



City of South Lake Tahoe

City Council Special Closed Session

Meeting Agenda

Tuesday, January 04, 2022 at 8:00 AM

City Hall - Council Chambers - 1901 Lisa Maloff Way, South Lake Tahoe

City Council

Devin Middlebrook, Mayor
Cristi Creegan, Mayor Pro Tem
Cody Bass, Councilmember
John Friedrich, Councilmember
Tamara Wallace, Councilmember

Mission of the City Council

The City Council exists to represent the public interest, to oversee the City's operations and to plan for the City's future.

Notice Requirements

Government Code section 54956 et seq. (The Brown Act) states that SPECIAL MEETINGS require twenty-four hour (24) notice be provided to members of legislative body and media outlets including brief general description of matters to be considered or discussed. The order of Agenda items are listed for reference and may be taken in any order deemed appropriate by the legislative body.

Every reasonable effort will be made to accommodate any person needing special assistance to participate in this meeting. Contact the City Clerk at (530) 542-6005 in advance of the meeting for assistance [28 CFR 35.102.35.104 ADA Title II and Brown Act Government Code Sections 54953.2, 54954.1, 54954.2, and 54957.5].

Public Participation

City Council meetings are held in person at the time and location listed on this agenda.

Meetings are live-streamed on Channel 21, on the City's website at www.cityofslt.us and via ZOOM at this link <https://us06web.zoom.us/j/83324430462>

A public agenda packet is available for review at City Hall, 1901 Lisa Maloff Way, on the City's Website at www.cityofslt.us, or by contacting the City Clerk's Office, (530) 542-6005 or sblankenship@cityofslt.us

COVID Protocols: Face Coverings are required inside City Hall and the Council Chambers by all vaccinated and non-vaccinated individuals.

Providing Public Comment:

Public Comment for SPECIAL MEETINGS is limited to topics LISTED on this Agenda only. For items on the agenda which the City Council will consider, the public is given the opportunity to comment before the City Council's consideration of the item [Government Code Section 54954.3(a)]. Comments shall be limited to three (3) minutes.

By Phone: If you are joining the meeting via ZOOM and would like to make a comment, press the “raise a hand” button. If you are joining the meeting via Channel 21 or live stream and would like to make a comment, please call (530) 542-6500. The meeting ID 833 2443 0462 press *9 to indicate a desire to make a comment. Press *6 to unmute your phone. The Clerk will call you by the last three digits of your phone number when it is your turn to speak.

In Writing: Written public comment regarding any item listed on this agenda may be sent to PublicComment@cityofslt.us. When emailing comments, identify the agenda item number in the subject line to which your comments relate. Any such comment that is a public record and is emailed to PublicComment@cityofslt.us or otherwise provided to a majority of the City Council before the meeting will be made available for public inspection during normal business hours at the City Clerk's Office located at City Hall, 1901 Lisa Maloff Way, South Lake Tahoe [Government Code Section 54957.5(b)]. Written comments will not be read out loud during the meeting.

Call to Order

Roll Call

Closed Session

1. Conference with counsel – anticipated litigation (significant exposure to litigation) - Gov. Code section 54956.9(d)(2), (e)(3) (regarding claim for damages from Levora B. Watts dated Sept. 7, 2021).
[Item 1 - Levora B. Watts Claim_Redacted.pdf](#)
2. Conference with Real Property Negotiators – Gov. Code section 54956.8.
Property: Potential acquisition of 1.57 acres consisting of portions of 1029 and 1035 Emerald Bay Road, Assessor Parcel Numbers 023-381-002, 023-430-038, and 023-430-023, for Tahoe Valley Greenbelt and Stormwater Project.

Agency negotiators: Stan Hill, Engineering Manager and Interwest Consulting Group.

Negotiating party: McDonalds Corp. and Humason II Inc.

Under negotiation: purchase price.

Adjournment

I, Susan Blankenship, City Clerk for the City of South Lake Tahoe, declare that the foregoing agenda for the Tuesday, January 4, 2022, City Council Special Closed Session was posted and available for review on Thursday, December 30, 2021 at City Hall, 1901 Lisa Maloff Way, South Lake Tahoe, CA 96150. The agenda was also available on the City website at <https://www.cityofslt.us>.

Signed December 30, 2021

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Susan Blankenship, Elected City Clerk

City of South Lake Tahoe

Agenda Item Executive Summary

Joe Irvin, City Manager



Meeting Date: January 4, 2022

Agenda Item #: 1.



Agenda Item: Conference with counsel – anticipated litigation (significant exposure to litigation) - Gov. Code section 54956.9(d)(2), (e)(3) (regarding claim for damages from Levora B. Watts dated Sept. 7, 2021).

