

CITY COUNCIL MEETING

Special/Regular Meeting
7:00 P.M.

October 12, 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. – SPECIAL MEETING/STUDY SESSION

Mayor Thorpe called the meeting to order at 5:31 P.M., and City Clerk Householder called the roll.

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

PLEDGE OF ALLEGIANCE

Mayor Thorpe led the Pledge of Allegiance.

STUDY SESSION

SM-1. REDISTRICTING IN ANTIOCH: CRITERIA, DATA, AND THE PROCESS

City Manager Bernal introduced the Study Session Agenda Item SM-1.

City Clerk Householder and Sandra Valmana Lastres, (translated in Spanish) announced a Court Certified Interpreter was present and translation services were available.

City Attorney Smith introduced Karin Mac Donald representing Q2 Data & Research who presented a PowerPoint presentation and the staff report dated October 12, 2021, recommending the City Council receive the redistricting presentation and public comment, and confirm the dates, times, and locations (virtual or in-person) of subsequent 2021-2022 public hearings for redistricting:

- a. Saturday, October 16, 2021 10:00 AM - (Virtual Meeting)
- b. Tuesday, November 9, 2021 (Special meeting prior to City Council meeting)
- c. Optional Additional Meeting (e.g. Antioch Community Center)
- d. Tuesday, January 11, 2022 (Regular City Council meeting. Introduction of Ordinance: First Reading)
- e. Tuesday, January 25, 2022 (Regular City Council meeting. Second Reading: Adoption of Ordinance).

City Clerk Householder and Sandra Valmana Lastres, (translated in Spanish), reiterated that a Court Certified Interpreter was present and translation services were available.

PUBLIC COMMENT

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

Harry Thurston, Antioch resident, suggested the City Council adjust Districts 3 and 4 to reach a balanced population for those areas. He also suggested Council consider holding public hearings later than 5:30 P.M. so people traveling home from work would be able to attend.

City Attorney Smith reviewed the timeline for the required meetings.

Following discussion, the City Council confirmed the following public hearing schedule:

- a. Saturday, October 16, 2021 at 10:00 A.M. - (Virtual Meeting)
- b. Tuesday, November 9, 2021 at 5:30 P.M. - (Virtual Meeting)
- c. Tuesday, January 11, 2022 - (In-Person – Regular City Council meeting at 7:00 P.M. Introduction of Ordinance: First Reading)
- d. Tuesday, January 25, 2022 - (In-Person – Regular City Council meeting at 7:00 P.M. Second Reading: Adoption of Ordinance)

MOTION TO ADJOURN SPECIAL MEETING/STUDY SESSION

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adjourned the Special meeting at 6:44 P.M.

7:00 P.M. - REGULAR MEETING AND CLOSED SESSION

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

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

PLEDGE OF ALLEGIANCE

Mayor Thorpe led the Pledge of Allegiance.

City Attorney Smith reported the City Council had been in Closed Session on August 10, 2021 and September 14, 2021 and gave the following report: **REPORT OUT OF CLOSED SESSION AGENDA ITEM NO. 1 FROM THE AUGUST 10, 2021, REGULAR CITY COUNCIL MEETING:** Stout v. City of Antioch, et al., United States District Court for the Northern District of California, Case No. 4:20-cv-08370-YGR, City Council approved a settlement in the amount of \$120,000, by a 4-1 vote with Councilmember Torres-Walker voting no; and, **REPORT OUT OF CLOSED SESSION AGENDA ITEM NO. 1 FROM THE SEPTEMBER 14, 2021, REGULAR CITY COUNCIL MEETING:** Bryant v. City of Antioch, et al., United States District Court for the Northern District of California, Case No. 3:21-cv-00590-TSH, City Council approved a settlement in the amount of \$65,000, by a 5-0 vote.

1. INTRODUCTION OF NEW CITY EMPLOYEES

Director of Public Works/City Engineer Samuelson introduced the following new employees and employee promotions: Nick Putman, Equipment Operator, Simon Kemp, Equipment Operator, Bruce Cooke Jr., Collection Systems Worker I, Miguel Santoyo, Collection Systems Worker I, Ivona Kagin, Laboratory Assistant II, Triston Wara, Fleet Services Technician and Jeremy Wismer, Equipment Mechanic I. The employees present thanked Director of Public Works/City Engineer Samuelson for the introduction.

Director of Community Development Ebbs introduced the following new employee and employee promotion: Michael Varela, Community Development Technician and Amy Johnson, Community Development Technician who thanked Director of Community Development Ebbs for the introduction.

City Manager Bernal announced the introductions of Michele Clary, Elita Hutchins and Hilda Pacheco would be postponed to a future meeting.

City Manager Bernal introduced Interim Chief of Police Morefield who thanked City Manager Bernal for the introduction.

Interim Police Chief Morefield thanked City Manager Bernal for the introduction and introduced the following new employee and employee promotions: Joshua Evans, Sergeant, Michael Souza Mellone, Sergeant, Loren Bledsoe, Corporal and Shawn Marques, Police Officer who thanked Interim Chief Morefield for the introduction.

Mayor Thorpe welcomed and congratulated the new and promotional employees.

2. PROCLAMATIONS

Proclamation Presenting Antioch High School Graduate and New York Jets Cornerback Isaiah Dunn with a Key to the City of Antioch, October 12, 2021
Honoring Unity Day in Antioch, October 20, 2021
Code Enforcement Officer Appreciation Week, October 10–16, 2021

Proclamation Recognizing October 24, 2021, as World Polio Day

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

Mayor Thorpe announced that a proclamation and Key to the City of Antioch would be presented to Antioch High School Graduate and New York Jets Cornerback Isaiah Dunn at an event to be held on October 14, 2021, at Antioch High School.

Michael Fenton, Black Diamond Middle School and Ariel Shackelford, Dozier-Libbey Medical High School thanked the City Council for the *Honoring Unity Day in Antioch* proclamation.

Code Enforcement Manager Michael, on behalf of the Code Enforcement Division, thanked the City Council for the *Code Enforcement Officer Appreciation Week* proclamation.

Milanka Schneiderman, representing the Antioch and Delta Rotary Clubs, thanked the City Council for the *Recognizing October 24, 2021, as World Polio Day* proclamation.

3. ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Assistant City Manager Bayon Moore announced the following civic and community events:

- CONTRA COSTA HEALTH SERVICES – FREE COVID-19 VACCINE
- BICYCLE GARDEN – FREE AND FUN BICYCLE EDUCATION (ONLINE)
- 911 SURVEY

The following announcement was read into the record by City Clerk Householder.

Leticia McDonald, The Church of Jesus Christ of Latter-Day Saints, invited the community to attend their Halloween and Dia de los Muertos celebration from 6:00 P.M. – 8:00 P.M. on October 30, 2021, at 3015 Rio Grande Drive, Antioch.

Mayor Thorpe reminded the community that a Key to the City would be presented to *New York Jets Cornerback Isaiah Dunn* at 3:00 P.M. on October 14, 2021, at Antioch High School.

City Clerk Householder announced a virtual Redistricting Workshop would be held at 10:00 A.M. on October 16, 2021.

4. ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Householder announced the following Board and Commission openings:

- Police Crime Prevention Commission: deadline date October 15, 2021
- Board of Administrative Appeals: deadline date October 15, 2021
- Planning Commission: deadline date October 15, 2021
- Parks and Recreation Commission: deadline date October 29, 2021

- Sales Tax Citizens' Oversight Committee: deadline date October 29, 2021

She reported applications were available on the City's website and youth ages 14-17 were eligible to apply.

PUBLIC COMMENTS

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

Chala Bonner, Kacey Carterelliott, Richmond resident, Teki Flow, Teresa Buie, Antoine and Latrece Martin, Antioch residents, provided written comment in support of Councilmember Torres-Walker.

