

SAN JOSE CITY COUNCIL CLOSED SESSION AGENDA

August 5, 2008

Place: City Hall, Conference Room W-133

Time: **9:30 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: Fong, et al v. City of San José, et al.
Name(s) of Parties(s) Involved: RICHARD E. DE LA ROSA, DENNIS FONG, JOSE MENDOZA, CITY OF SAN JOSÉ, AVO MAKDESSIAN, and DOES 1-100
Court: Superior Court of California, County of Santa Clara
Case No.: 1-03-CV-817097
Amount of Money or Other Relief Sought: In excess of \$25,000 according to proof.
2. Case Name: City of San José v. The Honorable Read Ambler; Sutter's Place, Inc., dba Bay 101, Real Party in Interest; Frederick S. Wyle as Trustee of Garden City, Inc., Real Party in Interest
Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC., dba BAY 101, FREDERICK S. WYLE AS TRUSTEE OF GARDEN CITY, INC., CITY OF SAN JOSE, HON. READ AMBLER
Court: Court of Appeal, 6th Appellate District
Superior Court of California, County of Santa Clara
Case No.: H031189 and H031226
1-05-CV- 05391 (Consolidated with 1-05-CV-050392)
Amount of Money or Other Relief Sought: Appeal of Order sustaining demurrers to City's Writ of Administrative Mandamus without leave to amend.

Sought:

3. Case Name: Sutter's Place, Inc. v. City of San José, et al. and Consolidated Actions
Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC., dba BAY 101, FREDERICK S. WYLE AS TRUSTEE FOR GARDEN CITY, INC., CITY OF SAN JOSÉ
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.
4. Case Name: Sutter's Place, Inc., dba Bay 101 v. City of San José, et al. and Consolidated Action
Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC., dba BAY 101, GARDEN CITY, INC., CITY OF SAN JOSÉ
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.

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (CLAIM NOT FILED):

Significant exposure to litigation pursuant to subsection (b) of Section 54956.9 of the Government Code:

Number of matter(s) to be discussed: 3

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: WPCP site, northeast corner of intersection of Highway 237 and Zanker Road; APN: 015-44-011, 014, 015, 016, 017

Negotiating Parties: Paul Krutko, Chief Development Officer for the City of San José

and

Ze'ev Drori, President and CEO for Tesla Motors

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: City Manager designee Alex Gurza

Employee Organizations:

1. Organization or Name and Title of Unrepresented Employees: **Confidential Employees' Organization, AFSCME Local 101**

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/employeerelations/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/employeerelations/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