Executive Summary:

Requested Action / Suggested Motions:

Responsible Staff Member:

Reviewed and Approved By:

Attachments:

[Item 1 - Levora B. Watts Claim_Redacted.pdf](#)



**LIABILITY CLAIM FORM
FOR DAMAGES TO PERSON OR PROPERTY**

INSTRUCTIONS:

1. Read entire form before completing. Please print clearly.
2. Claims must be filed generally with the City Clerk no later than six (6) months after the occurrence. (Gov't Code §911.2)
3. Return your signed claim and supporting documentation to:
City of South Lake Tahoe
City Clerk's Office
1901 Lisa Maloff Way, Suite 206
South Lake Tahoe, CA 96150.
4. Note that the presentation of a false claim is a felony. (Penal Code § 72)
5. Note that the City of South Lake Tahoe **does not** accept claims for *Ambulance Joint Powers Authority, California Highway Patrol, California Tahoe Conservancy, Caltrans, El Dorado County, Lake Tahoe Community College, Lake Tahoe Unified School District, Lake Valley Fire Protection District, Park Avenue Development Maintenance Association (PADMA), South Tahoe Public Utility District, South Tahoe Refuse & Recycling, Tahoe Transportation District, Tahoe Keys Homeowners' Association, Tahoe Regional Planning Association, US Forest Service, or any other non-City agency.* For claims against those agencies, please contact the agency directly.

Name of Claimant: Levora B. Watts Age: 56

Mailing Address: County of El Dorado, Jail Division, 300 Forni Road

Street Address: (Same)

City, State, Zip: Placerville, CA 95667

Phone Number, Email: _____

Date and Time of Incident: Approximately June 2, 2021

Place of Incident: South Lake Tahoe

Was there a Police Report? Yes Was there bodily injury? Yes

Did the Fire Dept/Ambulance respond? Yes

Where was the injured taken? Barton Memorial Hospital

By whom? Unknown

If notice is to be sent to someone other than claimant, please state name, relationship to claimant, mailing and street address, home phone and business phone: Paul H. Masuhara, Attorney for Claimant

Law Office of Mark E. Merin, 1010 F Street, Suite 300, Sacramento, CA 95814; (916) 443-6911

How did the damage or injury occur? See Attachment.

Attach a diagram, clearly designating points of contact if applicable.

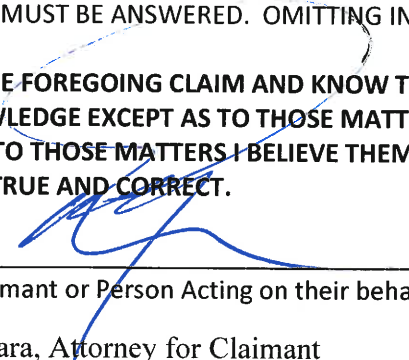
What act or omission do you claim caused the injury or damage? Give the name(s) of City employee(s) involved, if known: See Attachment.

Names and addresses of witnesses: See Attachment.

Amount of Claim: Greater than \$25,000 How was the claim computed? Attach any repair estimates, doctor bills, pay stubs, etc.: _____

ALL QUESTIONS MUST BE ANSWERED. OMITTING INFORMATION MAY MAKE YOUR CLAIM LEGALLY INSUFFICIENT.

I HAVE READ THE FOREGOING CLAIM AND KNOW THE CONTENTS THEREOF AND CERTIFY THAT THE SAME IS TRUE OF MY OWN KNOWLEDGE EXCEPT AS TO THOSE MATTERS WHICH ARE HEREIN STATED UPON MY INFORMATION AND BELIEF AND AS TO THOSE MATTERS I BELIEVE THEM TO BE TRUE. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.



Signature of Claimant or Person Acting on their behalf

9-17-21

Date

Paul H. Masuhara, Attorney for Claimant

Print Name

MARK E. MERIN
mark@markmerin.com

PAUL H. MASUHARA
paul@markmerin.com

LAW OFFICE OF
MARK E. MERIN
ATTORNEY AT LAW

ATTACHMENT

**GOVERNMENT CLAIM OF LEVORA B. WATTS AGAINST
CITY OF SOUTH LAKE TAHOE, SOUTH LAKE TAHOE POLICE DEPARTMENT,
POLICE CHIEF DAVID STEVENSON, OFFICER JOE ACKER, OFFICER MIKE GAMBERG,
*ET AL.***

(a) Name & Address of Claimant

Levora B. Watts, JN2101898
County of El Dorado
Jail Division
300 Forni Road
Placerville, CA 95667

(b) Address Where Notices To Be Sent

Paul H. Masuhara
Law Office of Mark E. Merin
1010 F Street, Suite 300
Sacramento, CA 95814

(c) Date, Place, and Circumstances Giving Rise to the Claims

On or about June 2, 2021, Claimant Levora B. Watts, a 56-year-old Black man, was staying in a hotel room in South Lake Tahoe, California. South Lake Tahoe Police Department officers, including Officer Joe Acker (badge no. 225) and Officer Mike Gamberg (badge no. 231), knocked on the door of Mr. Watts' hotel room. Mr. Watts answered the door. The officers commanded Mr. Watts to exit his hotel room and to sit on a nearby street curb. Mr. Watts complied with the officers' commands, exited his hotel room, and sat on the street curb.

Officer Acker commanded Mr. Watts to stand-up from the curb and to put his hands behind his back. Mr. Watts complied with Officer Acker's commands, stood-up from the curb, and put his hands behind his back. Officer Acker grabbed hold of Mr. Watts and slammed him to the ground, without warning, provocation, or justification. Officer Acker slammed Mr. Watts head-first to the ground, severely injuring Mr. Watts' head, eye, neck, and shoulder. (Photos of Mr. Watts' injuries are attached.) Officer Gamberg did not object to or intervene in Officer Acker's use of excessive force against Mr. Watts, despite the opportunity and duty to do so.

Mr. Watts was transported to Barton Memorial Hospital for treatment. Mr. Watts was never charged in connection with the incident.

On information and belief: Officers Acker and Gamberg falsely reported the incident involving Mr. Watts, in attempt to justify Officer Acker's assault on Mr. Watts. Officer Acker has a documented history of misconduct, including multiple claims and complaints of using unreasonable and excessive force.

Mr. Watts demands that the City of South Lake Tahoe and South Lake Tahoe Police Department, including its agents and employees, take all necessary steps to preserve all records related to this incident—including, for example, documents (*e.g.*, police/incident reports, assignment sheets, logs, use of force logs, medical logs, witness statements, etc.), audio and video recordings (*e.g.*, body-worn camera recordings), communications (email messages, text messages), 911 telephone calls, radio communications (whether on the main channel or other channels), computer communications, Computer Assisted Dispatch ("CAD") reports/logs, PIC, and other radio transmissions or print purges.

(d) Description of Injury, Damage, or Loss Incurred

Based on the circumstances described above, Mr. Watts has experienced and continues to experience ongoing pain and suffering and was deprived of his civil and constitutional rights under federal and state law. Mr. Watts has incurred substantial medical expenses associated with his injuries, and continues to experience severe neck and back pain and blurred vision in his right eye.

Mr. Watts contemplates bringing the following claims, without limitation: (1) false detention / arrest (U.S. Const., Amend. IV; 42 U.S.C. § 1983); (2) excessive force (U.S. Const., Amend. IV; 42 U.S.C. § 1983); (3) discrimination / equal protection (U.S. Const., Amend. XIV; 42 U.S.C. § 1983); (4) excessive force (Cal. Const., Art. I, § 13); (5) false detention / arrest (Cal. Const., Art. I, § 13); (6) Tom Bane Civil Rights Act (Cal. Civ. Code § 52.1); (7) false arrest / imprisonment; (8) assault/battery; (9) intentional infliction of emotional distress; and (10) negligence.

(e) Responsible Parties

The City of South Lake Tahoe and South Lake Tahoe Police Department officers involved in the incident described above are responsible for Levora B. Watts' injuries, including Officers Joe Acker and Mike Gamberg.

The City of South Lake Tahoe, South Lake Tahoe Police Department, and Police Chief David Stevenson are responsible for Mr. Watts' injuries, as a result of the lack of proper supervision, training, or discipline; pursuant to policy or custom; and/or the result of the lack of policy or custom. The City of South Lake Tahoe, South Lake Tahoe Police Department, and Police Chief David Stevenson are directly responsible for condoning known constitutionally-deficient conduct carried out by their subordinates, and for establishing policies or customs of action or inaction that caused or contributed to Mr. Watts' injuries. For example, a policy or custom of knowingly participating in and/or acquiescing to the creation and maintenance of a culture permitting or encouraging personnel's use of unreasonable and excessive force. In addition, the City of South Lake Tahoe and South Lake Tahoe Police Department are vicariously responsible, through the principles of *respondeat superior*, for the actions and inactions of their officers, employees, and/or agents. *See* Cal. Gov. Code §§ 815.2(a), 820(a).

Attachment

Government Claim of Levora B. Watts

September 17, 2021

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LAW OFFICE OF
MARK E. MERIN
ATTORNEY AT LAW

The multiple, currently-unknown City of South Lake Tahoe and South Lake Tahoe Police Department personnel, employees, and/or agents are responsible for actions and inactions causing Mr. Watts' injuries, as described above.

(f) Damages & Jurisdiction

The amount claimed exceeds \$10,000. If filed in a Superior Court of California, the action would qualify for Unlimited Civil Case Jurisdiction, as the amount in controversy would exceed \$25,000.

Government Claim of Levora B. Watts

City of South Lake Tahoe

Agenda Item Executive Summary

Joe Irvin, City Manager



Meeting Date: January 4, 2022

Agenda Item #: 2.



Agenda Item: Conference with Real Property Negotiators – Gov. Code section 54956.8.

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