

SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

June 20, 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 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 Great Oaks
City Department: Environmental Services Department

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

1. Case Name: In re: Claim of Hopper
Name(s) of Parties(s)
Involved:
Court:
Case No.:
Amount of Money or Other Relief Sought: Administrative Appeal
2. Case Name: Ward, Debra and Patricia Tapia v. City of San José, et al.
Name(s) of Parties(s)
Involved: DEBRA WARD, PATRICIA TAPIA, CITY OF SAN JOSE, FIRE CHIEF WILLIAM MCDONALD, FIRE CHIEF RUBEN TORRES
Court: Superior Court of California, County of Santa Clara
Case No.: 1-13-CV-253758
Amount of Money or Other Relief Sought: Damages according to proof

3. Case Name: Vasilevskis v. City of San José
Name(s) of Parties(s) KRISTINE VASILEVSKIS, EDUARD VASILEVSKIS, CITY OF SAN JOSÉ and DOES 1-100
Court: Superior Court of California, County of Santa Clara
Case No: 1-14-CV-264132
Amount of Money or Other Damages according to proof
Relief Sought:

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 Petition for Writ of Mandate and Complaint for
Relief Sought: 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 Petition for Writ of Mandate and Complaint for
Relief Sought: Declaratory Relief

6. 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 Damages according to proof
Relief Sought:

7. Case Name: San Jose Police Officers' Association v. City, et al.
Name(s) of Parties(s) SAN JOSE POLICE OFFICERS' ASSOCIATION,
Involved: 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

8. 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
9. 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

10. 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
11. 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
12. 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 Challenge to Measure B
Relief Sought:

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 Change to City medical plan
Relief Sought:

C. CONFERENCE WITH REAL PROPERTY DESIGNATED REPRESENTATIVES PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

1. Property Street Address, Parcel Number, or Other Unique Reference of Property: 255 South Montgomery Street (APN 261-37-025)
8 South Montgomery Street (APN 259-38-130)
102 South Montgomery Street (APN 259-48-012)
510 West San Fernando Street (APN 259-48-011, 259-48-013)
150 South Montgomery Street (APN 259-48-053)
105 South Montgomery Street (APN 261-35-003, 261-35-006, 261-35-010)
645 Park Avenue (APN 261-35-014)
525 West Santa Clara Street/566 West Julian Street (APN 259-28-031, 259-28-041, 259-28-043, 259-28-044)
697 W. San Carlos (261-37-030)
No address (261-37-028)

Negotiating Parties: Nanci Klein for the City of San José
and
Jay Bechtel for Google

Under Negotiation: The direction will concern price and terms of payment.

Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values.

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: **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