

SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

September 12, 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:**

1. Department or Agency: Independent Police Auditor's Office
Title: Independent Police Auditor

2. 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: Nichols, Felicia v. City of San Jose, et al.
Name(s) of Parties(s) FELICIA NICHOLS, CITY OF SAN JOSE, OFFICER SCHIPKE (#3910), OFFICER FERGUSON (#3030) and DOES 1-25

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

Case No: 14-CV-03383 BLF

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

3. 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:

4. Case Name: Durham v. City of San José, et al.
Name(s) of Parties(s) SALENA DURHAM, SUNGIL LEE, JENNIFER C.F.
Involved: CHEN, THE CITY OF SAN JOSE, DOES 1-30

Court: Superior Court of California, County of Santa Clara

Case No.: 16-CV-293608

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

5. Case Name: Plata, Raymond and Michelle v. City of San Jose
Name(s) of Parties(s) Raymond and Michelle Plata, individually and on behalf of
Involved: other members of a class of similarly situated residents
and taxpayers, City of San Jose

Court: Superior Court of California, County of Santa Clara

Case No.: 1-14-CV-258879

Amount of Money or Declaratory Relief, Injunctive Relief
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 Other Relief Sought: Petition for Writ of Mandate and Complaint for Declaratory 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 Other Relief Sought: Petition for Writ of Mandate and Complaint for Declaratory 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

D. 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.

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