

SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

November 10, 2020

Place: Teleconference

Time: **9:30 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: FCC Small Cell Order
Name(s) of Parties(s) Involved: CITY OF SAN JOSE, California; CITY OF ARCADIA, California; CITY OF BELLEVUE, Washington; CITY OF BURIEN, Washington; CITY OF BURLINGAME, California; CULVER CITY, California; TOWN OF FAIRFAX, California; CITY OF GIG HARBOR, Washington; CITY OF ISSAQUAH, Washington; CITY OF KIRKLAND, Washington; CITY OF LAS VEGAS, Nevada; CITY OF LOS ANGELES, California; COUNTY OF LOS ANGELES, California; CITY OF MONTEREY, California; CITY OF ONTARIO, California; CITY OF PIEDMONT, California; CITY OF PORTLAND, Oregon; CITY OF SAN JACINTO, California; CITY OF SHAFTER, California; CITY OF YUMA, Arizona; UNITED STATES OF AMERICA; FEDERAL COMMUNICATIONS COMMISSION
Court: U. S. Court of Appeals for the Ninth Circuit
Case No.: 18-72883
Amount of Money or Other Relief Sought: Damages according to proof
2. Case Name: Martin v. City, et al.
Name(s) of Parties(s) Involved: ANDY MARTIN; CITY OF SAN JOSE; ALEXANDRE VIEIRA-RIBEIRO
Court: U.S. District Court; District of Northern California
Case No.: 3:19-cv-01227 EMC
Amount of Money or Other Relief Sought: Damages according to proof

3. Case Name: Markowicz, Ricardo v. City of San Jose, et al.
Name(s) of Parties(s) Involved: RICARDO MARKOWICZ; CITY OF SAN JOSE; GCA SERVICES GROUP OF CALIFORNIA, INC.; GCA GROUP SERVICES, INC.
Court: Superior Court of California; County of Santa Clara
Case No.: 17CV315851
Amount of Money or Other Relief Sought: Damages according to proof
4. Case Name: 2017 Flood Litigation
Name(s) of Parties(s) Involved: Plaintiffs: Numerous
Defendants: CITY OF SAN JOSE, SANTA CLARA VALLEY WATER DISTRICT, COUNTY OF SANTA CLARA, CALIFORNIA DEPARTMENT OF WATER RESOURCES (DWR) AND DIVISION OF SAFETY OF DAMS (DSOD)
Court: Superior Court of California, County of Santa Clara
Case No.: 18CV321600, 18CV321601, 18CV321602, 18CV321603, 18CV321604, 18CV321613, 18CV321761, 18CV322210, 18CV323345, 18CV324263, 18CV324794, 18CV325153, 18CV325282, 18CV325283, 18CV325285, 18CV325287, 18CV325289, 18CV325346
Amount of Money or Other Relief Sought: Damages according to proof.
5. Case Name: Shahrivar, Farid v. City, et al.
Name(s) of Parties(s) Involved: FARID SHAHRIVAR, CITY OF SAN JOSE, a municipality; RODNEY RAPSON, an individual; DAVID SYKES, an individual; HARRY FREITAS, an individual; KATHERINE JENSEN, an individual; DAVID PRINTY, an individual; DANNY TSAO, an individual; KATRINA ALLEN, an individual; DOUG BAKER, an individual; ALEX GURZA, an individual; SARAH NUNES, an individual; LES WHITE, an individual; ALLEN DEMERS, an individual; RAJIV DAS, an individual; ADAM STREMPPEL, an individual; STEVE PAGAN, an individual; ANGELA CHEN, an individual; MARK DANA, an individual; ROBERT FABELA, an individual; SUSAN LACY, and DOES 1 through 45
Court: U.S. District Court, Oakland Division
Case No.: CV-10-01029 PSG
Amount of Money or Other Relief Sought: Damages according to proof.

6. Case Name: County Sanitation District 2-3, et al. v. City, et al.
- Name(s) of Parties(s) Involved: 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
7. Case Name: Plata, Raymond and Michelle v. City of San José
- Name(s) of Parties(s) Involved: RAYMOND AND MICHELLE PLATA, individually and on behalf of 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 Other Relief Sought: Declaratory Relief, Injunctive Relief
8. Case Name: Kessner, et al. v. City, et al.
- Name(s) of Parties(s) Involved: BONNIE KESSNER and ANDREA MCCARTNEY-PAGE, individually and on behalf of all others similarly situated, and on behalf of the general public; ADRIENNE MADAMA-STODDARD, individually and on behalf of all others similarly situated; ALBERTO PINERO, individually and on behalf of all others similarly situated; ALVARO MENDOZA, individually and on behalf of all others similarly situated; AMANDA CLARK, individually and on behalf of all others similarly situated; ANGELINA AYALA, individually and on behalf of all others similarly situated; ANNE MOELL, individually and on behalf of all others similarly situated; ANNETTE JOHNSON, individually and on behalf of all others similarly situated; BARBARA WILLIAMS, individually and on behalf of all others similarly situated; BELINDA MAXWELL, individually and on behalf of all others similarly situated; BERNARD SAFIR, individually and on behalf of all others similarly situated; BETTY CASTER, individually and on behalf of all others similarly situated; BLANCA BROWN, individually and on behalf of all others similarly situated; BRENT LISTER, individually and on behalf of all others similarly situated; BRIAN ROJAS, individually and on behalf of all others similarly situated; C. LYNN CLARK, individually

and on behalf of all others similarly situated; CARLOS WARTER, individually and on behalf of all others similarly situated; CARMEN MANTILLA, individually and on behalf of all others similarly situated; CARMENCITA RODRIGUEZ, individually and on behalf of all others similarly situated; CAROLYN COLLINS, individually and on behalf of all others similarly situated; CESAR MORALES, individually and on behalf of all others similarly situated; CHERI LUMLEY, individually and on behalf of all others similarly situated; CHERYL HOWELL, individually and on behalf of all others similarly situated; CLINTON ALMEKINDER, individually and on behalf of all others similarly situated; DANA RIGGS, individually and on behalf of all others similarly situated; DANIEL HAMAMOTO, individually and on behalf of all others similarly situated; DAVID RODRIGUEZ, individually and on behalf of all others similarly situated; DAVTDA GREGORY, individually and on behalf of all others similarly situated; DEBRA BROWN, individually and on behalf of all others similarly situated; DEBRA HERNANDEZ, individually and on behalf of all others similarly situated; DEBRA LINDSAY, individually and on behalf of all others similarly situated; DEBRA MASTERSON, individually and on behalf of all others similarly situated; DIANA LAUE, individually and on behalf of all others similarly situated; DORIS HARRIS, individually and on behalf of all others similarly situated; DUSANKA BODJANAC, individually and on behalf of all others similarly situated; ENOCH PAGE, individually and on behalf of all others similarly situated; FABIAN YANEZ, individually and on behalf of all others similarly situated; FLOY ANDERSON, individually and on behalf of all others similarly situated; FRANCISCO MONTES DE OCA, individually and on behalf of all others similarly situated; FRANKIE WALTON, individually and on behalf of all others similarly situated; GAUNETT LOVE, individually and on behalf of all others similarly situated; GLENN HUDSON, individually and on behalf of all others similarly situated; GLENN STANFORD, individually and on behalf of all others similarly situated; GONZALO MENDOZA and CECELIA MENDOZA, individually and on behalf of all others similarly situated; GUADALUPE ESCOTO, individually and on behalf of all others similarly situated; HELENE DAS, individually and on behalf of all others similarly situated; HOLLY HENDRIX, individually and on behalf of all others similarly situated; IRMA LOPEZ, individually and on behalf of all others similarly situated; JAGNA KOSAKOWSKI, individually and on behalf of all others similarly situated; JAMES ZILLI, individually and on behalf of all others similarly situated; JENNIFER TOY, individually and on behalf of all others similarly situated; JOAN FOGEL, individually and on behalf of all others

similarly situated; JOAN GUSTAFSON, individually and on behalf of all others similarly situated; JOHN DA SILVA COLLACO, individually and on behalf of all others similarly situated; JONI O'BRIEN-BUNCH, individually and on behalf of all others similarly situated; JOSEPH DUZAC, individually and on behalf of all others similarly situated; JUAN LOPEZ, individually and on behalf of all others similarly situated; KANDIDUBRALL, individually and on behalf of all others similarly situated; KAREN PERSSON, individually and on behalf of all others similarly situated; KATHERINE STEVENSON, individually and on behalf of all others similarly situated; KEN BLASIUS and JANET BLASIUS, individually and on behalf of all others similarly situated; KLARA TOTH, individually and on behalf of all others similarly situated; LINDA HALL, individually and on behalf of all others similarly situated; LINDA JOHNSON, individually and on behalf of all others similarly situated; LISA GOODENOUGH, individually and on behalf of all others similarly situated; LUCY CARTAGENA, individually and on behalf of all others similarly situated; LUIS RAYON, individually and on behalf of all others similarly situated; LUZ URENA, individually and on behalf of all others similarly situated; LYNN HEMUS, individually and on behalf of all others similarly situated; MANUEL BRICENO, individually and on behalf of all others similarly situated; MARGARET OZOR, individually and on behalf of all others similarly situated; MARIA DPAOLA, individually and on behalf of all others similarly situated; MARIO BARRAGAN, individually and on behalf of all others similarly situated; MARK JOHNSON, individually and on behalf of all others similarly situated; MARVA BLAKE, individually and on behalf of all others similarly situated; MARY ALICE BENDELL, individually and on behalf of all others similarly situated; MARY SHOGREN, individually and on behalf of all others similarly situated; MICHAEL COOPER, individually and on behalf of all others similarly situated; MICHAEL PARRY, individually and on behalf of all others similarly situated; MICHELE DICKSTEIN, individually and on behalf of all others similarly situated; MICHELE SMITH, individually and on behalf of all others similarly situated; NANCY WALKER, individually and on behalf of all others similarly situated; NATALIE SANCHEZ, individually and on behalf of all others similarly situated; PAMELA DAVIS, individually and on behalf of all others similarly situated; PASHKO JUNCAJ, individually and on behalf of all others similarly situated; PATRICIA MCCAULEY, individually and on behalf of all others similarly situated; PATSY CALESA, individually and on behalf of all others similarly situated; PATTI CLOSE, individually and on behalf of all others similarly situated; PAUL BROWN, individually and on behalf

of all others similarly situated; PAUL PERLAS, individually and on behalf of all others similarly situated; PHYLLIS GROSS, individually and on behalf of all others similarly situated; PHYLLIS SCOTT, individually and on behalf of all others similarly situated; RAMI PACHECO, individually and on behalf of all others similarly situated; RAVINDRA SINGH, individually and on behalf of all others similarly situated; RAYMOND CHRISTENSEN, individually and on behalf of all others similarly situated; REX RUFFIN, individually and on behalf of all others similarly situated; RICHARD SHERIDAN, individually and on behalf of all others similarly situated; RICHARD WILDER, individually and on behalf of all others similarly situated; RICK MURPHY, individually and on behalf of all others similarly situated; ROBERT ALEXANDER, individually and on behalf of all others similarly situated; ROBERT MOSEMAS, individually and on behalf of all others similarly situated; ROBERT REYNOSO, individually and on behalf of all others similarly situated; ROBERT VANDERUPWICH, individually and on behalf of all others similarly situated; ROBERTA HAINES, individually and on behalf of all others similarly situated; RODNEY TOPKOV, individually and on behalf of all others similarly situated; RON REGEHR, individually and on behalf of all others similarly situated; ROSE AQUILINA, individually and on behalf of all others similarly situated; RUTH CHERICO, individually and on behalf of all others similarly situated; SAKSIT behalf of all others similarly situated; SANG LUC, individually and on behalf of all others similarly situated; SHARON HEINEKE, individually and on behalf of all others similarly situated; SHERRY YETTER, individually and on behalf of all others similarly situated; STAN WEINSTEIN, individually and on behalf of all others similarly situated; STEPHEN PERRY, individually and on behalf of all others similarly situated; STEVEN SHIPE, individually and on behalf of all others similarly situated; SUSAN JOLLY, individually and on behalf of all others similarly situated; SUSAN WESTBROOK, individually and on behalf of all others similarly situated; SUSIE WILLIAMSON, individually and on behalf of all others similarly situated; TAJEET JUGMOHAN, individually and on behalf of all others similarly situated; TERESA CORONA, individually and on behalf of all others similarly situated; TERI PERKINS, individually and on behalf of all others similarly situated; THOMAS HUTCHINS, individually and on behalf of all others similarly situated; THOMAS WENDT, individually and on behalf of all others similarly situated; and, WILLIAM SPYRISON, individually and on behalf of all others similarly situated; CITY OF SANTA CLARA, ALAMEDA COUNTY WATER DISTRICT, CARLSBAD MUNICIPAL WATER DISTRICT,

CITRUS HEIGHTS WATER DISTRICT, CITY OF ANAHEIM, CITY OF ANTIOCH, CITY OF BREA, CITY OF CHINO, CITY OF CLOVIS, CITY OF COMPTON, CITY OF CORONA, CITY OF DOWNEY, CITY OF ESCONDIDO, CITY OF FAIRFIELD, CITY OF FOUNTAIN VALLEY, CITY OF FRESNO, CITY OF FULLERTON, CITY OF GARDEN GROVE, CITY OF HAYWARD, CITY OF HEMET, CITY OF HESPERIA, CITY OF HUNTINGTON PARK, CITY OF LA HABRA, CITY OF LONG BEACH, CITY OF MADERA, CITY OF MODESTO, CITY OF NAPA, CITY OF NORWALK, CITY OF OCEANSIDE, CITY OF ONTARIO, CITY OF OXNARD, CITY OF PALMDALE, CITY OF PASADENA, CITY OF PETALUMA, CITY OF POMONA, CITY OF SACRAMENTO, CITY OF SAN BERNARDINO, CITY OF SAN DIEGO, CITY OF SAN FRANCISCO, CITY OF SAN JOSE, CITY OF SAN LUIS OBISPO, CITY OF SANTA CRUZ, CITY OF SANTA MONICA, CITY OF SANTA ROSA, CITY OF STOCKTON, CITY OF SUISUN, CITY OF TORRANCE, CITY OF TRACY, CITY OF TUSTIN, CITY OF VACAVILLE, CITY OF VALLEJO, CITY OF VENTURA, CITY OF VICTORVILLE, CITY OF WHITTIER, CITY OF WOODLAND, CONTRA COSTA WATER DISTRICT, CUCAMONGA VALLEY WATER DISTRICT, DESERT WATER AGENCY, EAST BAY MUNICIPAL UTILITY DISTRICT, EASTERN MUNICIPAL WATER DISTRICT, EL TORO WATER DISTRICT, ELSINORE VALLEY MUNICIPAL WATER DISTRICT, FALLBROOK PUBLIC UTILITY DISTRICT, GOLETA WATER DISTRICT, HELIX WATER DISTRICT, IRVINE RANCH WATER DISTRICT, LAKESIDE WATER DISTRICT, LOS ANGELES COUNTY, NEVADA IRRIGATION DISTRICT, OTAY WATER DISTRICT, PADRE DAM MUNICIPAL WATER DISTRICT, PALMDALE WATER DISTRICT, PLACER COUNTY WATER AGENCY, RAINBOW MUNICIPAL WATER DISTRICT, SACRAMENTO COUNTY WATER AGENCY, SANTA CLARITA VALLEY WATER AGENCY, VALLECITOS WATER DISTRICT, VALLEY CENTER MUNICIPAL WATER DISTRICT, VENTURA COUNTY WATERWORKS, VISTA IRRIGATION DISTRICT, and WALNUT VALLEY WATER DISTRICT, individually and all behalf of all others similarly situated;

Court: Superior Court of California; County of Santa Clara

Case No.: 20CV364054

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

9. Case Name: City v. Four Points by Sheridan San Jose
 Name(s) of Parties(s) Involved: CITY OF SAN JOSE; GLOBAL 360 ENTERPRISES LLC DBA FOUR POINTS BY SHERATON IN SAN JOSE - SILICON VALLEY, a California LLC; SILICON VALLEY INTERNATIONAL, INC., and STARLIGHT MANAGEMENT GROUP, INC., California corporations; 360 GLOBAL VENTURE GROUP DBA DOCTORS INVESTMENT
 Court: Superior Court of California; County of Santa Clara
 Case No.: 1-15-CV-278506
 Amount of Money or Other Relief Sought: Damages according to proof
10. Case Name: Dolce/San Jose, LLC v. City of San Jose
 Names of Parties (s) Involved: DOLCE INTERNATIONAL/SAN JOSE, LLC, CITY OF SAN JOSE, CALIFORNIA, JOHN DOE ENTITIES 1–10,
 Court: United States District Court, Northern District of California
 Case no: 5:20-cv-03774-EJD- LEAD CASE
 Amount of Money or Other Relief Sought: Damages according to proof
11. Case Name: Unite Here Retirement Fund and Trustees of the Unite Here Retirement Fund v. City of San Jose
 Names of Parties (s) Involved: UNITE HERE RETIREMENT FUND and TRUSTEES OF THE UNITE HERE RETIREMENT FUND,CITY OF SAN JOSE
 Court: United States District Court, Northern District of California
 Case no: 5:20-cv-06069-EJD]
 Amount of Money or Other Relief Sought: Damages according to proof
12. Case Name: Padilla v. City of San Jose
 Name of Parties (s) Involved: THOMAS H. PADILLA, SR, DARLENE PADILLA, CITY OF SAN JOSE; COUNTY OF SANTA CLARA,
 Court: COURT OF APPEAL OF THE STATE OF CALIFORNIA, SIXTH APPELLATE DISTRICT
 Case No.: H046132
 Amount of Money or Other Relief Sought: Damages according to proof

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