

## CITY COUNCIL MEETING

Special Meeting  
5:30 P.M.

November 16, 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](http://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](https://www.antiochca.gov/speaker_card), or (2) Emailed the City Clerk's Department at [cityclerk@ci.antioch.ca.us](mailto: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.*

### 5:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Government Code section 54956.9: DAVID L. COOK, Plaintiff, v. MARCOS TORRES, et al., Defendants, United States District Court for the Northern District of California, Case No. 4:19-cv-01270-PJH.

### 5:30 P.M. - SPECIAL MEETING

Mayor Thorpe called the Special 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

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.

### PLEDGE OF ALLEGIANCE

Councilmember Ogorchock led the Pledge of Allegiance.

### OPENING REMARKS BY MAYOR AND CITY COUNCIL

Mayor Thorpe reviewed the topics for the Special Meeting Agenda.

## **COUNCIL REGULAR AGENDA**

### **1. SESQUICENTENNIAL CELEBRATION NEXT STEPS**

City Manager Bernal introduced Regular Agenda Item #1.

Director of Parks and Recreation Helfenberger presented the staff report dated November 16, 2021, recommending the City Council consider the options for the provision of Sesquicentennial Events and provide direction.

Joy Motts, Tammy Larson and Michael Gabrielson, Celebrate Antioch Foundation, stated they were available to answer any questions this evening and explained that they believed the city would be hosting the Sesquicentennial Celebration events; however, due to the pandemic they had been asked to help facilitate these efforts because of their experience in organizing large events.

In response to Councilmember Wilson, Ms. Motts explained initial planning efforts were related to gathering sponsorships and an event held regarding these efforts had been very successful. She reported they were working with the Antioch Historical Society, Kiwanis, Women's Club, Delta Veteran's Group, Rotary, Chamber of Commerce and El Campanil Theatre. She explained that they were an all-volunteer organization opened to anyone willing to help with this event.

Councilmember Wilson encouraged Celebrate Antioch Foundation to reach out to youth groups and faith-based organizations.

Ms. Motts explained that they typically had a lot of involvement from youth in their events and Director of Parks and Recreation Helfenberger had reached out to the Superintendent of the Antioch Unified School District to find out if they wanted to participate.

Tammy Larson added that they had also reached out to the indigenous community. She encouraged Council to refer interested organizations to the Celebrate Antioch Foundation.

Mr. Gabrielson added that they were opened to working with any organization. Contact information was provided.

Councilmember Barbanica thanked the Celebrate Antioch Foundation.

In response to Councilmember Barbanica, Ms. Motts provided a detailed list of activities that would occur during the planning process. She stated the work would be distributed equally among their four board members at approximately 15-20 hours per person per week.

Councilmember Ogorchock thanked the Celebrate Antioch Foundation (CAF) for the work they had accomplished and noted that she attended meetings and understood their involvement.

In response to Councilmember Ogorchock, Ms. Motts reported they had raised over \$39k. minus expenses at their sponsorship event. Director of Parks and Recreation Helfenberger explained

that the budget illustrated how the requested funds would be spent. He noted the free day at the water park would be paid for through existing operational funds. He further noted it would result in a loss of revenue; however, it would not be an additional expenditure on top of operations already planned.

Councilmember Torres-Walker thanked the CAF for their work and noted it was an ambitious timeline for events. She questioned if it would be possible to scale down the list of activities.

Ms. Motts responded that it was ambitious, and they had put a lot of planning into the celebrations. She noted there were other organizations that would be involved in taking on tasks. She further noted that they believed the City deserved a great celebration.

Mr. Gabrielson thanked Councilmember Torres-Walker for acknowledging their work and noted their goal was to surpass last year's 4<sup>th</sup> of July event.

Councilmember Barbanica commented that initially he was not supportive of the admin fee; however, after listening to the presentation this evening he was in support.

Councilmember Ogorchock stated she was excited about the events and that they were planned to be held throughout Antioch. She stated after the presentation on how the administrative fee would be shared among members, she was in support.

Councilmember Torres-Walker stated she was excited about all the events. She explained that the lack of process and transparency regarding the expenditure of public funds was a challenge.

