

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

June 9, 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). The City Council meeting was conducted utilizing Zoom Audio/Video Technology.

6:30 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): 1 potential case.

City Attorney Smith reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, no reportable action.

Mayor Wright called the meeting to order at 7:05 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.

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. 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 or (3) by dialing (925) 776-3057 during the meeting.

1. PROCLAMATION

Recognizing June as LGBT Pride Month in the City of Antioch

On motion by Councilmember Ogorchock, seconded by Councilmember Motts, the Council unanimously approved the Proclamation.

Mayor Wright read the *Recognizing June as LGBT Pride Month in the City of Antioch* proclamation and Devin Murphy President Lambda Democratic Club of Contra Costa County thanked the City Council for the recognition, Councilmember Wilson for her support and discussed the importance of LGBT Pride Month.

Mayor Wright announced that the flag would be raised on June 10, 2020.

Devin Murphy also thanked City staff for coordinating the raising of the flag.

Administrative Services Director Mastay read written comment from Kiku Johnson Executive Director of the Rainbow Community Center of Contra Costa County acknowledging the proclamation.

2. INTRODUCTION OF NEW CITY EMPLOYEES

City Manager Bernal introduced agenda item #2.

Chief Brooks introduced Joseph Vigil, Police Lieutenant.

The City Council welcomed Joseph Vigil to the City of Antioch.

City Manager Bernal introduced Public Works Director/City Engineer John Samuelson

Director of Public Works/City Engineer Samuelson thanked City Manager Bernal for the introduction and stated he was excited to be joining the City of Antioch.

The City Council welcomed Director of Public Works/City Engineer Samuelson to the City.

Director of Community Development Ebbs and Code Enforcement Manager Michael introduced Amanda Lunsford, Code Enforcement Officer.

Ms. Lunsford stated she was excited to be joining the City of Antioch.

The City Council welcomed Ms. Lunsford to the City.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Director of Parks and Recreation Kaiser announced lap swimming would begin June 15, 2020 and Coyote Hills Summer Camp would begin June 29, 2020. She commented that the dog park, skate park, fields and courts had opened. She noted that they were preparing for more parks and the Community Center to open soon.

PUBLIC COMMENTS

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

Alliyah Thomas, Antioch resident, provided written comment in support of the formation of an Ad Hoc Committee on Police Reforms and reconsideration of the FY 20/21 to provide more resources for low income families.

Isabeau Sanchez, Antioch resident, provided written comment recommending defunding of the Antioch Police Department (APD) and restructuring the budget to divert funds to community-based programs.

Emily Ng, Antioch resident, requested restructuring of the City's budget to prioritize social services in the City.

Dustin Carlton provided written comment expressing concern regarding the hiring of Officer Mellone. He called for defunding APD and diverting funds to the City and schools. He also spoke in support of a body camera program.

Morgan Higgs, Antioch resident, provided written comment suggesting the City Council defund the APD and restructure the budget to prioritize social services.

Mark Jordan, Antioch resident, provided written comment thanking Chief Brooks for his community outreach efforts. He suggested Council research whether there had been profiling, bias or excessive force incidents within the APD. He also suggested the City send back their military vehicle.

Gretchen Tofflemire and Harry Thurston, Antioch residents, provided written comment in support of the formation of Ad Hoc Committee on Police Reforms.

William Davis-Watkins, Antioch resident, provided written comment requesting the City Council restructure the budget to divert funds to social services and public education.

Nicole Xaysana, Antioch resident, provided written comment requesting the City Council restructure the budget to divert funds to public education.

Warren Lutz, Antioch resident, provided written comment in support of the formation of Ad Hoc Committee on Police Reforms, adoption of the 8 Can't Wait policy, implementing a citizens' review board and demilitarizing the police force.

Moises Marquez, Antioch resident, provided written comment in opposition to Council recognizing June as Pride Month.

Shagoofa Khan, Antioch resident, provided written comment requesting reconsideration of the FY 20/21 budget to provide more resources for community-based programs. She also supported adoption of the 8 Can't Wait policies.

Emily Bonzi, Antioch resident, provided written comment in support of the formation of an Ad Hoc Committee on Police Reforms.

Christopher Smiley, Antioch resident, provided written comment in support of abolishing the police.

Yadira Fregoso, Antioch resident, provided written comment calling for the removal of Officer Mellone from the APD and requesting more funding for education.

Sara B., Antioch resident, provided written comment in support of the formation of an Ad Hoc Committee on Police Reforms.

Tamisha Walker, Antioch resident, provided written comment in support of the creation of a body to oversee Antioch Police Department as well as the creation of a city department related to race relations.

Jack Watkins, Antioch resident, provided written comment in support of restructuring the budget to divert funds to community-based programs. He expressed concern regarding the hiring of Officer Mellone.

Kevin Coppa, Antioch resident, provided written comment thanking the Council and Chief Brooks for their leadership. He requested the City eliminate the use of the MRAP vehicle and divert the funds devoted to its use to victims of police misconduct.

Charize Berbano, Pittsburg resident, and Kaitlin Bouchard, Antioch resident, provided written comment in support of defunding APD and diverting those funds to community-based programs.

Adriana Urrutia provided written comment recommending defunding of the APD and restructuring the budget to divert funds to community-based programs. She also called for the removal of Officer Mellone from the APD.

Lucile Meinhardt, Antioch resident, provided written comment in support of the City adopting police reforms and adopting the "Eight Can't Wait" policy.

Lamont Francies, Delta Bay Church of Christ, provided written comment in support of stricter laws regarding police officers charged with First Degree Murder. He also suggested that no officer be hired from outside of the community.

J Trizuto, Antioch resident, provided written comment in which he disagreed with the current policies of the City Council.

Muniba Ahmed provided written comment in support of restructuring the budget to divert funds to community-based programs.

Kiku Johnson and Lucas Stuart-Chilcote, Antioch resident, provided written comment in support of the *LGBT Pride Month in the City of Antioch* proclamation.

Errashay Davis, Antioch resident, provided written comment in support of 8 Can't Wait campaign.

Karen Hurtado, Antioch resident, provided written comment in support of funding schools, jobs and mental health services.

Damon Owens, Genesis Church, Charleszetta Davis, Brentwood resident and James Park provided written comment in support of the changes offered by Councilmember Thorpe.

Elisha Taylor, Antioch resident, provided written comment in support of restructuring the budget to divert funds to community-based programs.

Frank Sterling, Antioch resident, provided written comment in support of the formation of an Ad Hoc Committee on Police Reforms.

Nicole Gardner, Antioch resident, provided written comment calling for the removal of Officer Mallone from the APD.

Kathyrn Wade, Antioch resident, provided written comment expressing concern regarding police misconduct.

Michael Kerr, Bay Point resident, provided written comment in support of reducing and replacing armed police with qualified community-oriented individuals.

Laura Ornelas provided written comment calling for the removal of Officer Mellone and police officers who had engaged in police misconduct.

COUNCIL SUBCOMMITTEE REPORTS/COMMUNICATIONS

Councilmember Motts reported on her attendance at the Waterfront Ad Hoc Committee meeting with Councilmember Wilson. She read a prepared statement which spoke to the equality of man and humanity as well as the oppression of people of color. She stated that she may not fully understand but she would stand with those and amplify their voice.

Councilmember Wilson thanked Councilmember Motts for her comments. She reported on her attendance at the Waterfront Ad Hoc Committee and Tri Delta Transit meeting.

Councilmember Thorpe commented "Black Lives Matter".

Councilmember Ogorchock reported on her attendance at the League of California Governance Transparency and Labor Relations Committee meeting. She read a prepared statement regarding the senseless murder of George Floyd and discussed the importance of building sustainable relationships and a more just society. She stated that she believed everyone needed to be part of that conversation.

Mayor Wright reported on his attendance at the Mayor's Conference.

MAYOR'S COMMENTS

Mayor Wright stated he would be closing the meeting in honor of George Floyd and the senseless tragedy of his death. He noted it was time to come together and open discussion. He reported that he had had conversations with local Pastors regarding this matter and he would be meeting with Pastor Smith on June 11, 2020.

3. CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR MAY 12, 2020
- B. APPROVAL OF COUNCIL MINUTES FOR MAY 26, 2020
- C. APPROVAL OF COUNCIL WARRANTS
- D. APPROVAL OF TREASURER'S REPORT FOR APRIL 2020
- E. RESOLUTION NO. 2020/86 REQUESTING CONSOLIDATION OF ELECTION; LIMITING CANDIDATE STATEMENT WORD COUNT; AND CLARIFYING COSTS FOR THE NOVEMBER 3, 2020 GENERAL ELECTION FOR ELECTED OFFICIALS
- F. RESOLUTION NO. 2020/87 MICROSOFT SOFTWARE LICENSE CONTRACT RENEWAL
- G. RESOLUTION NO. 2020/88 ACCEPTANCE OF WORK AND NOTICE OF COMPLETION FOR THE NORTHEAST ANTIOCH ANNEXATION WATER AND SEWER FACILITY INSTALLATION (P.W. 693)
- H. RESOLUTION NO. 2020/89 ACCEPTANCE OF WORK AND NOTICE OF COMPLETION FOR THE PREWETT PARK DECK COATING REPLACEMENT (P.W. 567-8)
- I. RESOLUTION NO. 2020/90 BRACKISH WATER DESALINATION PROJECT (P.W. 694)
- J. RESOLUTION NO. 2020/91 ADOPTION OF THE 2019 EAST CONTRA COSTA COUNTY INTEGRATED REGIONAL WATER MANAGEMENT PLAN (P.W. 704-2)
- K. RESOLUTION NO. 2020/92 RESOLUTION APPROVING A PUBLIC IMPROVEMENT AGREEMENT FOR AMCAL EAST 18TH STREET ANTIOCH APARTMENTS (P.W. 371-RA-57)
- L. RESOLUTION NO. 2020/93 TURF MOWING BID AWARD
- M. RESOLUTION NO. 2020/94 3-PERSON LANDSCAPE TRIM AND CLEANUP CREW BID AWARD

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council unanimously approved the Council Consent Calendar with the exception of item I, which was removed for further discussion.

Item I - City Manager Bernal presented staff report dated June 9, 2020 recommending the City Council

Lucas Stuart-Chilcote expressed concern that the brackish/brown water would negatively impact the water ecosystem.

In response to Councilmember Ogorchock, Director of Public Works/City Engineer Samuelson gave a brief overview of the Brackish Water Desalination Project.

City Manager Bernal added that the concentration of the brine would be less than the water in the San Joaquin River so; therefore, there would be no environmental impacts. He noted the City had secured the permit and they had been working in conjunction with Delta Diablo to obtain the additional permits needed to construct, and operate the project.

On motion by Councilmember Ogorchock, seconded by Councilmember Motts the City Council unanimously approved item I.

PUBLIC HEARING

4. PUBLIC HEARING TO CONFIRM ASSESSMENTS FOR STREET LIGHT AND LANDSCAPE MAINTENANCE DISTRICTS 1, 2A, 4, 5, 9, AND 10 FOR FISCAL YEAR 2020/2021 (P.W. 500)

City Manager Bernal introduced Public Hearing Item #4.

Director of Public Works/City Engineer Samuelson and Administrative Analyst II Hoffmeiser presented the staff report dated June 9, 2020 recommending the City Council adopt a resolution ordering improvements and levying annual assessments for Street Light and Landscape Maintenance Districts 1, 2A, 4, 5, 9, and 10 for Fiscal Year 2020/2021.

Mayor Wright opened and closed the public hearing with no members of the public requesting to speak.

RESOLUTION NO. 2020/95

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock the City Council unanimously adopted a resolution ordering improvements and levying annual assessments for Street Light and Landscape Maintenance Districts 1, 2A, 4, 5, 9, and 10 for Fiscal Year 2020/2021.

5. ORDINANCE AMENDING CHAPTER 15 OF TITLE 8 OF THE ANTIOCH MUNICIPAL CODE "BUILDING REGULATIONS", ADOPTING BY REFERENCE THE CONTRA COSTA COUNTY FIRE CODE AND THE 2019 CALIFORNIA FIRE CODE WITH AMENDMENTS

City Manager Bernal introduced Public Hearing Item #5.

Director of Community Development Ebbs presented the staff report dated June 9, 2020 recommending the City Council introduce the ordinance amending Chapter 15 of Title 8 of the Antioch Municipal Code, adopting by reference the Contra Costa County Fire Code and the 2019 California Fire Code with amendments.

Mayor Wright opened and closed the public hearing with no members of the public requesting to speak.

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe the City Council unanimously introduced the ordinance amending Chapter 15 of Title 8 of the Antioch Municipal Code, adopting by reference the Contra Costa County Fire Code and the 2019 California Fire Code with amendments.

6. ORDINANCE REVISING THE MAYOR PRO TEMPORE SELECTION PROCESS

City Manager Bernal introduced Public Hearing Item #6.

City Attorney Smith presented the staff report dated June 9, 2020 recommending the City Council introduce by title only, waive the first reading, and receive public comment on an ordinance amending Sections 1.401 and 1.402 of Title 2 of the Antioch Municipal Code revising the selection process and term of office for mayor pro tempore.

Mayor Wright opened and closed the public hearing with no members of the public requesting to speak.

On motion by Councilmember Motts, seconded by Councilmember Thorpe the City Council unanimously introduced by title only, waived the first reading, and received public comment on an ordinance amending Sections 1.401 and 1.402 of Title 2 of the Antioch Municipal Code revising the selection process and term of office for mayor pro tempore.

7. INITIATIVE TO CHANGE GENERAL PLAN DESIGNATIONS WITHIN THE SAND CREEK FOCUS AREA AND PERMANENTLY REQUIRE VOTER APPROVAL OF AMENDMENTS TO URBAN LIMIT LINE

City Manager Bernal introduced Public Hearing Item #7.

City Attorney Smith presented the staff report dated June 9, 2020 recommending the City Council: 1) Adopt the resolution to submit the "Initiative to Change General Plan Designations within the Sand Creek Focus Area and Permanently Require Voter Approval of Amendments to

Urban Limit Line," also known as the "Let Antioch Voters Decide" or "LAVD" Initiative, to the voters at the November 3, 2020 General Election. 2) Determine whether the City Council wishes to submit a ballot argument against the initiative measure and, if so, who will sign the argument on behalf of the City Council.3) Amend the deadline date for the City Attorney's impartial analysis under section 7 as August 14, 2020.

Mayor Wright opened the public hearing.

Joanna Garaventa, East Bay Chapter of the California Native Plant Society, reported she had submitted a letter to Council in support of the Sand Creek Initiative "Let Antioch Voters Decide" (LAVD) and requested that it be placed on the November 2020 ballot.

Andrew Bassak, HansenBridgett representing The Zeka Group, reported he had provided Council with a detailed comment letter and spoke in opposition to the City placing the LAVD Initiative on the November 2020 ballot noting that they believed they lacked the authority to do so and would result in further litigation.

Seth Adams, Land Conservation Director Save Mount Diablo and spokesperson for the Antioch Community to Save Sand Creek and Juan Pablo Galvan, Save Mount Diablo, spoke in support of placing the LAVD Initiative on the November 2020 ballot and requested the City Council formally endorse the initiative.

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

Evan Gorman, Kristina Gutilla and Bruce Ohlson provided written comment in support of placing the LAVD Initiative on the November 2020 ballot and requested the City Council formally endorse the initiative.

John Bacher provided written comment in support of placing the LAVD Initiative on the November 2020 ballot.

Grechen Tofflemire, Richard Schneider, Beverly Knight and Lucille Meinhardt provided written comment in support of placing the LAVD Initiative on the November 2020 ballot and requested the City Council formally endorse the initiative.

Tamika Fitz provided written comment in support of placing the LAVD initiative on the November 2020 ballot.

Lucas Stuart-Chilcote provided written comment in support of placing the LAVD Initiative on the November 2020 ballot. He requested the City Council formally endorse the Initiative.

Jerry Sherfy provided written comment in support of placing the LAVD Initiative on the November 2020 ballot.

Dave Sharp provided written comment requesting the City Council not approve any development to the west of Kaiser.

Mayor Wright closed the public hearing.

In response to Councilmember Ogorchock, City Attorney Smith explained SB330 Legislation was a factor that would have to be taken under consideration if the Initiative passed and litigation challenged whether the Initiative was in compliance. He noted at this time the City Council could move forward and perform the ministerial duty of placing the item on the ballot.

Councilmember Motts stated that 9000 citizens voted to place this item on the ballot and the courts had ruled that it be placed on the November 2020 ballot. She voiced her support for placing it on the November ballot.

Councilmember Thorpe requested staff bring back consideration of endorsing the Initiative.

A motion was made by Councilmember Ogorchock, seconded by Councilmember Wilson to approve the resolution.

Following discussion, the maker of the motion and second withdrew the motion. The following motion was then made.

A motion was made by Councilmember Ogorchock, seconded by Councilmember Thorpe to authorize the filing of written arguments for and against the proposed initiative measure setting priorities for filing written arguments requesting consolidation with any other elections conducted on the same date, requesting election services by the registrar of voters, directing the City Attorney to prepare an impartial analysis of the initiative measure.

Following discussion, the maker of the motion and second withdrew the motion. The following motion was then made.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council unanimously determined that it shall not authorize arguments against the initiative measure to be submitted by the City Council.

RESOLUTION NO. 2020/96

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council unanimously 1) Adopted the resolution to submit the "Initiative to Change General Plan Designations within the Sand Creek Focus Area and Permanently Require Voter Approval of Amendments to Urban Limit Line," also known as the "Let Antioch Voters Decide" or "LAVD" Initiative, to the voters at the November 3, 2020 General Election amending section 4 to read "shall not" authorize arguments against the initiative measure and changing the date in Section 7 to August 14, 2020.

COUNCIL REGULAR AGENDA

8. CREATION OF A CANNABIS STANDING COMMITTEE

City Manager Bernal introduced Regular Agenda Item #8.

Administrative Services Director Mastay presented the staff report dated June 9, 2020 recommending the City Council: 1) Adopt the resolution to form the Cannabis Standing Committee. 2) Confirm the appointment of the two (2) members of the standing committee.

Mayor Wright nominated Councilmember Thorpe and Councilmember Wilson to serve on the Cannabis Standing Committee.

RESOLUTION NO. 2020/97

On motion by Councilmember Thorpe, seconded by Councilmember Wilson the City Council unanimously 1) Adopted the resolution to form the Cannabis Standing Committee. 2) Confirm the appointment of Councilmembers Thorpe and Wilson to the standing committee.

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS

City Manager Bernal announced the LGBT Pride Flag would be raised at City Hall at 8:00 A.M. on June 10, 2020.

COUNCIL COMMUNICATIONS

Councilmember Thorpe requested staff bring back a discussion on the formation of an Ad Hoc Committee on Police Reform.

Councilmember Ogorchock requested staff provide an update on the citywide PLA.

Councilmember Motts reported that she had had technical issues this evening and found it difficult to hear peers, community, and staff. She asked if something could be done to improve the technical issues.

Council responded that they had not had a problem hearing staff or peers; however, there were connection problems from people who had called in to the meeting.

Councilmember Thorpe requested staff agendaize the Police Reform Ad Hoc committee as soon as possible.

Councilmember Motts agreed that this item should be brought back as soon as possible.

Mayor Wright closed the meeting in honor of George Floyd and all those who had died senseless deaths.

ADJOURNMENT

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously adjourned the meeting at 9:22 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk