



SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

October 17, 2017

Place: City Hall, Conference Room W-133

Time: 9:00 a.m. (Special Time)

Item(s) to be discussed:

A. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957:

Department or Agency: Office of Community Energy
Title: Director of Community Energy

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

1. Case Name: Cali-Arioto, LLC et al. v. City of San José, et al.
Name(s) of Parties(s) Involved: CALI-ARIOTO, LLC, a California limited liability company and PULTE HOME CORPORATION, a Michigan corporation; CITY OF SAN JOSÉ, CITY COUNCIL OF THE CITY OF SAN JOSÉ and DOES 1-50, inclusive.
Court: Superior Court of California, County of San Mateo, Unlimited Jurisdiction
Case No.: 17-CIV-03887
Amount of Money or Other Relief Sought: Petition for Writ of Mandate

2. Case Name: Hung Lam v. City of San Jose, et al.
Name(s) of Parties(s) Involved: HUNG LAM, individually, through his next friend KATHY LAM; CITY OF SAN JOSÉ, a municipal corporation; LARRY ESQUIVEL, in his capacity of Chief of Police for the City of San José; Officer DONDI WEST, individually and in her official position
Court: U.S. District Court, Northern District, San Jose Division; US Court of Appeals, Ninth Circuit, San Jose Division
Case No.: 14-CV-00877 PSG; 16-16052

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

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 Petition for Writ of Mandate and Complaint for Declaratory
Other Relief Sought: 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 Petition for Writ of Mandate and Complaint for Declaratory
Other Relief Sought: Relief
5. Case Name: Federated City Employees' Retirement System v. City of
San Jose, Norberto Dueñas in his Official Capacity as The
City Manager of the City of San Jose
Name(s) of Parties(s) FEDERATED CITY EMPLOYEES' RETIREMENT SYSTEM,
Involved: CITY OF SAN JOSE, NORBERTO DUEÑAS in his Official
Capacity as The City Manager of the City of San Jose, and
DOES 1-50
Court: Superior Court of California, County of Santa Clara
Case No.: 16CV302829
Amount of Money or Writ of Mandate
Other Relief Sought:
6. Case Name: San José Retired Employees Association, et al. v. City, et al.
Name(s) of Parties(s) 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:

7. Case Name: San José Retired Employees Association, et al. v. City of San José, et al.

Name(s) of Parties(s) SAN JOSÉ RETIRED EMPLOYEES ASSOCIATION, KIRK
Involved: 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 Change to City medical plan
Other Relief Sought:

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

1. Property Street 255 South Montgomery Street (APN 261-37-025)
Address, Parcel 8 South Montgomery Street (APN 259-38-130)
Number, or Other 102 South Montgomery Street (APN 259-48-012)
Unique Reference of 510 West San Fernando Street (APN 259-48-011, 259-48-013)
Property: 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.

2. Property Street 200 Edenvale Avenue
Address, Parcel
Number, or Other San José, California
Unique Reference of
Property:

Negotiating Parties: Nanci Klein for the City of San José
and
Kevin Morgan for JMA Ventures, LLC
Nik Bhakta for Chalak Mitra Group
Will Cherashore for Chelsea Hospitality Partners
Taylor Jacobs for Newcrest Image
Cole Strombom for Greenvalley
CorpBernard Rossenson
Long Beach Properties, LLC

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: **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