

SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

October 3, 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: 3

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

1. Case Name: In re: Claim of Barrone
Name(s) of Parties(s)
Court:
Case No:
Amount of Money or Administrative Appeal
Other Relief Sought:
2. Case Name: In re: Claim of Rosingana
Name(s) of Parties(s)
Court:
Case No:
Amount of Money or Administrative Appeal
Other Relief Sought:
3. Case Name: In re: Claim of Barreras
Name(s) of Parties(s)
Court:
Case No:

Amount of Money or Administrative Appeal
Other Relief Sought:

4. Case Name: In re: Claim of Prieto

Name(s) of Parties(s)

Court:

Case No:

Amount of Money or Administrative Appeal
Other Relief Sought:

5. Case Name: Hung Lam v. City of San Jose, et al.

Name(s) of Parties(s) HUNG LAM, individually, through his next friend KATHY
Involved: 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:

6. 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

7. 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

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: 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

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.

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

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

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