



ANNOTATED AGENDA

Antioch City Council REGULAR MEETING

Date: **Tuesday, April 25, 2023**

Time: 6:00 P.M. – Closed Session
7:00 P.M. – Regular Meeting

Place: **Council Chambers**
200 'H' Street
Antioch, CA 94509

City Council meetings are televised live on Comcast channel 24, AT&T U-verse channel 99, or live stream (at www.antiochca.gov). Please see the inside cover for detailed Speaker Rules.

PLEASE TURN OFF CELL PHONES BEFORE ENTERING COUNCIL CHAMBERS.

Lamar Thorpe, Mayor
Tamisha Torres-Walker, Mayor Pro Tem (District 1)
Michael Barbanica, Council Member District 2
Lori Ogorchock, Council Member District 3
Monica E. Wilson, Council Member District 4

Ellie Householder, City Clerk
Lauren Posada, City Treasurer
Forrest B. Ebbs, Acting City Manager
Thomas Lloyd Smith, City Attorney

ACCESSIBILITY: In accordance with the Americans with Disabilities Act and California law, it is the policy of the City of Antioch to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at the number or address below at least 72 hours prior to the meeting or when you desire to receive services. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City's ADA Coordinator can be reached @ Phone: (925) 779-6950, and e-mail: publicworks@antiochca.gov.

Notice of Availability of Reports

This agenda is a summary of the actions proposed to be taken by the City Council. For almost every agenda item, materials have been prepared by the City staff for the Council's consideration. These materials include staff reports which explain in detail the item before the Council and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Unless otherwise noted, City Council actions include a determination that the California Environmental Quality Act (CEQA) does not apply. The Council meets regularly on the second and fourth Tuesdays of the month at 7:00 p.m., with Closed Sessions often occurring before or after the regular meeting. City Council Agendas, including Staff Reports are posted onto our City's Website 72 hours before each Council Meeting. To be notified when the agenda packets are posted onto our City's Website, simply click on this link: [Notifications – City of Antioch, California \(antiochca.gov\)](https://www.antiochca.gov/notifications) and enter your e-mail address to subscribe. To view the agenda information, click on the following link: [City Council – City of Antioch, California \(antiochca.gov\)](https://www.antiochca.gov/city-council). Questions may be directed to the staff member who prepared the staff report, or to the City Clerk's Office, who will refer you to the appropriate person.

Notice of Opportunity to Address Council

The public has the opportunity to address the City Council on each agenda item. To address the Council, fill out a Speaker Request form and place in the Speaker Card Tray near the City Clerk before the meeting begins. This will enable us to call upon you to speak. Comments regarding matters not on this Agenda may be addressed during the "Public Comments" section. No one may speak more than once on an agenda item or during "Public Comments". The Speaker Request forms are located at the entrance of the Council Chambers. Please see the Speaker Rules on the inside cover of this Agenda.

6:01 P.M. ROLL CALL – CLOSED SESSION – for Council Members – *All Present*

PUBLIC COMMENTS *for Closed Session – None*

CLOSED SESSION:

- 1) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Government Code section 54956.9 Trent Allen, et al. v. City of Antioch, United States District Court Northern District of California Case No. 3:23-cv-01895-TSH.

No reportable action

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

Council authorized City Attorney to commit the City to participate in the National Opioid settlements. The potential settlement value is \$466,200, 5/0

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

No reportable action

CLOSED SESSION – Continued

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

No reportable action

6:02 P.M. ADJOURNED TO CLOSED SESSION

7:08 P.M. ROLL CALL – REGULAR MEETING – for Council Members – *All Present*

PLEDGE OF ALLEGIANCE

CITY ATTORNEY TO REPORT OUT ON CLOSED SESSION

1. PROCLAMATIONS

- Arbor Day, April 28, 2023
- National Library Week, April 23-29, 2023
- Be Kind to Animals Month, May 2023

Approved, 5/0

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

PUBLIC COMMENTS – *Members of the public may comment only on unagendized items. The public may comment on agendized items when they come up on this Agenda.*

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS

8:24 P.M. RECESS DUE TO TECH/AUDIO ISSUE

8:30 P.M. RECONVENED – All Present

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS – Continued

8:32 P.M. RECESS DUE TO TECH/AUDIO ISSUE

8:35 P.M. RECONVENED – All Present

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS – Continued

- 8:38 P.M. COUNCIL MOTIONED TO ADJOURN MEETING TO MAY 9, 2023, DUE TO TECH/AUDIO ISSUE, 5/0**
- 8:39 P.M. COUNCIL MOTIONED TO RESCIND ADJOURNMENT AND CONTINUE MEETING AS TECH/AUDIO ISSUE HAS BEEN RESOLVED, 5/0**
- 8:39 P.M. ROLL CALL – All Present**

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS – Continued

PUBLIC COMMENTS (Continued) – Members of the public may comment only on unagendized items. The public may comment on agendized items when they come up on this Agenda.

MAYOR’S COMMENTS

2. CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MEETING MINUTES FOR MARCH 28, 2023**
Recommended Action: It is recommended that the City Council approve the Meeting Minutes. **Approved, 5/0**
- B. APPROVAL OF COUNCIL MEETING MINUTES FOR APRIL 11, 2023**
Recommended Action: It is recommended that the City Council continue the Meeting Minutes. **Continued, 5/0**
- C. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR APRIL 18, 2023**
Recommended Action: It is recommended that the City Council continue the Special Meeting Minutes. **Continued, 5/0**
- D. APPROVAL OF TREASURER’S REPORT FOR DECEMBER 2022**
Recommended Action: It is recommended that the City Council receive and file the December 2022 Treasurer’s Report. **Received, 5/0**

CONSENT CALENDAR – Continued

E. APPROVAL OF TREASURER’S REPORT FOR JANUARY 2023

Received, 5/0

Recommended Action: It is recommended that the City Council receive and file the January 2023 Treasurer’s Report.

F. APPROVAL OF TREASURER’S REPORT FOR FEBRUARY 2023

Received, 5/0

Recommended Action: It is recommended that the City Council receive and file the February 2023 Treasurer’s Report.

G. APPROVAL OF COUNCIL WARRANTS

Approved, 5/0

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

H. APPROVAL OF AWARD OF THE CALIFORNIA VIOLENCE INTERVENTION & PREVENTION (CALVIP) GRANT PROGRAM TECHNICAL ASSISTANCE/SUPPORT, TRAINING & DEVELOPMENT SERVICE PROVIDERS, ADVANCE PEACE WITH FISCAL SPONSOR SAFE PASSAGES

Reso No. 2023/59 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution authorizing the Acting City Manager or designee to enter into an agreement with Advanced Peace for technical assistance, support, training, and development for four hundred and thirty-five thousand dollars (\$435,000) funded by CalVIP grant funds.

I. EXTENSION OF BANKING SERVICES CONTRACT WITH BANK OF THE WEST FOR FIVE YEARS

Reso No. 2023/60 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution approving an extension of the banking services contract with Bank of the West for five years.

J. THIRD AMENDMENT TO EAST COUNTY WATER MANAGEMENT ASSOCIATION AGREEMENT (P.W. 704-1)

Reso No. 2023/61 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution accepting the third amendment to the East County Water Management Association Agreement.

CONSENT CALENDAR – Continued

K. CONSULTING SERVICES AGREEMENTS WITH COASTLAND AND PARK ENGINEERING FOR ON-CALL INSPECTION SERVICES

Reso No. 2023/62 adopted, 5/0

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

- 1) Approving the Consulting Services Agreements with Coastland and Park Engineering to provide on-call inspection services;
- 2) Allocating \$400,000 for on-call inspection services for a period of one year; and
- 3) Authorizing the Finance Director to make any necessary changes to the Fiscal Year 2023 budget.

L. CONSIDERATION OF BIDS FOR THE ANTIOCH WATER PARK PERIMETER FENCE REPAIR (P.W. 567-11)

Reso No. 2023/63 adopted, 5/0

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

- 1) Awarding the construction agreement to the lowest, responsive, and responsible bidder, Crusader Fence Company for the Antioch Water Park Perimeter Fence Repair Project;
- 2) Approving the construction agreement with Crusader Fence Company in the amount of \$117,825; and
- 3) Authorizing the Acting City Manager to execute the construction agreement with Crusader Fence Company for a total amount of \$117,825.

M. RESOLUTION TO TRANSITION THE CITY'S VEHICLE FLEET TO ZERO-EMISSION AND HYBRID VEHICLES

Reso No. 2023/64 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution to transition the City's vehicle fleet to zero-emission and hybrid vehicles.

CONSENT CALENDAR – Continued

N. RESOLUTION TO APPROVE AN INCREASE TO THE PURCHASE ORDER FOR LOWE’S AND TO ADD LOWE’S TO THE RECURRING PURCHASE ORDER LIST

Reso No. 2023/65 adopted, 5/0

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

- 1) Approving the increase to purchase order for Lowe’s Company in the amount of \$25,000 for a total of \$75,000 for invoices and purchases through the end of Fiscal Year 2022/23;
- 2) Approving the addition of Lowe’s Company to the Recurring Purchase Order list in the budget document in the amount of \$75,000 for Fiscal Year 2022/23 and as needed moving forward; and
- 3) Authorizing and directing the Acting City Manager or designee to execute the increase to the purchase order.

O. APPROVAL OF PAYMENT TO HAIGHT BROWN & BONESTEEL LLP FOR LEGAL FEES INCURRED UNDER A PROCEDURALLY INVALID CONTRACT

Approved, 3/2 (Barbanica, Ogorchock)

Recommended Action: It is recommended that the City Council approve a payment of \$38,744.52 to Haight Brown & Bonesteel LLP for legal fees billed to the City by attorney Greg Rolen pursuant to a procedurally invalid contract dated November 4, 2022, and authorize the Acting City Manager to make the payment and declare that no further work shall be performed pursuant to this contract.

PUBLIC HEARING

3. PROPOSED ORDINANCE AMENDING SECTION 6-8.14 OF THE ANTIOCH MUNICIPAL CODE REGARDING RESTRICTIONS ON THE SALE OF TOBACCO PRODUCTS

To May 9, 2023, for adoption, 3/2 (Thorpe, Wilson)

Recommended Action: It is recommended that the City Council waive the first reading and introduce, by title only, the proposed ordinance amending the Municipal Code regarding tobacco sale restrictions. The proposed changes would:

- Remove restrictions on tobacco products based on package size or price; and
- Amend restriction on sale of tobacco products with characterizing flavor to clarify that restriction applies to any product containing a constituent that imparts characterizing flavor.

COUNCIL REGULAR AGENDA

4. FORMATION OF AN AD HOC COMMITTEE FOR THE RESTRUCTURING OF THE ECONOMIC DEVELOPMENT COMMISSION

Reso No. 2023/66 adopted appointing Mayor Pro Tem Torres-Walker and Council Member Wilson for a duration of 6 months, 5/0

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

- 1) Determine if the City Council wishes to form an Ad Hoc Committee for the Restructuring of the Economic Development Commission for the purposes described in the resolution;
- 2) Confirm the appointment of two (2) members for the Ad Hoc Committee for the Restructuring of the Economic Development Commission;
- 3) Confirm the duration of the Ad Hoc Committee for the Restructuring of the Economic Development Commission; and
- 4) Adopt the resolution forming the Ad Hoc Committee for the Restructuring of the Economic Development Commission.

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS – *Council Members report out various activities and any Council Member may place an item for discussion and direction on a future agenda. Timing determined by Mayor and Acting City Manager – no longer than 6 months.*

MOTION TO ADJOURN – *After Council Communications and Future Agenda Items, the Mayor will make a motion to adjourn the meeting. A second motion is required, and then a majority vote is required to adjourn the meeting.*

Motioned to adjourn Regular Meeting at 10:11 p.m., 5/0