Mayor Thorpe explained that an accounting of funds would be required, and he thanked the Celebrate Antioch Foundation for their work on these efforts. He reminded the public that the Celebrate Antioch Foundation came into existence because the city lacked funds to host cultural activities. He explained that the Civic Enhancement Grant process was developed to facilitate transparency with regards to the expenditure of city funds. He noted the Celebrate Antioch Foundation came forward when there was inaction by the City Council. He spoke in support of moving forward as expeditiously as possible and the Celebrate Antioch Foundation tracking their expenditure of funds.

Ms. Motts added that the grant process involved providing a profit and loss, and bank statements. She noted their tax information was also available.

City Manager Bernal clarified that the total request was for \$145,000 and if supported by Council the funding would come back for authorization on November 23, 2021, as part of the Finance Director's budget discussion item.

Following discussion, the City Council consensus supported allocating the expenditure of \$145,000, including a \$25,000 administrative fee, to the Celebrate Antioch Foundation with a mid and final year fiscal and outcome report.

Mr. Gabrielson thanked the Council for their support of the Celebrate Antioch Foundation and stated they looked forward to putting on a great and inclusive event.

## **2. HOUSING POLICIES – RENT CONTROL AND TENANT PROTECTIONS**

Mayor Thorpe introduced Agenda Item #2.

Councilmember Ogorchock requested this item be pulled and brought back at the next meeting since there was a presentation and the California Apartment Association and Delta Association of Realtors had not been invited to the conversation.

Mayor Thorpe explained that Council would not be making a final decision this evening and the Alliance of Californians for Community Empowerment just wanted to discuss rent control. He further noted they could have the Apartment Association and Delta Realtors present at a future meeting.

A motion was made by Councilmember Ogorchock, seconded by Councilmember Barbanica to pull this item for a later date so the California Apartment Association and Delta Association of Realtors could have the opportunity to come forth with a presentation at the same time on all items. The motion failed by the following vote:

Ayes: Barbanica, Ogorchock

Noes: Torres-Walker, Wilson, Thorpe

Mayor Thorpe reiterated that this item could be brought back at the next meeting for a presentation from the California Apartment Association and Delta Association of Realtors. He noted this item was informational only.

Assistant City Manager Bayon Moore presented the staff report dated November 16, 2021, recommending the initiating Council Members lead a discussion of the policy topics, including a presentation by Alliance of Californians for Community Empowerment (ACCE), and the City Council provide staff direction based on the consensus of the governing body. She announced an interpreter was available this evening and live interpretation in Spanish could be provided if desired.

Leah Simon – Weisberg representing ACCE, provided a Local Tenant Protections, Just Cause for Evictions, Anti-harassment Ordinance and Rent Stabilization PowerPoint presentation. Ms. Simon-Weisberg provided the presentation in English and Spanish.

Councilmember Ogorchock commented that she did not have the complete presentation in her agenda packet.

Ms. Simon-Weisberg responded that the rent control item was added to the agenda, so she was asked to add that item to the presentation.

Due to the amount of speaker requests, Mayor Thorpe reduced speaker times to one and a half minutes.

The following public comments were read into the record in Spanish and translated to English by Interpreter Patricia Coronado.

Sabino Garcia, Brenda Lopez, Sandra Campos, Jossy Argenal, Marta Rivera, Maria Luisa Garcia and Martha Garcia, Antioch residents representing ACCE, and Luis Vargas, Antioch resident, provided written comment in support of anti-harassment and eviction ordinances as well as just cause and rent control ordinances for tenants.

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

Mark Jordan, Mark Murray, Lawrence and Irene Wong, Ernesto and Maria de la Rosa, Daniel Ashley, Calvin Wong, Antioch property owners, provided written comment in opposition to rent control in Antioch.

Raquel Maramag, Christina Morales, Carmen Ponce, Antioch residents representing ACCE, Donald Lang, Pittsburg resident representing ACCE, Destiny Bristow and William Goodwin representing ACCE, provided written comment in support of a tenant anti-harassment and stronger just cause for eviction ordinances.

Mark Pryor, Antioch property manager, provided written comment requesting the City take no action on the referenced topics.

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

Brendon O'Laskey, Antioch resident representing East County Regional Group, Debra Ballinger Executive Director Monument Impact, Myriam Saenz, Francisco Torres representing ACCE, Rhea Elina representing First 5 Contra Costa, Frank Sterling and Silvia Maravilla Vasquez spoke in support of rental protections in Antioch such as anti-harassment, rent stabilization and just cause for eviction ordinances.

Linda Dunn, Attorney representing Landlords in Contra Costa County, stated that state law provided for all points being discussed this evening. She requested this item be brought forward on another evening when the California Apartment Association could be present.

Tony Bravo representing Monument Impact read a written comment into the record from Sandra Torres, Antioch resident who indicated she had experienced tenant harassment.

Scott MacIntyre expressed concern that a moratorium on rent increases could cause him to raise rates and noted that the city should not involve themselves in his business.

Dr. Paschal Iwuh representing The African Network spoke in support of a balanced approach between tenants and landlords.

Rhovy Lyn Antonio representing the California Apartment Association, spoke in support of the city providing them with the opportunity to present on existing rental protections. She acknowledged Mayor Thorpe's comments that there would be an opportunity to present at a future meeting and noted they looked forward to that opportunity.

Mayor Thorpe reiterated that the city would invite some of the other organizations to come back to continue the conversation.

Councilmember Torres-Walker thanked ACCE for the presentation and the speakers this evening. She spoke about her experience with housing insecurity. She discussed the importance of everyone working together to focus on the most vulnerable and finding solutions to stabilize communities.

Councilmember Wilson stated that they wanted to protect the community and keep residents in their homes. She noted there were some landlords that were not complying with state mandates. She further noted she looked forward to hearing from other organizations.

Councilmember Barbanica suggested addressing only the landlords that were not complying with current regulations. He noted moratoriums would make it difficult for landlords to continue renting their properties.

Councilmember Ogorchock thanked everyone for their comments this evening. She reported local real estate agents had been contacted by property owners who expressed interest in selling their homes if any of the items discussed this evening were approved. She noted that that action would increase rents for remaining rental properties. She stated residents experiencing illegal actions by their landlords should be referred to legal services available through CDBG. She suggested the city sponsor an educational series on existing laws related to tenants' rights.

Mayor Thorpe stated he appreciated the presentation and comments this evening. He noted he was supportive of continuing the discussion with others regarding their perspective on these matters.

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

Angela Hamel, Antioch resident and business owner, reported she had received many calls regarding illegal evictions and tenant harassment. She supported additional funding for legal aid and educating the public on tenant rights.

Mayor Thorpe announced this item would be continued to a future Council meeting and he would work with City Manager Bernal on inviting the stakeholders to participate. He stated since Councilmembers Ogorchock and Barbanica were in the real estate field, he would request that they email their thoughts on who to invite to give presentations to Council.

In response to Councilmember Ogorchock, Mayor Thorpe stated that he wanted Council to hear from other presenters prior to having a discussion on an educational series on existing laws. He noted the public would have the ability to provide their comments at the next meeting.

Mayor Thorpe declared a recess at 7:52 P.M. The meeting reconvened at 8:02 P.M. with all Councilmembers present.

### **3. LOCAL PURCHASING ORDINANCE**

Councilmember Ogorchock explained her goal was to ensure local businesses had an opportunity to bid on items the city procured, and that the city would have the opportunity to hire local businesses. She noted that after researching and discussing the possibility of a local purchase ordinance with staff she believed it was not a viable option at this time.

City Attorney Smith reported the city had previously considered this item and facts stated from the previous City Attorney remained relevant.

Council consensus supported withdrawing this item for consideration.

### **4. LOCAL PREFERENCE FOR MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES**

Councilmember Wilson reported she had researched local preference for minority and women owned business enterprises; however, given the information she had received, she was now requesting the city provide a technical assistance program to support businesses through the public contracting process.

Director of Public Works/City Engineer Samuelson explained when the city received federal funding, they must comply with disadvantaged business enterprise guidelines. With regards to utilizing local and state funding, the state prohibited showing preference towards one agency through the public bidding process. He noted that they could provide a technical assistance program to support businesses through the public contracting process. He further noted this project would take time to create and he would need additional assistance for development and implementation.

Councilmember Wilson requested the City Council support moving forward with researching this type of program.

Councilmember Barbanica stated he wanted all businesses to succeed and a program that was inclusive of everyone.

City Attorney Smith stated that they had discussed providing all-inclusive educational programs that would address groups that had been historically underserved and in need of assistance.

Councilmember Wilson stated the intent was to provide technical assistance that would be available for all businesses.

Councilmember Torres-Walker spoke in support of moving forward with a technical assistance program.

In response to Councilmember Torres-Walker, Councilmember Wilson commented they could research whether there were federal funds that explicitly highlighted minority owned women businesses.

Councilmember Ogorchock stated that the item being discussed this evening was not agenzized and questioned if the discussion should continue.

City Attorney Smith explained that since research was ongoing, he believed this conversation could exist within that discussion. He noted when the item comes back to Council, they would adjust the title so that it specifically speaks to this program. He noted during this agenda item they had discussed how the initial thought was one thing and it had moved to another.

Following discussion, Council tabled this item and supported Councilmember Wilson working with staff to bring the item back after more research.

## **5. HUMAN RIGHTS AND RACIAL EQUITY COMMISSION**

Councilmember Torres-Walker discussed the purpose of a Human Rights and Equity Commission. She requested the City Council support her in directing staff to bring back a potential proposal for the effective establishment of this Commission that would cover its mission, objectives and powers moving forward.

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

Dr. Paschal Iwuh questioned if Councilmember Torres-Walker should be in a position to discuss a Human Rights and Equity Commission, given her recent incident involving the Antioch Police Department.

Councilmember Wilson stated she would like more information on this item.

Councilmember Barbanica stated if this item were to move forward, he would ask that it occur at a later date due to city staff's current workload.

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

An unidentified speaker encouraged Council to continue their good work.

Councilmember Torres-Walker commented she would be willing to research this item to determine how it could be operational.

Mayor Thorpe reported the city had many large projects in the pipeline and he had concerns regarding staffing. He offered to move this item into the discussions regarding homelessness. He reminded Council that many new items requested were being contracted out because the City lacked the expertise in house.

Councilmember Ogorchock requested that this item be tabled due to the lack of city resources.

Mayor Thorpe offered to work with Councilmember Torres-Walker regarding how this issue related to unhoused residents. He noted he was not in favor of moving the establishment of this Commission forward at this time due to staff's commitment to other large projects.

Councilmember Torres-Walker commented that racial equity and human rights were important issues and she hoped they would be addressed in the future.

With consensus of Council, this item was tabled.

## **6. FOOD INSECURITY AND ACCESS TO HEALTHY AND AFFORDABLE FOOD OPTIONS AD HOC COMMITTEE**

Councilmember Torres-Walker stated she was not sure if an Ad Hoc Committee was necessary; however, she believed there were program opportunities the city could consider to address food insecurity and access to healthy and affordable food options.

Councilmember Wilson stated she did not believe an Ad Hoc Committee was necessary; however, she supported the city looking into programs such as Healthy Neighborhood Overlay Districts.

Mayor Thorpe stated he believed access to water, food and housing were basic human rights and could be part of the scope of the Commission.

## **PUBLIC COMMENTS**

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

Atticus Finch spoke in support of the City Council addressing violence in Antioch and recalling all Councilmembers.

Alexi Lindeman, Antioch resident and Doertlis K. Schultze-Allen M.D. requested the Council support a ban on oil and gas drilling in Antioch.

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

Dr. Paschal Iwuh, Antioch resident, expressed concern regarding Antioch Unified School District ratings. He requested Councilmembers be held responsible for their actions.

Mayor Thorpe announced when Council returned to in person meetings, they would be taking public comments in person and via zoom, and any written public comments would be attached to the record. He invited everyone to the in-person Council meeting on November 23, 2021 and noted the ribbon-cutting for Council Chambers would take place at 5:00 P.M. on November 22, 2021.

**ADJOURNMENT**

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council unanimously adjourned the meeting at 8:50 P.M.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk