

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

JUNE LAGMAY
City Clerk

KAREN E. KALFAYAN
Executive Officer

HOLLY L. WOLCOTT
Executive Officer

Office of the
CITY CLERK

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KONRAD CARTER
Acting Chief, Council and Public Services
Division

www.cityclerk.lacity.org

December 10, 2009

To All Interested Parties:

The City Council adopted the action(s), as attached, under
Council file No. 09-2627, at its meeting held December 2, 2009.



City Clerk
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Mayor's Time Stamp
OFFICE OF THE MAYOR
RECEIVED
2009 DEC -4 PM 2:38
CITY OF LOS ANGELES

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City Clerk's Time Stamp
CITY CLERK'S OFFICE
2009 DEC -4 PM 2:34
CITY CLERK
BY _____
DEPUTY

SUBJECT TO THE MAYOR'S APPROVAL

COUNCIL FILE NO. 09-2627

COUNCIL DISTRICT _____

COUNCIL APPROVAL DATE DECEMBER 2, 2009

RE: SETTLEMENT IN THE CASE ENTITLED ROBERT C. STEIN V. CITY OF LOS ANGELES, ET AL.,
LOS ANGELES SUPERIOR COURT CASE NO. SC 095276. (THIS CASE ARISES OUT OF A
DANGEROUS CONDITION OF PUBLIC PROPERTY CLAIM AGAINST THE CITY AS A RESULT OF
MALFUNCTIONING TRAFFIC CONTROL SIGNALS.)

LAST DAY FOR MAYOR TO ACT DEC 14 2009
(10 Day Charter requirement as per Charter Section 341)

DO NOT WRITE BELOW THIS LINE - FOR MAYOR USE ONLY

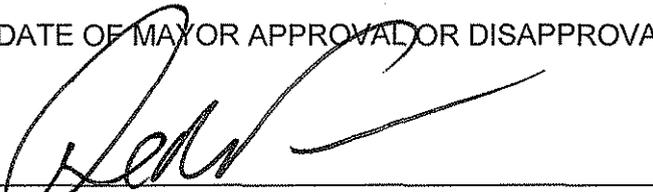
APPROVED

✓

*DISAPPROVED

*Transmit objections in writing
pursuant to Charter Section 341

DATE OF MAYOR APPROVAL OR DISAPPROVAL DEC 09 2009



MAYOR

Steno/092627.ml

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BY _____
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CF 09-2627

December 2, 2009

MEMORANDUM TO FILE

The City Council held a Closed Session on Wednesday, December 2, 2009, pursuant to authority provided in California Government Code Section 54956.9(a), to confer with its legal counsel relative to the case entitled Robert C. Stein v. City of Los Angeles, et al., Los Angeles Superior Court Case No. SC 095276. (This case arises out of a dangerous condition of public property claim against the City as a result of malfunctioning traffic control signals; Budget and Finance Committee considered the above matter on November 9, 2009).

The purpose of this memorandum is to note for the record that following discussion of the above matter in Closed Session, the City Council adopted Motion (Parks - Smith) in Open Session and instructed the City Clerk to transmit the file to the Mayor.



MARIA KOSTRENCICH
Council Clerk

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VERBAL MOTION

I HEREBY MOVE that Council ADOPT the following recommendations of the City Attorney in order to effect settlement in the case entitled Robert C. Stein v. City of Los Angeles, et al., Los Angeles Superior Court (LASC) Case No. SC 095276. (This case arises out of a dangerous condition of public property claim against the City as a result of malfunctioning traffic control signals.), **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. **AUTHORIZE the City Attorney to expend \$1,000,000 in settlement of the case entitled Robert C. Stein v. City of Los Angeles, et al., LASC Case No. SC 095276 from the Liability Claims Account No. 9770, Fund No. 100/59.**
2. **AUTHORIZE the City Attorney to draw a demand thereon in the amount of \$1,000,000 and made payable to McNicholas & McNicholas LLP and Robert Stein.**
3. **AUTHORIZE the Controller to TRANSFER \$1,000,000 from the Reserve Fund to the Unappropriated Balance and APPROPRIATE therefrom to Liability Claims Fund 100/59, Liability claims over \$100,000, Account No. 9770 to be reimbursed by proceeds from a future Judgment Obligation Bond issuance.**
4. **FIND, based on City Administrative Officer and Chief Legislative Analyst recommendations:**
 - a. **The settlement is in the best interest of the City.**
 - b. **There are no other sources of available money to pay the settlement amount on a timely basis pursuant to the terms of the settlement agreement.**
 - c. **The City intends to make one or more interfund borrowings or advances from the Reserve Fund to pay all or a portion of the settlement on an interim basis, which loan or advance will be refunded or reimbursed with the proceeds of a judgment obligation bond issue.**
 - d. **The City will obtain a Stipulated Judgment pursuant to Code of Civil Procedure Section 664.6.**
4. **AUTHORIZE the City Attorney, or designee, to prepare Controller instructions as needed for any technical adjustments, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement the instructions.**

This matter was approved by the Budget and Finance Committee (Parks-Smith-Rosendahl-Koretz "yes") at its meeting on November 9, 2009, in Closed Session as permitted by Government Code Section 54956.9(a).

ADOPTED
DEC 02 2009
LOS ANGELES CITY COUNCIL

PRESENTED BY _____
BERNARD C. PARKS
Councilmember, 8th District

SECONDED BY _____
GREIG SMITH
Councilmember, 12th District

December 2, 2009

CF 09-2627

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MAYOR WITH FILE