

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
THURSDAY- -SEPTEMBER 9, 2010- -6:00 P.M.

Mayor Johnson convened the meeting at 6:13 p.m.

Roll Call – Present: Councilmembers deHaan, Gilmore, Matarrese, Tam and Mayor Johnson – 4.

Absent: None.

(10-432) Vice Mayor deHaan inquired whether the matter could be addressed in open session.

The City Attorney responded although the Brown Act provides an exception to permit a Closed Session for discussion of initiation of litigation, the Council can decide to have the presentation in open session; inquired whether outside Counsel Michael Colantuono could give his presentation in open session.

Mr. Colantuono responded the matter could be addressed in open session if the Council wishes.

Councilmember Matarrese moved approval of holding the matter in open session.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote – 5.

Public Comment

Speakers: Diane Lichtenstein, Homes; Kate Quick, Alameda; Luann DeWitt, Alameda; Dana Sack, Piedmont; Jeff Mitchell, Alameda; Jephtha Boone, Alameda; Donna Vaughn, Alameda; Barbara Kahn, Alameda; Honora Murphy, Alameda; Joe Cloren, Alameda; Jon Spangler, Alameda; Ashley Jones, Alameda; Rosemary McNally, Alameda; Kurt Libby, Alameda; Reyla Graber, Alameda; Dorothy Freeman, Alameda; Nancy Gordon, Alameda; and Nancy Hird, Alameda.

(10-432 A) Conference with Legal Counsel – Anticipated Litigation; Initiation of litigation pursuant to subdivision (c) of Section 54956.9; Number of cases: One

The Mayor and Councilmembers each made comments regarding the investigation of Councilmember Tam and the District Attorney's decision not to submit the matter to the Grand Jury.

In response to Mayor Johnson's request, Mr. Colantuono summarized what he would be presenting.

Mayor Johnson inquired whether the Council wishes to proceed with the presentation.

The Council agreed to proceed with the presentation.

Mr. Colantuono gave a presentation.

Following Council discussion, Councilmember Matarrese moved approval of not taking any action.

Vice Mayor deHaan seconded the motion.

Following further Council discussion, Councilmember Gilmore requested that the motion be restated.

Councilmember Matarrese stated the motion is that the City take no action as recommended.

On the call for the question, the motion carried by unanimous voice vote – 5.

Councilmember Matarrese stated there is open information; that he thinks it is appropriate that it be reviewed to see if it constitutes new evidence; he would like that brought back to Council before anything further is pursued.

The Council discussed the Charter requirement that gives the City Manager authority to investigate and the expenditure of funds.

#### Adjournment

There being no further business, Mayor Johnson adjourned the meeting at 7:49 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.