

FILED
NOV 14 2022

City of Alameda



CITY OF ALAMEDA
CITY CLERK'S OFFICE

OPEN GOVERNMENT COMMISSION
2263 Santa Clara Avenue, Suite 380
Alameda, CA 94501
(510) 747-4800

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission: City Council

Name of individual contacted at Department or Commission: Mayor, City Council, Clerk, City Attorney, City Manager

☐ Alleged violation of public records access.

☒ Alleged violation of public meeting. Date of meeting: 11/1/2022

Sections 2-91.6(c), 2-91.5(b), 2-92.4(g).

Sunshine Ordinance Section: 2-91.5(a & b), 2-91.5(a)(b) and (f)

(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach all relevant documentation supporting your complaint. Documentation is required.

See attached.

A complaint must be filed no more than fifteen (15) days after an alleged violation of the Sunshine Ordinance.

Name: John Brennan * Address: 711 Grand St. Alameda

Telephone No: 510-517-7622 E-mail Address: johnpbrennan@yahoo.com

Date: 11/14/2022

Signature

** on behalf of the signatories listed in the attached document.*

November 14, 2022

Dear City of Alameda,

We hereby submit the following Sunshine Ordinance Complaint;

Complaint against: City Council; Alleged Violation of City of Alameda Sunshine Ordinance

Date of meeting: Nov. 1, 2022, Item 7-F

Describe alleged violations: Violations of the Sunshine Ordinance: Sections 2-91.6(c), 2-91.15 (b), 2-92.4 (g), 2-91.5 (a & b), 2-91.5 (a), (b), (f) are noted below.

Reference: Sunshine Ordinance

https://library.municode.com/ca/alameda/codes/code_of_ordinances?nodeId=CHIIAD_ARTVIIIISUOR#TOPTITLE

Violation 1:

2-91.6 (c) - Public Notice Requirements

If the notice informs the public of a public meeting or hearing, then the notice shall state that persons who are unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing, that these comments will be made a part of the official public record, and that the comments will be brought to the attention of the person or persons conducting the public meeting or hearing. The notice should also state the name and address of the person or persons to whom those written comments should be submitted.

The agenda did not include updated public correspondence that was submitted before the meeting. During the meeting when this issue was brought up in public comment at approximately 9:43PM, (video recording 2:43:00), the Mayor later addressed the City Clerk (2:48:00) who incorrectly stated that all correspondence had been posted on the agenda. The City Clerk said, "As correspondence comes in over the course of after we publish the agenda, we always update and attach all new correspondence so it's included in the record." Three minutes later (2:51:40), another speaker additionally addressed the Council echoing the same concern that submitted correspondence had *still* not been published. Moments later, the agenda correspondence was altered, and the correspondence was then updated. This was not announced to meeting participants, though it was observed (see below). This alteration to the official public record - during the meeting before which it was supposed to be made available, seems improper and in violation of, if not the letter of the ordinance, the spirit of the ordinance. As a result, **correspondence was not considered and available to the public and City Council members prior to the beginning of the agenda item.**

Evidence:

The following is a screen capture from 11/1/2022, submitted to the City Council and City Clerk at 10:15 PM. Correspondence was downloaded at 9:17 PM during the meeting. The file size was 3.7 MB, and included only one letter of correspondence (Exhibit 1). The correspondence was subsequently reposted, and then downloaded again at 9:54 PM. Note the new file size as 10.5 MB, with added correspondence (Exhibit 2). Based on public speaker comments, and the timestamps below, the correspondence was reposted by the City Clerk sometime between 9:51 PM and 9:54 PM.

▼ Downloads		--	Today at 9:54 PM
 Correspondence - Updated 111-2.pdf	10.5 MB		Today at 9:54 PM
 Correspondence - Updated 111.pdf	3.7 MB		Today at 9:17 PM

One of the letters not available at the beginning, but later added as described above, was correspondence from Carmen Reid - which was submitted to the City Clerk at 11:07 AM, and receipt was acknowledged at 11:32 AM. This particular correspondence, therefore, was not added to the record prior to the meeting start at 7PM, but was added at some point between 9:51 PM and 9:54 PM.

Lara Welsiger
to me ▼

11:32 AM (10 hours ago) ☆ ↶ ⋮

Hi Carmen,
Hope all is well! Your correspondence will be included in the meeting record.
Respectfully,
Lara

From: Carne001 [mailto:carneid@gmail.com]
Sent: Tuesday, November 1, 2022 11:07 AM
To: City Clerk <CLERK@alamedaca.gov>
Subject: [EXTERNAL] Agenda Item 7F / Grand St.

Dear Mayor and Councilmembers,

Re: Grand St. Redesign

I am writing to express concern about the current proposed redesign of Grand St., and respectfully request that you revisit this project and consider a thoughtful Master Plan for the entirety of the street (from Shoreline Dr. to Clement Ave).

I would also like to suggest two alternative plans that may adequately suit the needs of the community--

1) a shared bike, walk, jogging permeable walkway made from natural decomposed granite pathway stabilizer. It is 100% organic, and could be a suitable material that blends into the historic landscape of the street. The pathway could be widened to accommodate sufficient distance between cyclists, pedestrians and joggers. Furthermore, the current Class 2 bicycle lane at the street level could be maintained, as well as all of the parking along the curbs.

2.) separated bike trail and walking pathway. See attached photo. This proposal includes a landscaped strip between the paths. It could be landscaped with drought tolerant plants.

Attached:

Exhibit 1: One letter of correspondence (Jay Garfinkle).

Exhibit 2: Multiple letters of correspondence.

Violation 2:

2-91.15 (b)- Public Testimony

Every agenda for regular or special meetings at which action is proposed to be taken on an item shall provide, consistent with Council policy, an opportunity for each member of the public to directly address the body concerning that item before taking action.

During the public comment period, it appears that at least 4 speakers who had their hands raised were not called upon on Zoom. These speakers were: Margaret Hall, John Brennan, John Healy and Hale Foote. These individuals raised their hands right at the end as the mayor was asking if there were any other public speakers, and were not recognized. The city clerk moved with much more speed to close public comments than during other discussion periods. In fact, at the October 4th meeting, the clerk recognized Mr. Brennan at precisely this time. We don't know what value was served by not being sure that all people who desired to speak were recognized.

This is especially critical given that City Council meetings are held via Zoom. At an in-person meeting, it is very easy for speakers to tell how many people are in line, who is next up, and when to put yourself in the cue. At the Zoom meeting, none of this is visible to potential speakers. It is critically important the City ensures that all speakers are heard from and gives them time to virtually raise their hands to speak. This was not done for the public discussion for Item 7-F.

Evidence:

Text message from John Healy to friend timestamped at 9:51 PM:



Correspondence from John Healy to City Clerk, 11/1/22, 10:01 PM indicating he had his hand raised:



John Healy <save.alameda@gmail.com>

Hand Up! RE Grand Street

1 message

John Healy <save.alameda@gmail.com>
To: clerk@alameda.gov

Tue, Nov 1, 2022 at 10:01 PM

Modern Clerk,

I had my hand up, and the system pulled it down, and within a second of saying no more hands, I had my hand back up!

That Was wrong

John Healy
Save Alameda

Correspondence from Carol Gottstein to City of Alameda 11/3/22, 11:47 PM, forwarded from Carmen Reid:

Dear City Staff and Chief City Attorney,

It appears that others were also unable to view the correspondence. Please see email below from Ms. Gottstein.

There is clear evidence that there was only one letter available for public review prior to the start of the meeting. Only after this issue was raised during the public comment section of the item, was it then updated in real-time. I have shared screen captures with your office indicating the alteration, and the two downloaded documents also with time stamps. It has nothing to do with the cache.

I respectfully request that you investigate this thoroughly, and review the recorded meeting as well as City issued devices.

It is essential that the public be allowed to review submitted public comments prior to meetings in order to meaningfully participate in our local government, and kindly ask that the item be revisited to insure proper public engagement.

See timestamps and size of files. These files are attached in this email for your reference.

Correspondence - Updated 111-2.pdf	10.5 MB	Nov 1, 2022 at 9:54 PM
Correspondence - Updated 111.pdf	3.7 MB	Nov 1, 2022 at 9:17 PM

Thank you.
Best,
Carmen

----- Forwarded message -----

From: Carol Gottstein <carolgottstein@yahoo.com>

Date: Thu, Nov 3, 2022 at 11:18 AM

Subject: Re: [EXTERNAL] Improper alteration of Agenda Item/ Correspondence

Dear All: On Tuesday, between 2:40 pm and 3 pm, I attempted to access the Agenda 7-F Correspondence from the Mastick Senior Center Computer Lab, whose servers I do not control. The City Clerk had just sent me an acknowledgement of my letter and I wanted to see if it was in the Correspondence. I had been able to see the Correspondence (23 pages) before 2:40 pm, but from 2:40-3 pm, I got a message that the "page not available". Mastick closes at 3 PM so I went home.

I repeatedly attempted to view the Correspondence on my Samsung Android phone from the time I got home around 3:30 pm until the Agenda Item came up at 9:20 pm after the council recess, but only got one page (Jay Garfinkel), although the size of the file reported on my phone was much bigger (3.5 MB). And I had cleared my caches and wiped the cache partition.

I did try to view the Correspondence by going thru multiple routes: the Staff Report, and re-downloading the agenda links multiple times. Never worked.

The odd thing is that I could open the entire Correspondence for Item 7-E, the police review board item, without a problem every time.

I was going to mention the problem during my public comment, but I didn't want to waste my time. However, after the next speaker did mention it, then the Correspondence for Item 7-F appeared.

Since this apparently happened on multiple devices, including public ones, I doubt the problem was with the recipients. It appears that Agenda Item 7-F Correspondence was hidden from view from 2:40 pm - 9:20 pm continuously. At least it was to me. That's seven hours. Quite a long time, if you ask me. I don't know that this has ever happened before.

You may forward this email along to the City Staff. Thank you.

Carol Gottstein

Statements from Margaret Hall, John Brennan, John Healy, and Hale Foote

Margaret Hall

I was watching the meeting on Zoom, and I knew there were going to be numerous speakers. I raised my hand directly after Matt Reid spoke. The clerk erroneously stated, "That was our last speaker." But my hand was raised and stayed raised until after the final vote. During discussion Councilmember Spencer mentioned that people had their hands raised. I was waiting and expecting to be able to exercise my right to participate in a public meeting. Had this been an in-person meeting this would have never happened. Constituents are not being included in the process.

John Brennan

I want to raise the issue about how public comments were cut off during the discussion about the Grand Street Project. Several of us raised our hands right at the end as the mayor was asking if there were any other public speakers. Hale Foote, Margaret Hall, John Healy and I all raised our hands at that point and were not recognized. The city clerk moved with much more speed about this than for other issues. In fact, at the

October 4th meeting, the clerk recognized me at just this time. I don't know what value is served by not being sure that all people who desire to speak are recognized.

John Healy

On 11/1/2022, I attempted to participate in the public hearing before the Alameda City Council. This hearing was being held on Zoom. I was waiting my turn to speak and had my hand raised electronically. When the Mayor asked the City Clerk if there were more speakers, I watched my hand drop immediately from the screen. I immediately once again raised my hand before the Mayor could state that there was no more discussion. I wasn't called upon, unfortunately. At that exact moment, I emailed the City Clerk directly, saying my hand was raised. I am still waiting for a response to date from anyone. Therefore, I was not heard before the City Council in violation of my rights as a citizen of Alameda, and I was not allowed to speak as permitted by Law.

Hale Foote

I thought that I clicked the raised hand button but did not see any indication that it registered, as the clerk was announcing "no more comments." It was all rushed. Maybe my mistake that I did not raise my hand much earlier in the meeting, to get into the queue? But I wanted to be one of the last to speak.

Violation 3:

2-92.4 (g) - Notices and Posting of Information

Meetings on matters related to or actions taken in anticipation of a potential development project or other land use matter, such as but not limited to grant applications, project funding, and ordinance changes, including but not limited to, General Plan and area plan amendments or rights transfers, shall be noticed at least as extensively as is required for meetings on said projects.

As noted in the Sunshine Ordinance, potential development projects that include grant funding are required to be noticed extensively. The City of Alameda has a dedicated webpage for the Grand St. project, but failed to properly notice the agenda item for the November 1, 2022 meeting. It cites the previous meetings, including the October 4, 2022 meeting that had been voted upon, but did not provide information regarding the

revisiting of the item. This failure to publicly notice the item is a clear violation of the Sunshine Ordinance and precluded the public from an opportunity to participate.

Evidence:

<https://www.alamedaca.gov/Departments/Planning-Building-and-Transportation/Transportation/Grand-Street-Pavement-Resurfacing-and-Safety-Improvements>

HOME / Planning • Building • Transportation / Transportation / Grand Street Pavement Resurfacing and Safety Improvements

Grand Street Pavement Resurfacing and Safety Improvements

Announcement: City staff/consultant team is requesting City Council approval of the final concept for the Grand Street Resurfacing and Safety Improvement Project on Tuesday, October 4.

Background: The City has identified Grand Street between Shore Line Drive and Encinal Avenue as a high priority for pavement improvements. This pavement rehabilitation project has multiple benefits for all street users. Better maintained streets have fewer potholes, improved ride quality, pavement that is eligible for less costly preservation in future, updated striping and signage, and improved curb ramps, curbs and gutters. The project also is recommending safety improvements such as high visibility crosswalks, flashing beacons for pedestrians at Wood School and at the intersections of Grand Street/San Antonio Avenue and Grand/San Jose Avenue, separated bike lanes, enhanced bus stops by Shore Line Drive and Wood School, and narrower travel lanes to encourage slower vehicle speeds. On-street parking will be reduced to implement the safety features such as bus islands, separated bike lanes and high visibility crosswalks.

Correspondence: To receive project updates via email, subscribe directly [here](#). Please direct questions or concerns to Robert Vance, Supervising Civil Engineer, by phone at 510-747-7972 or by email at rvance@alamedaca.gov.

如需中文協助，請致電 510-747-6892 進行預約。Rú xū zhōngwén xiézhù, qǐng zhīdiàn 510-747-6892 jìnxíng yùyuē.

Para obtener asistencia en español, llame al 510-747-7939.

Details

Project Goals: For the Grand Street Pavement Resurfacing and Safety Improvements, the City seeks to:

- Improve Alameda's pavement condition to improve street operations and user experience, and to reduce future maintenance costs.
- Promote safety by prioritizing Vision Zero, which the City Council approved as a policy in 2019 to reduce traffic deaths and severe injuries to zero.
- Improve mobility for all modes, including AC Transit buses.
- Comply with existing plans and policies, including the City's *General Plan* and *Draft Active Transportation Plan*.

Progress

Design is in progress, and construction is expected to begin in 2023.

More information

Learn more about the City's Pavement Management Program from the City's 2021-2023 Capital Budget.

[Informational Fact Sheet](#) (PDF, 1MB)

[Project Sheet](#) (PDF, 306KB)

[Final Concept](#) (PDF, 4MB)

Funding

This project is funded by Measure B/BB Local Streets and Roads, Measure B/BB Paratransit and One Bay Area Grant (OBAAG) federal monies.



Town Hall

2022

- April: Second online survey
- May 4: Virtual community workshop - [presentation](#) (PDF, 3MB)

[notes](#) (PDF, 103KB) - video:



- May 25: Transportation Commission approval of the concept - [agenda](#)
- June 21: Requested City Council approval of the concept - [staff report](#)
- October 4: Request City Council approval of the concept
- Finish/Winter: Finish design

2023

- Mid: Project construction

Schedule

2021

- December 8: Virtual community workshop #1

2022

- May 4: Virtual community workshop #2
- May 25: Approval of concept by Transportation Commission
- Tues, June 21 at 7 p.m.: Requested approval of concept by City Council
- Tues, October 4 at 7 p.m.: Request approval of concept by City Council
- Fall/Winter: finish design

2023

- Project construction



Town Hall

Contact Us

City Hall Address
2283 Santa Clara Avenue
Alameda, CA 94501
(510) 747-7400
[Report Website Errors](#)

[Phone Directory](#)
See [Department pages](#) for physical address.

Photographs by Maurice Ramirez

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Violation 4: (related to October 4, 2022 and October 18, 2022 meetings, which set the stage for the November 1, 2022 meeting—see Violation 5)

2-91.5 (a, b, f)- Agenda Requirements; Regular Meetings

a. Twelve (12) days before a regular meeting of City Council, and seven (7) days for all other policy bodies, the policy body shall post an agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting. Agendas shall specify for each item of business the proposed action or a statement the item is for discussion only. These time requirements shall apply to posting on the internet

b. A description is meaningful if it is sufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item. The description should be brief, concise and written in plain, easily understood English. It shall refer to any explanatory documents that have been provided to the policy body in connection with an agenda item, such as correspondence or reports, and such documents shall be posted with the agenda or, if such documents are of more than one (1) page in length, made available for public inspection and copying at a location indicated on the agenda during normal office hours.

f. No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a policy body may respond to statements made or questions posed by persons exercising their public testimony rights, to the extent of asking a question for clarification, providing a reference to staff or other resources for factual information, or requesting staff to report back to the body at a subsequent meeting concerning the matter raised by such testimony.

In the description of Agenda Item 5-I at the City Council meeting on October 18th, 2022, the City failed to accurately describe the nature of the items to be discussed regarding this agenda item.

“Adoption of Resolution Appropriating \$126,618 in Transportation Development Act, Article 3 Grant Funding by Amending the Fiscal Year 2022-23 Capital Budget to Increase Budgeted Revenue and Expenditures in Capital Improvement Program C14000 by \$50,000 and in Capital Improvement Program C11000 by \$76,618 for Grand Street Improvements. (Planning, Building and Transportation 20962740).”

The October 18, 2022 Agenda Item for Grand Street (5-I), which concerned only additional fund appropriation for the project, was misleading and provided no notice to the public that a Council vote would be taken at the October 18, 2022 meeting to place the City Council’s October 4, 2022 final decision on the November 1, 2022 City Council meeting Agenda for “rehearing” (i.e. re-vote).

Nowhere in this description is placing on the next City Council meeting agenda a re-vote or reconsideration of the October 4, 2022 vote of the City Council on Grand Street Resurfacing and Safety Improvement Project. However, this is the action that the City Council actually took, in violation of the Sunshine Ordinance.

Further, the essence of the Sunshine Ordinance is transparency and an informed public. The public depends on the City Council to follow the procedural rules it has adopted—the Rosenberg Rules—to create order, predictability, and full disclosure of items it will act on, and an opportunity for public comment. Violating the Council's procedural rules violates the very intent of the Sunshine Ordinance: that legislative meetings will be transparent, deal with issues that are publicly disclosed and conduct its business in an orderly way to hold public officials accountable for their actions and in allowing the public to participate in the decision-making process. The Rules require that a revote or reconsideration of a previously conducted vote can only occur at the same meeting at which the original vote was held. The only exception to this is if the Council takes a 2/3rds vote to suspend the rules, which on the 5-member Council requires 4 votes, which didn't occur.

The City Council's actions at the October 18, 2022 meeting regarding the Grand Street project violated this foundational principle of the Sunshine Ordinance.

Violation 5:

2-91.5 (a, b, f)- Agenda Requirements; Regular Meetings

a. Twelve (12) days before a regular meeting of City Council, and seven (7) days for all other policy bodies, the policy body shall post an agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting. Agendas shall specify for each item of business the proposed action or a statement the item is for discussion only. These time requirements shall apply to posting on the internet

b. A description is meaningful if it is sufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item. The description should be brief, concise and written in plain, easily understood English. It shall refer to any explanatory documents that have been provided to the policy body in connection with an agenda item, such as correspondence or reports, and such documents shall be posted with the agenda or, if such documents are of more than one (1) page in length, made available for public inspection and copying at a location indicated on the agenda during normal office hours.

f. No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a policy body may respond to statements made or questions posed by persons exercising their public testimony rights, to the extent of asking a

question for clarification, providing a reference to staff or other resources for factual information, or requesting staff to report back to the body at a subsequent meeting concerning the matter raised by such testimony.

In the description of Agenda Item 7-F at the City Council meeting on November 1, 2022, the City failed to accurately describe the nature of what would transpire at the meeting:

Agenda Item 7-F of the November 1, 2022 City Council Meeting reads as follows:

“Recommendation to Consider New Information Regarding the Grand Street Resurfacing and Safety Improvement Project and Authorize the Interim City Manager, or Designee, to Proceed with Construction Documents for the Grand Street Resurfacing and Safety Improvement Project Final Concept (Planning, Building & Transportation 20962710).”

