

**SPECIAL MEETING OF THE CITY COUNCIL**

**Mayor's Closed Session Announcement**

DATE OF CLOSED SESSION: September 1, 2020

CONVENE TIME:

5:35 7 in

ADJOURNMENT:

5:47 p.m.

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**PRE-MEETING ANNOUNCEMENT**

LEGISLATIVE BODY: CITY COUNCIL

SUBJECT OF CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to Government Code § 54956.9):

CASE NAME: City of Alameda v. Union Pacific (Tilden)

COURT: Superior Court of the State of California, County of Alameda

CASE NUMBERS: RG18920939

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**POST-MEETING ANNOUNCEMENT**

The City Council met in Closed Session to discuss:

- Staff provided information to Council

- Council approved staff's recommendation.  
- See report set

**VOTE:**

Mayor Marilyn Ezzy Ashcraft  
Vice Mayor John Knox White  
Councilmember Vella  
Councilmember Daysog  
Councilmember Oddie

AYE

NO

ABSENT

ABSTAIN

X			
X			
X			
X			
X			

## Closed Session Report Out

### CONFERENCE WITH LEGAL COUNSEL – Existing Litigation against Union Pacific (Tilden)

This case involves an ongoing eminent domain litigation against Union Pacific, where the City seeks to acquire approximately 1.56 acres of abandoned Union Pacific Railroad right-of-way on the northwest side of Tilden Way on either side of Blanding Avenue. The property will be used for the Cross-Alameda Trail Clement Avenue East Extension/Tilden Way Project which will link the Cross-Alameda Trail to the Miller-Sweeney Bridge and into Oakland. The parties have reached a tentative agreement to finalize the eminent domain process without trial, whereby the City would pay approximately \$1,538,875, agree to release Union Pacific from future liability from the City, and to certain use restrictions consistent with environment conditions of the site. The Council authorized the City Attorney to resolve this litigation consistent with the tentative agreement.

**SPECIAL MEETING OF THE CITY COUNCIL**  
Mayor's Closed Session Announcement

DATE OF CLOSED SESSION: September 1, 2020  
CONVENE TIME: 5:00 PM  
ADJOURNMENT: 5:45 PM

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**PRE-MEETING ANNOUNCEMENT**

LEGISLATIVE BODY: CITY COUNCIL

**SUBJECT OF CLOSED SESSION:**

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code Section 54956.8)

PROPERTY: Site A at Alameda Point

PERSONS NEGOTIATING: Eric J. Levitt, City Manager, Debbie Potter, Community Development Director, Michelle Giles, Redevelopment Project Manager and Lisa Nelson Maxwell, Assistant City Attorney

NEGOTIATING PARTIES: City of Alameda and Alameda Point Partners

UNDER NEGOTIATIONS: Price and terms

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**POST-MEETING ANNOUNCEMENT**

The City Council met in Closed Session to discuss:

not heard

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**VOTE:**

Mayor Marilyn Ezzy Ashcraft  
Vice Mayor John Knox White  
Councilmember Vella  
Councilmember Daysog  
Councilmember Oddie

AYE

NO

ABSENT

ABSTAIN

*(A large diagonal line is drawn across the voting columns, indicating no votes were cast.)*

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**PRE-MEETING ANNOUNCEMENT**

LEGISLATIVE BODY: CITY COUNCIL

**SUBJECT OF CLOSED SESSION:**

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to Government Code § 54956.9):  
Requests for the City to participate as amicus in pending litigations:  
(Pursuant to Government Code § 54956.9)  
Case Name: Duncan v. Becerra  
Court: United State Court of Appeal for the 9th Circuit  
Case Number: 19-55376

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**POST-MEETING ANNOUNCEMENT**

The City Council met in Closed Session to discuss:

- Staff provided information to Council  
- Council provided a resolution, see  
report out

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**VOTE:**

	AYE	NO	ABSENT	ABSTAIN
Mayor Marilyn Ezzy Ashcraft	<u>✓</u>			
Vice Mayor John Knox White	<u>X</u>			
Councilmember Vella	<u>X</u>			
Councilmember Daysog	<u>X</u>			
Councilmember Oddie	<u>X</u>			

## Closed Session Report Out

Requests for the City to participate as amicus in pending litigations:

Duncan v. Becerra, United States Court of Appeals For the Ninth Circuit, Case No. 19-55376

The City has been asked to join numerous other local jurisdictions by authoring and/or signing on to an amicus briefs to be filed in the above case to support the State of California's existing prohibition (codified at Government Code section 31310) against the possession of large capacity magazines ("LCM") that hold more than 10 rounds of ammunition. A divided panel of the 9<sup>th</sup> Circuit held that Section 31310 violated the 2<sup>nd</sup> amendment. The amicus brief seeks to support the State of California, in part because, this decision is contrary to prior 9<sup>th</sup> Circuit precedent and precedent from six other Circuits all holding that various LCM restrictions are constitutional. Additionally, Section 31310's prohibition against LCMs does not prevent the use of handguns or other weapons in self-defense, and leaves open alternative channels for self-defense in the home. The Council has authorize the City Attorney to author and/or sign amicus briefs in this case, in any trial or appellate court of competent jurisdiction.

**SPECIAL MEETING OF THE CITY COUNCIL**

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ADJOURNMENT:

5:30 7m  
6:45 pm

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**PRE-MEETING ANNOUNCEMENT**

LEGISLATIVE BODY: CITY COUNCIL

SUBJECT OF CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9

Number of cases: Number of cases: One (As Defendant - City Exposure to Legal Action)

**POST-MEETING ANNOUNCEMENT**

The City Council met in Closed Session to discuss:

- Staff provided information  
- Council provided direction

**VOTE:**

none taken

AYE

NO

ABSENT

ABSTAIN

Mayor Marilyn Ezzy Ashcraft

Vice Mayor John Knox White

Councilmember Vella

Councilmember Daysog

Councilmember Oddie

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**SPECIAL MEETING OF THE CITY COUNCIL**

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DATE OF CLOSED SESSION: September 1, 2020

CONVENE TIME:

5:54 pm

ADJOURNMENT:

6:48 pm

**PRE-MEETING ANNOUNCEMENT**

LEGISLATIVE BODY: CITY COUNCIL

SUBJECT OF CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9, Subsection (c)

Number of Cases: One (As Plaintiff- City of Alameda Initiating Legal Action)

**POST-MEETING ANNOUNCEMENT**

The City Council met in Closed Session to discuss:

- Staff provided information to the Council

- Council provided direction

**VOTE:**

none taken

AYE

NO

ABSENT

ABSTAIN

Mayor Marilyn Ezzy Ashcraft

Vice Mayor John Knox White

Councilmember Vella

Councilmember Daysog

Councilmember Oddie