

SAN JOSE CITY COUNCIL CLOSED SESSION AGENDA

September 30, 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: 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.
2. 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.

Sought:

3. Case Name: Coleman, et al. v. City of San José
- Name(s) of Parties(s) Involved: ALFRED COLEMAN; HELEN COLEMAN; CITY OF SAN JOSE; DOES 1-20
- Court: Superior Court of California, County of Santa Clara
- Case No.: 1-07-CV-085500
- Amount of Money or Other Relief Sought: In excess of \$25,000, according to proof.

4. Case Name: Montes, et al. v. City of San Jose, et al.
- Name(s) of Parties(s) Involved: DAYSI MONTES; TROY ZAMORA, a minor, by and through his Guardian Ad Litem, DAYSI MONTES; XIOMARA GONZALES; TANZANIA BENNETT, a minor, by and through her Guardian Ad Litem, DEITRI LIGON; MELVON BELLARD, a minor, by and through his Guardian Ad Litem, MONICKA BEARD; CITY OF SAN JOSE; DOES 1-10
- Court: Superior Court of California, County of Santa Clara
- Case No.: 1-07-CV-088093
- Amount of Money or Other Relief Sought: In excess of \$25,000, according to proof.

B. 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: 1

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