

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

September 14, 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 3:00 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.

5:30 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Government Code section 54956.9: Mariyana Bryant v. City of Antioch, United States District Court, Northern District of California, Case No. 21-cv-00590-TSH.
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code section 54956.8: Property: 301 W. 10th Street Antioch, CA; Agency Negotiation: City of Antioch and Contra Costa County Fire Protection District; Negotiating Parties: Ron Bernal, City Manager, City of Antioch and Mike Quesada, Assistant Fire Chief, Support Services, Contra Costa County Fire Protection District; Under Negotiation: Price and Terms of Payment.
3. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** pursuant to Government Code section 54956.9(d)(2): One case.
4. **PUBLIC EMPLOYMENT – Recruitment of City Manager.** This closed session is authorized pursuant to Government Code section 54957.

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, **#3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, no reportable action; and, **#4 PUBLIC EMPLOYMENT – Recruitment of City Manager**, no reportable action.

7:00 P.M. – REGULAR MEETING

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

Present: Council Member District 2 Barbanica, District 3 Ogorchock, Mayor Pro Tem (District 4) Wilson and Mayor Thorpe
Absent: Council Member District 1, Torres-Walker (arrived at 7:04 P.M.)

PLEDGE OF ALLEGIANCE

Councilmember Ogorchock led the Pledge of Allegiance.

1. PROCLAMATION

California Coastal Clean Up Day, September 18, 2021

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the Council approved the Proclamation. The motion carried the following vote:

Ayes: Barbanica, Ogorchock, Wilson, Thorpe

Absent: Torres-Walker

Councilmember Torres-Walker arrived at 7:04 P.M.

Paula White representing the Watershed Project accepted the *California Coastal Clean Up Day* proclamation and thanked the City Council for the recognition.

Director of Parks and Recreation Helfenberger requested residents register in advance for Coastal Cleanup Day, on the City's website.

2. ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Director of Parks and Recreation Helfenberger announced Contra Costa County Health Services provided the following free COVID-19 resources available for the community:

- Antioch Community Center – Testing Only Site, seven days per week, 7:00 A.M. – 7:00 P.M., by appointment only
- Nick Rodriguez Community Center – Vaccination site (one and two dose), Tuesday – Saturday, 8:00 A.M. – 11:30 A.M. and 12:30 P.M. – 3:00 P.M., for walk ins and appointments
- Antioch Health Center on Country Hills Drive – Vaccination site (two dose), Monday – Friday 8:00 A.M. – 4:30 P.M. walk ins only

He also announced the Antioch Senior Center would be hosting a Resource Fair from 11:30 A.M. – 1:30 P.M. on September 17, 2021.

3. ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Householder announced the following Board and Commission openings:

- Police Crime Prevention Commission

She reported applications were available at: www.bit.ly/ApplyAntioch.

PUBLIC COMMENTS

The following public comments were read into the record by City Clerk Householder.

Antioch resident discussed hurricanes and questioned if Antioch participated in the National Flood Insurance Program and if so, inquired as to who the CSR coordinator was that served as the liaison between the community and FEMA.

Sal Sbranti provided written comment that discussed the success of Measure C in increasing staffing at the Antioch Police Department and reducing criminal activity in Antioch. He thanked former Mayor Harper, former Chief of Police Allan Cantando and Chief Brooks for recognizing the importance of keeping residents safe in the community.

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

Andrew Becker discussed the City's lack of emergency shelter housing and encouraged the City Council to address this matter. He questioned what the financial impact had been for homeless encampment abatement efforts.

COUNCIL SUBCOMMITTEE REPORTS/COMMUNICATIONS

Councilmember Barbanica announced that he would be attending Cal Cities meetings on September 15, 2021, and next week.

Councilmember Ogorchock congratulated Sergeants Mike Mellone and Josh Evans on their promotions.

Councilmember Wilson announced a NAMI event would be taking place from 9:00 A.M. - 11:30 A.M. on September 18, 2021, at Contra Loma Reservoir Park. She reported Tri Delta Transit and other local transit agencies were offering free rides and BART was offering 50% off fares for the month of September. She stated she would be attending a Tri Delta Transit meeting on September 22, 2021. She reported on her attendance at a Delta Diablo meeting.

MAYOR'S COMMENTS

Mayor Thorpe congratulated Councilmember Wilson on being accepted to the Water Education for Latino Leaders (WELL) fellowship program. He thanked everyone who participated in the 9-11 candlelight vigil.

4. CONSENT CALENDAR

A. CITY COUNCIL MEETING MINUTES FOR AUGUST 10, 2021

- B. CITY COUNCIL MEETING MINUTES FOR AUGUST 24, 2021
- C. **RESOLUTION NO. 2021/144** APPROVING A FOUR-YEAR EXTENSION OF CONTRACT FOR PROFESSIONAL AUDITING SERVICES FOR THE FISCAL YEARS ENDED JUNE 30, 2022 THROUGH JUNE 30, 2025 WITH BADAWI & ASSOCIATES, CPA'S
- D. **RESOLUTION NO. 2021/145** PURCHASE OF UNINTERRUPTIBLE POWER SUPPLY AND MAINTENANCE BYPASS CABINET WITH SOLE SOURCE JUSTIFICATION REQUEST
- E. **RESOLUTION NO. 2021/146** OFFICE OF TRAFFIC SAFETY (OTS) 2022 STEP GRANT – APPROVAL AND ALLOCATION OF GRANT FUNDS
- F. **RESOLUTION NO. 2021/147** NAMING PARCEL G PARK (APN: 053-060-035) OF THE PARK RIDGE SUBDIVISION 8846 “SIERRA TRAIL PARK”
- G. **RESOLUTION NO. 2021/148** FIFTH AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH WOODARD & CURRAN FOR THE BRACKISH WATER DESALINATION PROJECT (P.W. 694)
- H. **RESOLUTION NO. 2021/149** APPROVING AMENDMENT TO LEASE AGREEMENT FOR 415 O STREET BUILDING
- I. **RESOLUTION NO. 2021/150** AMENDMENTS TO MEMORANDA OF AGREEMENT WITH CONTRA COSTA HEALTH SERVICES FOR MUTUAL AID RESPONSE TO COVID-19 PANDEMIC – USE OF CITY ANTIOCH FACILITIES
- J. **RESOLUTION NO. 2021/151** CONSIDERATION OF BIDS FOR VARIOUS ASPHALT REPAIRS – SERVICE CUTS BID NO. 968-0526-21A AWARD
- K. **RESOLUTION NO. 2021/152** APPROVING A FIRST AMENDMENT AGREEMENT FOR SERVICES OF INDEPENDENT CONTRACTOR WITH THE LOCAL GOVERNMENT COMMISSION (LGC) AND THE COMMUNITY DEVELOPMENT DEPARTMENT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO THE AGREEMENT

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

Item F – Mayor Thorpe requested Council consider naming the new park Julpun Park instead of Sierra Trail Park.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously approved item F amending the name of the park in the resolution to Julpun Park.

PUBLIC HEARING

5. **ORDINANCE GRANTING A FRANCHISE AGREEMENT EXTENSION TO CALIFORNIA RESOURCES PRODUCTION CORPORATION (CRC), TO TRANSPORT NATURAL GAS AND OTHER HYDROCARBON PRODUCTS WITHIN CERTAIN PUBLIC STREETS IN THE CITY OF ANTIOCH**

City Attorney Smith announced staff requested a continuation of this item to September 28, 2021, as there were still items that needed to be negotiated.

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

Harry Thurston, Antioch resident, opposed the ordinance granting a franchise agreement extension to California Resources Production Corporation. He stated prior to the Council deciding on the ordinance, additional factors needed to be researched and reported back to staff and the public.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council continued the Public Hearing to September 28, 2021. The motion carried the following vote:

Ayes: Barbanica, Ogorchock, Wilson

Noes: Torres-Walker, Thorpe

COUNCIL REGULAR AGENDA

6. **BOARD OF ADMINISTRATIVE APPEALS APPOINTMENTS FOR TWO FULL-TERM VACANCIES EXPIRING MARCH 2024 AND ONE VACANCY EXPIRING MARCH 2022**

City Clerk Householder read a biography for Marie Livingston.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously appointed by resolution Marie Livingston to the Board of Administrative Appeals for one full-term vacancy expiring March 2024.

City Clerk Householder administered the Oath of Office to Marie Livingston.

City Clerk Householder and Mayor Thorpe thanked Board Member Livingston for continuing to serve on the Board of Administrative Appeals.

City Clerk Householder read a biography for Ademuyiwa Adeyemi.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council unanimously appointed by resolution Ademuyiwa Adeyemi to the Board of Administrative Appeals for one full-term vacancy expiring March 2024.

City Clerk Householder administered the Oath of Office to Ademuyiwa Adeyemi.

City Clerk Householder and Mayor Thorpe thanked Ademuyiwa Adeyemi for continuing to serve on the Board of Administrative Appeals.

City Clerk Householder read a biography for Antwon Webster.

RESOLUTION NO. 2021/153

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock the City Council unanimously appointed by resolution Antwon Webster to the Board of Administrative Appeals for one vacancy expiring March 2022.

City Clerk Householder administered the Oath of Office to Antwon Webster.

City Clerk Householder and Mayor Thorpe thanked Mr. Webster for continuing to serve on the Board of Administrative Appeals.

7. POLICY FOR ENSURING EQUITABLE ACCESS TO INCLUSIVE PLAY ENVIRONMENTS IN PARKS AND PUBLIC SPACES

Director of Parks and Recreation Helfenberger presented the staff report dated September 14, 2021, recommending the City Council adopt the resolution approving a Policy for Ensuring Equitable Access to Inclusive Play Environments in Parks and Public Spaces.

The following public comments were read into the record by City Clerk Householder.

Melissa Case, Antioch resident, thanked the Park and Recreation Department for taking excellent care of her neighborhood park.

Lynda Green, Be Exceptional Programs, provided written comment in support of the *Ensuring Equitable Access to Inclusive Play Environments in Parks and Public Spaces* and *Inclusion in Parks and Recreation Programs for People of All Abilities* policies.

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

Brendon O'Laskey, East County Regional Group, spoke in support of the *Ensuring Equitable Access to Inclusive Play Environments in Parks and Public Spaces* policy. He requested north Antioch Park be renovated and tier three parks be prioritized. In addition, he suggested Contra Loma Estates be considered a tier two park.

In response to Councilmember Ogorchock, Director of Parks and Recreation Helfenberger clarified the intention of the policy is that it is applied to all new and renovated parks. He noted all tier two and tier three parks would receive inclusive amenities to bring them to a standard of an all-abilities playground.

RESOLUTION NO. 2021/154

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council unanimously adopted the resolution approving a Policy for Ensuring Equitable Access to Inclusive Play Environments in Parks and Public Spaces.

8. POLICY FOR INCLUSION IN PARKS AND RECREATION PROGRAMS FOR PEOPLE OF ALL ABILITIES

Director of Parks and Recreation Helfenberger presented the staff report dated September 14, 2021, recommending the City Council adopt the resolution approving a Policy for Inclusion in Parks and Recreation Programs for people of all abilities.

Councilmember Ogorchock spoke in support of both inclusionary policies.

Councilmember Wilson agreed with Councilmember Ogorchock and recognized the City Council for investing in all the youth in Antioch.

Mayor Thorpe agreed with Councilmember Wilson and noted City Council had lifted the voice of residents. He thanked Councilmember Ogorchock for advocating on behalf of the inclusive play environment policy.

RESOLUTION NO. 2021/155

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adopted the resolution approving a Policy for Inclusion in Parks and Recreation Programs for people of all abilities.

9. REDISTRICTING PROCESS AND COMMUNITY OUTREACH FOR CITY COUNCIL MEMBER DISTRICT BOUNDARIES

City Attorney Smith presented the staff report dated September 14, 2021, recommending the City Council provide direction to staff regarding the proposed dates and times for the 2021-2022 redistricting meetings: 1) Tuesday, Oct. 12, 2021 (Special meeting prior to City Council meeting. At least one public hearing shall be held before maps are drawn.) 2) Saturday, October 16, 2021 (Special meeting time to be determined. At least one public hearing or public workshop shall be held on a Saturday, or Sunday or after 6 p.m. on a weekday.) 3) Tuesday, November 9, 2021 and Tuesday, December 14, 2021 (Special meetings prior to City Council meetings. At least two public hearings shall be held after maps are drawn.) 4) Tuesday, January 11, 2022 (Regular City Council meeting. Introduction of Ordinance: First Reading) 5) Tuesday, January 25, 2022 (Regular City Council meeting. Second Reading: Adoption of Ordinance).

Karin Mac Donald stated she was available to answer any questions this evening.

Councilmember Ogorchock discussed the importance of scheduling meetings at times that would encourage public participation.

City Attorney Smith responded that they would schedule times where the public would be the most available.

Ms. Mac Donald commented that it was better to start the meetings at a time when everyone could be present, without having to leave work early to get more public input.

Mayor Thorpe stated he understood the concerns and if the meetings were held on Council nights, the agenda development team could lessen items so that this matter could be placed on the Council Regular Agenda.

Councilmember Ogorchock suggested holding one meeting downtown and one meeting uptown.

Mayor Thorpe added the third Tuesday of the month was prescribed as a Council Work Session, so it would also be available.

In response to Councilmember Wilson, City Attorney Smith stated that provided the Brown Act extension occurred, they could make the meetings available virtually.

10. RESOLUTION APPROVING A NEW CLASS SPECIFICATION FOR ASSISTANT CITY ATTORNEY, ASSIGNING A SALARY RANGE, AND ASSIGNING THE CLASSIFICATION TO THE MANAGEMENT (SENIOR) BARGAINING UNIT

Administrative Services Director Mastay presented the staff report dated September 14, 2021, recommending the City Council adopt a resolution approving the New Class Specification for Assistant City Attorney, assigning a salary range, and assigning the classification to the Management (Senior) Bargaining Unit.

RESOLUTION NO. 2021/156

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adopted a resolution approving the New Class Specification for Assistant City Attorney, assigning a salary range, and assigning the classification to the Management (Senior) Bargaining Unit.

11. RESOLUTION ASSIGNING THE CLASS SPECIFICATION OF DEPUTY CITY ATTORNEY TO THE MANAGEMENT (MID/PROFESSIONAL) BARGAINING UNIT

Administrative Services Director Mastay presented the staff report dated September 14, 2021, recommending the City Council adopt a resolution assigning Class Specification of Deputy City Attorney to the Management (Mid/professional) Bargaining Unit.

RESOLUTION NO. 2021/157

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adopted a resolution assigning Class Specification of Deputy City Attorney to the Management (Mid/professional) Bargaining Unit.

12. DISCUSSION ITEM: PROPOSED ORDINANCE AMENDING §9-5.2507 OF THE ANTIOCH MUNICIPAL CODE REGARDING RULES OF PROCEDURE FOR THE TIMING OF RECOMMENDATIONS BY THE PLANNING COMMISSION

City Attorney Smith presented the staff report dated September 14, 2021, recommending the City Council provide direction concerning whether staff should return with an ordinance limiting the time the Planning Commission has to deliver recommendations to the City Council.

Mayor Thorpe spoke in support of bringing back the Ordinance for Council consideration and requested it be prioritized. He explained it had been his observation that the Planning Commission had broken policy by asking staff to bring an item back in sections. He noted Council were the policy makers and the Planning Commission needed to weigh in on items in a timely manner.

Director of Community Development Ebbs discussed when the 60-day requirement would apply.

Mayor Thorpe added that the 60-day timeframe for the Planning Commission process was typical for other cities.

Following discussion Council consensus directed staff to bring back an ordinance amendment limiting the time the Planning Commission had to deliver recommendations to the City Council.

13. RESOLUTION ADOPTING THE OPTIONS OF THE COVID-19 MANDATORY TESTING AND VACCINATION POLICY

Administrative Services Director Mastay presented the staff report dated September 14, 2021, recommending the City Council adopt a resolution for the Options of the COVID-19 Mandatory Testing and Vaccination Policy.

In response to Councilmember Ogorchock, Administrative Services Director Mastay stated she could include paid time off for testing if that was Council's direction. She stated she would include medical and religious exemptions in the policy.

A motion was made by Councilmember Wilson to adopt the resolution.

Councilmember Ogorchock requested a friendly amendment to the motion to add paid time off for testing as well as medical and religious exemptions to the policy.

Councilmember Wilson amended the motion as follows:

Councilmember Wilson moved to adopt the resolution for the Options of the COVID-19 Mandatory Testing and Vaccination Policy to include paid time off for testing and religious and medical exemptions. Councilmember Ogorchock seconded the motion.

City Manager Bernal explained the policy stated that if an employee was not vaccinated, they would be required to be tested weekly, so vaccinations were not mandatory, and exemptions did not apply.

City Attorney Smith added that the motion made was acceptable because it did not change the policy.

Councilmember Torres-Walker expressed concern that there were no specific timelines for ending the policy.

City Manager Bernal responded that an end date would be established in the policy and extended if necessary, depending on what was occurring on that date in the County and State.

Councilmember Torres-Walker questioned how employee's anonymity and medical privacy would be protected if they had to report vaccination and testing status. She also questioned if those vaccinated would be required to submit to testing since they could contract and transmit the virus.

Administrative Services Director Mastay responded that currently they were looking at a variety of options to maintain confidentiality and not violate HIPA regulations. She explained that those affected would have the option to get vaccinated, test weekly or submit an exemption. She noted weekly testing would be paid for by the City and employees would be notified to opt in on a certain day and time. She further noted if they had to take time off to wait for results it would be paid.

Councilmember Barbanica commented that he wished everyone would get vaccinated; however, this policy would make it so uncomfortable and create so many difficulties that employees would be coerced into doing so. He reported that he was contacted by an employee who asked Council not to approve this item as they felt it was a personal medical decision. He stated he did not support the policy.

RESOLUTION NO. 2021/158

On motion by Councilmember Wilson, seconded by Councilmember Ogorchock, the City Council adopted a resolution for the Options of the COVID-19 Mandatory Testing and Vaccination Policy. The motion carried the following vote:

Ayes: Ogorchock, Wilson, Thorpe

Abstain: Torres-Walker

Noes: Barbanica

14. LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE RESOLUTIONS PACKET

Administrative Services Director Mastay presented the staff report dated September 14, 2021, recommending the City Council review and discuss the League of California Cities Annual Conference Resolutions Packet and provide direction to the voting delegate (Councilmember Barbanica).

Councilmember Barbanica reported he had reviewed all the information, consulted with City Manager Bernal and Assistant City Manager Bayon Moore, and he was prepared to vote to support the resolutions.

Mayor Thorpe stated he supported Councilmember Barbanica.

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS

City Manager Bernal invited the community to attend a community-wide retirement send off for Chief Brooks from 6:00 P.M. – 8:30 P.M. on September 17, 2021, at Williamson Ranch Park.

COUNCIL COMMUNICATIONS

Councilmember Wilson requested staff agendize a discussion regarding strengthening just cause for evictions protections and anti-tenant harassment.

Mayor Thorpe announced he would not be in town this weekend and encouraged the community to attend Chief Brooks at his retirement event.

Councilmember Barbanica mentioned that he would also be out of town this weekend and would not be able to attend this event. He thanked Chief Brooks for his service and wished him well in Idaho.

Councilmember Ogorchock requested staff agendize a Proclamation for Chief Brooks.

ADJOURNMENT

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adjourned the meeting at 8:41 P.M.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk