

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

January 25, 2022
Council Chambers

5:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – significant exposure to litigation pursuant to California Government Code section 54956.9(b): One Case.
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to California Government Code section 54956.8: Property: 401 Putnam Street, Antioch, CA; Agency Negotiation: City of Antioch and Crown Castle for AT&T; Negotiating Parties: John Samuelson, Public Works Director, City of Antioch and Julie Weston, Government Site Specialist, Crown Castle; Under Negotiation: Price and Terms of Payment.
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.
4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – pursuant to California Government Code section 54956.9: Andrea Rodriguez and Calvin Prieto v. City of Antioch et al., Contra Costa County Superior Court Case Number C21-02687.

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 Members District 1 Torres-Walker, District 3 Ogorchock, District 4 Wilson, Mayor Pro Tem (District 2) Barbanica and Mayor Thorpe

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 LEGAL COUNSEL – ANTICIPATED LITIGATION**, no reportable action, **#2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**, direction given to City Attorney, **#3 CONFERENCE WITH LABOR NEGOTIATORS**, no reportable action; and **#4 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, no reportable action.

7:05 P.M. – PUBLIC HEARING

Mayor Thorpe announced in English and Spanish that Court Certified Interpreter Sandra Valmana Lastres was present and, Alexandra Eilersen and Jose Luis Fernandez were available via Zoom, for translation services.

1. REDISTRICTING IN ANTIOCH: DRAFT REDISTRICTING MAPS

City Attorney Smith introduced Karin Mac Donald who then introduced Jane Hood, Q2 Data & Research LLC, who presented the staff report dated January 25, 2022, recommending the City Council: 1) Receive the redistricting presentation and public comment on the draft redistricting maps and 2) Select two redistricting maps for the City in preparation for selection of the final map on February 8, 2022.

James Britto, Antioch resident, spoke in support of redistricting draft map 91.

Harry Thurston, Antioch resident, requested Council select redistricting draft maps A and B in preparation of the selection of the final map and reiterated his support for choosing redistricting draft map B as the final map.

Micha Morris-Silveira spoke in support of redistricting draft map B.

Allen Payton urged Council to consider redistricting draft maps 508, 98 and 95. He noted an analysis of these options was available on his website.

In response to Councilmember Barbanica, Ms. Hood displayed and reviewed redistricting draft map 508.

Councilmember Ogorchock spoke in support of redistricting draft map 91 noting it remained along main thoroughfares, maintained communities of interest and was the most balanced in population.

Following review and discussion of redistricting draft maps A, B and 91, Council consensus selected redistricting draft maps B and 91 for the city in preparation for the selection of the final map on February 8, 2022.

Mayor Thorpe announced translation services would be available through Agenda Item #4.

2. PROCLAMATION

Human Trafficking Awareness Month, January 2022

On motion by Councilmember Wilson, seconded by Councilmember Barbanica the Council unanimously approved the Proclamation as amended to add “*Love Never Fails*” as a supporting organization.

Vanessa Russell, representing Love Never Fails, and Sable Horton, representing Love Never Fails and Shades of Beauty, thanked the City Council for the *Human Trafficking Awareness Month* proclamation.

3. ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Director of Parks and Recreation Helfenberger announced the following civic and community event:

- City of Antioch Celebrating 150 Years 1872 – 2022: February 6, 2022

PUBLIC COMMENTS

Mayor Thorpe announced that this public comment period was for items not on the agenda.

City Clerk Householder announced Roshon Williams submitted a letter that would be sent to all Councilmembers.

Roshon Williams, Antioch resident, reported the letter she submitted included signatures from her neighbors indicating they had no concerns regarding the parking of her RV on her property. She stated she received a notice from the city to remove her RV and asked to be granted a waiver to allow her to park her RV on her driveway.

Mayor Thorpe responded Council would review her letter and he would be addressing this issue during Council Subcommittee Reports/Communications.

