

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, AUGUST 16, 2011

The Council of the City of San José convened in Regular Session at 1:31 p.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle, Rocha; Reed.

Absent: Council Members - All Present.

INVOCATION

Sister Mary Becker, Santee Mission, presented the Invocation. (District 7)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (11-0.)

CEREMONIAL ITEMS

1.1 Presentation of a commendation to the San José Police Department Crime Prevention Unit for their hard work to mobilize and educate our communities to become active leaders on crime and drug prevention. (Chu)

Mayor Reed and Council Members Chu and Campos recognized and commended the San José Police Department Crime Prevention Unit.

1.2 Presentation of a commendation to Lenora Porcella for being instrumental in the development of the Hensley Historic District in San José. (Liccardo)

Mayor Reed and Council Member Liccardo recognized and commended Leona Porcella for her achievements.

1.3 Presentation of a commendation to Eddie Gale for his many contributions of fine music and devotion to selflessly create meaningful community partnerships in San José. (Liccardo)

Mayor Reed and Council Member Liccardo recognized and commended Eddie Gale for his numerous contributions.

CONSENT CALENDAR

Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0)

2.1 Approval of Minutes.

Action: There were none.

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 28942 – Amending Ordinance No. 26136, which ordinance approved a Development Agreement with Cisco Technology, Inc. relative to the development of real property in North San José, and amending Ordinance No. 28339 and Ordinance No. 28446, which ordinances amended said Development Agreement, in order to further amend the original Development Agreement, as amended, to modify and find compliance with a certain construction condition contained at Section 1.(c)2 of the original Development Agreement and authorizing the City Clerk to execute the Third Amendment to Development Agreement.**

Documents Filed: (1) Proof of Publication of the Title of Ordinance No. 28942 executed on August 9, 2011, submitted by the City Clerk. (2) Statement and Declaration of Conflict of Interest Form dated August 16, 2011 from Council Member Liccardo, noting the conflict of interest from owning Cisco stock. (3) Statement and Declaration of Conflict of Interest Form dated August 16, 2011 from Council Member Herrera, noting the conflict of interest from owning Cisco stock. (4) Statement and Declaration of Conflict of Interest Form dated August 7, 2011 from Council Member Oliverio, noting the conflict of interest from owning Cisco stock.

2.2 (a) (Cont'd.)

Due to an arising conflict of interest, Council Members Liccardo, Herrera and Oliverio recused from voting as each has an investment in Cisco Technology, Inc. stock.

Action: Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, Ordinance No. 28942 was adopted. (8-0-0-3. Abstained: Herrera, Liccardo, Oliverio.) (First Reading: 9-0-0-2. Abstained: Herrera, Liccardo.)

- (b) **ORD. NO. 28943 – Amending Ordinance Nos. 28154 and 28662, which ordinances approved a Development Agreement, and a First Amendment thereto, respectively, with Novellus Systems, Inc. relative to the development of real property in North San José, to amend provisions contained in the Development Agreement in connection with certain parkland obligations and to authorize the City Clerk to execute a Second Amendment to the Development Agreement.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28943 executed on August 9, 2011, submitted by the City Clerk.

Action: Ordinance No. 28943 was adopted. (11-0.)

- (c) **ORD. NO. 28945 – Rezoning certain real property situated on the northwesterly corner of Vista Montana and West Tasman Drive from A(PD) Planned Development Zoning District to IP(PD) Planned Development Zoning District. PDC11-006**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28945 executed on August 9, 2011, submitted by the City Clerk.

Action: Ordinance No. 28945 was adopted. (11-0.)

- (d) **ORD. NO. 28946 – Rezoning certain real property situated on the westerly and southerly corners of North First Street and Vista Montana from the A(PD) Planned Development Zoning District to IP(PD) Planned Development Zoning District. PDC11-007**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28946 executed on August 9, 2011, submitted by the City Clerk.

Action: Ordinance No. 28946 was adopted. (11-0.)

2.3 Approval of Council Committee Reports.

- (a) **Ad Hoc Committee on Airport Competitiveness Report of May 5, 2011.**
 - (b) **Ad Hoc Committee on Airport Competitiveness Report of June 16, 2011.**
 - (c) **Rules and Open Government Committee Report of July 27, 2011.**
- (Mayor)**

Documents Filed: (1) The Airport Competitiveness Reports dated May 5, 2011 and June 16, 2011. (2) The Rules and Open Government Committee Report dated July 27, 2011.

Public Comments: David Wall presented comments about the Council Committee Reports.

Action: Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the Council Committee Reports were approved. (11-0.)

2.4 Mayor and Council Excused Absence Requests.

Action: There were none.

2.5 City Council Travel Reports.

Action: There were none.

2.6 Report from the Council Liaison to the Retirement Boards.

Action: There were none.

2.7 Approve a third Amendment to the Advertising Concession Agreement between the City and Clear Channel Outdoor, Inc. d/b/a Clear Channel Airports at the Norman Y. Mineta San José International Airport to combine the minimum capital investment requirements of the various advertising categories. CEQA: Not a Project, File No. PP10-066(e); Services that involve no physical changes to the environment. (Airport)

Action: Deferred to August 30, 2011 per Administration.

2.8 Adopt a resolution authorizing the Director of Aviation to negotiate and execute:

- (a) **Lease of Airport Premises with American Airlines, Inc., for hangar and ramp space located at 1253 Airport Boulevard, effective September 1, 2011 through June 30, 2012, with monthly revenue to the City of approximately \$12,758.**
 - (b) **Amendments to extend the term for a period up to June 30, 2017.**
- CEQA: Not a Project, File No. PP10-066(f); Lease of existing space for same use. (Airport)**

2.8 (Cont'd.)

Documents Filed: Memorandum from Director of Aviation William F. Sherry, dated July 25, 2011, recommending adoption of a resolution.

Action: Resolution No. 75949, entitled: A Resolution of the Council of the City of San José Authorizing the Director of Aviation to Negotiate and Execute a Lease of Airport Premises at 1253 Airport Boulevard with American Airlines, Inc., Effective September 1, 2011 through June 30, 2012 and Amendments to the Lease to Extend the Term for a Period Up To June 30, 2017”, was adopted. (11-0.)

2.9 Adopt a resolution authorizing the Director of Aviation to:

- (a) **Negotiate and execute amendments to Signatory Airline-Airport Lease and Operating Agreements and Airline-Airport Cargo Operating Agreements to extend the term for five years, from July 1, 2012 through June 30, 2017.**
- (b) **Negotiate and execute amendments to Non-Signatory Airline-Airport Operating Agreements to extend the term for five years, from July 1, 2012 through June 30, 2017.**
- (c) **Negotiate and execute new Signatory Airline-Airport Lease and Operating Agreements, Airline-Airport Cargo Operating Agreements and Non-Signatory Airline-Airport Operating Agreements through June 30, 2017.**
- (d) **Negotiate and execute agreements and amendments with airlines for leases of premises through June 30, 2017, that adhere to standard rates and charges.**

CEQA: Resolution Nos. 67380 and 71451, File No. PP11-052. (Airport)

Documents Filed: Memorandum from Director of Aviation William F. Sherry, dated July 25, 2011, recommending adoption of a resolution.

Action: Resolution No. 75950, entitled: A Resolution of the Council of the City of San José Authorizing the Director of Aviation to Negotiate and Execute Airline Lease and operating Agreements and Amendments”, were adopted. (11-0.)

2.10 Adopt a resolution to establish development principles associated with development of lands on the west side of the Airport, including new facilities serving general aviation and options for the future of Runway 11-29. CEQA: Statutorily Exempt, File No. PP10-066(d), CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Airport)

Documents Filed: (1) Memorandum from Mayor Reed and Council Members Pyle and Herrera, dated August 12, 2011, recommending approval of the Staff recommendations with an additional principle. (2) Memorandum from Director of Aviation William F. Sherry, dated July 25, 2011, recommending adoption of a resolution.

Mayor Reed and Council Members Pyle and Campos provided meeting disclosures.

2.10 (Cont'd.)

Public Comments: Tim Murray, Atlantic Aviation, expressed support to the memorandum from Mayor Reed and Council Members Herrera and Pyle.

Motion: Council Member Pyle moved approval of the memorandum she cosigned with Mayor Reed and Council Member Herrera, dated August 12, 2011, approving the Staff recommendations with an additional principle and direction to the Airport Staff as described in "Action" on Page 6. Council Member Herrera seconded the motion.

Director of Aviation William F. Sherry responded to Council questions and comments.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Reed and Council Members Pyle and Herrera, dated August 12, 2011, was approved, accepting the Staff recommendations, including the additional Principal: (1) To ensure that any potential development maximizes return to the Airport and City development on the site beyond aviation use will be considered and evaluated. While not a Development Principle, Airport Staff was also directed to: (1) Meet with existing businesses and tenants located adjacent to the site to discuss with them their concerns with and priorities for development of this site and potential impacts to their operations. (2) Ensure the existing businesses are informed of any public information and plans for the development of the West Side property in a timely manner. (3) Make periodic program reports to the Council through the Airport Ad Hoc Committee or Community and Economic Development Committee and Resolution No. 75951, entitled: A Resolution of the Council of the City of San José Approving Development Principles Associated with the West Side of the Norman Y. Mineta San José International Airport", was adopted, as amended. (11-0.)

2.11 **Approve the Seventh Amendment to the Agreement for Airport Bus Service with the Santa Clara County Valley Transportation Authority (VTA), modifying compensation payable by the City to VTA to a flat annual cost of \$625,000 per year effective July 1, 2011, and extending the term of the Agreement through June 30, 2014, subject to appropriation of funds for each fiscal year. CEQA: Resolution Nos. 67380 and 71451, File No. PP11-053. (Airport)**

Documents Filed: Memorandum from Director of Aviation William F. Sherry, dated July 25, 2011, recommending approval of the seventh amendment to the agreement.

Director of Aviation William F. Sherry responded to questions from Council Member Liccardo.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, the Seventh Amendment to the Agreement for Airport Bus Service with the Santa Clara County Valley Transportation Authority (VTA), modifying compensation payable by the City to VTA to a flat annual cost of \$625,000 per year effective July 1, 2011, and extending the term of the Agreement through June 30, 2014, subject to appropriation of funds for each fiscal year, was approved. (11-0.)

2.12 Approve consultant master agreements with the following firms for Environmental Health and Safety support for the Environmental Services Department:

- (a) BenTyler Enterprises, Inc. for a variety of on-call Environmental Health & Safety consulting services from the date of execution through June 30, 2014, in an amount not to exceed \$250,000 annually.**
- (b) Environmental Resources Management-West, Inc. for a variety of on-call Environmental Health & Safety consulting services from the date of execution through June 30, 2014 in an amount not to exceed \$250,000 annually.**

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for purchase of professional services. (Environmental Services)

Documents Filed: (1) Memorandum from Director of Environmental Services John Stufflebean, dated July 25, 2011, recommending approval of the consultant master agreements. (2) Letter from Chair Chuck Reed, The Treatment Plant Advisory Committee, dated August 11, 2011, stating concurrence with the Staff recommendation.

Acting Director of Environmental Services Kerrie Romanow responded to Council questions and concerns.

Action: Upon motion by Council Member Herrera, seconded by Council Member Constant and carried unanimously, the consultant master agreements with BenTyler Enterprises, Inc. and Environmental Resources Management-West, Inc. were approved. (11-0.)

2.13 (a) Award the construction contract for the Facilities Roof Replacement Project, Phase I to the low bidder, Andy's Roofing Company Inc., in the amount of \$600,770.

- (b) Approve a contingency in the amount of \$60,000.**

CEQA: Exempt, File No. PP11-004. (Environmental Services/Public Works)

Documents Filed: City Council Action Request from Acting Deputy Director Michael O'Connell, dated August 2, 2011, recommending approval of the construction contract and contingency.

