, Section C.3, Flags Displayed in Conjunction with Official Ceremonial Items: "Other flags may be displayed in conjunction with official actions, ceremonial items, or proclamations of the City Council."

PUBLIC OUTREACH/INTEREST

The Office of the City Clerk will post the item on the City's Website for the June 12, 2024 Rules Committee Agenda and the June 18 2024 City Council Agenda.

COORDINATION

This memorandum has been coordinated with the Office of the City Attorney and Public Works/Event Services.

COST AND FUNDING SOURCE

The total cost of the event is \$4,998.43 of which \$2,713.43 will be paid by Council District 6. The breakdown of non-free use expenses are below. The remaining \$2,285 will be charged to the Department of Public Works/Event Services' budget. In addition, estimated loss of parking revenue at the 4th Street garage is \$1,500 (125 cars x 4 hours of use, for a maximum of \$20 for the day). Each year each Council Office is allotted 5 free uses for events qualifying for free use. Approval of this action would go towards one of Council District 6 Office's free uses.

Rotunda:

Event Captain: 5 hours @ \$35/hr x 2 is \$350.

Good Guard Security Event Guard: 8.5hours @ \$38.28/hr x 2 is \$650.76.

AV Tech: 4 hours @ \$117.06 is \$468.24.

Facility Attendant: 8 hours @ \$111.80 is \$894.43.

Cleaning Fee: \$300

Application: \$50

Total: \$2,713.43

CEQA

Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services. Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment.

Reviewed by:
TONI J. TABER, CMC
City Clerk

For questions, please contact Toni Taber, City Clerk, at (408) 535-1260.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING “FREE USE” FOR THE PRIVATE, INVITATION-ONLY SAN JOSE EARTHQUAKES ALUMNI PLAYERS RECEPTION AT THE CITY HALL ROTUNDA ON JUNE 27, 2024

WHEREAS, in June 2019, the Council of the City of San José (“City”) adopted Schedule of Fees Resolution No. 79138 for the fees and charges for City Hall Facility and Plaza Use; and

WHEREAS, Resolution No. 79138 authorizes City Departments to have “Free Use” of the City Hall Facility and Plaza for events that 1) qualify as official City business; 2) are free and open to the public; 3) occur on a Sunday through Friday; and 4) are booked thirty (30) days in advance; and

WHEREAS, Council District 6 and the San Jose Sports Authority will co-host the Earthquakes Alumni Players Reception at the City Hall Rotunda on June 27, 2024; and

WHEREAS, the purpose of the Earthquakes Alumni Players Reception is to welcome former players of the San Jose Earthquakes to the City and celebrate marking 50 years of the Earthquakes in San Jose as they currently stand as the only top-level men’s professional soccer team in the Bay Area; and

WHEREAS, “Free Use” does not apply to events which are not free and open to the public, and, therefore, Council approval is necessary to authorize free use of the City Hall Rotunda for the Earthquakes Alumni Players Reception; and

WHEREAS, the Earthquakes Alumni Players Reception occurs on a weeknight and has been booked more than thirty (30) days in advance, in compliance with Resolution No. 79138; and

WHEREAS, the City finds that the Earthquakes Alumni Players Reception qualifies as official City business through its public benefit in celebrating San Jose Earthquakes and its significant contributions to the City's economy, through Avaya Stadium during local and international matches and their youth soccer clinics for the benefit of San Jose's youth; and

WHEREAS, the City desires to allow for the free use of the City Hall Rotunda for the Earthquakes Alumni Players Reception on June 27, 2024;

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

The City Council hereby authorizes "Free Use" of the City Hall Rotunda for the Earthquakes Alumni Players Reception on June 27, 2024, co-hosted by City Council District 6 and the San Jose Sports Authority, because of the public benefit it will provide to the City of San José, its economy and its youth.

ADOPTED this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk