



ANNOTATED AGENDA

Antioch City Council SPECIAL AND REGULAR MEETING

Date: **Tuesday, February 22, 2022**

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

Place: **Council Chambers**
200 'H' Street
Antioch, CA 94509

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 3 Ogorchock, District 4 Wilson, and Mayor Pro Tem/ District 2 Barbanica (Council Member District 1 Torres-Walker arrived at 4:32 p.m.) (Mayor Thorpe – Absent)*

PUBLIC COMMENTS for Closed Session

CLOSED SESSION:

1) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – pursuant to California Government Code section 54956.9: Philadelphia Indemnity Insurance Company v. City of Antioch et al. Contra Costa County Superior Court Case No. Case No. MSC18-00327.

No reportable action

2) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS – pursuant to California Government Code section 54956.8: Property: Antioch Community Center Rooms 125, 126, and 127 (consisting of 474 square feet of office space) located at 4703 Lone Tree Way, Antioch CA 94531; Agency Negotiation: Cornelius Johnson, City Manager, and Thomas Lloyd Smith, City Attorney; Negotiating Parties: Jerry McNerney, United States Congressman; Under Negotiation: Price and Terms of Payment.

No reportable action

3) 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.

No reportable action

CLOSED SESSION – Continued

- 4) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: CITY ATTORNEY.** This closed session is authorized pursuant to Government Code section 54957.

Direction provided to Administrative Services Director

4:33 P.M. ADJOURNED TO CLOSED SESSION

MAYOR THORPE ARRIVED AT 4:43 P.M.

6:00 P.M. ROLL CALL – SPECIAL MEETING/STUDY SESSION – for Council Members – *All Present*

PLEDGE OF ALLEGIANCE

SPECIAL MEETING/STUDY SESSION

SM-1. REDISTRICTING: RECEIPT OF PUBLIC INPUT AND SELECTION OF FINAL MAP

Received public comment and direction provided to staff to schedule an additional Study Session on March 8, 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.

7:01 P.M. ADJOURNED SPECIAL MEETING/STUDY SESSION

7:02 P.M. ROLL CALL – REGULAR MEETING – for Council Members – *All Present*

PLEDGE OF ALLEGIANCE

CITY ATTORNEY TO REPORT OUT ON CLOSED SESSION

1. PROCLAMATIONS

- California State Parent Teacher Association Day Local District 32nd PTA, February 17, 2022
- The National Association of Women in Construction (NAWIC) “Women in Construction Week”, March 6 – 12, 2022
- American Red Cross Month, March 2022

Approved, 5/0

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

COUNCIL MEMBER OGORCHOCK REQUESTED A MOTION TO SUSPEND THE RULES AND MOVE COUNCIL REGULAR AGENDA ITEM #10 TO BE HEARD BEFORE ITEM #9; APPROVED 5/0

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

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

2. **CONSENT CALENDAR**

A. 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.

B. 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.

C. APPROVAL OF COUNCIL MEETING MINUTES FOR FEBRUARY 8, 2022

Continued, 5/0

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

D. APPROVAL OF COUNCIL WARRANTS

Approved, 5/0

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

E. APPROVAL OF TREASURER'S REPORT FOR DECEMBER 2021

Received and filed, 5/0

Recommended Action: It is recommended that the City Council receive and file the December 2021 Treasurer's Report.

F. REJECTION OF CLAIMS: BREANNA BUTSON; ANNE HANCOCK; RYAN KATZ; AND BRIAN LIM

Rejected, 5/0

Recommended Action: It is recommended that the City Council reject the claims submitted by Breanna Butson; Anne Hancock; Ryan Katz; and Brian Lim.

CONSENT CALENDAR – Continued

- G.** SECOND READING – ORDINANCE AMENDMENT TO TITLE 4: PUBLIC SAFETY, CHAPTER 2: DISASTER COUNCIL OF THE ANTIOCH MUNICIPAL CODE REGARDING COMPLIANCE WITH THE CALIFORNIA EMERGENCY SERVICES ACT (*Introduced on 02/08/2022*)

Ord No. 2205-C-S adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the Ordinance amending Title 4: Public Safety, Chapter 2: Disaster Council of the Antioch Municipal Code regarding compliance with the California Emergency Services Act.

- H.** RESOLUTION APPROVING A THIRD 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

Reso No. 2022/27 adopted, 5/0

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

- 1) Approving an amended agreement with 4 Leaf, Inc., to provide contract services at the Community Development Technician and Building Inspection Services Manager level for the remainder of Fiscal Year 2021/22 in the increased amount of \$200,000 for an amount not to exceed \$400,000.00, and
- 2) Authorizing the City Manager to execute the Amended Agreement.

- I.** USE AGREEMENT WITH CONGRESSMAN MCNERNEY’S OFFICE FOR OFFICE SPACE AT THE ANTIOCH COMMUNITY CENTER

Reso No. 2022/28 adopted, 5/0

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

- 1) Terminate the existing lease agreement between the City and Congressman McNerney’s office for the lease of rooms 106-113, 123-124, and 129 at the Antioch Community Center in accordance with the early termination provisions of the lease; and
- 2) Enter into a new lease agreement with Congressman Jerry McNerney’s office for office space at the Antioch Community Center Rooms 125, 126, and 127 for the term of March 1, 2022 to January 2, 2023 at a rate of \$200 per month for a total of \$2,000.

CONSENT CALENDAR – Continued

- J.** AUTHORIZATION TO RESPONSE TO GRAND JURY REPORT NO. 2106 “911 MENTAL HEALTH CRISIS RESPONSE: A NEW WAY TO PROTECT AND TO SERVE”

Reso No. 2022/29 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution to approve the response to the Grand Jury Report No. 2106: 911 Mental Health Crisis Response: A New Way “To Protect and To Serve” and authorize the Mayor to sign it.

- K.** APPROVAL OF PURCHASE OF SEVEN (7) NEW-TO-FLEET CODE ENFORCEMENT VEHICLES UTILIZING STATE OF CALIFORNIA COOPERATIVE PURCHASING AGREEMENT CONTRACT NO. 1-18-23-23A WITH DOWNTOWN FORD SACRAMENTO, CALIFORNIA

Reso No. 2022/30 adopted, 5/0

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

- 1) Approving the purchase of seven (7) new-to-fleet Code Enforcement vehicles from Downtown Ford in Sacramento, CA in the amount not to exceed \$218,699.27; and
- 2) Authorizing the City Manager to execute the purchase of seven (7) Code Enforcement vehicles utilizing State of California Cooperative Purchasing Agreement Contract No. 1-18-23-23A with Downtown Ford of Sacramento, CA.

- L.** RESOLUTION ACCEPTING COMPLETED IMPROVEMENTS AND RELEASE OF BONDS FOR NELSON RANCH PHASE 1, TRACT 6893, OFF-TRACT WILD HORSE ROAD IMPROVEMENTS (P.W. 547-1)

Reso No. 2022/31 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution accepting completed improvements and release of bonds for Nelson Ranch Phase 1, Tract 6893, Off-Tract Wild Horse Road Improvements (P.W. 547-1).

PUBLIC HEARING

3. TRANSITIONAL HOUSING ZONING OVERLAY DISTRICT ORDINANCE AMENDMENT AND ZONING MAP AMENDMENT

To March 8, 2022 for Adoption, 3/2 (Barbanica, Ogorchock)

Recommended Action: It is recommended that the City Council introduce, waive the first reading, and read by title only, the ordinance amending Title 9: Chapter 5 of the Antioch Municipal Code (Zoning Ordinance) to:

- 1) Create a Transitional Housing Overlay District; and
- 2) Amend the zoning of the parcels at 515 E. 18th Street (APN 065-143-018, 19) to include the Transitional Housing Zoning Overlay District.

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

Recommended Action: It is recommended that the City Council take the following actions:

Reso No. 2022/32 adopted, 4/1 (Ogorchock)

- 1) Adopt the resolution approving the Natural Supplements Initial Study/Mitigated Negative Declaration (IS/MND) and adopting the Mitigation Monitoring and Reporting Program (MMRP); and

Reso No. 2022/33 adopted, 4/1 (Ogorchock)

- 2) Adopt the resolution approving a Use Permit, and Design Review (UP-20-01, AR-20-01) for a cannabis operations facility, subject to conditions of approval.

5. PROPOSED ORDINANCE AMENDING SECTION 9-5.3843 E OF THE ANTIOCH MUNICIPAL CODE TO MODIFY THE DISTANCE BETWEEN NEW TOBACCO BUSINESSES AND SPECIFIED USES AND TO CLARIFY THE LIMIT ON NEW TOBACCO RETAILERS

To March 8, 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 amendment to the City's Municipal Code. The proposed amendment would:

- 1) Require new tobacco businesses to be at least 1,000 feet from schools and similar uses.
- 2) Clarify the City's existing ban on new tobacco retailers.

PUBLIC HEARING – Continued

6. PROPOSED ORDINANCE AMENDING SECTION 6-8.02 OF THE ANTIOCH MUNICIPAL CODE TO ADD THE DEFINITIONS OF CHARACTERIZING FLAVOR, CIGAR, AND LITTLE CIGAR (INCLUDING CIGARILLO) AND AMENDING SECTION 6-8.14 BOTH TO RESTRICT TOBACCO RETAILERS OR BUSINESSES FROM SELLING OR PROVIDING TOBACCO WITH CHARACTERIZING FLAVOR, SELLING OR PROVIDING ELECTRONIC CIGARETTES OR E-CIGARETTES, AND TO REGULATE THE SIZE AND PRICE OF SPECIFIED PACKAGES OF CIGARETTES, LITTLE CIGARS, AND CIGARS

To March 8, 2022 for Adoption, 3/2 (Torres-Walker, Barbanica)

Recommended Action: It is recommended that the City Council introduce, waive the first reading, and read by title only, the proposed amendment to the Antioch Municipal Code. The proposed amendment would:

- 1) Add the definition of “characterizing flavor”.
- 2) Prohibit the sale of tobacco or tobacco products with characterizing flavor.
- 3) Prohibit a tobacco retailer or business from selling, offering for sale, possessing with the intent to sell, offer in exchange for any form of consideration, or provide at no cost any electronic cigarette or e-cigarette for use with tobacco or tobacco products.
- 4) Add the definitions of “cigars” and “little cigars,” with the latter including cigarillos.
- 5) Prohibit a tobacco retailer or business from selling, offering for sale, possessing with the intent to sell, offering in exchange for any form of consideration, or providing at no cost:
 - a. Any package of fewer than twenty little cigars.
 - b. Any package of fewer than six cigars.
 - c. Any package of cigarettes, little cigars or cigars at a price that is less than ten dollars per package, including applicable fees and taxes.

COUNCIL REGULAR AGENDA

7. UNHOUSED RESIDENT SERVICES – OVERVIEW OF STATE OF CALIFORNIA HOMEKEY FINANCING

Direction provided to staff to look at all options including the Executive Inn and the Delta Fair Property

Recommended Action: It is recommended that the City Council discuss and provide staff direction regarding the potential pursuit of Homekey financing opportunities.

9:29 P.M. ADJOURNED TO BREAK

9:40 P.M. RECONVENED WITH ALL COUNCIL PRESENT

8. DISCUSSION ABOUT RECREATION VEHICLE STORAGE ON RESIDENTIAL PROPERTIES

Direction provided to staff to bring back an audit of permits

Recommended Action: It is recommended that the City Council provide direction regarding the storage of Recreational Vehicles on residential properties.

COUNCIL MEMBER OGORCHOCK HAD REQUESTED A MOTION TO SUSPEND THE RULES AND MOVE COUNCIL REGULAR AGENDA ITEM #10 TO BE HEARD PRIOR TO ITEM #9; APPROVED 5/0

10. DISCUSSION ITEM: POTENTIAL FORMATION OF A COMMUNITY RESOURCES AD HOC COMMITTEE

Direction provided to staff to bring back a resolution for adoption to form the “Public Safety and Community Resources” Ad Hoc Committee

Recommended Action: It is recommended that the City Council take the following actions:

- 1) Discuss and determine if the City Council seeks to form a Community Resources Ad Hoc Committee to assist in the formation of the City’s new department;
- 2) If so, determine the scope of activities for Community Resources Ad Hoc Committee; and
- 3) Provide direction to staff to draft a resolution to form the Community Resources Ad Hoc Committee.

COUNCIL REGULAR AGENDA – Continued

9. RESOLUTION APPROVING A NEW CLASS SPECIFICATION FOR COMMUNITY RESOURCES & PUBLIC SAFETY DIRECTOR, ASSIGNING A SALARY RANGE, AND ASSIGNING THE CLASSIFICATION TO THE MANAGEMENT (EXECUTIVE) BARGAINING UNIT

Reso No. 2022/34 adopted, modifying the job title to “Public Safety and Community Resources Director”, 4/1 (Ogorchock)

Recommended Action: It is recommended that the City Council adopt a resolution approving the New Class Specification for Community Resources & Public Safety Director, assigning a salary range, and assigning the classification to the Management (Executive) Bargaining Unit.

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 11:05 p.m., 5/0