

CITY OF
ANTIOCH
CALIFORNIA

***ANNOTATED AMENDED AGENDA**

Antioch City Council
REGULAR MEETING

Including the Antioch City Council acting as
Housing Successor to the Antioch Development Agency

Date: **Tuesday, July 25, 2023**
Time: 5:30 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
Kwame P. Reed, Acting City Manager
Thomas Lloyd Smith, City Attorney

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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.

5:30 P.M. ROLL CALL – CLOSED SESSION – for Council Members – *All Present*

PUBLIC COMMENTS *for Closed Session*

CLOSED SESSION:

- 1) CONFERENCE WITH LEGAL COUNSEL:** Existing Litigation pursuant to California Government Code section 54956.9; Frank Sterling v. City of Antioch, et al. United States District Court Northern District of California Case No. 3:22-cv-07558-TSH.

Direction provided to City Attorney

- 2) PUBLIC EMPLOYEE PERFORMANCE EVALUATION: CITY ATTORNEY.** This closed session is authorized pursuant to California Government Code section 54957.

No reportable action

- 3) PUBLIC EMPLOYMENT – RECRUITMENT OF CITY MANAGER.** This closed session is authorized pursuant to California Government Code section 54957(b).

Direction provided to the Human Resources Director

CLOSED SESSION – Continued

- 4) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to California Government Code section 54956.8; Property: 809-815 1st Street, Antioch, CA 94509 (APN: 066-091-015), Negotiating Parties: City of Antioch Negotiators: Kwame P. Reed, Acting City Manager and Thomas Lloyd Smith, City Attorney; Lynn House Gallery Negotiator: Jody Mattison; Under Negotiation: Rent and terms of payment.

Council voted to forgive past rent of \$6,333.65 for COVID-19 period, 4/0/1 (Torres-Walker – Abstain)

5:38 P.M. MOTIONED TO ADJOURN CLOSED SESSION

7:00 P.M. ROLL CALL – REGULAR MEETING – for City /City Council Members acting as Housing Successor to the Antioch Development Agency – **All Present**

PLEDGE OF ALLEGIANCE

CITY ATTORNEY TO REPORT OUT ON CLOSED SESSION

COUNCIL MEMBER OGORCHOCK REQUESTED A MOTION TO SUSPEND THE RULES TO MOVE AGENDA ITEMS #2, #8, AND #4 TO BE HEARD AS THE NEXT ORDER OF BUSINESS; APPROVED 5/0

2. **PRESENTATION** – Vanessa Rosales, Certified Municipal Clerk (CMC) Designation

COUNCIL REGULAR AGENDA

8. **ON-CALL HOMELESS ENCAMPMENT CLEANUP SERVICES**

Direction provided to staff to move forward with contracting out homeless encampment clean-up and authorized Acting City Manager to make budget adjustment, 4/0/1 (Torres-Walker – Abstain)

Recommended Action: It is recommended that the City Council:

- 1) *Discuss contracting out homeless encampment cleanup services to a third-party contractor; and*
- 2) *Provide direction to staff on a funding source to provide these services.*

COUNCIL MEMBER BARBANICA RECUSED HIMSELF PRIOR TO PUBLIC HEARING ITEM #4

PUBLIC HEARING

4. INTRODUCE ORDINANCE PROHIBITING RETALIATION AND HARASSMENT OF RESIDENTIAL TENANTS

9:20 P.M. RECESS – During Public Hearing Agenda Item #4

9:37 P.M. RECONVENED, ROLL CALL – Council Member District 3 Ogorchock, District 4 Wilson, Mayor Pro Tem (District 1) Torres-Walker, and Mayor Thorpe (Council Member District 2 Barbanica recused himself prior to Public Hearing Item #4)

To August 8, 2023, for adoption with the following ordinance amendments:

[Amendment #1]

Section 3. HOUSING SERVICES. 11-1.02 “Definitions”

EXCLUDE “...including the right to have a specific number of occupants and the right to one-for-one replacement of roommates, regardless of any prohibition against subletting and/or assignment.”

[Amendment #2]

Section 4. 11-5.02 “EXEMPTIONS”

ADD “Senior Residential Home Care Facilities” to section (A):

[Amendment #3]

***Section 4. 11-5.03 “HARASSMENT BY LANDLORD PROHIBITED”**

[Error – “Acceptance of payment for rent”]

***ADD “...except when a landlord is engaged in a tenant eviction process.”**

to sections (A)(16) and (A)(17)

3/1 (Ogorchock)

[Barbanica – Recused]

Recommended Action: It is recommended that the City Council introduce by title only and waive further reading of the Ordinance Adding Chapters 4 and 5 of Title 11 of the Antioch Municipal Code Prohibiting Retaliation and Harassment of Residential Tenants.

1. ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

➤ ANTIOCH RECREATION CENTER – SPECIAL EVENTS

- Summer Outdoor Movie Night
 - Prewett Park, 4701 Lone Tree Way, Antioch, CA – August 3, 2023
- Summer Concert Series
 - Prewett Park, 4701 Lone Tree Way, Antioch, CA – July 27, 2023
 - Waldie Plaza, Historic Downtown Antioch, CA – August 5, 2023
- Julpun Park – Ribbon Cutting Ceremony
 - 5500 Sierra Trail Way, Antioch, CA – August 5, 2023

➤ CONSTRUCTION ON LONE TREE WAY – July 26 through October 31, 2023

- From Putnam Street to Terranova Drive, Antioch, CA
(One lane of traffic in each direction from 8:00 p.m. to 5:00 a.m.)

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

MAYOR’S COMMENTS

3. ***CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency***

A. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR MAY 30, 2023

Approved, 5/0

Recommended Action: It is recommended that the City Council approve the Special Meeting Minutes.

B. APPROVAL OF COUNCIL MEETING MINUTES FOR JUNE 13, 2023

Approved, 5/0

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

C. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR JUNE 23, 2023

Continued, 5/0

Recommended Action: It is recommended that the City Council continue the Special Meeting Minutes.

CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency – Continued

D. APPROVAL OF COUNCIL MEETING MINUTES FOR JUNE 27, 2023

Continued, 5/0

Recommended Action: It is recommended that the City Council continue the Meeting Minutes.

E. APPROVAL OF COUNCIL WARRANTS

Approved, 5/0

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

F. APPROVAL OF HOUSING SUCCESSOR WARRANTS

Approved, 5/0

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

G. REJECTION OF CLAIM: KHALID BARROW, RONNIE FIELDS, AND AHMAD SLOAN

Rejected, 5/0

Recommended Action: It is recommended that the City Council reject the claim submitted by Khalid Barrow, Ronnie Fields, and Ahmad Sloan

H. SECOND READING – THE RANCH PHASE I PROJECT – PLANNED DEVELOPMENT GUIDELINES ORDINANCE (Introduced on June 27, 2023)

Ord. No. 2229-C-S adopted, 4/1 (Torres-Walker)

Recommended Action: It is recommended that the City Council adopt an ordinance amending the Planned Development Guidelines for The Ranch.

I. CONSULTING SERVICES AGREEMENT WITH CENTRICITY GIS, LLC FOR IMPLEMENTATION OF ASSET MANAGEMENT SOFTWARE

Reso No. 2023/111 adopted, 5/0

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

- 1) Approving the Consulting Services Agreement with Centricity GIS, LLC for implementation of Asset Management Software; and
- 2) Authorizing the Acting City Manager to execute the agreement for the implementation of Asset Management Software with Centricity GIS, LLC for a total amount of \$71,000.

CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency – Continued

J. CONSIDERATION OF BIDS FOR THE WEST ANTIOCH CREEK SILT REMOVAL (P.W. 201-5A)

Reso No. 2023/112 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, Build Forces Inc. for the West Antioch Creek Silt Removal Project in the amount of \$633,339; and
- 2) Authorizing the Acting City Manager to execute the construction agreement with Build Forces Inc. for a total amount of \$633,339.

K. CONSIDERATION OF BIDS FOR THE WATER DISTRIBUTION AND SERVICE MATERIALS

Reso No. 2023/113 adopted, 5/0

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

- 1) Awarding the agreement to the lowest, responsive, and responsible bidder, Core & Main for Water Distribution and Service Materials; and
- 2) Authorizing the Acting City Manager to execute agreements with Core & Main and Pace Supply Corporation in a combined amount of \$800,000 for Fiscal Year 2023/24, \$850,000, for Fiscal Year 2024/25, and \$900,000 for Fiscal Year 2025/26, not to exceed an amount of \$2,550,000 with an option to extend services for an additional two years in the amount of \$950,000 for Fiscal Year 2026/27 and \$1,000,000 for Fiscal Year 2027/28, not to exceed an amount of \$1,950,00.00.

L. CONSIDERATION OF BIDS FOR EQUIPMENT OPERATOR IN CREEKS AND CHANNELS

Reso No. 2023/114 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution to reject all bids for the Equipment Operator in Creeks and Channels project.

CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency – Continued

M. AGREEMENT WITH CAL ENGINEERING & GEOLOGY FOR GEOTECHNICAL ENGINEERING CONSULTING SERVICES FOR LANDSLIDE REPAIRS THROUGHOUT THE CITY OF ANTIOCH

Reso No. 2023/115 adopted, 5/0

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

- 1) Awarding the Consulting Services Agreement for Geotechnical Engineering Consulting Services for Landslide Repairs Throughout the City of Antioch to Cal Engineering & Geology for a three (3) year term starting July 25, 2023, through June 30, 2026, for an amount of \$150,000 with an option to extend two (2) additional years from July 1, 2026, through June 30, 2028, for an additional amount of \$100,000 for a total five (5) year contract amount not to exceed \$250,000; and
- 2) Authorizing the Acting City Manager or designee to execute the agreement in a form approved by the City Attorney.

N. AGREEMENT WITH NINYO & MOORE FOR GEOTECHNICAL ENGINEERING CONSULTING SERVICES FOR LANDSLIDE REPAIRS THROUGHOUT THE CITY OF ANTIOCH

Reso No. 2023/116 adopted, 5/0

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

- 1) Awarding the Consulting Services Agreement for Geotechnical Engineering Consulting Services for Landslide Repairs Throughout the City of Antioch to Ninyo & Moore for a three (3) year term starting July 25, 2023, through June 30, 2026, for an amount of \$300,000 with an option to extend two (2) additional years from July 1, 2026, through June 30, 2028, for an additional amount of \$150,000 for a total five (5) year contract amount not to exceed \$450,000; and
- 2) Authorizing the Acting City Manager or designee to execute the agreement in a form approved by the City Attorney.

O. RESOLUTION APPROVING CONSOLIDATED ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HILLCREST, CITYWIDE, DOWNTOWN, ALMONDRIDGE, LONE TREE, AND EAST LONE TREE LANDSCAPE MAINTENANCE DISTRICTS, AND SETTING PUBLIC HEARING (P.W. 500)

Reso No. 2023/117 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution approving the Consolidated Engineer's Report and setting August 8, 2023 as the date for the Public Hearing.

CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency – Continued

P. AGREEMENT WITH FUGRO USA LAND, INC. FOR ON-CALL GEOTECHNICAL AND ENGINEERING SERVICES

Reso No. 2023/118 adopted, 5/0

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

- 1) Awarding the Consulting Services Agreement for On-Call Geotechnical and Engineering Services to Fugro USA Land, Inc. for a three (3) year term starting July 25, 2023, through June 30, 2026, for an amount of \$150,000 with an option to extend two (2) additional years from July 1, 2026, through June 30, 2028, for an additional amount of \$100,000 for a total five (5) year contract amount not to exceed \$250,000; and
- 2) Authorizing the Acting City Manager or designee to execute the agreement in a form approved by the City Attorney.

Q. FIRST AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT WITH MCARDLE DESIGN INC. FOR LANDSCAPE DESIGN SERVICES

Reso No. 2023/119 adopted, 5/0

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

- 1) Approving the first amendment to the Consultant Services Agreement with McArdle Design Inc. for On-Call Landscape Design Services; and
- 2) Authorizing the Acting City Manager or designee to execute the first amendment to the Consultant Services Agreement with McArdle Design Inc, for a total amount of \$150,000.

R. AGREEMENT WITH WILSEY HAM ENGINEERING, SURVEYING & PLANNING FOR ON-CALL GEOTECHNICAL AND ENGINEERING SERVICES

Reso No. 2023/120 adopted, 5/0

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

- 1) Awarding the Consulting Services Agreement for On-Call Geotechnical and Engineering Services to Wilsey Ham Engineering, Surveying & Planning for a three (3) year term starting July 25, 2023, through June 30, 2026, for an amount of \$300,000 with an option to extend two (2) additional years from July 1, 2026, through June 30, 2028, for an additional amount of \$150,000 for a total five (5) year contract amount not to exceed \$450,000; and
- 2) Authorizing the Acting City Manager or designee to execute the Agreement in a form approved by the City Attorney.

CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency – Continued

- S.** RESOLUTION ACCEPTING COMPLETED IMPROVEMENTS AND RELEASE OF BONDS FOR AVIANO SUBDIVISION PHASE 2, TRACT NO. 9449 (P.W. 676-2)

Reso No. 2023/121 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution accepting completed improvements, authorizing the Acting City Manager or designee to file a Notice of Completion and the release of bonds for Aviano Subdivision Phase 2, Tract No. 9449 (P.W. 676-2).

- T.** RESOLUTION ACCEPTING COMPLETED IMPROVEMENTS, RELEASE OF BONDS, AND AUTHORIZING THE ACCEPTANCE OF GRANT DEEDS FOR PARK RIDGE PARK (JULPUN PARK) AND OPEN SPACE CONVEYING PROPERTY LOCATED AT 5500 SIERRA TRAIL WAY, ASSESSOR'S PARCEL NUMBERS 053-060-069 AND 053-060-071 (P.W. 674-9)

Reso No. 2023/122 adopted, 5/0

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

- 1) Accepting the completed improvements and release the performance bonds authorizing the Acting City Manager or designee to file a Notice of Completion for the Park Ridge Park (Julpun Park) and Open Space Project (P.W. 674-9); and
- 2) Authorizing the acceptance of grant deeds conveying property located at 5500 Sierra Trail Way, Assessor's Parcel Numbers 053-060-069 and 053-060-071 in Antioch and identified as 8.22-acre and 25.51-acre parcels to the City of Antioch.

- U.** UNHOUSED RESIDENTS SERVICES – AMENDMENT NO. 5 TO CONSULTING SERVICES AGREEMENT WITH FOCUS STRATEGIES

Reso No. 2023/123 adopted, 4/1 (Torres-Walker)

Recommended Action: It is recommended that the City Council adopt a resolution authorizing the Acting City Manager to execute Amendment No. 5 to the Consulting Services Agreement with Focus Strategies.

- V.** APPROVAL REAPPROPRIATING UNSPENT FISCAL YEAR 2023 YOUTH NETWORK SERVICES CONTRACTUAL SERVICES TO FISCAL YEAR 2024

Reso No. 2023/124 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution amending the Fiscal Year 2024 General Fund Youth Network Services budget to reappropriate unspent contractual services from Fiscal Year 2023 to Fiscal Year 2024.

CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency – Continued

W. APPROVAL OF TREASURER’S REPORT FOR APRIL 2023

Received and filed, 5/0

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

X. APPROVAL OF TREASURER’S REPORT FOR MAY 2023

Received and filed, 5/0

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

PUBLIC HEARING – Continued

5. ORDINANCE AMENDING ARTICLE 15 OF CHAPTER 5 OF TITLE 4 OF THE ANTIOCH MUNICIPAL CODE AND CHANGING THE PRIMA FACIA SPEED LIMIT ON VARIOUS ROADWAYS (P.W. 282-3A)

Continued to the August 8, 2023, Council Meeting, 5/0

Recommended Action: It is recommended that the City Council introduce, waive the first reading, and introduce by title only, an Ordinance amending Article 15 of Chapter 5 of Title 4 of the Antioch Municipal Code “Special Speed Zones” in order to change the prima facie speed limit on certain streets.

COUNCIL REGULAR AGENDA – Continued

6. REJECTION OF HOMEKEY APPLICANTS

Reso No. 2023/125 adopted, 4/0/1 (Torres-Walker-Abstain)

Recommended Action: It is recommended that the City Council adopt a resolution rejecting the proposals received in response to RFQ No. 060720.

COUNCIL REGULAR AGENDA – Continued

7. PROPOSED TRAFFIC CALMING IMPROVEMENTS FOR SYCAMORE DRIVE, JAMES DONLON BOULEVARD, AND WEST 10TH STREET

Postponed to the August 8, 2023, Council Meeting, 5/0

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

- 1) Approving the proposed traffic calming improvements for Sycamore Drive;
- 2) Approving the proposed traffic calming improvements for James Donlon Boulevard from Somersville Road to Contra Loma Boulevard;
- 3) Approving the proposed traffic calming improvements for West 10th Street;
- 4) Approving the proposed traffic calming improvements for James Donlon Boulevard from Contra Loma Boulevard to Lone Tree Way; and
- 5) Approving an amendment to the Fiscal Year 2023/24 Operating Budget to include \$425,000 from the Gas Tax Fund for the traffic calming improvements for Sycamore.

9. DESIGNATION OF A VOTING DELEGATE AND ALTERNATE DELEGATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE AND AUTHORIZATION FOR ASSOCIATED CONFERENCE EXPENSES NOT TO EXCEED \$1,295 PER PARTICIPANT

Recommended Action: It is recommended that the Mayor nominate and City Council:

***Appointed Council Member Ogorchock
as the Voting Delegate, 5/0***

- 1) Approve [_____] as a Voting Delegate for the 2023 League of California Cities Annual Conference.

***Appointed Mayor Pro Tem Torres-Walker
as an Alternate Delegate, 5/0***

- 2) Approve [_____] as an Alternate Delegate for the 2023 League of California Cities Annual Conference.

Approved, 5/0

- 3) Authorize an amount not to exceed \$1,295 for associated conference expenses for each conference participant.

PUBLIC COMMENTS

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 90 days.*

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 meeting at 11:33 p.m., 5/0