



NORA FRIMANN, CITY ATTORNEY

Office of the City Attorney

SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

June 6, 2023

Place: City Hall Conference Room W-133

Time: **9:00 a.m.**

Item(s) to be discussed:

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

1. Case Name: Rubalcava, Lionel v. City of San Jose, et al.
Name(s) of Party(ies) LIONEL RUBALCAVA, CITY OF SAN JOSE, JOSEPH PEREZ, RAFAEL NIEVES, RAMON AVALOS, RAN BALDAL, STEVEN SPILLMAN, TOPUI FONUA, LIEUTENANT TIBBET, EDGARDO GARCIA, MICHAEL BROWN, RICH TORRES, SERGEANT HAFLEY.
Court: U.S. District Court, Northern District of California
Case No: 5:20-CV-04191-BLF
Amount of Money or Other Damages exceeding \$25,000
Relief Sought:
2. Case Name: Johnson, Kyle v. City of San Jose, et al.
Name(s) of Party(ies) KYLE JOHNSON, AN INDIVIDUAL, CITY OF SAN JOSE, A CALIFORNIA CHARTER CITY; DOES 1 THROUGH 50
Court: U.S. District Court; District of Northern California
Case No: 5:21-cv-01849-BLF
Amount of Money or Other Damages according to proof
Relief Sought:

3. Case Name: Blevins, Lisa v. City of San José
Name(s) of Party(ies) LISA BLEVINS, CITY OF SAN JOSÉ
Court: Superior Court of California, County of Santa Clara
Case No: 1-14-CV270060
Amount of Money or Other Relief Sought: Appeal

4. Case Name County Sanitation District 2-3, et a. v. City, et al.
Name(s) of Party(ies) COUNTY SANITATION DISTRICT 2-3; WEST VALLEY SANITATION DISTRICT; BURBANK SANITARY DISTRICT; CUPERTINO SANITARY DISTRICT; CITY OF MILPITAS, CITY OF SAN JOSE, CITY OF SANTA CLARA; and DOES 1-50, inclusive
Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction
Case No: 18-CV-325480
Amount of Money or Other Relief Sought: Damages according to proof

B. 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

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: 1300 Berryessa Road, San Jose, California, 95133.
Negotiating Parties: Omar Passons, Nanci Klein, and Kevin Ice on behalf of the City of San Jose; Craig Kovalski of CBRE, on behalf of the property owner Terreno Berryessa, LLP.
Under Negotiation: The direction will concern price and terms of payment.
Likely Range of Value of Property: Negotiated price based present comparable property values, potential use of and improvements to the property, and unique terms

of the lease.

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: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>

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: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>

Telephone – Employee Relations: (408) 535-8150
3. 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: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>

Telephone – Employee Relations: (408) 535-8150

4. 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: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>

Telephone – Employee Relations: (408) 535-8150
5. 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: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>

Telephone – Employee Relations: (408) 535-8150
6. 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: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>

Telephone – Employee Relations: (408) 535-8150

7. Organization or Name and Title of Unrepresented Employees: **San José Police Dispatchers' Association (SJPDA)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement – City of San Jose and Municipal Employees' Federation (MEF), AFSCME, Local 101
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150
8. 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 Jose and Peace Officer Park Ranger Association
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150