

**CLOSED SESSION REPORTING OUT FORM**

Date of Meeting: *Tuesday, December 21, 2004 at 1:00 p.m.*

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

**NAME OF CASE:** **Hagen v. City of Oakland**

This matter is listed on the agenda under Item 2a

The Council authorized settlement in the amount of \$15,000

This case arose out of incidents that occurred in May 2000.

**FACTS OF THE CASE:**

Plaintiffs contend that Oakland police officers violated their rights under the Fourth Amendment to the U.S. Constitution by seizing their property without a search warrant. Officers responded to a burglar alarm at the plaintiffs' residence and during their investigation found marijuana plants. They returned the following day without a search warrant and confiscated the plants.

Motion Made by: Councilmember Reid

Motion Seconded by: Councilmember Brunner

**8Ayes: Brooks Brunner Chang Nadel Quan Reid Wan President De La Fuente =**

**Noes:** Brooks Brunner Chang Nadel Quan Reid Wan\_ President De La Fuente =

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

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

**CLOSED SESSION REPORTING OUT FORM**

Date of Meeting: *Tuesday, December 21, 2004 at 1:00 p.m.*

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

**NAME OF CASE:** **Sharon Stewart v. City of Oakland**

This matter is listed on the agenda under Item 2d

The Council authorized settlement in the amount of \$175,000

This case arose out of incidents that occurred from November 1998 to December 27, 2002.

**FACTS OF THE CASE:**

Plaintiff asserts that an Oakland police officer coerced and intimidated her into having sexual relations with him over the course of a three year period and that many of the encounters occurred while the officer was in uniform and on duty. Plaintiff alleges that the officer sexually assaulted her on December 27, 2002. The officer maintains that all interactions were consensual and admits that he was on duty and in uniform on some occasions when the sexual relations occurred.

Motion Made by: Councilmember Wan

Motion Seconded by: Councilmember Brooks

**8Ayes: Brooks Brunner Chang Nadel Quan Reid Wan President De La Fuente =**

**Noes:** Brooks Brunner Chang Nadel Quan Reid Wan\_ President De La Fuente =

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

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

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**NAME OF CASE:** **People of the State of Cal. Ex. Rel. Bill Lockyer v. Dynergy, Inc., et al.(Wholesale Energy Antitrust Cases)**

This matter is listed on the agenda under Item 2C

The Council accepted defendant Duke Energy's settlement proposal which includes a payment of \$500,000 to the City of Oakland.

**FACTS OF THE CASE:**

In 1996 the state legislature deregulated the state power industry. As a result, out of state energy companies that purchased the generating capacity that PG&E and other California utility companies were required to sell. On January 18, 2001 San Francisco filed suit against a number of independent energy providers, alleging that the companies illegally limited the energy available to California markets, conspired to trade information relating to energy supply, pricing and demand and collaborated to illegally raise the prices for energy on the market. In February 2002, the City of Oakland joined the litigation as a party plaintiff. The litigation was consolidated with suits the California Attorney General, other states, municipalities, utilities and others filed. Defendant Duke Energy has offered to pay the City of Oakland \$500,000 as part of a settlement agreement that will resolve the lawsuit against Duke. Each plaintiff city will receive \$500,000.

Motion Made by: Councilmember Brooks

Motion Seconded by: Councilmember Nadel

**6Ayes:** **Brooks** Brunner **Chang** **Nadel** **Quan** Reid **Wan** **President De La Fuente**  
**Noes:** Brooks Brunner Chang Nadel Quan Reid Wan\_ President De La Fuente =  
**1 Absent:** Brooks Brunner Chang Nadel Quan **Reid** Wan President De La Fuente  
**1 Abstentions:** Brooks **Brunner** Chang Nadel Quan Reid Wan President De La Fuente

**CLOSED SESSION REPORTING OUT FORM**

Date of Meeting: *Tuesday, December 21, 2004 at 1:00 p.m.*

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

**NAME OF CASE: Cal Arts Building (1728 San Pablo Avenue)**

This matter is listed on the agenda under Item 3

The Council authorized sale of the Cal Art building to Silver Sound Electronics, Inc. for \$1.3 million dollars and further authorized a disposition and development agreement for the purpose of rehabilitating the building to be used as retail space and associated office space. The resolutions authorizing the sale and Disposition and Development Agreement (DDA) will be presented to Council in January and February 2005.

Motion Made by: Councilmember \_\_\_\_\_ Brooks \_\_\_\_\_

Motion Seconded by: Councilmember \_\_\_\_\_ Nadel \_\_\_\_\_

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

**Noes:** Brooks Brunner Chang Nadel Quan Reid Wan\_ President De La Fuente =

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

**1 Abstentions:** Brooks Brunner Chang Nadel Quan Reid Wan President De La Fuente

**CLOSED SESSION REPORTING OUT FORM**

Date of Meeting: *Tuesday, December 21, 2004 at 1:00 p.m.*

The Council made a final decision in Closed Session on one Personnel matter

**NAME OF CASE: PUBLIC EMPLOYEE: DISMISSAL/RELEASE**

This matter is listed on the agenda under Item 5

Pursuant to City Charter section 402, the City Council accepted the City Clerk's resignation and in recognition of her nearly 30 years of service to the City, authorized approximately 3.5 months of compensation.

Motion Made by: Councilmember Reid

Motion Seconded by: Councilmember Chang

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

**1 Noes: Brooks** Brunner Chang Nadel Quan Reid Wan\_ President De La Fuente =

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

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