

## SAN JOSE CITY COUNCIL CLOSED SESSION AGENDA

**February 24, 2009**

Place: City Hall, Conference Room W-133

Time: **9:30 a.m.**

Item(s) to be discussed:

**A. 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: 1

**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 LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 subsection (a):**

- D. 1. Case Name:** Bernal v. City, et al.
- Name(s) of Parties(s) Involved: MIKE C. BERNAL, SUSAN R. BERNAL, NANETTA BERNAL, LILIAN BERNAL AUVINEN, KATHERINE LIRA, DIANA BERNAL-TUYOR, MIKE A. BERNAL, GARY JAMES BERNAL, DOMENICO LOVERDE, TOMAS J. MARTINEZ, AUTHUR PAUL LIRA, JR, JERIMIAH LIRA, SOMMER KAI ESPINOSA, LUCIA A. BERNAL , GUILLERMO ESPINOSA, CITY OF SAN JOSE, AND DOES 1 - 25
- Court: Superior Court of California, County of Santa Clara
- Case No.: 1-08-CV-116141

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

2. Case Name: In re: Bowers

Name(s) of  
Parties(s)  
Involved:

Court: Administrative Appeal

Case No.:

Amount of  
Money or  
Other Relief  
Sought:

3. Case Name: City of San José v. Union Pacific Railroad Company

Name(s) of CITY OF SAN JOSE, UNION PACIFIC RAILROAD  
Parties(s) COMPANY, a Delaware corporation, and DOES ONE to  
Involved: FIFTEEN, inclusive

Court: Superior Court of California, County of Santa Clara

Case No.: 1-04-CV-026149

Amount of Eminent Domain language: Seeking to obtain real property  
Money or through eminent domain for fair market value.  
Other Relief  
Sought:

4. Case Name: City of San Jose v. Hon. Read Ambler

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

Court: Superior Court of California, County of Santa Clara

Case No.: 1-05-CV- 05391 (Consolidated with 1-05-CV-050392)

Amount of The City seeks a Writ of Administrative Mandamus  
Money or challenging various errors in the hardship proceedings.  
Other Relief  
Sought:

5. 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.
  
6. 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 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: 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: <http://www.sanjoseca.gov/employeeerelations/moa.asp>  
Telephone – Employee Relations: (408) 535-8150

2. Organization or Name and Title of Unrepresented Employees: International Brotherhood of Electrical Workers, Local 332 (IBEW)

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)

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 Name and Title of Unrepresented Employees: Confidential Employees' Organization, AFSCME Local 101 (CEO)

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

4. 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: <http://www.sanjoseca.gov/employeeerelations/moa.asp>  
Telephone – Employee Relations: (408) 535-8150

5. 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: <http://www.sanjoseca.gov/employeerelations/moa.asp>  
Telephone – Employee Relations: (408) 535-8150
6. 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: <http://www.sanjoseca.gov/employeerelations/moa.asp>  
Telephone – Employee Relations: (408) 535-8150
7. 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: <http://www.sanjoseca.gov/employeerelations/moa.asp>  
Telephone – Employee Relations: (408) 535-8150
8. Organization or Name and Title of Unrepresented Employees: International Association of Firefighters (IAFF), Local 230

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Association of Firefighters (IAFF), Local 230

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>  
Telephone – Employee Relations: (408) 535-8150

9. Organization or Name and Title of Unrepresented Employees: International Union of Operating Engineers, Local No. 3 (OE#3)

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>  
Telephone – Employee Relations: (408) 535-8150