Larry Baines, Antioch resident, suggested the RV ordinance be modified to allow recreational vehicles to be parked on driveways. He stated he would be willing to pay an inspection fee to do so.

Andrew Becker discussed the timeline for Project Homekey funding. He stated a developer for an affordable housing project met with the Transitional Housing Committee and asked to be a part of a development in Antioch; however, Councilmember Barbanica did not support a project in his district. He expressed concern that Antioch had missed an opportunity for a Project Homekey project.

Public comment submitted in writing was entered into the record from the following individual: Sean Crowder.

COUNCIL SUBCOMMITTEE REPORTS/COMMUNICATIONS

Councilmember Ogorchock congratulated Gigi Crowder for receiving a Humanitarian Award. She requested Gigi Crowder, Councilmember Torres-Walker and Velma Wilson, as recipients of the Humanitarian Awards, be recognized by proclamation.

Councilmember Torres-Walker reported on her attendance at the Community Violence Solutions Ad Hoc Committee meeting and announced they would be meeting again in two weeks.

Councilmember Barbanica reported he had been contacted by a resident in his district discussing the RV situation and asked the city to consider reinstating the former permit process. He announced a local auto dismantler was willing to tow larger abandoned vehicles and pickup discarded items for free. He requested the city contact the business to move the program forward.

Councilmember Wilson announced Tri Delta would be meeting on January 26, 2022.

Mayor Thorpe announced he would be attending the Tri Delta meeting and reported on his attendance at the Community Violence Solutions Ad Hoc Committee.

MAYOR'S COMMENTS

Mayor Thorpe stated the issue regarding permits for RVs and boats had resurfaced and would be placed on the February 8, 2022, City Council meeting agenda.

4. PRESENTATION

Rental Housing Updates

Rhovy Lyn Antonio, Senior Vice President of Public Affairs, California Apartment Association and James Britto, Government Affairs Committee Member, Delta Association of Realtors, gave a Rental Housing Updates PowerPoint presentation.

Mayor Thorpe thanked James Britto and Rhovy Lyn Antonio for the presentation.

Jim Becker, Antioch resident, spoke in support of local control and the items proposed by Councilmembers Wilson and Torres-Walker.

Deepa Varma, Tenants Together, Gigi Crowder, Ilaf Esuf, Housing and Economic Policy Analyst at United Way Bay Area, Christine Clark, Antioch resident representing East County Regional Group (ECRG), Virginia Garcia Ramirez, Antioch resident representing Alliance of Californians for Community Empowerment (ACCE), Leah Simon-Weisberg, ACCE, Silvia Vasquez, Mariana Moore, Jackie Lowery, Antioch resident, ACCE, Tony Bravo, Monument Impact, Devin Williams, Antioch resident, ACCE, Debra Ballinger, Monument Impact, Betty Gabaldon, EBASE, Ethan Silverstein, ACCE, Reverend Millie Phillips, Faith Alliance for a Moral Economy, Jackie Zaneri, ACCE, Jennifer Morales, Monument Impact, Francisco Torres, Natalie Tran, Unite Here Local 2850, Archie Brumfield, Antioch resident, Carmen Ponce, Sarita b, Kamilah Miller, Antioch resident, Ali Uscilka, Director of Healthy and Active Before 5, Aswan Boudreaux, Ron Zaragoza, Teki Flow, Karen Hernandez, Monument Impact, Gabi Rivas, First Five Contra Costa and ECRG, Frank Sterling, Joe Summers, Contra Costa Labor Counsel, Deborah Polk and Myriam Saenz, ECRG, spoke in support of local control and tenant protections. Several speakers

requested the City Council support rent control, just cause for eviction protections, and a tenant anti-harassment ordinance.

Carol Manning, City of Brentwood Affordable Housing Real Estate Agent, recognized that there were issues that needed to be addressed. She suggested an additional supply of rentals, education and streamlining the utilization of laws currently in place.

Scott MacIntyre, Delta Association of Realtors, spoke to his experience being a landlord and explained that his contract was between him and his tenant. He expressed concern that the policies being discussed would cause a decrease in rental properties and suggested letting the market work the way it should. He commented that bad landlords needed to be weeded out.

Public comments submitted in writing were entered into the record from the following individuals: Alex Navarro, Ron Zaragoza, Alex Werth and Belem Ramirez.

Mayor Thorpe thanked the public for their comments this evening.

Councilmember Torres-Walker thanked the presenters and the public speakers. She also thanked Mr. MacIntyre for being a good landlord and discussed the importance of supporting tenants, so they could continue to live in their homes.

Councilmember Barbanica explained that a small percentage of landlords were abusing the system and expressed concern that these policies would penalize those who were providing tenants with homes. He reported economic impacts were causing selloffs to occur throughout the community and those were the evictions being seen in Antioch. He urged Council to utilize the current state laws to protect tenants and landlords.

Councilmember Ogorchock thanked the presenters this evening. She reported AB 1482 passed with input from a diverse group of stakeholders. She suggested the city develop an educational action plan for tenants and landlords. She thanked the public who spoke this evening. She acknowledged there were challenges; however, she believed it involved a small percentage of landlords.

Councilmember Wilson thanked the presenters and stated she did not believe state laws were sufficient to address the issues. She spoke in support of advancing local rent control, just cause and anti-harassment policies.

Mayor Thorpe thanked Councilmembers Wilson and Torres-Walker for bringing this item forward. He voiced his appreciation for those in the industry for their hard work.

In response to Mayor Thorpe, Rhovy Lyn Antonio explained and offered to send Mayor Thorpe information on AB 1482 enforcement procedures and no-fault evictions.

Councilmember Torres-Walker commented that during the pandemic, services were provided to tenants; however, issues were still occurring. She noted the matter before Council was how to

make renters and landlords whole and keep people from homelessness. She expressed concern that evictions followed renters and prevented them from obtaining future housing.

Rhovy Lyn Antonio responded that an eviction was a legal process to get possession of the unit back and was different than sending a termination notice to gain possession back after the term of the lease agreement. She stated outreach and education could clarify this issue.

Councilmember Barbanica added that the only time an eviction would go on the tenant's record was if it was ordered by a judge and even then, it was extremely difficult to get it on a permanent record under current law.

Councilmember Ogorchock reported CDBG/Housing Consultant House was looking forward to the city hiring a staff member dedicated to housing issues and she would be bringing forward ideas on how to inform tenants of their protections under AB 1482.

In response to Mayor Thorpe, Mr. Britta explained that a rent control ordinance could have a negative impact because if rent was not increased to the cap, it could create the condition where a landlord could not work with a tenant to adjust increases based on certain conditions.

Following discussion, Council consensus requested staff bring back information on rent control, tenant anti-harassment and just cause evictions.

Mayor Thorpe stated he would like to meet with ACCE, Ms. Antonio and Mr. Britta to discuss language for these proposals.

Mayor Thorpe declared a recess at 10:28 P.M. The meeting reconvened at 10:37 P.M. with all Councilmembers present.

5. CONSENT CALENDAR

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

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

C. APPROVAL OF COUNCIL WARRANTS

D. APPROVAL OF TREASURER'S REPORT FOR NOVEMBER 2021

E. ORDINANCE NO. 2201-C-S SECOND READING – WILD HORSE MULTIFAMILY PROJECT (PD-20-01, GP-20-03, AR-21-17) (*Introduced on January 11, 2022*)

F. ORDINANCE NO. 2202-C-S SECOND READING – ORDINANCE AMENDING THE ANTIOCH MUNICIPAL CODE TO REQUIRE SAFE STORAGE OF FIREARMS IN RESIDENCES (*Introduced on January 11, 2022*)