Action: The construction contract for the Facilities Roof Replacement Project, Phase I to the low bidder, Andy's Roofing Company Inc., in the amount of \$600,770, with related contingency, was approved. (11-0.)

2.14 (a) Report on bids and award of contract for the Residual Sludge Management Supernatant Ammonia Management Project to the sole bidder, Anderson Pacific Engineering Construction, Inc., in the amount of \$298,900.

- (b) Approve a contingency in the amount of \$44,000.**

CEQA: Exempt, File No. PP10-183. (Environmental Services/Public Works)

2.14 (Cont'd.)

Documents Filed: Memorandum from Acting Director of Environmental Services Kerrie Romanow, dated July 25, 2011, recommending award of the contract to the low bidder with related contingency.

Action: The award of contract for the Residual Sludge Management Supernatant Ammonia Management Project to the sole bidder, Anderson Pacific Engineering Construction, Inc., in the amount of \$298,900, with related contingency, was approved. (11-0.)

- 2.15 (a) Reject all bids received for the San José/Santa Clara Water Pollution Control Plant, Handrail Replacement, Phase IV Project.**
(b) Authorize the Director of Public Works to re-advertise and re-bid the project.

CEQA: Exempt, File No. PP11-020. (Environmental Services/Public Works)

Documents Filed: Memorandum from Acting Director of Environmental Services Kerrie Romanow and Acting Director of Public Works David Sykes, dated August 2, 2011, recommending approval of rejection and all bids and authorization to re-advertise and re-bid the project.

Action: All bids received for the San José/Santa Clara Water Pollution Control Plant, Handrail Replacement, Phase IV Project were rejected and the Director of Public Works was authorized to re-advertise and re-bid the project. (11-0.)

- 2.16 (a) Reject all bids received for the San José/Santa Clara Water Pollution Control Plant, Secondary Air Plenum Filtration Project.**
(b) Authorize the Director of Public Works to re-advertise and re-bid the project.

CEQA: Exempt, File No. PP11-020. (Environmental Services/Public Works)

Documents Filed: Memorandum from Acting Director of Environmental Services Kerrie Romanow and Acting Director of Public Works David Sykes, dated July 25, 2011, recommending approval of rejection and all bids and authorization to re-advertise and re-bid the project.

Action: All bids received for the San José/Santa Clara Water Pollution Control Plant, Secondary Air Plenum Filtration Project were rejected and the Director of Public Works was authorized to re-advertise and re-bid the project. (11-0.)

2.17 As recommended by the Rules and Open Government Committee on August 10, 2011:

- (a) Approve Cybersecurity Week as a City Council sponsored Special Event.**
- (b) Approve and accept donations from various individuals, businesses, or community groups to support Cybersecurity Week activities.**

CEQA: Not a Project. (City Clerk)

Documents Filed: Memorandum from City Clerk Dennis D. Hawkins, dated August 10, 2011, transmitting the recommendations of the Rules and Open Government Committee.

Action: Cybersecurity Week as a City Council sponsored Special Event was approved and the acceptance of donations from various individuals, businesses, or community groups to support Cybersecurity Week activities, was authorized. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

City Manager Debra Figone reported that the San José Jazz Festival was a great success with over 100,000 people in attendance. Council Members Herrera and Liccardo presented comments about the success of the Festival.

3.2 Accept Labor Negotiations Update.

Action: Item 3.2 was dropped.