Indeed, the “Proposed Final Concept Plan,” included in Agenda Item 7-F for authorization of construction, is not the final plan approved by Council on October 4, 2022 as it contains the protected bike lanes and the roadway lane changes (i.e. meandering roadway zig-zags called “chicanes”) rejected by the Mayor and Council on October 4, 2022.

In reality this was reconsideration and revote on the concept that was approved at the October 4, 2022 City Council Meeting. The concept that was approved at that meeting was in fact the Final Concept. This was not attached to the agenda.

Further, the vote at this meeting to adopt the “Proposed Final Concept Plan” violated the City Council’s procedural rules. The public depends on the City Council to follow the procedural rules it has adopted—the Rosenberg Rules—to create order, predictability, and full disclosure of items it will act on, and an opportunity for public comment. Violating the Council’s procedural rules violates the very intent of the Sunshine Ordinance: that legislative meetings will be transparent, deal with issues that are publicly disclosed and conduct its business in an orderly way to hold public officials accountable for their actions and in allowing the public to participate in the decision-making process.

The Rules require that a revote or reconsideration of a previously conducted vote can only occur at the same meeting at which the original vote was held. The only exception to this is if the Council takes a 2/3rds vote to suspend the rules, which on the 5-member Council requires 4 votes, which didn’t occur. The City Council’s actions at the November 1, 2022 meeting regarding the Grand Street project violated this foundational principle of the Sunshine Ordinance.

Remedy:

We respectfully request that the City cure and correct these violations cited above regarding the City's Sunshine Ordinance and invalidate the actions taken on the October 18, 2022 and November 1, 2022 City Council meetings. Should the City decide not to cure and correct, we ask that the City maintain the status quo and not move forward with the actions approved at the October 4, 2022 regarding Agenda Item 7-B and the November 1, 2022 meeting regarding Agenda Item 7-F, pending the Open Government Commission's determination and recommendation on this complaint.

Sincerely,

Marsha Broquedis

Pierre Harriet

John Brennan

John Healy

Jean Brennan

Philip Jaber

Sally Damsen

Gina Jaber

Fred Damsen

George Jaber

Matthew Dean

Nicholas Jaber

Elizabeth Dean

Elizabeth Jaber

Paul Ferry

Karen Miller

Beth Foote

Barry Parker

Hale Foote

Lolly Parker

Paolo Friedman

Siam Peav

Jonathon Glazebrook

Carmen Reid

Carol Gottstein

Matt Reid

Margaret Hall

Gena Harriet

Attachments

Exhibit 1: Correspondence, one letter, Jay Garfinkle

October 28, 2018

RE: 11/1/22 Council agenda item 7F

Honorable Mayor and Councilmembers,

How ironic is it that the chicanery we are now witnessing on the part of self-interested actors in their effort to reverse the City Council's recent decision regarding the proposed distortion of Grand Street should actually revolve around the very *chicanes* they've been promoting. This term now being used to describe their traffic diverters is not found in the Staff's previous reports or elsewhere in any discussions of the proposed zigzagging. And it seems likely that the only reason for using this term now is that when push came to shove, the losers of the debates determined that they might be able to bolster their weak argument if they could find formal support for their self-serving and baseless arguments with a Google search that would provide them with references that mentioned the term.

Their "new information" lead to a rewrite of the earlier staff report which simply shares that some jurisdictions have used *chicanes*, our new vocabulary word, to slow traffic, primarily in commercial areas as Oakland has done along Telegraph Avenue. In addition, BWA submitted links to a few limited agency reports that, for the most part, do nothing more than mention, without recommendation, the employing of *chicanes* as one of several methods for slowing traffic. There was little, if any, mention in these agency reports of any demonstrated reductions in the incidence of collisions or injuries, let alone fatalities. The reports focused primarily on speed reduction, not on safety. This would render their proffered reports largely irrelevant to their current pleading which focuses almost exclusively on safety for cyclists. Note that I am not arguing against safety as an important issue. I am simply arguing that the "new information" is irrelevant and does nothing to support their argument for reconsidering the Council's October 4th decision.

As noted, it appears that the new staff report is nothing more than a rehashing of their earlier reports except for the inclusion of BWA's irrelevant "new information" and the use of the term *chicanes* to suggest that they might be offering a new, and possibly less onerous, type of traffic diverting barriers to traffic flow.

Now, consider this. Both Union Street and Paru Street, streets which parallel Grand, have much less traffic than Grand, a fact known by virtually everyone familiar with the neighborhood, and certainly known to City Staff and the spokespeople for Bike Walk Alameda. And given that neither of these ardent advocates for zigzagging on Grand Street offered or suggested the alternative of using these quieter, and arguably safer, streets as preferred routes for crosstown cyclists, it would seem that their arguments, at best, might be taken as examples of disingenuous political rhetoric. Think chicanery.

Note also that should Staff be successful in throttling vehicle traffic flow on Grand Street, they will have eliminated one of the only two remaining four lane crosstown evacuation routes. Having already eliminated Webster Street and Park Street, they will be leaving the residents of the city with Broadway as our only four-lane thoroughfare capable of serving as a crosstown evacuation route.

Jay Garfinkle

Exhibit 2: Correspondence, multiple letters

From: [Karen Miller](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Agenda Item 7F on 11/1/22
Date: Tuesday, November 1, 2022 2:54:05 PM

Please add this to the correspondence for agenda item 7F on today's agenda. Thank you.

Mayor and Councilmembers,

I want to congratulate Mayor Ashcraft for getting it right on Grand St in her vote on October 4th. The Mayor acknowledged that more might need to be done, but wanted to "ensure that the City moves forward in a cautious, yet smart, manner". This project should not go forward without a comprehensive plan from Shoreline to Clement. It is irresponsible and could end up with the section from Encinal to Clement not being built in the same manner. There are many more driveways there and according to the CA Dept of Transportation's separated bikeway guidance, "it may not be appropriate or feasible to have a continuous separated bikeway through certain street environments, such as on... a street with many driveways. A bike lane may perform better in this context." Let's build the bike lane as voted on Oct 4th and get the grant money for this section and make plans for how we can configure the entire street to be safer for everyone which may include separated bike lanes but NOT this plan which is being rushed through without proper vetting. I also question the safety of the design for cars. According to APD, there have been 13 accidents on Shoreline just this year with the separated bike lanes. That compares to 0 on Grand from Shoreline to Encinal and 6 from Encinal to Clement. The travel lanes are so narrow that any truck or bus must straddle the center line as to not hit a parked car.

The other issue Mayor Ashcraft raised at that meeting was the fact that many of the residents of Grand are elderly and this may have an adverse effect on them. Most of these streets are the same length as a football field and there is no way for anyone who is elderly or disabled to navigate to the designated disabled parking spot that far away. With more than 50% of the parking removed, there will be nowhere for a paratransit van to stop. Many of these residents would like to age in place but this design will make it impossible. It could also redline the area for any future disabled homeowners.

Lastly, I don't believe that the reconsideration of this item is proper under the Rosenberg Rules as the reconsideration, which it is, was not voted on by a 4-1 vote which is required of a reconsideration.

Please put the brakes on this unvetted design and let's get it right with a design for the

entire stretch between Shoreline and Clement. There are a lot of great ideas to make this a fantastic place to walk, roll, bike and drive. Thank you.

Regards,

Karen Miller



Virus-free www.avast.com

From: [Carol Gottstein](#)
To: [City Clerk](#); [Marilyn Ezy Ashcraft](#)
Cc: [Tony Daysog](#); [Trish Spencer](#); [John Knox White](#); [Malia Vella](#)
Subject: [EXTERNAL] Grand Street Proposed Reconfiguration 11.01.2022 Council Agenda Item 7-F
Date: Tuesday, November 1, 2022 2:32:14 PM

Dear Mayor Ashcraft

The Staff Report for the Nov 1 2022 City Council Meeting (File # 2022-2518) says: "The Grand Street project is designed to improve safety for all users through the use of physical design changes to slow down automobile speeds on the street and increase protection for bicyclists and pedestrians".

I write because I am concerned that the proposed reconfiguration of the five block area of Grand Street where I live will make it more dangerous for all users. I base this on my background as a health care professional and my lived experience as both a long time Grand Street resident and a bona fide auto-pedestrian crash victim. Between 2009-2018, there have been no incidents in the five block area which meet the definition of a KSI (killed/serious injury crash). Grand Street is already at Vision Zero.

You and I both live in this five block area. We both know that, during morning and evening rush hour and school beginning and ending times, traffic is bumper-to-bumper from Otis to Encinal. It crawls. Speeding is not a problem. Speeding becomes a problem at other times, usually evenings and weekends, but traditional proven traffic calming measures, like putting four-way stops at additional intersections, have not even been tried yet.

You and I are both born and raised native Alamedans. I think we also must be about the same age, since I graduated from high school in 1973. The years have been kinder to you than they have been to me, but I believe you genuinely care about the disabled and aging members of our community. It is worth noting that two of the most recent pedestrian fatalities (Wilma Chan [age 72], and Ed Zehnder [age 87]) occurred after the installation of Vision Zero measures on other streets.

Like me, you also must be capable of distinguishing a fact-based argument from one based on hysteria. Perhaps you have noticed the lack of scientific rigor in the Detailed Crash Analysis report (Appendix E of Alameda ATP).

I thank you for already noting during the last city council meeting that the solitary fatality of a bicyclist on Grand Street in 2016 did not involve any other vehicle and therefore should not contribute to labeling this five block stretch of Grand Street a "high injury corridor". It is remarkable that this fatality does not even seem to have made the online news, as I have not been able to find the details in an internet

search by date or location.

What Data Supports Labeling Grand Street from Otis Drive to Lincoln Ave a "Tier 1 High Injury Corridor." ?

VisionZero's own definition [pg 31 of 36: Alameda Vision Zero Action Plan "Important Terms"] is the following:

"HIGH INJURY CORRIDORS: This refers to corridors that were identified during the crash analysis as having a disproportionately high number of fatal and serious injuries. A high injury corridor map was developed by identifying the streets with the highest crash densities and weighting crashes by severity"

An examination of the Detailed Crash Data Analysis (Appendix E) reveals no data for this section of Grand Street on which to base such a label.

Since neither myself nor any of my neighbors could recall anyone being killed or seriously injured on the five blocks of Grand Street currently being considered for the proposed safety measures (Encinal to the Lagoon Bridge), I asked for the specific KSI data from City Engineer Robert Vance. He informed me that there were 31 events = 1 death (man who fell off bike) + 25 complaints of pain + 5 visible injuries. Visible injuries and complaints of pain are not considered KSI in the documents referenced by the Alameda ATP. City staff calls the solitary death a "KSI", but this appears to be incorrect, as the Definitions on page 55 of Alameda ATP Appendix E require that a "K" involve a motor vehicle. It is my understanding that no motor vehicle was involved at all.

As a physician, I know the meaning of the term "serious injury". What is meant by a "visible" injury?

I tried to find out what was meant by the terms "visible injury" and "pain". I searched the Vision Zero online document, and only found a short footnote on page 11 of Alameda ATP Appendix E referencing the 2003 CHP Manual, with 2010 updated section. These are non-precise terms with extremely broad interpretations. In no way can they automatically be equated to the seriousness of an injury. Yet that is exactly what the city staff has done in labeling Alameda streets "high injury corridors".

All references to Grand Street as a "Tier 1 High Injury Corridor" should be removed from the Vision Zero documents, because they misrepresent the historical record and are deceptive. It is simply not a Finding of Fact that Grand Street is a High Injury Corridor.

This is important because in the most recent US District Court decision, Sarfaty v. City of Los Angeles (Aug 2020), the Findings of Fact say "street alteration was undertaken based on the elevated rate of serious and fatal accidents that had

occurred on this stretch of Reseda Blvd".

In addition, I urge you to consider the following facts:

Accessibility Should Take Precedence Over Perception By Bicyclists:

In my previous correspondence to City Council and Commission on Disability, I made the City aware of three recent California cases in US District Court in which a disabled plaintiff sued a city over accessibility of parking on a public street:

Fortyune v. City of Lomita(2014), Bassilios v. City of Torrance(2015), and Sarfaty v. City of Los Angeles(2020). The Sarfaty case is particularly relevant to the situation before you, because it involved the reconfiguration of Reseda Blvd in order to accommodate Cycle Tracks as part of a Complete Streets Project, at the expense of previously accessible curbside parking. The Findings of Fact justifying the Reseda reconfiguration say: "...street alteration was undertaken based on the elevated rate of serious and fatal accidents that had occurred on this stretch of Reseda Blvd." As I have discussed above, no such finding of fact can be made for the five-block section of Grand. It is doubtful that such a finding could be made even for the rest of Grand Street.

Even in the finding of a real high injury corridor on Reseda Blvd, the court found that some of the complete street had to be altered to restore accessibility.

Just because the current Alameda city attorney says the proposed changes will be ADA compliant doesn't mean a court will find them to be so. The city attorneys of Lomita, Torrance, and Los Angeles believed their cities had defensible positions in the three cases cited, but all three city attorneys were on the losing side in US District Court. The cities all lost and even lost on appeal, at hundreds of thousands of dollars of loss to the city coffers, not only from attorney fees and court costs but also the costs of digging out recently installed public works projects to apply the legal remedy.

The City of Alameda has a history of not being ADA compliant, even after compliance issues have been identified. The last ADA Transition Plan was dated 2008. The City put it on a shelf and executed very little of it, especially in buildings liable to be used by disabled persons. Some examples of non-ADA compliant facilities are Veterans' Building elevator; Mastick Senior Center restrooms and push button doors. as well as miles of broken irregular sidewalks.

The City's lack of ADA compliance was specifically called out by Disability Rights Advocates in 2015 regarding the "bait-and-switch" of accessible parking along Shoreline drive after reconfiguration to accommodate a cycle track. In meetings held with the community before the project was finished, the disabled were assured that accessible parking spaces would remain along the beach side. However, once the entire strip of parking was narrowed, all of the previously accessible spaces

were removed. To quote the letter sent to the City (30 March 2016) [which was specifically addressed by name to Rochelle Wheeler, the planner on the Grand Street project]:

"When the City altered the parking on Shoreline Drive, it removed all of the 8-foot-wide spaces as well as the accessible parking space on Broadway at Shoreline on the beach-side of the street. Though the City's initial, public construction plans included a few accessible 8-foot-wide spaces on Shoreline, the City removed those spaces from the plans prior to construction. The result is a net loss of all 8-foot-wide spaces with beach access."

The ADA has been law for over 30 years. The City is establishing a pattern of not only disregard for the ADA, but actual discrimination by removal of previously accessible accommodations in favor of the privileged class of able bicyclists.

Safety Of Disabled and Aging Road Users Should Be Paramount: I just renewed my CA Drivers License after 10 years, which prompted me to read the latest edition of the CA DMV Handbook. On Page One in the CA DMV Senior Guide for Safe Driving, it says: "By 2030 it is estimated that 1 in 5 drivers in the US will be 65 years old or older". That's 20%. People are living -and driving- longer than ever. It is my opinion that once folks truly age out of driving, I doubt they will be hopping on anything other than a stationary bike. Older people who still drive may change to electric cars, but they will still need places to park in close proximity to where they have to be. Especially if they have heart, lung, neurological or bone/joint problems which entitle them to DP placards. Shouldn't city policies be considering the safety of older drivers when planning "Vision Zero."?

Vision Zero is an international movement which has been adopted by many cities and communities across the country as policy. It's easy to understand why Alameda would want to jump on that bandwagon. Especially when lots of grant money is pushed our way. But there is no guarantee that every traffic calming measure is appropriate for every street. And disabled road users should not be forced to give up their needed accommodations to make room for bicyclists, for whom cycling is a free choice..

This demand for extreme Grand Street reconfiguration is a solution in search of a problem which does not presently exist. It is like using a sledgehammer to kill a fly. There is nothing wrong with these five blocks of Grand Street that thorough repainting and a few new four-way stop signs won't fix. I urge you to proceed in a conservative fashion, lest there be unintended fatal consequences to implementing the staff recommended final concept, which is full of untested and unproven gimmicks.

If even one new KSI occurs on Grand Street after these elaborate changes, it will be a step backwards. Try four-way stops first. Thank you.

Carol Gottstein
1114 Grand Street
Alameda, CA 94501

From: Carme001
To: City Clerk
Subject: [EXTERNAL] Agenda Item Grand St.
Date: Tuesday, November 1, 2022 11:0 :0 AM
Attachments: Screen Shot 2022 10 30 at 10.40.5 AM.png

Dear Mayor and Councilmembers,

Re: Grand St. Redesign

I am writing to express concern about the current proposed redesign of Grand St., and respectfully request that you revisit this project and consider a thoughtful Master Plan for the entirety of the street (from Shoreline Dr. to Clement Ave).

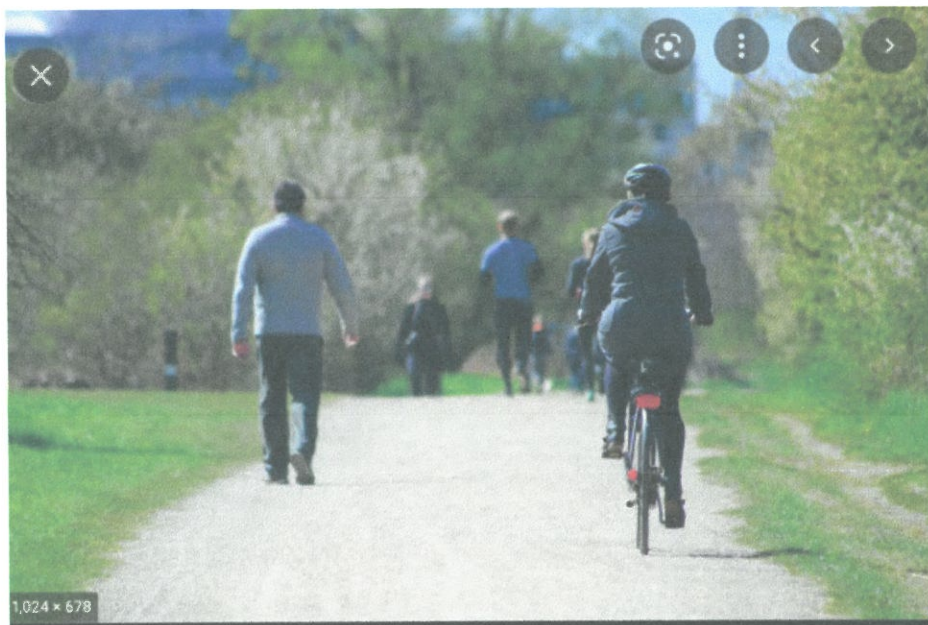
I would also like to suggest two alternative plans that may adequately suit the needs of the community--

1.) a shared bike, walk, jogging permeable walkway made from natural decomposed granite pathway stabilizer. It is 100% organic, and could be a suitable material that blends into the historic landscape of the street. The pathway could be widened to accommodate sufficient distance between cyclists, pedestrians and joggers. Furthermore, the current Class 2 bicycle lane at the street level could be maintained, as well as all of the parking along the curbs.

2.) separated bike trail and walking pathway. See attached photo. This proposal includes a landscaped strip between the paths. It could be landscaped with drought tolerant plants.

<http://www.stabilizersolutions.com/products/stabilized-decomposed-granite-and-crushed-stone>

https://res.aecdaily.com/res/a5_5000_F-EN-03802-08_8.pdf



Finally, as the City strives to move forward with renewable energy, a final consideration for **solar cycling paths** could be planned either for Grand St. or elsewhere in the City.
<https://momentummag.com/the-worlds-longest-solar-bicycle-path-is-now-open>

Thank you. Have a great day.

indly,
Carmen eid



From: [Kevis Brownson](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Agenda Item file number 2022 251 Grand Street project
Date: Tuesday, November 1, 2022 10:10:33 AM
Attachments: [kbsignature_400px.png](#)

Honorable Mayor, Vice Mayor, and Council Members -

I write in support of your "yes" vote for this item: directing the City Manager or designated staff to proceed with construction documents for the Grand Street Resurfacing and Safety Improvement Project Final Concept.

Planning staff conducted multiple meetings to address the design of this street improvement. It is so important that we connect Alameda north-south as well as east-west. Before I retired, my own bike route from work, from behind the Posey tube to my home in the East End, included Grand Street. I look forward to seeing this design concept come to fruition to make the street safer for walkers, bike and scooter riders, and drivers. This design would alleviate the problem I had, more than once, of car drivers yelling at me for riding my bike slower than they wanted to speed in their cars.

At times, I drive my car to Grand Street to deliver or pick up bulky items, and I have never had a problem finding a parking spot anywhere on the street. I am also familiar with parking on or near Milvia in Berkeley as my son lived just off of Milvia until April this year. The street, with multiple driveways, is a beautiful tree lined avenue for all modes of transportation including walking.

Please vote "yes" to authorize the construction documents for this safe and beautiful design for Alameda.

Thank you,



Kevis Brownson
Everett Street
Alameda

From: [Edward Sing](#)
To: [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [John Knox White](#); [Tony Daysog](#); [Trish Spencer](#)
Cc: [Lara Welsiger](#); [City Clerk](#)
Subject: [EXTERNAL] Alameda City Council Mtg Nov 1 2022 Item f Grand St Safety Improvement et al
Date: Monday, October 31, 2022 :41:5 PM

City Council:

On October 4, 2022, the City Council made the decision to approve the subject project without the separated bicycle lanes and chicanes north of Otis Drive.

Why are we revisiting this? The approved plan is a common sense, straightforward safety improvement project. If there is a lingering concern that driver's will not slow down with this approved plan, I suggest you add an electronic speed sign in both directions similar to the one on Otis Drive between Broadway and High Street. It would be more economical than a chicane layout and the electronic speed sign seems to attract driver's attention and results in motorists slowing on Otis Drive.

The reality is that Grand Street is a major connector thoroughfare thru the center of Alameda. We must consider a balance of safety for pedestrians and bicyclists, vs impeding traffic flow as well as adding to hazards to motorists of chicanes. The already approved plan strikes this balance and meets the project's objectives.

I urge that you take no action to modify the Council's October 4, 2022 decision. Stand by your previous decision.

Ed Sing
Alameda Resident for 25 years

From: [John Brennan](#)
To: [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [Tony Daysog](#); [John Knox White](#); [Trish Spencer](#)
Cc: [Manager Manager](#); [City Clerk](#)
Subject: [EXTERNAL] Re: Ideas and Concepts on Proposed changes to Grand Street
Date: Monday, October 31, 2022 10:54:15 AM
Attachments: [Raised Cycle Track at Sidewalk Level Schematic 31 OCT 22.pdf](#)
[We sent you safe versions of your files.msg](#)

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Dear City Council Members,

I'm writing once again to ask you to not move forward with the staff recommended plan for Grand Street. Gena Harriet's letter of October 28th to Mayor Ashcraft laid out the reasons why better than I could (copied below). The safety record of protected bike lanes in the kind of environment we have on Grand Street—multiple intersections and driveways—is questionable at best. Further, as city staff acknowledges, the staff recommended design won't work for the section of Grand Street north of Encinal, with its even denser population of houses, apartment buildings and other structures.

One alternative may be the kind of truly separated cycle paths that the Netherlands employs wherever possible. We can take the time for the key stakeholders to come together, working with city engineers and consultants to come up with a better plan—one that neighborhood residents, cyclists, parents and education representatives can support. By coming together, we can learn from each other, build on each other's ideas, and come up with a plan that can work for all of Grand, connecting Clement and Shoreline.

At a recent meeting, an idea was raised that is worth exploring. The city owns the property sixteen feet from the curb, past the median strip and sidewalk into people's yards. It's possible to capture some space on either side of the sidewalk (some from the median strip and some from front yards) to create enough space for both a sidewalk closest to houses, and a cycle track raised above traffic levels on the median side. This is much more similar to the Netherlands designs that has proven to be the safest for all parties. I've attached a schematic of what this could look like.

The key point here is not that this particular design is the best solution—it's just one idea—but rather that we could highly benefit from all stakeholders looking together at many ideas and then arriving at a solution that all can get behind.

Thank you.

John

John Brennan

Letter from Gena Harriet

Dear Mayor Ashcraft,

My family and I are new to Grand Street and I have not had the chance to meet you yet but I am hoping you will consider this email when you make your vote on the Grand Street improvement project. We are a bicycling family and I have two young girls, one of which goes to Wood Middle school so I do have a vested interest in this project. I support improved bicycle infrastructure for the same reasons that the city goals and policies were created but I cannot support the recommended configuration as is. I've had the opportunity to listen in on several city council meetings and the recent community meeting regarding this project. I really feel this project is being rushed because of the need to use the awarded grant money before a certain date. I also feel that it is premature to approve the recommended configuration without a proper plan for the entirety of

Grand Street. The section of Grand Street between Encinal and Clement is yet to be determined and it really should be one comprehensive plan instead of piecemeal. Pushing through this project as is without thoughtful consideration of the multiple concerns for safety and the disadvantage to our disabled and aging neighbors could also be a huge mistake. It is important to slow down and take the time to consider additional and better options for all. There is a lot of pressure to approve this project now because of the potential loss of grant money but could it be possible to vote for the original design with the condition that further work be done for a well planned out design in the near future. A design that includes a safer bicycling option and also addresses the concerns of the disabled and older adults that live on this street. A design that includes the master plan of the whole length of Grand Street. You can vote for the original bike lane plan and repave the street now with the grant funding and simultaneously start working on a separate next phase that incorporates safer bike lanes. This approach would eliminate the pressure to commit to a rushed half hazzard plan and afford time to make a more thought out design. I urge you to take the time to get this right.

True separated bike lanes are great and in the proper situation can be very safe and I can see why many people support them. Typically separated bike lanes are created successfully on long stretches of uninterrupted roadways like on Shoreline Drive or Clement Street. On Grand Street there are way too many driveways and intersections to make this a safe separated bike lane, the current plan of parked cars separating the bike lanes is extremely dangerous. To call these bike lanes separated is misleading and creates a false sense of security. In reality there is a potential right hook accident waiting to happen every 20-30 feet when a vehicle turns right to cross the bike lane and the bicyclist is hidden behind a parked car. I have a legitimate concern for the safety of my family and any unsuspecting child or inexperienced bicyclist who believes they are safe because they are in a separated bike lane. I am fearful that my daughters will not be seen and will be hit, I am also fearful that I could potentially hurt someone while turning into my driveway or adjoining street. A quick Google search of "dangerous separated bike lanes" highlights the dangers of these particular types of bike lanes. Several articles warn city planners against creating these types of bike lanes when there are many entry points as such on Grand Street. They even conclude in this situation these bike lanes are less safe than traditional bike lanes and have statistically higher accident rates. These are the reasons I feel you should take the necessary time to further research the safety issues and come up with a safer alternative. Some of our community members have come up with great alternative ideas that are safer, including taking the bike lanes out of the street all together and creating a multi use trail up on the curb. It would be incredible to have the time to evaluate alternative safer ideas and have a more collaborative approach with community input and research.

I also want to acknowledge the many concerns of the disabled and aging older adults that live on Grand and surrounding streets. The recommended plan does not address their needs or concerns. To ask a disabled person to walk 300-500 feet to the nearest disability parking spot is not acceptable and that is if that one spot is not occupied. I am not completely familiar with all the rules and regulations but I do know from what I've learned in the meetings that I have attended there are true concerns and these should be heard and valued. This rushed plan has not considered them enough and deserves a better evaluation for the benefit of these special populations.

Thank you for taking the time to hear my concerns. Please consider making this a two step process, voting for the original plan with the condition to move forward with a next phase that can be done simultaneously without pressure. I know this is not the most popular plan but I honestly believe it will allow more time to make a better, safer, more well thought out plan for our community.

Sincerely,

Gena Harriet

Grand Street Reconfiguration

Concepts on how we can achieve:

- **Progress toward Vision Zero**
- **Encourage cycling, walking and reduced greenhouse gas emissions**
- **Address key neighborhood concerns**

31 OCT 22

John Brennan

Concrete or bollard/paint
Pedestrian Curb
Extension/bulb
at intersections

Center Stripe

120" traffic lane

Bike lane divider with
raised lane separators/
armadillos and 36" vertical
lane markers

**Concept 9 AERIAL VIEW: Cycle Track alongside
sidewalk, capturing width from median and
lawn. Additional Type 2 bike lane at Street
level.**

70" Bike Lane

90" parking lane

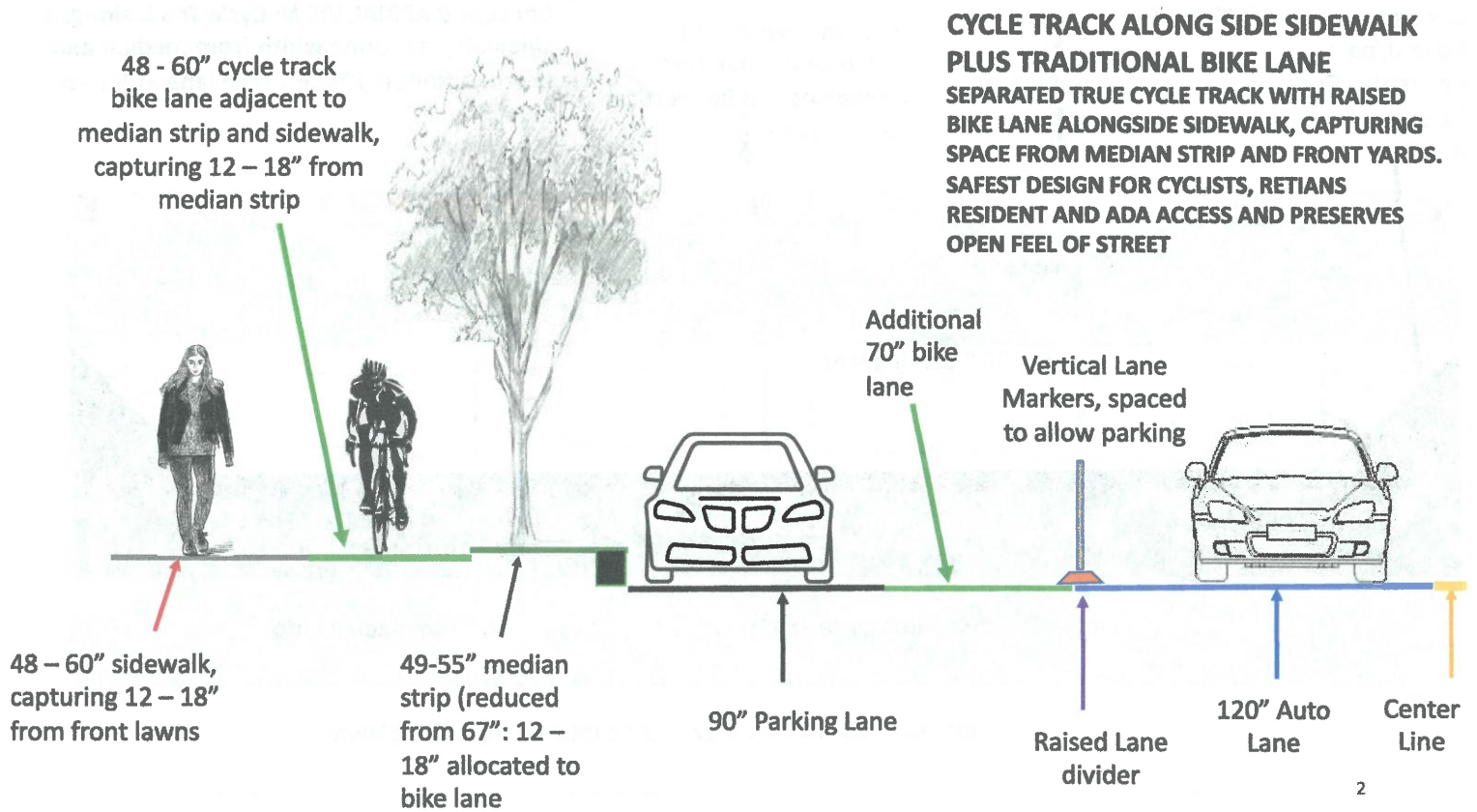
Tree

49 - 55" median strip, reduced from 67"

Tree

48 - 60" Cycle Track, with 12 - 18" captured from median strip

48 - 60" Sidewalk with 12 - 18" captured from front lawns



Appendixes

Design elements from other cities:

- Spokane
- New York
- Chicago
- Barcelona

Measurements of Several Alameda Street widths:

- Parking Lanes
- Bike Lanes
- Buffer Zones
- Traffic Lanes

Summary

- There are multiple ways to improve safety on Grand Street for cyclists, walkers and drivers.
- All measures involve varying degrees of change to the functionality and feel of Grand Street to key stakeholders: cyclists, walkers, residents, motorists, people with disabilities, students.
- Considering a range of options can help craft the best solution for Grand Street balancing multiple stakeholders and goals. Any solution involves compromise to achieve progress.
- Key considerations involve identifying the critical issues to be addressed:
 - Where have accidents/incidents occurred? Mid-street or intersections? If intersections—side streets or major intersections (Encinal, Otis, Shoreline)?
 - Do accidents involve walkers, cyclists, motorists? What is most critical to address/optimize?
- What is the best balance of
 - Providing for cyclist safety and comfort to support and encourage cycling and reduced carbon emissions?
 - Addressing resident/neighborhood functionality, usability/visit-ability/access, safety and livability?
 - Encourage and facilitate increasing use/building of ADUs
- All solutions would be enhanced with better striping, improved/lighted crosswalks, 4 way stops and speed-bumps where possible, speed alert signs, electronic speed cameras (when legal), increased police speed monitoring and enforcement of commercial vehicle restrictions
- A combination of measures from various concepts could best balance needs of key stakeholders
- All concepts presented here use lane widths (parking, bike, traffic and buffer) already in use in Alameda (see appendix page 10, street measurement table)

New York City example

- In New York City, facing similar built environment challenges, where necessary, the city has narrowed the bike lane to 48" in some areas, provided a buffer of 24 - 36", a parking lane of 96" or less and a traffic lane of 120" for a total width of 288 - 300", very similar to Grand Street.
- In some cases, NYC has decided to prioritize putting in bike lanes even where there is no room for a buffer lane—this one on Hudson/Eighth in Greenwich Village in between the walking lane and parking lane.



Spokane Example

- In a completely new environment, streets can be built to current standards: at least 60" bike lanes, at least 36" buffer zones, and 144" parking and traffic lanes, for a total of 384" street width each side.
- In already built environments compromises need to be made to provide a balance between all stakeholder interests. This concept involves narrower buffer, parking and travel lanes.
- Spokane is building bike lanes in their Stevens Street area where they've been able to insert parking-separated bike lanes within a somewhat narrow environment (see picture below): Parking lane is 84", Bike lane is 72", Buffer is effectively zero, Traffic lane is a relatively generous 132 to accommodate commercial traffic, for a total of 288", similar to (slightly narrower than) Grand Street in each direction.
- The sacrifice here is the buffer (car door opening) lane, ameliorated by a wider than usual 72" bike lane and planned signage for motorists to look before opening their door!



Use of Bollards/Lane Guides/Markers and Armadillos/Lane Separators in Barcelona



Chicago Example

- Chicago has made a similar calculus, providing a parking separated bike lane, even though there isn't enough room for the full 36" buffer lane adjacent to parked cars:



- Cities are finding ways to achieve better bike lanes in challenging environments, making reasonable adjustments from the ideal to balance addressing various stakeholder interests. The result is better bike lanes in more environments with more neighborhood and community support!

From: Laura Satersmoen
To: City Clerk
Subject: [EXTERNAL] Grand Street proposal
Date: Monday, October 31, 2022 4:13:1 PM

Dear City Clerk,

I am writing you to voice my concerns about the Grand Street proposal.

When we were originally contacted about changes to Grand Street, the plan was to address pedestrian safety, especially kids walking to school on Grand Street. I'm all for pedestrian safety on Grand Street; I have 2 kids who walked to school on Grand Street.

The proposal has taken a definite turn, and now isn't about pedestrian safety, but about giving bikers priority over every other form of transportation, including pedestrians, cars, and emergency vehicles. I ride a bike too, but don't expect every busy street to give over precious limited space for the exclusive use of bikes.

I believe that the dedicated bike lanes will make it LESS safe for pedestrians and cars. Cars will still need to be on the roads, but squeezed into smaller amounts of space. Something's got to give - the roads aren't getting wider. Putting berms in will make it harder to pull out and see pedestrians or bikes as they approach. Has anyone consulted the fire department to see how emergency vehicles will navigate the zig zag obstacle course down Grand?

As for the argument that bikes are greener than cars, it is true, but my electric car is green too. Should we have a dedicated lane for electric cars?

The city's plans remind me of the Simpson's episode where Homer is asked to design a car. He designs it with every bell and whistle he can imagine, because more has to be better. It has 3 horns, one of which plays La Chucaracha. Ultimately, it's so unwieldy that it can't be built or driven, and is an utter failure. The city's plans are so complex and convoluted, influenced by special interests and the desire to do something with grant money, that it reminds me of Homer's ridiculous car.

It seems to me that the city is grasping at grant money, with urgency but without careful thought. Don't vote for this project. Not only will it make traffic on Grand Street much worse, it doesn't make it safer for pedestrians.

Thanks
Laura

Laura Satersmoen

October 28, 2018

RE: 11/1/22 Council agenda Item 7F

Honorable Mayor and Councilmembers,

How ironic is it that the chicanery we are now witnessing on the part of self-interested actors in their effort to reverse the City Council's recent decision regarding the proposed distortion of Grand Street should actually revolve around the very *chicanes* they've been promoting. This term now being used to describe their traffic diverters is not found in the Staff's previous reports or elsewhere in any discussions of the proposed zigzagging. And it seems likely that the only reason for using this term now is that when push came to shove, the losers of the debates determined that they might be able to bolster their weak argument if they could find formal support for their self-serving and baseless arguments with a Google search that would provide them with references that mentioned the term.

Their "new information" lead to a rewrite of the earlier staff report which simply shares that some jurisdictions have used *chicanes*, our new vocabulary word, to slow traffic, primarily in commercial areas as Oakland has done along Telegraph Avenue. In addition, BWA submitted links to a few limited agency reports that, for the most part, do nothing more than mention, without recommendation, the employing of *chicanes* as one of several methods for slowing traffic. There was little, if any, mention in these agency reports of any demonstrated reductions in the incidence of collisions or injuries, let alone fatalities. The reports focused primarily on speed reduction, not on safety. This would render their proffered reports largely irrelevant to their current pleading which focuses almost exclusively on safety for cyclists. Note that I am not arguing against safety as an important issue. I am simply arguing that the "new information" is irrelevant and does nothing to support their argument for reconsidering the Council's October 4th decision.

As noted, It appears that the new staff report is nothing more than a rehashing of their earlier reports except for the inclusion of BWA's irrelevant "new information" and the use of the term *chicanes* to suggest that they might be offering a new, and possibly less onerous, type of traffic diverting barriers to traffic flow.

Now, consider this. Both Union Street and Paru Street, streets which parallel Grand, have much less traffic than Grand, a fact known by virtually everyone familiar with the neighborhood, and certainly known to City Staff and the spokespeople for Bike Walk Alameda. And given that neither of these ardent advocates for zigzagging on Grand Street offered or suggested the alternative of using these quieter, and arguably safer, streets as preferred routes for crosstown cyclists, it would seem that their arguments, at best, might be taken as examples of disingenuous political rhetoric. Think chicanery.

Note also that should Staff be successful in throttling vehicle traffic flow on Grand Street, they will have eliminated one of the only two remaining four lane crosstown evacuation routes. Having already eliminated Webster Street and Park Street, they will be leaving the residents of the city with Broadway as our only four-lane thoroughfare capable of serving as a crosstown evacuation route.

Jay Garfinkle

APPENDIX: STREET MEASUREMENTS

Summary:

- Parking lane width range: 84" on Shoreline to 110" on Santa Clara. 96" in most locations (Ex.: Otis east of Grand for example).
- Bike lane width range: 55" on Shoreline (2-way cycle track) to 74" on Blanding between Tilden and Park. 60-62" width in most locations (Ex.: Otis east of Grand)
- Traffic lane width range: 116" on Otis East of Grand to 134" on Mitchell at 5th (behind Target). 120" in many locations (Ex.: Santa Clara between Oak and Grand).
- Buffer lanes: 0" (Grand, Santa Clara, Otis) to 54" on Encinal east of High. 24" (Otis east of Grand) to 34" (Ex.: Shoreline between Grand and Willow).

