

Los Angeles City Council, Journal/Council Proceedings  
Wednesday, May 25, 2005  
John Ferraro Council Chamber, Room 340, City Hall - 10:30 am

**- - - SPECIAL COUNCIL MEETING - - -**

10:30 A.M. OR AS SOON THEREAFTER  
AS COUNCIL RECESSES ITS REGULAR MEETING

ROLL CALL - Members present: Cardenas, Garcetti, Greuel, Hahn, Ludlow, Miscikowski, Perry, Smith, Villaraigosa, Weiss and Zine (11); Absent: LaBonge, Parks, Reyes and President Padilla (4).

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ROLL CALL NUMBER (#) - INDICATES THE ORDER IN WHICH THE ITEMS WERE ACTED UPON DURING THE COUNCIL MEETING

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**Closed Sessions - Items 1-6**

ITEM NO. (1) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #1 - Motion (Miscikowski - Cardenas) Adopted in Open Session, Ayes (10);  
Noes: Smith and Zine (2); Absent: LaBonge, Parks and Reyes (3)

**01-2163**

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in case entitled National Lawyers Guild, et al., v. City of Los Angeles, et al., United States District Court (USDC) Case No. CV 01-06877 FMC (CWx). (Plaintiff alleges a violation of civil rights and false arrest by the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on May 24, 2005)

ADOPTED IN OPEN SESSION

MOTION (MISCIKOWSKI - CARDENAS)

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the City Attorney to expend \$705,000 in settlement of the case entitled National Lawyers Guild, et al., v. City of Los Angeles, et al., United States District Court Case No. CV 01-06877 FMC (Cwx), from the Liability Claims Account No. 9770, Fund 100, Department 59.

2. AUTHORIZE the City Attorney to draw a demand thereon in said amount and made payable as follows:

- a. \$250,000 to NABCO Assignments Ltd. to fund periodic payments for the benefit of Carol A. Sobel, the lead counsel for plaintiffs.
- b. \$455,000 to the Law Offices of Carol A. Sobel Client Trust Account.

This matter was approved by the Budget and Finance Committee (Miscikowski - Cardenas - Garcetti "yes;" Smith "no") at its meeting of May 24, 2005, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (2) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #2 - Motion (Miscikowski - Cardenas) Adopted in Open Session, Ayes (12);  
Absent: LaBonge, Parks and Reyes (3)

05-0990

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in case entitled Shearwood Fleming v. City of Los Angeles, et al., Los Angeles Superior Court (LASC) Case No. BC 173269. (Plaintiff alleges a violation of civil rights and false arrest by the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on May 24, 2005)

ADOPTED IN OPEN SESSION

MOTION (MISCIKOWSKI - CARDENAS)

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the City Attorney to expend \$1,100,000 in settlement of the case entitled Shearwood Fleming v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 173269, from the Liability Claims Account No. 9770, Fund 100, Department 59.
2. AUTHORIZE the City Attorney to draw a demand thereon in the following amounts made payable as follows:
  - a. \$1,050,000 to the Law Offices of Mann & Cook and Shearwood Fleming.
  - b. \$50,000 to the Law Offices of Mann & Cook and the Estate of Vincent Maddox.

This matter was approved by the Budget and Finance Committee (Miscikowski - Cardenas - Smith - Garcetti "yes") at its meeting of May 24, 2005, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (3) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #3 - Motion (Miscikowski - Smith) Adopted in Open Session, Ayes (12);  
Absent: LaBonge, Parks and Reyes (3)

05-0841

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in case entitled Amad Zambrana v. City of Los Angeles, et al., USDC Case No. CV 02-06381 GAF. (Plaintiff alleges a violation of civil rights and false arrest by the Los Angeles Police Department.)

(Budget and Finance Committee considered the above matter in Closed Session on May 24, 2005)

ADOPTED IN OPEN SESSION

MOTION (MISCIKOWSKI - SMITH)

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the City Attorney to expend \$800,000 in settlement of the case entitled Amad Zambrana v. City of Los Angeles, et al., United States District Court Case No. CV 02-06381 GAF, from the Extraordinary Liability Account No. 2000, Fund 100, Department 59.
2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to McNicholas & McNicholas and Amad Zambrana.

This matter was approved by the Budget and Finance Committee (Miscikowski - Cardenas - Smith - Garcetti "yes") at its meeting of May 24, 2005, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (4) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #4 - Motion (Miscikowski - Smith) Adopted in Open Session, Ayes (12);  
Absent: LaBonge, Parks and Reyes (3)

05-0897

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in case entitled Estate of Nicholas Hans Killinger v. City of Los Angeles, and Shawn Killinger v. City of Los Angeles, LASC Case Nos. SC081223, SC083464. (These cases arise from an incident involving an on-duty, officer involved shooting which occurred on February 23, 2004.)

(Budget and Finance Committee considered the above matter in Closed Session on May 24, 2005)

ADOPTED IN OPEN SESSION

MOTION (MISCIKOWSKI - SMITH)

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the City Attorney to expend \$175,000 in settlement of the case entitled Estate of Nicholas Hans Killinger v. City of Los Angeles, and Shawn Killinger v. City of Los Angeles, Los Angeles Superior Court Case Nos. SC081223, SC083464, from the Liability Claims Account No. 9770, Fund 100, Department 59.
2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to Shawn Killinger, individually, and as administrator of the Estate of Nicholas Hans Killinger, Margaret Killinger, and their attorneys of record, Moreno, Becerra, Guerrero & Casillas and Eric Castebianco.

This matter was approved by the Budget and Finance Committee (Miscikowski - Cardenas - Smith - Garcetti "yes") at its meeting of May 24, 2005, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (5) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #5 - Motion (Miscikowski - Smith) Adopted in Open Session, Ayes (12);  
Absent: LaBonge, Parks and Reyes (3)

05-0660

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in case entitled Theodosia Tsavidis v. City of Los Angeles, et al., LASC Case No. SC 080913. (This case arises from an automobile accident involving the plaintiff and an on-duty Bureau of Engineering employee.)

(Budget and Finance Committee considered the above matter in Closed Session on May 24, 2005)

ADOPTED IN OPEN SESSION

MOTION (MISCIKOWSKI - SMITH)

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the City Attorney to expend \$150,000 in settlement of the case entitled Theodosia Tsavidis v. City of Los Angeles, et al., Los Angeles Superior Court Case No. SC 080913, from the Liability Claims Account No. 9770, Fund No. 100, Department 59.
2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to the Law Offices of C. Michael Alder and Theodosia Tsavidis.

This matter was approved by the Budget and Finance Committee (Miscikowski - Cardenas - Smith - Garcetti "yes") at its meeting of May 24, 2005, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (6) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - TO THE MAYOR FORTHWITH - SEE FOLLOWING

Roll Call #6 - Motion (Miscikowski - Smith) Adopted in Open Session, Ayes (12);  
Absent: LaBonge, Parks and Reyes (3)

04-0311

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Francisco Martinez v. City of Los Angeles, et al., LASC Case No. BC 285751. (This action arises out of a collision involving an automobile and a City fire truck, which occurred on November 29, 2001.)

(Budget and Finance Committee considered the above matter in Closed Session on May 24, 2005)

ADOPTED IN OPEN SESSION

MOTION (MISCIKOWSKI - SMITH)

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the City Attorney to expend \$800,000 in settlement of the case entitled Francisco Martinez v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 285751, from the Liability Claims Account No. 9770, Fund 100, Department 59.
2. AUTHORIZE the City Attorney to draw a demand thereon in said amount payable to the Law Offices of Sommer & Bear and Tasha Jernigan.

This matter was approved by the Budget and Finance Committee (Miscikowski - Cardenas - Smith - Garcetti "yes") at its meeting of May 24, 2005, in Closed Session as permitted by Government Code Section 54956.9(a).

Councilmember Weiss moved, seconded by Councilmember Miscikowski, that the Special Council meeting adjourn.

Ayes, Cardenas, Garcetti, Greuel, Hahn, Ludlow, Miscikowski, Perry, Smith, Villaraigosa, Weiss, Zine and President Padilla (12); Absent: LaBonge, Parks and Reyes (3).

Whereupon the Special Council meeting did adjourn.

ATTEST: Frank T. Martinez, CITY CLERK

By

Council Clerk

PRESIDENT OF THE CITY COUNCIL