

**CITY COUNCIL MEETING  
INCLUDING THE ANTIOCH CITY COUNCIL  
ACTING AS SUCCESSOR AGENCY  
TO THE ANTIOCH DEVELOPMENT AGENCY**

**Regular Meeting  
7:00 P.M.**

**December 14, 2021  
Council Chambers**

**5:30 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. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of Litigation pursuant to California Government Code section 54956.9(c): One potential case.

**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/Agency Members District 1 Torres-Walker, District 2 Barbanica, District 3 Ogorchock and Mayor Thorpe  
Absent: Mayor Pro Tem (District 4) Wilson (arrived at 7:55 P.M.)

**PLEDGE OF ALLEGIANCE**

Mayor Thorpe led the Pledge of Allegiance.

**CITY ATTORNEY TO REPORT OUT ON CLOSED SESSION**

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; and **#2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, Council accepted the settlement agreement, by a 4-0 vote with Councilmember Wilson absent.

**7:05 P.M. – PUBLIC HEARING**

**1. REDISTRICTING IN ANTIOCH: DRAFT REDISTRICTING MAPS**

Mayor Thorpe announced in English and Spanish that a Court Certified Translator was available for anyone needing translation services this evening.

City Attorney Smith introduced Jane Hood and Karin Mac Donald, Q2 Data & Research LLC, who displayed draft and publicly submitted maps, and presented the staff report dated December 14, 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.

In response to Council, Ms. Hood reviewed map 58 and draft map C.

Patricia Granados questioned who was responsible for the draft map district lines and cautioned against gerrymandering for an elected official.

Fernando Peniche, Antioch resident, questioned how the public could obtain redistricting information in Spanish.

Mayor Thorpe reminded the public that Council would not engage with the speakers during public comment and noted questions asked may be responded to by Council, the consultant or staff after the public comment period was closed.

Allen Payton spoke in support of publicly submitted map 58 and suggested Council extend the process to give the public additional time to provide input.

Phillip Lubina, Antioch resident, spoke in support of extending the public hearing process to allow additional time to review the maps.

Harry Thurston, Antioch resident, requested the City Council approve draft map 2B.

Mary Rocha, Antioch resident, suggested Council slow the process and provide all information in Spanish.

Micha Morris-Silveira requested the City Council approve draft map 2B.

Public comments submitted in writing were entered into the record from the following individuals: Sandra Hartrick, Nora von Ubin, Virginia Hood, Larry Hopwood, Dee, Arne Simonsen, Mark Jordan, Jackie Hooke, Liza Lucio and Tom Hartrick.

Mayor Thorpe thanked everyone who participated in the process and noted Council would take all maps submitted under consideration. He encouraged the Antioch Unified School District to provide sufficient time for the public to participate in their redistricting process. He announced that all information pertaining to the original district map was available and commented that it was not created to benefit any Councilmembers.

In response to Councilmember Barbanica, Jane Hood announced the deadline for submitting a final map was April 2022. She reported that a lot of the redistricting information was available in Spanish on the city's website and a Court Certified Interpreter was present during public hearings for anyone requesting translation.

City Clerk Householder added that the city's website could be translated into any language and all redistricting materials were ADA accessible.

In response to Councilmember Barbanica, Karin Mac Donald explained that they could not determine how many people had difficulty creating maps; however, they had been successful at assisting people via online help. She commented Antioch received more submissions than several other jurisdictions. Jane Hood confirmed that every map submitted by the public was presented this evening.

Councilmember Ogorchock commented that there had been more community engagement since Council resumed in-person meetings. She reported she had received feedback from residents who indicated that they had been unable to submit maps and thanked those who had been successful at doing so. She discussed the importance of maintaining communities of interest and noted that she did not support the current district map because it did not remain along a main thoroughfare.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council extended the redistricting process through February. The motion carried the following vote:

Ayes: Barbanica, Ogorchock, Thorpe      Abstain: Torres-Walker      Absent: Wilson

Following discussion, Council consensus directed staff to bring back all draft maps for consideration.

Jane Hood advised the Council that one map had an issue of point contiguity because District 4 was only connected at one point.

## **2. PROCLAMATION**

Honoring Antioch City Manager Rowland "Ron" Bernal

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

### **MAYOR PRO TEM (DISTRICT 4) WILSON ARRIVED AT 7:55 P.M. AFTER THE VOTE OF THE PROCLAMATION.**

Mayor Thorpe recognized City Manager Bernal's family in attendance.

The City Council thanked City Manager Bernal for his professionalism and acknowledged his accomplishments. They wished him well in his retirement.

Public comment submitted in writing was entered into the record from the following individual: Mark Jordan.

## **PRESENTATION**

In Honor of City Manager Rowland “Ron” Bernal’s Retirement

On behalf of Supervisor Burgis, Mayor Thorpe presented City Manager Bernal with a certificate.

George Escutia, Jr. on behalf of Senator Glazer, presented a resolution to City Manager Bernal.

Mary Rocha and Nicole Gardner spoke to City Manager Bernal’s accomplishments and wished him the best in his retirement.

Mayor Thorpe announced a celebration honoring City Manager Bernal would be held December 16, 2021, at the Antioch Community Center.

## **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS – None**

## **PUBLIC COMMENTS**

Andrew Becker, Antioch resident, stated City Manager Bernal would be missed and spoke to potential opportunities for Project Homekey in Antioch.

Lacey Brown, Antioch Homeless Coalition, announced their intent to seek legal action against the City of Antioch regarding policies and practices related to the towing and impounding of vehicles being utilized as a shelter or residence. She requested a meeting with the city to resolve the issues.

Patricia Granados thanked Council for the proclamation apologizing for the city’s past actions against the Asian community and noted that racism continued to occur in Antioch.

Steven Coll, Antioch resident, representing Black Diamond Canyon Neighborhood Association, commended City Manager Bernal for his accomplishments. He discussed illegal dumping occurring on city owned property near Hanson Park and presented Council with a petition requesting the installation of an entry barrier in the area.

## **CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS**

Councilmember Torres-Walker reported on her attendance at the California Violence Intervention and Prevention (CalVIP) meeting.

Councilmember Barbanica reported on his attendance at an Unhoused Resident Standing Committee meeting.

Councilmember Wilson reported on her attendance at Delta Diablo and announced Tri Delta would be meeting on December 15, 2021.

**MAYOR'S COMMENTS**

Mayor Thorpe reported on his attendance at the California Violence Intervention and Prevention (CalVIP) and Transitional Housing Committee meetings. He announced he would be attending a Tri Delta meeting on December 15, 2021.

**ON MOTION BY COUNCILMEMBER OGORCHOCK, SECONDED BY COUNCILMEMBER BARBANICA THE CITY COUNCIL UNANIMOUSLY SUSPENDED THE RULES AND MOVED COUNCIL REGULAR AGENDA ITEM #11 TO BE HEARD FOLLOWING THE CONSENT CALENDAR.**

3. **CONSENT CALENDAR for City /City Council Members acting as Successor Agency to the Antioch Development Agency**
  - A. **APPROVAL OF COUNCIL MEETING MINUTES FOR OCTOBER 26, 2021**
  - B. **APPROVAL OF COUNCIL SPECIAL MEETING/CLOSED SESSION MINUTES FOR NOVEMBER 2, 2021**
  - C. **CITY COUNCIL MEETING MINUTES FOR NOVEMBER 9, 2021**
  - D. **CITY COUNCIL SPECIAL MEETING/CLOSED SESSION MINUTES OF NOVEMBER 16, 2021**
  - E. **CITY COUNCIL MEETING MINUTES OF NOVEMBER 23, 2021**
  - F. **APPROVAL OF COUNCIL WARRANTS**
  - G. **APPROVAL OF TREASURER'S REPORT FOR OCTOBER 2021**
  - H. **REJECTION OF CLAIMS: (1) RALPH HERNANDEZ, (2) NICHOLAS ROARK, AND (3) ANTI POLICE-TERROR PROJECT**
  - I. **SA RESOLUTION NO. 2021/37 RECOGNIZED OBLIGATION PAYMENT SCHEDULE (2022-23) FOR THE SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY OF THE CITY OF ANTIOCH**
  - J. **RESOLUTION NO. 2021/186 ASSEMBLY BILL (AB) 361: RESOLUTION MAKING FINDINGS NECESSARY TO CONDUCT BROWN ACT MEETINGS BY TELECONFERENCE FOR THE CITY COUNCIL, BOARDS, COMMISSIONS, AND COMMITTEES**
  - K. **RESOLUTION NO. 2021/187 DESIGNATING DEPUTY CITY CLERK CHRISTINA GARCIA, CERTIFIED MUNICIPAL CLERK ("CMC"), AS ELECTIONS OFFICIAL FOR CITY CLERK FOR SELECTED PROCEEDINGS**

- L. **RESOLUTION NO. 2021/188 AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO CONSULTANT SERVICE AGREEMENT WITH EVVIVA BRANDS, LLC FOR THE OPPORTUNITY LIVES HERE CAMPAIGN RELAUNCH ASSET DEVELOPMENT FOR \$65,000 AND FOR MEDIA PURCHASES NOT TO EXCEED \$185,000 FOR FISCAL YEAR 2021/22**
- M. **ASSEMBLY BILL (AB) 1600 DEVELOPMENT IMPACT FEE REPORT**
- N. **RESOLUTION NO. 2021/189 APPROVING A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH 4LEAF, INC., TO PROVIDE SUPPORT TO THE BUILDING INSPECTION SERVICES DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO THE AGREEMENT**
- O. **RESOLUTION NO. 2021/190 APPROVE SOLE SOURCE FOR POLICE RADIO EAST BAY REGIONAL COMMUNICATION SERVICES (EBRCS) ENCRYPTION**
- P. **RESOLUTION NO. 2021/191 AMENDMENTS TO MEMORANDA OF AGREEMENT WITH CONTRA COSTA HEALTH SERVICES FOR MUTUAL AID RESPONSE TO COVID-19 PANDEMIC – USE OF CITY OF ANTIOCH FACILITIES**
- Q. **RESOLUTION NO. 2021/192 SIXTH AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH MUNICIPAL FINANCIAL SERVICES FOR VARIOUS WATER AND SEWER RATE FEE SERVICES (P.W. 362-9)**
- R. **RESOLUTION NO. 2021/193 MEMORANDUM OF UNDERSTANDING WITH THE CELEBRATE ANTIOCH FOUNDATION FOR PLANNING AND EXECUTION OF SESQUICENTENNIAL EVENTS IN THE AMOUNT OF \$145,000**
- S. **RESOLUTION NO. 2021/194 APPROVAL OF TWO (2) 10-WHEEL DUMP TRUCKS UTILIZING A SOURCEWELL COOPERATIVE PURCHASING AGREEMENT WITH NATIONAL AUTO FLEET GROUP**

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

#### **COUNCIL REGULAR AGENDA**

- 11. **CONSIDER AND ADOPT A RESOLUTION TO ENTER INTO A PROJECT STABILIZATION AGREEMENT FOR PROJECTS VALUED AT OVER \$1,000,000**

City Manager Bernal introduced Regular Agenda Item #11.

Director of Public Works/City Engineer Samuelson presented the staff report dated December 14, 2021, recommending the City Council adopt a resolution approving a Project Stabilization

Agreement with the Contra Costa Building and Construction Trades Council for City Capital Improvement Projects valued at over \$1,000,000 for a period of five years, commencing upon adoption of the Agreement and authorizing the City Manager or Designee to execute the Agreement. He announced Outside Counsel Thomas Kovacich was available to answer questions this evening.

Bill Whitney, Contra Costa Building Trades, and Marilyn Ferguson, Union Electrician Local 302, spoke in support of the resolution approving the Project Stabilization Agreement.

In response to Councilmember Barbanica, City Manager Bernal clarified that language in section 8.4 of the agreement covered the local hiring provision.

Councilmember Barbanica spoke in support of a provision that would require the unions to work with AUSD to develop a program that would advance students into an apprentice program upon successful graduation.

Councilmember Ogorchock suggested this provision be discussed at a City/AUSD Standing Committee meeting.

A motion was made by Councilmember Ogorchock, seconded by Councilmember Wilson to adopt a resolution approving a Project Stabilization Agreement with the Contra Costa Building and Construction Trades Council for City Capital Improvement Projects valued at over \$1,000,000 for a period of five years, commencing upon adoption of the Agreement and authorizing the City Manager or Designee to execute the Agreement.

A substitute motion was made by Councilmember Barbanica to adopt the resolution with a stipulation that the Unions had two years to work with AUSD to develop a program for youth that once they completed successfully, allowed them to move into an apprentice program.

Councilmember Ogorchock stated she appreciated Councilmember Barbanica's position on this item; however, Council did not have the authority to dictate the actions of the school district. She stated if Councilmember Barbanica withdrew his motion, she would work with Councilmember Torres-Walker to agendaize this item for the City/School Standing Committee.

Councilmember Barbanica withdrew his substitute motion.

**RESOLUTION NO. 2021/195**

A vote taken on the previous motion to adopt the resolution unanimously passed.

**PUBLIC HEARING – Continued**

**4. KWMA COLLECTIVE (UP-21-16)**

Senior Planner Merideth presented the staff report dated December 14, 2021, recommending the City Council adopt the resolution approving a Use Permit (UP-21-16) for a commercial cannabis cultivation facility, subject to conditions of approval.

Mayor Thorpe opened the public hearing.

Alex Yao Chen, Project Architect, gave a PowerPoint presentation of the KWMA Collective LLC project.

Mayor Thorpe closed the public hearing.

In response to Councilmember Barbanica, Captain Morefield explained that the applicant had met all requirements brought forward by the Antioch Police Department with respect to their physical security.

**RESOLUTION NO. 2021/196**

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adopted the resolution approving a Use Permit (UP-21-16) for a commercial cannabis cultivation facility, subject to conditions of approval.

**ON MOTION BY COUNCILMEMBER BARBANICA, SECONDED BY COUNCILMEMBER OGORCHOCK, THE CITY COUNCIL UNANIMOUSLY SUSPENDED THE RULES AND MOVED REGULAR AGENDA ITEM #7 TO BE HEARD AS THE NEXT ORDER OF BUSINESS.**

**COUNCIL REGULAR AGENDA – Continued**

**7. BOARD OF ADMINISTRATIVE APPEALS APPOINTMENTS FOR ONE VACANCY EXPIRING MARCH 2024 AND ONE VACANCY EXPIRING MARCH 2022**

City Clerk Householder announced Mayor Thorpe nominated Crystal Sawyer White to the Board of Administrative Appeals for the 4-year term vacancy, expiring March 2024 and Ronald A. Grant to the Board of Administrative Appeals for the 2-year vacancy, expiring March 2022.

City Clerk Householder read a biography for Crystal Sawyer-White.

**RESOLUTION NO. 2021/197**

On motion by Councilmember Wilson, seconded by Councilmember Torres-Walker the City Council unanimously appointed by resolution Crystal Sawyer-White for one 4-year term vacancy, expiring March 2024.

In response to City Attorney Smith, City Clerk Householder clarified that technically the above-mentioned term was a partial term vacancy expiring March 2024.



City Clerk Householder read a biography for Ronald A. Grant.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously appointed by resolution Ronald Grant for one partial term 2-year vacancy expiring March 2022.

Mayor Thorpe thanked Crystal Sawyer-White and Ronald A. Grant for volunteering to serve the City.

City Clerk Householder administered the Oath of Office to Crystal Sawyer-White and Ronald A. Grant.

### **PUBLIC HEARING – Continued**

#### **5. AMENDMENT TO CHAPTER 3 OF TITLE 6 OF THE ANTIOCH MUNICIPAL CODE REGARDING SOLID WASTE COLLECTION FOR RESOURCE RECOVERY IN ACCORDANCE WITH SENATE BILL 1383**

Environmental Resource Coordinator Haas-Wajdowicz presented the staff report dated December 14, 2021, recommending the City Council introduce, waive the first reading, and read by title only the proposed Ordinance.

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

In response to Council, Environmental Resource Coordinator Haas-Wajdowicz stated this item was in alignment with the Climate Action Resilience Plan. She confirmed that she was networking with youth groups to help with educating the public. She noted that residents could potentially be cited for placing an item in the incorrect bin; however, the goal was compliance. She explained the three-sort program and commercial edible food generators.

Mayor Thorpe commented Code Enforcement focused on enforcement through education and citations would be a last resort.

Councilmember Ogorchock thanked Environmental Resource Coordinator Haas-Wajdowicz for the presentation.

In response to Councilmember Ogorchock, Environmental Resource Coordinator Haas-Wajdowicz explained that educating residents would occur once they negotiated an organic program with Republic Services and residents would receive a yard waste cart calendar outlining the changes in service.

On motion by Councilmember Wilson, seconded by Councilmember Ogorchock the City Council unanimously introduced, waived the first reading, and read by title only the proposed Ordinance regarding resource recovery in accordance with SB1383.

**COUNCIL REGULAR AGENDA – Continued**

**6. BUDGET AMENDMENT AND ALLOCATION OF FUNDS FOR CREATION OF CONCEPTS FOR A CHINATOWN COMMEMORATION PROJECT AND CHINESE HISTORY PROJECT AT THE ANTIOCH HISTORICAL SOCIETY MUSEUM**

Director of Economic Development Reed presented the staff report dated December 14, 2021, recommending the City Council adopt a resolution approving an amendment and allocation of funding to the City Manager’s Fiscal Year 2022 General Fund budget in the amount of \$60,000 for the creation of concepts to corroborate and commemorate the historic Chinatown in the Rivertown area and the Chinese History Project at the Antioch Historical Society Museum.

David Kippen and Dr. Cate Newsom, Evviva Brands, gave introductory comments and reviewed their proposal for *Antioch Chinatown Memorial Concepting*.

Claudia Ocello, Museum Partners Consulting, LLC., gave an overview of their proposal for the *Interpretive Planning Process – Chinese History Project Antioch Historical Society*.

Mayor Thorpe stated this was historic and he voiced his appreciation to the members of the Antioch Historical Society for their patience and feedback. He also thanked Assistant City Manager Bayon Moore for working on this project.

Councilmember Ogorchock spoke in support of the project.

**RESOLUTION NO. 2021/198**

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adopted a resolution approving an amendment and allocation of funding to the City Manager’s Fiscal Year 2022 General Fund budget in the amount of \$60,000 for the creation of concepts to corroborate and commemorate the historic Chinatown in the Rivertown area and the Chinese History Project at the Antioch Historical Society Museum.

**8. POLICE REFORM – ANTIOCH CARE TEAM (ACT) PROGRAM DEVELOPMENT**

Assistant City Manager Bayon Moore presented the staff report dated December 14, 2021, recommending the City Council adopt a resolution formally accepting the Final Report from Urban Strategies Council for the Antioch Care Team Program Pilot and directing City Staff to proceed with the solicitation and procurement process.

David Harris and Ann Jenks representing Urban Strategies Council, gave an *Antioch Care Team (ACT) Program Development* PowerPoint presentation.

Harry Thurston, Antioch resident, Patricia Granados, Diana Collins Puente, Bella Q.C. and Robert Collins spoke in support of Council adopting the resolution.

Public comments submitted in writing were entered into the record from the following individuals: Marie Arce and Gretchen Tofflemire.

Councilmember Torres-Walker thanked Urban Strategies Partners for the report and Assistant City Manager Bayon Moore for her work on this item.

In response to Councilmember Torres-Walker, Assistant City Manager Bayon Moore clarified the estimated budget presented was based on going out to bid to secure the services of an outside provider and all items would be discussed in the procurement process. She noted a project would come back to Council for consideration.

Mr. Harris added they developed the estimated budget based on their experience with similar program designs in other jurisdictions.

Councilmember Torres-Walker stated she believed an RFQ was a more appropriate option to get the best qualified provider.

Interim Chief Morefield stated the Antioch Police Department was supportive of this process. He reported there may be additional costs for radios; however, he believed they may have been factored into the budget. Additionally, Urban Strategy Partners suggested they join the Antioch Police Department for briefing trainings which were built into their schedule.

A motion was made by Councilmember Barbanica, seconded by Councilmember Wilson to adopt a resolution formally accepting the Final Report from Urban Strategies Council for the Antioch Care Team Program Pilot and directing City Staff to proceed with the solicitation and procurement process.

Councilmember Ogorchock, speaking to the motion, stated she wanted to make sure the city was partnering with the County, and they were assisting with funding. Additionally, she asked if PERS was factored into staffing costs.

In response to Councilmember Ogorchock, Mr. Harris clarified pension expenses were not included for employees given that it would be a non-profit organization.

Mayor Thorpe commented that there had been consensus that the city wanted to develop their own model.

Mr. Harris noted they had met with Dr. Tavano and staff from the County regarding this program and they were supportive of this effort.

**RESOLUTION NO. 2021/199**

A vote taken on the previous motion to adopt the resolution unanimously passed.

Mayor Thorpe declared a recess at 10:22 P.M. The meeting reconvened at 10:30 P.M. with all Council members present.

**9. POLICE REFORM – ANTIOCH POLICE DEPARTMENT (APD) POSITIONAL ASPHYXIA POLICY**

Interim Chief Morefield presented the staff report dated December 14, 2021, recommending the City Council: 1) Consider the positional asphyxia policy recommended by the Police Oversight Standing Committee and the revisions to the policy recommended by the Antioch Police Officers Association and 2) Adopt the resolution approving an Antioch Police Department Positional Asphyxia Policy for inclusion in the Antioch Police Department Policy Manual including the incorporation of any desired revisions to the policy. He explained the following APOA recommended revisions to the policy and noted he agreed with the edits requested:

- PURPOSE AND SCOPE – replacing “positional asphyxia” with “suffocation” in the last sentence
- POSITIONAL ASPHYXIA REQUIREMENTS – a) replacing “pedestrians” with “civilians” in the second sentence
- POSITIONAL ASPHYXIA REQUIREMENTS – d) replacing “shall” with “should” in the first two sentences

Harry Thurston, Antioch resident, Patricia Granados, Robert Collins, Diana Quinto-Collins, Casandra Quinto Collins and Bella Q.C., supported the Positional Asphyxia Policy and offered their suggested revisions. Mr. Collins invited the public to a memorial for Angelo Quinto at 4:00 P.M. on December 23, 2021, at the Quinto-Collins residence.

Public comment submitted in writing was entered into the record from the following individual: Gretchen Tofflemire.

Councilmember Ogorchock clarified that she was not in attendance at the September 7, 2021, meeting as stated in the staff report.

City Attorney Smith stated that he believed Councilmember Ogorchock attended the meeting.

Following discussion, Council consensus supported the following revisions to the policy.

- XXX.X PURPOSE AND SCOPE last sentence to read - “People may die from positional asphyxia and suffocation....”
- XXX.3 POSITIONAL ASPHYXIA REQUIREMENTS a) - replace “pedestrians” with “civilians”
- XXX.3 POSITIONAL ASPHYXIA REQUIREMENTS d) to read – “If officers hold a person down while restraining them, officers shall make every reasonable effort to avoid placing weight on a person’s neck or head which can fracture the hyoid bone or cervical spine unless necessary to protect the person from injuring themselves or others. No more than two officers shall place weight on a person’s upper body or torso unless an imminent

threat to the officer or the public requires it. If additional assistance is needed, an additional officer or officers may restrain a person's limbs to restrict their movement."

Interim Chief Morefield stated he agreed with the language revisions supported by Council.

**RESOLUTION NO. 2021/200**

On motion by Councilmember Barbanica, seconded by /Councilmember Ogorchock the City Council adopted the resolution approving an Antioch Police Department Positional Asphyxia Policy for inclusion in the Antioch Police Department Policy Manual including the following revisions:

- XXX.X PURPOSE AND SCOPE last sentence to read - "People may die from positional asphyxia and suffocation...."
- XXX.3 POSITIONAL ASPHYXIA REQUIREMENTS a) - replace "pedestrians" with "civilians"
- XXX.3 POSITIONAL ASPHYXIA REQUIREMENTS d) to read – "If officers hold a person down while restraining them, officers shall make every reasonable effort to avoid placing weight on a person's neck or head which can fracture the hyoid bone or cervical spine unless necessary to protect the person from injuring themselves or others. No more than two officers shall place weight on a person's upper body or torso unless an imminent threat to the officer or the public requires it. If additional assistance is needed, an additional officer or officers may restrain a person's limbs to restrict their movement."

The motion carried the following vote:

Ayes: Ogorchock, Barbanica, Wilson, Thorpe

Abstain: Torres-Walker

Mayor Thorpe reminded the public the Antioch Police Department had body and dash cameras to aid in the transparency.

**10. UNHOUSED RESIDENT SERVICES - RESOLUTION AUTHORIZING EXECUTION OF MEMORANDUM OF UNDERSTANDING (MOU) WITH CONTRA COSTA COUNTY HEALTH, HOUSING AND HOMELESS SERVICES REGARDING DELTA LANDING INTERIM HOUSING IN AN AMOUNT NOT TO EXCEED \$284,700**

Unhoused Resident Coordinator Ridley presented the staff report dated December 14, 2021, recommending the City Council adopt the resolution authorizing staff to execute a MOU subject to County Counsel's pending review and the City Attorney's final approval.

Public comment submitted in writing was entered into the record from the following individual: Gretchen Tofflemire.

A motion was made by Councilmember Barbanica, seconded by Councilmember Ogorchock to adopt the resolution authorizing staff to execute a MOU subject to County Counsel's pending review and the City Attorney's final approval.

Councilmember Ogorchock expressed concern that the Ad Hoc Committee had not come to the City Council prior to this agenda item coming forward.

A substitute motion was made by Councilmember Ogorchock to revise the fourth Whereas in the resolution to read: "Whereas, the City Council supports the proposed arrangement with Contra Costa County and recommends said requested action; "The substitute motion failed for the lack of a second.

**RESOLUTION NO. 2021/201**

A vote taken on the previous motion to adopt the resolution as presented unanimously passed.

Councilmember Ogorchock stated the Ad Hoc Committee was over the 6-month timeframe and needed to come back to Council for reconsideration.

Mayor Thorpe commented that the Ad Hoc Committee was not on the agenda this evening.

**12. CONSIDERATION OF RESOLUTION ADOPTING THE 2021 CITY OF ANTIOCH EMERGENCY OPERATIONS PLAN**

Interim Chief Morefield introduced Lieutenant Fortner who presented the staff report dated December 14, 2021, recommending the City Council adopt a resolution approving the 2021 City of Antioch Emergency Operations Plan and authorizing the Mayor to sign the Letter of Promulgation stating the Council's support for the plan.

A motion was made by Councilmember Barbanica, seconded by Councilmember Ogorchock to adopt a resolution approving the 2021 City of Antioch Emergency Operations Plan and authorizing the Mayor to sign the Letter of Promulgation stating the Council's support for the plan.

In response to Councilmember Ogorchock, Lieutenant Fortner clarified that when the city aligned their plans with the state and federal government, they would offer help which could be utilized to upgrade the Emergency Operations Center. Paul Bockrath, Preparative Consulting, added that it was important systems share information and collaborate with other response partners. He noted the current Emergency Operations Center was lacking the technology and resources needed to be effective in carrying out that mission.

**RESOLUTION NO. 2021/202**

A vote taken on the previous motion to adopt the resolution unanimously passed.

**13. SIDE LETTER AGREEMENT BETWEEN THE CITY OF ANTIOCH AND THE CONFIDENTIAL BENEFIT UNIT SALARY ADJUSTMENTS FROM THE TOTAL COMPENSATION STUDY FINAL REPORT**

Administrative Services Director Mastay presented the staff report dated December 14, 2021, recommending the City Council adopt a resolution: 1) Approving the Side Letter Agreement between the City of Antioch and the Confidential Benefit Unit Salary Adjustments from the Total Compensation Study Final Report dated August 31, 2021 Appendix IV: Salary Range Placement Recommendations; 2) Authorize the City Manager or designee to execute the Side Letter Agreement between the City of Antioch and the Confidential Benefit Unit; and 3) Authorize the Finance Director to make any necessary adjustments to the Fiscal Year 2021/22 and Fiscal Year 2022/23 budget to implement the provisions of the Side Letter Agreement.

**RESOLUTION NO. 2021/203**

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adopted a resolution: 1) Approving the Side Letter Agreement between the City of Antioch and the Confidential Benefit Unit Salary Adjustments from the Total Compensation Study Final Report dated August 31, 2021 Appendix IV: Salary Range Placement Recommendations; 2) Authorize the City Manager or designee to execute the Side Letter Agreement between the City of Antioch and the Confidential Benefit Unit; and 3) Authorize the Finance Director to make any necessary adjustments to the Fiscal Year 2021/22 and Fiscal Year 2022/23 budget to implement the provisions of the Side Letter Agreement.

**14. HOURLY (PART-TIME) CLASSIFICATIONS SALARY SCHEDULE SALARY ADJUSTMENTS FROM THE TOTAL COMPENSATION STUDY FINAL REPORT**

Administrative Services Director Mastay presented the staff report dated December 14, 2021, recommending the City Council adopt a resolution: 1) Approving the Hourly (Part-Time) Classifications Salary Schedule Salary Adjustments from the Total Compensation Study Final Report dated August 31, 2021; and 2) Authorizing the Finance Director to make any necessary adjustments to the Fiscal Year 2021/22 and Fiscal Year 2022/23 budget to implement the provisions of the Part-Time Salary Schedule Salary Adjustments.

**RESOLUTION NO. 2021/204**

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adopted a resolution: 1) Approving the Hourly (Part-Time) Classifications Salary Schedule Salary Adjustments from the Total Compensation Study Final Report dated August 31, 2021; and 2) Authorizing the Finance Director to make any necessary adjustments to the Fiscal Year 2021/22 and Fiscal Year 2022/23 budget to implement the provisions of the Part-Time Salary Schedule Salary Adjustments.

**15. APPOINTMENT OF MAYOR PRO TEM**

City Attorney Smith presented the staff report dated December 14, 2021, recommending the City Council nominate and appoint the Mayor Pro Tempore.

On motion by Councilmember Ogorchock, seconded by Councilmember Torres-Walker the City Council appointed Councilmember Barbanica as Mayor Pro Tempore. The motion carried the following vote:

Ayes: Torres-Walker, Ogorchock, Wilson, Thorpe

Abstain: Barbanica

**PUBLIC COMMENTS** – None

### **STAFF COMMUNICATIONS**

City Manager Bernal announced the next City Council meeting would be held on January 11, 2022. He thanked the City Council for the opportunity to serve as City Manager. He wished everyone a Merry Christmas and Happy New Year.

### **COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS**

Councilmember Torres-Walker thanked Antioch residents and City Manager Bernal. She honored the indigenous people and her ancestors. She wished everyone a healthy holiday with their families. She explained that she had abstained on the Positional Asphyxia Policy because Council had not taken the communities opinions about the language under consideration. She stated she believed the policy should have been referred to the Police Oversight Standing Committee. She acknowledged all the work that went into developing the policy and thanked the Antioch Police Department and Interim Chief Morefield for being an advocate who was opened to progressive policies.

Councilmember Wilson wished everyone a happy holiday and suggested they be kind and refrain from using social media during the holidays.

Councilmember Barbanica wished everyone a Merry Christmas and Happy New Year. He thanked everyone for the last year and all the agencies who kept the community safe during a recent incident involving law enforcement.

Councilmember Ogorchock also thanked the agencies that assisted during a recent law enforcement incident. She wished City Manager Bernal the best during his retirement and wished everyone a Merry Christmas. She requested the Emergency Operations Center technology upgrades be agendized for reconsideration. She also requested staff agendize the timing and a policy related to Ad Hoc Committees.

Mayor Thorpe wished everyone a Merry Christmas and Happy New Year. He welcomed Interim City Manager Con Johnson and wished City Manager Bernal good luck in his retirement. He reported on his visit to a crime scene and recognized the professionalism of law enforcement



officers. He thanked the Antioch Police Department and noted there would be a time to celebrate their efforts.

**ADJOURNMENT**

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adjourned the meeting at 11:43 P.M.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk