

SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

March 7, 2017

Place: City Hall, Conference Room W-133

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

Item(s) to be discussed:

A. 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: 2

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

1. Case Name: City of San José v. City of Santa Clara
Name(s) of Parties(s) CITY OF SAN JOSÉ, CITY OF SANTA CLARA
Court: Superior Court of California, County of San Mateo
Case No: 16-CIV-02303
Amount of Money or Other Relief Sought: Damages according to proof
2. Case Name: City of San José v. County of Santa Clara
Name(s) of Parties(s) CITY OF SAN JOSÉ, a municipal corporation, as Successor Agency to the Redevelopment Agency of the City of San José, 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
3. Case Name: City of Santa Clara v. City of San José, et al.
Name(s) of Parties(s) CITY OF SANTA CLARA, CITY OF SAN JOSÉ, CITY OF SAN JOSÉ CITY COUNCIL, DOES I through X; FEDERAL REALTY AND INVESTMENT TRUST, AND DOES 1-20.

Court: Superior Court of California, County of Santa Clara

Case No: 16-CV-302300

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

4. Case Name: County of Santa Clara v. Trump, et al.

Name(s) of Parties(s) COUNTY OF SANTA CLARA, DONALD J. TRUMP, President of the United States of America, JOHN F. KELLY, in his official capacity as Secretary of the United States Department of Homeland Security, JEFFERSON B. SESSIONS, in his official capacity as Attorney General of the United States, JOHN MICHAEL "MICK" MULVANEY, in his official capacity as Director of the Office of Management and Budget, and DOES 1-50

Court: United States District Court, Northern District of California

Case No: 5:17-cv-00574-WHO

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

5. Case Name: Naveed, Mohammad Badar and Ahmad, Humza v. City of San Jose, et al.

Name(s) of Parties(s) MOHAMMAD BADAR NAVEED, an individual; HUMZA AHMAD, an individual; CITY OF SAN JOSE, a municipal corporation; SAN JOSE POLICE DEPARTMENT; OFFICER JONATHAN KOENIG (4208), an individual; OFFICER EDGAR NAVA (4204), an individual; SGT. DOUG TRAN (3269), an individual; OFFICER ELIZABETH ORNELAS (4201), an individual; OFFICER MARTIN WALLACE (3922), an individual; and DOES 1-100, inclusive

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

Case No: 3:15-CV-05298 EDL

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

6. Case Name: City of San Jose, et al. v. Superior Court of Santa Clara County, Ted Smith, real party
- Name(s) of Parties(s) Involved: TED SMITH, CITY OF SAN JOSÉ, a municipal entity; SUPRIOR COURT OF SANTA CLARA COUNTY; SAN JOSÉ REDEVELOPMENT AGENCY, a municipal entity; HARRY MAVROGENES, in his official capacity as Executive Director of the San José Redevelopment Agency; MAYOR CHUCK REED, in his official capacity as Mayor of the City of San José; PETE CONSTANT, in his official capacity as a Councilmember for the City of San José; ASH KALRA, in his official capacity as a Councilmember for the City of San José; SAM LICCARDO, in his official capacity as a Councilmember for the City of San José; PIERLUIGI OLIVERIO, in his official capacity as a Councilmember for the City of San José; MADISON NGUYEN, in her official capacity as a Councilmember for the City of San José; ROSE HERRERA, in her official capacity as a Councilmember for the City of San José; JUDY CHIRCO, in her official capacity as a Councilmember for the City of San José; KANSEN CHU, in his official capacity as a Councilmember for the City of San José; NORA CAMPOS, in her official capacity as a Councilmember for the City of San José; NANCY PYLE, in her official capacity as a Councilmember for the City of San José; and DOES 1-20
- Court: Supreme Court of California
- Case No.: S218066
- Amount of Money or Other Relief Sought: Damages according to proof
7. Case Name: IFPTE Local 21 v. City of San José
- Name(s) of Parties(s) Involved: INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS LOCAL 21, CITY OF SAN JOSÉ
- 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
8. 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 JOSÉ
- Court: State of CA Public Employment Relations Board
- Case No.: SF-CE-924-M

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

9. Case Name: OE#3 v. City of San José
Name(s) of Parties(s) OPERATING ENGINEERS LOCAL UNION NO. 3, CITY OF
Involved: SAN JOSÉ
Court: State of California Public Employment Relations Board
Case No.: SF-CE-900-M

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

10. Case Name: ABMEI v. City, et al.
Name(s) of ASSOCIATION OF BUILDING, MECHANICAL AND
Parties(s) Involved: ELECTRICAL INSPECTORS, CITY OF SAN JOSÉ
Court: State of CA Public Employment Relations Board
Case No.: UPC SF CE 1358 M

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

11. Case Name: San José Retired Employees Association, et al. v. City, et al.
Name(s) of SAN JOSÉ RETIRED EMPLOYEES ASSOCIATION,
Parties(s) Involved: HOWARD E. FLEMING, DONALD S. MACRAE, FRANCES
J. OLSON, GARY J. RICHERT AND ROSALINDA
NAVARRO, CITY OF SAN JOSÉ 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 Declaratory Relief and Verified Petition for Writ of Mandate
Other Relief Sought:

12. Case Name: Sapien, et al. v. City of San José, et al.
Name(s) of ROBERT SAPIEN, MARY KATHLEEN MCCARTHY, THANH
Parties(s) Involved: HO, RANDY SEKANY, KEN HEREDIA, CITY OF SAN
JOSÉ, DEBRA FIGONE in her official capacity as City
Manager of the City of San José, Does 1 through 15, THE
BOARD OF ADMINISTRATION FOR THE 1961 SAN JOSÉ
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 Challenge to Measure B
Other Relief Sought:

13. Case Name: Harris, et al. v. City of San José, et al.

Name(s) of TERESA HARRIS, JON REGER, MOSES SERRANO,
Parties(s) Involved: SUZANN STAUFFER, CITY OF SAN JOSÉ, DEBRA
FIGONE, in her capacity as City Manager of the CITY OF
SAN JOSÉ, 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:

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

Name(s) of JOHN MUKHAR, DALE DAPP, JAMES ATKINS, WILLIAM
Parties(s) Involved: BUFFINGTON, KIRK PENNINGTON, CITY OF SAN JOSÉ,
DEBRA FIGONE, in her official capacity as City Manager of
the CITY OF SAN JOSÉ, 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:

15. Case Name: AFSCME, et al. v. City of San José, et al.
Name(s) of Parties(s) Involved: AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, LOCAL 101 on behalf of its members, CITY OF SAN JOSÉ, 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 Other Relief Sought: Challenge to Measure B
16. Case Name: People of the State of California, et al. v. City of San José, et al.
Name(s) of Parties(s) Involved: THE PEOPLE OF THE STATE OF CALIFORNIA ex rel. SAN JOSÉ POLICE OFFICERS ASSOCIATION, CITY OF SAN JOSÉ, CITY COUNCIL OF SAN JOSÉ
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
17. 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 JOSÉ POLICE OFFICERS ASSOCIATION, Plaintiff, Respondent, and Real Party in Interest, CITY OF SAN JOSÉ, CITY COUNCIL OF SAN JOSÉ, 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

18. Case Name: San José Retired Employees Association, et al. v. City of San José, et al.
Name(s) of Parties(s) Involved: SAN JOSÉ RETIRED EMPLOYEES ASSOCIATION, KIRK PENNINGTON, DAVID ARMSTRONG, DONNA JEWETT, DOROTHY MCGINLEY, CITY OF SAN JOSÉ, 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

C. **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>
Telephone – Employee Relations: (408) 535-8150