

SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

May 23, 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 (CLAIM NOT FILED AND FACTS UNKNOWN):

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and e(1) of the Government Code:

Number of matter(s) to be discussed: 2

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

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and e(2) of the Government Code:

Number of matter(s) to be discussed: 1

Facts: U.S. Supreme Court denied cert on Flores v. City of San Gabriel case

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

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and 54956.9(e)(3) and 54956.9(e)(5) of the Government Code:

1. Case Name: In re: Claim of Negrete
City Department: Office of Emergency Services
2. Case Name: In re: Claim of Martinez
City Department: Office of Emergency Services
3. Case Name: In re: Claim of Falconio
City Department: Office of Emergency Services

D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code:

Number of matter(s) to be discussed: 3

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

1. Case Name: In re: Claim of Brunson
Name(s) of Parties(s) Involved:
Court:
Case No.:
Amount of Money or Other Relief Sought: Administrative Appeal
2. Case Name: In re: Claim of Sanchez
Name(s) of Parties(s) Involved:
Court:
Case No.:
Amount of Money or Other Relief Sought: Administrative Appeal
3. Case Name: City of San José v. American Metal and Iron, Inc.
Name(s) of Parties(s) CITY OF SAN JOSÉ, AMERICAN METAL & IRON, INC., and L&M AUTO DISMANTLING CO., INC., California corporations, HOWARD MISLE, an individual
Court: Superior Court of California, County of Santa Clara
Case No: 1-15-CV-279738
Amount of Money or Other Relief Sought: Damages according to proof
4. 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: Petition for Writ of Mandate and Complaint for Declaratory Relief

5. 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 San Mateo
Case No: 17-CIV-00547
Amount of Money or Other Relief Sought: Petition for Writ of Mandate and Complaint for Declaratory Relief
6. Case Name: Ted Smith v. City, et al.
Name(s) of Parties(s): TED SMITH, CITY OF SAN JOSE, a municipal entity; SAN JOSE REDEVELOPMENT AGENCY, a municipal entity; HARRY MAVROGENES, in his official capacity as Executive Director of the San Jose Redevelopment Agency; MAYOR CHUCK REED, in his official capacity as Mayor of the City of san Jose; PETE CONSTANT, in his official capacity as a Councilmember for the City of San Jose; ASH KALRA, in his official capacity as a Councilmember for the City of San Jose; SAM LICCARDO, in his official capacity as a Councilmember for the City of San Jose; PIERLUIGI OLIVERIO, in his official capacity as a Councilmember for the City of San Jose; MADISON NGUYEN, in her official capacity as a Councilmember for the City of San Jose; ROSE HERRERA, in her official capacity as a Councilmember for the City of San Jose; JUDY CHIRCO, in her official capacity as a Councilmember for the City of San Jose; KANSEN CHU, in his official capacity as a Councilmember for the City of San Jose; NORA CAMPOS, in her official capacity as a Councilmember for the City of San Jose; NANCY PYLE, in her official capacity as a Councilmember for the City of San Jose; and DOES 1-20
Court: Santa Clara County Superior Court; Sixth Appellate District; Supreme Court of California,
Case No.: 1-09-CV-150427; H039498; S218066
Amount of Money or Other Relief Sought: Damages according to proof

7. Case Name: San José Retired Employees Association, et al. v. City, et al.
- Name(s) of Parties(s) Involved: SAN JOSÉ RETIRED EMPLOYEES ASSOCIATION, 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 Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate
8. Case Name: Sapien, et al. v. City of San José, et al.
- Name(s) of Parties(s) Involved: ROBERT SAPIEN, MARY KATHLEEN MCCARTHY, THANH 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 Other Relief Sought: Challenge to Measure B
9. Case Name: Harris, et al. v. City of San José, et al.
- Name(s) of Parties(s) Involved: TERESA HARRIS, JON REGER, MOSES SERRANO, 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 Other Relief Sought: Challenge to Measure B

10.

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

Name(s) of Parties(s) Involved: JOHN MUKHAR, DALE DAPP, JAMES ATKINS, WILLIAM 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 Other Relief Sought: Challenge to Measure B

11.

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

12. 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
13. 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

E. 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>

Existing Contract or MOA: 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