



# **SPECIAL CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY MEETING AGENDA**

**November 1, 2018  
6:00 PM**

***The Mission of the City of Coalinga is to provide for the preservation of the community character by delivering quality, responsive City services, in an efficient and cost-effective manner, and to develop, encourage, and promote a diversified economic base in order to ensure the future financial stability of the City for its citizens.***

**Notice is hereby given that the City Council will hold a Special Meeting, on November 1, 2018 in the City Council Chambers located at 155 West Durian, Coalinga, CA. Persons with disabilities who may need assistance should contact the Deputy City Clerk at least 24 hours prior to this meeting at 935-1533 x113. Anyone interested in translation services should contact the Deputy City Clerk at least 24 hours prior to the meeting at 935-1533 x113. The Special Meeting will begin at 6:00 p.m. and the agenda will be as follows:**

**1. CALL TO ORDER**

1. Pledge of Allegiance
2. Changes to the Agenda
3. Council's Approval of Agenda

**2. AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS (NONE)**

**3. CITIZEN COMMENTS**

*This section of the agenda allows members of the public to address the City Council on any item not otherwise on the agenda. Members of the public, when recognized by the Mayor, should come forward to the lectern, identify themselves and use the microphone. Comments are normally limited to three (3) minutes. In accordance with State Open Meeting Laws, no action will be taken by the City Council this evening and all items will be referred to staff for follow up and a report.*

**4. PUBLIC HEARINGS (NONE)**

## **5. CONSENT CALENDAR**

1. Rejection of Claim for Damages Presented by Robert Littlejohn, Sr.

## **6. ORDINANCE PRESENTATION, DISCUSSION AND POTENTIAL ACTION ITEMS (NONE)**

## **7. CITIZEN COMMENTS**

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## **8. ANNOUNCEMENTS**

1. City Manager's Announcements
2. Councilmembers' Announcements/Reports
3. Mayor's Announcements

## **9. FUTURE AGENDA ITEMS**

## **10. CLOSED SESSION**

1. CONFERENCE WITH LABOR NEGOTIATORS – Government Code 54957.6.  
CITY NEGOTIATORS: City Manager, Marissa Trejo; Financial Services Director, Jasmin Bains; Fire Chief, Dwayne Gabriel; and City Attorney, Mario Zamora.  
EMPLOYEE (ORGANIZATION): Coalinga's International Association of Firefighters

## **11. ADJOURNMENT**

**Closed Session:** A "Closed" or "Executive" Session of the City Council, Successor Agency, or Public Finance Authority may be held as required for items as follows: personnel matters; labor negotiations; security matters; providing instructions to real property negotiators; legal counsel regarding pending litigation; and protection of records exempt from public disclosure. Closed session will be held in the Administration Building at 155 W. Durian Avenue and any announcements or discussion will be held at the same location following Closed Session.

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE  
AUTHORITY**

**Subject:** Rejection of Claim for Damages Presented by Robert Littlejohn, Sr.  
**Meeting Date:** November 1, 2018  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Mercedes Garcia, Senior Administrative Analyst

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**I. RECOMMENDATION:**

It is recommended the City Council reject the claim for damages presented by Robert Littlejohn Sr.

**II. BACKGROUND:**

Mr. Littlejohn filed a claim with the City of Coalinga (see attached) on October 22, 2018. The claim was sent to George Hills Company for review of dangerous conditions for lack of guardrails, and negligent design/maintenance, among other items. After review and investigation of the claim it was determined the property is not owned or controlled by the City of Coalinga.

**III. DISCUSSION:**

George Hills Company recommends rejection of claim due to Government Code section 830 (c) defines "public property" and "property of a public entity" as "real or personal property" that is "owned or controlled by the public entity". Staff has confirmed the City of Coalinga neither owns nor maintains the interstate highway or off ramp where the loss occurred. With this in mind George Hills Company recommends the City of Coalinga reject this claim.

**IV. ALTERNATIVES:**

Accept the claim (staff does not recommend).

**V. FISCAL IMPACT:**

The fiscal impact will be determined by Council decision.

**ATTACHMENTS:**

| File Name                                     | Description                             |
|---|---|
| ☐ Littlejohn_Richard_Sr-Claim_for_Damages.pdf | Littlejohn Richard Sr-Claim for Damages |

ORIGINAL



# CITY OF COALINGA

## LIABILITY CLAIM FOR DAMAGES TO PERSON OR PROPERTY

|                         |  |
|-------------------------|--|
| CITY CLERK'S DATE STAMP |  |
| RECEIVED                |  |
| OCT 23 2018             |  |
| BY:                     |  |

### RETURN TO:

CITY OF COALINGA  
OFFICE OF THE CITY CLERK  
155 WEST DURLAN  
COALINGA, CA. 92870

### DISTRIBUTION:

- ☐ CITY ADMINISTRATOR
- ☐ CITY ATTORNEY
- ☐ FINANCE DEPARTMENT (Original/1)
- ☐ INSURANCE ADJUSTER
- ☐ DEPARTMENT: \_\_\_\_\_
- ☐ CITY CLERK'S LOG

1. Claims for death, injury to person, or to personal property must be filed not later than six (6) months after the occurrence (Gov. Code Sec. 911.2).
2. Claims for damages to real property must be filed not later than one (1) year after the occurrence (Gov. Code Sec. 911.2).
3. READ ENTIRE CLAIM FORM BEFORE FILING.
4. ATTACH SEPARATE SHEETS, IF NECESSARY, TO GIVE FULL DETAILS.

Robert Littlejohn, Sr.

NAME OF CLAIMANT

DATE OF BIRTH OF CLAIMANT

HOME ADDRESS OF CLAIMANT

CITY/STATE/ZIP

HOME TELEPHONE NO.

N/A

BUSINESS ADDRESS OF CLAIMANT

CITY/STATE/ZIP

BUSINESS TELEPHONE NO.

ADDRESS TO WHICH CLAIMANT DESIRES NOTICES OR COMMUNICATIONS SENT REGARDING THIS CLAIM (if different from home address):

See attached.

WHEN DID DAMAGE OR INJURY OCCUR?

DATE: 4/21/18

TIME: 3:30

☐ A.M. ☒ P.M.

PLACE OF ACCIDENT (OCCURRENCE) - BE SPECIFIC - Describe fully and (if applicable) locate on diagram on reverse side of this sheet. Where appropriate, give street names and addresses and measurements for landmarks.

See attached.

HOW DID DAMAGE OR INJURY OCCUR?

See attached.

WERE POLICE AT SCENE? ☒ YES ☐ NO

WERE PARAMEDICS AT SCENE? ☒ YES ☐ NO

WHAT PARTICULAR ACT OR OMISSION DO YOU CLAIM CAUSED THE INJURY OR DAMAGES? (Give name of City employee causing the injury or damage, if known.)

See attached.

GIVE TOTAL AMOUNT OF CLAIM: (Include estimate of amount of any prospective injury or damage) \$ See attached

HOW WAS THE AMOUNT OF CLAIM COMPUTED? (Be specific, list doctor bills, repair estimates, etc.)

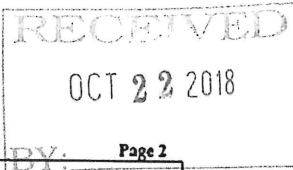
PLEASE ATTACH TWO (2) ESTIMATES.

DAMAGES INCURRED TO DATE: See attached.

|   |                  |
|---|------------------|
| ITEM/DATE _____   | AMOUNT: \$ _____ |
| ITEM/DATE _____   | AMOUNT: \$ _____ |
| ITEM/DATE _____   | AMOUNT: \$ _____ |
| ITEM/DATE _____   | AMOUNT: \$ _____ |
| TOTAL AMOUNT CLAIMED AS OF PRESENTATION OF THIS CLAIM: \$ _____ |                  |

ESTIMATED PROSPECTIVE DAMAGES AS FAR AS KNOWN: See attached.

|   |                  |
|---|------------------|
| ITEM/DATE _____                               | AMOUNT: \$ _____ |
| ITEM/DATE _____                               | AMOUNT: \$ _____ |
| ITEM/DATE _____                               | AMOUNT: \$ _____ |
| ITEM/DATE _____                               | AMOUNT: \$ _____ |
| TOTAL ESTIMATED PROSPECTIVE DAMAGES: \$ _____ |                  |



CITY OF COALINGA  
LIABILITY CLAIM FOR DAMAGES TO PERSON OR PROPERTY

WITNESSES TO DAMAGE OR INJURY: (List all persons known to have information. (Use attachment if necessary.)

NAME: See attached. NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
TELEPHONE: ( ) \_\_\_\_\_ TELEPHONE: ( ) \_\_\_\_\_

IF INJURY, GIVE NAME, ADDRESS, TELEPHONE, DATE & TIME OF DOCTOR(S) OR HOSPITAL(S) VISITED:

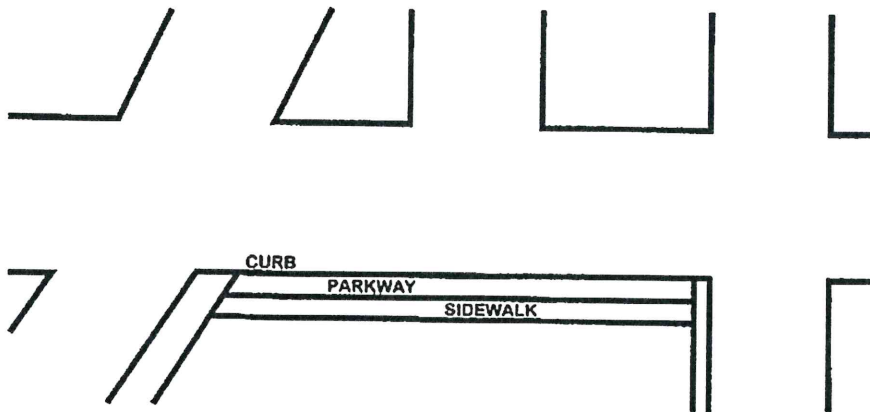
DOCTOR: See attached. TELEPHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_  
HOSPITAL: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

PLEASE READ THE FOLLOWING CAREFULLY: See attached diagram.

For all vehicle accident claims, place on following diagram, the names of streets, including NORTH, EAST, SOUTH AND WEST directions. Indicate place of accident by "X" and by showing house numbers or distances to street corners.

If a City vehicle was involved, designate by letter "A" location of the City vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw City vehicle; location of City vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X".

NOTE: IF A DIAGRAM BELOW DOES NOT FIT THE SITUATION, ATTACH A PROPER DIAGRAM SIGNED BY CLAIMANT.



I HAVE READ THE FOREGOING CLAIM AND KNOW THE CONTENTS THEREOF; AND CERTIFY THAT THE SAME IS TRUE OF MY OWN KNOWLEDGE EXCEPT AS TO THOSE MATTERS WHICH ARE HEREIN STATED UPON MY INFORMATION AND BELIEF; AND AS TO THOSE MATTERS I BELIEVE THEM TO BE TRUE.

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

VR  
SIGNATURE OF CLAIMANT OR AGENT  
ACTING ON BEHALF OF CLAIMANT

Valerie N. Rose  
TYPE OR PRINT NAME

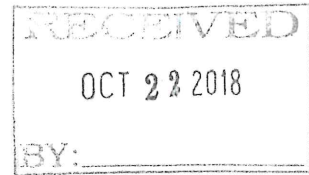
10/18/18  
DATE

Attorney  
RELATIONSHIP TO CLAIMANT

NOTE: PRESENTATION OF A FALSE CLAIM IS A FELONY  
(CALIFORNIA PENAL CODE 72)

**ATTACHMENT TO THE CLAIM OF  
ROBERT LITTLEJOHN, SR.**

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**Address to which Claimant desires notices or communications sent regarding this claim:**

All notices, correspondence, and other communications must be directed to the Claimants' attorneys listed below. **Please make no attempt to contact claimant directly.**

Spencer J. Pahlke, Esq.  
[spahlke@walkuplawoffice.com](mailto:spahlke@walkuplawoffice.com)  
Valerie N. Rose, Esq.  
[vrose@walkuplawoffice.com](mailto:vrose@walkuplawoffice.com)  
WALKUP, MELODIA, KELLY & SCHOENBERGER  
650 California Street, 26<sup>th</sup> Floor  
San Francisco, CA 94108  
(415) 981-7210 – Phone  
(415) 391-6965 – Fax

**When did damage or injury occur?**

Date: April 21, 2018  
Time: 3:30 p.m.

**Place of accident:**

Northbound Interstate 5 offramp to Harris Ranch in Coalinga, California.