- G. **ORDINANCE NO. 2203-C-S SECOND READING – ORDINANCE AMENDING THE ANTIOCH MUNICIPAL CODE SECTIONS 9-5.3803 AND 9-5.3834 TO PROHIBIT OIL AND GAS DRILLING, PRODUCTION, AND EXPLORATORY OPERATIONS AS PERMITTED USES IN THE M-2 AND S ZONES (Introduced on January 11, 2022)**
- H. **RESOLUTION NO. 2022/12 SUBMISSION OF APPLICATIONS FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF ANTIOCH IS ELIGIBLE FOR A PERIOD OF FIVE (5) YEARS**
- I. **RESOLUTION NO. 2022/13 NINTH AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT FOR PROFESSIONAL SERVICES WITH WALTER BISHOP CONSULTING**

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica, the City Council unanimously approved the Council Consent Calendar with the exception of items G and I, which were removed for further discussion.

Item G – Councilmember Ogorchock explained an email was sent by Mr. Nunn regarding oil and gas rights on property he owned, and Council did not have the opportunity to review the email prior to consideration of the Ordinance. She requested in the future Council receive any documentation on these items.

Mayor Thorpe explained that the cut off time for written public comment was 3:00 P.M. the day of the Council meeting and comments received prior to that time were forwarded to Council. He noted comments received after 3:00 P.M. would be forwarded to Council when staff had the opportunity to do so.

City Clerk Householder added that Mr. Nunn’s email was sent to Council prior to the meeting.

Councilmember Ogorchock commented that she did not receive the email.

Councilmember Barbanica stated Mr. Nunn’s email was received after 3:00 P.M. and forwarded to him at 7:27 P.M.

Public comments submitted in writing were entered into the record from the following individuals: Shoshana Wechsler, Amanda Millstein and Elizabeth Anthony.

On motion by Councilmember Ogorchock, seconded by Councilmember Torres-Walker the City Council unanimously approved Item G.

Item I – Councilmember Ogorchock requested a project update.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council unanimously approved Item I.

PUBLIC HEARING – Continued

6. REVISIONS TO THE CONDITIONS OF APPROVAL FOR THE CREEKSIDE – VINEYARDS AT SAND CREEK PROJECT VESTING TENTATIVE SUBDIVISION MAP RELATED TO THE CONSTRUCTION OF HILLCREST AVENUE

Director of Public Works/City Engineer Samuelson presented the staff report dated January 25, 2022, recommending the City Council adopt the resolution approving revisions to the Conditions of Approval for the Creekside – Vineyards at Sand Creek Project Vesting Tentative Subdivision Map, related to the construction of Hillcrest Avenue.

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

RESOLUTION NO. 2022/14

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock the City Council unanimously adopted the resolution approving revisions to the Conditions of Approval for the Creekside – Vineyards at Sand Creek Project Vesting Tentative Subdivision Map, related to the construction of Hillcrest Avenue.

7. ORDINANCE AMENDING THE ANTIOCH MUNICIPAL CODE BY ADDING SECTION 9-5.3848, REGARDING TEMPORARY CANNABIS EVENTS ON PUBLIC PROPERTY

City Attorney Smith presented the staff report dated January 25, 2022, recommending the City Council waive the first reading and introduce by title only an ordinance amending the Antioch Municipal Code by adding Section 9-5.3848 regarding temporary cannabis events on public property and provide direction to staff.

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

In response to Councilmember Ogorchock, City Attorney Smith explained that through provisions of the operating agreement, the city would be receiving a portion of gross revenues produced. He noted the ordinance would allow for the smoking and sales of cannabis products.

Captain Schnitzius stated the impact on police services was undetermined; however, if they had robust security and traffic mitigation plans, he assumed there would be no problems.

Councilmember Ogorchock questioned if there would be safety measures in place for those consuming cannabis products.

Captain Schnitzius responded it was an emerging science in terms of how much THC constituted impairment; however, DUI laws covered drugs and alcohol impairment.

City Attorney Smith added there was a provision under the attached temporary cannabis requirements, stating the department may require an event organizer and all participants to cease operation without any delay if, it is necessary to protect the immediate public health and safety of the people of the state.

Mayor Thorpe commented that this ordinance would only apply to Antioch cannabis businesses, and he assumed they would want to remain in good standing with the city.

In response to Councilmember Barbanica, City Attorney Smith stated they would ensure the event holder would have insurance that met the city standard requirements.

Captain Schnitzius stated the Antioch Police Department would not take a negative position on this event and would treat it just as they would an event serving alcohol.

On motion by Councilmember Torres-Walker, seconded by Councilmember Wilson the City Council waived the first reading and introduce by title only an ordinance amending the Antioch Municipal Code by adding Section 9-5.3848 regarding temporary cannabis events on public property. The motion carried the following vote:

Ayes: Torres-Walker, Wilson, Thorpe

Noes: Ogorchock, Barbanica

COUNCIL REGULAR AGENDA

8. SUBMISSION OF APPLICATION FOR CALIFORNIA VIOLENCE INTERVENTION AND PREVENTION (CALVIP) GRANT PROGRAM

Interim City Manager Johnson presented the staff report dated January 25, 2022, recommending the City Council adopt the resolution authorizing the submission of applications for the California Violence Intervention and Prevention grants for a period of five (5) years.

Mayor Thorpe commented the Community Violence Solutions Ad Hoc Committee had considered this item and given Interim City Manager Johnson their recommendation to move forward.

Public comment submitted in writing was entered into the record from the following individual: Michelle Petersen.

A motion was made by Councilmember Ogorchock to adopt the resolution authorizing the submission of applications for the California Violence Intervention and Prevention grants for a period of five (5) years.

In response to Interim City Manager Johnson, Councilmember Ogorchock revised her motion to reflect the term of 3 years and 6 months. Councilmember Barbanica seconded the motion.

City Attorney Smith explained the timeline would allow the city to apply for a grant within five (5) years.

Councilmember Ogorchock reverted to the original motion to adopt the resolution authorizing the submission of applications for the California Violence Intervention and Prevention grants for a period of five (5) years. Councilmember Barbanica seconded the motion.

RESOLUTION NO. 2022/15

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

9. POTENTIAL TRANSITION OF CITY FLEET TO ZERO EMISSION VEHICLES

Director of Public Works/City Engineer Samuelson presented the staff report dated January 25, 2022, recommending the City Council discuss and provide direction to City staff.

Councilmember Wilson suggested staff reach out to Tri Delta Transit since they had started this process. Additionally, she suggested researching where to install the charging stations and ensuring other vehicles were available during charging times.

Councilmember Barbanica spoke in support of transitioning to zero emission vehicles except for emergency vehicles unless they had the same or better safety equipment.

Director of Public Works/City Engineer Samuelson responded there were no hybrid or all electric patrol vehicles that met the same requirements as the current vehicles; however, they could consider transitioning administrative vehicles.

Following discussion, Council directed staff to bring back a phasing out process for the city's current vehicles. With regards to the current list of vehicles to purchase, Council directed staff to consider all options.

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

Administrative Services Director Mastay recommended the City Council table this item to allow additional time to research the class specifications for this position.

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock the City Council unanimously tabled this item.

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS – None

COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS

Councilmember Barbanica requested staff agendaize Council consideration of adding more officers to the Antioch Police Force., an action item to return the travel trailers to the State and a graffiti policy.

Councilmember Ogorchock requested staff agendaize an educational action plan for tenants and landlords.

Councilmember Torres-Walker stated she was excited for the opportunity to move forward with hiring a Community Resource and Public Safety Director. She requested staff agendaize a discussion on the City's current towing policy as well as parking enforcement and hourly parking. She also requested Council finalize the City's Strategic Plan.

ADJOURNMENT

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adjourned the meeting at 11:16 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk