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County of Alameda

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11 JOHN BRENNAN and GRAND STREET NEIGHBORS

12
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF ALAMEDA
15 UNLIMITED DIVISION

16 JOHN BRENNAN, an individual, and
17 GRAND STREET NEIGHBORS, a
18 community organization,

19 Petitioners/Plaintiffs,

20 vs.

21 CITY OF ALAMEDA, by and through its
22 CITY COUNCIL, and DOES 1-20

23 Respondents/Defendants

) **CASE NO. 22CV024994**

) **FIRST AMENDED VERIFIED PETITION**
) **FOR WRIT OF MANDAMUS AND**
) **COMPLAINT FOR INJUNCTIVE**
) **RELIEF AND DECLARATORY RELIEF**
) **(SUNSHINE ACT VIOLATIONS and**
) **ROSENBERG RULES OF ORDER**
) **VIOLATIONS) AND FOR BROWN ACT**
) **VIOLATIONS (NULLIFICATION)**

24 **I. INTRODUCTION**

25 1. This action challenges the legality of the vote by Respondent/Defendant City of
26 Alameda's City Council ("City Council" or "Council") on October 18, 2022 to place the
27 Council's October 4, 2022 final decision adopting the plans for a project known as the Grand
28 Street Resurfacing and Safety Improvement Project ("Grand Street project" on the November 1,
2022 Council meeting Agenda for "rehearing/reconsideration" (i.e. re-vote), and the Council's

1 re-vote on November 1, 2022 reversing the final vote/action taken by the Council on the final
2 design for the on the Grand Street project at its October 4th meeting.

3 2. These Council votes and actions taken on October 18, 2022 and November 1,
4 2022 violated Government Code §§ 54954.2 of the Ralph M. Brown Act because they were
5 taken on matters not sufficiently described in the agendas, the agenda items were misleading and
6 failed to provide the public with fair notice of what the Council would discuss and act upon at
7 said open meetings.

8 3. The Council's votes and actions on November 1, 2022 also violated Government
9 Code § 54954.3 of the Brown Act because the City failed to post all the correspondence it
10 received from the public prior to the November 1, 2022 meeting and failed to permit at least four
11 (4) members of the public time to speak when their hands were raised electronically during the
12 Zoom-conducted November 1, 2022 open meeting.

13 4. The Council votes and actions taken on October 18, 2022 and November 1, 2022
14 also violated the City of Alameda's ("the City") Sunshine Ordinance, specifically the City's
15 Municipal Code §§ 2-91.6(c) (public notice requirements re written comments), 2-91.15(b)
16 (public testimony), 2-92.4(g) (notices and posting of information), 2-91.5(a), (b) and (f) (agenda
17 requirements), and also violated the City's Rules of Order Governing City Council Meetings,
18 City of Alameda Resolution No. 15328, adopting Rosenberg Rules of Order ("City Council's
19 Rules of Order" or "Rosenberg Rules"), adopted by the Council, in violation of Council
20 Resolution 15382.

21 5. Petitioners, and all residents of the Alameda community are beneficially
22 interested in having the City government and City officials in the municipality in which they live
23 function according to California law, and abide by their own adopted Ordinances and
24 Resolutions. The Brown Act, in particular, as well as the City's Sunshine Ordinance and the
25 City Council's Rules of Order which the City displays on its public website as "Key Documents"
26 under "Your Government," must be construed broadly to afford public access and transparency
27 of the City's and Council's official proceedings. Petitioners have filed this Petition because the
28 facts as described herein clearly demonstrate that the City and the City Council have abused the

1 laws, ordinances, and rules of order they have a ministerial duty to follow, by disregarding their
2 mandatory duties under those laws, ordinances, and rules of order entirely, or construing their
3 legal duties in such a narrow and unlawful manner that it amounts to an abuse of, and failure to
4 perform their mandatory duties under those laws, ordinances and rules of order. Respondents'
5 failures to perform their mandatory duties and abuses of the processes Respondents are bound to
6 follow have resulted in harm and prejudice to Petitioners and all citizens of the City of Alameda.

7 6. Petitioners have no plain, speedy, or adequate remedy in the course of ordinary
8 law and will be irreparably harmed unless this Court grants the mandamus, declaratory and
9 injunctive relief requested herein for the City's and City Council's violations of their mandatory
10 duties to comply with the Brown Act, the City's Sunshine Ordinance and the City of Alameda
11 Resolution No. 15382 adopting Rosenberg's Rules of Order for the conduct of City Council
12 Meetings, and declares the City Councils' actions taken on October 18, 2022 and November 1,
13 2022 with respect to the Grand Street project null and void.

14 7. Petitioners request this court nullify the Council's vote taken at the October 18,
15 2022 meeting placing the October 4, 2022 final decision approving the Grand Street project with
16 traditional bike lanes and without "chicanes" on the agenda for the November 1, 2022 for a re-
17 vote and/or re-consideration, and the Council's vote taken at the November 1, 2022 Council
18 meeting reversing the October 4, 2022 final decision approving the Grand Street project with
19 traditional bike lanes and without chicanes.¹ Petitioners also seek an order declaring the Council
20 violated the Brown Act.

21 8. Petitioners also seek an injunction prohibiting the Council from enacting the plan
22 for the Grand Street project that called for the use of chicanes, illegally adopted at the November
23 1, 2022 Council meeting, and for an injunction ordering the Council to adopt the plan on which
24 the Council voted at the October 4, 2022 Council meeting that called for traditional bike lanes
25 without chicanes, as set forth in the final design decided upon at the October 4, 2022 Council
26 meeting.

27 9. Petitioners further seek an order commanding respondent to set aside the Council
28

¹ Chicanes are a curving or a zig-zag, S-shaped paths in roadways meant to slow vehicles down.

1 decisions made on October 18, 2022 placing the October 4, 2022 final decision approving the
2 Grand Street project with traditional bike lanes and without “chicanes” on the agenda for the
3 November 1, 2022 for a re-vote and/or re-consideration, and the Council’s vote taken at the
4 November 1, 2022 Council meeting reversing the October 4, 2022 final decision approving the
5 Grand Street project with traditional bike lanes and without chicanes.

