

CITY COUNCIL MEETING

Special/Regular Meeting
6:00 P.M.

February 8, 2022
Council Chambers

4:30 P.M. - 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.
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.
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.
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.
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.

PUBLIC COMMENTS

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

ADJOURNED TO CLOSED SESSION

Council adjourned to Closed Session at 4:33 P.M.

6:00 P.M. SPECIAL MEETING/WORKSHOP

Mayor Thorpe called the Special Meeting/Workshop to order at 6:02 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.

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

City Attorney Smith introduced Karin Mac Donald and Jane Hood, Q2 Data & Research LLC, who presented the staff report dated February 8, 2022, recommending the City Council select the final redistricting map redefining the boundaries of all City Council electoral districts of the City.

City Clerk Householder and Mayor Thorpe announced in English and Spanish that a Court Certified Interpreter was available for translation services.

Laurie Ratterree, Antioch resident, discussed the Conflict-of-Interest rules and expressed concern that voting on this item by one Councilmember would put them in a questionable position as they had a personal financial interest in the outcome. She also cautioned Council against gerrymandering.

Tom Hartrick, Sandy Hartrick, Antioch residents, Lindsey Amezcua, Jose Sublasky, Pittsburg resident, Karen Abfalter, Antioch resident, Allison Norris, Antioch resident, Michael Norris, Antioch resident, Mary Rocha, Antioch resident, Walter Schlueter, Antioch resident, Maria Parker, Antioch resident, Allen Payton, Charles Kuslits, Mike Schneider, Dave Vazquez, Gretchen Egen, Phillip Lubina and Shawn Gilbert, Antioch residents, spoke in support of the City Council selecting Draft Map 91 as the final redistricting map for Antioch.

Harry Thurston, Antioch resident, Christine Clark, East County Regional Group (ECRG), Devin Williams, ACCE Action, Kyle Suen, Jackie Lowery and Ian Cohen spoke in support of the City Council selecting Draft Map B as the final redistricting map for Antioch.

Public comments submitted in writing were entered into the record from the following individuals: DK Smith, Gary Chambers, Linda Smith, Ron Hawkins, Mark Murray, Micha Morris-Silveira, Ian Cohen, Brendon O'Laskey and Martha Goralka.

Mayor Thorpe commented when the City began the districting process they narrowed the scope to two maps, one drawn by elected officials attempting to undermine the districting process and a second developed by the professional consultants which was adopted by Council.

Councilmember Ogorchock explained that the map drawn on March 10, 2018, was done so based on public input and she did not vote on the adopted map because it deviated from Lone Tree Way. She expressed concern that the consultant's map presented this evening divided communities of interest.

In response to Councilmember Barbanica, Ms. Mac Donald confirmed that Ms. Hood created Draft Map B and clarified that they were unaware of where Councilmembers resided. She noted they were created to balance the population and they worked off the existing boundaries.

Ms. Hood added the maps were created based on Council direction to draw options similar to current boundaries while balancing the population. She noted the population deviations for maps B and 91 were sub 1%.

Ms. Mac Donald stated both maps met the criteria of the Fair Maps Act. She clarified districts were supposed to be within reasonably equal population, and noted when the maps were developed, they did not have information with regards to the location of established neighborhoods. She stated the maps were presented as starting points for Council and noted that in every redistricting process, some communities of interest were going to be divided. She further noted choosing a map would be a decision made by the City Council. She stated that she did not believe she was qualified to weigh in on all the points of the two maps.

Following discussion, Council consensus did not support advancing Draft Redistricting Maps B and 91.

Ms. Hood displayed and reviewed all remaining draft redistricting maps for Council.

Following discussion, Councilmember Torres-Walker, Councilmember Wilson and Mayor Thorpe requested redistricting Draft Map A return to Council for consideration. Councilmembers Barbanica and Ogorchock suggested tabling this item to allow for more community input.

Council consensus agreed to bring Draft Map A back to a Study Session on February 22, 2022.

ADJOURNED SPECIAL MEETING/WORKSHOP

Mayor Thorpe declared a recess at 7:04 P.M.

7:00 P.M. REGULAR MEETING

Mayor Thorpe called the meeting to order at 7:11 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 – EXISTING LITIGATION**, City Council authorized the City Attorney to file a counter-complaint, by a 3-1 vote with Councilmember Barbanica voting no and Mayor Thorpe absent, **#2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, City Council authorized the City Attorney to file a counter-complaint, by a 3-1 vote with Councilmember Barbanica voting no and Mayor Thorpe absent, **#3 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, City Council authorized the City Attorney to file a counter-complaint, by a 3-1 vote with Councilmember Barbanica voting no and Mayor Thorpe absent, **#4 CONFERENCE WITH REAL PROPERTY NEGOTIATIONS**, direction given to the Interim City Manager and City Attorney; and **#5 CONFERENCE WITH LABOR NEGOTIATORS**, direction given to the Labor Negotiators.

City Attorney Smith also reported the City Council had been in Closed Session on January 25, 2022, and gave the following report: **#1, CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, City Council authorized settlement agreement by a 5-0 vote.

1. INTRODUCTION OF NEW CITY EMPLOYEES

Finance Director Merchant introduced Damien Aguirre, Amanda Johnson, and Dayra Morales, Customer Service Representatives who thanked Finance Director Merchant for the introduction and stated they looked forward to serving the citizens of Antioch.

Director of Public Works/City Engineer Samuelson introduced Christina Glatz, and Monique Villagrana, Administrative Assistants, who thanked Director of Public Works/City Engineer Samuelson for the introduction and stated they looked forward to serving the residents of Antioch.

Mayor Thorpe welcomed the new employees.

2. PROCLAMATION

Black History Month, February 2022

On motion by Councilmember Wilson, seconded by Councilmember Barbanica the City Council unanimously approved the proclamation.

Giana Peyton, Youth President of the East County NAACP, thanked the City Council for the *Black History Month* proclamation.

3. ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

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

- Contra Costa Health Services – Free Covid-19 Vaccine

Councilmember Ogorchock announced a Community Cleanup event would take place at 9:00 A.M. at City Park.

PUBLIC COMMENTS

Mayor Thorpe announced this public comment period was for matters not on the agenda. He apologized to members of the public that the permitting process for recreational vehicles was not on the agenda this evening and noted that it would be placed on the February 22, 2022, City Council agenda. He noted public speakers for that item could make their comments at this time.

Walter Hughes, Roshon Williams, Larry Baines, Greg Lyons and Nabeel Rahman, Antioch residents, spoke in support of the City allowing recreational vehicles to be stored on their properties.

Andrew Becker discussed the city's response to unhoused communities and urged them to stop their sweeps.

Devin Williams, Antioch resident, requested an update regarding his request for speed bumps in his neighborhood. He mentioned the recent passing of an unhoused resident of Antioch and asked the city to remember him.

Frank Sterling, spoke in support of the City allowing recreational vehicles to be stored on private property. He thanked the City Council for the Sesquicentennial proclamation and suggested the city research the Indian burial grounds in downtown Antioch. He recommended individuals who could assist in cultural events for the 150th celebration. He discussed a fire at the Rivertown Resource Center and suggested the unhoused be allowed access to the building's bathroom facilities.

Public comments submitted in writing were entered into the record from the following individuals: Karl Gamarra, Yolanda Lizardi and Mark Murray

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS

Councilmember Torres-Walker reported on her attendance at the Community Violence Solutions Ad Hoc Committee meeting.

Councilmember Barbanica reported on his attendance at the Founders' Day celebration, and thanked staff and Celebrate Antioch for working on the event. He requested the city bring back resolutions for the Lifetime Veteran and Veteran of the Year.

Councilmember Wilson reported on her attendance at Tri Delta Transit and announced Delta Diablo would be meeting on February 17, 2022. She announced February was National Teen Dating Violence Awareness and Prevention Month.

MAYOR'S COMMENTS

Mayor Thorpe reported on his attendance at the Mayor's Conference, Contra Costa Transit Authority and Community Violence Solutions Ad Hoc Committee meetings. He thanked everyone who participated in writing the Sesquicentennial Proclamation and announced it would be presented to the Antioch Historical Society and Antioch Library.

4. 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 MEETING MINUTES FOR JANUARY 25, 2022**
- D. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR FEBRUARY 4, 2022**
- E. APPROVAL OF COUNCIL WARRANTS**
- F. ORDINANCE NO. 2204-C-S 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*)**
- G. RESOLUTION NO. 2022/16 AB 361: RESOLUTION MAKING FINDINGS NECESSARY TO CONDUCT BROWN ACT MEETINGS BY TELECONFERENCE FOR THE CITY COUNCIL, BOARDS, COMMISSIONS, AND COMMITTEES**
- H. RESOLUTION NO. 2022/17 AUTHORIZE RESPONSE TO GRAND JURY REPORT "IMPROVING ANIMAL SERVICES IN CONTRA COSTA COUNTY" (REPORT 2105)**
- I. RESOLUTION NO. 2022/18 AMENDMENT TO THE CONSTRUCTION AGREEMENT WITH ALEX KUSHNER GENERAL, INC., FOR THE CITY HALL OFFICE MODIFICATIONS PROJECT (P.W. 247-S)**
- J. RESOLUTION NO. 2022/19 AMENDMENT TO THE CONSTRUCTION AGREEMENT WITH MERCOZA FOR THE CITY HALL PLAZA IMPROVEMENTS AND LEO FONTANA FOUNTAIN PROJECT (P.W. 247-R)**
- K. RESOLUTION NO. 2022/20 INITIATE PREPARATION OF THE STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT CITY ENGINEER'S REPORT FOR FISCAL YEAR 2022/23**
- L. RESOLUTION NO. 2022/21 OF INTENTION TO FORM THE PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2022-01 (PUBLIC SERVICES) FOR LAUREL RANCH SUBDIVISION (P.W. 698)**

- M. **RESOLUTION NO. 2022/22 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**
- N. **RESOLUTION NO. 2022/23 PURCHASE ORDER INCREASE FOR PROCUREMENT OF WATER METERS AND ASSOCIATED COMPONENTS FROM BADGER METER, INC.**
- O. **RESOLUTION NO. 2022/24 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**

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 H.

Item G – In response to Councilmember Ogorchock, City Attorney Smith clarified it was required that the City Council consider this resolution monthly.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously approved Item G.

Item H – Lisa Kirk, Contra Costa SPCA volunteer, commended Animal Control Manager Harding and discussed the grand jury report.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica, the City Council unanimously approved Item H.

PUBLIC HEARING

5. REDISTRICTING: RESOLUTION ADOPTING FINAL MAP

City Clerk Householder announced there were no public comments for this agenda item.

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

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

Lieutenant Fortner presented the staff report dated February 8, 2022, recommending the City Council introduce, waive the first reading and read by title only, the proposed Ordinance.

City Clerk Householder announced there were no public comments for this agenda item.

In response to Councilmember Ogorchock, Lieutenant Fortner verified the Disaster Council was comprised of the Mayor, City Manager, Assistant City Manager and/or the Police Chief.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously introduced, waived the first reading and read by title only, the proposed Ordinance.

COUNCIL REGULAR AGENDA

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

Director of Community Development Ebbs presented the staff report dated February 8, 2022, recommending the City Council provide general policy direction to staff regarding expectations for future City participation in Middle-Income Workforce Housing proposals (the "Programs").

Andrew Becker stated he felt there was a need for this program; however, he was concerned the city did not have in lieu fees for developers, structure, or inclusionary housing ordinances. He suggested the city partner with developers for low-income affordable housing options.

In response to Councilmember Wilson, Director of Community Development Ebbs stated that there were provisions under tenant protections should they have to relocate during rehabilitation of a property. He noted if it was a priority of Council, it could be included in the template.

Councilmember Wilson stated she was pleased to see a workforce housing option in the city.

Councilmember Ogorchock spoke in support of the program and requested the city confirm titles were clear prior to taking ownership of properties.

Councilmember Torres-Walker thanked Director of Community Development Ebbs for the presentation and stated she believed residents should have the right to return and resources for temporary placement during the time of development/rehabilitation. She supported a local metric for determining median income and multi-income developments.

Mayor Thorpe stated it was important to evaluate both zip codes when considering median household incomes. He requested the city focus on local first. He spoke in support of rent control and tenant protections. He noted each project needed to be considered individually based on their size and impact to the community. He further noted the final approval should be determined by Council. He stated conditions needed to be clear for transferring the property back to the City.

Director of Community Development Ebbs stated they would be working on developing the principals that would be applied to inform decisions on the models as they came forward.

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

Administrative Services Director Mastay presented the staff report dated February 8, 2022 recommending 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.

RESOLUTION NO. 2022/25

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council unanimously adopted 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

Administrative Services Director Mastay presented the staff report dated February 8, 2022 recommending 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.

RESOLUTION NO. 2022/26

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 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 – None

STAFF COMMUNICATIONS

City Attorney Smith stated that he was appointed City Attorney almost three years ago and thanked the City and City Council for the opportunity.

COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS

Councilmember Torres-Walker honored the indigenous people and her ancestors. She thanked Councilmember Wilson for being the first black woman elected to the Antioch City Council. She thanked her peers who offered their condolences for the recent death of a friend as well as Interim Chief Morefield for being available and offering words of encouragement. She stated she wanted to continue to support those in the community who had been underserved. Speaking to domestic violence, she encouraged those who see something to say something.

Councilmember Ogorchock requested staff agendize Council consideration of adding more officers to the Antioch Police Force.

Mayor Thorpe wished Antioch a Happy Birthday. He acknowledged Interim City Manager Johnson as the first African American to serve as City Manager.

Councilmember Ogorchock wished City Attorney Smith a Happy Birthday.

ADJOURNMENT

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adjourned the meeting at 8:48 P.M.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk