

## SAN JOSE CITY COUNCIL CLOSED SESSION AGENDA

**April 28, 2009**

Place: City Hall, Conference Room W-133

Time: **9:00 a.m. (Special Time)**

Item(s) to be discussed:

**A. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957:**

Department or Agency: Independent Police Auditor  
Title: Independent Police Auditor

**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: 1

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

1. Case Name: Bernal, et al. 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: City of San José v. Operating Engineers Local Union 3, et al.

Name(s) of Parties(s) Involved: CITY OF SAN JOSÉ, OPERATING ENGINEERS LOCAL UNION 3, and DOES 1-2000

Court: Court of Appeal, 6<sup>th</sup> Appellate District

Case No.: H030272

Amount of Injunction to prevent strike/work stoppages  
Money or  
Other Relief  
Sought:

3. Case Name: Great Oaks Water, Inc. v. City, et al.

Name(s) of Parties(s) Involved: GREAT OAKS WATER COMPANY, INC., JOHN W.S. ROEDER, BETTY B. ROEDER, BETTY B. ROEDER TRUST A and WILLIAM C. MILLER, JR. and BETTY B. ROEDER, TRUSTEES OF THE WALTER S. ROEDER TRUST B, THE CITY OF SAN JOSE, THE SAN JOSE REDEVELOPMENT AGENCY, SOUTHBAY WATER RECYCLING, DOES 1 through 100

Court: Superior Court of California, County of Santa Clara

Case No.: 1-04-CV012008

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

4. Case Name: International Association of Firefighters, et al v. City

Name(s) of Parties(s) Involved: CITY OF SAN JOSE, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL UNION 230, and DOES 1 - 50, SAN JOSE POLICE OFFICERS' ASSOCIATION

Court: Superior Court of California, County of Santa Clara

Court of Appeal, 6<sup>th</sup> Appellate District

Case No.: 1-06-CV-075858

H032097

Amount of Damages according to proof.

Money or  
Other Relief  
Sought:

5. Case Name: Diaz, et al. v. City  
Name(s) of Parties(s) Involved: JUAN DIAZ, KEITH KEESLING, CHRISTOPHER MURPHY, GARY WEEKLEY, KAREN ALLEN and other employees similarly situated, CITY OF SAN JOSE  
Court: United States District Court, Northern District of California  
Case No.: C07-06424 JW  
Amount of Money or Other Relief Sought: Damages according to proof.
6. Case Name: Welch, et al. v. City  
Name(s) of Parties(s) Involved: JEFFREY WELCH, GLEN BISHIP, MITCHELL WITSINSKI, ROBERT CULBERTSON and other employees similarly situated, CITY OF SAN JOSE  
Court: United States District Court, Northern District of California  
Case No.: C08-02132 JW  
Amount of Money or Other Relief Sought: Damages according to proof.
7. Case Name: Valdez, et al v. City, et al.  
Name(s) of Parties(s) Involved: FRANCISCO VALDEZ, RICARDO VASQUEZ, CITY OF SAN JOSE, SAN JOSE POLICE CHIEF ROBERT DAVIS, OFFICER R. AGAMAN, AND DOES 1-2500.  
Court: United States District Court, Northern District of California  
Case No.: C09 00176 RMW  
Amount of Money or Other Relief Sought: Damages according to proof.
8. Case Name: Watson, et al. v. City of San Jose, et al.  
Name(s) of Parties(s) Involved: TRACY WATSON, RENEE STALKER, OLIVIA STALKER, SHAFER WATSON, RILEY WATSON, COUNTY OF SANTA CLARA, COUNTY OF SANTA CLARA DEPARTMENT OF FAMILY AND CHILDREN SERVICES; COUNTY OF SANTA CLARA DEPARTMENT OF COUNTY

