

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

February 9, 2021
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.

Written public comments were received by 5:00 p.m. the day of the Council Meeting in the following ways: (1) Filled out an online speaker card, located at https://www.antiochca.gov/speaker_card, or (2) Emailed the City Clerk's Department at cityclerk@ci.antioch.ca.us. Oral public comments received during the meeting were received by registering in advance to access the meeting via Zoom Webinar: <https://www.antiochca.gov/speakers> or by dialing (925) 776-3057.

6:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Government Code section 54956.9: Monika Helgemo v. City of Antioch, Contra Costa County Superior Court Case No. C20-00767.
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to California Government Code section 54956.8: Property – 4527 Deerfield Drive, Antioch, CA; City Negotiator: City Manager Ron Bernal. Discuss the terms and conditions outlined in the Letter of Intent submitted to the City of Antioch.
3. **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session with the City's Labor Negotiators is authorized by California Government Code section 54957.6; City designated representatives: Nickie Mastay and Jeff Bailey; Employee organization: Treatment Plant Employees' Association (TPEA).

Mayor Thorpe called the meeting to order at 7:00 P.M., and City Clerk Householder called the roll.

Present: Council Members District 1 Torres-Walker (arrived at 7:01 P.M.), District 2 Barbanica, District 3 Ogorchock, Mayor Pro Tem (District 4) Wilson and Mayor Thorpe

PLEDGE OF ALLEGIANCE

Councilmember Wilson led the Pledge of Allegiance.

City Attorney Smith reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, no reportable action, **#2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, no reportable action; and **#3 CONFERENCE WITH LABOR NEGOTIATORS**, no reportable action.

1. INTRODUCTION OF NEW CITY EMPLOYEES

City Manager Bernal introduced Brad Helfenberger, Parks & Recreation Director who thanked City Manager Bernal for the introduction and stated he looked forward to working in Antioch.

Director of Parks and Recreation Helfenberger introduced Bree Pires, and Recreation Programs Coordinator who thanked Director of Parks and Recreation Helfenberger for the introduction and stated she looked forward to working in Antioch.

Director of Parks and Recreation Helfenberger announced that Monica Bugacan-Abakan, Recreation Programs Coordinator was unable to attend the meeting this evening and he hoped to introduce her at a future meeting.

Mayor Thorpe welcomed the new employees to the City of Antioch.

2. PROCLAMATIONS

Celebrating Thomas Gaines Day in Antioch, February 9, 2021
In Honor of Daisy Pierson's 90th Birthday, February 15, 2021

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the Council unanimously approved the Proclamations.

Victoria R. Adams, President East County Branch of the NAACP, stated it was an honor to accept the *Celebrating Thomas Gaines Day in Antioch* proclamation and thanked Thomas Gaines for being a visionary.

Mayor Thorpe thanked Ms. Adams for the work she does through the NAACP and accepting the proclamation.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously postponed the *In Honor of Daisy Pierson's 90th Birthday*, proclamation to February 23, 2021.

3. ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Assistant City Manager Bayon Moore announced the *Virtual Vision and Strategic Planning Workshop* would be held February 12, 2021 at 6:00 P.M. and February 13, 2021 at 9:00 A.M. She noted these meetings would be available to the public in the virtual meeting format. She also announced the *Bridging the Gap Roundtable Discussion on Police – Community Engagement*

would be held Feb 18, 2021 from 10:00 A.M. - 11:30 A.M. She noted the registration deadline was February 15, 2021 at 12:00 P.M.

4. ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Householder announced the following Board and Commission openings:

- Planning Commission: deadline date is February 17, 2021

She noted additional information was available on the City's website.

PUBLIC COMMENTS

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

Sal Sbranti, Antioch resident, provided written comment requesting the City Council agenda a discussion regarding comments made by Councilmember Torres-Walker on social media.

Mark Long, Antioch resident, provided written comment discussing independent investigations.

Melissa Daniels, Antioch resident – District 3, provided written comment encouraging everyone respect the US flag.

Olivia and Brian McCully, Antioch resident – District 3, provided written comment expressing concern regarding Mayor Thorpe's response to Councilmember Ogorchock at a previous Council meeting.

Mike M., Antioch resident – District 2, provided written comment in support of Councilmember Barbanica.

Daniel W., Antioch resident, provided written comment calling for the removal of Mayor Thorpe and Councilmember Torres-Walker from the City Council.

Laura Young, Antioch resident, Roy Ledford, Michelle Kuslits, Antioch resident, Anonymous and Donna Allen, Antioch resident, provided written comment in support of City funding body-worn and dashboard cameras for the Antioch Police Department.

Bill Goldsby and Pauline van Nispen, Antioch residents, provided written comment in support of the City Council funding body-worn cameras for Antioch Police Department.

Margaret Frise, Antioch resident, provided written comment in support of the City Council funding body-worn cameras for the Antioch Police Department. She encouraged Councilmember Torres-Walker to remove herself from the City Council for comments made on social media.

Lyndsey Amezcua provided written comment in support of the City Council funding body-worn and dash cameras for the Antioch Police Department. She also asked for the release of the investigation into an incident involving the Antioch Police Department and a Councilmember's children. She expressed concern regarding Mayor Thorpe's response to Councilmember Ogorchock at a previous Council meeting.

Kelly Teal, Antioch resident, provided written comment in support of the City Council funding body-worn cameras for the Antioch Police Department. She expressed concern that a request for an agenda item from Councilmember Ogorchock had not been acknowledged and she believed Mayor Thorpe's response to Councilmember Ogorchock at a previous Council meeting was unprofessional.

Rebecca Hernandez provided written comment in support of the City Council funding body-worn and dashboard cameras for the Antioch Police Department. She encouraged Mayor Thorpe to represent all citizens of Antioch.

COUNCIL SUBCOMMITTEE REPORTS/COMMUNICATIONS

Councilmember Ogorchock announced the County would be providing a mobile no-cost COVID-19 testing site at the Antioch Community Center from 7:00 A.M. – 7:00 P.M., Thursday through Sunday. She added that more information was available on the City's website.

Councilmember Barbanica reported on his attendance at the Transitional Housing Committee meeting and announced there would be two additional meetings on February 12 and 19, 2021.

Councilmember Wilson reported on her attendance at the Tri Delta Transit meeting and announced a Shred It event would take place at the Tri Delta Transit Office on Wilbur Avenue from 9:00 A.M.– 1:00 P.M. on April 29, 2021.

Mayor Thorpe reported on his attendance at the Tri Delta Transit and Transitional Housing Committee meeting. He announced community conversations related to the feasibility study for the conceptual plan on bridge housing would take place at 3:00 P.M. on February 12, 2021 and 1:00 P.M. on February 19, 2021.

MAYOR'S COMMENTS

Mayor Thorpe announced Council would be discussing Police Reform in March and clarified that Council had never been presented with option to vote on body-worn cameras. He explained that a Council Code of Conduct item requested by Councilmember Ogorchock would be discussed at a City Council special meeting on February 16, 2021.

5. PRESENTATION

City Treasurer Posada introduced Sarah Meacham, Managing Director of PFM Asset Management who presented a PowerPoint presentation on City Investments.

Mayor Thorpe thanked City Treasurer Posada and Ms. Meacham for the presentation.

6. **CONSENT CALENDAR**
 - A. **APPROVAL OF COUNCIL MINUTES FOR JANUARY 12, 2021**
 - B. **APPROVAL OF COUNCIL MINUTES FOR JANUARY 26, 2021**
 - C. **APPROVAL OF COUNCIL WARRANTS**
 - D. **REJECTION OF CLAIM: LENORA MCCALL**
 - E. **RESOLUTION NO. 2021/16 EIGHTH AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT FOR PROFESSIONAL SERVICES WITH WALTER BISHOP CONSULTING**
 - F. **RESOLUTION NO. 2021/17 INITIATE PREPARATION OF THE STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT CITY ENGINEER'S REPORT FOR FISCAL YEAR 2021/2022**
 - G. **UPDATE TO THE EMERGENCY DECLARATION FOR MITIGATION AND REPAIRS TO THE WATER TANK HILLSIDE EROSION AT THE WATER TREATMENT PLANT**

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica, the City Council unanimously approved the Council Consent Calendar.

COUNCIL REGULAR AGENDA

7. **EXECUTE AGREEMENT WITH TERRACARE ASSOCIATES FOR PARK MAINTENANCE BID NO. 988-0312-19E**

Director of Public Works/City Engineer Samuelson presented the staff report dated February 9, 2021 recommending the City Council adopt a resolution: 1) Approving a Maintenance Services Agreement ("Agreement") with Terracare Associates for Park Maintenance Services, for the contract amount not to exceed \$4,309,799.25 for the period of April 1, 2021 through June 30, 2024; and 2) Authorizing the City Manager to execute the Agreement with Terracare Associates for a total amount not to exceed \$4,309,799.25. He clarified that this action item was not related to the termination of the agreement with Del Conte's Landscaping because that decision was made previously by staff.

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

Tom Del Conte representing Del Conte Landscaping, provided written comment refuting a poor performance claim against their company. He reported that they had met with staff regarding their concerns and had documentation proving their requests were completed on time.

Additionally, he noted they had surveyed random Antioch residents who believed there had been a notable improvement to park maintenance, esthetics and horticultural. He commented that they should not be terminated for cause for an out of state company that had lower quality ratings. He asked the City Council reject the recommendation and direct Public Works to improve their relationship with his company.

Sergio Garcia, Brentwood resident, Hugo Perez, Stockton resident and City of Antioch Employee, and Karen Papagni, Antioch resident, provided written comment in support of Del Conte Landscaping and the improvements made to Antioch parks.

