

**SPECIAL MEETING/CLOSED SESSION
ANTIOCH CITY COUNCIL**

Special Meeting/Closed Session
4:00 P.M.

January 7, 2014
Antioch City Hall
City Council Chambers

ROLL CALL *for Closed Session*

Mayor Harper called the meeting to order at 4:00 P.M., and roll was called.

Present: Council Members Wilson, Rocha and Mayor Harper (Council Member Tiscareno arrived at 4:03 P.M.)

Absent: Council Member Agopian

PUBLIC COMMENTS *for Closed Session* – None

The City Council then adjourned to closed session in the third floor conference of City Hall.

CLOSED SESSIONS:

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to California Government Code §54956.9 (d)(1):

1. Shanie Hansen v. John B. McDonald et al.
Contra Costa Superior Court Case No. C11-00986;
Anthony Soldano Jr. v. John Bryan McDonald et al.
Contra Costa Superior Court Case No. C11-01176
2. Sean and Kelley O’Toole et al v. City of Antioch et al.
U.S. District Court (Northern District) Case No. CV11-1502
3. Virgile Cunningham v. City of Antioch, Antioch Police Department
Contra Costa Superior Court Case No. MSC1102190 and
Contra Costa Superior Court Case No. MSC12-00174
4. Barry White, Jr. and Demetrius Anderson v. City of Antioch et al.
U.S. District Court (Northern District) Case No. C 11-04221
5. Edrick Harvey et al. v. City of Antioch; City of Pittsburg
U.S. District Court (Northern District) Case No. C11-04986
6. Novena Tucker v. Don Gill, Marsha Brown, Robin Schmitt, Officer Martin Hynes, Officer Nicholas Ward
U.S. District Court (Northern District) Case C12-02678

7. McKnelly, Dutro et al. v. City of Antioch, et al.
U.S. District Court (Northern District) Case No. CV12-2972
8. Luis Alvarez-Orellana v. City of Antioch, et al.
U.S. District Court (Northern District) Case No. C 12-4693
9. Eddie Tillman v. Officers Bostick and Harger
U.S. District Court (Northern District) Case C12-2807
10. Forrest Blocker v. Contra Costa County et al.
U.S. District Court (Northern District) Case CV 12-05597
11. Janelle Walker v. Officer J. Colley
U.S. District Court (Northern District) Case CV-01099JCS
12. Vitus Nnanna and Joy Chika Nnanna v. City of Antioch
Contra Costa Superior Court Case No. MSC12-03015
13. Colleen Fisk v. City of Antioch
Contra Costa Superior Court Case No. MSC 12-02931
14. Richard Lopez Sr. v. Officers Koch and Vincelet
Kathryn Harvey v. City of Antioch, Officers Koch and Vincelet, Chief
Cantando
U.S. District Court (Northern District) Cases C13-1639 NC and C13-1610 DMR
15. Dupreval v. City of Antioch
Contra Costa Superior Court Case No. MSC13-00307
16. Kebron Daniel, Lilay, Inc., Pearl Moya v. City of Antioch et al.
U.S. District Court (Northern District) Case CV 13-01084MNC
17. Andrea Gonzales v. City of Antioch
Contra Costa Superior Court Case No. 13-01600
18. Robert Benyamini v. Antioch Police Dept. et al.
Contra Costa Superior Court Case No. 13-01810
19. U.S. ex rel. Hendrix et al. v. J-M Manufacturing
U.S. District Court (Central District) Case NO. EDCV 06-0055
Los Angeles County Superior Court Case No. BC 459943
20. City of Brentwood et al. v. Robert Campbell, Auditor-Controller
Contra Costa Superior Court Case No. N11-1029

21. In re Municipal Derivatives Antitrust Litigation
United States District Court (Southern District of NY) Case MDL No. 1950 (East Bay Delta Housing Finance Agency/Bay Area HomeBuyer Agency)
22. In re Eva Romero and Gilbert Romero
U.S. Bankruptcy Court (Northern District) Case No. 12-44668 (Humphrey's Restaurant)
23. City of Antioch vs. Black & Veatch Corporation, F.D. Deskins Company, Inc., TW Associates dba MISCOWater
Contra Costa Superior Court Case No. C13-00227

The Cincinnati Specialty Underwriters Insurance Company v. F.D. Deskins Company Inc. and City of Antioch
Hamilton Circuit Court, Indiana, Cause No. 29C01 1306 CT511.
24. City of Brentwood et al. v. Robert Campbell, Auditor-Controller
Contra Costa Superior Court Case No. N11-1029
25. Frank Sterling, Robert Barr and Timothy Vierra
US District Court (Northern District) Case C13-812

**CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code §54956.9 (d)(2):

1. Claim filed on October 29, 2012 by David Lanferman representing Discovery Builders and Albert D. Seeno Construction regarding water storage fees
2. Letters dated July 21, 2012 and October 24, 2012 from Paul B. Justi representing Kelly's Cardroom
3. Construction claims from Bay Cities Contractor related to the Marina Boat Launch Facility
4. Letter dated November 27, 2013 from Julia Hunting of Berding Weil representing the Lake Alhambra Property Owners' Association regarding dredging of the Lake

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION – Initiation of Litigation pursuant to California Government Code §54956.9 (d)(4):

1. Claim against Contra Costa County for overcharge of Property Tax Administration Fee
2. City as Successor Agency to the Antioch Development Agency: 2 matters

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL LIABILITY CLAIMS – pursuant to California Government Code §54956(d)(2) and 5§4956.95: 44 claims

CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION – pursuant to California Government Code §54957: City Attorney

The City Council returned to open session outside of the City Council Chambers. No public was present. The City Attorney reported out that the City Council had provided direction in closed session on the items on the agenda.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 6:46 P.M.

Respectfully submitted:

LYNN TRACY NERLAND
City Attorney