

## SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

**December 8, 2020**

Place: Teleconference

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

Item(s) to be discussed:

**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**

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: 1

**B. 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: 1

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

1. Case Name: In re: Claim of Reinert

Name(s) of Parties(s)

Involved:

Court: Workers Compensation Appeals Court

Case No.: ADJ10214299, ADJ9208860, ADJ8973014  
ADJ9007746, ADJ9906151

Amount of Money or Other Benefits

Relief Sought:

2. Case Name: Jacob, et al. v. City, et al.

Name(s) of Parties(s)

Involved:

TEODORICO JACOB, as Successor in Interest of THE ESTATE OF TERESA MANAS JACOB; TEODORICO JACOB, an individual; MARIE JEM CLAUDINE SANTIAGO, as Successor in Interest of THE ESTATE OF TERESA MANAS JACOB; MARIE JEM CLAUDINE SANTIAGO, an individual; JAQUES JACOB, as Successor in Interest of THE ESTATE OF TERESA MANAS JACOB; JACQUES JACOB, an individual; JOSEPH JACOB, as Successor in Interest of THE ESTATE OF TERESA MANAS JACOB; JOSEPH JACOB, an individual; THE CITY OF SAN JOSE, a government entity; ANTHONY JAMES RAB, an individual;

SEAN RAPISURA, an individual; UBER TECHNOLOGIES, INC., a California business entity; and DOES 1 through 100, inclusive

Court: Superior Court of California; County of Santa Clara

Case No.: 19CV350093

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

3. Case Name: Faz, v. City, et al.,

Name(s) of Parties(s) GLENDELIA FAZ, an individual; CITY OF SAN JOSE, a  
Involved: public entity; and DOES 1 through 100, inclusive;

Court: Superior Court of California; County of Santa Clara

Case No.: 18CV334698

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

4. Case Name: National Urban League, et al., v. Ross, et al.,

Name(s) of Parties(s) NATIONAL URBAN LEAGUE; LEAGUE OF WOMEN  
Involved: VOTERS; BLACK ALLIANCE FOR JUST IMMIGRATION;  
HARRIS COUNTY, TEXAS; KING COUNTY,  
WASHINGTON; CITY OF LOS ANGELES, CALIFORNIA;  
CITY OF SALINAS, CALIFORNIA; CITY OF SAN JOSE,  
CALIFORNIA; RODNEY ELLIS; ADRIAN GARCIA; THE  
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF  
COLORED PEOPLE; CITY OF CHICAGO, ILLINOIS;  
COUNTY OF LOS ANGELES, CALIFORNIA; NAVAJO  
NATION; and GILA RIVER INDIAN COMMUNITY, WILBUR  
L. ROSS, JR., in his official capacity as Secretary of  
Commerce; U.S. DEPARTMENT OF COMMERCE;  
STEVEN DILLINGHAM, in his official capacity as Director of  
the U.S. Census Bureau; and U.S. CENSUS BUREAU

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

Case No.: 20-cv-5799-LHK

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

5 Case Name: City v. Monsanto Company, et al.

Name(s) of Parties(s) CITY OF SAN JOSE; MONSANTO COMPANY; SOLUTIA,  
Involved: INC.; PHARMACIA CORP.; and DOES 1-100

Court: U.S. District Court, Northern District of California

Case No.: 15-CV-03178-EJD

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

6. Case Name: City of San Jose, et al. v. AmerisourceBergen Drug Corporation, et al.

Name(s) of Parties(s) Involved: AMERISOURCEBERGEN DRUG CORPORATION;  
CARDINAL HEALTH, INC.; MCKESSON CORPORATION;  
PURDUE PHARMA L.P.; PURDUE PHARMA, INC.; THE  
PURDUE FREDERICK COMPANY, INC.; TEVA  
PHARMACEUTICAL INDUSTRIES, LTD.; TEVA  
PHARMACEUTICALS USA, INC.; CEPHALON, INC.;  
JOHNSON & JOHNSON; JANSSEN PHARMACEUTICALS,  
INC.; ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS,  
INC. N/K/A JANSSEN PHARMACEUTICALS, INC.;  
JANSSEN PHARMACEUTICA INC. N/K/A JANSSEN  
PHARMACEUTICALS, INC.; NORAMCO, INC.; ENDO  
HEALTH SOLUTIONS INC.; ENDO PHARMACEUTICALS,  
INC.; ALLERGAN PLC F/K/A ACTAVIS PLS; WATSON  
PHARMACEUTICALS, INC. N/K/A ACTAVIS, INC.;  
WATSON LABORATORIES, INC.; ACTAVIS LLC;  
ACTAVIS PHARMA, INC. F/K/A WATSON PHARMA, INC.;  
MALLINCKRODT PLC; MALLINCKRODT LLC; INSYS  
THERAPEUTICS, INC; CVS HEALTH CORP.; THE  
KROGER CO.; RITE AID OF MARYLAND, INC.; THRIFTY  
PAYLESS, INC.; WALGREENS BOOTS ALLIANCE, INC.;  
WAL-MART, INC.

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

Case No.: 5:19-cv-04529

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

7. Case Name: City, v. 3M Company, et al.,

Name(s) of Parties(s) Involved: CITY OF SAN JOSÉ, CALIFORNIA, 3M COMPANY (f/k/a  
Minnesota Mining and Manufacturing Co.); E. I. DUPONT  
DE NEMOURS AND COMPANY; THE CHEMOURS  
COMPANY; THE CHEMOURS COMPANY FC, LLC;  
DUPONT DE NEMOURS, INC.; CORTEVA, INC.;  
CHEMGUARD, INC.; TYCO FIRE PRODUCTS LP;  
JOHNSON CONTROLS INTERNATIONAL, PLC; CARRIER  
GLOBAL CORPORATION; CENTRAL SPRINKLER, LLC;  
FIRE PRODUCTS GP HOLDING, LLC; KIDDE-FENWAL,  
INC.; KIDDE PLC, INC.; UTC FIRE & SECURITY

AMERICAS CORPORATION, INC.; RAYTHEON TECHNOLOGIES CORPORATION f/k/a UNITED TECHNOLOGIES CORPORATION; NATIONAL FOAM, INC.; ANGUS FIRE ARMOURCORPORATION; ANGUS INTERNATIONAL SAFETY GROUP; BUCKEYE FIRE EQUIPMENT COMPANY; ARKEMA, INC.; BASF CORPORATION; CHEMDESIGN PRODUCTS, INC.; CLARIANT CORPORATION; CHEMICALS INCORPORATED; NATION FORD CHEMICAL COMPANY; AGC CHEMICALS AMERICAS INC.; AGC INC. f/k/a ASAHI GLASS CO., LTD; DEEPWATER CHEMICALS, INC.; DYNAX CORPORATION; ARCHROMA MANAGEMENT, LLC; AND JOHN DOE DEFENDANTS 1-49

Court: U.S. District Court, District of South Carolina

Case No.: 2:20-cv-2812-RMG

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

8. Case Name: IN RE Petition for Reconsideration of the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program

Name(s) of Parties(s) Involved: Federal Environmental Protection Agency

Court:

Case No.:

Amount of Money or Other Relief Sought:

9. Case Name: City v. Osder

Name(s) of Parties(s) Involved: CITY OF SAN JOSE, MORGAN JOSEPH OSDER and DOES 1-10

Court: Superior Court of California, County of Santa Clara

Case No.: 18CV327741

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

10. Case Name: Barrera v. Pro-Sweep, et al.,

Name(s) of Parties(s) Involved: RAY BARRERA, PRO-SWEEP, INC, EMILIO LUNA, and DOES 1 through 25, Inclusive, CITY OF SAN JOSE, Lien Claimant

Court: Superior Court of California, County of Santa Clara

Case No.: 18V326086

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

**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: **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

6. 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

7. 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

8. 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

9. Organization or Name and Title of Unrepresented Employees: **Peace Officer Park Ranger Association (POPRA)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Peace Officer Park Ranger 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

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 **Association of Legal Professionals of San José (ALP)**  
and Title of  
Unrepresented  
Employees:  
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