Charlamange, Antioch resident, discussed citizen's recall efforts and incidents involving the Antioch City Council and City Attorney.

COUNCIL SUBCOMMITTEE REPORTS/COMMUNICATIONS

Councilmember Wilson reported on her attendance at a virtual Cannabis Control Conference with Councilmember Torres-Walker.

MAYOR'S COMMENTS - None

5. CONSENT CALENDAR

A. APPROVAL OF COUNCIL MEETING MINUTES FOR SEPTEMBER 14, 2021

B. APPROVAL OF COUNCIL MEETING MINUTES FOR SEPTEMBER 28, 2021

C. APPROVAL OF COUNCIL WARRANTS

D. RESOLUTION NO. 2021/162 SIXTH AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH WOODARD & CURRAN FOR THE WEST ANTIOCH CREEK FLOOD CONVEYANCE MITIGATION AND RESTORATION PROJECT (P.W. 201-5A)

E. RESOLUTION NO. 2021/163 ACCEPTANCE OF WORK AND NOTICE OF COMPLETION FOR THE INSTALLATION OF CURB RAMPS AT VARIOUS LOCATIONS (P.W. 409-7)

F. RESOLUTION NO. 2021/164 CONSIDERATION OF BIDS FOR COMPOSITE LOCKING MANHOLE FRAME AND COVERS IN RURAL AREAS BID NO. 968-0914-21C AND AWARDING OF MAINTENANCE SERVICE AGREEMENT

G. RESOLUTION NO. 2021/165 ABANDONED VEHICLE ABATEMENT FEE REAUTHORIZATION AND ELECTION

- H. **RESOLUTION NO. 2021/166 AUTHORIZING THE ACKNOWLEDGEMENT AND CONSENT OF A MEMORANDUM OF UNDERSTANDING FOR ROADWAY AND UTILITY IMPROVEMENT REIMBURSEMENT BETWEEN KB HOME NORTH BAY, LLC., RICHLAND PLANNED COMMUNITIES, INC. WITH RICHLAND DEVELOPERS, INC., AND DAVIDON HOMES, LP.**

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

PUBLIC HEARING

6. **INTRODUCTION OF AN 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 October 12, 2021, recommending the City Council introduce by title only and waive the first reading of an ordinance amending Antioch Municipal Code §9-5.2507 regarding rules of procedure for the timing of recommendations by the Planning Commission.

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

In response to Councilmember Ogorchock, City Attorney Smith explained that if an item needed to go back to staff for clarification from the point of introduction, then there would be two months from that point to get the additional information.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council unanimously introduced by title only and waive the first reading of an ordinance amending Antioch Municipal Code §9-5.2507 regarding rules of procedure for the timing of recommendations by the Planning Commission.

7. **PROPOSED AMENDMENT TO THE ANTIOCH MUNICIPAL CODE SECTIONS 9-5.203, 9-5.3801, 9-5.3845, AND THE DOWNTOWN SPECIFIC PLAN, RELATING TO CANNABIS BUSINESSES, BY ALLOWING CANNABIS BUSINESSES IN ADDITIONAL AREAS, MODIFYING THE DEFINITION OF SENSITIVE USES, AND SETTING DISTANCE REQUIREMENTS RELATING TO CANNABIS BUSINESSES**

City Attorney Smith recognized Cannabis Standing Committee Members/Councilmembers Wilson and Torres-Walker for helping to identify areas to expand the green zone. He also recognized Outside Legal Counsel Ziegler, Director of Economic Development Reed and Director of Community Development Ebbs for their contributions to this item. Outside Legal Counsel Ziegler presented the staff report dated October 12, 2021 recommending the City Council introduce, waive the first reading, and read by title only: 1) The proposed ordinance (choosing Attachment A or B in the staff report) amending the Antioch Municipal Code §§9-5.203, 9-5.3801, and 9-5.3845 and the Downtown Specific Plan relating to cannabis businesses,

2) Subject to the following amendments (if City Council wishes to make any amendments). Director of Economic Development Reed gave a PowerPoint presentation of the maps for the cannabis overlay expansion areas.

Mayor Thorpe opened the public hearing.

The following public comment was read into the record by City Clerk Householder.

Hugh Henderson provided written comment discussing his proposal for a cannabis business in the Somersville corridor and in support of the proposed amendment to the Antioch Municipal Code.

Mayor Thorpe closed the public hearing.

A motion was made by Councilmember Wilson to introduce, waive the first reading, and read by title only the proposed ordinance (Attachment B in the staff report) amending the Antioch Municipal Code §§9-5.203, 9-5.3801, and 9-5.3845 and the Downtown Specific Plan relating to cannabis businesses.

Speaking to the motion, Mayor Thorpe clarified that Attachment B was the Planning Commission's recommendation.

City Attorney Smith recommended the previous motion include a definition for what constitutes a youth sport's facility. Outside Legal Counsel Ziegler provided the following definition for Council consideration: *"A public or private facility that is primarily used to host sports activities for minors including but not limited to private youth membership organizations or clubs or social service teenage club facilities."*

Councilmember Wilson amended her motion to include the definition of youth sport's facility, as discussed. Councilmember Torres-Walker seconded the motion.

In response to Councilmember Barbanica, Director of Economic Development Reed clarified that under the current motion no cannabis businesses would be allowed downtown.

Councilmember Barbanica expressed concern that the goal was to expand cannabis overlay zones and the motion would not accomplish that in the downtown area.

City Attorney Smith explained the Planning Commission had expanded types of sensitive uses and increased buffers which eliminated opportunities downtown.

Director of Economic Development Reed stated if Council approved the motion, it would bring no jobs to the downtown area and 45-50 potential jobs to the Somersville area if Mr. Henderson's proposal was subsequently approved.

Councilmember Barbanica reported the Antioch Police Department and businesses were supportive of the overlay expansion and for that reason he was also in support.

Mayor Thorpe expressed concern that the approval of Attachment B would defeat the purpose of the original intent of expanding the overlay zone. He commented that he believed the Planning Commission added buffers to drowned out any opportunities for cannabis businesses.

Councilmember Wilson apologized for misunderstanding the restrictions related to downtown. She withdrew the previous motion and Councilmember Torres-Walker withdrew her second.

A motion was made by Councilmember Wilson and seconded by Councilmember Torres-Walker to introduce, waive the first reading, and read by title only the proposed ordinance (Attachment A) amending the Antioch Municipal Code §§9-5.203, 9-5.3801, and 9-5.3845 and the Downtown Specific Plan relating to cannabis businesses.

Speaking to the motion and in response to Councilmember Barbanica, Director of Economic Development Reed explained that a 200-foot buffer downtown would allow for more cannabis operations and foot traffic. He noted there would still be a limit based on sensitive uses.

Mayor Thorpe added that the number of businesses that would be allowed in the area would depend on where the first cannabis business was located because that would set new parameters.

In response to Councilmember Barbanica, Captain Morefield explained that because of conditions of approval in place for the cannabis operations in Antioch, the effect had been negligible on the Antioch Police Department, and he had no concerns for additional businesses in the City.

Councilmember Barbanica discussed the abundance of vacant buildings in the Somersville corridor and felt expansion of the overlay districts would benefit the areas.

Outside Legal Counsel Ziegler added the key differences between Attachment A and B were increased buffers and additional sensitive uses, which were not included in Attachment A.

A substitute motion was made by Councilmember Barbanica and seconded by Councilmember Ogorchock to introduce, waive the first reading, and read by title only the proposed ordinance (Attachment A) amending the Antioch Municipal Code §§9-5.203, 9-5.3801, and 9-5.3845 and the Downtown Specific Plan relating to cannabis businesses adding religious institutions as a sensitive use.

Mayor Thorpe speaking to the substitute motion stated he did not support adding religious institutions as a sensitive use because it was contrary to the original intent. He stated he would support the motion prior to this one.

In response to Councilmember Ogorchock's request to make a substitute motion, City Attorney Smith explained that there could only be one substitute motion on the original motion.

A vote was taken on the motion to introduce, waive the first reading, and read by title only the proposed ordinance (Attachment A) amending the Antioch Municipal Code §§9-5.203, 9-5.3801,

and 9-5.3845 and the Downtown Specific Plan relating to cannabis businesses adding religious institutions as a sensitive use, failed by the following vote:

Ayes: Barbanica, Ogorchock

Noes: Torres-Walker, Wilson, Thorpe

A substitute motion was made by Councilmember Ogorchock, seconded by Councilmember Barbanica to introduce, waive the first reading, and read by title only the proposed ordinance (Attachment A) amending the Antioch Municipal Code §§9-5.203, 9-5.3801, and 9-5.3845 and the Downtown Specific Plan relating to cannabis businesses adding public libraries, drug treatment and youth sports facilities as sensitive uses.

Mayor Thorpe stated he did not support the substitute motion because it was contrary to the original intent.

A vote taken on the motion to introduce, waive the first reading, and read by title only the proposed ordinance (Attachment A) amending the Antioch Municipal Code §§9-5.203, 9-5.3801, and 9-5.3845 and the Downtown Specific Plan relating to cannabis businesses adding public libraries, drug treatment and youth sports facilities as sensitive uses failed by the following vote:

Ayes: Barbanica, Ogorchock

Noes: Torres-Walker, Wilson, Thorpe

Councilmember Ogorchock expressed concern that an original motion to approve Attachment B, was seconded and now it was not being supported.

A vote taken on the motion made prior to the substitute motions to introduce, waive the first reading, and read by title only the proposed ordinance (Attachment A) amending the Antioch Municipal Code §§9-5.203, 9-5.3801, and 9-5.3845 and the Downtown Specific Plan relating to cannabis businesses. The motion carried the following vote:

Ayes: Torres-Walker, Wilson, Thorpe

Noes: Barbanica, Ogorchock

Councilmember Wilson commented that everything was at the discretion of Council and could be taken on a case-by-case basis.

PUBLIC COMMENTS

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

Patricia Granados thanked those on the City Council who continue to act professional and discussed an individual who had made public comments under her name.

Cassandra Quinto Collins spoke in support of an independent investigation into the death of Angelo Quinto.

STAFF COMMUNICATIONS - None

COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS

Councilmember Wilson requested tenant protections be agendized for discussion.

Councilmember Barbanica reported he had been contacted by the Economic Development Commission requesting Council formally provide them with direction on their August 10, 2021, presentation.

Councilmember Torres-Walker recognized Indigenous People Day and honored the Ohlone, Bay Miwok peoples and her ancestors. She thanked Councilmember Barbanica for checking on her and her family.

Mayor Thorpe announced Council would be holding a Work Session on the third Tuesday in November to discuss agenda items that had been previously requested.

City Attorney Smith announced Council would adjourn to Closed Session to hear the following item:

CLOSED SESSION:

- 1) **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session with the City’s Labor Negotiators is authorized by California Government Code §54957.6; City designated representatives: Nickie Mastay, Jazzman Brown, and Jeff Bailey; Employee organizations; Antioch Police Officers’ Association, Operating Engineers Local Union No. 3 (OE3), and Confidential Unit.

PUBLIC COMMENT – None

ADJOURNMENT TO CLOSED SESSION

On motion by Councilmember Barbanica seconded by Councilmember Ogorchock the City Council unanimously adjourned the meeting at 8:48 P.M.

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.

MOTION TO ADJOURN

On motion by Councilmember Ogorchock seconded by Councilmember Barbanica the City Council unanimously adjourned the meeting at 11:00 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk