

SAN JOSE CITY COUNCIL CLOSED SESSION AGENDA

June 3, 2008

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 subsection (a):

1. Case Name: City of San Jose v. Hon. Read Ambler
Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC., dba BAY 101, Garden City, Inc., City of San Jose, Hon. Read Ambler
Court: Superior Court of California, County of Santa Clara
Case No.: 1-05-CV- 05391 (Consolidated with 1-05-CV-050392)
Amount of Money or Other Relief Sought: The City seeks a Writ of Administrative Mandamus challenging various errors in the hardship proceedings.

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

2. Case Name: Sutter's Place, Inc. v. City, et al.
Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC., dba BAY 101, Garden City, Inc., City of San Jose, Hon. Read Ambler
Court: Superior Court of California, County of Santa Clara
Case No.: CV1-02-810068 (Consolidated with 1-02-CV810548, 1-02-CV795974 and 1-02-CV812404)
Amount of Money or Other Relief Sought: Plaintiffs seek declaratory relief that the provisions of Title 16 eliminating backline betting, prohibiting gaming between 2:00 a.m. and 6:00 a.m., and requiring payment of hearing fees are unconstitutional. Plaintiffs further seek writs of Administrative Mandamus challenging the denial of hardship extensions under San Jose Municipal

Code Section 16.20.010, et. seq.

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 subsection (a):

3. Case Name: Sutter's Place, Inc. v. City, et al.

Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC., dba BAY 101, Garden City, Inc., City of San Jose

Court: Superior Court of California, County of Santa Clara

Case No.: 1-06-CV-065644 (Consolidated with Case No. 1-06-CV-068034)

Amount of Money or Other Relief Sought: Plaintiffs seek declaratory relief regarding table fees.

D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 subsection (a):

4. Case Name: Solorio v. City, et al.

Name(s) of Parties(s) Involved: APOLONIO SOLORIO, CITY OF SAN JOSE, THE CITY OF SAN JOSE POLICE DEPARTMENT, THE COUNTY OF SANTA CLARA, CITY OF SAN JOSE POLICE DEPARTMENT, SERGEANT DAVID HOBER, OFFICER J. MITCHELL AKA GEORGE F. MITCHELL, OFFICER D. GUESS, OFFICER A. BROWN, OFFICER GALEA, OFFICER YOUNG, OFFICER LOPEZ, DETECTIVE HOVE AND DETECTIVE PEREA, OFFICER VARGAS AND SERGEANT MORALES, and DOES

Court: U.S. District Court, Northern District of California

Case No.: NO.: C04-03029 PVT

Amount of Money or Other Relief Sought: (Superior Court generally: In excess of \$25,000, according to proof and/or Indemnity and damages according to proof – *check with attorney as to the relief requested in the complaint.*)

E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 subsection (a):

5. Case Name: Fong, et al. v. City, et al.

Name(s) of Parties(s): RICHARD E. DE LA ROSA, DENNIS FONG, JOSÉ MENDOZA, CITY OF SAN JOSÉ, AVO MAKDESSIAN,

Involved: and DOES 1-100

Court: Superior Court of California, County of Santa Clara

Case No.: 1-03-CV817097

Amount of Money or Other Relief Sought: In excess of \$25,000 according to proof.

F. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code:

Number of matter(s) to be discussed: 2

G. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

City Negotiator: City Manager designee Alex Gurza

Employee Organizations:

1. Organization or Name and Title of Unrepresented Employees: **San José Police Officers' Association**

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/employeeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150

2. Organization or Name and Title of Unrepresented Employees: **Municipal Employees' Federation, AFSCME Local 101, AFL-CIO**

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/employeeerelations/moa.asp>
Telephone – Employee Relations: (408) 535-8150

3. Organization or **City Association of Management Personnel**
Name and Title of **Agreement**
Unrepresented
Employees:
- Nature of wages/salaries, hours, working conditions, etc.
negotiations:
- Name of Existing Benefit & Compensation Summary — City of San José
Contract or MOA: and City Association of Management Personnel
Agreement
- How to Obtain a Web:
copy of Existing <http://www.sanjoseca.gov/employeerelations/moa.asp>
Contract or MOA: Telephone – Employee Relations: (408) 535-8150