

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

October 11, 2022
Council Chambers

5:45 P.M. - CLOSED SESSION

Mayor Pro Tem Barbanica called Closed Session to order at 5:45 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
Absent: Mayor Thorpe

PUBLIC COMMENTS

Atticus Finch expressed concern regarding incidents involving Mayor Thorpe and requested he be censured.

- 1. 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.
- 2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code section 54956.9(d)(2): Two Cases.
- 3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: CITY ATTORNEY.** This closed session is authorized pursuant to Government Code section 54957.

ADJOURN TO CLOSED SESSION

Mayor Pro Tem Barbanica adjourned to Closed Session at 5:50 P.M.

7:00 P.M. REGULAR MEETING

Mayor Pro Tem Barbanica 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
Absent: Mayor Thorpe

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Barbanica 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 LABOR NEGOTIATORS**, no reportable action, **#2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, no reportable action; and, **#3 PUBLIC EMPLOYEE PERFORMANCE EVALUATION: CITY ATTORNEY**, no reportable action.

1. INTRODUCTION OF NEW EMPLOYEES

Director of Public Works/City Engineer Samuelson introduced Brandy Brooks, Public Works Technician, who thanked Director of Public Works/City Engineer Samuelson for the introduction and her family as well as Public Work's staff for their support. She stated she looked forward to serving in her new position.

Director of Public Safety and Community Resources Johnson introduced Monserrat Cabral, Youth Services Network Manager who thanked Director of Public Safety and Community Resources Johnson for the introduction and stated she looked forward to serving in her new position.

2. PROCLAMATIONS

In Honor of Bill Ridle, Antioch Veteran of the Year 2020-2021

In Honor of James Douglas Bean, Antioch Lifetime Veteran of the Year 2020-2021

In Honor of Gerald "J.R." Wilson, Jr., Antioch Veteran of the Year 2021-2022

In Honor of Tom Menasco, Antioch Lifetime Veteran of the Year 2021-2022

Recognizing Red Ribbon Week, October 23 – 31, 2022

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

Bill Ridle accepted the *In Honor of Bill Ridle, Antioch Veteran of the Year 2020-2021* proclamation and thanked the City Council for the recognition.

James Douglas Bean accepted the *In Honor of James Douglas Bean, Antioch Lifetime Veteran of the Year 2020-2021* proclamation and thanked the City Council for the recognition.

Gerald "J.R." Wilson accepted the *In Honor of Gerald "J.R." Wilson, Jr., Antioch Veteran of the Year 2021-2022* proclamation and thanked the City Council for the recognition.

Tom Menasco accepted the *In Honor of Tom Menasco, Antioch Lifetime Veteran of the Year 2021-2022* proclamation and thanked the City Council for the recognition.

Mayor Pro Tem Barbanica thanked the Veteran's for their service.

Several individuals accepted the *Recognizing Red Ribbon Week, October 23 – 31, 2022* proclamation and thanked the City Council for the recognition.

3. ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Velma Wilson recognized International Day of the Woman and announced Girls Empowerment would be held on October 27, 2022, at the Contra Costa County Event Park. Ms. Wilson and J.R. Wilson invited the community to attend several Veteran's Day events on November 11, 2022.

Assistant City Manager Bayon Moore announced the following civic and community event.

- Big Truck Day – October 13, 2022

Director of Public Safety and Community Resources Johnson announced the Antioch Council of Teens in partnership with the APD was hosting Trunk or Treat on October 29, 2022. She stated they were seeking volunteers to participate in the event.

4. ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Householder announced the following Board and Commission openings.

- Sales Tax Citizens' Oversight Committee

For more information and to apply, visit the City's website.

PUBLIC COMMENTS

Leslie May reported that a representative from the State of California Oversight Committee and County Supervisors were observing this meeting to determine if participants were disregarding Roberts Rules of Order.

Desiree Lopez thanked the Veterans for their service. She discussed incidents involving Mayor Thorpe and urged residents to research candidates prior to voting.

Melissa Case discussed her observations regarding the behavior of some of Antioch's elected officials and requested an apology.

Ralph Hernandez gave a personal history. He announced his endorsements for candidates for the Antioch Unified School Board and City Council.

Andrew Becker apologized for providing misinformation at the last Council meeting regarding the cannabis dispensary on Somersville Road. He reported the Planning Commission had approved a recommendation to rezone a commercial property and expressed concern that the item had moved forward quickly without inclusionary zoning or in lieu fees.

Edgar Martinez, District 1 Antioch resident, encouraged residents to vote based on facts. He questioned how the Rent Stabilization Ordinance would be measured for success. He spoke in support of the City conducting rental inspections, providing access to legal resources, installing a roundabout on James Donlon Blvd. and live streaming City Council/Committee meetings.

Johnny Walker discussed incidents involving Mayor Thorpe.

Mary Beth Bykowsky, California Department of Insurances Community Relations and Outreach, announced eligibility requirements for California's Low-Cost Automobile Insurance Program and Senior Gateway Portal. Contact information was provided.

Patricia Granados spoke in opposition to censuring elected officials. She stated she believed an apology was appropriate for wrongdoings and perhaps an update for ethical behaviors for elected officials. She suggested the DOJ investigate the actions of an AUSD elected official. She discussed racist behaviors of some Antioch residents and encouraged the community to vote.

Devin spoke in support of women and suggested people refrain from speaking on someone else's personal experiences. He apologized for the negative comments made about a City employee.

Kathryn Wade discussed an investigation of those involved in her son's death and allegations against the Antioch Police Department, EMTs, Coroner and Sutter Delta. She requested she be provided with the results of the FBI investigation as well as police and coroner reports.

Public comment submitted in writing was entered into the record from the following individual: Craig Schoenthaler.

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS

Councilmember Torres-Walker discussed the work carried out by the City Council on behalf of communities that had been struggling. She expressed concern regarding those who commented on the personal matters of others. She stated Councilmember Ogorchock should call for the censure of Mayor Thorpe and explained that a censure would not affect the Mayor's ability to carry on with his duties. She discussed personal attacks she had endured and noted those who wanted to support women should vote for better policies and support them in all instances.

Councilmember Wilson reported on the Tri Delta Transit AMTA Conference and announced Delta Diablo would meet on October 12, 2022.

MAYOR'S COMMENTS – None

5. PRESENTATIONS

Director of Public Safety and Community Resources Johnson introduced Trish Callo, Earl Hudson and Amethyst Ziemam, who presented the Build Antioch 2022 Design Studio PowerPoint presentation. Ms. Callo recognized those who participated in the project.

Director of Public Safety and Community Resources Johnson stated she was proud of the youth who participated in this program.

Gerald "JR" Wilson, President/CEO Delta Veterans Group (DVG), Commander of VFW Post 6435, Pat Jeremy, MCPO USN Ret., VP. of DVG Veteran of Foreign Wars, Post 6435 and Donald P. Freitas, President, Veterans Blvd Community Projects, presented the Antioch Veteran's Memorial Park PowerPoint presentation. They requested Council authorize community involvement in the planning of landscaped areas, support the fundraising efforts of Veterans Blvd. and authorize a memorandum of understanding between the City and Veterans Blvd detailing the approved duties and responsibilities.

Andrew Becker spoke in support of the project and suggested the City reach out to the Board overseeing the Contra Costa County Fairgrounds property to move the Victory Highway Memorial to this site.

Martin Wesley, CoCo Farms and Patricia Granados spoke in support of the project.

The City Council thanked the presenters and spoke in support of the project.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council members present unanimously directed staff to bring back a staff report addressing the action items proposed in the presentation.

Mayor Pro Tem Barbanica declared a recess at 9:14 P.M. The meeting reconvened at 9:23 P.M. with all Councilmembers present with the exception of Mayor Thorpe who was previously reported as absent.

6. CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MEETING MINUTES FOR AUGUST 23, 2022**
- B. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR AUGUST 26, 2022**
- C. APPROVAL OF COUNCIL MEETING MINUTES FOR SEPTEMBER 13, 2022**
- D. APPROVAL OF COUNCIL MEETING MINUTES FOR SEPTEMBER 27, 2022**
- E. APPROVAL OF COUNCIL WARRANTS**
- F. ORDINANCE NO. 2219-C-S SECOND READING - RENT STABILIZATION ORDINANCE ADOPTION (*Introduced on September 27, 2022*)**
- G. AB 361: RESOLUTION MAKING FINDINGS NECESSARY TO CONDUCT BROWN ACT MEETINGS BY TELECONFERENCE FOR THE CITY COUNCIL, BOARDS, COMMISSIONS, AND COMMITTEES**

- H. **RESOLUTION NO. 2022/179 AUTHORIZATION TO PURCHASE UP TO SEVEN (7) 2023 NEW-TO-FLEET VEHICLES AND UP TO SIXTEEN (16) 2023 REPLACEMENT VEHICLES UTILIZING COOPERATIVE PURCHASE AGREEMENTS**
- I. **RESOLUTION NO. 2022/180 APPROVAL OF PURCHASE OF A VAC-CON G2 T350/850 UTILIZING SOURCEWELL COOPERATIVE PURCHASING AGREEMENT 101221-VAC WITH MUNICIPAL MAINTENANCE EQUIPMENT**

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council approved the Council Consent Calendar with the exception of Items F, G and H which were removed for further discussion. The motion carried the following vote:

Ayes: Ogorchock, Wilson, Barbanica Noes: Torres-Walker Absent: Thorpe

ITEM F – Devin Williams representing ACCE, First 5, ECRG and Monument Impact, Debra Ballinger representing Monument Impact and Rhea Elina representing First 5 Contra Costa, ECRG, ACCE, Monument Impact, Urban Habitat, Healthy and Active Before 5 and tenants, thanked the City Council for supporting the Rent Stabilization Ordinance.

Mayor Thorpe joined the meeting at 9:26 P.M.

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

Ayes: Torres-Walker, Wilson, Thorpe Noes: Ogorchock, Barbanica

Mayor Thorpe left the meeting at 9:30 P.M.

ITEM G – Melissa Case questioned why the City Council renewed the resolution that allowed them to bypass Brown Act requirements. She stated she believed the process was being misused.

City Attorney Smith reviewed the requirements of AB361 and noted it was observed by several cities. He further noted it applied to the City Council and Commissions, several which were still using it to conduct teleconference meetings.

Councilmember Wilson requested City Attorney Smith provide more information with regards to how many cities continued to participate in hybrid meetings.

Councilmember Torres-Walker commented hybrid meetings allowed the public to be more involved in Council, Boards and Commission meetings.

Mayor Pro Tem Barbanica stated he felt the hybrid option had passed its use and was no longer being used as intended. He noted the public had the right to face elected officials and direct comments towards them.

City Attorney Smith clarified that if the following motion passed the City would no longer be using AB361. He explained that if the resolution was not adopted, then as soon as the previous approval expired, AB361 would no longer be in effect.

A motion by Councilmember Ogorchock, seconded by Mayor Pro Tem Barbanica, to stop using AB361 to conduct meetings by teleconference for City Council, Boards, Commissions and Committees failed by the following vote:

Ayes: Ogorchock, Barbanica

Noes: Torres-Walker, Wilson

Absent: Thorpe

ITEM H – Councilmember Ogorchock reported that the City had been unable to purchase eleven police vehicles and requested Council consider adding those vehicles to this item.

City Attorney Smith explained this agenda item dealt with replacement vehicles and the number that was proposed was subject to change.

Director of Public Works/City Engineer Samuelson stated if Council supported the direction being discussed, he suggests modifying Item #2 in the recommendation to include nine new to fleet and 25 replacement vehicles for a not to exceed amount of \$2,552,000. He noted their goal was to purchase hybrid vehicles; however, if they were unable to purchase them, he wanted flexibility to purchase gas vehicles to fill the need. He further noted they were experiencing short windows of opportunity to purchase vehicles so the intent was to get approval for all the vehicles needed so when the opportunity was available, they could immediately start the order process.

City Attorney Smith commented if the Council wanted hybrid vehicles purchased, it should be included in the authorization.

Andrew Becker expressed concern that the City was attempting to fill a large purchase order of vehicles when the market was unstable and costs had greatly increased. He suggested alternatives be considered.

Councilmember Ogorchock mentioned that there was a vehicle replacement fund for the various city departments.

On motion by Councilmember Ogorchock, seconded by Mayor Pro Tem Barbanica, the City Council members present unanimously adopted the resolution with the following amendments:

- Authorizing the purchase of up to nine (9) 2023 new-to-fleet vehicles; up to twenty-five (25) 2023 replacement vehicles with a total vehicle count of thirty-four (34) utilizing cooperative purchase agreements for a not to exceed amount of \$2,552,000, with flexibility to purchase hybrid vehicles, if available.

COUNCIL REGULAR AGENDA

7. PARKS AND RECREATION COMMISSION APPOINTMENTS FOR ONE (1) VACANCY EXPIRING MARCH 2024; AND TWO (2) VACANCIES EXPIRING APRIL 2026

City Clerk Householder reported there were no biographies provided because she was not made aware of the nominees; however, a nominee was in attendance this evening.

City Clerk Householder announced Mariah Williams had been nominated to the vacancy expiring April 2026.

Ms. Williams provided a biography for the City Council.

Councilmember Ogorchock thanked Ms. Williams for volunteering to serve. She questioned if there was a policy or resolution regarding the Commission appointment process.

City Attorney Smith responded that he was not aware of a policy or resolution; however, he would ask the City Clerk to research the City's resolutions to determine if one existed.

City Clerk Householder reported there was brief mention of this process in the municipal code; however, primarily boards and commissions were dictated by the Maddy Act and government code. She noted the City Clerk and Mayor have worked out the process and there were legal requirements such as everyone being given a fair opportunity to interview.

Councilmember Ogorchock stated that she understood that some applicants were not interviewed and someone other than the Mayor had interviewed others.

Ms. Williams reported that the Mayor had called her and conducted an interview.

RESOLUTION NO. 2022/181

On motion by Councilmember Wilson, seconded by Councilmember Ogorchock, the City Council members present unanimously appointed by resolution Mariah Williams to fill (1) one full-term vacancy on the Parks and Recreation Commission expiring April 2026.

City Clerk Householder stated she would give the Oath of Office to Ms. Williams at a later date.

8. SHOTSPOTTER TECHNOLOGY PRESENTATION

Corporal Gonzalez introduced Terri Greene and Ron Teachman who provided the ShotSpotter Technology Presentation.

Councilmember Torres-Walker stated she was familiar with ShotSpotter and questioned how educated the community should be on the rollout of the technology.

Mr. Teachman explained that they provided a Community Engagement Team who were skilled at conducting community meetings and assisting the APD in using data to engage non-profits and government services.

Councilmember Ogorchock thanked Mr. Teachman for the presentation. She questioned if cameras were included in the program.

Mr. Teachman clarified that they were an acoustic solution that could integrate with a video management system. He noted they advised customers to inventory camera assets that may not be government owned.

Councilmember Ogorchock spoke in support of the program's outreach efforts to the School District..

Mayor Pro Tem Barbanica questioned the cost associated and the equipment needed.

Mr. Teachman commented that they charged by the footprint, and the Chief could come back to Council with a proposal based on the size of the coverage area, data, and available revenue for the project. He noted costs was not based on the number of sensors.

The City Council spoke in support of the ShotSpotter Technology and directed staff to bring back a proposal for implementation.

Mike Katz-Lacabe, Director of Research for the Center of Human Rights and Privacy, urged Council to review independent assessments of the usefulness and effectiveness of ShotSpotter. He stated he had submitted written comments outlining his concerns with the program and he urged Council to consider alternatives that addressed the cause of gun violence.

Public comment submitted in writing was entered into the record from the following individual: I.M. Phedupp.

9. DISCUSSION OF PROPOSALS TO INCREASE STREET SWEEPING SERVICES UTILIZING CURRENT SERVICE PROVIDER OR TO BRING STREET SWEEPING SERVICES IN-HOUSE

Director of Public Works/City Engineer Samuelson presented the staff report dated October 11, 2022, recommending the City Council take the following actions: Discuss and provide direction to staff regarding potentially increasing Street Sweeping Services utilizing the City's existing service provider, Delta Diablo, or bringing services in-house. Provide direction to staff on a funding source for extra street sweeping services.

Melissa Case opposed street sweeping signs and fines. She reported that she polled her community and most of those contacted wanted more street sweeping on James Donlon Blvd, but a majority did not want increased services on residential streets.

Patricia Granados spoke in support of street sweeping services and against encampment sweeps.

Councilmember Torres-Walker thanked Director of Public Works/City Engineer Samuelson for the presentation. She reported many neighborhoods had abandoned vehicles and were littered. She believed parking enforcement, street sweeping and towing of abandoned vehicles should work together to address blight in the community.

In response to Councilmember Torres-Walker, Director of Public Works/City Engineer Samuelson explained Antioch did not have a street sweeping policy so the only way to restrict street parking on sweeping days was to install signage. He assumed that some signs had already been installed because of a request from the community.

Councilmember Torres-Walker reported blighted vehicles continued to be an issue in areas with street sweeping signage due to the lack of parking enforcement. She stated the City could increase the frequency of street sweeping; however, without coordinating with parking enforcement and towing there would be no way to measure results.

Director of Public Works/City Engineer Samuelson stated the contractor could provide the tonnage of trashed picked up from the Street Sweeper. Regarding the issues related to abandoned vehicles, he noted they could coordinate with APD who managed those contracts.

Councilmember Torres-Walker thanked Director of Public Works/City Engineer Samuelson for the work he performed on behalf of the City.

Councilmember Wilson reported she had received emails from the community, and most were happy with the current street sweeping program.

In response to Councilmember Wilson, Director of Public Works/City Engineer Samuelson stated they relied on the experience of the current contractor to inform the City of areas that needed improvement. He explained it would be possible to have some areas of the City with different frequency; however, all residents would pay the same rate.

Councilmember Ogorchock thanked Director of Public Works/City Engineer Samuelson for the presentation. She noted the goal of street sweeping was to pick up sentiment off the roadway. She reported in the past, a representative from the contractor would inform residents of the street sweeping schedule. She stated if Council wanted to increase frequency, it would be a Prop 218, so property owners could decide if they wanted to increase taxes to cover the costs.

In response to Mayor Pro Tem Barbanica, Director of Public Works/City Engineer Samuelson stated the City could improve street sweeping without increasing the frequency and raising property taxes. He noted it was up to Council to determine if increasing frequency was worth the investment.

Council directed staff to bring back a staff report that provided a comparison of cost and services for the current and proposed street sweeping programs.

Councilmember Torres-Walker reiterated that the issue also involved parking enforcement. She suggested APD and Public Works work together to coordinate services and provide public education.

PUBLIC COMMENT

Erika Raulston discussed racist behavior and noted the case against Mayor Thorpe was civil.

Frank Sterling spoke in support of the Veteran's Memorial Park project and suggested Winter Soldiers, and Veteran's for Peace be recognized. He announced he would be honoring his cousin Timothy Charles Lee on November 2, 2022.

STAFF COMMUNICATIONS – None

COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS

Councilmember Torres-Walker announced a Peace Walk hosted by Grace Arms would take place on October 15, 2022. She addressed a member of the community and stated she looked forward to continuing to work together to support each other.

Mayor Pro Tem Barbanica announced that the regularly scheduled Council meeting on Election Day, November 8, 2022, would be held on November 15, 2022. He stated he was calling for a Special meeting at 7:00 P.M. on October 13, 2022, to consider the censure of Mayor Thorpe.

Following discussion, Councilmembers Wilson and Ogorchock stated they would be available for the Special meeting on October 18, 2022.

ADJOURNMENT

On motion by Councilmember Ogorchock, seconded by Councilmember Torres-Walker, the City Council members present unanimously adjourned the meeting at 10:55 P.M.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk