

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**

Date: Tuesday, September 12, 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

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.

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.

6:00 P.M. ROLL CALL – CLOSED SESSION – for Council Members – *All Present*

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS for Closed Session

CLOSED SESSION:

- 1) CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation pursuant to California Government Code section 54956.9; Terry Dwayne Robinson et al. v. City of Antioch et al., United States District Court for the Northern District of California (Case No.: 3:23-cv-03773-SI).

No reportable action

- 2) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** – pursuant to California Government Code section 54956.8; Property: 800 W. 2nd Street, Antioch, CA; Negotiating Parties: City of Antioch Negotiators: Kwame P. Reed, Acting City Manager and Thomas Lloyd Smith, City Attorney; Negotiating Parties: Chris Burns, Broker/Owner Representative; Under Negotiation: Price and terms of payment.

Direction provided to Acting City Manager and City Attorney

CLOSED SESSION – Continued

- 3) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION –**
Significant exposure to litigation pursuant to California Government Code
section 54956.9(d)(2): One Case.

Direction provided to City Attorney

6:05 P.M. MOTIONED TO ADJOURN TO 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

MOMENT OF SILENCE IN MEMORY OF 9/11 VICTIMS AND FAMILIES

CITY ATTORNEY TO REPORT OUT ON CLOSED SESSION

CONSENT CALENDAR – Continued from August 22, 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

Reso No. 2023/143 adopted, 5/0

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.

COUNCIL REGULAR AGENDA – Continued from August 22, 2023, Council Meeting

2. DISCUSSION ON HIRING OF RETIRED POLICE OFFICERS

Direction provided to Acting City Manager

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

3. **PROCLAMATION**

- National Hispanic Heritage Month, September 15, 2023, to October 15, 2023

Approved, 5/0

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

4. ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

- ANTIOCH COUNCIL OF TEENS COAT DRIVE – September 6 thru November 6, 2023
Drop off locations at:
 - Public Safety & Community Resources, 4703 Lone Tree Way, Antioch, CA
 - Antioch City Hall, 200 H Street, Antioch, CA
- TEEN JAZZ & HIP HOP DANCE – September 11 – November 16, 2023
 - Nick Rodriguez Community Center, 213 F Street, Antioch, CA
- BIG TRUCK DAY – September 21, 2023
 - Antioch Community Center, 4703 Lone Tree Way, Antioch, CA
- COASTAL CLEANUP DAY – September 23, 2023
 - Antioch Water Park and Antioch Marina, Antioch, CA

5. ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

- BOARD OF ADMINISTRATIVE APPEALS
- PARKS AND RECREATION COMMISSION
- PLANNING COMMISSION
- SALES TAX CITIZENS’ OVERSIGHT COMMITTEE

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

9:31 P.M. COUNCIL MEMBER WILSON LEFT THE DAIS PRIOR TO VOTING ON THE CONSENT CALENDAR, MINUS AGENDA ITEMS #E, F, G, H, & I, WHICH WERE PULLED FOR FURTHER DISCUSSION.

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

- A. APPROVAL OF COUNCIL MEETING MINUTES FOR AUGUST 8, 2023**
Continued, 4/0/1 (Wilson-Absent)
Recommended Action: It is recommended that the City Council continue the Meeting Minutes.

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

- B.** APPROVAL OF COUNCIL MEETING MINUTES FOR AUGUST 22, 2023
Continued, 4/0/1 (Wilson-Absent)

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

- C.** APPROVAL OF COUNCIL WARRANTS
Approved, 4/0/1 (Wilson-Absent)

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

- D.** APPROVAL OF HOUSING SUCCESSOR WARRANTS
Approved, 4/0/1 (Wilson-Absent)

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

9:33 P.M. COUNCIL MEMBER WILSON RETURNED TO THE DAIS AFTER THE VOTE OF THE CONSENT CALENDAR, MINUS AGENDA ITEMS #E, F, G, H, & I, WHICH WERE PULLED FOR FURTHER DISCUSSION.

COUNCIL MEMBER BARBANICA RECUSED HIMSELF PRIOR TO THE DISCUSSION OF CONSENT CALENDAR AGENDA ITEM #E.

- E.** SECOND READING – ORDINANCE PROHIBITING RETALIATION AND HARASSMENT OF RESIDENTIAL TENANTS *(Introduced on August 22, 2023)*
Ord. No. 2232-C-S adopted, 3/1 (Ogorchock)
[Barbanica – Recused]

Recommended Action: It is recommended that the City Council adopt 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 CONSENT CALENDAR AGENDA ITEM #E.

