

SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

December 19, 2017

Place: City Hall, Conference Room W-133

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

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: 2

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

1. Case Name: Schwartz v. City of San José
Name(s) of Parties(s) EDWARD SCHWARTZ; 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
2. Case Name: San Francisco Baykeeper v. City, et al.
Name(s) of Parties(s) SAN FRANCISCO BAYKEEPER; CITY OF SAN JOSÉ,
Involved: SAN JOSE DEPARTMENT OF TRANSPORTATION; SAN JOSÉ PUBLIC WORKS DEPARTMENT; SAN JOSÉ ENVIRONMENTAL SERVICES DEPARTMENT
Court: U.S. District Court, Northern District, San Jose Division
Case No.: 15-CV-00642-BLF
Amount of Money or Other Relief Sought: Declaratory Relief, Injunctive Relief

3. Case Name: Friends of the Willow Glen Trestle v. City of San José, et al.
 Name(s) of Parties(s) Involved: FRIENDS OF THE WILLOW GLEN TRESTLE, an unincorporated association; CITY OF SAN JOSÉ and CITY COUNCIL OF THE CITY OF SAN JOSÉ
 Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction
 Case No.: 1-14-CV-260439
 Amount of Money or Other Relief Sought: Damages according to proof
4. Case Name: Redmond, Blair v. City of San José, et al.
 Name(s) of Parties(s) Involved: BLAIR REDMOND; CITY OF SAN JOSÉ, SAN JOSÉ POLICE DEPARTMENT, OFFICER TONY DIEP, OFFICER DANIEL PFIEFER, OFFICER MATTHEW BLACKERBY, SERGEANT RICHARD GALEA, SERGEANT DONALD PERRIER, OFFICER WENDY HOSKIN, OFFICER ALAN MISHAGA, OFFICER ANDREW WONG, OFFICER RAQUEL MELO
 Court: United States District Court, Northern District of California
 Case No.: 14-CV-02345-BLF
 Amount of Money or Other Relief Sought: Damages according to proof.
5. Case Name: Zhou, Yuefeng and Ying Shi v. City of San José
 Name(s) of Parties(s) Involved: YUEFENG ZHOU and YING SHI; CITY OF SAN JOSÉ and Does 1-25, inclusive
 Court: Superior Court of California, County of Santa Clara
 Case No.: 16-CV-299426
 Amount of Money or Other Relief Sought: Damages according to proof
6. Case Name: Ward, Debra and Patricia Tapia v. City, Fire Chief William McDonald, et al.
 Name(s) of Parties(s) Involved: DEBRA WARD; PATRICIA TAPIA; CITY OF SAN JOSÉ; FIRE CHIEF WILLIAM McDONALD
 Court: Superior Court of California, County of Santa Clara
 Case No.: 1-11-CV203561
 Amount of Money or Other Relief Sought: Damages according to proof

7. 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
8. 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
9. 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 PENNINGTON, DAVID ARMSTRONG, DONNA JEWETT, DOROTHY McGINLEY, CITY OF SAN JOSÉ, THE BOARD OF ADMINISTRATION FOR THE FEDERATED CITY EMPLOYEES RETIREMENT PLAN
 Involved:
 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 200 Edenvale Avenue
 Address, Parcel San José, California
 Number, or Other
 Unique Reference of Property:
 Negotiating Parties: Nanci Klein for the City of San José
 and
 Johanna Welty for Long Beach Property LLC
 Kevin Morgan for JMA Ventures
 Jeff Traynor for ASAP Holdings LLC
 Nik Bhakta for Chalak Mitra Group

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 Memorandum of Agreement – City of San José and
Contract or MOA: 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>

MOA: Telephone – Employee Relations: (408) 535-8150