COUNSEL; COUNTY OF SANTA CLARA DISTRICT ATTORNEYS OFFICE; SANTA CLARA VALLEY MEDICAL CENTER; EVERGREEN SCHOOL DISTRICT; CITY OF SAN JOSE, SAN JOSE POLICE DEPARTMENT; NORMA SPARKS, YAZMINA LETONA; SHARON BURGAN; JEWELS RAMIREZ; VU TRAN; ANN MILLER RAVEL, RIMA SINGH; AARON WEST; GEORGE KENNEDY; CLIFTON BLACK; ROSE REAL; ROBERT PRUITT; CHERYL HARMS; CLAUDIA BLODGETT; GARY KISHIMOTO; JOHN HAMILTON, ANITA NOBLE, JANET KAHLE, MARY RITTER, DAVID KEARNS, RAJUL KAZI; ROB DAVIS; WILLIAM HOYT; CRAIG BLANK

Court: United States District Court, Northern District of California

Case No.: C06-04029 RMW

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

9. Case Name: Williams, et al. v. City of San Jose, et al.

Name(s) of Parties(s) Involved: THOMAS WILLIAMS and NANCY WILLIAMS, individually and as joint personal representatives of the Estate of TY WILLIAMS; TODD WILLIAMS; TRINA WILLIAMS; and KEITH LUSK, CITY OF SAN JOSE; CRISTIANO BINDI, individually and in his capacity as a police officer for the CITY OF SAN JOSE; GREGORY SALAS, individually and in his capacity as a police officer for the CITY OF SAN JOSE; and DOES 3-10

Court: Superior Court of California, County of Santa Clara

Case No.: 1-07-CV100074

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

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

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

Court: Superior Court of California, County of Santa Clara

Case No.: 1-04-CV-026149

Amount of Money or Other Relief Sought: Seeking to obtain real property through eminent domain for

Other Relief fair market value.

Sought:

11. Case Name: Lefall, et al. v. City of San Jose

Name(s) of Parties(s) Involved: DION LEFALL, GEORGE LOUIE, GLORIA VAUGHN, AND DERRICK JACKSON For Themselves and On Behalf Of All Others Similarly Situated, CITY OF SAN JOSE

Court: Superior Court of California, County of Santa Clara

Case No.: 1-07-CV-094037

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

12. Case Name: De La Rosa, 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

Court of Appeal, 6th Appellate District

Case No.: 1-03-CV-817097

H031583

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

13. Case Name: Licking Enterprises, Inc. v. City, et al.

Name(s) of Parties(s) Involved: LICKING ENTERPRISES, INC. CITY OF SAN JOSE, a municipal corporation; SAN JOSE CITY COUNCIL; RON GONZALES, CINDY CHAVEZ, PAT DANDO, KEN YEAGER, CHUCK REED, FORREST WILLIAMS, LINDA J. LEZOTTE, NORA CAMPOS, GEORGE SHIRAKAWA, JR., DAVI D. CORTESE, JOHN DIQUISTO, sued in their official capacities

Court: United States District Court, Northern District of California

Case No.: C07-00735 RMW (PVT)

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

Other Relief

Sought:

14. Case Name: Smith v. City of San Jose, et al.  
 Name(s) of Parties(s) Involved: TED SMITH, CITY OF SAN JOSE, SAN JOSE ELECTIONS COMMISSION, and DOES 1-20  
 Court: Superior Court of California, County of Santa Clara  
 Case No.: 1-07-CV-089167  
 Amount of Money or Other Relief Sought: Damages according to proof.
15. Case Name: Vietnamese-American Community of Northern California v. City of San José, et al.  
 Name(s) of Parties(s) Involved: VIETNAMESE-AMERICAN COMMUNITY OF NORTHERN CALIFORNIA; CITY OF SAN JOSE; CITY COUNCIL OF SAN JOSE  
 Court: Superior Court of California, County of Santa Clara  
 Case No.: 1-08-CV-107082  
 Amount of Money or Other Relief Sought: For declaratory and injunctive relief according to proof.

**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/employeerelations/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/employeerelations/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/employeerelations/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/employeerelations/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: San José Police Officers' Association (SJPOA)
- 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 Police Officers' Association (SJPOA)
- 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 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
10. 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