

## CITY COUNCIL MEETING

Special Meeting  
7:00 P.M.

March 31, 2020  
Meeting Conducted Remotely

*The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease (COVID-19), held Antioch City Council meetings via Comcast channel 24, AT&T U-verse channel 99, and live stream (at [www.antiochca.gov](http://www.antiochca.gov)). The City Council Special Meeting was conducted utilizing Zoom Audio/Video Technology.*

Mayor Wright called the meeting to order with Council and staff, utilizing Zoom for audio/video technology, at 7:01 P.M. City Clerk Simonsen called the roll.

Present: Council Members Wilson, Motts, Thorpe, Ogorchock and Mayor Wright

### PLEDGE OF ALLEGIANCE

Mayor Wright led the Council and audience in the Pledge of Allegiance.

### PUBLIC COMMENTS – None

City Manager Bernal announced that The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease, had made the Antioch City Council meeting available via Comcast channel 24, AT&T U-verse channel 99, or live stream at [www.antiochca.gov](http://www.antiochca.gov). He stated anyone wishing to make a public comment, may do so any of the following ways: (1) by filling out an online speaker card, located at <https://www.antiochca.gov/government/city-council-meetings/live/>, (2) by emailing the City Clerk prior to or during the meeting at [cityclerk@ci.antioch.ca.us](mailto:cityclerk@ci.antioch.ca.us); or (3) by dialing (925) 776-3057 during the meeting.

### COUNCIL REGULAR AGENDA

#### 1. URGENCY ORDINANCE: MORATORIUM ON TEMPORARY EVICTIONS

City Manager Bernal introduced Regular Agenda Item #1.

City Attorney Smith presented the staff report dated March 31, 2020 recommending the City Council introduce the urgency ordinance by title only, waive further reading, and adopt the urgency ordinance enacting a temporary moratorium on evictions for residential and commercial tenants financially impacted by the Novel Coronavirus Disease 2019 (“COVID-19”). (A four-fifths (4/5) vote of the City Council is required for approval.)

The following public comments were read into the record by Administrative Services Director Mastay.

Tony Tiscareno, Antioch resident, provided written comment requesting the City Council approve the Urgency Ordinance.

Mark Pryor, First Realty Pryor and Associates provided written comment requesting this item be a City Advisory Memorandum rather than an Ordinance. Should the Ordinance be adopted by Council, he requested several text amendments to protect the landlord's interests.

Doug Clark provided written comment suggesting the City of Antioch not pass the Ordinance and instead rely on the Executive Order issued by Governor Newsom regarding this matter.

Lynne Price, Antioch resident, provided written comment in support of landlords working directly with tenants who were unable to pay rent.

Steve Older, President, and Joshua Anijar, Executive Director, Central Labor Council of Contra Costa County, provided written comment in support of providing tenants with a 120-day grace period for every month of delayed rent, a moratorium on rent increases, reducing documentation requirements and a ban on "no-fault" evictions.

Kennedy Reed provided written comment in support of comments submitted by Mr. Pryor.

Allen Payton, Antioch resident, provided written comment indicating that the Ordinance was unnecessary as it duplicated Governor Newsom's Executive Order.

In response to Councilmember Thorpe, City Attorney Smith clarified that the City's Ordinance differed from the Governor's Executive Order because it addressed commercial entities, extended the waiting period to 14-days and provided 6-months for a tenant to pay back their rent. He explained that recognizing the seriousness of COVID-19 impacts, the Ordinance would offer a grace period for those who would be focusing on health issues as well as those who had lost their income.

Councilmember Thorpe stated he believed the scope of the Ordinance was too narrow and the title should be changed to a moratorium on evictions during the Novel Coronavirus Disease 2019 emergency.

Councilmember Wilson reported there was an email from Lisa Morelli that had not been read into the record. She suggested the grace period be extended to 120-days per month of missed rent.

City Attorney Smith stated it was within Council's discretion to amend the grace period.

Councilmember Thorpe supported Councilmember Wilson's suggestion to increase the grace period.

Mayor Wright stated if the grace period were extended, he would want to mirror the City of Concord who had provided 90-days.

Councilmember Motts thanked City Attorney Smith for the staff report and for including businesses in the Ordinance. She spoke in support of extending the grace period and changing the name of the ordinance to a moratorium on evictions during the Novel Coronavirus Disease 2019 emergency.

Councilmember Ogorchock stated she supported the moratorium; however, she was concerned that it would take away income from property owners and if the grace period were extended, it may cause landlords to not be able to recoup rental payments for over a year. She explained that several property owners had reached out to their tenants asking them to let them know if they were having difficulty paying rent.

Councilmember Thorpe commented that landlords were free to work out a repayment plan with their tenants. He noted if the Ordinance was adopted, it would set the framework for those unable to negotiate.

City Attorney Smith added that the Ordinance strengthened the bargaining position of the tenant and provided a baseline for the tenant and landlord to negotiate from.

Mayor Wright stated now that government had issued a Shelter-in-Place, he believed it was important to assist residents. He noted this Ordinance would give people with the inability to pay, extra time to pay their rent. He further noted he supported the 90-days grace period and changing the name of the ordinance to a moratorium on evictions during the Novel Coronavirus Disease 2019 emergency.

City Clerk Simonsen announced that additional public comments had come in and he asked that they be read into the record.

Councilmember Ogorchock commented that it would not help renters if property owners lost their property due to lack of payment. She discussed the need to proceed cautiously and provide a balanced approach.

The following public comments were read into the record by Administrative Services Director Mastay.

Kristi Laughlin, East Bay Alliance for Sustainable Economy (EBASE), Rocheall Pierre, East County Regional Group (ECRG), Jose Rizo, Antioch resident and Program Director for Village Community Resource Center, Christine Clark, Antioch resident and Co-Chair of the East County Regional Group, Lisa Morrell and Lan Morris Antioch residents, Deborah Polk, ECRG, Jess Jollett, Executive Director of Lift Up Contra Costa, Debra Ballinger, Executive Director Monument Impact and William Colin, Antioch resident representing Central County Regional Group, provided written comment in support of a moratorium on all evictions with a 120-day grace period for every month of delayed rent. Several comments asked Council to also consider a moratorium on rent increases, that no late fees be added to rents that cannot be paid on time and a reduction in the requirements to prove the hardship.

Councilmember Motts suggested that section 2 item A be revised to read “written documentation/notification”. She encouraged landlords and tenants to work together to address this issue.

City Attorney Smith explained that wording in the Ordinance was specific to align with the Executive Order and legal standard utilized by other cities, and the courts. He recommended Antioch provide 90-days per month of arrears or 6-months for tenants to pay back their rents. He noted it was important to reduce liability by moving forward with a standard utilized in other jurisdictions.

Councilmember Thorpe reiterated his request to change the title of the Ordinance to indicate it was a moratorium on evictions during the Novel Coronavirus Disease 2019 emergency.

City Attorney Smith requested that Council pass the Ordinance with the current title and then he would research whether changing the title was within the City’s police power. He noted if it was, he would bring it back to Council.

On motion by Councilmember Thorpe, seconded by Councilmember Wilson, the City Council unanimously adopted the urgency ordinance of the City of Antioch enacting a temporary moratorium on evictions due to non-payment of rent for residential and commercial tenants where failure to pay rent results from income loss resulting from the Novel Coronavirus Disease 2019 (COVID-19) with the following change to section 3 F. to read:

- 3. F.** Nothing in this Ordinance relieves the tenant of liability for the unpaid rent, which the landlord may seek after the expiration of this Ordinance. Affected residential tenants and affected commercial tenants shall receive a 90-day grace period per month of arrears after expiration or other termination of this ordinance during which to repay any monies due to a landlord for failure to pay rent or a failure to pay utilities, unless a state law or order is amended or adopted providing for a longer repayment period, in which case the payment period provided by the state law or order shall apply under this Ordinance.

**2. DISCUSSION OF POTENTIAL MORATORIUM ON RENT INCREASES AND NEW FEES DURING THE LOCAL EMERGENCY FOR THE CORONAVIRUS WITH DIRECTION TO STAFF**

City Manager Bernal introduced Regular Agenda Item #2.

Councilmember Thorpe stated he requested this item at the last meeting and prior to City Attorney Smith researching the matter he would like to determine if Council supported moving forward with information gathering for this item.

Following discussion, Council majority directed staff to research a moratorium on rent increases and new fees.

**ADJOURNMENT**

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously adjourned the meeting at 8:47 P.M.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk