

## SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

September 19, 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 RECRUITMENT/APPOINTMENT  
PURSUANT TO GOVERNMENT CODE SECTION 54957:**

Department or Agency: City Manager's Office  
Title: City Manager

**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: Watson, Lee Darnell v. City of San José; Matthew Brackett; Ryan Hansen; Ronald Hughes, et al.  
Name(s) of Parties(s) WATSON, LEE DARNELL, CITY OF SAN JOSÉ;  
Involved: MATTHEW BRACKETT; RYAN HANSEN; RONALD HUGHES AND DOES 1-10  
Court: United States District Court, Northern District of California, San Jose Division  
Case No.: 15-CV-04054-NC  
Amount of Money or Damages according to proof.  
Other Relief Sought:
2. 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  
Other Relief Sought: Declaratory Relief

3. 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  
Other Relief Sought: Declaratory Relief

4. 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 Declaratory Relief and Verified Petition for Writ of  
Other Relief Sought: Mandate

5. 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 Change to City medical plan  
Other Relief Sought:

**D. 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 Unique Reference of Property: 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.

**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>  
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