Director of Public Works/City Engineer Samuelson clarified the official letter notifying Del Conte of the termination would be sent tomorrow after staff received direction regarding this agenda item; however, they had been notified verbally of the City's plan to terminate the agreement.

In response to Councilmember Barbanica, Director of Public Works/City Engineer Samuelson explained that there were currently 37 residents on Terracare's staff, and he believed they planned to hire an additional 16 individuals for this agreement. He noted they had a commitment to hire local.

City Clerk Householder commented that the Del Conte contract was set to terminate on February 10, 2021, if the resolution were approved.

In response to Mayor Thorpe, Director of Public Works/City Engineer Samuelson had regular meetings with the existing contractor, and he could provide dates if requested. He discussed Del Conte's differed maintenance items, assessed liquidated damages and performance standards.

Councilmember Torres-Walker stated she supported a requirement for local hire percentages on contracts.

Director of Public Works/City Engineer Samuelson explained that because the staff recommendation was to award the bid previously submitted they could not add a local hire requirement; however, he would be happy to work with City Attorney Smith to determine if a local hiring provision could be added to future agreements.

Mayor Thorpe clarified that if Council did not vote on the agreement this evening, they would go back to the RFP process and a local hiring provision could be added; however, there would then be a gap in service.

Councilmember Torres-Walker stated that if this item would have come to Council prior to the award of bid, the issues could have been mitigated. She supported moving forward with this item due to the negative experiences she had in parks that had not been maintained.

Councilmember Barbanica stated he had shared similar experiences in parks in his district and with the award of this contract, he hoped to see some vast improvements.

Mayor Thorpe suggested bringing back an item to Council to discuss high priority areas for park maintenance.

RESOLUTION NO. 2021/18

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council adopted a resolution: 1) Approving a Maintenance Services Agreement (“Agreement”) with Terracare Associates for Park Maintenance Services, for the contract amount not to exceed \$4,309,799.25 for the period of April 1, 2021 through June 30, 2024; and 2) Authorized the City Manager to execute the Agreement with Terracare Associates for a total amount not to exceed \$4,309,799.25.

8. ESTABLISHMENT OF A HUMAN RIGHTS AND RACIAL EQUITY COMMISSION

Councilmember Torres-Walker stated she brought this item forward because she believed there was great disparity with regards to how people were treated in the community and there needed to be a means in which to protect human rights and racial equity. She requested City Council direct staff to bring back a proposal for establishing a Human Rights and Racial Equity Commission that covers their mission, objective and powers, within the next 60-days, for Council consideration.

The following public comment was read into the record by Administrative Services Director Mastay.

Sal Sbranti, Antioch resident, provided written comment expressing concern that agenda items requested by Councilmember Ogorchock had been ignored. He discussed the importance of addressing Economic Development in Antioch. He opposed prioritizing the formation of this Commission; however, if one should be established, he volunteered to serve to ensure proper data and interpretation of the data occurred.

Councilmember Wilson spoke in support of having a youth member added to all Commissions.

Victoria Adams concurred with Councilmember Torres-Walker and encouraged the Council to support the formation of the Commission. She volunteered to be involved in the process.

Discussion ensued and Council agreed that this item should be included as part of the Vision and Strategic Planning Process. They also agreed that staff and Council could research other models and bring guiding principles to a future discussion.

Mayor Thorpe added that he supported this item coming back to Council in April for consideration.

PUBLIC COMMENTS

Victoria Adams, representing East County Branch NAACP, announced they would be hosting a Black History Month Virtual Forum on COVID-19 from 10:00 A.M. – 12:00 P.M. on February 27, 2021. She invited Council to attend and contact information was provided.

STAFF COMMUNICATIONS – None

COUNCIL COMMUNICATIONS

Councilmember Ogorchock asked if tasers and community cameras would be included in the discussions on Police Reform.

Mayor Thorpe responded that the Police Reform agenda had not been prepared.

Councilmember Ogorchock clarified that she had asked for a Code of Conduct item to come back to Council because of information she had received from CalCities. She noted that she had also asked for a discussion on new norms for elected officials, which could occur during the Vision and Strategic Planning meetings.

Mayor Thorpe agreed that new norms for elected officials could be discussed at the Vision and Strategic Planning meeting.

Councilmember Barbanica requested Council body-worn, dashboard and prisoner cameras as well as tasers synced to body-worn cameras be included in discussions on Police Reforms.

Mayor Thorpe responded that he would take Councilmember Barbanica's requests under consideration.

Councilmember Torres-Walker discussed her personal/professional history and stated she would not be apologizing for comments made on social media. She expressed concern regarding offensive comments made about her on social media. She encouraged everyone to create deep relationships and have real conversations.

ADJOURNMENT

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica, the City Council unanimously adjourned the meeting at 8:37 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk