



ANNOTATED AGENDA

Antioch City Council SPECIAL AND REGULAR MEETING

Date: **Tuesday, February 8, 2022**

Time: 4:30 P.M. – Closed Session
6:00 P.M. – Special Meeting
7:00 P.M. – Regular Meeting

Place: **Council Chambers**
200 'H' Street
Antioch, CA 94531

City Council meetings are televised live on Comcast channel 24, AT&T U-verse channel 99, or live stream (at www.antiochca.gov). Please see inside cover for detailed Speaker Rules.

PLEASE TURN OFF CELL PHONES BEFORE ENTERING COUNCIL CHAMBERS.

Lamar Thorpe, Mayor
Michael Barbanica, Mayor Pro Tem (District 2)
Tamisha Torres-Walker, Council Member District 1
Lori Ogorchock, Council Member District 3
Monica E. Wilson, Council Member District 4

Ellie Householder, City Clerk
Lauren Posada, City Treasurer
Cornelius Johnson, Interim City Manager
Thomas Lloyd Smith, City Attorney

In accordance with the Americans with Disabilities Act and California law, it is the policy of the City of Antioch to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at the number or address below at least 72 hours prior to the meeting or when you desire to receive services. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City's ADA Coordinator can be reached @ Phone: (925) 779-6950, and e-mail: publicworks@ci.antioch.ca.us.

Notice of Availability of Reports

This agenda is a summary of the actions proposed to be taken by the City Council. For almost every agenda item, materials have been prepared by the City staff for the Council's consideration. These materials include staff reports which explain in detail the item before the Council and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included. City Council Agendas, including Staff Reports are posted onto our City's Website 72 hours before each Council Meeting. To be notified when the agenda packets are posted onto our City's Website, simply click on this link: <https://www.antiochca.gov/notifications/> and enter your e-mail address to subscribe. To view the agenda information, click on the following link: <https://www.antiochca.gov/government/agendas-and-minutes/city-council/>. Questions may be directed to the staff member who prepared the staff report, or to the City Clerk's Office, who will refer you to the appropriate person.

Notice of Opportunity to Address Council

The public has the opportunity to address the Council on each agenda item. Please see the Speaker Rules on the inside cover of this Agenda for additional information on public participation.

4:30 P.M. ROLL CALL – CLOSED SESSION – for Council Members – *Council Members District 1 Torres-Walker, District 3 Ogorchock, District 4 Wilson and Mayor Pro Tem/District 2 Barbanica (Mayor Thorpe – Absent)*

PUBLIC COMMENTS for Closed Session – *None*

CLOSED SESSION:

- 1) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –**
pursuant to California Government Code section 54956.9: California Resources Production v. City of Antioch et al., Contra Costa County Superior Court Case No. N21-2354.
Council authorized City Attorney to file counter-complaint, 3/1 (Barbanica)

- 2) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –**
pursuant to California Government Code section 54956.9: Delta Gas Gathering, Inc. and California Energy Exchange Corporation v. City of Antioch et al., Contra Costa County Superior Court Case No. N21-2355.
Council authorized City Attorney to file counter-complaint, 3/1 (Barbanica)

- 3) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –**
pursuant to California Government Code section 54956.9: Enerfin Resources Northwest Limited Partnership v. City of Antioch et al., Contra Costa County Superior Court Case No. N21-2356.
Council authorized City Attorney to file counter-complaint, 3/1 (Barbanica)

CLOSED SESSION – Continued

- 4) **CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** pursuant to California Government Code section 54956.8: Property: Northeast corner of Hillcrest Avenue and Larkspur Drive, Antioch, CA (APN: 052-012-017); Agency Negotiation: Cornelius Johnson, City Manager, Thomas Lloyd Smith, City Attorney, Kwame P. Reed, Economic Development Director; Negotiating Parties: NAZ Investments, LLC, the principal being Stephen Schaner; Under Negotiation: Price and Terms of Payment.

Direction provided to City Manager and City Attorney

- 5) **CONFERENCE WITH LABOR NEGOTIATORS** – pursuant to 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), Confidential Unit, Management Unit, and Treatment Plant Employees' Association.

Direction provided to Labor Negotiators

4:33 P.M. ADJOURNED TO CLOSED SESSION

6:02 P.M. ROLL CALL – SPECIAL MEETING/WORKSHOP – for Council Members – *All Present*

PLEDGE OF ALLEGIANCE

SPECIAL MEETING/WORKSHOP

- SM-1. REDISTRICTING: RECEIPT OF PUBLIC INPUT AND SELECTION OF FINAL MAP**
Received public comment. Council decided not to progress with either of the two draft maps (“Map B” or “Map 91”); Council reviewed all past draft maps; then provided direction to staff to bring back draft “Map A” to the next City Council meeting (February 22, 2022)

Recommended Action: It is recommended that the City Council receive public comment and select the Final Redistricting Map redefining the boundaries of all City Council electoral districts of the City.

ADJOURNED SPECIAL MEETING/WORKSHOP

7:04 P.M. RECESS

7:11 P.M. ROLL CALL – REGULAR MEETING – for Council Members – *All Present*

PLEDGE OF ALLEGIANCE

CITY ATTORNEY TO REPORT OUT ON CLOSED SESSION ITEMS:

- February 8, 2022 – Items No. 1 through 5; and
- Report out of Closed Session Agenda Item No. 1 from the January 25, 2022, Regular City Council Meeting.

Council authorized settlement agreement, 5/0

1. INTRODUCTION OF NEW CITY EMPLOYEES

2. PROCLAMATION

- In Honor of Black History Month, February 2022

Approved, 5/0

Recommended Action: It is recommended that the City Council approve the proclamation.

3. ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

- Contra Costa Health Services – Free Covid-19 Vaccine

PUBLIC COMMENTS – *Members of the public may comment only on unagendized items. The public may comment on agendized items when they come up on this Agenda.*

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS

MAYOR’S COMMENTS

4. CONSENT CALENDAR

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

Approved, 5/0

Recommended Action: It is recommended that the City Council approve the Meeting Minutes.

B. APPROVAL OF COUNCIL MEETING MINUTES FOR JANUARY 11, 2022

Approved, 5/0

Recommended Action: It is recommended that the City Council approve the Meeting Minutes.

CONSENT CALENDAR – Continued

- C.** APPROVAL OF COUNCIL MEETING MINUTES FOR JANUARY 25, 2022
Continued, 5/0
Recommended Action: It is recommended that the City Council continue the Meeting Minutes.
- D.** APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR FEBRUARY 4, 2022
Continued, 5/0
Recommended Action: It is recommended that the City Council continue the Special Meeting Minutes.
- E.** APPROVAL OF COUNCIL WARRANTS
Approved, 5/0
Recommended Action: It is recommended that the City Council approve the warrants.
- F.** SECOND READING – ORDINANCE AMENDING THE ANTIOCH MUNICIPAL CODE BY ADDING SECTION 9-5.3848, REGARDING TEMPORARY CANNABIS EVENTS ON PUBLIC PROPERTY (*Introduced on 01/25/2022*)
Ord No. 2204-C-S adopted, 5/0
Recommended Action: It is recommended that the City Council adopt the proposed ordinance amending the Antioch Municipal Code by adding Section 9-5.3848 regarding temporary cannabis events on public property.
- G.** AB 361: RESOLUTION MAKING FINDINGS NECESSARY TO CONDUCT BROWN ACT MEETINGS BY TELECONFERENCE FOR THE CITY COUNCIL, BOARDS, COMMISSIONS, AND COMMITTEES
Reso No. 2022/16 adopted, 5/0
Recommended Action: It is recommended that the City Council adopt the resolution authorizing remote teleconference/virtual meetings of the legislative bodies of the City of Antioch, which includes the City Council, boards, commissions, and committees.
- H.** AUTHORIZE RESPONSE TO GRAND JURY REPORT “IMPROVING ANIMAL SERVICES IN CONTRA COSTA COUNTY” (REPORT 2105)
Reso No. 2022/17 adopted, 5/0
Recommended Action: It is recommended that the City Council adopt the resolution to approve the response to the Grand Jury report: "Improving Animal Services in Contra Costa County" and authorize the Mayor to sign it.

CONSENT CALENDAR – Continued

- I. AMENDMENT TO THE CONSTRUCTION AGREEMENT WITH ALEX KUSHNER GENERAL, INC., FOR THE CITY HALL OFFICE MODIFICATIONS PROJECT (P.W. 247-S)

Reso No. 2022/18 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution:

- 1) Approving an amendment to increase the construction agreement with Alex Kushner General, Inc. by \$350,000 for a total contract amount of \$1,054,000 for the City Hall Interior Modifications Project; and
- 2) Authorizing the City Manager to execute the amendment in a form approved by the City Attorney.

- J. AMENDMENT TO THE CONSTRUCTION AGREEMENT WITH MERCOZA FOR THE CITY HALL PLAZA IMPROVEMENTS AND LEO FONTANA FOUNTAIN PROJECT (P.W. 247-R)

Reso No. 2022/19 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution:

- 1) Approving an amendment to the Fiscal Year 2021/2022 Capital Improvement Budget to increase the funding from the General Fund for the City Hall Plaza Improvements and Leo Fontana Fountain Project by \$150,000 for a total project budget of \$670,000;
- 2) Approving an amendment to increase the construction agreement with Mercoza by \$150,000 for a total agreement amount of \$608,013; and
- 3) Authorizing the City Manager to execute the amendment in a form approved by the City Attorney.

- K. INITIATE PREPARATION OF THE STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT CITY ENGINEER'S REPORT FOR FISCAL YEAR 2022/23

Reso No. 2022/20 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution directing the City Engineer to prepare a consolidated Engineer's Report for Fiscal Year 2022/23 Street Lighting and Landscape Maintenance District assessments.

CONSENT CALENDAR – Continued

- L.** RESOLUTION OF INTENTION TO FORM THE PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2022-01 (PUBLIC SERVICES) FOR LAUREL RANCH SUBDIVISION (P.W. 698)

Reso No. 2022/21 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the Resolution of Intention to form the Proposed Community Facilities District (CFD) No. 2022-01 (Public Services) for the Laurel Ranch Subdivision (P.W. 698).

- M.** RESOLUTION ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FISCAL YEAR 2022/23 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PROGRAM

Reso No. 2022/22 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution:

- 1) Determining that the rate to be assigned to a single Equivalent Runoff Unit for Fiscal Year 2022/23 shall be set at twenty-five dollars (\$25.00); and
- 2) Requesting the Contra Costa County Flood Control and Water Conservation District adopt Stormwater Utility Assessment Drainage levies based on the rate for a single Equivalent Runoff Unit for Fiscal Year 2022/23, which shall be set at twenty-five dollars (\$25.00).

- N.** PURCHASE ORDER INCREASE FOR PROCUREMENT OF WATER METERS AND ASSOCIATED COMPONENTS FROM BADGER METER, INC.

Reso No. 2022/23 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution:

- 1) Approving an increase to the Purchase Order with Badger Meter, Inc. in the amount of \$225,000 in Fiscal Years 2021/22 and 2022/23 to an amount not to exceed \$500,000 for each year; and
- 2) Authorizing the City Manager or designee to make the necessary budget adjustment to the Water Enterprise Fund to cover the Purchase Order Increases.

CONSENT CALENDAR – Continued

- O. UNHOUSED RESIDENT SERVICES – RESOLUTION AUTHORIZING THE ALLOCATION OF AN ADDITIONAL \$56,700 FROM THE GENERAL FUND FOR A TOTAL NOT TO EXCEED \$206,700 AS PAYMENT TO THE EXECUTIVE INN FOR STAYS PRIOR TO PLACEMENT AT THE DELTA LANDING INTERIM HOUSING PROGRAM

Reso No. 2022/24 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution allocating an additional \$56,700 from the General Fund and payment to the Executive Inn in a total amount not to exceed \$206,700.

PUBLIC HEARING

- 5. REDISTRICTING: RESOLUTION ADOPTING FINAL MAP

Tabled, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution and the Final Redistricting Map (“Map ___”) adjusting and redefining the boundaries of the City Council electoral districts of the City.

- 6. AMENDMENT TO TITLE 4: PUBLIC SAFETY, CHAPTER 2: DISASTER COUNCIL OF THE ANTIOCH MUNICIPAL CODE REGARDING COMPLIANCE WITH THE CALIFORNIA EMERGENCY SERVICES ACT

To February 22, 2022, for Adoption, 5/0

Recommended Action: It is recommended that the City Council introduce, waive the first reading and read by title only, the proposed Ordinance.

COUNCIL REGULAR AGENDA

- 7. MIDDLE-INCOME RENTAL HOUSING PROGRAM EVALUATION AND POLICY DIRECTION

Direction provided to staff

Recommended Action: It is recommended that the City Council provide general policy direction to staff regarding expectations for future City participation in Middle-Income Workforce Housing proposals (the “Programs”).

COUNCIL REGULAR AGENDA – Continued

8. SIDE LETTER AGREEMENT BETWEEN THE CITY OF ANTIOCH AND OPERATING ENGINEERS LOCAL 3 SALARY ADJUSTMENTS FROM THE TOTAL COMPENSATION STUDY FINAL REPORT

Reso No. 2022/25 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution:

- 1) Approving the Side Letter Agreement between the City of Antioch and the Operating Engineers Local 3 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 Operating Engineers Local 3; and
- 3) Authorize the City Manager or designee 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.

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

Reso No. 2022/26 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution:

- 1) Approving the Side Letter Agreement between the City of Antioch and the Management 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 Management Benefit Unit; and
- 3) Authorize the City Manager or designee 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.

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS – *Council Members report out various activities and any Council Member may place an item for discussion and direction on a future agenda. Timing determined by Mayor and City Manager – no longer than 6 months.*

MOTION TO ADJOURN – *After Council Communications and Future Agenda Items, the Mayor will make a motion to adjourn the meeting. A second of the motion is required, and then a majority vote is required to adjourn the meeting.*

Motioned to adjourn meeting at 8:48 p.m., 5/0