

CITY COUNCIL MEETING

Special/Regular Meeting
7:00 P.M.

November 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 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.

4:00 P.M. - CLOSED SESSION

- 1. 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, Jazzman Brown, and Jeff Bailey; Employee organizations: Antioch Police Officers' Association, Operating Engineers Local Union No. 3 (OE3), and Confidential Unit, Management Unit, and Treatment Plant Employees' Association.
- 2. PUBLIC EMPLOYEE APPOINTMENT – TITLE: INTERIM CITY MANAGER.** This closed session is authorized pursuant to Government Code section 54957.
- 3. CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session with the City's Labor Negotiator is authorized by California Government Code section 54957.6; City designated representative: Nickie Mastay, Administrative Services Director; Unrepresented Employee: Interim City Manager.

5:30 P.M. – SPECIAL MEETING/STUDY SESSION

Mayor Thorpe called the meeting to order at 5:34 P.M., and City Clerk Householder called the roll.

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

Absent: Councilmember District 1 Torres-Walker

SM-1. REDISTRICTING IN ANTIOCH: DRAFT REDISTRICTING MAPS

Jane Hood, representing Q3 Data & Research, demonstrated the redistricting tool and presented the staff report dated November 9, 2021, recommending the City Council 1) Receive the redistricting presentation and public comment on the draft redistricting maps; and 2) Provide feedback and direction to the demographer on drafting the redistricting maps.

Mayor Thorpe explained that the maps shown this evening were only examples, not final maps.

PUBLIC COMMENT

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

Mark Jordan provided written comment in support of drawing a boundary line along Lone Tree Way, between districts 3 and 4.

Alicia Rinne provided written comment expressing concern that the interactive map was not available until November 4, 2021, and it was difficult to navigate and not available in Spanish. She also felt the examples given divided communities of interest and favored a Councilmember.

Jack Rinne provided written comment expressing concern that the interactive map was difficult to navigate and not available in Spanish. He supported drawing the boundary lines along major arterials and opposed drawing lines favoring Councilmembers.

Jennifer and Sam Bunch and Michael provided written comment expressing concern that the boundary lines drawn had favored a Councilmember and suggested boundary lines be drawn along Lone Tree Way.

Marilyn Ferguson provided written comment in support of map A.

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

Harry Thurston, Antioch resident, spoke in support of map A.

Mayor Thorpe explained the maps presented this evening were drawn by the consultant. He clarified the current boundary lines had been in place since 2018, and now the district lines were being redrawn because of overpopulation in district 3.

Councilmember Ogorchock stated that the mapping tool was difficult to use.

In response to Councilmember Ogorchock, Ms. Hood, using the mapping tool, drew a district map with a line down Lone Tree Way to Hillcrest Avenue and boundaries along the Canada Valley/Laurel Road area. She explained that the map options presented this evening followed Council's direction to create options that balanced districts 3 and 4 while meeting all criteria. She noted drawing maps along Country Hills and Boulder deviated from communities of interest.

Councilmember Ogorchock stated she was concerned that three map options were posted online, and only two maps were included in the agenda packet. She requested the city send public notices for this item to all Antioch residents and all materials be provided in English and Spanish. She discussed the importance of following redistricting guidelines.

Mayor Thorpe reiterated that the maps presented this evening were the first iteration following Council's direction and the process would allow for residents to submit their comments.

Councilmember Barbanica reported he had received feedback from residents regarding how difficult it was to navigate the mapping tool. He also supported the city providing all materials in Spanish.

Ms. Hood clarified that the public would be using a simplified online districting tool. She stated if there was Council consensus, they would provide all the information in Spanish.

Councilmember Ogorchock requested staff conduct additional public outreach.

Mayor Thorpe reminded the public that there had been a lot of discussion in the past related to the districting process because residents in district 1 felt they had not been represented on Council and many others opposed the districting process.

Council consensus supported adding Councilmember Ogorchock's map option drawn this evening, for future consideration.

MOTION TO ADJOURN SPECIAL MEETING/STUDY SESSION

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council members present unanimously adjourned the Special Meeting/Study Session at 6:08 P.M.

7:00 P.M. – REGULAR MEETING

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 and Mayor Thorpe

Absent: Mayor Pro Tem (District 4) Wilson (arrived at 7:05 P.M.)

PLEDGE OF ALLEGIANCE

Councilmember Barbanica 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 LABOR NEGOTIATORS**, no reportable action, **#2 PUBLIC EMPLOYEE APPOINTMENT – TITLE: INTERIM CITY MANAGER**, direction given to

Administrative Services Director Mastay; and **#3 CONFERENCE WITH LABOR NEGOTIATORS**, direction given to Administrative Services Director Mastay.

1. INTRODUCTION OF NEW EMPLOYEES

City Manager Bernal introduced Agenda Item #1.

City Clerk Householder announced that Councilmember Wilson arrived at 7:05 P.M.

Director of Public Works/City Engineer Samuelson introduced Edrees Argand, Assistant Engineer, Triston Wara, Fleet Service Technician and Dietrich Blalock, Collection Systems Worker I, who thanked Director of Public Works/City Engineer Samuelson for the introduction and stated they looked forward to serving the city.

Matthew Groover, Water Distribution Operator I and Simon Kemp, Equipment Operator, were not in attendance for introductions this evening.

Director of Community Development Ebbs introduced Sani Kolokihakaufisi and Laurentino Padilla, Code Enforcement Officers, who thanked the City Council for the introduction and stated they looked forward to serving the city.

Director of Parks and Recreation Helfenberger introduced Elita Hutchins and Hilda Pacheco, Recreation Programs Coordinators, who thanked the City Council for the introduction and stated they looked forward to serving the city.

Catriona Cottle and Jessie Naval, Police Dispatchers, were not in attendance for introductions this evening.

Mayor Thorpe welcomed and congratulated the new and promoted employees. He recognized staff for hiring quality employees.

2. PROCLAMATION

National Alzheimer's Disease Awareness Month, November 2021

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

Director of Parks and Recreation Helfenberger on behalf of community partners and those living with Alzheimer's disease, thanked the City Council for the *National Alzheimer's Disease Awareness Month* proclamation and discussed resources available in Antioch.

Mayor Thorpe offered his support to the caregivers of Alzheimer's patients.

3. ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Director of Parks and Recreation Helfenberger announced the following civic and community events:

- CONTRA COSTA HEALTH SERVICES – FREE COVID-19 VACCINES
- VETERAN’S DAY – HONORING THE WAR HERO, November. 11, 2021

Mayor Thorpe reported he was currently attending a conference with Councilmember Wilson, and they would not be able to attend the Veteran’s Day event. He announced he would be holding his turkey giveaway at 5:00 P.M. on November 19, 2021.

4. ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Householder announced the following Board and Commission openings:

- Police Crime Prevention Commission: Four (4) vacancies: deadline date is November 12, 2021
- Sales Tax Citizens’ Oversight Committee: One (1) vacancy: deadline date is November 24, 2021

She reported applications were available at: www.bit.ly/ApplyAntioch or on the City’s website. She encouraged youth ages 14-17, to apply.

PUBLIC COMMENTS

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

Laura Young provided written comment announcing that Antioch residents could sign the recall petition for Ellie Householder at 6:00 P.M. on November 10, 2021, at Deer Valley High and 11:00 A.M. on November 15, 2021, at Lowes in Antioch. Contact information was given.

Mark Jordan provided written comment expressing concern regarding the process for submission of the recall paperwork for Mayor Thorpe. He called for the censure of City Clerk Householder and requested Council direct her to deliver all documents and communications in a timely manner.

Sal Sbranti provided written comment questioning if the City had used imminent domain for property located on Sycamore Drive. He requested crime statistics and information related to the apprenticeship program for the Sycamore area.

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

Leslie May announced November was National Native American Heritage Month and she invited the Council to attend the Contra Costa County Mental Health Commission meeting on December 1, 2021.

COUNCIL SUBCOMMITTEE REPORTS/COMMUNICATIONS

Councilmember Torres-Walker reported on her attendance at the Violence Prevention and Intervention Ad Hoc Committee meeting. She announced their next meeting would be held on November 15, 2021.

Councilmember Barbanica announced Adopt-A-Family opened for local families. Contact information was provided.

Councilmember Wilson announced Delta Diablo would be meeting next week and Tri-Delta Transit would be meeting December.

MAYOR'S COMMENTS – None

5. CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MEETING MINUTES FOR SEPTEMBER 28, 2021**
- B. APPROVAL OF COUNCIL MEETING MINUTES FOR OCTOBER 12, 2021**
- C. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR OCTOBER 16, 2021**
- D. APPROVAL OF COUNCIL MEETING MINUTES FOR OCTOBER 26, 2021**
- E. APPROVAL OF COUNCIL WARRANTS**
- F. RESOLUTION NO. 2021/171 PHOTOMETRIC STUDY FOR STREET LIGHTING (P.W. 700-3)**
- G. RESOLUTION NO. 2021/172 LIBRARY MAINTENANCE AND SERVICE AGREEMENT BETWEEN CONTRA COSTA COUNTY AND CITY OF ANTIOCH**

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

PUBLIC HEARING

6. NATURAL SUPPLEMENTS CANNABIS FACILITY (UP-20-01, AR-20-01)

Director of Community Development Ebbs recommended a continuance of this item at the request of the applicant.

Mayor Thorpe opened the public hearing.

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

Brent Jolley, Land Use Counsel representing the Applicant, stated he submitted the request for a continuance, so they supported the recommended action this evening.

Mayor Thorpe closed the public hearing.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously continued Agenda Item #6 Natural Supplements Cannabis Facility.

7. PUBLIC NOTICE OF INTENT TO ADOPT THE EAST CONTRA COSTA SUBBASIN GROUNDWATER SUSTAINABILITY PLAN (P.W. 704-3)

Director of Public Works/City Engineer Samuelson presented the staff report dated November 9, 2021, recommending the City Council adopt a resolution adopting the East Contra Costa Subbasin Groundwater Sustainability Plan.

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

Councilmember Wilson spoke in support of the resolution adopting the East Contra Costa Subbasin Groundwater Sustainability Plan and requested Antioch be part of the discussions moving forward.

RESOLUTION NO. 2021/173

On motion by Councilmember Wilson, seconded by Councilmember Ogorchock the City Council unanimously adopted a resolution adopting the East Contra Costa Subbasin Groundwater Sustainability Plan.

COUNCIL REGULAR AGENDA

8. APPOINTMENT OF INTERIM CITY MANAGER, APPROVAL OF EMPLOYMENT AGREEMENT, AND AUTHORIZATION OF THE MAYOR TO SIGN THE AGREEMENT

Administrative Services Director Mastay presented the staff report dated November 9, 2021, recommending the City Council adopt a resolution: 1) Appointing Cornelius Johnson as Interim City Manager; 2) Approving the Interim City Manager Employment Agreement; and 3) Authorizing the Mayor to sign the Interim City Manager Employment Agreement.

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

Captain Crunch provided written comment in support of appointing Assistant City Manager Bayon Moore as City Manager and suggested Councilmembers Wilson and Torres-Walker and Mayor Thorpe recuse themselves from voting on this item.

Mark Jordan, Antioch resident, provided written comment expressing concern that the appointment of Cornelius Johnson as Interim City Manager appeared as a payback for campaign donations and event sponsorship. He suggested Councilmember Wilson, Mayor Thorpe and Councilmember Torres-Walker recuse themselves from voting on this item.

Sal Sbranti provided written comment in support of appointing Assistant City Manager Bayon Moore as City Manager. He expressed concern that the appointment of Cornelius Johnson as Interim City Manager appeared as a payback for campaign donations and event sponsorship.

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

Deborah Hicks and Leslie May spoke in support of the appointment of Cornelius Johnson as Interim City Manager.

Councilmember Barbanica stated Mr. Johnson was his friend and someone who wanted better for Antioch. He thanked him for his years of public service. He felt Assistant City Manager Bayon Moore should have been brought up into the Interim City Manager position. He felt this appointment was premature and requested HR or a consultant be involved in the recruitment process. He thanked Mr. Johnson for his interest and public service.

Councilmember Ogorchock shared her appreciation for Mr. Johnson and his interest in becoming the Interim City Manager. She stated she did not believe his qualifications aligned with the City Manager at this time and agreed with Councilmember Barbanica.

Councilmember Torres-Walker stated she had received feedback from individuals who believed Mr. Johnson would be a good Interim City Manager. She noted if he could work objectively with every Councilmember during the transition period, then she was prepared to support his appointment. She further noted she was not sure how often qualifications were challenged for applicants who were not people of color.

Councilmember Wilson recognized Mr. Johnson for working hard, being objective and expressing interest in public service. She believed he would do a good job leading the city through the transition period.

Mayor Thorpe reported Council had discussed a term of one-year, starting at step A for City Manager, with a start date of as soon as possible contingent upon a background check. He explained he no longer agreed to the terms previously discussed and now believed the Interim City Manager should maintain full authority of the office.

A motion was made by Councilmember Wilson, seconded by Councilmember Torres-Walker to adopt the resolution 1) Appointing Cornelius Johnson as Interim City Manager; 2) Approving the

Interim City Manager Employment Agreement for one (1) year, compensation of Step A (\$20,137) with a proposed start date contingent on a background check; and 3) Authorized the Mayor to sign the Interim City Manager Employment Agreement.

Discussion ensued regarding the motion with Councilmember Wilson clarifying that the appointment would be contingent upon successful passage of a background check.

Mayor Thorpe explained that given previous discussions, he no longer supported limiting the Interim City Manager's hiring of department heads.

Councilmember Barbanica expressed concern regarding previous inference that there was something other than qualifications and a background that was causing question. He stated his only concern was what was best for the city and his district.

In response to Councilmember Ogorchock, City Attorney Smith clarified that the motion and contract would allow the Interim City Manager to hire a Police Chief.

Councilmember Torres-Walker stated that she originally did not feel an Interim City Manager should have the authority to hire department heads; however, after further reflecting there had not been any limitations of authority in the past and she did not want to set precedents.

RESOLUTION NO. 2021/174

A vote taken on the previous motion to adopt the resolution 1) Appointing Cornelius Johnson as Interim City Manager; 2) Approving the Interim City Manager Employment Agreement for one (1) year, compensation of Step A (\$20,137) with a proposed start date contingent on the background check; and 3) Authorize the Mayor to sign the Interim City Manager Employment Agreement, passed. The motion carried the following vote:

Ayes: Torres-Walker, Wilson, Thorpe

Noes: Barbanica, Ogorchock

9. PRESENTATION AND DISCUSSION ON PROPOSED UPDATES TO THE ANTIOCH MUNICIPAL CODE SECTION 6-3 FOR IMPLEMENTATION OF SENATE BILL (SB) 1383

Environmental Resource Coordinator Haas-Wajdowicz presented the staff report dated November 9, 2021, recommending the City Council receive an overview on the draft updates to the Antioch Municipal Code Section 6-3, discuss, and provide direction to staff.

In response to Council, Environmental Resource Coordinator Haas-Wajdowicz clarified that the city could cite residents for throwing items in the incorrect container; however, their goal was compliance. She noted they were currently working with Republic Services on education and outreach as well as plans for launching the program.

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

Leslie May thanked Environmental Resource Coordinator Haas-Wajdowicz for the presentation and explained that she had participated in this program in Livermore, and it was very successful.

10. ECONOMIC DEVELOPMENT FAÇADE IMPROVEMENT PROGRAM PILOT

Director of Economic Development Reed introduced Economic Development Program Manager Zepeda who presented the staff report dated November 9, 2021, recommending the City Council adopt the resolution approving the 2021 Façade Improvement Program for an amount of \$60,000.

The City Council thanked Economic Development Program Manager Zepeda for the presentation and spoke in support of the program as well as its future expansion.

In response to Councilmember Ogorchock, Economic Development Program Manager Zepeda confirmed that her future presentation would utilize photos of Antioch businesses.

In response to Mayor Thorpe, Director of Economic Development Reed explained that this would be a reimbursable program and once it was underway, they would return to Council with a request for additional funding.

RESOLUTION NO. 2021/175

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council unanimously adopted the resolution approving the 2021 Façade Improvement Program for an amount of \$60,000.

11. UPDATE ON THE PLANNING AND DESIGN OF POTENTIAL MUSEUM EXHIBITS AND RELATED PURSUITS

Assistant City Manager Bayon Moore presented the staff report dated November 9, 2021, recommending the City Council accept the staff update.

Mayor Thorpe reported they had worked with the Antioch Historical Society to develop a process similar to an RFP/RFQ and candidates were interviewed. He noted they were recommending one candidate to bring forward for Council's support. He further noted the city working collaboratively with the Antioch Historical Society was important to the process of building cultural experiences and he recognized Assistant City Manager Bayon Moore for being a great ambassador.

12. AB 361: RESOLUTION MAKING FINDINGS NECESSARY TO CONDUCT BROWN ACT MEETINGS BY TELECONFERENCE AND DETERMINING WHETHER THE CITY COUNCIL, BOARDS, COMMISSIONS, AND COMMITTEES WILL KEEP TELECONFERENCE ACCESS TO PUBLIC MEETINGS WHEN IN-PERSON ATTENDANCE AT PUBLIC MEETINGS RESUMES

City Attorney Smith presented the staff report dated November 9, 2021, recommending the City Council: 1) Provide direction to staff concerning whether the City Council wishes to provide "hybrid meetings" including in-person and teleconference public participation or in-person meetings without public participation via teleconference. 2) Adopt the resolution Authorizing Remote Teleconference/ Virtual Meetings of the Legislative Bodies of the City of Antioch incorporating the City Council's decision to conduct either: a. Hybrid meetings with teleconference or b. In-person meetings without public participation via teleconference (and specifying an end date).

In response to Councilmember Ogorchock, City Attorney Smith explained the process for hybrid and in-person meetings.

City Manager Bernal added that maintaining full zoom and in-person meetings would require additional staffing; however, if it was a matter of having a telephone line available, it could be done with staffing of the current committee or commission.

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

Leslie May spoke in support of "hybrid meetings" including in-person and teleconference public participation.

Following discussion, Council consensus supported "hybrid meetings" including in-person and teleconference public participation for City Council meetings. They also supported adopting a system where public comments submitted in writing were entered into the record and not read during the meeting. They noted each Board/Commission/Committee could determine the type of meeting they wanted to conduct.

Mayor Thorpe explained that whether public comments were read into the record or part of the record, everyone's voice would be treated equally.

RESOLUTION NO. 2021/176

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adopted the resolution Authorizing Remote Teleconference/Virtual Meetings of the Legislative Bodies of the City of Antioch incorporating the City Council's decision to conduct hybrid meetings with teleconference.

PUBLIC COMMENTS

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

Andrew Becker requested the City Council support affordable housing and Project Homekey.

Leslie May requested the City Council support the Housing That Heals program.

STAFF COMMUNICATIONS

City Manager Bernal announced the next Council meeting would be a Special meeting at 5:00 P.M. on November 16, 2021, and the Council's first in-person/hybrid meeting would be on November 23, 2021, in the newly renovated Council Chambers.

COUNCIL COMMUNICATIONS

Councilmember Torres-Walker thanked the City Council for their input this evening. She honored indigenous people and her ancestors. She expressed concern regarding evictions and the lack of affordable housing in Antioch. She voiced her support for adopting policies that would keep families in their homes. She requested Council discuss the Project Homekey and Housing That Heals programs as well as additional staffing for the Community Development Department.

Councilmember Barbanica encouraged residents facing eviction or unable to pay rent utilize the California COVID-19 rent relief program.

ADJOURNMENT

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adjourned the meeting at 9:21 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk