

SAN JOSE CITY COUNCIL CLOSED SESSION AGENDA

August 13, 2013

Place: City Hall, Conference Room W-133

Time: 9:00 a.m. (Special Time)

Item(s) to be discussed:

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (CLAIM NOT FILED):

Significant exposure to litigation pursuant to subsection (b) of Section 54956.9 of the Government Code:

Number of matter(s) to be discussed: 1

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (CLAIM FILED):

Significant exposure to litigation pursuant to subsection (b) of Section 54956.9 of the Government Code:

1. Claimant(s): In re: Claim of PG&E

City Department: DOT

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

1. Case Name: Gonzales-Guerrero, Javier v. City, Brian Johst, Mark Stephens, et al

Name(s) of Parties(s) Involved: JAVIER GONZALES-GUERRERO, CITY OF SAN JOSE, BRIAN JOHST, MARK STEPHENS, GARY PETRAKOVITZ, AND TIM STEPHENS

Court: United States District Court, Northern District of California

Case No.: CV12-03541 PSG

Amount of Money or Other Relief Sought: Damages according to proof

2. Case Name: Marker, Mercedes v. City, Son Vu
Name(s) of Parties(s) Involved: MERCEDES MARKER, CITY OF SAN JOSE, and SON VU
Court: United States District Court, Northern District of California
Case No.: C09-05956 RMW
Amount of Money or Other Relief Sought: Damages according to proof

3. Case Name: Noreen Salinas v. City, et al.
Name(s) of Parties(s) Involved: NOREEN SALINAS, CITY OF SAN JOSE, CHIEF ROBERT DAVIS, TASER INTERNATIONAL, INC., DOES 1 TO 10
Court: United States District Court, Northern District of California
Case No.: C08-02625 RS (consolidated with C09-04410RS)
Amount of Money or Other Relief Sought: Damages according to proof

4. Case Name: City of San Jose v. County of Santa Clara
Name(s) of Parties(s) Involved: CITY OF SAN JOSE, a municipal corporation, as Successor Agency to The Redevelopment Agency of the City of San Jose, VINOD K. SHARMA, individually, and in his official capacity as Santa Clara County Director of Finance, COUNTY OF SANTA CLARA
Court: Superior Court of California, County of Sacramento
Case No.: 34-2012-80001190
Amount of Money or Other Relief Sought: Damages according to proof

5. Case Name: In re: Applegate Johnston
Name(s) of Parties(s) Involved: APPLGATE JOHNSTON INC.
Court: Bankruptcy Court, Modesto, California
Case No.: 2013-91315-E-7

Amount of Money Chapter 7 Bankruptcy proceedings
or Other Relief
Sought:

6. Case Name: United States, et al. v. J-M Manufacturing Co., dba JM Eagle and Formosa Plastics Corp.

Name(s) of Parties(s) Involved: UNITES STATES, THE STATES OF CALIFORNIA, DELAWARE, FLORIDA, ILLINOIS, INDIANA, NEVADA, NEW MEXICO, NEW YORK, and TENNESSEE, THE COMMONWEALTHS OF MASSACHUSETTS and VIRGINIA, and THE DISTRICT OF COLUMBIA ex rel. JOHN HENDRIX

Court: U.S. District Court, Central District of California;
Court of Appeal, State of California, Sixth Appellate District

Case No.: CV-06-00055-GW(PJWx)
H039911

Amount of Money Damages according to proof
or Other Relief
Sought:

7. Case Name: City v. IAFF Local 230, et al.

Name(s) of Parties(s) Involved: CITY OF SAN JOSE, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 230

Court: Superior Court of California, County of Santa Clara

Case No.: 1-12-CV-237635

Amount of Money Petition for Writ of Mandate/Petition to Compel
or Other Relief Arbitration
Sought:

8. Case Name: Colin Lee Alubowicz v. City of San Jose

Name(s) of Parties(s) Involved: COLIN LEE ALUBOWICZ, CITY OF SAN JOSE

Court: State of California Public Employees Relations Board

Case No.: SF-CE-1079-M

Amount of Money
or Other Relief
Sought:

9. Case Name: Cindy Huynh v. City of San Jose
 Name(s) of Parties(s) Involved: CINDY HUYNH, CITY OF SAN JOSE
 Court: State of California Public Employees Relations Board
 Case No.: SF-CE-955-M
 Amount of Money or Other Relief Sought:
10. Case Name: OE#3 v. City of San Jose
 Name(s) of Parties(s) Involved: OPERATING ENGINEERS LOCAL UNION NO. 3, CITY OF SAN JOSE
 Court: State of California Public Employees Relations Board
 Case No.: SF-CE-1063-M
 Amount of Money or Other Relief Sought:
11. Case Name: OE#3 v. City of San Jose
 Name(s) of Parties(s) Involved: OPERATING ENGINEERS LOCAL UNION NO. 3, CITY OF SAN JOSE
 Court: State of California Public Employees Relations Board
 Case No.: SF-CE-900-M
 Amount of Money or Other Relief Sought:
12. Case Name: IAFF Local 230 v. City of San Jose
 Name(s) of Parties(s) Involved: INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 230, CITY OF SAN JOSE
 Court: State of California Public Employees Relations Board
 Case No.: SF-CE-969-M
 Amount of Money or Other Relief Sought:
13. Case Name: IFPTE Local 21, AFL-CIO v. City of San Jose
 Name(s) of Parties(s) Involved: INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS, CITY OF SAN JOSE

Court: State of California Public Employees Relations Board

Case No.: SF-CE-966-M

Amount of Money
or Other Relief
Sought:

D. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

City Negotiator: City Manager designee Alex Gurza

Employee Organizations:

1. Organization or Name and Title of Unrepresented Employees: **Association of Building, Mechanical and Electrical Inspectors (ABMEI)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Building, Mechanical and Electrical Inspectors (ABMEI)
How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150
2. Organization or Name and Title of Unrepresented Employees: **Association of Engineers & Architects (AEA)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)
How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150
3. Organization or Name and Title of Unrepresented Employees: **Association of Maintenance Supervisory Personnel (AMSP)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150

4. Organization Name and Title of Unrepresented Employees: **City Association of Management Personnel Agreement (CAMP)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150

5. Organization Name and Title of Unrepresented Employees: **Confidential Employees' Organization, AFSCME Local 101 (CEO)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement — Confidential Employees' Organization, AFSCME Local 101 and City of San José

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150

6. Organization Name and Title of Unrepresented Employees: **International Association of Firefighters (IAFF), Local 230 (IAFF#230)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

negotiations:

Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Association of Firefighters (IAFF), Local 230

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150

7.

Organization or Name and Title of Unrepresented Employees: **International Brotherhood of Electrical Workers, Local 332 (IBEW)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150

8.

Organization or Name and Title of Unrepresented Employees: **Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Municipal Employees' Federation, AFSCME Local 101, AFL-CIO

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150

9.

Organization or Name and Title of Unrepresented Employees: **International Union of Operating Engineers, Local No. 3 (OE#3)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150

10. Organization or Name and Title of Unrepresented Employees: **San José Police Officers' Association (SJPOA)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José Polices' Association

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150

City Negotiator: City Manager designee Jennifer Schembri

11. Organization or Name and Title of Unrepresented Employees: **Association of Legal Professionals of San José (ALP)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA:

How to Obtain a copy of Existing Contract or MOA:



*Successor Agency to
The Redevelopment Agency of the City of San José*

Richard Doyle, City Attorney

**SUCCESSOR AGENCY TO THE REDEVELOPMENT
AGENCY OF THE CITY OF SAN JOSE
CLOSED SESSION AGENDA**

August 13, 2013

Place: City Hall, Room W-133
Time: 9:00 a.m. (Special Time)

Item(s) to be discussed:

**A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):**

1. Case Name: City of San Jose v. County of Santa Clara

Name(s) of Parties(s) Involved: CITY OF SAN JOSE, a municipal corporation, as Successor Agency to The Redevelopment Agency of the City of San Jose, VINOD K. SHARMA, individually, and in his official capacity as Santa Clara County Director of Finance, COUNTY OF SANTA CLARA

Court: Superior Court of California, County of Sacramento

Case No.: 34-2012-80001190

Amount of Money or Other Relief Sought: Damages according to proof

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (CLAIM NOT FILED):

Significant exposure to litigation pursuant to subsection (b) of Section 54956.9 of the Government Code:

Number of matter(s) to be discussed: 1

**SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
OF THE CITY OF SAN JOSE CLOSED SESSION AGENDA**