

SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

June 6, 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 Section 54956.9(d)(4) of the Government Code:

Number of matter(s) to be discussed: 2

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

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

Number of matter(s) to be discussed: 1

Facts: Purchase Agreement for Hayes Mansion

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

1. Case Name: Stand for San Jose v. City, et al.

Name(s) of Parties(s) Involved: STAND FOR SAN JOSE and EILEEN HANNON, CITY OF SAN JOSE, CITY COUNCIL OF THE CITY OF SAN JOSE, REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE, and DIRIDON DEVELOPMENT AUTHORITY, ATHLETICS INVESTMENT GROUP, LLC.

Court: California Court of Appeal, Sixth Appellate District

Case No.: H042415 and H044016

Amount of Money or Other Relief Sought: Appeal from Order

2. Case Name: San Francisco Baykeeper v. City, et al.

Name(s) of Parties(s) Involved: SAN FRANCISCO BAYKEEPER; CITY OF SAN JOSE, SAN JOSE DEPARTMENT OF TRANSPORTATION; SAN JOSE PUBLIC WORKS

DEPARTMENT; SAN JOSE ENVIRONMENTAL SERVICES DEPARTMENT

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

Case No.: 15-CV-00642-BLF

Amount of Money or Other Relief Sought: Declaratory Relief, Injunctive Relief

3. 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

4. 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

5. Case Name: San Jose Police Officers' Association v. City, et al.

Name(s) of Parties(s) Involved: SAN JOSE POLICE OFFICERS' ASSOCIATION, CITY OF SAN JOSE, BOARD OF ADMINISTRATION FOR POLICE AND FIRE DEPARTMENT RETIREMENT PLAN OF CITY OF SAN JOSE AND DOES 1-10

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

Case No.: 1-12-CV-225926

H040979

H042074

Amount of Money or Other Relief Sought: Declaratory and injunctive relief

6. 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
7. 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
8. 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

9. 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

10. 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

11. 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

12. 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

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>

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