

**SPECIAL MEETING OF THE CITY COUNCIL**

Closed Session Announcement

DATE OF CLOSED SESSION: January 19, 2021

---

**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 (Sweeney)

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

CASE NUMBERS: RG18921261

---

**POST-MEETING ANNOUNCEMENT**

Announcement: This item was not heard

**VOTE:** N/A

AYE NO ABSENT ABSTAIN

Mayor Ezzy Ashcraft

---

Vice Mayor Vella

---

Councilmember Daysog

---

Councilmember Knox White

---

Councilmember Spencer

---

## **SPECIAL MEETING OF THE CITY COUNCIL**

### **Closed Session Announcement**

DATE OF CLOSED SESSION: January 19, 2021

CONVENE TIME: 5:58 PM

ADJOURNMENT: 6:07 PM

Note: Vice Mayor Vella arrived at 6:00 p.m.

---

## **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: Friends of Crab Cove v. Vella et al.

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

CASE NUMBERS: RG18933140

COURT: First District Court of Appeal

CASE NUMBERS: A159140 and A159608

---

## **POST-MEETING ANNOUNCEMENT**

Announcement: This litigation involves legal challenges filed against the City relating to the City's rezoning of a parcel west of McKay Avenue to facilitate the development of a wellness center for unhoused persons and seniors; the City previously prevailed at the trial court and the plaintiffs had appealed the trial court decision to the court of appeal; the parties have reached a resolution where by the plaintiffs would dismiss this litigation in exchange for the City not seeking further fees and costs against the plaintiffs; the Council has authorized the City Attorney to resolve this litigation and execute documents, including settlement agreements, consistent with the above and accept the dismissal on behalf of the City and the City employees/council members in their official capacity.

### **VOTE:**

	AYE	NO	ABSENT	ABSTAIN
Mayor Ezzy Ashcraft	X			
Vice Mayor Vella	X			
Councilmember Daysog	X			
Councilmember Knox White	X			
Councilmember Spencer	X			

---

**SPECIAL MEETING OF THE CITY COUNCIL**

Closed Session Announcement

DATE OF CLOSED SESSION: January 19, 2021

---

**PRE-MEETING ANNOUNCEMENT**

LEGISLATIVE BODY: CITY COUNCIL

**SUBJECT OF CLOSED SESSION:**

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

PROPERTY: Encinal Terminals, Located at 1521 Buena Vista Avenue (APN 072-0382-001,-002, and 72-0383-03), Alameda, CA

CITY NEGOTIATORS: Gerry Beaudin, Assistant City Manager, Andrew Thomas, Planning and Building Director and Nanette Mocanu, Assistant Community Development Director

NEGOTIATING PARTIES: City of Alameda and North Waterfront Cove, LLC

UNDER NEGOTIATION: Price and terms

---

**POST-MEETING ANNOUNCEMENT**

Announcement: This item with withdrawn and was not heard.

**VOTE:** N/A

AYE      NO      ABSENT      ABSTAIN

Mayor Ezzy Ashcraft

---

Vice Mayor Vella

---

Councilmember Daysog

---

Councilmember Knox White

---

Councilmember Spencer

---

## **SPECIAL MEETING OF THE CITY COUNCIL**

### **Closed Session Announcement**

DATE OF CLOSED SESSION: January 19, 2021  
CONVENE TIME: 6:07 PM  
ADJOURNMENT: 6:11 PM

---

## **PRE-MEETING ANNOUNCEMENT**

LEGISLATIVE BODY: CITY COUNCIL

### **SUBJECT OF CLOSED SESSION:**

#### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Requests for the City to participate as amicus in pending litigations:  
(Pursuant to Government Code § 54956.9)

Case Name: Apartment Association of Los Angeles County, Inc. v. City of Los Angeles et al.

Court: The United States Court of Appeals for the Ninth Circuit

Case Number: 20-56251

---

## **POST-MEETING ANNOUNCEMENT**

Announcement: The City has been asked to join numerous other local jurisdictions by authoring and/or signing on to amicus briefs to be filed in the above case to support the Los Angeles City's existing moratorium ordinance prohibiting evictions for COVID-related unpaid rent for twelve months after the expiration of the local emergency; this moratorium ordinance is similar to Alameda's existing law providing similar protections; the eviction moratorium at issue falls squarely within the City's police power to promote public health, safety, and welfare during a pandemic; the moratorium has done so by enabling residents to shelter in place and socially distance; additionally, consistent with the District Court's holdings, the moratorium does not substantially impair a landlord's contractual rights with tenants; plaintiff's expansive and incorrect reading of the Contracts Clause of the U.S. Constitution could unduly erode local control and limit state and local governmental authority to enact regulatory measures to safeguard the welfare of their residents during a crisis; the Council has authorized the City Attorney to author and/or sign amicus briefs in support of Los Angeles City in this matter, in any trial or appellate court of competent jurisdiction.

### **VOTE:**

	AYE	NO	ABSENT	ABSTAIN
Mayor Ezzy Ashcraft	X			
Vice Mayor Vella	X			
Councilmember Daysog		X		
Councilmember Knox White	X			
Councilmember Spencer		X		

---

## **SPECIAL MEETING OF THE CITY COUNCIL**

### **Closed Session Announcement**

DATE OF CLOSED SESSION: January 19, 2021  
CONVENE TIME: 6:11 PM  
ADJOURNMENT: 6:24 PM

---

## **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: Abdul Nevarez and Priscilla Nevarez v. City of Alameda

COURT: United States District Court, Northern District of California

CASE NUMBER: 20-cv-8302

---

## **POST-MEETING ANNOUNCEMENT**

Announcement: This litigation involves claims of ADA violations by the Plaintiffs at the Corica Park Golf Course. The City has tendered the litigation to Greenway given their operation and management of the Golf Course. The City Council has authorized the City Attorney to waive certain conflicts to permit attorneys, including Gerry Ramiza and Greg Akar, at the law firm of Burke Williams & Sorensen to handle the defense of this litigation.

### **VOTE:**

	AYE	NO	ABSENT	ABSTAIN
Mayor Ezzy Ashcraft	X			
Vice Mayor Vella	X			
Councilmember Daysog	X			
Councilmember Knox White	X			
Councilmember Spencer	X			

---