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

- F.** SECOND READING – 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 *(Introduced on August 22, 2023)*

Council motioned to amend and bring back ordinance, Failed, 2/3 (Barbanica, Ogorchock, Thorpe)

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

- G.** CONTINUANCE OF EMPLOYEE REFERRAL AND RECRUITMENT SIGNING BONUS AND INCENTIVE PROGRAM FOR QUALIFIED LATERAL AND ENTRY LEVEL POLICE OFFICERS

Reso No. 2023/144 adopted, 4/0/1 (Torres-Walker Abstained)

Recommended Action: It is recommended that the City Council adopt the resolution authorizing the Acting City Manager or designee to continue the employee referral and recruitment signing bonus and incentive program for qualified lateral and entry level (academy graduate and recruit) Police Officers for a total program amount of up to \$300,000 during Fiscal Year 2023-2024.

- H.** AUTHORIZE RESPONSE TO GRAND JURY REPORT NO. 2306 “AFFORDABLE HOUSING: A PLAN WITHOUT A HOME”

Reso No. 2023/145 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution authorizing the Mayor to sign and submit the City of Antioch’s response to the Contra Costa Civil Grand Jury Report No. 2306 “Affordable Housing: A Plan Without a Home”.

- I.** ACCEPTANCE OF WORK AND NOTICE OF COMPLETION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DOWNTOWN ROADWAY PAVEMENT REHABILITATION, PHASE 9 (P.W. 678-9)

Reso No. 2023/146 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution accepting work and authorizing the Acting City Manager or designee to file a Notice of Completion for the Community Development Block Grant Downtown Roadway Pavement Rehabilitation, Phase 9.

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

- J. SEVENTH AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH WOODARD & CURRAN FOR THE WEST ANTIOCH CREEK SILT REMOVAL PROJECT (P.W. 201-5A)

Reso No. 2023/147 adopted, 4/0/1 (Wilson-Absent)

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

- 1) Approving a seventh amendment to the Consulting Services Agreement with Woodard & Curran for professional consulting services for the West Antioch Creek Silt Removal Project in the amount of \$152,992 for a total contract amount of \$1,826,000; and
- 2) Authorizing the Acting City Manager or designee to execute the seventh amendment to the consulting services agreement in a form approved by the City Attorney.

- K. RESOLUTION APPROVING THE UPDATES TO THE RECREATION SERVICES MANAGER CLASS SPECIFICATION AND ASSIGNING TO SENIOR MANAGEMENT IN THE MANAGEMENT BARGAINING UNIT

Reso No. 2023/148 adopted, 4/0/1 (Wilson-Absent)

Recommended Action: It is recommended that the City Council adopt the resolution approving the updates to the Recreation Services Manager class specification and assigning the Recreation Services Manager to Senior Management in the Management Bargaining Unit.

COUNCIL REGULAR AGENDA

7. NEW CLASS SPECIFICATION FOR PRINCIPAL PLANNER, ASSIGNMENT OF A SALARY RANGE, AND ASSIGNMENT OF THE CLASSIFICATION TO THE MANAGEMENT BARGAINING UNIT

Reso No. 2023/149 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution (1) approving a new class specification for Principal Planner, (2) assigning a salary range, (3) assigning the classification to the Management Bargaining Unit, and (4) authorizing the Acting City Manager or designee to make the necessary adjustments to the Fiscal Year 2024 and 2025 budget to fund the position, in the amount of \$22,953 and \$38,402 respectively(s).

COUNCIL REGULAR AGENDA – Continued

8. AMENDMENT TO THE FISCAL YEAR 2024 AND 2025 BUDGET TO FUND ONE (1) SENIOR PLANNER, ONE (1) PRINCIPAL PLANNER, AND ONE (1) PLANNING MANAGER IN LIEU OF TWO (2) PRINCIPAL PLANNERS

Reso No. 2023/150 adopted, 5/0

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

- 1) Amending the Community Development Planning Division personnel budget in the amount of \$293,157 for Fiscal Year 2023-24 and \$308,925 for Fiscal Year 2024-25 to fund one (1) Senior Planner, (1) Principal Planner, and one (1) Planning Manager, instead of two (2) Principal Planners; and
- 2) Authorizing the Acting City Manager or designee to make the necessary Fiscal Year 2024 and 2025 budget adjustments.

9. RESOLUTION APPROVING THE FIFTH AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH THOMAS LLOYD SMITH FOR CITY ATTORNEY SERVICES AND AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT

***Reso No. 2023/151 adopted with amendment changing
*authorizing the Acting City Manager or designee..., 5/0***

Recommended Action: It is recommended that the City Council adopt a resolution approving the Fifth Amendment to the Employment Agreement with Thomas Lloyd Smith for City Attorney Services, authorizing the Mayor to sign the Amendment, and ~~*authorizing the Finance Director~~ to make the necessary Fiscal Year 2025 budget adjustment.

10. CITY COUNCIL 90-DAY REQUEST LIST – DISCUSSION ON FALSE ALARM POLICY AND THE FEES THAT ARE CHARGED TO ANTIOCH RESIDENTS

Mayor Pro Tem Torres-Walker to meet with staff

Recommended Action: It is recommended that the City Council discuss false alarm fees that are charged to Antioch residents and provide direction to staff.

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 11:07 p.m., 5/0