

**CITY COUNCIL MEETING  
INCLUDING THE ANTIOCH CITY COUNCIL  
ACTING AS HOUSING SUCCESSOR  
TO THE ANTIOCH DEVELOPMENT AGENCY  
ANTIOCH PUBLIC FINANCING AUTHORITY**

**Regular Meeting  
7:00 P.M.**

**November 24, 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. 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/speaker\\_card](https://www.antiochca.gov/speaker_card), (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.*

**6:00 P.M. - CLOSED SESSION**

- 1. CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session is authorized by California Government Code section 54957.6: Agency designated representatives: Katie Kaneko, City Manager Ron Bernal, Administrative Services Director Nickie Mastay; Employee organization: All bargaining units.
- 2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** Initiation of Litigation pursuant to Government Code section 54956.9(c): 1 case.

City Attorney Smith reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LABOR NEGOTIATORS**, no reportable action; and, **#2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, no reportable action.

**REPORT OUT OF CLOSED SESSION AGENDA ITEM NO. 2 FROM THE OCTOBER 13, 2020, REGULAR CITY COUNCIL MEETING:** Vance Gattis v. City of Antioch, United States District Court of Northern California Case No. 3:20-cv-02693-EMC.

*City Attorney Smith reported the City Council had been in Closed Session on October 13, 2020 and gave the following report: **REPORT OUT OF CLOSED SESSION AGENDA ITEM NO. 2 FROM THE OCTOBER 13, 2020, REGULAR CITY COUNCIL MEETING:** Vance Gattis v. City of Antioch, United States District Court of Northern California Case No. 3:20-cv-02693-EMC, by a 5/0 vote Council unanimously authorized City Attorney Smith to settle the case for a total of \$29,000.*

Mayor Wright called the meeting to order at 7:00 P.M., and City Clerk Simonsen called the roll for the City Council including the City Council acting as Housing Successor to the Antioch Development Agency and the Antioch Public Financing Authority.

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.

**REPORT OUT OF CLOSED SESSION AGENDA ITEM NO. 2 FROM THE OCTOBER 13, 2020, REGULAR CITY COUNCIL MEETING:** Vance Gattis v. City of Antioch, United States District Court of Northern California Case No. 3:20-cv-02693-EMC.

*This item was moved to the beginning of the meeting and included when City Attorney Smith reported out Closed Session.*

*On motion by Mayor Wright, seconded by Councilmember Ogorchock the City Council unanimously suspended the rules and moved the Presentation to be heard as the next order of business.*

## **PRESENTATION**

*Senator Glazer thanked the City for allowing him to provide a Legislative Update. He stated he appreciated working with Mayor Wright, Councilmember Motts, and City Clerk Simonsen for contributing so much to the community and noted that he looked forward to working with them as they served in a new capacity. He spoke to Antioch's accomplishments and recognized everyone involved for facilitating those efforts. He discussed the negative impacts of COVID-19 and encouraged everyone to limit exposure. He offered his assistance to anyone having issues with the Employment Development Department. He discussed legislative priorities for 2021 and stated he looked forward to partnering with the City of Antioch.*

*In response to Council, Senator Glazer discussed legislation related to mental health and homelessness. He recognized Councilmember Wilson and Motts for their leadership on these issues.*

*Mayor Wright thanked Senator Glazer for the presentation and stated he looked forward to continuing to work with him in a different capacity.*

*Senator Glazer encouraged Mayor Wright to stay involved. He announced that East County District Representative Susannah Meyer was an incredible resource for the community.*

## **1. PROCLAMATION**

*Homelessness Awareness Month, November 2020*

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

CDBG/Housing Consultant House representing the Council on Homelessness for Contra Costa County, Healthcare for the Homeless Board and Federal Emergency Shelter Program Local Board of the United Way of the Bay Area, thanked the City Council for the *Homelessness Awareness Month* proclamation.

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS – None**

**ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS**

City Clerk Simonsen announced the following Board and Commission openings:

- Parks and Recreation Commission: Two (2) vacancies; deadline date is December 11, 2020
- Sales Tax Citizens' Oversight Committee: Four (4) vacancies; deadline date is December 4, 2020
- Planning Commission: One (1) vacancy; deadline date is December 4, 2020

He reported applications would be available online at the City's website and could be submitted to the City Clerk's office by email at [cityclerk@ci.antioch.ca.us](mailto:cityclerk@ci.antioch.ca.us).

**PUBLIC COMMENTS**

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

Marvin Artobern, Antioch resident, provided written comment stating that he would like to introduce emergency law in Antioch to fight crimes of mind control.

The following public comment was made by an individual utilizing Zoom Audio/Video Technology.

Andrew Becker, Antioch Community Kitchen, spoke in support of the City providing bridge housing opportunities to support unhoused residents in Antioch.

**COUNCIL SUBCOMMITTEE REPORTS/COMMUNICATIONS**

Councilmember Wilson reported on her attendance at the Tri Delta Transit and Waterfront Committee meetings.

Councilmember Ogorchock announced the New Mayors and Councilmembers Academy for the League of California Cities would be taking place on zoom in January and she encouraged all Councilmembers to participate.

Councilmember Motts reported on her attendance at the Waterfront Committee meeting.

## MAYOR'S COMMENTS

Mayor Wright stated during this time of Thanksgiving he was giving his gratitude to City staff for their hard work on behalf of the City of Antioch.

## PRESENTATION

*By previous action of the Council, this item was moved to the beginning of the Agenda after the Pledge of Allegiance.*

2. **CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency/Antioch Public Financing Authority**
  - A. **APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 10, 2020**
  - B. **APPROVAL OF COUNCIL WARRANTS**
  - C. **APPROVAL OF HOUSING SUCCESSOR WARRANTS**
  - D. **RESOLUTION NO. 2020/168 OF SUPPORT FOR A TRANSPORTATION DEVELOPMENT ACT GRANT FOR THE PEDESTRIAN SAFETY IMPROVEMENTS, PHASE II (P.W. 124-2)**
  - E. **RESOLUTION APPROVING AN AGREEMENT WITH MIRACLE PLAY SYSTEMS, INC. FOR JACOBSEN AND MARCHETTI PARK RENOVATION CIP PROJECT (P.W. 7946)**
  - F. **RESOLUTION NO. 2020/169 APPROVING AN AGREEMENT WITH INTERWEST GROUP FOR DEVELOPMENT AND TRAFFIC ENGINEERING SERVICES**

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

**Item E** – City Manager Bernal introduced Item E. In response to Councilmember Ogorchock, Director of Public Works/City Engineer Samuelson explained that this park would meet the requirements for being an all-access park; however, it would not meet the requirements for an all-abilities or all-inclusive park.

Councilmember Ogorchock stated all children should be able to play at any of the parks being developed and she asked that the City provide the necessary requirements to meet those standards.

Director of Public Works/City Engineer Samuelson responded that Miracle Play Systems had all-inclusive play equipment and if Council provided direction to proceed with an all-inclusive

playground, the size and location of the playground structure would need to be extended, which would increase the cost of the project.

Councilmember Thorpe speaking to the following motion clarified that the motion was being made with direction to staff to come back to Council with an all-abilities playground project and a policy for Council to consider regarding the future of play structures.

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the City Council unanimously postponed Item E.

### **PUBLIC HEARING**

#### **3. COOKIES CANNABIS DISPENSARY (UP-19-14)**

City Manager Bernal introduced Public Hearing Item #3.

Contract Planner Valente announced that the applicant was requesting Council continue this item until the December 8, 2020 City Council meeting to have the Use Permit on the same agenda as their proposed Operating Agreement.

Mayor Wright opened the public hearing. No members of the public requested to speak.

Councilmember Ogorchock requested minutes for the Cannabis Ad Hoc and Standing Committee meetings previous to November 25, 2020, be provided to Council when this item returned on December 8, 2020.

On motion by Councilmember Motts, seconded by Councilmember Ogorchock, the City Council unanimously continued Public Hearing item #3 to December 8, 2020.

### **COUNCIL REGULAR AGENDA**

#### **4. PUBLIC HEARING TO REVIEW THE CDBG-CV3 CARES FUND RECOMMENDATIONS AND SUBSTANTIAL AMENDMENT TO 2020-21 ACTION PLAN FOR EXPENDING FEDERAL CDBG AND CDBG-CV AND LOCAL HOUSING SUCCESSOR FUNDING (Continued from 11/10/20)**

City Manager Bernal introduced Regular Agenda Item #4.

CDBG Housing Consultant House presented the staff report dated November 24 recommending 1) City Council hear final public comment and adopt the resolution approving the Substantial Amendment to the Fiscal Year 2020-21 Action Plan for Federal CDBG and CDBG-CV3 Funds and authorizing the City Manager or designee to make the necessary Fiscal Year 2020-21 Budget Adjustments for the approved funding in the Action Plan; and, 2) The City of Antioch as the Housing Successor to the Antioch Development Agency approve the funding

recommendations of the CDBG subcommittee and adopt the Resolution approving Housing Successor Funding for homeless services outlined in the 2020-21 Action Plan and authorizing the City Manager or designee to make the necessary Fiscal Year 2020-21 Budget Adjustments for the approved funding in the Action Plan.

Councilmember Thorpe thanked CDBG/Housing Consultant House and the CDBG Committee for focusing on COVID-19 response.

In response to Councilmember Thorpe, City Clerk Simonsen explained that Council reformed appointments to the Standing committees and that list was published and posted on the bulletin board at City Hall and at the City Clerk's office. He noted that the City Clerk's office did not provide minutes support for Standing Committees. He further noted Council was to report out any actions of the subcommittees. He explained that two members of Council on a committee did not meet the criteria for publishing.

Councilmember Thorpe expressed concern that there were no minutes or agendas for the CDBG Committee, and he hoped that in the future they be posted on the City's website.

A motion was made by Councilmember Ogorchock and seconded by Councilmember Motts, to approve staff recommendations. The motion was withdrawn by the first and second to receive public comment.

The following public comment was made by an individual utilizing Zoom Audio/Video Technology.

Christine Clark, representing East County Regional Group, Jose Cordon, Reetu Mody representing the Tenants' Rights Team at Centro Legal de la Raza, Kristi Laughlin representing East Bay Alliance for a Sustainable Economy (EBASE) and Raise the Roof Coalition, Alex Werth representing East Bay Housing Organizations, spoke in support of the City Council allocating the CDBG funds for tenant legal services.

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

William Davis-Watkins, Taylor Sims representing Lift Up Contra Costa, Hector Melvito representing Ensuring Opportunity Campaign and Raise the Roof Coalition, and Tamisha Walker provided written comment in support of the City Council allocating the CDBG funds for tenant legal services.

**RESOLUTION NO. 2020/170**

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously adopted the resolution approving the Substantial Amendment to the Fiscal Year 2020-21 Action Plan for Federal CDBG and CDBG-CV3 Funds and authorizing the City

Manager or designee to make the necessary Fiscal Year 2020-21 Budget Adjustments for the approved funding in the Action Plan.

**RESOLUTION NO. 2020/171**

On motion by Agency Member Ogorchock, seconded by Agency Member Thorpe, the City of Antioch as the Housing Successor to the Antioch Development Agency unanimously approved the funding recommendations of the CDBG subcommittee and adopted the Resolution approving Housing Successor Funding for homeless services outlined in the 2020-21 Action Plan and authorized the City Manager or designee to make the necessary Fiscal Year 2020-21 Budget Adjustments for the approved funding in the Action Plan.

**5. RESOLUTIONS APPROPRIATING EXPENDITURES FOR ENCUMBRANCES AND PROJECT BUDGETS OUTSTANDING TO THE 2020/21 FISCAL YEAR BUDGET AND APPROVING OTHER AMENDMENTS TO THE 2020/21 FISCAL YEAR BUDGET**

City Manager Bernal introduced Regular Agenda Item #5.

Finance Director Merchant presented the staff report dated November 24, 2020 recommending the City Council adopt the following resolutions: 1) Resolution of the City Council of the City of Antioch Appropriating Expenditures for Encumbrances and Project Budgets outstanding to the 2020/21 Fiscal Year Budget and approving other amendments to the 2020/21 Fiscal Year Budget; 2) Resolution of the Antioch Public Financing Authority approving amendments to the 2020/21 Fiscal Year Budget; and 3) Resolution of the City of Antioch as Successor Agency and Housing Successor to the Antioch Development Agency approving amendments to the 2020/21 Fiscal Year Budget.

**RESOLUTION NO. 2020/172**

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock the City Council unanimously adopted the resolution of the City Council of the City of Antioch Appropriating Expenditures for Encumbrances and Project Budgets outstanding to the 2020/21 Fiscal Year Budget and approving other amendments to the 2020/21 Fiscal Year Budget.

**RESOLUTION NO. 2020/173**

On motion by Authority Member Thorpe, seconded by Authority Member Ogorchock, the Antioch Public Financing Authority unanimously adopted the resolution of the Antioch Public Financing Authority approving amendments to the 2020/21 Fiscal Year Budget.

**SA RESOLUTION NO. 2020/34**

On motion by Agency Member Thorpe, seconded by Agency Member Ogorchock, the City of Antioch as Successor Agency and Housing Successor to the Antioch Development Agency

unanimously adopted the resolution of the City of Antioch as Successor Agency and Housing Successor to the Antioch Development Agency approving amendments to the 2020/21 Fiscal Year Budget.

**6. ADOPTION OF RESOLUTIONS APPROVING A NOT-TO-EXCEED \$15 MILLION DRAWDOWN INSTALLMENT SALE AGREEMENT TO PROVIDE INTERIM FINANCING FOR THE CITY'S BRACKISH WATER DESALINATION PROJECT**

City Manager Bernal introduced Regular Agenda Item #6.

Finance Director Merchant presented the staff report dated November 24, 2020 recommending the the City Council adopt the following resolutions: 1) Resolution of the City Council of the City of Antioch approving installment sale financing in a principal amount not to exceed \$15,000,000 to provide interim financing for capital costs of the Brackish Water Desalination Project, and approving financing documents and official actions; and 2) Resolution of the Antioch Public Financing Authority approving installment sale financing in a principal amount not to exceed \$15,000,000 to provide interim financing for capital costs of the Brackish Water Desalination Project, and approving financing documents and official actions.

**RESOLUTION NO. 2020/174**

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously adopted the resolution of the City Council of the City of Antioch approving installment sale financing in a principal amount not to exceed \$15,000,000 to provide interim financing for capital costs of the Brackish Water Desalination Project, and approving financing documents and official actions.

**RESOLUTION NO. 2020/175**

On motion by Authority Member Ogorchock, seconded by Authority Member Motts, the Antioch Public Financing Authority unanimously adopted the resolution of the Antioch Public Financing Authority approving installment sale financing in a principal amount not to exceed \$15,000,000 to provide interim financing for capital costs of the Brackish Water Desalination Project, and approving financing documents and official actions.

**7. ADOPTION OF A RESOLUTION RESCINDING RESOLUTION NO. 2018/93, APPROVING THE INITIATIVE TO RESTRICT DEVELOPMENT IN PORTIONS OF THE SAND CREEK FOCUS AREA, APPROVE A DEVELOPMENT AGREEMENT FOR "THE RANCH" PROJECT IN THAT AREA, AND ALLOW AMENDMENT OF THE URBAN LIMIT LINE BY VOTER APPROVAL ONLY**

City Manager Bernal introduced Regular Agenda Item #7.

City Attorney Smith introduced Legal Counsel Cole who presented the staff report dated November 24, 2020 recommending the City Council adopt a resolution rescinding Resolution No. 2018/93, approving the Initiative to restrict development in portions of the Sand Creek Focus Area, approve a development agreement for "The Ranch" Project in that area, and allow amendment of the urban limit line by voter approval only ("The Ranch" Initiative).

**RESOLUTION NO. 2020/176**

On motion by Councilmember Thorpe, seconded by Councilmember Motts, the City Council unanimously adopted a resolution rescinding Resolution No. 2018/93, approving the Initiative to restrict development in portions of the Sand Creek Focus Area, approve a development agreement for "The Ranch" Project in that area, and allow amendment of the urban limit line by voter approval only ("The Ranch" Initiative).

**8. ADOPTION OF AMENDED MINUTES FOR THE AUGUST 28, 2018 REGULAR CITY COUNCIL MEETING TO REFLECT THE ADOPTION OF RESOLUTION NO. 2018/156, CONCERNING AGENDA ITEM NO. 5, THE "LET ANTIOCH VOTERS DECIDE" INITIATIVE**

City Manager Bernal introduced Regular Agenda Item #8.

City Attorney Smith introduced Legal Counsel Cole who presented the staff report dated November 24, 2020 recommending the City Council adopt the amended minutes for the August 28, 2018 regular City Council meeting to reflect the adoption of Resolution No. 2018/156, concerning agenda item No. 5, the "Let Antioch Voters Decide" or "LAVD" Initiative.

On motion by Councilmember Thorpe, seconded by Councilmember Motts, the City Council unanimously adopted the amended minutes for the August 28, 2018 regular City Council meeting to reflect the adoption of Resolution No. 2018/156, concerning agenda item No. 5, the "Let Antioch Voters Decide" or "LAVD" Initiative.

**9. ADOPTION OF A RESOLUTION RESCINDING RESOLUTION NO. 2018/156, APPROVING THE 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 Regular Agenda Item #9.

Legal Counsel Cole presented the staff report dated November 24, 2020 recommending the City Council adopt a resolution rescinding Resolution No. 2018/156, approving the Initiative To Change General Plan Designations Within The Sand Creek Focus Area and permanently require voter approval of amendments to the urban limit line (the "Let Antioch Voters Decide" or "LAVD" Initiative).

**RESOLUTION NO. 2020/177**

On motion by Councilmember Thorpe, seconded by Councilmember Motts, the City Council unanimously adopted a resolution rescinding Resolution No. 2018/156, approving the Initiative To Change General Plan Designations Within The Sand Creek Focus Area and permanently require voter approval of amendments to the urban limit line (the "Let Antioch Voters Decide" or "LAVD" Initiative).

**PUBLIC COMMENTS** – None

**STAFF COMMUNICATIONS**

City Manager Bernal announced the swearing-In for the new Mayor, Council, City Clerk and Treasurer would take place on December 8, 2020 and would be followed with a drive-in ceremonial swearing-in at 10:00 A.M. on December 11, 2020, at the Antioch Marina.

**COUNCIL COMMUNICATIONS**

Councilmember Ogorchock announced that she would not be available for the event on December 11, 2020. She requested staff agendize a discussion regarding Body Worn Cameras for the Antioch Police Department.

Councilmembers Motts, Ogorchock, and City Clerk Simonsen wished everyone a Happy Thanksgiving.

**ADJOURNMENT**

On motion by Councilmember Thorpe, seconded by Councilmember Motts, the City Council unanimously adjourned the meeting at 8:54 P.M.

Respectfully submitted:

*Kitty Eiden*  
KITTY EIDEN, Minutes Clerk