6 II. PARTIES

7 10. Petitioner JOHN BRENNAN is a resident of the City of Alameda and resides on
8 Grand Street where the Grand Street project, described herein, will be implemented and will be
9 directly affected by the Grand Street project.

10 11. Petitioner GRAND STREET NEIGHBORS is a community-based association
11 comprised of individuals who live on or near Grand Street and are interested in the Grand Street
12 project and in enhancing the safety, parking accessibility and use of Grand Street for drivers,
13 pedestrians, residents, visitors, and cyclists and in having adequate parking for and accessibility
14 to their homes on Grand Street and will also be directly affected by the Grand Street project.

15 Petitioners JOHN BRENNAN and GRAND STREET NEIGHBORS (together, “Petitioners”) are
16 interested in and have participated in local planning processes, including the Grand Street project.

17 Petitioners, along with other members of the public, use and enjoy driving, walking, running,
18 biking, and/or parking their vehicles and having adequate parking for and accessibility to their
19 homes on Grand Street. Petitioners and members of the public have been and will be adversely
20 affected by Respondents’ failure and refusal to follow, and their abuse of their mandatory legal
21 duties under the Brown Act, the City’s Sunshine Ordinance and the Council’s Rules of Order.

22 Moreover, Respondents’ abuse of their authority and violation of their legal duties have resulted
23 in the following deleterious impact on Petitioners and the general public:

24 (a) Reduced accessibility to homes, particularly as to disabled persons,
25 persons with mobility problems and the aged who wish to remain in their home and reduce the
26 ability of care-providers for such persons;

27 (b) Reduced parking for homeowners, ADU residents and their visitors;
28

1 (c) Creation of bike lanes that, under the facts and circumstances, are less safe
2 than traditional bike lanes given the multiple entry points such as driveways and side streets,
3 particularly given that the data does not support that Grand Steet is a high injury corridor
4 warranting bike lanes separated by a physical barrier;

5 (d) Creation of bike lanes that, under the facts and circumstances are less safe
6 for school children biking to school;

7 (e) Implementation of a plan for only a 5-block portion of Grand Street that is
8 not part of a comprehensive plan that will work for the entirety of Grand Street north of Encinal
9 Avenue and implements a design not implemented on any other roadway or portion thereof in
10 the City;

11 (f) Implementation of a plan that represents a profound failure on the part of
12 the City to engage with and involve those residents who live on or near where the Grand Street
13 project will be installed at all phases of the planning process; and

14 (f) Ignore multiple alternative proposals that would provide increased safety
15 for cyclists, including school children, pedestrians and motorists.

16 12. Respondent City of Alameda ("City") is a charter city and municipal corporation
17 within the state of California. The City is a local agency as defined by Government Code
18 §54951, and is subject to the requirements of the Brown Act. The City is also subject to its duly
19 adopted Municipal Codes and Resolutions, including but not limited to, the Sunshine Ordinance,
20 codified as Municipal Code § 2.5, and City of Alameda Resolution No. 15381 adopting Rules of
21 Order, including Rosenberg's Rules of Order, governing the conduct of City Council meetings.

22 13. Respondent City Council of the City of Alameda is the duly elected governing
23 body for the City of Alameda. The City Council is a legislative body as defined by Government
24 Code §54952(a), and is subject to the Brown Act. The City Council is also subject to the City's
25 Municipal Code, Ordinances and Resolutions, including its Sunshine Ordinance and City of
26 Alameda Resolution No. 15382 adopting Rules of Order governing City Council meetings. The
27 City Council, at all relevant times herein, was comprised of the following five (5) elected
28 members who are sued in their official capacity only: Mayor Marilyn Ezzy Ashcraft, Vice Mayor

1 Malia Vella, Councilmember Tony Daysog, Councilmember Trish Herrera Spencer and
2 Councilmember John Knox With.

3 14. Petitioner is ignorant of the true names and capacities of Respondents sued herein
4 as DOES 1 through 20, inclusive, and Real Parties in Interest sued herein as DOES 20 through
5 40, inclusive and, therefore, sues these Respondents and Real Parties in Interest by such fictitious
6 names. Petitioners will seek leave to amend the Petition, if necessary, to allege the true names
7 and capacities when ascertained.

8 **III. JURISDICTION AND VENUE**

9 15. This Court has jurisdiction over Petitioners' claims for mandamus under
10 California Code of Civil Procedure section 1085 (alternatively section 1094.5), and over
11 Petitioners' claims for declaratory and injunctive relief under Code of Civil Procedure Sections
12 526 and 1060. This Court also has jurisdiction under Government Code sections 54960 and
13 54960.1.

14 16. Venue is proper in this Court because the causes of action alleged in this Petition
15 arose in Alameda County and Respondents are a local agency and public legislative body
16 located in Alameda County.

17 17. Petitioners have performed any and all conditions precedent to filing this instant
18 action and have exhausted any and all available administrative remedies to the extent required by
19 law. Such exhaustion of administrative remedies includes an Open Government Hearing at
20 which the Open Government Committee confirmed by a vote of 4-1 that the Brown Act had in
21 fact been violated with respect to the November 1, 2022 agenda item as described below.

22 18. The City responded to Petitioners' cure and correct letter by letter dated December
23 12, 2022, asserting that it had not violated the Brown Act and that there was nothing to cure and
24 correct. The City's letter was received by Petitioners on December 14, 2022.

25 19. Petitioner has no plain, speedy, or adequate remedy in the course of ordinary law
26 unless this Court grants the requested writ of mandate to require Respondents to set aside the
27 Council's votes and actions taken in violation of the Brown Act, the Sunshine Ordinance and the
28

1 Rosenberg Rules of Order as described herein. In the absence of such remedy, the Council's
2 approval will remain in effect in violation of state law.

3 IV. STATEMENT OF FACTS AND LAW

4 A. The City Council's June 21, 2022 Provisional Approval Of A Plan For The 5 Grand Street Project

6
7 20. On June 21, 2022, the City Council held a "Public Hearing to Consider
8 Adoption of Resolution Authorizing the Interim City Manager To Proceed With the Grand Street
9 Resurfacing and Safety Improvement Project Final Concept and Adoption of Environmental
10 Findings." (Agenda Item 7-B.) The City Council considered two plans presented by City Staff
11 for the portion of Grand Street between Shoreline Drive and Encinal Avenue: (1)
12 "Recommended Street Configuration" Plan ("Recommended Plan") and (2) "Alternative Street
13 Configuration" Plan ("Alternative Plan"). Both the Recommended Plan and the Alternative
14 Plan included significant safety enhancements for all users including curb extensions,
15 daylighting, highly visible crosswalks, speed cushions, and flashing beacons at two intersections.
16 The main difference between the Recommended Plan and the Alternative Plan was that the
17 Recommended Plan reconfigured the five-block portion of Grand Street between Palmera Court
18 and Encinal Avenue by adding protected, separated bike lanes (in lieu of traditional bike lanes).
19 To accommodate the protected, separated bike lanes between Palmera Court and Encinal Avenue,
20 on-street parking in front of residences was significantly reduced in the Recommended Plan and
21 periodic lane-changes or zig-zags, also called chicanes,² were inserted into the Grand Street
22 roadway. The Proposed Plan greatly reduced on-street parking and home accessibility, such as
23 by disability vans, service providers, visitors and others, on this portion of Grand Street, and the
24 lane changes, zig-zags or chicanes raised significant safety concerns. The Alternative Plan was
25 essentially the City's original plan and contained visual enhancement of the existing traditional
26 (not separated, protected) bike lanes on Grand Street, with added green paint and delineation,
27 and without any loss of on-street parking access or insertion of the lane changes, zig-zags or
28 chicanes.

² Chicanes are a curving or a zig-zag, S-shaped paths in roadways to slow vehicles down.

1 21. The City Council's consideration of Agenda Item 7-B included a presentation by
2 City Transportation staff with responses to questions, participation by City retained civil
3 engineering and transportation experts NCE and City retained transportation and safety experts
4 Fehr & Peers, public comment on both Plans, and extensive Council debate. Mayor Ezzy
5 Ashcraft voiced concerns about the Recommended Plan, focusing on adverse impacts to persons
6 with disabilities and elderly residents, and concern for safety of the Recommended Plan's lane
7 change, "zig-zag" roadway configuration. Councilmembers Daysog and Herrera Spencer
8 supported the Alternative Plan, because it was safe for all users and struck a balance between
9 competing concerns. Vice Mayor Vella, and Councilmember Knox White, who has been a
10 member of the Bike Walk Alameda³ Advisory Council since 2002, supported the Recommended
11 Plan because of its prioritization of the protected bike lanes.

12 22. Ultimately, Mayor Ezzy Ashcraft proposed an amendment to Councilmember
13 Knox White's motion and voted along with Councilmembers Vella and Knox White to authorize
14 City staff move forward with further design of the Recommended Plan, but only with the
15 following provisions to occur prior to further Council review and final decision on a Plan: (1)
16 having a consultant with expertise in the American with Disabilities Act review and identify how
17 the needs of disabled persons would be addressed, and (2) having a trained public safety
18 consultant or traffic engineer address the safety concerns presented by the meandering, zig-zag
19 roadway design.

20 **B. The City Council's October 4, 2022 Final Approval Of A Plan For The Grand Street**
21 **Project**

22 23. Three months later, at the October 4, 2022 regular City Council meeting, the
23 Grand Street Project was on the non-consent agenda again, agendized as "Recommendation to
24 Authorize the Interim City Manager, or Designee, to Proceed with the Grand Street Resurfacing
25 and Safety Improvement Project Final Concept, Including Preparation of Final Design and
26 Construction Documents, Consistent with the Recommended Final Concept Plan."

27 24. At the October 4, 2022 City Council meeting, City staff and the City's
28

³ Bike Walk Alameda is a local Alameda non-profit organization that strongly advocated for the Grand Street "Recommended Plan," especially protected bike lanes and chicanes.

1 engineering and traffic consultants NCE and Fehr & Peers presented the City Council with a
2 revised Recommended Plan and a City Staff Report that included information on the status of
3 review by an ADA consultant, and the results of the public safety review by the City of Alameda
4 Fire Department. The City Staff Report under "Conduct a public safety review of the project"
5 also stated that all project features, "including lane shifts, tapers and delineation between bike
6 lanes will be designed pursuant to best practice guidance, including the California Manual on
7 Uniform Traffic Control Devices (CA MUTCD)."

8 25. During the lengthy City Council debate, Mayor Ezzy Ashcraft reiterated her
9 concerns about the safety of the zig-zag configuration, and her belief that the traffic engineer or
10 public safety expert's opinion had not been included in what was presented to the City Council.
11 Mayor Ezzy Ashcraft expressed support for implementing the recommended enhancements to
12 the portion of Grand Street between Shoreline Drive and Encinal Avenue (curb extensions,
13 daylighting, highly visible crosswalks, two-way separated bike track in front of Wood Middle
14 School, flashing beacons in two intersections and mid-block speed enforcement such as speed
15 cushions), but maintaining the existing bike lanes between Palmera Court and Encinal Avenue
16 with enhanced visibility by adding green paint. Mayor Ezzy Ashcraft expressed her view that
17 the matter did not have the type of statistics she would like to see for a dramatic change to Grand
18 Street, and proposed that the City study the new treatments over the next year to obtain more
19 data, and also conduct more community involvement and outreach. Both Vice Mayor Vella and
20 Councilmember Knox White decided to leave the City Council Meeting after it became clear that
21 Mayor Ezzy Ashcraft was not going to vote with them to approve a plan for the Grand Street
22 Project that included protected bike lanes north of Otis Drive. Ultimately, Mayor Ezzy Ashcraft
23 voted along with Councilmembers Daysog and Herrera Spencer (3-2) to approve construction of
24 a final plan for the portion of Grand Street north of Otis Drive that included traditional bike lanes,
25 and no protected bike lanes or the roadway lane changes, zig-zags or chicanes reconfiguring the
26 five block portion of Grand Street immediately south of Encinal Avenue.

27 **C. Mayor Ezzy Ashcraft's Statements At The October 6, 2022 Bike Walk Alameda**
28 **Mayoral Candidate Forum That She Had Decided To Change Her Vote On The**
Grand Street Project Based On "New Information" Provided By Bike Walk
Alameda

1 26. On October 6, 2022, Mayor Ezzy Ashcraft participated in Bike Walk Alameda's
2 Mayoral Forum for candidates for Mayor in the upcoming November 8, 2022 election. Bike
3 Walk Alameda did not like the Mayor's October 4, 2022 vote to approve a plan for Grand Street
4 north of Otis Drive that did not include the concept of protected bike lanes. The video of the
5 Mayoral Forum was posted on the Bike Walk Alameda website. In Mayor Ezzy Ashcraft's
6 Opening Statement, she stated:

7 Thank you Bike Walk Alameda and CASA for hosting us tonight and thank you for all
8 the important work your organizations do in our City. So, I want to take us back to the
9 City Council meeting this past Tuesday, October the 4th, it was a rough meeting for me,
10 and I think a lot of you because we discussed a proposal for Grand Street and
11 protected bike lanes and at the time I voted "no" on the proposal the staff was putting
12 forward and I want to quickly explain my reasons for voting "no," but also the path
13 forward. And I responded to some of your emails so you know that I'm going to
14 provide further information, so this is now. So, the safety of our pedestrians, bicyclists
15 all residents (was) paramount to me. When we considered the protected bike lanes
16 there were safety concerns that I had previously raised in June that were never
17 answered, never addressed. So, I voted no because I could not get from the City
18 Engineer answers to my question about -- are there unintended consequences of these I
19 call them meandering zig zagging lanes they are chicanes. In fact, because I didn't
20 want to see collisions caused by confused drivers that might lead to injury of a
21 pedestrian or cyclist crossing an intersection and I want to see this plan extend all the
22 way to Clement, I also asked if there were examples in other cities where this had been
23 done and the results thereof. And the responses I got back were nothing really, but
24 when I probed the week before the meeting, the City Engineer told me he thought I
25 was asking about the safety of fire trucks if they could navigate the lanes, I wasn't, but
26 they can. *He didn't know of any other examples and at the meeting he let us know that
27 the engineers had approved the plans. My safety concerns were not addressed, but the
28 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. (Emphasis added.)*

**D. The City Council's October 18, 2022 Misleading Agenda Item And Vote To Bring
The Grand Street Plan Back For Rehearing At The November 1, 2022 City Council
Meeting**

1
2 27. Despite the City's knowledge that Mayor Ezzy Ashcraft planned a motion at the
3 October 18, 2022 regular City Council meeting to have the City Council change its October 4,
4 2022 vote under the guise of considering "new information" at its November 1, 2022 meeting,
5 the City Council Agenda for its October 18, 2022, regular meeting contained only the following
6 Consent Calendar Agenda Item 5-I "(22-658) Resolution No. 15984" mentioning Grand Street:
7 "A \$126,618 in Transportation Development Act, Article 3 Grant Funding by Amending the
8 Fiscal Year 2022-23 Capital Budget to Increase Budgeted Revenue and Expenditures in Capital
9 Improvement Program 14000 by \$50,000 and in Capital Improvement Program C11000 by
10 \$76,618 for Grand Street Improvements (Planning, Building and Transportation 20962740)."

11 28. Per the City staff recommendation for Consent Calendar Agenda Item 5-I the
12 \$76,618 in TDA funds were to supplement the budget for the Grand Street Project that "was
13 approved by City Council on October 4, 2022," "staff is now preparing the construction
14 drawings," and that the construction contracts would return to the City Council for approval in
15 early 2023.

16 29. At the October 18, 2022 City Council meeting, Mayor Ezzy Ashcraft requested
17 that the Grand Street funding Agenda Item 5-I be removed from the Consent Calendar for
18 discussion. During City Council discussion of the Grand Street funding Agenda Item, Mayor
19 Ezzy Ashcraft said that she supported approving the funding. Mayor Ezzy Ashcraft also brought
20 forth a "second motion," which was planned two weeks earlier but not agendized. The second
21 motion was "to give the brief direction to staff ... to review new information about this project"
22 and "to bring the item back on November 1st, our next Council meeting, to give the Council the
23 opportunity to consider this new information." Mayor Ezzy Ashcraft stated that she "did not call
24 for reconsideration of the item, um, specifically."

25 29. Councilmember Tony Daysog raised his concern that Mayor Ezzy Ashcraft's
26 second motion was "out of order" because the City had adopted Rosenberg's Rules of Order,
27 Alameda Resolution No. 15382, to govern the City Council's proceedings, under which any
28 reconsideration of a City Council vote has to occur at the meeting where the item was voted

1 upon. Councilmember Daysog further noted if there was a possibility of reconsidering Mayor
2 Ezzy Ashcraft's vote outside of the meeting when the vote occurred (October 4, 2022) Alameda
3 Resolution No. 15382, ¶ 1 and also Rosenberg's Rules of Order, required the City Council to
4 first vote to suspend its Rules of Order by a supermajority 2/3 vote (4 out of 5 councilmembers),
5 which had not occurred. Councilmember Daysog cautioned that the Council needed to tread
6 carefully as to what constituted "new information" and said that he was "not convinced that this
7 is not a reconsideration of a vote." Councilmember Trish Herrera Spencer voiced similar
8 procedural concerns and further noted doubts about what significant "new information" could
9 have arisen within 24 hours of the October 4th meeting, given the extensive consideration of the
10 Grand Street Project, necessitating City staff's review.

11 30. In reality, the purported "new information" submitted by Bike Walk Alameda, not
12 public safety experts retained by the City or the City's traffic engineers, was in fact not "new" or
13 substantial, was easily obtainable through an Internet search, and was not the opinion of a public
14 safety expert that Mayor Ezzy Ashcraft said at the October 4, 2022 City Council meeting was
15 missing from City Staff's presentation.

16 31. At the October 18, 2022 City Council meeting, the City Attorney, who said that
17 he had not reviewed the "new information" from Bike Walk Alameda being relied upon by
18 Mayor Ezzy Ashcraft, but was nevertheless of the view that what was being requested was not a
19 "reconsideration item" but "simply ... staff has brought forward some new information and
20 asked [Council] to take another look and see if [Council] wanted to *make a different decision.*"
21 (Emphasis added.) The City Clerk/Parliamentarian, also opined on the matter and analogized the
22 proposed motion and re-vote by the Mayor to a City Ordinance enacted by a prior City Council
23 being repealed by a different City Council (presumably through the City Council's procedural
24 rules for repeal of an Ordinance).

25 32. Ultimately, Councilmember Knox White made a motion to "direct staff to bring
26 back the Grand Street item at our next meeting for, uh, reconsi..., for rehearing [chuckle]..., and
27 hearing of new information." Consistent with Mayor Ezzy Ashcraft's prediction in her Opening
28 Statement at the Bike Walk Alameda Mayoral Forum on October 6, 2022, Councilmember Knox

1 White's motion was approved by a simple City Council majority consisting of Mayor Ezzy
2 Ashcraft, Vice Mayor Vella, Councilmember Knox White. No vote was first taken by the City
3 Council to suspend the City's adopted procedural Rules of Order, as legally required, to permit a
4 reconsideration at the City Council's November 1, 2022 meeting of the City Council's October 4,
5 2022 approval of the design for the Grand Street Project (without protected bike lanes or
6 chicanes from Otis Drive to Encinal Avenue). This was despite the Mayor's unambiguous
7 statements at the October 6, 2022 Bike Walk Alameda that she would change her vote at the
8 November 1, 2022 meeting.

9 33. Subsequently, on October 31, 2022, Petitioner Brennan and some members of
10 Petitioner Grand Street Neighbors, sent a letter to the City Council and Interim City Manager
11 voicing their concerns about the City's lack of transparency and legal violations in returning the
12 Grand Street plan approved by the City Council on October 4, 2022 for rehearing at the
13 November 1, 2022 City Council meeting so that Mayor Ezzy Ashcraft could change her October
14 4, 2022 vote, as alleged above. A copy of Petitioners' October 31, 2022 letter is attached hereto
15 as Exhibit B.

16 **E. The City Council's November 1, 2022 "Rehearing" Of The Grand Street Plan**

17 **a. Agenda Item 7-F**

18 35 The Agenda Item (7-F) for the November 1, 2022 meeting stated only as follows:
19 "Recommendation to Consider New Information Regarding the Grand Street Resurfacing and
20 Safety Improvement Project and Authorize the Interim City Manager, or Designee, to Proceed
21 with Construction Documents for the Grand Street Resurfacing and Safety Improvement Project
22 Final Concept (Planning, Building & Transportation 20962710)." The matter was agendized in
23 this deceptive manner despite the City's knowledge that a planned re-vote of the City Council's
24 October 4, 2022 adoption of a final plan for the Grand Street Project was to occur so that Mayor
25 Ezzy Ashcraft could change her vote at the City Council's November 1, 2022 meeting.
26

27 36. Moreover, the design plan for the Grand Street Project (without protected bike
28 lanes or chicanes north of Otis Drive) had been adopted by the City Council on October 4, 2022
and City Staff was already in the process of preparing the construction drawings for that plan

1 design, as noted in City Staff's report submitted for the October 18, 2022 City Council meeting.
2 Nonetheless, "Exhibit 1 - Proposed Final Concept Plan" attached to Agenda Item 7-F for the
3 November 1, 2022 City Council meeting included protected bike lanes and chicanes north of
4 Otis Drive.

5 37. During the November 1, 2022 City Council meeting on the Grand Street Project,
6 in response to questions by Councilmember Herrera Spencer about the "new information"
7 presented, City Transportation Director Andrew Thomas acknowledged that the National
8 Association of City Transportation (NACTO) guidelines referenced in City Staff's report were
9 posted online, and that City Staff obtained the images included in "Exhibit 2 - Examples of
10 Chicanes" to the City Staff report from available online sources. None of the images included by
11 City Staff in Exhibit 2 (New York City, San Francisco, Berkeley, Boston, or "Enhanced with
12 landscaping") show the use of chicanes with protected or separated bike lanes. Only the City of
13 Berkeley image shows chicanes with a bike lane, which is a traditional (non-separated and non-
14 protected) bike lane. The New York City Design Guidelines included in Exhibit 2 regarding use
15 of Chicanes states "Avoid on bus routes, truck routes, *and major bike routes.*" (Emphasis added.)

16 **b. The City's Failure To Afford Full Public Comment And Failure To Properly**
17 **Post Written Comments From The Public**

18 38. During the public comment period following the City Staff's presentation,
19 Council also failed to recognize and call on at least three (3) members of Petitioner GRAND
20 STREET NEIGHBORS and one Alameda resident despite all of them having timely had their
21 hands "raised" during the Zoom conducted meeting. While their hands were still raised, the City
22 Council closed all public comment prematurely and precipitously. One of the members of
23 Petitioner GRAND STREET NEIGHBORS, John Healy, immediately notified the City Clerk.
24 However, this notification of this issue was to no avail and their comments went unheard. The
25 City Council's abrupt cutoff of public comment for this Agenda Item was contrary to the City
26 Council's procedural practice.

27 39. Mayor Ezzy Ashcraft immediately spoke following the hasty cutoff of public
28 comment. She said that she wanted to direct staff to move forward to complete the final plans

1 and construction documents (to include protected bike lanes and chicanes north of Otis Drive
2 previously excluded from the October 4, 2022 adopted final design plan), and commented that
3 she was satisfied with the additional information that had been presented.

4 40. Councilmember Herrera Spencer, at the first opportunity she had to speak
5 following the close of public comment and Mayor Ezzy Ashcraft's comments, noted that three
6 hands had been raised and inquired why the speakers had not been called. The City Clerk
7 responded that all hands were raised after public comment closed. Councilmember Herrera
8 Spencer noted that the issue had been an ongoing problem and members of the public were being
9 excluded from public comment.

10 41. Councilmembers Herrera Spencer and Daysog expressed again their concern that
11 no actual new information was being presented to the City Council and that there was no basis
12 for reevaluating the City Council's October 4, 2022 decision.

13 42. Also during the meeting, members of the public apprised the City Council that all
14 written comments that had been submitted to the City in advance of the meeting had not been
15 made available to the public including, but not limited to, electronically on the City's website
16 before the November 1, 2022 meeting. Multiple letters to the City Council and/or the City,
17 totaling more than 30 pages, were not posted to and/or were not accessible to the public on the
18 City's website in the manner normally posted. It is further alleged based on information and
19 belief that the documents were also not made available for in-person viewing before the
20 November 1, 2022 meeting.

21 **c. Mayor Ezzy Ashcraft's Change Of Vote As Planned**

22 43. Ultimately, Mayor Ezzy Ashcraft changed her vote as planned and voted along
23 with Vice Mayor Vella and Councilmember Knox White to move forward with a Grand Street
24 Project design that had been rejected by the City Council at its October 4, 2022 meeting.

25 **E. Respondents' Mandatory Legal Duties Under The Brown Act, The Sunshine
26 Ordinance, And Rosenberg's Rules**

27 **a. The Brown Act**

1 44. The purpose of the Brown Act is to provide transparency of government decision
2 making, and encourage public participation therein. In enacting the Brown Act, the Legislature
3 declared that public commissions, boards, and councils exist to aid in the conduct of the
4 people's business. The purpose of the Brown Act is to ensure that the people remain informed
5 so that they can retain control over the agencies that serve them. It is therefore the intent of the
6 Brown Act that public agencies conduct deliberations and actions openly. (Gov. Code § 54950.)

7 45. In furtherance of its goal of transparency in government decision making and
8 public participation, the Brown Act requires that at least 72 hours prior to its regular meetings, a
9 legislative body must "post an agenda containing a brief general description of each item of
10 business to be transacted or discussed at the meeting. (Gov. Code § 54954.2 (a)(1).) The
11 legislative body may not take any action on an item not appearing on the posted agenda, except
12 in certain situations not applicable here.

13 46. Additionally, the Brown Act requires the legislative body to provide an
14 opportunity for members of the public to address the legislative body on any item of interest to
15 the public, either before or during the legislative body's consideration of the item. Moreover,
16 under the Brown Act, a legislative body cannot prohibit criticism of its actions. (Gov. Code §§
17 54954.3(a) and (c).)

18 **b. The City's Sunshine Ordinance**

19 47. Respondent City of Alameda is also subject to its Sunshine Ordinance, Municipal
20 Code, Article VII, Section 2.90 *et seq.* The purpose of which is set forth in Municipal Code
21 section 2.90 as follows:
22

23 This sunshine ordinance has been developed to codify the City of Alameda's
24 public policy concerning participation in the deliberations of the City's legislative
25 bodies and to clarify and supplement the Ralph M. Brown Act and the California
26 Public Records Act and expanding its application and effectiveness to local
27 governments. It is an affirmation of good government; and a continued
28 commitment to open and democratic procedures. It is an effort to expand our
citizens' knowledge, participation and trust. As procedures of government change
and evolve, so also must the laws designed to guarantee the process remains
visible. In addition, this ordinance will establish a mechanism for enforcement.

1 Section 2.90.1 further states that the goal of the Sunshine Ordinance is as follows:

2 An informed public is essential to democracy. It is the goal of the ordinance
3 codified in this article to ensure that the citizens of Alameda have timely access to
4 information, opportunities to address the various legislative bodies prior to
5 decisions being made, and easy and timely access to all public records.

6 48. Section 2-91.5 of the Sunshine Ordinance further provides as follows:

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

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

23 49. Both the above-described October 18, 2022 agenda item and the above-
24 described November 1, 2022 agenda item violated the Sunshine Ordinance, including,
25 without limitation, Section 2-91.5.

26 50 Section 2-91.5 of the Sunshine Ordinance further provides as follows:

27 f. No action or discussion shall be undertaken on any item not appearing on the
28 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.

1 51. Both of the above-described votes taken at the October 18, 2022 Council
2 meeting and the November 1, 2022 Council meeting violated this provision of the
3 Sunshine Ordinance.
4

5 52. In addition, Section 2-91.5 requires all materials relevant to an agenda
6 item must accompany the agenda item and Respondent has adopted a policy and
7 procedure by which comments and correspondence received by the public are added to
8 Respondent's website and regularly updated in real time, such that the public has real
9 time access to such information. Respondent violated this provision of the Sunshine
10 Ordinance and of its well-established policies and procedures of providing the public real
11 time access to public comments and correspondence by failing to timely and properly
12 post correspondence received by the public for the November 1, 2022 Council meeting.
13
14

15 53. The Sunshine Ordinance further provides for public comment during
16 Council meetings. Respondent further violated this requirement of the Sunshine
17 Ordinance by cutting off speakers who had hands raised electronically without providing
18 such speakers with the opportunity to address the Council at the November 1, 2022
19 meeting.
20

21 **c. Rosenberg's Rules of Order**

22 54. The City of Alameda Resolution No. 15382 adopting Rosenberg's Rules of Order
23 for the conduct of City Council Meetings governs the proceedings of the City Council.
24 Rosenberg's Rules recognizes that a tenet of parliamentary procedure is finality in the decision-
25 making process. Therefore: "[a]fter vigorous discussion, debate, and a vote, there must be
26 closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to
27 reopening if a proper motion to consider is made and passed." Under Rosenberg's Rules, a
28 motion to reconsider a Council vote must be made by a member who voted in the majority, and

1 at the meeting where the item was voted upon. A motion to reconsider a vote is untimely, unless
2 the body votes by a 2/3 super majority (4 out of 5 Councilmembers) to suspend the Rules so that
3 a motion to reconsider a vote can be made at another meeting. If a motion to reconsider is made
4 and passed, "then the original matter is back before the body, and a new motion is in order."
5
6
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8 IV. FIRST CAUSE OF ACTION

9 Brown Act Violations Under Government Code §§ 54960.1, 54954.2 and 54954.3

10 Nullification of October 18, 2022 and November 1, 2022

11 Votes Re Grand Street Project

12 (Against the Council and the City)

13 55. Petitioners re-allege and incorporate by reference the allegations contained in
14 paragraphs 1 through 54 as though fully stated herein.

15 56. As described herein, the Council and/or the City have violated the Ralph M.
16 Brown Act, specifically, Government Code §§ 54954.2 and 54954.3, with respect to the votes
17 and actions taken at the October 18, 2022 and November 1, 2022 open meetings regarding the
18 Grand Street project.
19

20 57. Respondents have a clear present and ministerial duty to comply with the Brown
21 Act and have failed to comply with those duties as described below.
22

23 58. As described herein, at both the October 18, 2022 and November 1, 2022 open
24 meetings, the Council illegally voted on matters not included on the agenda. On October 18,
25 2022, the Council illegally voted to place a re-vote of the Grand Street project plan on the
26 November 1, 2022 agenda, when the Council already voted on October 4, 2022 on the same
27 matter, i.e. whether to adopt a plan that includes protected bike lanes and chicanes, or whether to
28 adopt the plan with traditional bike lanes and without chicanes.

1 59. As described herein, the Council agenda for October 18, 2022 failed to comply
2 with Government Code § 54954.2's requirement to provide "a brief general description of each
3 item of business to be transacted or discussed at the meeting." The agenda item (5-I) was placed
4 on the Council's consent calendar and concerned only additional fund appropriation for the
5 Grand Street project. The agenda item was misleading and provided no notice to the public of
6 the Mayor's planned motion and vote to be taken at the meeting to place the Council's October 4,
7 2022 decision (adopting a final plan design for the Grand Street project) on the Council's
8 November 1, 2022 Council meeting agenda for "rehearing" and a re-vote. The Council's motion,
9 discussion and vote to place the Grand Street project on the November 1, 2022 agenda for
10 "rehearing" and planned re-vote was illegal and violated the Brown Act.
11
12

13 60. As described herein, the Council's agenda for November 1, 2022 also failed to
14 comply with Government Code § 54954.2's requirement to provide "a brief general description
15 of each item of business to be transacted or discussed at the meeting." The agenda item 7-F
16 concerning only review of new information and requested authorization to proceed with the
17 "final design concept" was misleading and provided no notice to the public that the Council
18 intended to discuss and take action to reverse its October 4, 2022 approval of the final design for
19 the Grand Street Project plan (with no protected bike lanes or chicanes north of Otis Drive), and
20 adopt instead the plan already rejected by Council on October 4, 2022 that included the protected
21 bike lanes and chicanes. Moreover, there was no actual "new information" for the Council to
22 consider. The Council's motion, discussion and vote to approve a "final concept design" for the
23 Grand Street project that included the protected bike lanes and chicanes was illegal and violated
24 the Brown Act.
25
26
27
28

1 61. As described herein, the Council also violated the Government Code § 54954.3 by
2 failing to make available written public comments before the November 1, 2022 meeting and by
3 failing to recognize and allow at least four (4) members of the public to speak all of whom had
4 their hands raised at the appropriate time during the Zoom conducted meetings.
5

6 62. As described herein, Petitioners and the general public have been prejudiced by
7 the Council's violations of the Brown Act, including but not limited to by the City and City
8 Council's abuse of its legal obligations, as well as being misled and confused about the actual
9 business that the Council intended to discuss and act upon at the October 18, 2022 and
10 November 1, 2022 meetings and being unable to exercise their fundamental rights to fully
11 engage in public participation in matters of great interest and concern to the Alameda
12 Community.
13

14 63. Although written demand was made on Respondents by Petitioners on November
15 14, 2022 to have Respondents perform its duties under the Brown Act, and cure and correct its
16 violations, Respondents have failed and refused to do so.
17

18 64. Petitioners seek an order declaring that Respondents failed to comply with its
19 mandatory duties under the Brown Act and further request the Court to nullify the October 18,
20 2022 Council action that placed the Grand Street project plan on the November 1, 2022 City
21 Council agenda for a "re-hearing" and to nullify the November 1, 2022 Council re-vote to adopt
22 a Grand Street project plan with protected bike lanes and with chicanes north of Otis Drive.
23 Petitioners also seek injunctive relief prohibiting the City from moving forward with the Grand
24 Street Project plan adopted in violation of the Brown Act on November 1, 2022.
25
26

27 **SECOND CAUSE OF ACTION**
28 **Rosenberg's Rules of Order Violations – Traditional Mandamus CCP § 1085,**
 Declaratory Relief and Injunctive Relie
 (Against the Council and the City)

1
2 65. Petitioners re-allege and incorporate by reference the allegations contained in
3 paragraphs 1 to 64 as though fully stated herein.

4 66. Respondents have a clear present and ministerial duty to comply with the Brown
5 Act and have failed to comply with those duties as described below.
6

7 67. Respondents have a clear present and ministerial duty to comply with
8 Rosenberg's Rules of Order and have failed to comply with those duties as described herein.

9 68. As described herein, Respondents violated their adopted Rosenberg's Rules when
10 the Council on October 18, 2022 to "rehear" (i.e. reconsider) the Grand Street Project final plan
11 design adopted at the Council's October 4, 2022 meeting, and without first voting, as required, to
12 suspend Rosenberg's Rules by the required a 2/3 majority vote (4 out of 5 Councilmembers) of
13 the City Council.
14

15 69. Respondent's also violated Rosenberg's Rules when the Council "reheard" and
16 re-voted on November 1, 2022, without having voted to suspend Rosenberg's Rules' requirement
17 that a motion to reconsider a Council vote may only be made by a member voting in the majority,
18 and only at the meeting where the vote on the item occurred, which in this case was the City
19 Council's October 4, 2022 meeting. At no time prior or during the November 1, 2022 did the
20 required vote to suspend Rosenberg's Rules on the timing of a motion to reconsider occur.
21

22 70. Petitioners seek a declaration from the Court that Respondents violated
23 Rosenberg's Rules of Order in "rehearing" and re-voting on the Grand Street Project final plan
24 design adopted by the Council on October 4, 2022, and mandating that Respondents comply with
25 the City's adopted Rosenberg's Rules of Order.
26

27 71. Petitioners further seek an order commanding Respondents to set aside the
28 Council's decision made on October 18, 2022 placing the October 4, 2022 final decision

1 approving the Grand Street project final plan design with traditional bike lanes and without
2 “chicanes” on the City Council’s agenda for the November 1, 2022 for a “rehearing” (i.e. re-vote
3 and/or re-consideration), and further commanding Respondents to set aside the Council’s
4 decision taken at the November 1, 2022 Council meeting reversing the October 4, 2022 final
5 decision approving the Grand Street project plan design with traditional bike lanes and without
6 chicanes.

7
8 72. Petitioners also seek an injunction prohibiting the Council from enacting the plan
9 for the Grand Street project illegally adopted at the November 1, 2022 Council meeting, and for
10 an injunction ordering the Council to adopt the plan on which the Council voted at the October 4,
11 2022 Council meeting.
12

13
14 **THIRD CAUSE OF ACTION**
15 **Sunshine Ordinance Violations – Administrative Mandamus CCP § 1094.5**
16 **(Against the Council and the City)**
17

18 73. Petitioners re-allege and incorporate by reference the allegations contained in
19 paragraphs 1 to 72 as though fully stated herein.
20

21 74. As described herein, the City and the Council’s votes and actions taken on
22 October 18, 2022 and November 1, 2022 violate the City’s Sunshine Ordinance, specifically the
23 City’s Municipal Code §§ 2-91.6(c) (public notice requirements re written comments), 2-91.15(b)
24 (public testimony), 2-92.4(g) (notices and posting of information), 2-91.5(a), (b) and (f) (agenda
25 requirements).
26

27 75. As described herein, at both the October 18, 2022 and November 1, 2022 open
28 meetings, the Council violated §§ 2-91.5(a), (b) and (f) of the City’s Municipal Code when the
Council illegally voted on matters not included on the agenda and without a meaningful
description that is sufficiently clear to alert a person of average intelligence and education that at
said meetings there would be a re-vote on the Grand Street project after a final vote on a project
had already occurred on October 4, 2022.

1 76. As described herein, the City and the Council violated the City’s Municipal Code
2 §§ 2-91.6(c) (public notice requirements re written comments), 2-91.15(b) (public testimony),
3 and 2-92.4(g) (notices and posting of information) when it failed to timely post electronically or
4 make available in person 23 pages of written comments before the November 1, 2022 meeting,
5 when it failed to recognize and call on at least four (4) members of Petitioner GRAND STREET
6 NEIGHBORS, and when it failed to post on the City’s Grand Street project dedicated webpage
7 any information at all pertaining to the October 18, 2022 and November 1, 2022 Council
8 meetings regarding the matters to be considered regarding the Grand Street project, specifically,
9 the re-vote of the October 4, 2022 vote as described herein.

10 77. Petitioners seek an injunction prohibiting the Council from enacting the plan for
11 the Grand Street project that called for the use of chicanes, illegally adopted at the November 1,
12 2022 Council meeting, and for an injunction ordering the Council to adopt the plan on which the
13 Council voted at the October 4, 2022 Council meeting that called for traditional bike lanes
14 without chicanes and an order declaring the City and the Council violated the Sunshine
15 Ordinance.

16 78. Petitioners further seek an order commanding respondent to set aside the Council
17 decision made on October 18, 2022 placing the October 4, 2022 final decision approving the
18 Grand Street project with traditional bike lanes and without “chicanes” on the agenda for the
19 November 1, 2022 for a re-vote and/or re-consideration, and the Council’s decision taken at the
20 November 1, 2022 Council meeting reversing the October 4, 2022 final decision approving the
21 Grand Street project with traditional bike lanes and without chicanes.

22 **V. PRAYER FOR RELIEF**

23 Wherefore, Petitioners pray for judgment as follows:

- 24 1. For a declaration that the City and the Council violated the Brown Act, the Rosenberg
25 Rules and the Sunshine Ordinance for actions described herein;
26 2. For writs of mandate directing the City and the Council to nullify and set aside its
27 October 18, 2022 and November 1, 2022 actions and votes as described herein taken in violation
28 of the Brown Act, the Rosenberg Rules, and the City’s Sunshine Ordinance;

1 3. For a stay, and preliminary and permanent injunctions, restraining the City and the
2 Council from undertaking any activity to implement in any way the Grand Street project with
3 chicanes and protected bike lanes on which the City and the Council illegally voted on
4 November 1, 2022;

5 4. For preliminary and permanent injunctions ordering the City and the
6 Council to undertake the Grand Street project with the design on which it voted on October 4,
7 2022 as described herein without chicanes and using traditional bike lanes north of Otis Drive;

8 5. For attorneys' fees as authorized by Government Code section 54960.5 and Code of
9 Civil Procedure section 1021.5; and

10 6. For such other and future relief as the Court deems just and proper.

11 Dated: December 27, 2022

LAW OFFICES OF PAUL B. JUSTI

12
13 By 

Paul B. Justi

Attorneys for Petitioners

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VERIFICATION

I, John Brennan, declare as follows:

I am a Petitioner in this action and have read the foregoing Verified Petition for Writ of Mandate and Complaint for Nullification, Injunctive and Declaratory Relief and know the contents thereof. I certify that the allegations contained in the Verified Petition are true and are of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 27th day of December, Petaluma, California

DocuSigned by:

John Brennan

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JOHN BRENNAN

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VERIFICATION

I, John Brennan, declare as follows:

I am a founder and member of GRAND STREET NEIGHBORS, a Petitioner in this action, and am authorized to make this verification on its behalf. I have read the foregoing Verified Petition for Writ of Mandate and Complaint for Nullification, Injunctive and Declaratory Relief and know the contents thereof. I certify that the allegations contained in the Verified Petition are true and are of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 27th day of December, Petaluma, California

DocuSigned by:
John Brennan
D8598032A6F5442...

JOHN BRENNAN for
GRAND STREET NEIGHBORS