

SAN JOSE CITY COUNCIL CLOSED SESSION AGENDA

January 31, 2017

Place: City Hall, Conference Room W-133

Time: **9:30 a.m.**

Item(s) to be discussed:

A. CONFERENCE REGARDING POTENTIAL THREAT TO PUBLIC SERVICES OR FACILITIES PURSUANT TO GOVERNMENT CODE SECTION 54957(a):

Consultation with: IT Department

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code:

Number of matter(s) to be discussed: 1

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

1. Case Name: City of San José v. JUM Global, LLC

Name(s) of Parties(s) Involved: CITY OF SAN JOSE; JUM GLOBAL, LLC

Court: U.S. District Court, Northern District of California, San Jose Division

Case No.: 16-CV-01462 HRL

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

2. Case Name: Berg & Berg Enterprises, LLC v. City, et al.

Name(s) of Parties(s) Involved: BERG & BERG ENTERPRISES, LLC, CITY OF SAN JOSE; SAN JOSE CITY COUNCIL, and DOES 1-50

Court: Superior Court of California, County of Santa Clara

Case No.: 1-07-CV-091955

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

3. Case Name: IFPTE Local 21 v. City of San Jose
Name(s) of Parties(s) Involved: INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS LOCAL 21, CITY OF SAN JOSE
Court: State of CA Public Employment Relations Board
Case No.: SF-CE-996-M
Amount of Money or Other Relief Sought: Damages according to proof

4. Case Name: American Federation of State, County & Municipal Employees, et al. v. City
Name(s) of Parties(s) Involved: AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES, CITY OF SAN JOSE
Court: State of CA Public Employment Relations Board
Case No.: SF-CE-924-M
Amount of Money or Other Relief Sought: Damages according to proof

5. 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 Employment Relations Board
Case No.: SF-CE-900-M
Amount of Money or Other Relief Sought: Damages according to proof

6. Case Name: ABMEI v. City, et al.
Name(s) of Parties(s) Involved: ASSOCIATION OF BUILDING, MECHANICAL AND ELECTRICAL INSPECTORS, CITY OF SAN JOSE
Court: State of CA Public Employment Relations Board
Case No.: UPC SF CE 1358 M
Amount of Money or Other Relief Sought: Damages according to proof

7. Case Name: San Jose Retired Employees Association, et al. v. City, et al.
- Name(s) of Parties(s) Involved: SAN JOSE RETIRED EMPLOYEES ASSOCIATION, HOWARD E. FLEMING, DONALD S. MACRAE, FRANCES J. OLSON, GARY J. RICHERT AND ROSALINDA NAVARRO, CITY OF SAN JOSE DOES 1 through 50, BOARD OF ADMINISTRATION FOR THE FEDERATED CITY EMPLOYEES RETIREMENT SYSTEM
- Court: Superior Court of the State of California for the County of Santa Clara, Sixth District Court of Appeal
- Case No.: 1-12-CV-233660
H040979
H042074
- Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate
8. Case Name: Sapien, et al. v. City of San Jose, et al.
- Name(s) of Parties(s) Involved: ROBERT SAPIEN, MARY KATHLEEN MCCARTHY, THANH HO, RANDY SEKANY, KEN HEREDIA, CITY OF SAN JOSE, DEBRA FIGONE in her official capacity as City Manager of the City of SAN JOSE, Does 1 through 15, THE BOARD OF ADMINISTRATION FOR THE 1961 SAN JOSE POLICE AND FIRE DEPARTMENT RETIREMENT PLAN.
- Court: Superior Court of California, County of Santa Clara Sixth District Court of Appeal
- Case No.: 1-12-CV-225928
H040979
H042074
- Amount of Money or Other Relief Sought: Challenge to Measure B
9. Case Name: Harris, et al. v. City of San Jose, et al.
- Name(s) of Parties(s) Involved: TERESA HARRIS, JON REGER, MOSES SERRANO, SUZANN STAUFFER, CITY OF SAN JOSE, DEBRA FIGONE, in her capacity as City Manager of the CITY OF SAN JOSE, THE BOARD OF ADMINISTRATION FOR THE 1975 FEDERATED CITY EMPLOYEES' RETIREMENT PLAN, DOES 1 through 15
- Court: Superior Court of California, County of Santa Clara Sixth District Court of Appeal

Case No.: 1-12-CV-226570
H040979
H042074

Amount of Money or Challenge to Measure B
Other Relief Sought:

10.

Case Name: Mukhar, et al. v. City of San Jose, et al.

Name(s) of JOHN MUKHAR, DALE DAPP, JAMES ATKINS,
Parties(s) Involved: WILLIAM BUFFINGTON, KIRK PENNINGTON, CITY
OF SAN JOSE, DEBRA FIGONE, in her official capacity
as City Manager of the CITY OF SAN JOSE, THE
BOARD OF ADMINISTRATION FOR THE 1975
FEDERATED CITY EMPLOYEES' RETIREMENT
PLAN, AND DOES 1 through 15

Court: Superior Court of California, County of Santa Clara
Sixth District Court of Appeal

Case No.: 1-12-CV-226574
H040979
H042074

Amount of Money or Challenge to Measure B
Other Relief Sought:

11.

Case Name: AFSCME, et al. v. City of San Jose, et al.

Name(s) of AMERICAN FEDERATION OF STATE, COUNTY, AND
Parties(s) Involved: MUNICIPAL EMPLOYEES, LOCAL 101 on behalf of its
members, CITY OF SAN JOSE, DEBRA FIGONE in her
official capacity as City Manager, THE BOARD OF
ADMINISTRATION FOR THE FEDERATED CITY
EMPLOYEES RETIREMENT PLAN

Court: Superior Court of California, County of Santa Clara;
Sixth District Court of Appeal

Case No.: 1-12-CV-225928
H040979
H042074

Amount of Money or Challenge to Measure B
Other Relief Sought:

12.

Case Name: People of the State of California, et al. v. City of San
Jose, et al.

Name(s) of Parties(s) THE PEOPLE OF THE STATE OF CALIFORNIA ex rel.
Involved: SAN JOSE POLICE OFFICERS ASSOCIATION, CITY
OF SAN JOSE, CITY COUNCIL OF SAN JOSE

Court: Superior Court of the State of California for the County of Santa Clara

Case No.: 1-13-CV-245503

Amount of Money or Other Relief Sought: Verified Complaint In Quo Warranto

13. Case Name: Peter Constant, Steven Haug, and Silicon Valley Taxpayers' Association v. Superior Court

Name(s) of Parties(s) Involved: PETER CONSTANT, STEVEN HAUG, SILICON VALLEY TAXPAYERS' ASSOCIATION, a California non-profit corporation, Proposed Intervenors, Appellants and Petitioners, SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA, Respondent, THE PEOPLE OF THE STATE OF CALIFORNIA ex rel. SAN JOSE POLICE OFFICERS ASSOCIATION, Plaintiff, Respondent, and Real Party in Interest, CITY OF SAN JOSE, CITY COUNCIL OF SAN JOSE, Defendants, Respondents, and Real Parties in Interest

Court: Sixth District Court of Appeal

Case No.: H043540

Amount of Money or Other Relief Sought: Petition for Writ of Mandate or, In the Alternative, Supersedeas, or Other Appropriate Relief

14. Case Name: San Jose Retired Employees Association, et al. v. City of San Jose, et al.

Name(s) of Parties(s) Involved: SAN JOSE RETIRED EMPLOYEES ASSOCIATION, KIRK PENNINGTON, DAVID ARMSTRONG, DONNA JEWETT, DOROTHY MCGINLEY, CITY OF SAN JOSE, THE BOARD OF ADMINISTRATION FOR THE FEDERATED CITY EMPLOYEES RETIREMENT PLAN

Court: Superior Court of California, County of Santa Clara

Case No.: 1-14-CV-268085

Amount of Money or Other Relief Sought: Change to City medical plan

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

City Negotiator: Jennifer Schembri, Director of Employee Relations

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/index.aspx?NID=508>
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/index.aspx?NID=508>
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/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

4. Organization or 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/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150
5. Organization or 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/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150
6. Organization or Name and Title of Unrepresented Employees: **International Association of Firefighters (IAFF), Local 230 (IAFF#230)**
- 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 Association of Firefighters (IAFF), Local 230
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
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/index.aspx?NID=508>
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/index.aspx?NID=508>
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/index.aspx?NID=508>
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/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

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: Memorandum of Agreement – City of San José and Association of Legal Professionals of San José
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
MOA: Telephone – Employee Relations: (408) 535-8150