Details

Location	Configuration	Parking	Bike Lane	Pkg + BL	Buffer	Pkg+BL+Buffer	Traffic Lane	Total	Notes
Encinal east of High	Pkg, BL, Buffer, TL	128	70	198	54	252	138	390	Median Strip on Encinal at this section
Mecartney btwn Aug'baugh and Fontana	Pkg, BL, TL	98	76	174	0	174	158	332	Feels wide b/c of median and wide TL
Fernside at Fairview	Pkg, BL, Buffer, TL	100	73	173	35	208	124	332	Very wide and open
Santa Clara btwn Oak and Grand	Pkg, BL, TL	110	60	170	0	170	120	290	
Blanding btwn Tilden and Park	Pkg, BL, TL	87	74	161	0	161	120	281	
Fernside btwn High & Tilden	Pkg/BL, TL	0	0	160	0	160	124	284	Feels wider b/c of median/turn lane
Otis east of Grand/Rittler	BL, Buffer, Pkg, TL	96	60	156	40	196	116	312	
Otis east of Grand/Sandcreek Wy	Pkg, BL, Buffer, TL	96	60	156	24	180	116	296	Feels wider b/c of median lane/turn lane
Grand Street btwn Encinal and PC	Pkg/BL, TL	0	0	157	0	157	133	290	
Shoreline	BL, Buffer, Pkg, TL	84	55	139	34	173	124	297	Feels narrower b/c narrow parking lane and no buffer between parking and traffic lane
Aughinbaugh Wy west of RdJr.	BL, Buffer, TL	0	80	80	20	100	136	236	No Parking, but wide BL (although narrow buffer)
R. Downey Jr. btwn Pu'stone & Channing	BL, Buffer, TL	0	78	78	30	108	134	242	No Parking, but wide BL and Buffer
Constitution	BL, TL	0	72	72	0	72		72	
Mitchel at 5th (behind Target)	BL, TL	0	62	62	0	62	134	196	No parking; BL feels narrow
Central just west of Fernside	Pkg, TL (no markings)	0	0	0		0		206	Pretty sleepy street in this section
Central btwn Grand and Encinal	Pkg/BL, TL	0	0	0	0	0	124	124	
									No markings other than yellow divider. Subtract 120 for TL and you've got 120 for combined parking and bike. Subtract 84 for parking and
High north of Otis	Pkg, TL (no markings)			0		0		240	you've got 36 for bikes

Exhibit 3: Correspondence to City Attorney, City Manager

October 31, 2022

Mayor Ezzy Ashcraft:

Vice Mayor Vella:

Councilmember Daysog:

Councilmember Herrera Spencer:

Council Member Knox White:

Interim City Manager Nancy Bronstein:

City Clerk Lara Weisiger:

City Attorney Yibin Shen:

**Re: Objection To Agenda Item 7-F On The City Council's November 1,
2022 Regular Agenda Seeking To Effect Reconsideration Of The City
Council's October 4, 2022 Final Vote In Support Of The Alternative
Plan For Grand Street**

**We write in objection to the City Council proceeding with Agenda Item 7-F on the
Regular Agenda for Council's action at its November 1, 2022 meeting for the following
reasons:**

- 1. Agenda Item 7-F in reality seeks, based on the Council's "consideration" of
purported "new information," to facilitate the Mayor's change (i.e.
reconsideration) of her recent vote on October 4, 2022 in violation of the
Council's adopted procedural rules of order (*Rosenberg's Rules of Order*).
The Mayor's decision to change her vote was made less than 48 hours after
the Council's October 4th vote. The Mayor said at Bike Walk Alameda's
October 6th Mayoral Forum that "new information" provided by Bike Walk**

Alameda satisfied her safety concerns that had not, heretofore, been allayed by the multiple engineers and safety consultants working on the plans.

2. Agenda Item 7-F's description itself is misleading and appears to lack sufficient and requisite transparency under applicable open government laws to place the public on notice of what will really transpire on November 1st under the guise of "authoriz[ing] the Interim City Manager or Designee to Proceed with Construction Documents for the Grand Street Resurfacing and Safety Improvement Project Final Concept." Indeed, the "Proposed Final Concept Plan," included in Agenda Item 7-F for authorization of construction, is not the final plan approved by Council on October 4th as it contains the protected bike lanes and the roadway lane changes (i.e. meandering roadway zig-zags called "chicanes") rejected by the Mayor and Council on October 4th.

3. Likewise, the October 18, 2022 Agenda Item for Grand Street (5-I), which concerned only additional fund appropriation for the project, was misleading and provided no notice to the public that a Council vote would be taken at the October 18th meeting to place the Council's October 4, 2022 final decision on the November 1, 2022 Council meeting Agenda for "rehearing" (i.e. re-vote).

RELEVANT BACKGROUND:

A. The City Council's June 21, 2022 Provisional Approval Of A Grand Street Plan:

On June 21, 2022, the Council held a "Public Hearing to Consider Adoption of Resolution Authorizing the Interim City Manager To Proceed With the Grand Street Resurfacing and Safety Improvement Project Final Concept and Adoption of

Environmental Findings.” (Agenda Item 7-B.) The Agenda Item contained a “Recommended Street Configuration” Plan (“Recommended Plan”) and an “Alternative Street Configuration” Plan (“Alternative Plan”) for consideration by Council. The main difference between the Recommended Plan and the Alternative Plan was that the Recommended Plan reconfigured the portion of Grand Street between Palmera Court and Encinal Avenue by adding protected bike lanes (in lieu of traditional bike lanes), significantly reduced residential parking and inserted periodic “lane changes” into the Grand Street roadway (i.e. meandering roadway zig-zags also known as “chicanes”) to accommodate the protected bike lanes. The Alternative Plan was essentially the City’s original plan with traditional bike lanes (with added paint and delineation, which had not been done in many years). Both Plans included the safety enhancements for all users (e.g. curb extensions, daylighting, highly visible crosswalks etc.). The Alternative Plan did not contain protected bike lanes or the periodic “lane changes” (i.e. meandering roadway zig-zags also known as “chicanes”).

The Council meeting ended at midnight and included extensive public comment, a presentation and response to questions by City Transportation staff, participation by City-retained consultants NCE (civil engineering and transportation experts)^[1] and Fehr & Peers (transportation consultants and safety experts),^[2] and extensive Council debate. Council members Daysog and Herrera Spencer favored the Alternative Plan, which they believed was safe for all users and struck a balance between competing concerns. Council member Knox-White and Vice Mayor Vella supported the Recommended Plan because of its prioritization of protected bike lanes. Mayor Ezzy Ashcraft voiced her significant concerns about the Recommended Plan, primarily with respect to the impacts on persons with disabilities and elderly residents and concern for safety of the new lane change “zig-zag” roadway configuration. As a result, she voted to approve City staff moving forward with further design of the Recommended Plan, but only with provisions to occur prior to further Council review of the Recommended Plan

in September.^[3] The Mayor's provisions included having an ADA consultant review and identify how ADA needs would be addressed, and having a public safety consultant (could be a trained public safety consultant or traffic engineer) address the safety concerns presented by the meandering, zig-zag roadway design. The Council ultimately voted 3-2 (Ezzy Ashcraft, Vella, Knox White) to give approval to the City staff to move forward with the Recommended Plan with the Mayor's provisions.

B. City Council's October 4, 2022 Final Approval Of A Grand Street Plan:

On October 4, 2022, Council met on the "Recommendation to Authorize the Interim City Manager, or Designee, to Proceed with the Grand Street Resurfacing and Safety Improvement Project Final Concept, Including Preparation of Final Design and Construction Documents, Consistent with the Recommended Final Concept Plan." City staff, and consultants NCE and Fehr & Peers, presented Council with a revised final concept Plan (the "Recommended Plan" with the addition of elements requested by Council at its June 21, 2022 meeting such as adding a two-way separated bike lane in front of Wood School). The City's Staff Report included information on the status of review by an ADA consultant, the results of the public safety review by the Fire Department, and the statement that all project features, "including lane shifts, tapers, and delineation between bike lanes and travel lanes will be designed pursuant to best practice guidance, including the California Manual on Uniform Traffic Control Devices (CA MUTCD)."

During the lengthy Council debate, Mayor Ezzy Ashcraft reiterated her concerns about the safety of the zig-zag configuration, noting that a public safety expert's opinion had not been included in what was presented to Council. Ultimately the Mayor expressed support for implementing the recommended enhancements to Grand Street (e.g. curb extensions, daylighting, highly visible crosswalks, two-way cycle track for Wood,

flashing beacons in two intersections, and mid-block speed enforcement via speed cushions) but maintaining the traditional bike lanes (painting them green). She said that the matter did not have the type of statistics she would like to see for a dramatic change. She further proposed that the City study the new treatments, including the safety of the meandering, over the next year to obtain more data, and also conduct more community involvement and outreach. The Mayor acknowledged that more might need to be done, but wanted to ensure that the City moves forward in a cautious, yet smart, manner.

Ultimately, the Mayor joined the Council majority (Ezzy Ashcraft, Daysog, Herrera Spencer) in approving construction of a final plan for the portion of Grand Street north of Otis Drive that did not include protected bike lanes or the roadway lane changes (i.e. meandering roadway zig-zags or “chicanes”) reconfiguring Grand Street between Palmera Court and Encinal Avenue.

C. The Mayor’s Next Day Decision To Change Her Vote Based On “New Information” Regarding The Safety Of “Chicanes” Provided By Bike Walk Alameda:

The reaction to the Mayor’s October 4th decision was evidently swift, because two days later at the October 6th Bike Walk Alameda Mayoral Forum she stated the following as her Opening Statement:

Thank you Bike Walk Alameda and CASA for hosting us tonight and thank you for all the important work your organizations do in our City. So, I want to take us back to the City Council meeting this past Tuesday, October the 4th, it was a rough meeting for me, and I think a lot of you because we discussed a proposal for Grand Street and protected bike lanes and at the time I voted “no” on the proposal the staff was putting

forward and I want to quickly explain my reasons for voting "no," but also the path forward. And I responded to some of your emails so you know that I'm going to provide further information, so this is now. So, the safety of our pedestrians, bicyclists all residents (was) paramount to me. When we considered the protected bike lanes there were safety concerns that I had previously raised in June that were never answered, never addressed. So, I voted no because I could not get from the City Engineer answers to my question about – are there unintended consequences of these I call them meandering zig zagging lanes they are chicanes. In fact, because I didn't want to see collisions caused by confused drivers that might lead to injury of a pedestrian or cyclist crossing an intersection and I want to see this plan extend all the way to Clement, I also asked if there were examples in other cities where this had been done and the results thereof. And the responses I got back were nothing really, but when I probed the week before the meeting, the City Engineer told me he thought I was asking about the safety of fire trucks if they could navigate the lanes, I wasn't, but they can. He didn't know of any other examples and at the meeting he let us know that the engineers had approved the plans. ***My safety concerns were not addressed, but the next morning I felt terrible. I reached out to Cyndy Johnson and Denyse Trepanier. We had a Zoom and what I would like to say is that the safety concerns that I'd previously raised or have, have now been addressed by information, new information that Denyse shared this evening with Council and the City Clerk, and it will be an attachment to an agenda item on October 18.*** And at the October 18th council meeting, I am prepared to request that the council review this new information at our November 1st meeting and I fully expect to have at

least two other council members vote with me to review this new information, and I've cleared this with the City Attorney and Interim City manager, and when it comes back, I fully expect to support the proposed bike lane proposal that had been before us, and that I voted no on Tuesday. With this information, I am satisfied with the safety concerns and I so appreciate Bike Walk Alameda for providing that information.

Thank you.

Later in the Forum, in response to question about road safety, the Mayor said that after reading up on "chicanes" that she was prepared to support chicanes on Grand Street with additional information, and that she believed that "there may be other opportunities to do that sort of road transformation in Alameda."

D. The City Council's October 18, 2022 Vote To Bring The Grand Street Item Back For "Rehearing" At The November 1, 2022 Council Meeting Based On "New Information"

On October 18, 2022, the Council met on Agenda Item 5-I "Adoption of Resolution Appropriating \$126, 618 in Transportation Development Act, Article 3 Grant Funding by Amending the Fiscal Year 2022-23 Capital Budget ... for Grand Street Improvements." Under this Agenda Item, the Mayor also brought forth a "second motion" (not agendized) "to give the brief direction to staff ... to review new information about this project" and "to bring the item back on November 1st, our next Council meeting, to give the Council the opportunity to consider this new information." The Mayor further said that she "did not call for reconsideration of the item, um, specifically." Councilmember Daysog raised his concern that the Mayor's second motion was "out of order" because the Council has adopted the Rosenberg Rules of Order ("Council Rules"), under which any reconsideration has to occur on the night that the vote was made. Councilmember Daysog noted that if there was a possibility of reconsidering the Mayor's vote outside of

the meeting when the vote occurred, the Council Rules required that Council must first vote to suspend its Rules by a 2/3 majority vote (4 out of 5 councilmembers).

Councilmember Herrera Spencer voiced similar procedural concerns and further noted doubts about what significant “new information” could have arisen within 24 hours of the October 4th meeting. The City Attorney was of the view, without having reviewed the “new information,” that what was being requested was not a “reconsideration item” but “simply ... staff has brought forward some new information and asked [Council] to take another look and see if [Council] wanted to make a different decision.” The City Clerk/Parliamentarian analogized to an ordinance enacted by a prior City Council being repealed by a different City Council. Councilmember Knox White’s motion to “direct staff to bring back the Grand Street item at our next meeting for, uh, reconsi..., for rehearing..., and hearing of new information” was approved by Councilmember’s Ezzy Ashcraft, Knox White, and Vella to place the matter on the November 1, 2022 Council Agenda. Councilmember Daysog cautioned that the Council needed to tread carefully as to what constituted “new information” and said that he was “not convinced that this is not a reconsideration of a vote.”

INFIRMITIES AND IMPROPRIETIES IN THE CITY COUNCIL’S DECISION MAKING PROCESS:

A. The November 1, 2022 Mayor’s Anticipated Change Of Vote Violates Council Rules

As noted by Councilmember Daysog at the October 18, 2022 Council Meeting, the Council has adopted *Rosenberg’s Rules of Order (“Rules”)*, published by the League of California Cities. The Rules address a Motion to Reconsider a vote, and recognize that a tenet of parliamentary procedure is finality in the decision making process. As explained in the Rules, “[a]fter vigorous discussion, debate, and a vote, there must be closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject

only to reopening if a proper motion to consider is made and passed.” A motion to reconsider a vote must be made by a member who voted in the majority, and at the meeting where the item was voted upon. A motion to reconsider made at a later time is untimely, unless the body votes by a 2/3 majority (4 out of 5 Council members) to suspend the Rules and make a motion to reconsider at another time.

In the City’s case, the facts clearly demonstrate that the November 1, 2022 “consideration of new information” is in reality a belated motion to reconsider the Mayor’s October 4, 2022 vote, without the requisite 2/3 vote of Council to suspend its Rules as required by the City’s adopted Rules. A motion for reconsideration was not made at the October 4, 2022 meeting by the Mayor, or any other member of the Council majority. Nor did the Council vote to suspend its Rules by a 2/3 (4 out of 5 Council members) vote to place the item for re-vote on the November 1, 2022 Council agenda. Indeed, such a vote would have been unlikely to succeed in this matter given the composition of the Council members who voted in the majority at the October 4th Council meeting.

Additionally, as pointed out by Councilmembers Daysog and Herrera Spencer at the October 18, 2022 Council meeting, the prospect that there was “new” information presented – after months of work by City Staff and its transportation engineering and safety expert consultants, discussion by Council and hearing of public comments – of such a magnitude to necessitate City staff review was very doubtful based on the facts described above. Moreover, the Rules ***do not provide for a motion for reconsideration based on “new information.”***

The Mayor’s statements at the October 6, 2022 Bike Walk Alameda Mayoral Forum (quoted above) demonstrate that the “new information” she received from Bike Walk Alameda officers on October 5th was not an opinion of a public safety expert, which is what the Mayor had been seeking. The Mayor based her October 4, 2022 vote

rejecting the Recommended Plan, in substantial part, on the fact that a public safety expert had not reviewed the proposed reconfiguration of Grand Street, specifically the chicanes (meandering, zig-zag of the roadway) of the Recommended Plan.

Nevertheless, the next day the Mayor was proposing to change her vote after receiving general information on traffic calming techniques from Bike Walk Alameda (not engineers or public safety experts) easily obtainable through an Internet search.

In sum, the facts clearly demonstrate that the proposed November 1, 2022 "consideration of new information" is in reality an improper reconsideration of the Mayor's October 4, 2022 vote in violation of the City's adopted Rosenberg's Rules of Order.

B. The November 1, 2022 Agenda Item Falls To Adequately Place The Public On Notice Of The Planned Re-Vote

The Mayor's intent to change her vote at the November 1, 2022 Council meeting, thus reversing the Council's vote on the final plan for Grand Street, has been known to the City for several weeks. Yet, Agenda Item 7-F gives no inkling to the public about what action is to take place at the meeting with respect to the Grand Street proposal that had been voted on and adopted by the Council on October 4th. Nowhere in the Agenda Item is it mentioned that what is proposed at the November 1st meeting is a reconsideration/rehearing of the October 4th Council vote: "Recommendation to Consider New Information Regarding the Grand Street Resurfacing and Safety Improvement Project and Authorize the Interim City Manager or Designee, to Proceed with Construction Documents for the Grand Street Resurfacing and Safety Improvement Final Concept." Moreover, based on Council's October 4th vote adopting the Alternative Plan with safety enhancements (and without the protected bike lanes and zig-zagging chicanes), members of the public reasonably believe that the Alternative Plan adopted

on October 4th is the “Final Concept” adopted by the City Council. Indeed, this entire exercise is an inappropriate and impermissible procedural action since the Mayor, who is the only Councilmember who will be changing their vote after “consideration of new information,” made up her mind to do so, as evidenced by her public comments, by October 6th.

C. The October 18, 2022 Agenda Item Also Failed to Adequately Place The Public On Notice That The Council Would Vote To “Rehear” The Final Grand Street Plan At The November 1, 2022 Council Meeting

The Mayor’s motion on October 18, 2022 to seek Council approval to place the Grand Street item back before Council on November 1, 2022 is not reflected in the October 18, 2022 Grand Street limited I-5 agenda item (for increased funding) under which it was discussed. Although the City was aware by October 6th, in sufficient time to properly agendize the item separately for the October 18th Council meeting and give the public adequate notice of what would transpire at that meeting, the City did not post such an item on the agenda. The notion that the matter discussed on October 18, 2022 was merely procedural, is not supported by the facts and circumstances.

CONCLUSION AND THE PATH FORWARD:

The City has a ministerial duty to follow Council Rules, its Sunshine Ordinance, and California Open Government Laws (Brown Act and Public Records Act), which has not happened in this case. There is also a concern about the appropriateness in utilizing “new information” provided by Bike Walk Alameda (not public safety experts) as the vehicle for the Mayor to change her final vote on the Grand Street Plan. Moreover, the lack of transparency of the Agenda Item for the November 1, 2022 Council Meeting, especially given the intended Council action to reverse its prior approval of a final Grand Street Plan, failed to meet public notice legal requirements. Under these

circumstances, the Grand Street "consideration" of "new evidence" item should be removed from the November 1, 2022, City Council Agenda.

The Mayor was correct at the October 4, 2022 City Council meeting in urging that the City proceed in a "cautious, yet smart" manner (implementation of new treatments and study of their effects over the next year), rather than the proposed "dramatic change" to Grand Street that she believed was not supported by the current statistics. We whole heartedly agree with this approach, and we look forward to working with the city to further develop a plan that achieves the objectives of those who live on and regularly utilize Grand Street.

Regards,

Regina Mucillo	Sally Damsen	Karen Miller
Hale Foote	Fred Damsen	Gena Harriet
Claire Yeaton-Risley	Margaret Hall	Pierre Harriet
Philip Jaber	Therese Hall	Matthew Dean
Gina Jaber	Marsha Broquedis	Elizabeth Dean
George Jaber	Kerry Plain	Paolo Friedman
Nicholas Jaber	Cindy Rankin Seibert	Paul Ferry
Elizabeth Jaber	Lolly Parker	Siam Peav
John Brennan	Barry Parker	Beth Foote
Jean Brennan	Carol Gottstein	Jonathon Glazebrook

[1] <https://www.ncenet.com/>

[2] <https://www.fehrandpeers.com/active-transportation/>

[3] Council review occurred on October 4, 2022.