

**RESOLUTION NO. 75626**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FOURTH AMENDMENT TO THE AMENDED AND RESTATED MANAGEMENT AGREEMENT WITH SAN JOSE ARENA MANAGEMENT LLC REGARDING THE REMOVAL OF CERTAIN RESTRICTIONS ON THE ADVERTISING OF ALCOHOL IN PUBLIC AREAS OF THE HP PAVILION**

**WHEREAS**, the City of San José (“City”) and San José Arena Management LLC (“Manager”) entered into the Amended and Restated San José Arena Management Agreement (“Agreement”) as of December 2000, which Agreement has since been amended on January 13, 2004, August 17, 2007, and June 15, 2010; and

**WHEREAS**, the amended Agreement includes conditions regarding advertising policies for alcoholic beverages in HP Pavilion at San José, and City and Manager desire to further amend the amended Agreement to remove certain restrictions regarding such advertising; and

**WHEREAS**, the City desires to negotiate and execute a Fourth Amendment to the Agreement with Manager to allow the advertising of distilled spirits throughout the HP Pavilion under certain conditions, including the negotiation of future revenue sharing agreements between the City and Manager;

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

The City Manager is hereby authorized to negotiate and execute a Fourth Amendment to the Amended and Restated Management Agreement with San José Arena Management LLC regarding the removal of certain restrictions on the advertising of

alcohol in public areas of the HP Pavilion, consistent with the terms set forth in that certain memo to the City Council from Ed Shikada, Assistant City Manager, dated October 29, 2010.

ADOPTED this 9<sup>th</sup> day of November, 2010, by the following vote:

AYES: CHIRCO, CHU, CONSTANT, HERRERA, KALRA,  
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CAMPOS.

DISQUALIFIED: NONE.



---

CHUCK REED  
Mayor

ATTEST:



---

LEE PRICE, MMC  
City Clerk