

CITY OF  
**ANTIOCH**  
CALIFORNIA

**ANNOTATED AGENDA**

**Antioch City Council**

**REGULAR MEETING**

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

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Date: **Tuesday, August 22, 2023**  
Time: 6:15 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](http://www.antiochca.gov)). Please see the inside cover for detailed Speaker Rules.*

**PLEASE TURN OFF CELL PHONES BEFORE ENTERING COUNCIL CHAMBERS.**

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**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

**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](mailto: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 it 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.

**6:15 P.M.      ROLL CALL – CLOSED SESSION – for Council Members – *All Present***

***PLEDGE OF ALLEGIANCE***

***PUBLIC COMMENTS for Closed Session – None***

**CLOSED SESSION:**

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

***No reportable action***

**6:16 P.M.      *MOTIONED TO ADJOURN CLOSED SESSION***

**7:03 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***

**MOMENT OF SILENCE IN MEMORY OF LEO FONTANA**

## CITY ATTORNEY TO REPORT OUT ON CLOSED SESSION

***COUNCIL MEMBER OGORCHOCK REQUESTED A MOTION TO SUSPEND THE RULES TO MOVE COUNCIL REGULAR AGENDA ITEM #7 AND PUBLIC HEARING ITEMS #6 AND #5 TO BE HEARD IN THAT ORDER AFTER THE PROCLAMATIONS; APPROVED, 5/0***

***MAYOR THORPE REQUESTED A MOTION TO SUSPEND THE RULES TO MOVE ITEM #3 – PROCLAMATIONS TO BE HEARD AS THE NEXT ORDER OF BUSINESS; APPROVED, 5/0***

### **3. PROCLAMATIONS**

- *Antioch Christian Center – 25<sup>th</sup> Year Anniversary, August 2023*
- *Recognizing Dr. Carol Weyland Conner’s Humanitarian Contributions to the City of Antioch*
- *Pentecostal Missionary Church of Christ (4<sup>th</sup> Watch) – 50<sup>th</sup> Golden Church Anniversary, August 27, 2023*

**Approved, 5/0**

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

## **COUNCIL REGULAR AGENDA**

### **7. ZERO EMISSION VEHICLE TRANSITION PROJECT**

**Reso No. 2023/133 adopted, 5/0**

*Recommended Action: It is recommended that the City Council adopt a resolution approving an amendment to the Fiscal Year 2023/24 Operating Budget to increase the funding from the General Fund for the Zero Emission Vehicle Transition Project by \$1,226,760 for a total amount of \$1,361,814.*

**PUBLIC HEARING**

6. INTRODUCTION OF ORDINANCE CHANGING THE CITY ADMINISTRATION'S ORGANIZATIONAL STRUCTURE BY TRANSFERRING, FROM THE CITY MANAGER TO THE CITY COUNCIL, THE AUTHORITY TO APPOINT, SUPERVISE, AND REMOVE THE CHIEF OF POLICE

**To September 12, 2023, for adoption, 3/2 (Barbanica and Ogorchock)**

*Recommended Action:* It is recommended that the City Council introduce by title only and waive further reading of the ordinance (1) amending section 2-2.06(B)(2) of the Antioch Municipal Code removing the Chief of Police from the City Manager's appointment, discipline, and removal power, and (2) adding a new Article 4 to Chapter 3 of Title 2 of the Antioch Municipal Code, so that the Chief is appointed by and serves at the pleasure of the City Council, and setting out some general duties and responsibilities of the Police Chief.

**8:43 P.M. RECESS**

**8:49 P.M. RECONVENED, ROLL CALL – All Present**

**MAYOR PRO TEM TORRES-WALKER REQUESTED A MOTION TO SUSPEND THE RULES AND RECONSIDER THE PREVIOUS MOTION FOR PUBLIC HEARING ITEM #6; APPROVED 5/0**

6. INTRODUCTION OF ORDINANCE CHANGING THE CITY ADMINISTRATION'S ORGANIZATIONAL STRUCTURE BY TRANSFERRING, FROM THE CITY MANAGER TO THE CITY COUNCIL, THE AUTHORITY TO APPOINT, SUPERVISE, AND REMOVE THE CHIEF OF POLICE

**To September 12, 2023, for adoption with an amendment to take effect and be enforced 90 days after adoption, 3/2 (Barbanica and Ogorchock)**

*Recommended Action:* It is recommended that the City Council introduce by title only and waive further reading of the ordinance (1) amending section 2-2.06(B)(2) of the Antioch Municipal Code removing the Chief of Police from the City Manager's appointment, discipline, and removal power, and (2) adding a new Article 4 to Chapter 3 of Title 2 of the Antioch Municipal Code, so that the Chief is appointed by and serves at the pleasure of the City Council, and setting out some general duties and responsibilities of the Police Chief.

**COUNCIL MEMBER BARBANICA REQUESTED A MOTION TO SUSPEND THE RULES AND MOVE GENERAL PUBLIC COMMENTS TO BE HEARD AS THE NEXT ORDER OF BUSINESS; APPROVED 5/0**

**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.

**PUBLIC HEARING – continued**

**COUNCIL MEMBER BARBANICA RECUSED HIMSELF PRIOR TO THE DISCUSSION OF PUBLIC HEARING ITEM #5**

5. INTRODUCE ORDINANCE PROHIBITING RETALIATION AND HARASSMENT OF RESIDENTIAL TENANTS

**11:04 P.M. DURING THE DISCUSSION OF ITEM #5, MAYOR PRO TEM TORRES-WALKER REQUESTED A MOTION TO SUSPEND THE RULES AND EXTEND THE MEETING FOR AN ADDITIONAL 7 MINUTES; APPROVED 4/0**

*To September 12, 2023, for adoption with the following ordinance amendments:*

**[Amendment #1]**

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

**ADD to Section (A)(8) “...If applicable law allows for the towing of the vehicle, then towing the vehicle does not constitute harassment.”**

**[Amendment #2]**

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

**ADD to Section (A)(23) “...on engaging in other political activities when hosted by a tenant.”**

**[Amendment #3]**

**Section 4. 11-5.[07] “REMEDIES AND PENALTIES”**

**ELIMINATE from Section 4. 11-5.[07] (A) Criminal Penalty. “...by imprisonment in the county jail for a period of not more than six months or both.”**

**[Amendment #4]**

**Section 4. 11-5.02 “EXEMPTIONS”**

**ELIMINATE from Section (A) “...Senior Residential Home Care Facilities.”**

**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.*

**COUNCIL MEMBER BARBANICA RETURNED TO THE DAIS AFTER COUNCIL VOTE ON PUBLIC HEARING ITEM #5**

**MOTION TO ADJOURN – Motioned to adjourn meeting at 11:12 p.m., 5/0**

**11:14 P.M. MAYOR THORPE REQUESTED A MOTION TO REOPEN THE MEETING; APPROVED 4/1 (OGORCHOCK)**

**MAYOR PRO TEM TORRES-WALKER REQUESTED A MOTION TO SUSPEND THE RULES AND MOVE THE CONSENT CALENDAR TO BE HEARD AS THE NEXT ORDER OF BUSINESS; APPROVED 5/0**

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

**A. APPROVAL OF COUNCIL MEETING MINUTES FOR JULY 25, 2023**

**Approved, 5/0**

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

**B. APPROVAL OF COUNCIL MEETING MINUTES FOR AUGUST 8, 2023**

**Continued, 5/0**

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

**C. APPROVAL OF COUNCIL WARRANTS**

**Approved, 5/0**

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

**D. APPROVAL OF HOUSING SUCCESSOR WARRANTS**

**Approved, 5/0**

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

**E. REJECTION OF CLAIM: HALL & LOADS, INC.**

**Rejected, 5/0**

*Recommended Action: It is recommended that the City Council reject the claim submitted by Hall & Loads, Inc.*

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

- F.** SECOND READING – 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) (Introduced on August 8, 2023)

**Ord. No. 2230-C-S adopted, 5/0**

*Recommended Action:* It is recommended that the City Council adopt 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.

- G.** SECOND READING – DESIGN GUIDELINES ZONING TEXT AMENDMENT (Introduced on August 8, 2023)

**Ord. No. 2231-C-S adopted, 5/0**

*Recommended Action:* It is recommended that the City Council adopt an ordinance amending Section 9-5.2609 of the Antioch Municipal Code regarding design guidelines.

**MAYOR THORPE RECUSED HIMSELF PRIOR TO THE DISCUSSION OF CONSENT CALENDAR ITEM #H**

- H.** RENEWAL OF VESTING TENTATIVE SUBDIVISION MAP 357-302-20, FINAL DEVELOPMENT PLAN, AND DESIGN REVIEW

**Reso No. 2023/134 adopted, 4/0 [Thorpe - Recused]**

*Recommended Action:* It is recommended that the City Council adopt the resolution approving a one-year extension of the vesting tentative subdivision map, final development plan, and design review approvals for the Wild Horse Multifamily Project.

**MAYOR THORPE RETURNED TO THE DAIS AFTER COUNCIL DISCUSSION AND VOTE ON CONSENT CALENDAR ITEM #H**

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

**I. FIRST AMENDMENT TO THE AGREEMENT WITH C&J FAVALORA TRUCKING, INC. FOR THE FULTON YARD RECYCLING PROJECT**

**Reso No. 2023/135 adopted, 5/0**

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

- 1) *Approving the first amendment to the Agreement with C&J Favalora Trucking, Inc. for the Fulton Yard Recycling Project in the amount of \$1,650,000 for a total amount of \$3,450,000 including up to a 20 percent contingency of the contract amount for a total contract amount of \$4,140,000; and*
- 2) *Authorizing the Acting City Manager or designee to execute the first amendment to the Agreement in a form approved by the City Attorney.*

**J. AMENDMENT TO THE CONSTRUCTION AGREEMENT WITH FOUNDRY CONSTRUCTION FOR THE MAINTENANCE SERVICE CENTER WAREHOUSE IMPROVEMENTS (P.W. 143-R)**

**Reso No. 2023/136 adopted, 5/0**

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

- 1) *Approving an amendment to increase the construction agreement with Foundry Construction Co. (“Contractor”) by \$53,466 for a total agreement amount of \$483,466 and extend the term of the agreement to December 31, 2023; and*
- 2) *Authorizing the Acting City Manager or designee to execute the amendment in a form approved by the City Attorney.*

**K. SMALL GOVERNMENT AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.**

**Reso No. 2023/137 adopted, 5/0**

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

- 1) *Approving a sole source request for consulting services with Environmental Systems Research, Inc.; and*
- 2) *Authorizing the Acting City Manager to execute a consulting services agreement with Environmental Systems Research, Inc. for GIS licensing, software, and integrations for Public Works, for a total amount not to exceed \$255,000.*



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

**L. FIRST AMENDMENT TO THE AGREEMENT WITH TERRACARE ASSOCIATES FOR PARK MAINTENANCE SERVICES**

**Reso No. 2023/138 adopted, 5/0**

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

- 1) *Approving the first amendment to the Agreement with Terracare Associates in the amount of \$207,972 for a total amount of \$4,517,771.25 for additional park maintenance services; and*
- 2) *Authorizing the Acting City Manager or designee to execute the first amendment in a form approved by the City Attorney.*

**M. FIRST AMENDMENT TO THE AGREEMENT WITH TERRACARE ASSOCIATES FOR LANDSCAPE MAINTENANCE SERVICES**

**Reso No. 2023/139 adopted, 5/0**

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

- 1) *Approving the first amendment to the agreement with Terracare Associates for Landscape Maintenance Services in the amount of \$131,898 for a total amount of \$6,179,128; and*
- 2) *Authorizing the Acting City Manager or designee to execute the first amendment in a form approved by the City Attorney.*

**N. RESOLUTION TO ACCEPT THE CONVEYANCE OF TWO GRANTS OF EASEMENTS TO THE CITY OF ANTIOCH FOR THE DEER VALLEY ESTATES SUBDIVISION 9518 (MERITAGE HOMES OF CALIFORNIA) (P.W. 681-2)**

**Reso No. 2023/140 adopted, 5/0**

*Recommended Action: It is recommended that the City Council adopt a resolution to accept the conveyance of two Grants of Easements for the Deer Valley Estates Subdivision 9518 from Kaiser Foundation Hospitals.*

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

**O. AWARDING AN AGREEMENT WITH SHARJO LLC DBA SERVICEMASTER RESTORATION MANAGEMENT FOR ON-CALL HOMELESS ENCAMPMENT CLEANUP SERVICES**

**Reso No. 2023/141 adopted amending the effective date, 4/1 (Torres-Walker)**

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

- 1) *Awarding a Maintenance Services Agreement for On-Call Homeless Encampment Cleanup Services throughout the City to Sharjo LLC dba ServiceMaster Restoration Management for a three (3) year term from July 25, 2023, to June 30, 2026, in the amount of \$1,365,000 with an option to extend two (2) additional years from July 1, 2026, to June 30, 2028, in an amount of \$951,360 for a total contract amount not to exceed \$2,316,360 over the five (5) year period;*
- 2) *Authorizing the Acting City Manager or designee to execute the Agreement in a form approved by the City Attorney; and*
- 3) *Authorizing the Acting City Manager or designee to implement the tentative agreement between the City and APWEA by making the necessary budget amendments to the Street Maintenance Operating Budget for Fiscal Year 2023/24 and Fiscal Year 2024/25 to cover the costs of the first two (2) years of the Agreement.*

**P. ACCEPTANCE OF THE DEDICATION OF THE ROADWAYS WITHIN AVIANO SUBDIVISION PHASE 3, TRACT NO. 9489 (P.W. 676-3)**

**Reso No. 2023/142 adopted, 5/0**

*Recommended Action:* It is recommended that the City Council adopt a resolution accepting the dedication of the roadways within Aviano Subdivision Phase 3, Tract No. 9489 and authorizing the Acting City Manager or designee to accept the dedication of the roadway, including Sand Creek Road from Rigolato Drive to Dozier-Libbey Road and Dozier-Libbey Road from Sand Creek Road to the temporary access road to Deer Valley Road, which has been completed for Aviano Subdivision Phase 3, Tract No. 9489.

**MOTION TO ADJOURN – Motioned to adjourn meeting at 11:19 p.m., 5/0**

**[THE FOLLOWING COUNCIL MEETING AGENDA ITEMS WILL BE MOVED TO THE 09/12/2023 COUNCIL MEETING TO BE HEARD]**

**COUNCIL REGULAR AGENDA – Continued from August 8, 2023, Council Meeting**

1. **RESOLUTION APPROVING A NEW CLASS SPECIFICATION FOR PROPERTY AND EVIDENCE SUPERVISOR, ASSIGNING A SALARY RANGE, AND ASSIGNING THE CLASSIFICATION TO THE MANAGEMENT (MID/PROF.) BARGAINING UNIT**

*Recommended Action: It is recommended that the City Council adopt a resolution approving the New Class Specification for Property and Evidence Supervisor, assigning a salary range, and assigning the classification to the Management (Mid/Prof.) Bargaining Unit.*

2. **DISCUSSION ON HIRING OF RETIRED POLICE OFFICERS**

*Recommended Action: It is recommended that the City Council discuss the idea of potentially hiring retired police officers.*

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

**CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS**

**MAYOR'S COMMENTS**

**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.