

CITY COUNCIL MEETING

Special/Regular Meeting
5:30 P.M.

April 13, 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 3:30 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.

4:45 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Government Code section 54956.9: Cameron Rocha v. City of Antioch, United States District Court Northern District of California, San Francisco Division Case No. 3:19-cv-07312-MMC.
2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Government Code section 54956.9: Robert Stout v. City of Antioch, et. al., United States District Court Northern District of California, Case No. 20-cv-08370-YRG.

Mayor Thorpe called the meeting to order at 5:30 P.M., and City Clerk Householder called the roll.

Present: Council/Agency Members District 1 Torres-Walker, District 2 Barbanica, District 3 Ogorchock, Mayor Pro Tem (District 4) Wilson and Mayor Thorpe

PLEDGE OF ALLEGIANCE

Councilmember Barbanica led the Council and audience in the Pledge of Allegiance.

STUDY SESSION

1. **FISCAL YEAR 2021-23 BUDGET DEVELOPMENT**

City Manager Bernal introduced the Study Session Agenda Item #1.

Finance Director Merchant presented the staff report dated April 13, 2021 recommending that the City Council provide feedback and direction regarding the budget development information provided for the Fiscal Year 2021-23 budget.

In response to Councilmember Wilson, Director of Parks and Recreation Helfenberger stated that their department would be working over the next several months to recover from impacts of the pandemic and they would be ramping up programming with existing staff. He noted after that time, they would reevaluate whether there was a need for additional staff, and he would report out once they had reevaluated staffing levels.

Councilmember Barbanica suggested doubling Code Enforcement staff over the next 1-2 years.

Councilmember Ogorchock cautioned Council that results of the salary survey and labor negotiations could potentially impact the budget. She requested a set-aside for asset replacement be added for Council consideration.

Mayor Thorpe explained that budget adjustment could be made prior to Council adopting the budget and at mid-year budget review.

Position Requests

Following discussion, Council consensus supported the following General Fund Position Requests:

- Community Development - Community Development Technician
- Animal Services - Animal Services Technician
- Public Works - General Laborer
- Finance - Finance Analyst
- Recreation – Recreation Coordinator
- Public Works - Administrative Assistant
- Public Works – Fleet Service Technician
- Public Works - GIS Technician
- City Attorney - Assistant City Attorney
- Human Resources – Administrative Assistant

Speaking to Councilmember Barbanica's request to double Code Enforcement staffing, Finance Director Merchant explained that estimated costs would be an additional \$1,733,382 in FY 22 and \$1.8M in FY23.

Following discussion, Council consensus supported doubling staffing for the Code Enforcement Division.

Finance Director Merchant stated she would place the requested positions in the budget as well as any additional equipment costs needed to support the positions.

Following discussion, Council consensus supported factoring in the Unhoused Resident Coordinator as a full-time position.

Finance Director Merchant responded that she would work with Human Resources to develop a salary estimate for the position.

Recreation and Animal Services Special Revenue Funds

Finance Director Merchant presented the Recreation and Animal Services Special Revenue Funds.

General Fund Projections 4.13.21

Finance Director Merchant presented the General Fund Projections 4.13.21.

Mayor Thorpe thanked Finance Director Merchant for her leadership and staff for their assistance in the budget process.

Finance Director Merchant reiterated that the next Budget Study Session would be on the City's other funds. She stated she would work with staff to incorporate staffing requests and update the projections for the General Fund.

PUBLIC COMMENT - None

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adjourned the Study Session at 6:14 P.M.

Mayor Thorpe called the meeting to order at 7:01 P.M., and City Clerk Householder called the roll.

Present: Council/Agency Members District 1 Torres-Walker, District 2 Barbanica, District 3 Ogorchock, Mayor Pro Tem (District 4) Wilson and Mayor Thorpe

PLEDGE OF ALLEGIANCE

Councilmember Wilson led the Council and audience in 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; and **#2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, no reportable action.

2. INTRODUCTION OF NEW CITY EMPLOYEES

The introduction of Elnora Turner, Business License Representative and Daniel Garcia, Computer Technician were moved to a future meeting.

Director of Public Works/City Engineer Samuelson introduced Benjamin (Marcus) Woodland Water Treatment Plant Operator with Certificate.

Director of Public Works/City Engineer Samuelson introduced Benjamin Ambriz, Lead Landscape Maintenance Worker (Promotion) who thanked the City for the introduction.

Mayor Thorpe welcomed Benjamin (Marcus) Woodland and Benjamin Ambriz, Lead Landscape Maintenance Worker. He acknowledged the work being done throughout the City by the Public Works Division.

3. PROCLAMATIONS

- *Cleaner Contra Costa Challenge, April 2021*
- *Arbor Day, April 30, 2021*
- *Proclamation Denouncing Anti-Asian Racism*
- *Proclamation Strengthening Our Commitment to Public Safety and Supporting Comprehensive Action by The President, The United States Congress, The Governor and State Legislature of California to Prioritize the Protection of All People from Gun Violence and Address Its Root Causes*

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

Environmental Resource Coordinator Haas-Wajdowicz introduced Colleen Noland, Sustainable Contra Costa, who thanked the City Council for the *Cleaner Contra Costa Challenge* proclamation.

Marlene Kinney, on behalf of the Antioch Riverview Garden Club, thanked the City Council for the *Arbor Day* proclamation.

Mayor Thorpe thanked Ms. Kinney for serving the community and stated he would be attending the Arbor Day tree planting at 1:00 P.M. on April 30, 2021.

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

Tom Lamonthe provided written comment in support of the *Denouncing Anti-Asian Racism* proclamation.

Lucas Stuart-Chilcote provided written comment in support of the proclamations.

Vonita Brown provided written comment in support of the *Denouncing Anti-Asian Racism* proclamation and proposed the formation of the Human Rights and Racial Equity Commission. She suggested volunteers for Board and Commissions be appointed by an unbiased Board or Committee.

Mayor Thorpe announced he would be signing the *Proclamation Denouncing Anti-Asian Racism* at 11:00 A.M. on April 14, 2021 at Waldie Plaza. He noted the event would include a press conference with State Controller Betty Yee, Councilmember Torres-Walker, Dwayne Eubanks representing the Antioch Historical Society, Joy Motts representing Rivertown Preservation Society, Andy Li representing the Contra Costa Community College District and others to announce important measures to help reconcile the City's past with Chinese Americans. He invited everyone to attend the event.

Michelle Sinnott, Nichole Hsu and Alex Navarro representing Moms Demand Action thanked the City Council for the *Strengthening Our Commitment to Public Safety and Supporting Comprehensive Action by The President, The United States Congress, The Governor and State Legislature of California to Prioritize the Protection of All People from Gun Violence and Address Its Root Causes* proclamation.

Mayor Thorpe reported that he along with Councilmember Torres-Walker had met with Moms Demand Action and announced that they would be bringing items to Council related to violence prevention programs.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Liz Fuller, on behalf of Geneva Moss Antioch and Prewett Libraries Manager, announced the Prewett Park Library would be reopening on April 27, 2021 and the Antioch Library would be reopening on June 1, 2021. Contact information was provided.

Councilmember Wilson announced the following events:

- Community Violence Solutions – Take Back the Night Candlelight Vigil at 7:00 P.M. on April 14, 2021
- Community Violence Solutions - Take Back the Night Virtual Self Defense Class at 7:00 P.M. on April 23, 2021

Contact information was provided.

Youth Services Network Manager Johnson announced *New Voices Are Rising* was offering a Virtual Summer Climate Justice Youth Leadership Academy for high school students June 7, 2021 – July 16, 2021.

4. ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Householder announced the following Board and Commission opening:

- Board of Administrative Appeals: (6) vacancies: deadline date is April 16, 2021

She announced applications were available at bit.ly/applyantioch.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - Continued

Mayor Thorpe announced the Transitional Housing Ad Hoc Committee would be holding a virtual community conversation at 3:00 P.M. on April 16, 2021.

PUBLIC COMMENTS

The following public comments were made by individuals utilizing Zoom Audio/Video Technology.

Diana Collins Puente thanked Council for their work over the past months and requested the City Council ban knee to neck restraints.

Yahya Shabazz representing the Islamic Community thanked the City Council for their recognition of Ramadan.

Bella Q.C. voiced her support for banning to the use of the knee to neck restraints or any other hold that may cause asphyxiation.

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

Laura Young provided written comment regarding her efforts to meet with Mayor Thorpe.

O'Janae Stimpston, Antioch resident, provided written comment suggesting the City Council hire Amy Bettencourt to read public comments at Council meetings.

Robert Collins provided written comment in support for banning to the use of the knee to neck restraints or any other restart that may cause asphyxiation.

Andre Quinto provided written comment thanking the City Council for their police reform efforts and in support of banning of knee to neck restraints.

Jackie Hooke provided written comment expressing concern for comments made about her by Mayor Thorpe at a previous Council meeting.

Anonymous, Antioch resident, provided written comment expressing concern for comments made by Mayor Thorpe at a recent Council meeting. They requested Mayor Thorpe and Councilmember Torres-Walker remove themselves from the City Council.

Anonymous, Antioch resident, provided written comment discussing the challenges of the businesses in the Rivertown District due to the pandemic and felt they were not being represented by the District 1 Councilmember Torres-Walker.

Anonymous, Antioch resident, provided written comment thanking Councilmembers Wilson, Barbanica and Ogorchock for their commitment to their Districts.

Tom Hartrick, Antioch resident, provided written comment expressing concern for comments made by Mayor Thorpe at a previous Council meeting.

Manny Soliz provided written comment expressing his appreciation for Mayor Thorpe's State of the City address. He stated he felt it would have been advantageous to hear from the entire City Council and department heads.

Marybeth Salem, San Francisco resident, provided written comment in support of police reform.

Lucas Stuart-Chilcote, Antioch resident, provided written comment wishing the Muslim, Sikh and Hindu communities a wonderful holy time.

COUNCIL SUBCOMMITTEE REPORTS/COMMUNICATIONS

Councilmember Torres-Walker honored the indigenous people of Antioch. She reported on her attendance at meetings with Youth Services Network Manager Johnson and the CDBG Standing Committee. She announced that she had attended a meeting with Chief Brooks and the APD Gang Unit. She thanked them for their hard work and for the improvements being made along Cavallo Road and East 18th Street. She commented that a Cannabis Standing Committee meeting would be taking place soon. She reported on her engagement efforts with business owners and residents in her district. She stated that she looked forward to participating in additional community engagement activities.

Councilmember Barbanica reported on his attendance at the CDBG Standing Committee meeting. He thanked CDBG/Housing Consultant House for explaining the process and encouraged the community to participate in future meetings. He reported on his participation in the Transitional Housing Ad Hoc Committee and announced their next meeting would be held at 3:00 P.M. on April 16, 2021.

Councilmember Ogorchock reported on her attendance at the Governance, Transparency, and Labor Relations Policy Committee meeting with Cal Cities.

Councilmember Wilson announced Delta Diablo would be meeting on April 14, 2021. She reported on her attendance at Tri Delta Transit. She thanked the City Council for approving the proclamations this evening.

Mayor Thorpe reported that Councilmembers Barbanica and Wilson had provided his committee reports. He announced Contra Costa Transportation Authority and Transitional Housing Ad Hoc Committee meetings would be occurring soon.

MAYOR'S COMMENTS

Mayor Thorpe offered his best wishes to all Muslims as they begin Ramadan and he challenged Antioch residents to stand in solidarity with the Muslim community.

5. PRESENTATION

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

Lucas Stuart Chilcote, Antioch resident, provided written comment discussing the importance of diversion programs and encouraging the City Council to consider new positions for the Environmental Resources Department.

Environmental Resource Coordinator Haas-Wajdowicz presented the Water Diversion Overview and Organics Rate PowerPoint presentation.

Mayor Thorpe thanked Environmental Resource Coordinator Haas-Wajdowicz for the presentation.

6. CONSENT CALENDAR

- A. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR FEBRUARY 16, 2021**
- B. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 23, 2021**
- C. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR FEBRUARY 26, 2021**
- D. APPROVAL OF COUNCIL MINUTES FOR MARCH 9, 2021**
- E. APPROVAL OF COUNCIL MINUTES FOR MARCH 23, 2021**
- F. APPROVAL OF COUNCIL WARRANTS**
- G. ORDINANCE 2193-C-S SECOND READING – CREEKSIDE/VINEYARDS AT SAND CREEK (GP-19-06, PD-19-02) (Introduced on 03/23/21)**
- H. RESOLUTION NO. 2021/59 NAMING PARCEL C PARK (APN: 057-030-023) OF THE AVIANO SUBDIVISION 9249 “BAY MIWOK MEADOWS PARK”**
- I. RESOLUTION NO. 2021/60 CONSIDERATION OF BIDS FOR THE CITY HALL PLAZA IMPROVEMENTS AND LEO FONTANA FOUNTAIN (P.W. 247-R)**
- J. RESOLUTION NO. 2021/61 CONSIDERATION OF BIDS FOR BACKFLOW APPARATUS AND PARTS, BID NO. 259-0323-21A**
- K. RESOLUTION NO. 2021/62 APPROVING CONSOLIDATED ENGINEER’S REPORT AND DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HILLCREST, CITYWIDE, DOWNTOWN, ALMONDRIDGE, LONE TREE, AND EAST LONE TREE LANDSCAPE MAINTENANCE DISTRICTS, AND SETTING PUBLIC HEARING (P.W. 500)**

- L. **RESOLUTION NO. 2021/63** FIRST AMENDMENT TO THE FULTON YARD RECYCLING PROJECT AGREEMENT WITH C&J FAVALORA TRUCKING, INC.
- M. **RESOLUTION NO. 2021/64** AUTHORIZING THE EXECUTION OF TRAFFIC SIGNAL DESIGN AGREEMENT FOR THE INTERSECTION OF CANADA VALLEY ROAD AND LAUREL ROAD
- N. **RESOLUTION NO. 2021/65** AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH AZTECA SYSTEMS LLC AND TIMMONS GROUP, TO PROVIDE THE DEVELOPMENT AND IMPLEMENTATION OF A NEW MAPCENTRIC ENTERPRISE-LEVEL COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEM REPLACING CENTRAL SQUARE

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica, the City Council approved the Council Consent Calendar with the exception of items A, H, I and K, which were removed for further discussion. The motion carried the following vote:

Ayes: Barbanica, Ogorchock, Wilson, Thorpe

Abstain: Torres-Walker

Item A – Administrative Services Director Mastay read public comment from Billy Ruben thanking Councilmember Ogorchock for presenting the idea for establishing a Code of Conduct for Antioch and Mayor Thorpe for pointing out there were already built-in mechanisms for moderating behavior.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council approved Item A. The motion carried the following vote:

Ayes: Barbanica, Ogorchock, Wilson, Thorpe

Abstain: Torres-Walker

Item H – Administrative Services Director Mastay read public comment from Lucas Stuart-Chilcote, Antioch resident, stating that he hoped this act of remembrance and honor to those with native American heritage, felt genuine. He encouraged a plaque be installed with a ceremony explaining the significance of the name. He announced Indigenous People Day was October 11, 2021.

Mayor Thorpe stated as the park neared completion, he wanted signage installed in recognition of the Bay Miwok people.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously approved item H.

Item I – Administrative Services Director Mastay read public comment from Louis Friend requesting Leo Fontana’s full name be displayed on the fountain.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously approved Item I, amending the project to include the full name “Leo Fontana” on the fountain.

Item K - Administrative Services Director Mastay read public comment from John Daniels, Antioch resident, who requested the City Council rename the “Citywide” District to a more specific name, as he felt it was misleading.

Director of Public Works/City Engineer Samuelson presented the staff report dated April 13, 2021 and explained that this item was not creating new districts and confirmed that the citywide district had always had that name. He stated any increases to rates would require the 218 process to notify residents of the pending change and the City was not recommending any increases this year.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously approved item K.

COUNCIL REGULAR AGENDA

7. CITYWIDE SIGNAGE PROGRAM (P.W. 679-1)

City Manager Bernal introduced Regular Agenda Item #7.

Director of Public Works/City Engineer Samuelson and City Consultant Christy Montgomery presented the staff report and PowerPoint presentation dated April 13, 2021 recommending the City Council review the proposed design options and preliminary construction cost estimates for the Citywide Signage Program (“Project”) and provide direction to staff on a preferred alternative.

The following public comments were made by individuals utilizing Zoom Audio/Video Technology.

Antione & Yolanda Moody commented regarding illegal activity in their neighborhood.

Mayor Thorpe explained that public comment on unagendized items would be heard at the end of the Council meeting.

Councilmember Ogorchock stated she did not support signage in the Veteran’s Memorial area. She voiced her support for scheme #2 because it mimicked Council Chambers. She requested the memorial tree signage at Prewett Park be included in the sign program.

Mayor Thorpe explained that this item was to determine the scheme and locations would be discussed in the future.

Councilmember Wilson voiced her support for scheme #1 and #3. She stated she was pleased that there would be consistency in signage.

In response to Councilmember Wilson, City Manager Bernal stated as the program was implemented, they would look at all signage and contact individuals with inconsistent or illegal signage.

In response to Councilmember Barbanica, Director of Public Works/City Engineer Samuelson explained that the sign program was not fully funded. He stated park signage would be replaced as needed; however, both community parks and four neighborhood parks would be included in the initial project. He added that the wayfinding program would be implemented at the same time because it was fully funded.

Mayor Thorpe and Councilmember Barbanica spoke in support of scheme #2.

Mayor Thorpe stated Council consensus was scheme #2 and that all parks to be phased into the program and included in the budget process.

8. DOWNTOWN REVITALIZATION – DINING DISTRICT BRANDING AND MARKETING CAMPAIGN

Director of Economic Development Reed presented the staff report dated April 13, 2021 and David Kippen representing Evviva Brands presented the PowerPoint presentation recommending the City Council adopt a resolution approving the following actions: 1) Naming of the new dining district; 2) Selecting the new branding design; and 3) Authorizing the City Manager to execute an agreement for a marketing campaign with Evviva Brands not to exceed \$40,000.

Sean McCauley thanked the City Council for improving and investments into the Dining District. He announced that they would be opening key restaurants in the area soon. He voiced his support for naming the new dining district, "Rivertown Dining District".

Mayor Thorpe clarified that this item was asking Council to name the dining district, select a branding design and decide whether to execute an agreement with Evviva Brands.

Councilmember Ogorchock thanked Director of Economic Development Reed and Mr. Kippen for the presentation. She voiced her support for the naming the new district "Rivertown Dining District" and the paddle wheel design with the font showing the "l" as wavy in "Rivertown. Additionally, she voiced her support for utilizing the city's blue and orange color scheme with the orange being the dominant color. She also supported approval of the contract with Mr. Kippen.

Councilmember Barbanica agreed with Councilmember Ogorchock.

Councilmember Wilson stated she preferred the paddle wheel design with the type face in option #1, including the medallion in option #3 for promotional items and the blue color from the City's logo with a secondary color that would complement that theme.

Councilmember Torres-Walker thanked Director of Economic Development Reed and Mr. Kippen for their work. She supported “Rivertown Dining District”, options #2 or #3 and agreed with utilizing the City’s existing color pallet.

Councilmember Barbanica stated that he also supported the paddle wheel design as a medallion and incorporating the words “Rivertown Dining”.

Councilmember Wilson voiced her support for the “Rivertown Dining District” name.

Mayor Thorpe stated there was consensus on the following:

- Naming the new dining district “Rivertown Dining District”
- Option #2 branding design with the blue/orange color scheme (orange being the dominant color)
- Inclusion of a medallion design option

Councilmember Ogorchock suggested the consultant provide an option with the “rivertown salmon” colored font under the paddle wheel design.

RESOLUTION NO. 2021/66

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adopted a resolution approving the following actions: 1) Naming of the new dining district, “Rivertown Dining District”; and 2) Authorizing the City Manager to execute an agreement for a marketing campaign with Evviva Brands not to exceed \$40,000. 3) Directing Staff to create a marketing campaign utilizing \$75,000 in funds identified in the Economic Development Departments Fiscal Year 2020-21 budget.

9. DOWNTOWN REVITALIZATION – CONTRA COSTA FERRY UPDATE

City Manager Bernal presented the staff report dated April 13, 2021 recommending the City Council receive an update on proposed pilot ferry service in Contra Costa County and provide direction to staff.

Peter Engel representing CCTA gave a PowerPoint presentation Update Antioch City Council on Antioch Ferry Service.

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

Lucas Stuart-Chilcote spoke in support of ferry boat service to Antioch.

Councilmember Wilson thanked Mr. Engel for the report and spoke in support of additional studies on the best mode of water transportation for Antioch. She stated she liked the route between Antioch, Martinez, Hercules and Richmond. She spoke in support of Contra Costa County or Antioch having representatives on the WETA Board.

Mr. Engel explained that changing the structure of the WETA Board would have to be taken up through the Legislature.

Mayor Thorpe responded that City Managers of the region would be discussing this issue. He noted they were looking to Council to see if there was support and a commitment for funding a program.

Mayor Thorpe stated Council consensus was to proceed forward with commitment for the pilot program for ferry service.

Councilmember Barbanica stated prior to moving forward he wanted a report on the fiscal impacts and the funding source identified. He noted post COVID-19, commute impacts were unknown.

Councilmember Torres-Walker spoke in support of ferry service to Antioch and stated that she understood Councilmember Barbanica concerns regarding post-COVID19 commutes.

10. POLICE REFORM – CREATION OF A POLICE REFORM STANDING COMMITTEE OF THE WHOLE CITY COUNCIL

City Manager Bernal introduced Regular Agenda Item #10.

Assistant City Manager Bayon Moore presented the staff report dated April 13, 2021 recommending the City Council discuss and consider formation of a Police Reform Standing Committee of the Whole City Council and adopt the resolution if the standing committee is desired.

The following public comments were made by individuals utilizing Zoom Audio/Video Technology.

Diana Collins Puente, Frank Sterling, Bella Q.C and Micha Morris-Silveira spoke in support of the formation of a Police Reform Standing Committee.

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

Gretchen Tofflemire provided written comment in support of the formation of a Police Reform Standing Committee and adopting a resolution formally approving a Notification Protocol for Critical Public Safety Incidents.

Robert Collins, Juan Carlos Collins and Andrei Quinto provided written comment in support of the formation of a Police Reform Standing Committee.

Manny Soliz provided written comment stating that the formation of a Police Reform Standing Committee was unnecessary because as a legislative body, Council was already responsible for setting policy and addressing complaints.

Councilmember Barbanica clarified the City Council had the authority to oversee any City department and questioned why a secondary committee was needed.

In response to Councilmember Ogorchock, City Attorney Smith clarified that if the City Council chose to meet as a Standing Committee, it would be limited to advisory authority and any action items would be brought to the Council for consideration, when they met as a full City Council.

Councilmember Ogorchock stated she did not understand the purpose of a Standing Committee when Council could call for a special meeting and serve in the same capacity.

Mayor Thorpe responded that this process would allow Council to be more transparent, deliberate, and proactive with regards to what they would be discussing as it related to policing. He clarified that Council would form a Standing Committee in the interim to set a foundation for the formation of a Citizen's Oversight Commission.

RESOLUTION NO.2021/67

On motion by Councilmember Wilson, seconded by Councilmember Torres-Walker the City Council supported the formation of a Police Reform Standing Committee of the Whole City Council and adopted the resolution. The motion carried the following vote:

Ayes: Torres-Walker, Wilson, Thorpe

Noes: Barbanica, Ogorchock

Mayor Thorpe declared a recess at 9:55 P.M. The meeting reconvened at 10:03 P.M. with all Councilmembers present.

11. POLICE REFORM – NOTIFICATION PROTOCOL FOR CRITICAL PUBLIC SAFETY INCIDENTS

Assistant City Manager Bayon Moore presented the staff report dated April 13, 2021 recommending the City Council adopt a resolution formally approving a Notification Protocol for Critical Public Safety Incidents.

The following public comments were made by individuals utilizing Zoom Audio/Video Technology.

Diana Collins Puente and Bella Q.C. spoke in support of the resolution formally approving a Notification Protocol for Critical Public Safety Incidents. They requested notification to the community as well as persons impacted by critical public safety incidents be included and the establishment of a primary point of contact for impacted persons.

Jessica Tully, East Bay resident, spoke in support of the resolution formally approving a Notification Protocol for Critical Public Safety Incidents and the formation of a Police Reform Standing Committee.

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

Robert Collins and Juan Carlos Collins provided written comment in support of the resolution formally approving a Notification Protocol for Critical Public Safety Incidents. They requested notification to the community as well as persons impacted by critical public safety incidents be included and the establishment of a primary point of contact for impacted persons.

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

Frank Sterling spoke in support of the resolution formally approving a Notification Protocol for Critical Public Safety Incidents. He requested notification to the community as well as persons impacted by critical public safety incidents be included along with the establishment of a primary point of contact for impacted persons.

Councilmember Torres-Walker spoke in support of an official protocol process for critical public incidents. She thanked Chief Brooks for the notifications she had recently received from the Antioch Police Department. She agreed that there should be a notification process for the public, especially the victims.

Councilmember Ogorchock reported that Chief Brooks had been notifying Council of these types of incidents.

Mayor Thorpe stated that this item came to Council to ensure there were no gaps in the notification process, people would be held accountable, and information would be received in timely manner. He recognized community notification was not addressed in the resolution and noted a specific resolution could address that item. He offered the following amendments to the resolution:

Second Whereas -

Areas requiring notification:

- When County PROTOCOL is initiated.
- Any complaint related to police misconduct that requires an immediate investigation of an officer (i.e., the conduct is in process, an officer is unfit to perform police duties, and an officer is currently on duty, alleged criminal conduct, and the complaint alleges unnecessary force, resulting in serious injury and medical treatment).
- Critical incidents (i.e., Hostage/barricaded suspect, sniper, citizen shot by an officer, officer shot or critically injured while on duty, riot, insurrection or potentially violent demonstration, prison break, an explosion of a destructive device, airplane crash, major fire, officer arrested on or off duty, and Hazardous material incident).
- Officer-Involved shooting and/or discharge.
- Homicides.

Fourth Whereas –

- Add City Manager

Sixth Whereas –

- Whereas the Police Chief or a designee shall convey reliable and accurate information via email, text or phone to Mayor, Council, City Manager, City Attorney and Public Information Officer

Council consensus requested the resolution be amended with the above-mentioned items and directed it to be brought back to the City Council for adoption.

12. DISCUSSION ITEM: URGENCY ORDINANCE TO REQUIRE LARGE GROCERY STORES TO PAY EMPLOYEES AN ADDITIONAL WAGE OF UP TO FIVE DOLLARS PER HOUR IN TEMPORARY HAZARD PAY DURING A SPECIFIED PERIOD OF TIME ASSOCIATED WITH THE COVID-19 PANDEMIC

City Attorney Smith presented the staff report dated April 13, 2021 recommending the City Council provide direction as to: 1) Whether staff should prepare an Urgency Ordinance to require large grocery stores in Antioch to pay employees an additional wage of up to five dollars per hour in temporary hazard pay during a specified period of time associated with the Covid-19 pandemic and, 2) If so, the amount of, of the increased hourly pay (\$3.00, \$4.00, or \$5.00) for discussion and decision by the full City Council.

The following public comments were made by individuals utilizing Zoom Audio/Video Technology.

Ryan McGilley, John Gomez and Bambi Marien representing UFCW Local 5, Taylor Sims, and Joseph Summers representing Contra Costa Labor Council spoke in support of an Ordinance requiring large grocery stores to pay an additional wage for hazard pay during a specified period associated with the Covid-19 pandemic.

Ryan Allain, California Retailers Association, spoke in opposition to Council adopting an Ordinance requiring large grocery stores to pay an additional wage for hazard pay during a specified period associated with the Covid-19 pandemic.

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

James Beam, Antioch resident, and Donna Salazar provided written comment in opposition to Council adopting an Ordinance requiring large grocery stores to pay an additional wage for hazard pay during a specified period associated with the Covid-19 pandemic.

Director of Economic Development Reed suggested he conduct additional research regarding the impacts of this program. He noted that it could be seen as a discouragement to businesses that Antioch needed.

Councilmember Barbanica recognized grocery workers for their hard work during the pandemic; however, he did not believe the City should be involved in directing private industry on employee salaries. He expressed concern that the City would be opening themselves up to a potential lawsuit.

Councilmember Wilson requested gross sales data for the stores that would be impacted. She acknowledged grocery workers for their service and spoke in support of moving the item forward.

Councilmember Torres-Walker thanked City Attorney Smith and Director of Economic Development Reed for bringing this item forward. She stated that she looked forward to receiving data regarding the jobs impacted and if those positions were held by Antioch residents.

Director of Economic Development Reed responded that he would reach out to the stores that would be impacted and explained they were not obligated to release the information requested.

In response to Councilmember Ogorchock, City Attorney Smith clarified that Walmart and Costco were not considered grocery stores and would be excluded from the Ordinance.

Councilmember Ogorchock reported that this matter was discussed by Cal Cities who chose not to advance the issue. She expressed concern that it could be viewed as the City becoming involved with how private businesses were managed.

City Attorney Smith cautioned that a broader definition would result in a broader risk of a lawsuit.

Councilmember Torres-Walker commented that the City had implemented policy during the pandemic, and she believed protections should be put into place for renters as well as workers. She encouraged Council to move forward with the Ordinance.

Mayor Thorpe spoke in support of moving forward with the Ordinance.

Council consensus directed staff to follow up on the legal issues as well as data related to the impacts of the Ordinance. They spoke in support of including a definition that encompassed large grocery retailers.

Director of Economic Development Reed stated he would provide an economic analysis and City Attorney Smith stated he would provide the legal analysis, and Ordinance.

13. RESOLUTION APPROVING THE THIRD AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH THOMAS LLOYD SMITH FOR CITY ATTORNEY SERVICES AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT

Administrative Services Director Mastay presented the staff report dated April 13, 2021 recommending the City Council adopt a resolution approving the Third Amendment to the Employment Agreement with Thomas Lloyd Smith for City Attorney Services and authorizing the Mayor to sign the Agreement.

RESOLUTION NO. 2021/68

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock the City Council unanimously adopted a resolution approving the Third Amendment to the Employment Agreement with Thomas Lloyd Smith for City Attorney Services and authorizing the Mayor to sign the Agreement.

Mayor Thorpe congratulated City Attorney Smith on the contract amendment for his employment agreement.

City Attorney Smith thanked the City Council for their support and stated he was thankful and blessed to work in Antioch.

PUBLIC COMMENTS

The following public comments were made by individuals utilizing Zoom Audio/Video Technology.

Antione & Yolanda Moody, Antioch residents, expressed concern regarding excessive speeding occurring in their neighborhood and requested speed bumps be placed in the area.

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

Manny Soliz provided written comment in support of Consent Calendar Item H.

STAFF COMMUNICATIONS - None

COUNCIL COMMUNICATIONS

Councilmember Torres-Walker requested staff agendized the establishment of a Human Rights and Racial Equity Commission.

Mayor Thorpe stated anyone interested in speed bumps could contact him or the Councilmember representing their district, who would then connect them to the Director of Public Works/City Engineer Samuelson.

ADJOURNMENT

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adjourned the meeting at 11:07 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk