

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: *Tuesday, February 15, 2005 at 3:30 p.m.*

The Council made a final decision in Closed Session on one item of Labor Negotiations

NAME OF CASE: **International Association of Firefighters, Local 55**

This matter is listed on the agenda under Item 4A

The Council authorized five tentative agreements that would modify the 2001-2007 Memorandum of Understanding between the City and International Association of Firefighters, Local 55.

FACTS OF THE CASE:

Specifically, the tentative agreements address: reporting of holiday in lieu pay to the Public Employees' Retirement System (PERS), promotion procedures, physical agility testing requirements, catastrophic, death, union and sick leave.

Motion Made by: Councilmember Brunner

Motion Seconded by: Councilmember Nadel

7 Ayes: Brooks Brunner Chang Nadel Quan Reid President De La Fuente =

Noes: Brooks Brunner Chang Nadel Quan Reid President De La Fuente =

Absent: Brooks Brunner Chang Nadel Quan Reid President De La Fuente =

Abstentions: Brooks Brunner Chang Nadel Quan Reid President De La Fuente =

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: *Tuesday, February 15, 2005 at 3:30 p.m.*

The Council made a final decision in Closed Session on one item of Pending Litigation

NAME OF CASE: **Michael Muscadine v. City of Oakland**

This matter is listed on the agenda under Item 2D

The Council authorized settlement in the amount of \$150,000

The case arose out of incidents that occurred in February 2001.

FACTS OF THE CASE:

This case arose out of the Police Department's response to a 911 call advising the department of a fight in progress. Plaintiff was pinned to the ground by his father when the police arrived. Plaintiff claims that the Oakland Police Department's officers used excessive force and violated his civil rights in the course of handcuffing him incident to his arrest for swinging at and hitting the officers.

Motion Made by: Councilmember Brunner

Motion Seconded by: Councilmember Nadel

5 Ayes: **Brooks** **Brunner** Chang **Nadel** **Quan** **Reid** President De La Fuente =

2 Noes: Brooks Brunner **Chang** Nadel Quan Reid **President De La Fuente** =

Absent: Brooks Brunner Chang Nadel Quan Reid President De La Fuente =

Abstentions: Brooks Brunner Chang Nadel Quan Reid President De La Fuente =

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The Council made a final decision in Closed Session on one item of Pending Litigation

NAME OF CASE: **City of Oakland v. Orkin dba, Thrifty Oil Company**

This matter is listed on the agenda under Item 2E

The Council authorized settlement in the amount of \$326,820 as compensation for condemnation of defendant's property to accomplish the widening of 98th Avenue. (The settlement includes \$131,820 plus the City's \$195,000 deposit in the State Condemnation Fund that Thrifty previously withdrew. City retains two remnant parcels that were not used for the widening project that have an estimated value of \$195,000.)

The case arose out of the 1987 eminent domain action that the City filed to condemn the defendants property.

FACTS OF THE CASE:

The City filed this eminent domain action against defendants to condemn the property located at 862-868 98th Avenue for widening of 98th Avenue.

Motion Made by: Councilmember Reid

Motion Seconded by: Councilmember Nadel

5 Ayes: Brooks Brunner **Chang Nadel Quan Reid President De La Fuente** =

2 Noes: **Brooks Brunner** Chang Nadel Quan Reid President De La Fuente =

Absent: Brooks Brunner Chang Nadel Quan Reid President De La Fuente =

Abstentions: Brooks Brunner Chang Nadel Quan Reid President De La Fuente =