**How did damage or injury occur?**

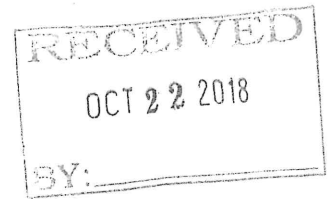
On April 21, 2018, at or about 3:30 p.m., Claimant Robert Littlejohn, along with his wife, decedent Sharon Littlejohn, were riding in a 2001 Executive Monaco Coach Motorhome, driven by Claimant Robert Littlejohn, on the northbound offramp of Interstate 5 to Harris Ranch in the City of Coalinga, County of Fresno, State of California. Claimant was driving in a lawful and reasonable manner.

At said time and place, the Monaco Coach Motorhome malfunctioned and began to accelerate, leaving the roadway and plunging down a steep embankment, causing injury to Claimant and causing the death of his wife, Sharon Littlejohn.



**ATTACHMENT TO THE CLAIM OF  
ROBERT LITTLEJOHN, SR.**

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**What particular act or omission do you claim caused the injury or damages  
(Give name of City employee causing the injury or damage, if known)**

Claimant is informed and believes that the City of Coalinga owned, operated, designed, constructed, maintained, inspected, repaired, and controlled this section of roadway, including the roadway where this motor vehicle left the roadway and plunged down a steep embankment, as well as the surrounding area.

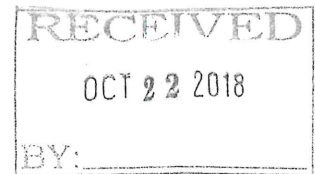
Upon information and belief, the City of Coalinga was negligent and careless in the design, construction, maintenance, inspection, repair, and control of the northbound Interstate 5 offramp to Harris Ranch in Coalinga, California and the adjacent area, such that the roadway presented a dangerous, defective and hazardous condition.

At all relevant times herein mentioned, the design, construction, maintenance, inspection, repair and control of the roadway, and surrounding area, presented a reasonably foreseeable substantial risk of harm to members of the public who were lawfully operating vehicles on the roadway.

This incident was directly and legally caused by acts and/or omissions of the City of Coalinga and/or the employees of these agencies, including, but not limited to

1. Failure to provide guardrails or other protections along the side of the roadway to prevent motorists from plunging off of the edge;
2. Creation of a trap for motorists exiting the offramp of northbound Interstate 5 to Harris Ranch;
3. Failure to provide and/or maintain adequate signs, signals, "active" warning devices, channelizers, pavement markings and striping;
4. The creation of a roadway slope, surface and configuration that was unsafe and dangerous;
5. Failure to provide a safe and reasonable geometric alignment of the roadway;
6. Failure to warn of and/or prevent and/or correct a "dangerous condition" (a condition of property that creates a substantial [as distinguished from a minor, trivial or insignificant] risk of injury when such property or adjacent property is used with due care in a manner

**ATTACHMENT TO THE CLAIM OF  
ROBERT LITTLEJOHN, SR.  
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in which it is reasonably foreseeable that it would be used) on or immediately adjacent to, public property;

7. Failure to post additional/supplemental signage, lighting, traffic control devices, and/or pavement markings in view of a significant accident history, history of near misses, and complaint history from motorists in this area that was known or should have been known by the City of Coalinga;
8. The failure to properly respond to the accident history in this area, including nearby similarly situated intersections and complaints regarding automobiles leaving the roadway and plunging down the steep embankment adjacent to the roadway;
10. Creation, maintenance, and/or failure to remedy the combination of factors (including but not limited to roadway configuration, guardrails, striping, signage, and shadows) that create glare, lack of conspicuity, or other visibility phenomenon that contribute to motorists leaving the properly marked lanes of the roadway;

The above factors, both individually and in combination, created a dangerous condition of public property and presented a substantial risk of injury to members of the general public, including Claimant, who used the property, or adjacent property, with reasonable care, and in a reasonably foreseeable manner. Likewise, these factors, both individually and in combination, constituted a dangerous condition which had been, but was not, remedied by agents and employees of the City of Coalinga.

The City of Coalinga negligently created and/or possessed knowledge, actual or constructive, of the above-described dangerous conditions, as well as the hazards and defects present in said roadway, and the surrounding area.

As a direct and legal result of the above-described dangerous condition and the negligence and carelessness of the City of Coalinga, acting by and through its employees and agents, Claimant plunged down the embankment bordering the roadway, causing the aforementioned injuries and damages.



**ATTACHMENT TO THE CLAIM OF  
ROBERT LITTLEJOHN, SR.  
Page 4 of 5**



As a further direct and proximate result of the matters set forth above and of said accident and injuries, Claimant has suffered and sustained the aforementioned economic (special) damages and noneconomic (general) damages.

The City of Coalinga. Claimants do not presently know the names of the agents, servants, and employees of the City of Coalinga who contributed to said injuries and damages.

**Give total amount of Claim**

See below.

**How was the amount of claim computed?**

Claimant suffered the loss of his wife, Sharon Littlejohn. Claimant seeks general damages in excess of the minimal jurisdiction of the Superior Court of the State of California and special damages according to proof, estimated to be in excess of ten million dollars.

Claimant also suffered personal injuries resulting in special and general damages according to proof.

**Witnesses to damage or injury:**

Len Nyland.

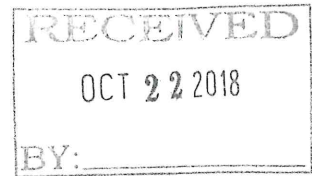
**If injury, give name, address, telephone, date & time of doctor(s) or hospital(s) visited:**

Community Regional Medical Center  
2823 Fresno Street  
Fresno, CA 93721

**Scene diagram**

See attached diagram.

ATTACHMENT TO THE CLAIM OF  
ROBERT LITTLEJOHN, SR.  
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Dated: October 18, 2018

WALKUP, MELODIA, KELLY & SCHOENBERGER

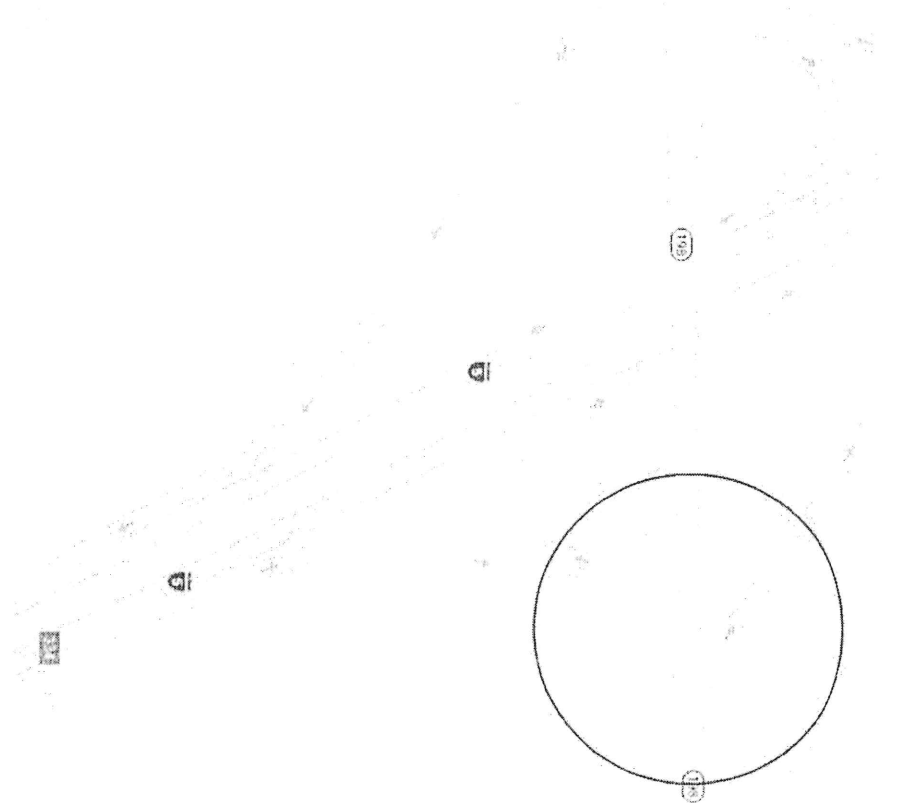
A handwritten signature in black ink, appearing to be "SP" followed by a long horizontal stroke.

By: \_\_\_\_\_

SPENCER J. PAHLKE  
VALERIE N. ROSE  
Attorneys for Claimant  
ROBERT LITTLEJOHN

RECEIVED  
OCT 22 2018  
BY: \_\_\_\_\_

Attachment to Claim of Robert Littlejohn, Sr.



Harris Ranch  
Airport-308

True Zero Hydrogen

Shell  
ATM

Tesla Supercharger

Harris Ranch  
A. Decker