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Conduct a Public Hearing and consider adoption of a resolution ordering the reorganization of territory designated as Downer No. 11 which involves the annexation to the City of San José of approximately 8.6 gross acres of land generally located west at the northwest corner of Blossom Hill Road and Southcrest Way, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: Mitigated Negative Declaration (Related approved Rezoning File No. PDC10-007). Council District 10. (Planning, Building and Code Enforcement)

Action: Continued to August 23, 2011 per Administration

- 4.2 Consideration of an Appeal of the Planning Commission’s decision to deny off-sale of alcohol in conjunction with a new approximately 17,000 square-foot retail store/pharmacy with a drive-through use and 24-hour use. The proposal was approved to allow a drive-through and 24-hour use on an approximately 0.788 gross-acre parcel in the CG-Commercial General Zoning District, located in an approximately 38.7-acre shopping center on the northeast side of North 1st Street 210 feet northwesterly of Headquarters Drive (4110 North 1st Street) (TSA @ First LLC, Owner). Council District 4. CEQA: North San José Environmental Impact Report (Resolution No. 72768 and Addenda thereto). The Director of Planning, Building and Code Enforcement recommends the Council deny the appeal and uphold the Planning Commission’s decision to approve the construction of an approximately 17,000 square foot retail store/pharmacy with a drive-through use and 24-hour operation without the off-sale of alcohol.**
CP11-003 – District 4

Documents Filed: (1) Memorandum from Mayor Reed and Council Member Chu, dated August 9, 2011, recommending upholding the Planning Commission recommendation to approve the appeal. (2) Memorandum from Director of Building, Planning and Code Enforcement Joseph Horwedel, dated July 29, 2011, recommending denial and transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. CP11-003, dated May 27, 2011. (3) Proof of Publication of Notice of Public Hearing, executed on July 22, 2010, submitted by the City Clerk.

Mayor Reed opened the public hearing.

Public Comments: David Green, Landmark Retail Group, on behalf of the developer and CVS Pharmacy, spoke to the merits of the project and appealed to the decision of the Planning Commission’s decision to deny the off-sale of alcohol.

Mayor Reed closed the public hearing.

Mayor Reed, Vice Mayor Nguyen and Council Members Campos, Constant and Chu provided meeting disclosures.

Motion: Council Member Chu moved approval of the memorandum he cosigned with Mayor Reed to uphold the appeal. Council Member Liccardo seconded the motion.

City Attorney Richard Doyle and Director of Building, Planning and Code Enforcement Joseph Horwedel responded to Council questions.

Council Members Oliverio and Rocha expressed opposition to the motion on the floor.

Council Member Liccardo requested to amend the motion to include a 5% cap on the square footage allocated to alcohol products. Council Member Chu accepted the amendment.

4.2 (Cont'd.)

Action: On a call for the question, the motion carried, the memorandum from Mayor Reed and Council Member Chu, dated August 9, 2011, was approved, upholding the Planning Commission decision to approve the construction of an approximately 17,000 square foot retail store/pharmacy with a drive through use and 24 hour operation, to uphold the appeal and support a Determination of Public Convenience and Necessity, including a 5% cap on the square footage allocated to alcohol products and Resolution No. 75952, entitled: A Resolution of the Council of the City of San José Approving a Conditional Use Permit to Allow the Development of a New Approximately 17,000 Square Foot Retail Store/Pharmacy With a Drive Through Use, Off-Sale of Alcohol (Full Range) and 24 Hour Operation on an Approximately 0.78 Gross Acre Parcel, Located Within an Approximately 38.7 Acre Retail/Office Commercial Center on the North Side of North First Street 210 Feet North of Headquarters Drive (4110 North First Street), was adopted, as amended. (9-2. Noes: Oliverio, Rocha.)

- 4.3 Conduct a public hearing and consider an Appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol, limited to beer and wine, at a full service grocery store in an existing 36,560 square-foot tenant space in a 4.11 gross acre shopping center, in the CN Commercial Neighborhood Zoning District, located at/on the southwest corner of Almaden Expressway and Branham Lane (1130 Branham Lane) (Branham Square LLC Thomas Biagini, Owner; Sunflower Farmers Market Scott Litchard, Developer). CEQA: Exempt. The Director of Planning, Building and Code Enforcement recommends the Council uphold the appeal of the of the Planning Commission's decision and approve the subject Conditional Use Permit and make a Determination of Public Convenience or Necessity by finding that the required findings for a Conditional Use Permit can be made and find there is a significant overriding public benefit served by the proposed off-sale of alcohol and grant a Determination of Public Convenience or Necessity.**

CP11-022/ABC11-005 – District 9

Documents Filed: (1) Memorandum from Director of Building, Planning and Code Enforcement Joseph Horwedel, dated July 29, 2011, recommending upholding the appeal and transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. CP11-022/ABC11-005, dated June 8, 2011. (3) Proof of Publication of Notice of Public Hearing, executed on July 22, 2010, submitted by the City Clerk.

Director of Building, Planning and Code Enforcement Joseph Horwedel presented introductory comments.

Motion: Council Member Rocha moved approval of the Staff recommendations to uphold the appeal and approve the Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol. Council Member Herrera seconded the motion.

4.3 (Cont'd.)

Mayor Reed opened the public hearing.

Public Comments: Steve Croy, Sunflower Farmers Market, spoke to the merits of the project and pointed out that the Market will have affordable and healthy food.

Mayor Reed closed the public hearing.

Action: On a call for the question, the motion carried unanimously, the recommendation of the Planning Director was approved, Resolution No. 75953, entitled: A Resolution of the Council of the City of San José Approving a Conditional Use Permit and Granting a Determination of Public Convenience or Necessity to Allow Off-Sale of Alcohol Limited to Beer and Wine Only, At a Full-Service Grocery Store in an Existing Approximately 36,560 Square Foot Tenant Space in an Approximately 53,265 Square Foot Shopping Center Located on the Southwest Corner of Almaden Expressway and Branham Lane (1130 Branham Lane) on an Approximately 4.11 Gross Acre Site”, was adopted. (11-0.)

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) **Accept the Plant’s odor assessment status report and direct staff to continue with the development of a regional odor assessment study:**
- (1) **Develop a stakeholder process including the other possible odor generating facilities and the Plant’s tributary agencies.**
 - (2) **Develop a funding plan to include a portion of the funding from sources other than the Sewer Service and Use Charges.**
 - (3) **Complete development of a scope and engage consultant services.**
 - (4) **Provide a status report in the fall of 2011 on progress made.**
- (b) **Accept the analysis of the feasibility of implementing odor control projects in three to seven years and direct staff to continue to explore the possibility of accelerating biosolids projects and deliver a status report in fall 2011.**

CEQA: Not a Project, File No. PP10-069 (a) Staff Reports. (Environmental Services/ Public Works)

Action: Deferred to September 13, 2011 per Administration.

OPEN FORUM

Mark Trout expressed his own religious point of view.

ADJOURNMENT

The Council of the City of San José was adjourned at 3:01 p.m. in memory of Richard Chavez, a longtime civil rights activist and local hero who passed away on July 27, 2011. Mr. Chavez dedicated his life to advocating for equality and justice for farm workers by improving their work conditions and the communities they resided in, and as a result of Mr. Chavez's on-going dedication, farm workers throughout California gained basic human rights owed to them such as the right to drinking water, access to restroom facilities, and evidently demanded a healthy work environment without exposure to agricultural chemicals that was the ultimate hazard to their health. (Campos)

CLOSED SESSION

Upon motion unanimously adopted, Council adjourned at 3:02 p.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9 subsection (a) with respect to existing litigation: California Redevelopment Association, et al. v. Matosantos, et al. Names of Parties Involved: California Redevelopment Association, League of California Cities, John F. Shirley, Ana Matosantos, John Chiang, Patrick O'Connell; Court: Supreme Court, State of California; Case No: S194861; Amount of Money or Other Relief Sought: Writ of Mandate.

By unanimous consent, Council adjourned from Closed Session at 4:20 p.m. to reconvene in Regular Session on Tuesday, August 23, 2011, at 9:00 a.m. in Council Chambers.

Minutes Recorded, Prepared and Respectfully Submitted by,

Dennis D. Hawkins, CMC
City Clerk

/smd 08-16-11 MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/clerk/agenda.asp> or <http://www.sanjoseca.gov/clerk/MeetingArchive.asp>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.