

## CITY COUNCIL MEETING

Special Meeting  
7:00 P.M.

May 1, 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 meeting was conducted utilizing Zoom Audio/Video Technology.*

Mayor Wright called the meeting to order at 7:01 P.M., and 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.

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.

**PUBLIC COMMENTS** – None

### COUNCIL REGULAR AGENDA

#### 1. REMOVAL OF PLANNING COMMISSIONER KENNETH TURNAGE, II

City Manager Bernal introduced Regular Agenda Item #4.

City Attorney Smith presented the staff report dated May 1, 2020 recommending the City Council make a motion to remove Commissioner Kenneth Turnage, II, from the City of Antioch Planning Commission and direct the City Clerk to advertise the vacancy of one partial-term on the Planning Commission. He explained the process of censuring a public official.

Mayor Wright announced that he requested this item be agendaized to give Council the opportunity to deliberate on comments made on social media by Mr. Turnage, which were brought to the attention of the City Council.

Kenneth Turnage, II, read written comment submitted to the City Council discussing his years of service in the City. He stated that he was disheartened Council was considering removing him from the Planning Commission based on a personal opinion posted on his personal Facebook page, that had nothing to do with the City or his position on the Planning Commission. He noted his opinion was offered to spark debate and based on the theory of ecological balance. He further noted that he prefaced his comments by stating if people were unable to handle an alternative opinion, they should not read any further. He apologized and noted that he could have used different analogies to make the same point. He commented that being removed from the Planning Commission because his opinion was not liked or agreed with was not fair and a violation of his first amendment rights. He made a formal public records request for all documents and correspondence between Council Members and City Staff related to his personal post, development of this agenda, and the subsequent recommendation to remove him from his position on the Planning Commission. He commented that Council discussing this item at a meeting where it was not agendaized was a violation of the Brown Act. He also stated that he felt it was inappropriate that the issue of race was brought into that discussion. He reported that all Councilmembers had been to his home for fundraisers he had held at his own expense for at risk demographics.

Due to the amount of speaker requests and with consensus of the City Council, Mayor Wright reduced speaker times to one-minute.

City Clerk Simonsen announced that there were two speakers on the phone whose comments could be received prior to written comments.

By phone, Leslie May, Antioch resident, disagreed with Mr. Turnage's comments and supported the recommended action to remove him from the City of Antioch Planning Commission.

By phone, Gary Walker, Antioch resident, spoke in support of the recommended action to remove Chairperson Kenneth Turnage II, from the City of Antioch Planning Commission.

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

Mary Dunne Rose provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Sal Sbranti, Antioch resident, provided written comment in support of Planning Commission Chairperson Ken Turnage and discussed his contributions to Antioch. He stated he believed Mr. Turnage should remain on the City of Antioch Planning Commission.

Laurel Gilbert, Petaluma resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Ron Zaragoza, Antioch resident, provided written comment requesting everyone spend more time thoughtfully and honestly talking and listening to each other.

Jack Bruckman, Antioch resident, Sharlene Rednour, and Jana Rifkin, Oakley resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Beverly Knight, Antioch resident and Parks and Recreation Commissioner, provided written comment stating that if Mr. Turnage was removed from the Planning Commission, the City would be a violation of his first amendment rights. She spoke to Mr. Turnage's service and character. She commented that removing him would not be in the best interest of the City.

Michelle Kuslits, Antioch resident, provided written comment stating that while she disagreed with Mr. Turnage's comments she was opposed to the Council removing him from the Planning Commission based on him expressing his constitutional right on his personal Facebook page.

Denis Netto, Scarborough ME resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Amy Hilton, Antioch resident, provided written comment stating that while she disagreed with Mr. Turnage's comments, she supported his right to free speech while acting as a private citizen.

Manual Sidrian, Antioch resident, provided written comment stating that he believed this item had come forward as retaliation for Mr. Turnage's criticism of the City Council.

Richard Miller, Antioch resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

George Mathews, Antioch resident, provided written comment stating that while he disagreed with Mr. Turnage's comments, he should not be removed from the Planning Commission for exercising his first amendment rights.

Candace Ireland, Antioch resident, provided written comment speaking to Mr. Turnage's character and urging the City Council to keep him on the Antioch Planning Commission.

Patrick Scott, Antioch resident, provided written comment in support of Mr. Turnage's right to freedom of speech and urged Council to take a lesser action than removing him from his position as Planning Commission.

Lisa Woolf provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and

in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Michael Pohl, Antioch resident, provided written comment stating that while he did not agree with Mr. Turnage's comments, his first amendment rights allowed him to make his statements. He questioned if the City had guidelines or documents that informed Commissioners of what they could or could not say.

Taylor C., Antioch resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Lucile Meinhardt, Antioch resident, provided written comment requesting Council preserve Mr. Turnage's right to have freedom of speech and retain him on the Antioch Planning Commission.

Desiree Rushing, Antioch resident, provided written comment stating she was a first responder and all lives mattered.

Nicole Gardner, Antioch resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Joshua Young, Brentwood resident, provided written comment that spoke to Mr. Turnage's public service and urged the City Council to uphold, and defend the constitution and his right to free speech.

Warren Lutz, Antioch resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission. Additionally, he felt the City should cancel their contract with Mr. Turnage's business.

J. Trizuto, Antioch resident, and Colin Gallagher, San Francisco resident, provided written comment stating that Mr. Turnage should not be removed from the Planning Commission because of constitutionally protected speech.

Lucas Stuart-Chilcote, Antioch resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Nicole Cedano, Antioch resident, provided written comment in support of Mr. Turnage and his right to freedom of speech. She also spoke to Mr. Turnage's community service and reputation.

Jannie Louise Lawrence and Jo Hayden, Antioch residents and Alice N., provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Mark Jordan, Antioch resident, provided written comment stating that he did not agree with removing Mr. Turnage from the Planning Commission and suggested censure as a more equitable resolution.

Shar Silva, Antioch resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Antonio Di Giovanni, Walnut Creek resident, provided written comment in support of Mr. Turnage's right to freedom of speech.

Jenny Osgood, Sacramento resident, provided written comment in support of Mr. Turnage resigning from the Commission and noted if he refused to do so, Council should remove him.

Joel Simmons, Antioch resident, provided written comment regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Kem Apak, Castro Valley resident, provided written comment in support of Mr. Turnage's right to freedom of speech.

Jan Handel, Antioch resident, provided written comment expressing concern that Mr. Turnage was not a good representation of the City of Antioch.

Angela Bybee, Patty Jeddy, Antioch resident, Igor Trebub, James M. Patton and Su Ku, Antioch residents, provided written comment regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Chris Stamp, Danville resident, provided written comment expressing concern for the comments made by Mr. Turnage on his Facebook page.

Abigail Price, San Pablo resident, provided written comment suggesting Council deliberate on the comments made by Mr. Turnage on his Facebook page when considering whether to keep him on the Antioch Planning Commission.

Christi Costa, Brentwood resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current

Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Bethe Mounce, Oakley resident, provided written comment regarding comments Mr. Turnage made on his Facebook page and suggested Council deliberate on the importance of inclusiveness by a public official when considering whether to keep him on the Antioch Planning Commission.

Denise Jacinto, Oakland resident, April Meyers, Antioch resident, Andrew McCullough, Midvale, Utah resident, Melissa Marlowe, Salt Lake City, Utah resident, Richard Dawes, Antioch resident, Jackie Dunckley, Traverse City, Michigan resident, Robert Matthews, Alameda resident, Bill Russell, Maumelle, Arkansas resident, Randi Plotner, Oakland resident, Mary Owens, Arvada, Colorado resident and Jennifer Kirkland provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Michael Gadams, Antioch resident, provided written comment which spoke to Mr. Turnage's contributions to the City of Antioch. He suggested Council keep him on the Planning Commission and provide him with leadership classes.

Jeanette Hickox, Rohnert Park resident and Cynthia Fury, Riverview, Florida resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Debra Van Ausdale, Deland, Florida resident, provided written comment urged Council to remove Mr. Turnage from the City of Antioch Planning Commission.

Robert Avilla, Pearl City, Hawaii resident, Mike Trutanich, Storme Webber, Seattle, Washington resident, Robert Michael Jordan, Pennegrove, resident and Ronald Kreilkamp, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Alma Townsend, Antioch resident, provided written comment in support of Mr. Turnage's right to freedom of speech.

Gayle Hudson, San Leandro resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Chip provided written comment in support of Mr. Turnage's right to freedom of speech and allowing him to keep his seat on the City of Antioch Planning Commission.



Dale Briere, Charleston, Illinois resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Peggy deLuna, Antioch resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and the City Clerk's response to those comments. She also supported the recommended action to remove Mr. Turnage, from the City of Antioch Planning Commission.

Marietta Elliott, Martinez resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Teresa Konz stated she agreed with the comments made by Mr. Turnage on his Facebook page and suggested allowing him to keep his seat on the City of Antioch Planning Commission.

Salli Spoon, Crockett resident, Linda Morse Roberson, Bethel Island resident, Mark Coates and Jane Kelsberg, Antioch residents, Susan Kennedy and Stephanie Bonham, Christina Burton and Shirley Keller, Antioch residents, Steven Sailor, Berkeley resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Susan Kittleson provided written comment in support of Council allowing Mr. Turnage to keep his seat.

Ella Williams, Pittsburg resident, and Laurel Wroten, Petaluma resident, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Wayne Steffen, Antioch resident, provided written comment in which he discussed Mr. Turnage's contributions to Antioch and suggested Council consider a lesser action to address this matter.

City Clerk Simonsen announced that he had a speaker on the telephone to make a public comment.

By phone, Allan Cantando, retired Antioch Chief of Police, called a point of order and requested Council consider allowing him 3-minutes for public comments since this was a Special meeting with no other items on the agenda and he had no previous knowledge that the speaker time would be reduced.

City Attorney Smith explained that the decision to reduce the speaker time was made at the beginning of the meeting, so Mr. Cantando would be limited to one-minute.

By phone, Mr. Cantando, expressed concern that speakers for Council reducing the speaking time for this item to one-minute. He stated that Mr. Turnage's comments were personal and he made no nexus to the City of Antioch. He reported that there were other objectional Facebook posts by an elected official who continued to serve the community. He noted he believed this was a political issue due to Mr. Turnage's criticism of Council.

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

Joseph Goralka, Antioch resident, provided written comment discussing Mr. Turnage's community service and in support of allowing him to retain his seat on the City of Antioch Planning Commission.

Sandy provided written comment in support of Council allowing Mr. Turnage to keep his seat on the Antioch Planning Commission.

Vicki Robinson, Antioch resident, provided written comment in support of the recommended action to remove Chairperson Kenneth Turnage, II, from the City of Antioch Planning Commission.

James and James Hilton, Nicole Silva and Tom White, Antioch residents, provided written comment differing their public comment time to retired Chief Allan Cantando.

Melissa Case, Antioch resident, provided written comment stating that if Mr. Turnage was removed from the Planning Commission, she felt two members of the City Council should be removed for items they had posted on their Facebook pages.

Bobbi Lopez and Cecila Perez, Antioch residents, provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page regarding the COVID-19 and current Shelter in Place Orders, and in support of the recommended action to remove him, from the City of Antioch Planning Commission.

Jeremy Motts provided written comment expressing concern regarding comments Mr. Turnage made on his Facebook page and in support of the recommended action to remove him, from the City of Antioch Planning Commission. He also expressed concern regarding the City Clerk's support for Mr. Turnage.

In response to Mayor Wright, City Attorney Smith explained that he believed from listening to the comments that the focus was not free speech, but it was the impact this speech had had on residents and their confidence, and trust in government. He explained that public officials placed appointed officials in their positions, so the appointed official was beyond the reach of the public to hold accountable. He explained that as elected officials, Council had the ability to determine whether Mr. Turnage would be held accountable and if so, how that accountability would take place.



Councilmember Thorpe offered his support to Mayor Wright for bringing this item forward. He stated he had a loss in confidence of Mr. Turnage's ability to lead and noted the public was concerned regarding his comments. He thanked City Attorney Smith for his legal opinion regarding this matter.

A motion was made by Councilmember Thorpe, seconded by Councilmember Wilson to remove Commissioner Kenneth Turnage, II from the City of Antioch Planning Commission.

Councilmember Motts speaking to the motion stated it was unfortunate that this issue had come to the City Council. She discussed Mr. Turnage's work and dedication to the community. She stated the impact of Mr. Turnage's comments had caused unnecessary damage. She reported that public comments Council received regarding this matter overwhelming asked for Mr. Turnage's removal from the Planning Commission. She stated his comments had compromised public trust and the ability for him to do his job; so therefore, she supported the recommendation for his removal from the Planning Commission.

In response to Councilmember Ogorchock, City Manager Bernal explained that each Commissioner was trained by the department that represent the Commission, which in this case was the Community Development Department.

Director of Community Development Ebbs explained that the Planning Commission had a training budget, and, in the past, they had sent Commissioners to the Planning Commission Academy sponsored by the League of California Cities.

Councilmember Ogorchock questioned if the City informed Commissioners that their personal Facebook pages affected the City and reflected on the City Council because they were appointed by them.

Director of Community Development Ebbs responded that staff had not had that conversation with Planning Commissioners.

Councilmember Ogorchock stated that this issue had been disruptive to the City and Council. She noted Mr. Turnage volunteered within the community and gave freely of his time, talents, and funds. She further noted that Mr. Turnage knew his comments may offend some and had suggested if they did not want to read his opinion, they should not do so. She believed his comments were insensitive especially toward the elderly. She commented that she did not believe Mr. Turnage knew the impact or the severity of his words and how they would affect the community.

City Attorney Smith commented that Mr. Turnage's comments had indicated that he knew what the impact of his statements would be.

Councilmember Ogorchock responded that Mr. Turnage had the opportunity to tell readers not to read his comments.

Councilmember Wilson supported Mayor Wright's decision to bring this item forward and noted that her previous comments regarding this matter had not changed.

Mayor Wright commented that freedom of speech was held in high value; however, City officials were held to a higher standard. He noted when comments undermined the City's overall position and caused citizens to lose confidence, it must be examined. He stated all citizens mattered to them, and Council would continue to work hard to keep them safe and support their businesses.

A vote taken on the previous motion to remove Commissioner Kenneth Turnage, II from the City of Antioch Planning Commission unanimously passed.

**ADJOURNMENT**

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council unanimously adjourned the meeting at 8:55 P.M.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk