

**CITY COUNCIL MEETING
INCLUDING THE BOARD OF THE
ANTIOCH PUBLIC FINANCING AUTHORITY**

**Special/Regular Meeting
5:30 P.M.**

**March 8, 2022
Council Chambers**

4:30 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** - pursuant to California Government Code section 54956.8: Property: 4.79-acre property on Delta Fair Blvd., Antioch, CA (APN 074-080034-7); Agency Negotiation: Cornelius Johnson, City Manager; Negotiating Parties: Christy Saxton Interim Director, Health, Housing and Homeless Services, Contra Costa County; Under Negotiation: Price and Terms of Payment.
- 2. 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.
- 3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - significant exposure to litigation pursuant to California Government Code section 54956.9(b): Two Cases.

ADJOURN TO CLOSED SESSION

Due to a lack of a quorum, Council did not adjourn to Closed Session.

5:30 P.M. SPECIAL MEETING/STUDY SESSION

Mayor Thorpe called the meeting to order at 5:30 P.M., and City Clerk Householder called the roll.

Present: Council/Authority 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

Mayor Thorpe announced in Spanish that a Court Certified Interpreter was available for translation services.

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

Sandy Hartrick, Antioch resident, spoke in support of Council selecting draft map 91 as the final redistricting map.

Allen Payton, Antioch resident, and Lindsey Amezcua spoke in support of Council selecting draft map 521 as the final redistricting map.

Harry Thurston, Antioch resident and Micha Morris-Silveira spoke in support of Council selecting modified draft map A as the final redistricting map.

Mayor Thorpe directed Ms. Hood to make several changes to modified draft map A; however, since it created a deviation in population, Ms. Hood was asked to revert to the previous modified draft map A.

In response to Councilmember Torres-Walker, Ms. Hood stated their understanding was that all maps were created by following the Fair Maps Act.

Councilmember Barbanica stated looking at map A, a neighborhood on the south end of District 2 was split in half. He questioned if that was consistent with the goal of what Council was trying to accomplish.

Ms. Mac Donald responded the Fair Maps Act said that they should try to keep neighborhoods together as much as practicable. She noted it was up to Council to decide if a neighborhood should stay together since it was a process of give and take and making decisions about what worked best.

Councilmember Barbanica commented there were no areas in map 521 where neighborhoods were divided.

In response to Councilmember Ogorchock, Ms. Mac Donald explained that they had implemented Council's direction, made sure the Fair Maps Act criteria were followed and informed Council if there was an issue with contiguity. She noted Council were the experts and they would not be providing input as to what communities of interest should stay together.

Councilmember Ogorchock commented that Council would be dividing several communities of interest under draft map A. She noted draft maps 91 and 521 stayed on major thoroughfares and there were no residential areas that would be divided. She noted map A followed the Fair Maps Act only in population deviations.

On motion by Councilmember Torres-Walker, seconded by Councilmember Wilson the City Council adopted draft map A. The motion carried the following vote:

Ayes: Torres-Walker, Wilson and Thorpe

Noes: Ogorchock and Barbanica

ADJOURNED SPECIAL MEETING/STUDY SESSION

On motion by Councilmember Torres-Walker, seconded Councilmember Wilson the City Council unanimously adjourned at 5:45 P.M.

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/Authority 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 that due to the lack of a quorum City Council did not meet in Closed Session.

1. INTRODUCTION OF NEW CITY EMPLOYEES

Interim Chief Morefield introduced Tamarin Martinez, Police Dispatcher, Casey Brogdon, Police Corporal and James Colley, Police Sergeant, who thanked Interim Chief Morefield for the introduction and stated they looked forward to continuing to serve the citizens of Antioch in their new positions.

Finance Director Merchant introduced Michele Milo, Accounting Technician, Jennifer Bonilla and Adrianna Balestrieri, 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 Benjamin Marcus Woodland, Senior Water Treatment Plant Operator who thanked Director of Public Works/City Engineer Samuelson for the introduction and stated he looked forward to continuing to serve the citizens of Antioch in his new position.

Mayor Thorpe congratulated all the new and promoted employees.

2. PROCLAMATIONS

In Honor of Staff Sergeant Daniel Scheile

*In Honor of Sergeant John D. Aragon
In Honor of Contra Costa County Blue Star Moms*

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

A representative from Blue Star Moms accepted and thanked the City Council for the proclamations.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS – None

3. ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Householder announced the following Board and Commission openings:

- Parks and Recreation Commission
- Sales Tax Citizens' Oversight Committee
- Board of Administrative Appeals

For more information and to check openings, visit: www.bit.ly/ApplyAntioch or on the City's homepage.

PUBLIC COMMENTS

Due to the amount of speaker requests, Mayor Thorpe reduced speaker times to two-minutes.

Patricia Granados wished everyone a Happy National Women's Day. She expressed concern regarding attacks on activists and the unhoused. She announced she had asked the Department of Justice to investigate the WTF California podcast for comments made by the host.

Michelle Barlow, Antioch resident, read a letter in support of changing the City ordinance for recreational vehicle parking on private property. She requested the City grant a permit for her recreational vehicle.

Bill Buhlman spoke in support of changing the City ordinance for recreational vehicle parking on private property.

Ralph Hernandez, Antioch resident, requested Council reconsider the cannabis facility approved at the February 22, 2022, City Council meeting.

Norma Hernandez, Antioch resident, reported the public had a difficult time contacting city employees. She felt residents were not being informed and were being left out of the public process. She expressed concern residents had lost value in their properties with the city's restrictions on recreational vehicles.

Roshon Williams, Antioch resident, displayed photos of her motorhome parked on her property and photos of blighted properties in Antioch.

Kathryn Wade stated she did not support the promotions of Officers Brogdon and Colley. She requested the release of the police report and dispatch call from an incident involving her son.

Lacey Brown requested an update on the investigation of officers involved in the incident with Councilmember Torres-Walker's sons. She also requested an update on the city's police reform policies and an audit of former police complaint investigations.

Lauren Posada, Antioch resident, reported on her attendance at a Neighborhood Watch Committee meeting. She commended Coordinator Ho for leading the process, answering concerns, and representing the city well. She stated they were thankful of the work the Antioch Police Department did to address crime. She announced a Neighborhood Cleanup event would take place from 9:00 A.M. – 11:00 A.M. on March 12, 2022, at Kimball Elementary School.

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS

Councilmember Torres-Walker reported on her attendance at a Community Violence Solutions Ad Hoc Committee meeting. She noted she would be attending a CDBG Committee meeting soon.

Councilmember Wilson reported on her attendance at Tri Delta and Delta Diablo meetings.

MAYOR'S COMMENTS

Mayor Thorpe reported at the last Council meeting they continued the item related to the permitting process for recreational vehicles and suspended enforcement until the item was resolved. He noted the public would be informed when it would be coming back to Council for consideration.

4. PRESENTATIONS

District Attorney Becton introduced herself and gave a Contra Costa County District Attorney's Office PowerPoint presentation.

Ralph Hernandez, Antioch resident, requested an update regarding information he submitted to the District Attorney's office.

Councilmember Torres-Walker thanked District Attorney Becton for the presentation.

In response to Councilmember Torres-Walker, District Attorney Becton explained how petty theft, property crimes and organized retail thefts were determined. She stated she would raise the issue of funding programs to address gun violence with a committee who was meeting to discuss options for funding that would be coming into the County.

Mayor Thorpe thanked District Attorney Becton for the presentation.

Sarah Meacham, Managing Director PFM Asset Management LLC, gave an Investment Performance Review for the Quarter Ended December 31, 2021, PowerPoint presentation.

Mayor Thorpe thanked Ms. Meacham for the presentation. He stated he hoped to investigate divesting in fossil fuels for the city's portfolio this year.

5. CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MEETING MINUTES FOR JANUARY 25, 2022**
- B. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR FEBRUARY 4, 2022**
- C. APPROVAL OF COUNCIL MEETING MINUTES FOR FEBRUARY 8, 2022**
- D. APPROVAL OF COUNCIL MEETING MINUTES FOR FEBRUARY 22, 2022**
- E. APPROVAL OF COUNCIL WARRANTS**
- F. ORDINANCE NO. 2206-C-S SECOND READING - 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 (INTRODUCED ON FEBRUARY 22, 2022)**
- G. ORDINANCE NO. 2207-C-S SECOND READING - 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 (INTRODUCED ON FEBRUARY 22, 2022)**
- H. ORDINANCE NO. 2208-C-S SECOND READING - TRANSITIONAL HOUSING ZONING OVERLAY DISTRICT ORDINANCE AMENDMENT AND ZONING MAP AMENDMENT (INTRODUCED ON FEBRUARY 22, 2022)**
- I. RESOLUTION NO. 2022/35 AB 361: RESOLUTION MAKING FINDINGS NECESSARY TO CONDUCT BROWN ACT MEETINGS BY TELECONFERENCE FOR THE CITY COUNCIL, BOARDS, COMMISSIONS, AND COMMITTEES**

- J. **RESOLUTION NO. 2022/36 REJECTION OF BIDS FOR BID NO. 770-0105-22A ROOF REPLACEMENTS AND ON-CALL ROOF MAINTENANCE SERVICES**
- K. **RESOLUTION NO. 2022/37 CONSIDERATION OF PROPOSALS FOR RESIDENTIAL SERVICE LINE PROTECTION, PROPOSAL NO. 961-0202-22A AWARD**
- L. **RESOLUTION NO. 2022/38 AMENDMENT NO. 2 TO THE CONSULTING SERVICES AGREEMENT FOR PROFESSIONAL SERVICES WITH BARTLE WELLS ASSOCIATES**
- M. **RESOLUTION NO. 2022/39 FOURTH AMENDMENT TO THE CONSULTING SERVICES AGREEMENT FOR PROFESSIONAL SERVICES WITH THE GUALCO GROUP, INC.**
- N. **CITY OF ANTIOCH ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2021**

ANTIOCH PUBLIC FINANCING AUTHORITY

- O. **ANTIOCH PUBLIC FINANCING AUTHORITY - BASIC FINANCIAL STATEMENTS AND INDEPENDENT AUDITOR'S REPORT FOR THE YEAR ENDED JUNE 30, 2021**

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica, the City Council unanimously approved the Council Consent Calendar with the exception of items F, G and H.

Item F – City Attorney Smith introduced Item F.

Norma Hernandez, Antioch resident, questioned if a current tobacco shop was in a shopping center that closed, would they be able to transfer the business license under the ordinance. Additionally, she questioned if they would be able to leave the business to a relative in the event of their death.

City Attorney Smith commented that the questions did not relate to this item.

Mayor Thorpe stated staff could provide Ms. Hernandez with a response.

Ralph Hernandez, Antioch resident, stated the adoption of this ordinance was unconstitutional because it did not apply the law equally.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council approved item F. The motion carried the following vote:

Ayes: Torres-Walker, Ogorchock, Wilson, Thorpe

Noes: Barbanica

Item G – Kenneth Urdiales III, Antioch resident, Prashawt Kalra, Concord resident, Ahmed Qassem Naser, Antioch resident, Mohamed Nagi, Antioch resident, Saleh Naser, Antioch resident, Norma Hernandez, Antioch resident, Ralph Hernandez, Antioch resident, (indicated he had submitted over 1000 signatures), Kim Ard-Elutlo, Bishop Mario Gaine, Antioch resident, Derek Talbert, Antioch resident, LaTalya Parrish, Eldon Price, Claudia M, Jaime Rojas, National Association of Tobacco Outlets and Dr. Mary Maulsby-Jeffrey, spoke in opposition to Council adopting the proposed ordinance. Several speakers requested the city wait until after the November election when the public votes on whether a state-wide ban becomes law.

Amaya Wooding, Contra Costa Tobacco Prevention Coalition, Bob Gordon, American Cancer Society Cancer Action Network, Brian Davis, Contra Costa County Tobacco Prevention Coalition, Lizzie Velten, American Heart Association and Contra Costa County Tobacco Coalition, Helen Jang, American Heart Association, Ali Wohlgemuth, Youth Tobacco Advocacy Policy Project (YTAPP), Jessica Segger, Melissa Mendez, Jimmy Ancira, Contra Costa Tobacco Prevention Coalition and Mayra Lopez, Contra Costa Tobacco Prevention Program, spoke in support of Council adopting the proposed ordinance.

Public comments submitted in writing were entered into the record from the following individuals: Dennett Rodriguez, Antioch resident, Jayme Shipe, Antioch resident, De Majania Johnson, Antioch resident, Helen Jang, American Heart Association, Dr. Phillip Gardiner and Carol McGruder N.D., Co-Chairs African American Tobacco Control Leadership Council.

Mayor Thorpe thanked the speakers for their comments.

Councilmember Barbanica felt this ordinance would be detrimental to local businesses and restrictions should occur at the state level. He noted if approved, the city should reconsider their stance on cannabis businesses. He commented that flavored products were controlled by the state and enforcement efforts were already in place.

City Attorney Smith clarified that this ordinance would impact all businesses selling these products in Antioch.

Councilmember Barbanica commented that residents could purchase these products at nearby retail establishments in other cities.

Councilmember Torres-Walker expressed concern that businesses were not being held responsible for selling products to underage customers and stated she would be voting no on this item.

A motion was made by Councilmember Ogorchock and seconded by Councilmember Wilson to approve Item G.

In response to Councilmember Wilson, City Attorney Smith explained this ordinance addressed tobacco and if the city wanted to look at cannabis separately, they could do so. He noted

cannabis and tobacco had different business models with cannabis businesses having a higher security protocol.

Mayor Thorpe added that cannabis was one of the most regulated industries and their businesses were not located in neighborhoods. He spoke in support of the ordinance.

Councilmember Torres-Walker stated she felt the city needed to discuss all disparities since there was access to unhealthy products for youth and other residents within all neighborhoods.

Mayor Thorpe stated the city was looking at zoning laws to look at disparities within Antioch. He noted this item had been a two-year process and was not absent of engagement with the community.

Councilmember Torres-Walker responded that this ordinance would not save the lives of black residents and communities of color who struggled with mental health and other challenges with addiction. She stated she believed the City Council needed to address all the issues.

A vote taken on the previous motion to approve Consent Calendar Item G carried the following vote:

Ayes: Ogorchock, Wilson, Thorpe

Noes: Torres-Walker, Barbanica

Item H – Mayor Thorpe stated this item was pulled for a separate vote since two Councilmembers had previously voted against the item.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council approved Item H. The motion carried the following vote:

Ayes: Torres-Walker, Wilson, Thorpe

Noes: Ogorchock and Barbanica

COUNCIL REGULAR AGENDA

6. PLANNING COMMISSION APPOINTMENTS FOR THREE FULL-TERM VACANCIES EXPIRING OCTOBER 2025

Director of Community Development Ebbs introduced Regular Agenda Item 6.

City Clerk Householder announced Mayor Thorpe nominated Robert Martin, Warren Lutz, and Christian Hills to the full-term vacancies expiring October 2025.

City Clerk Householder read Robert Martin's biography.

RESOLUTION NO. 2022/40

On motion by Councilmember Wilson, seconded by Councilmember Ogorchock the City Council unanimously appointed by resolution, Robert Martin, to the Planning Commission to fill one full-term vacancy expiring October 2025.

City Clerk Householder read Warren Lutz's biography.

On motion by Councilmember Wilson, seconded by Councilmember Torres-Walker the City Council unanimously appointed by resolution, Warren Lutz to the Planning Commission to fill one full-term vacancy expiring October 2025.

City Clerk Householder read Christian Hills' biography.

On motion by Councilmember Wilson, seconded by Councilmember Torres-Walker the City Council unanimously appointed by resolution, Christian Hills to the Planning Commission to fill one full-term vacancy expiring October 2025.

City Clerk Householder administered the Oath of Office to Robert Martin, Warren Lutz and Christian Hills.

7. FORMATION OF A PUBLIC SAFETY AND COMMUNITY RESOURCES AD HOC COMMITTEE

City Attorney Smith presented the staff report dated March 8, 2022 recommending the City Council take the following actions: 1) Determine if the City Council wishes to form a Public Safety and Community Resources Ad Hoc Committee for the purposes described in the resolution; 2) Confirm the appointment of two (2) members for the Public Safety and Community Resources Ad Hoc Committee; 3) Confirm the duration of the Public Safety and Community Resources Ad Hoc Committee; and 4) Adopt the resolution forming the Public Safety and Community Resources Ad Hoc Committee.

Councilmember Torres-Walker volunteered and nominated Councilmember Wilson to serve on the Ad Hoc Committee.

Councilmember Ogorchock commented Animal Services was formed as a result of a ballot measure, and suggested the Committee look into whether a ballot measure was necessary to move the department into the Public Safety and Community Resources Department.

On motion by Councilmember Torres-Walker, seconded by Councilmember Barbanica the City Council unanimously adopted the resolution forming the Public Safety and Community Resources Ad Hoc Committee appointing Councilmember Torres-Walker and Councilmember Wilson for the duration of 6 months.

8. RESOLUTION APPROVING THE CLASS SPECIFICATION UPDATES FOR THE MANAGEMENT BARGAINING UNIT WITH NO SALARY CHANGES

Administrative Services Director Mastay presented the staff report dated March 8, 2022, recommending the City Council adopt a resolution approving class specification updates for the Management Bargaining Unit.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adopted a resolution approving class specification updates for the Management Bargaining Unit.

PUBLIC COMMENT

Cassandra Quinto-Collins discussed a Danville officer who was convicted of wrong-doing and spoke in support of those convicted of crimes being held accountable. She requested an update regarding the third-party investigation into Angelo Quinto's death and requested Council's support of AB 1608.

STAFF COMMUNICATIONS - None

COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS

Councilmember Wilson requested staff agendize a discussion item regarding ensuring residents have access to water and a mechanism for assisting in water bill payments in a time of need.

Councilmember Torres-Walker requested a resolution in support of AB 1608 be agendized. She wished Angelo Quinto-Collins a Happy Birthday. She thanked Assistant City Manager Bayon Moore, Councilmember Ogorchock, Councilmember Wilson and City Clerk Householder for their service to the city of Antioch. To highlight Women's' history month, she recognized several individuals in the community for their service. She also thanked her ancestor, Harriet Tubman.

Councilmember Barbanica requested staff agendize consideration of a policy that would exempt residents from paying a water bill when they have a legitimate water main break on their property. Additionally, he requested transparency with regards to all press receiving information from the City in a timely manner.

Mayor Thorpe acknowledged International Women's Day.

ADJOURNMENT

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adjourned the meeting at 9:49 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk