



ANNOTATED AGENDA

Antioch City Council REGULAR MEETING

Date: Tuesday, October 25, 2022

Time: 6:30 P.M. – Closed 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, 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.

SPEAKER RULES

Welcome to a meeting of the Antioch City Council. Your attendance is appreciated. The State Ralph M. Brown Act guarantees the public's right to address the City Council, within the framework of Speaker Rules. Because agendas encompass many business items, Speaker Rules enable the meeting to be efficiently conducted and concluded at a reasonable hour.

The City Council can only take action on items that are listed on the agenda. If you wish to speak about an item **not on the agenda**, the "Public Comments" section of the agenda is for you. Unagendized comments are provided until no later than 7:30 p.m. when the City Council moves on to agenda items. There is another opportunity for public comments at the end of the meeting.

If you wish to speak, either during "public comments" or during an agenda item, fill out a Speaker Request Form and place in the Speaker Card Tray near the City Clerk. This will enable us to call upon you to speak. Important: Please identify if the comment is for Announcement of Community Events, Public Comment, or a specific Agenda Item Number on your Speaker Request Form. No one may speak more than once on an agenda item or during "public comments." *(Please see next page for additional information on public participation.)*

Each speaker is limited to not more than three minutes under Public Comments and three minutes on non-public hearing agenda items. During public hearings, each side is entitled to one "main presenter" who may have not more than 10 minutes; all other speakers during public hearing items, are entitled to a maximum of 5 minutes. These time limits may be modified depending on the number of speakers, number of items on the agenda, or circumstances. Groups who are here regarding an item may identify themselves by raising their hands at the appropriate time to show support for one of their speakers.

During certain types of hearings, the applicant is allowed to give his or her presentation first. After all testimony is received, the applicant has an opportunity for rebuttal.

The "Consent Calendar" is a group of items which are determined to be routine. These items are usually considered all at once and approved without further discussion. If you are opposed to action which is recommended for an item on the "Consent Calendar," please submit a Speaker Request Form before the meeting, and place in the Speaker Card Tray near the City Clerk. This will enable the item to be removed from the "Consent Calendar" and call on you to speak.

After having heard from the public, the agenda item will be closed. Deliberations will then be limited to members of the City Council.

If the meeting appears to be going late, the City Council may decide to continue some items until a subsequent meeting. The City Council will try to make this determination around 10:00 p.m. It is the goal to stop discussing agenda items by not later than 11:00 p.m.

The City Council meets regularly on the second and fourth Tuesdays of the month at 7:00 p.m., with Closed Sessions often occurring before or after the regular meeting. The City Council also holds adjourned meetings and study sessions on other days.

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.

6:30 P.M. ROLL CALL – CLOSED SESSION – for Council Members – *All Present*

PUBLIC COMMENTS for Closed Session – *None*

CLOSED SESSION:

- 1) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – pursuant to California Government Code section 54956.9: Lenore McCall v. City of Antioch, et al., Contra Costa County Superior Court, Case No. MSC21-00862.

Case Settlement of \$29,000 was Approved by Council, 5/0

- 2) **CONFERENCE WITH LABOR NEGOTIATORS** – pursuant to California Government Code section 54957.6; City designated representatives: Ana Cortez, Nikki Ausk, and Jeff Bailey; Employee organizations: Antioch Public Works Employee Association.

No reportable action

- 3) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code section 54956.9(d)(2): Two Cases.

No reportable action

- 4) **A. PUBLIC EMPLOYEE APPOINTMENT: CITY MANAGER.** This closed session is authorized pursuant to Government Code section 54957(b)(1).

No reportable action

- B. CONFERENCE WITH LABOR NEGOTIATORS.** This closed session is authorized pursuant to Government Code section 54957.6. City designated representatives: Human Resources Director Ana Cortez and City Attorney Thomas Lloyd Smith. Employee Organization: Unrepresented Employee – City Manager.

No reportable action

CLOSED SESSION – Continued

- 5) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: CITY ATTORNEY.** This closed session is authorized pursuant to Government Code section 54957(b)(1).

Direction was provided to City Attorney

6:32 P.M. ADJOURNED TO CLOSED SESSION

7:06 P.M. ROLL CALL – REGULAR MEETING – for Council Members – *All Present*

PLEDGE OF ALLEGIANCE

CITY ATTORNEY TO REPORT OUT ON CLOSED SESSION

MAYOR THORPE REQUESTED A MOTION TO SUSPEND THE RULES TO MOVE MAYOR’S COMMENTS TO BE HEARD AS THE NEXT ORDER OF BUSINESS; APPROVED 5/0

MAYOR’S COMMENTS

MAYOR THORPE PRESENTED A CERTIFICATE OF RECOGNITION TO MAYBELL TURNER, CENTENNIAL BIRTHDAY – CELEBRATION OF LIFE, 100 YEARS

1. PROCLAMATION

- 25th Anniversary of the Antioch Veteran’s Memorial, Veteran’s Day, November 11, 2022
Approved, 5/0
Recommended Action: It is recommended that the City Council approve the proclamation.

2.01. ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

- FALL-O-WEEN – OCTOBER 27 & 28, 2022
Antioch Water Park, 4701 Lone Tree Way, Antioch
- TRUNK OR TREAT, ANTIOCH COUNCIL OF TEENS – OCTOBER 29, 2022
Delta Bowl, 3300 Delta Fair Boulevard, Antioch
- RIVERTOWN TRUNK OR TREAT KID’S FEST – OCTOBER 29, 2022
Downtown Antioch (Participating Stores), G Street and 2nd Street, Antioch
- DIA DE LOS MUERTOS – NOVEMBER 1, 2022
Nick Rodriguez Community Center, 213 F Street, Antioch
- ANTIOCH VETERANS DAY CELEBRATION AND PARADE – NOVEMBER 11, 2022
Antioch Marina/Veterans Memorial, Marina Plaza, Antioch

2.02. ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

- SALES TAX CITIZENS' OVERSIGHT COMMITTEE

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.*

7:57 P.M. COUNCIL MEMBER TORRES-WALKER LEFT THE MEETING DURING PUBLIC COMMENTS

8:02 P.M. COUNCIL MEMBER TORRES-WALKER RETURNED TO THE MEETING DURING PUBLIC COMMENTS

8:35 P.M. FIVE MINUTE RECESS TAKEN DURING PUBLIC COMMENTS

8:39 P.M. RECONVENED, ROLL CALL – All Present (continued Public Comments)

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS

3. PRESENTATIONS

01. YOUTH SERVICES SUMMER 2022 ACCOMPLISHMENTS

Presented by Tasha Johnson, Director of Public Safety and Community Resources Department

02. PARKS AND RECREATION 2022 PROGRAMS UPDATE

Presented by Brad Helfenberger, Director of Parks and Recreation Department

4. CONSENT CALENDAR

A. APPROVAL OF COUNCIL MEETING MINUTES FOR SEPTEMBER 13, 2022

Approved, 5/0

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

B. APPROVAL OF COUNCIL MEETING MINUTES FOR SEPTEMBER 27, 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 OCTOBER 11, 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 AUGUST 2022

Approved, 5/0

Recommended Action: It is recommended that the City Council receive and file the August 2022 Treasurer's Report.

F. AB 361: RESOLUTION MAKING FINDINGS NECESSARY TO CONDUCT BROWN ACT MEETINGS BY TELECONFERENCE FOR THE CITY COUNCIL, BOARDS, COMMISSIONS, AND COMMITTEES

Reso No. 2022/182 adopted, 3/2 (Barbanica, Ogorchock)

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.

G. ACCEPTANCE OF WORK AND NOTICE OF COMPLETION FOR THE CITY HALL OFFICE MODIFICATIONS (P.W. 247-S)

Reso No. 2022/183 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 \$96,153.91 for a total contract amount of \$1,150,152.91 for the City Hall Interior Modifications Project; and
- 2) Accepting work and authorizing the City Manager or designee to file a Notice of Completion for City Hall Office Modifications project.

CONSENT CALENDAR – Continued

H. SECOND AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH TESTING ENGINEERS, INC. FOR “AS NEEDED” MATERIAL TESTING AND SPECIAL INSPECTION SERVICES

Reso No. 2022/184 adopted, 5/0

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

- 1) Approving the second amendment to the consulting services agreement with Testing Engineers, Inc. in the amount of \$100,000 for a total contract amount of \$300,000 for “As Needed” Material Testing and Special Inspection Services and extending the term of the agreement to June 30, 2023; and
- 2) Authorizing the City Manager to execute the amendment in a form approved by the City Attorney.

I. MEMORANDUM OF UNDERSTANDING (MOU) REGARDING CONTRA COSTA FERRY SERVICE EXPANSION

Reso No. 2022/185 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution that authorizes the City Manager to execute a Memorandum of Understanding (MOU) between the Cities of Antioch, Hercules, Martinez, Pittsburg, Contra Costa County, Eastern Contra Costa Transit Authority, and the Contra Costa Transportation Authority to advance planning and studies to evaluate the feasibility of Expanded Ferry Service in Contra Costa County.

J. RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF ANTIOCH AND ANTIOCH POLICE OFFICERS ASSOCIATION (APOA) AND ACKNOWLEDGE THE INTERIM CITY MANAGER AND ANTIOCH POLICE SWORN ASSOCIATION REPRESENTATIVES’ EXECUTION OF THE MOU

Reso No. 2022/186 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution approving the Memorandum of Understanding (MOU) between the City of Antioch and the Antioch Police Officers Association (APOA).

COUNCIL MEMBER WILSON REQUESTED A MOTION TO SUSPEND THE RULES TO MOVE COUNCIL REGULAR AGENDA ITEM #8 TO BE HEARD AS THE NEXT ORDER OF BUSINESS; APPROVED 5/0

COUNCIL REGULAR AGENDA

8. PARKS AND RECREATION COMMISSION APPOINTMENTS FOR ONE (1) VACANCY EXPIRING MARCH 2024 AND ONE (1) VACANCY EXPIRING APRIL 2026

Reso No. 2022/187 adopted appointing Jacob Piocos-Pedrotti for the vacancy expiring March 2024 and Lesley Eubanks for the vacancy expiring April 2026, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution approving the Mayor's nomination of the following appointments for membership on the Parks and Recreation Commission:

- Jacob Piocos-Pedrotti for a vacancy expiring March 2024
- Lesley Eubanks for a vacancy expiring April 2026

MAYOR PRO TEM BARBANICA RECUSED HIMSELF FROM THE DAIS BEFORE PUBLIC HEARING ITEM #5 WAS HEARD

PUBLIC HEARING

5. BUCHANAN CROSSINGS PARCEL 7 REZONE (Z-22-05)

Motion to table with direction to staff to bring back information on inclusionary housing policy and in lieu fees, 3/1 (Ogorchock)

Recommended Action: It is recommended that the City Council introduce, waive the first reading, and read by title only the ordinance rezoning Buchanan Crossings Parcel 7 to include the Commercial Infill Housing (CIH) Overlay District.

CEQA: The project is Exempt from CEQA pursuant to Section 15061(b)(3), the "Common Sense" Exemption.

MAYOR PRO TEM BARBANICA RETURNED TO THE DAIS.

6. LAKEVIEW CENTER PARCEL 5 REZONE (Z-22-06)

Motion to table with direction to staff to bring back information on inclusionary housing policy and in lieu fees, 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 rezoning Lakeview Center Parcel 5 to include the Commercial Infill Housing (CIH) Overlay District.

CEQA: The project is Exempt from CEQA pursuant to Section 15061(b)(3), the "Common Sense" Exemption.

PUBLIC HEARING – Continued

7. TRAVIS CREDIT UNION AT 3500 HILLCREST AVENUE (PD-22-03, UP-22-08, AR-22-07)

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

**To 11/15/2022 Adjourned Regular Meeting
for Adoption, 5/0**

- 1) **Zoning Map Amendment.** Introduce by title only and waive further reading of the ordinance for a zoning map amendment from Planned Development District (PD) to Planned Development District (PD-22-03).

Reso No. 2022/188 adopted, 5/0

- 2) **Final Development Plan.** Adopt the resolution approving a Final Development Plan, Use Permit and Design Review, subject to conditions of approval (PD-22-03, UP-22-08 AR-22-07).

CEQA: The project is Categorical Exempt from CEQA pursuant to Section 15332 "In-Fill Development Projects."

COUNCIL MEMBER TORRES-WALKER REQUESTED A MOTION TO SUSPEND THE RULES TO MOVE COUNCIL REGULAR AGENDA ITEM #10 TO BE HEARD AS THE NEXT ORDER OF BUSINESS; APPROVED 5/0

COUNCIL REGULAR AGENDA – Continued

10. **REQUEST FOR QUALIFICATIONS (RFQ) NO. 030722 – NON-POLICE COMMUNITY CRISIS INTERVENTION RESPONSE PROVIDER FOR LOW LEVEL 911 CALLS AND RESOLUTION TO SELECT THE FELTON INSTITUTE TO DELIVER THE CITY'S "CRISIS ANTIOCH RESPONSE TEAM (CART)" PILOT PROGRAM**

Reso No. 2022/189 adopted with renaming the program to "Angelo Quinto Crisis Response Team", 5/0

Recommended Action: It is recommended that the City Council adopt the resolution that selects the Felton Institute to provide Non-Police Community Crisis Intervention Services.

COUNCIL REGULAR AGENDA – Continued

9. APPOINTMENT OF CORNELIUS H. JOHNSON AS CITY MANAGER AND APPROVAL OF AN EMPLOYMENT AGREEMENT WITH CORNELIUS H. JOHNSON FOR CITY MANAGER SERVICES

Council approved the agreement appointing Cornelius H. Johnson as City Manager for a term of two years, with an annual salary of \$266,400 (Salary Schedule Step C), 3/2 (Barbanica, Ogorchock)

Recommended Action: It is recommended that the City Council approve the Agreement appointing Cornelius H. Johnson as City Manager for a term of [REDACTED] years with an annual salary of \$[REDACTED] (Salary Schedule Step [REDACTED]) and authorizing the Mayor to sign the Agreement in a form approved the City Attorney.

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.

THE REGULARLY SCHEDULED COUNCIL MEETING ON ELECTION DAY, NOVEMBER 8, 2022, WILL BE HELD ON TUESDAY, NOVEMBER 15, 2022.

ADJOURNMENT to Adjourned Regular Meeting on November 15, 2022 – 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 Regular Meeting at 11:40 p.m., 5/0