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CITY CLERK

City of Los Angeles  
CALIFORNIA

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When making inquiries relative to  
this matter, please refer to the  
Council File No.: [18-0072](#)

**OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL**

February 9, 2018

**Council File No.:** [18-0072](#)

**Council Meeting Date:** February 07, 2018

**Agenda Item No.:** 37

**Agenda Description:** The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Jose Avendano v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC587167. (This matter arises out of an alleged dangerous condition of roadway incident that occurred on October 1, 2014 involving a bicyclist who lost control and fell on the 2400 block of Glendale Boulevard near Silverlake Boulevard in Los Angeles.)

**Council Action:** MOTION (ENGLANDER - KORETZ) ADOPTED IN OPEN SESSION

**Council Vote:**

YES	BLUMENFIELD	YES	HARRIS-DAWSON	ABSENT	O'FARRELL
YES	BONIN	YES	HUIZAR	YES	PRICE
YES	BUSCAINO	YES	KORETZ	YES	RODRIGUEZ
YES	CEDILLO	YES	KREKORIAN	YES	RYU
YES	ENGLANDER	YES	MARTINEZ	YES	WESSON

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**Pursuant to Charter/Los Angeles Administrative Code Section(s): 341**

**FILE SENT TO MAYOR:**

**LAST DAY FOR MAYOR TO ACT:**

**APPROVED**

**\*DISAPPROVED**

**\*VETO**

02/09/2018

Mayor

**DATE SIGNED**

**MOTION**

I HEREBY MOVE that the Council ADOPT the following recommendations of the City Attorney in order to effect settlement in the case entitled Jose Avendano v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC587167 (this matter arises out of an alleged dangerous condition of roadway incident that occurred on October 1, 2014 involving a bicyclist who lost control and fell on the 2400 block of Glendale Boulevard near Silverlake Boulevard in Los Angeles), **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. AUTHORIZE the City Attorney to expend \$150,000 in settlement of the above-entitled matter.
2. AUTHORIZE the Controller to transfer \$150,000 from the Liability Claims Fund No. 100/59, Account No. 009798, Miscellaneous Liability Payouts, to Fund No. 100/59, Account No. 009795, Public Works, Street Services Liability Payouts.
3. AUTHORIZE the City Attorney to draw a demand from Fund No. 100/59, Account No. 009795, Public Works, Street Services Liability Payouts, in the amount of \$150,000 and made payable to Law Offices of Oscar H. Gutierrez, APC; Carpenter, Zuckerman and Rowley, LLP; and, Jose Avendano.
4. AUTHORIZE the City Attorney, or designee, to make necessary technical adjustments, subject to the approval of the City Administrative Officer; and, AUTHORIZE the Controller to implement the instructions.

This matter was recommended for approval by the Budget and Finance Committee (Englander – Koretz – Blumenfield - Bonin: "Yes") at its meeting on February 5, 2018, in Closed Session as permitted by Government Code Section 54956.9(d)(1).

PRESENTED BY \_\_\_\_\_  
MITCHELL ENGLANDER  
Councilmember, 12th District

SECONDED BY \_\_\_\_\_  
PAUL KORETZ  
Councilmember, 5th District

REW  
CF 18-0072  
February 5, 2018