

**CITY COUNCIL MEETING
INCLUDING THE ANTIOCH CITY COUNCIL
ACTING AS HOUSING SUCCESSOR
TO THE ANTIOCH DEVELOPMENT AGENCY**

**Special/Regular Meeting
5:00 P.M.**

**March 28, 2023
Council Chambers**

4:15 P.M. - CLOSED SESSION

Mayor Thorpe called the Closed Session to order at 4:15 P.M. and Acting City Clerk Rosales called the roll.

Present: Council/Agency Members District 2 Barbanica, District 3 Ogorchock, District 4 Wilson, Mayor Pro Tem (District 1) Torres-Walker and Mayor Thorpe

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – pursuant to Government Code section 54956.9: Lim v. City of Antioch, United States District Court, Case No. CV-22-04067-LB.
2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – pursuant to 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.

PUBLIC COMMENTS – None

ADJOURNED TO CLOSED SESSION

Mayor Thorpe adjourned to Closed Session at 4:16 P.M.

5:00 P.M. SPECIAL MEETING/STUDY SESSION

Mayor Thorpe called the Special Meeting/Study Session to order at 5:15 P.M. and Acting City Clerk Rosales called the roll.

Present: Council/Agency Members District 2 Barbanica, District 3 Ogorchock, District 4 Wilson, Mayor Pro Tem (District 1) Torres-Walker and Mayor Thorpe

PLEDGE OF ALLEGIANCE

Mayor Thorpe led the Pledge of Allegiance.

SM-1. FISCAL YEAR 2023-25 BUDGET DEVELOPMENT

Mayor Thorpe explained that this meeting was to review baseline and budget projections. He noted Council would then determine their priorities.

Finance Director Merchant presented the staff report dated March 28, 2023, recommending the City Council provide feedback and direction regarding the budget development information provided for the Fiscal Year 2023-25 Budget.

PUBLIC COMMENT – None

Finance Director Merchant explained the Budget Stabilization Fund was for years when needed to balance the budget and Council could set a goal for the utilization of those funds.

Mayor Thorpe requested a discussion for utilization of the Budget Stabilization Fund be brought back to the next Council meeting.

Councilmember Torres-Walker thanked Finance Director Merchant for the presentation and comprehensive report.

In response to Councilmember Torres-Walker, Finance Director Merchant explained vacancy savings for the Antioch Police Department rolled back into General Fund reserves; however, all other department vacancy savings went into One Time Revenues.

In response to Councilmember Barbanica, Finance Director Merchant provided the figures for the Budget Stabilization Fund and current reserves.

MOTION TO ADJOURN SPECIAL MEETING/STUDY SESSION

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously adjourned the Special Meeting/Study Session at 5:42 P.M.

7:00 P.M. REGULAR MEETING

Mayor Thorpe called the meeting to order at 7:00 P.M., and City Clerk Householder called the roll.

Present: Council/Agency Members District 2 Barbanica, District 3 Ogorchock, District 4 Wilson, Mayor Pro Tem (District 1) Torres-Walker and Mayor Thorpe

PLEDGE OF ALLEGIANCE

Mayor Thorpe 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 LEGAL COUNSEL – EXISTING LITIGATION**, City Council approved a settlement in the amount of \$90,000, by a 5-0 vote; and, **#2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, no reportable action.

1. PROCLAMATION

Prescription Drug Abuse Awareness Month, March 2023

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica, the City Council unanimously approved the Proclamation.

A representative from BAART and MEDS Coalition accepted the *Prescription Drug Abuse Awareness Month* proclamation and thanked the City Council for the recognition.

2. ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Recreation Supervisor Wright announced the following civic and community event.

- Egg-Stravaganza & Rec Expo – April 8, 2023

PUBLIC COMMENTS

Andrew Becker requested the City provide stronger support, services, and resources for the community.

Ralph Hernandez, Antioch resident, clarified that comments he had made at a previous Council meeting were not racial and encouraged anyone questioning his comments ask for clarification. He spoke in support of the Antioch Police Department.

Gary Welch requested the City provide traffic control measures along West 10th Street. He asked his District Councilmember to reach out to him regarding this request.

Leslie May spoke to previous public comment, Robert's Rules of Order, and the Brown Act. She urged Council to form a committee to discuss reparations. She wished her daughter a Happy Birthday.

Frank Sterling requested the Council consider bringing back the zoom option for Council meetings. He referenced an article in a local newspaper regarding the Antioch Police Department and the release of information under SB1421.

Stacey Wright, Antioch resident, requested traffic control measures along Canada Valley Road.

Kathryn Wade requested the Antioch Police Department release reports and dispatch calls involving her son.

Patricia Granados, Antioch resident, requested the City levy fines against a resident for attempting to remove a tree without a tree removal permit. She suggested the City conduct an investigation of the AUSD.

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS

Councilmember Wilson reported on her attendance at Delta Diablo and Tri Delta Transit meetings.

Councilmember Torres-Walker announced meetings for the CDBG Standing Committee, Cannabis Standing Committee and Human Rights and Racial Equity Committee would be scheduled soon. She reported on her attendance at a meeting with staff regarding violence prevention efforts. She announced she would also be meeting with staff to discuss “L” Street improvements and other traffic concerns in District 1. She discussed her ongoing efforts to advocate for street improvements in District 1.

MAYOR’S COMMENTS

Mayor Thorpe reported on his attendance at Tri Delta and CCTA meetings. He reported there had been a soft launch of some programs including the Community Crisis Response Team. He announced the City would be receiving the Certificate of Occupancy for the Executive Inn project very soon. He discussed the decommissioning of the Antioch Amtrak station in favor of the Oakley Station and expressed concern that information was withheld from elected officials in Antioch as well as other local dignitaries regarding that action. In response to public comment, he stated the City could look at Canada Valley Road for traffic calming measures and clarified that the Council did not oversee AUSD. Additionally, he commented that City Attorney Smith would be looking into claims made in a local newspaper. He discussed his father’s illness and noted that he would be starting the process of changing his name to include his father’s last name. He added that due to his father’s illness he may be absent from future meetings, and he asked the public to respect his privacy.

- 3. CONSENT CALENDAR for City/City Council Members acting as Housing Successor to the Antioch Development Agency**
 - A. APPROVAL OF COUNCIL MEETING MINUTES FOR FEBRUARY 14, 2023**
 - B. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR FEBRUARY 23, 2023**
 - C. APPROVAL OF COUNCIL MEETING MINUTES FOR FEBRUARY 28, 2023**
 - D. APPROVAL OF COUNCIL MEETING MINUTES FOR MARCH 14, 2023**
 - E. APPROVAL OF COUNCIL SPECIAL MEETING/CLOSED SESSION MINUTES FOR MARCH 17, 2023**
 - F. APPROVAL OF COUNCIL WARRANTS**
 - G. 2022 ANNUAL HOUSING ELEMENT PROGRESS REPORT, HOUSING SUCCESSOR ANNUAL REPORT AND PROGRESS REPORT FOR THE GENERAL PLAN**

- H. **RESOLUTION NO. 2023/45 MEMORANDUM OF UNDERSTANDING WITH THE ANTIOCH HISTORICAL SOCIETY FOR CHARITABLE BINGO OPERATIONS AT THE ANTIOCH SENIOR CENTER**
- I. **RESOLUTION NO. 2023/46 AWARD OF AN AGREEMENT FOR PRINT AND MAIL SERVICES FOR UTILITY BILLING RFP 946-0203-23G**
- J. **RESOLUTION NO. 2023/47 ACCEPTING COMPLETED IMPROVEMENTS AND THE RELEASE OF BONDS FOR AMCAL FAMILY/SENIOR APARTMENTS (P.W. 371-RA-57)**
- K. **RESOLUTION NO. 2023/48 FIRST AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH KLEINFELDER, INC. FOR SERVICES RELATED TO THE WATER MAIN REPLACEMENT AT VARIOUS LOCATIONS PROJECT (P.W. 503-19)**
- L. **RESOLUTION NO. 2023/49 INITIATE PREPARATION OF THE STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT CITY ENGINEER'S REPORT FOR FISCAL YEAR 2023/24**
- M. **RESOLUTION NO. 2023/50 ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FISCAL YEAR 2023/24 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PROGRAM**

On motion by Councilmember Ogorchock, seconded by Councilmember Torres-Walker, the City Council unanimously approved the Council Consent Calendar.

COUNCIL REGULAR AGENDA

4. SALES TAX CITIZENS' OVERSIGHT COMMITTEE APPOINTMENTS FOR THE VACANCIES EXPIRING MARCH 2026

City Clerk Householder announced that Mayor Thorpe nominated Seanzell Lewis as a member of the Sales Tax Citizens' Oversight Committee for a vacancy expiring March 2026.

City Clerk Householder read Seanzell Lewis's biography.

RESOLUTION NO. 2023/51

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica, the City Council unanimously appointed Seanzell Lewis by resolution as a member of the Sales Tax Citizens' Oversight Committee for a vacancy expiring March 2026.

Seanzell Lewis thanked the City Council for the opportunity to serve.

City Clerk Householder administered the Oath of Office to Mr. Lewis.

Mayor Thorpe called on Andrew Becker to make his public comment on Consent Calendar Item 3-G.

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

***ITEM G** - Andrew Becker expressed concern that he had submitted a speaker card for this item, and he was not allowed to speak prior to Council taking action. He also expressed concern that the timeline had changed within the progress report.*

4. SALES TAX CITIZENS' OVERSIGHT COMMITTEE APPOINTMENTS FOR THE VACANCIES EXPIRING MARCH 2026 – Continued

City Clerk Householder announced that Mayor Thorpe nominated Erika Raulston as a member of the Sales Tax Citizens' Oversight Committee for a vacancy expiring March 2026.

City Clerk Householder read Erika Raulston's biography.

[RESOLUTION NO. 2023/51]

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica, the City Council unanimously appointed Erika Raulston by resolution as a member of the Sales Tax Citizens' Oversight Committee for a vacancy expiring March 2026.

City Clerk Householder administered the Oath of Office to Erika Raulston.

5. TOBACCO ORDINANCE DISCUSSION

Acting City Manager Ebbs presented the staff report dated March 28, 2023, recommending the City Council receive and file this report and offer any questions or direction to staff.

Ralph Hernandez, Antioch resident, spoke in support of allowing tobacco retailers to transfer their investments and requested Council remove restrictions on products these businesses were allowed to sell.

Amaya Wooding, LGBTQ Minus Tobacco, Jimmy Ancira, Contra Costa Tobacco Prevention Coalition and LGBTQ Minus Tobacco, Brian Davis LGBTQ Minus Tobacco and Contra Costa County Tobacco Prevention Coalition and Isabelle Kirske, Contra Costa County Tobacco Prevention Project, spoke in support of Antioch's current policies related to the sale of tobacco products.

Gurtej Singh, Tobacco Retail Business Owner, Kathryn Wade, Ralph Hernandez on behalf of Baldev Singh, Vipin Khanna, Jasbir Sooch, Nisha Toor, Shlok Soosh, Kaya Toor and Monica

Castaneda discussed the negative effect the tobacco ordinance had on tobacco retailers and spoke in support of removing restrictions on products these businesses were allowed to sell.

Mayor Thorpe read written comment submitted by the following individuals in support of removing restrictions on products tobacco retailers were allowed to sell: Jaspreet and Ajit Sooch, Antioch residents.

Sam Sohota discussed the negative effect the tobacco ordinance had on tobacco retailers and spoke in support of removing restrictions on products these businesses were allowed to sell. He also asked for the removal of the restriction preventing tobacco retailers from transferring or selling their businesses.

Leslie May encouraged tobacco retailers to expand their businesses to sell other products.

Public comment submitted in writing was entered into the record from the following individual: Amaya Wooding, Project Coordinator, LGBTQ Minus Tobacco.

Councilmember Ogorchock gave a history of the tobacco ordinance and explained that after YTAPP reached out to discuss other restrictions, Council made changes without the retailers informing the City on the negative impacts those changes would have on their businesses. She noted tobacco retailers were now asking for reconsideration of the ordinance as it related to the local restrictions and allowing them to transfer their businesses.

Mayor Thorpe and Councilmember Wilson stated their position on the ordinance remained the same and they did not support any revisions at this time.

Councilmembers Barbanica, Torres-Walker and Ogorchock felt the ordinance was overly restrictive and placed an undue burden on tobacco retailers and their families. They felt the City should follow state law making restrictions equal to all other jurisdictions within the State.

Following discussion, Council consensus supported rescinding local restrictions #4-6. They also supported allowing people owning a qualifying Tobacco Retailer to sell or transfer the business to another party.

Mayor Thorpe stated he would work with staff to bring this item back to Council. He reminded retailers to continue to follow the ordinance as it remained in effect.

6. RENTAL INSPECTION PROGRAM INFORMATION

Acting City Manager Ebbs presented the staff report dated March 28, 2023, recommending the City Council receive and file this report and offer any questions or direction to staff.

Leslie May and Devin Williams spoke in support of reestablishing the Rental Inspection Program. Mr. Williams expressed concern that inspections could be used to intimidate tenants and questioned who would monitor the required improvements.

Councilmember Torres-Walker spoke in support of amending the Municipal Code and directing the focus on multifamily rental units and corporate landlords.

Councilmember Wilson agreed with Councilmember Torres-Walker and discussed the importance of having a fair program that would not be used to retaliate against tenants.

Acting City Manager Ebbs stated there would be scheduled annual inspections relieving the tenant from having to file a complaint risking retaliation. He noted the intent of the inspection was not to intimidate or harass the tenant and was only to assess the physical condition of the property. He further noted if there were violations of the housing or building code, it was the obligation of the property owner to correct. He commented that the program would create incentive to maintain properties. He stated he would be happy to bring something back to Council reflecting their direction.

Mayor Thorpe reported tenant complaints he received were regarding large complexes in Antioch.

Councilmember Ogorchock explained when an individual rented a home, an inspection of property was completed, and a form was signed by the owner, renter and agent. She suggested if this item came back, those forms be utilized to certify the condition of properties. She requested staff look at local jurisdictions to determine how they were addressing this issue. She suggested four Code Enforcement Officers be HUD certified, to serve as the inspection team under the Public Safety and Community Resources Department.

Acting City Manager Ebbs stated the inspection team could be fluid with specialized certification. He stated he felt this team would be better housed in Code Enforcement because they already had experience.

Councilmember Barbanica cautioned that if a house was documented in good condition when the tenant moved in, and Code Enforcement found substantial damage, it could spark evictions. He stated he supported a Rental Inspection Program.

Councilmember Torres-Walker stated renters should be educated on how to document the condition of the property prior to signing a lease. She commented that if a property was documented in good condition and an annual rental inspection found the property damaged, she would support an eviction.

Councilmember Barbanica clarified that as a society, blame was typically placed on the landlord and there were some tenant responsibilities. He noted the reality was that there was going to be accountability on both sides.

Following discussion, the City Council unanimously supported the following:

- Reinstating the rental inspection program
- The current Code Enforcement structure would run the program

- Code Enforcement Officers would be required to have HUD certification
- The focus was on Multifamily (Councilmember Barbanica abstained from the discussion on this item due to conflict of interest)

In response to Councilmember Torres-Walker, Acting City Manager Ebbs stated he could provide Council with data regarding how many owners/corporations owned more than five single family residences.

Councilmember Barbanica requested staff investigate whether there were landlords not pulling business licenses.

7. DEPARTMENT OF PUBLIC SAFETY AND COMMUNITY RESOURCES (P.W. 289-15)

Acting Director of Public Works/City Engineer Buenting and Bruce Playle, Indigo / Hammond & Playle Architects, LLP, presented the staff report dated March 28, 2023, recommending the City Council provide direction for the design approval and funding of the Department of Public Safety and Community Resources.

Julianne Davis, Gary Welsh and Leslie May expressed concern regarding parking and traffic in the area of the proposed project and requested the City address traffic calming measures prior to adding more traffic to the area.

Councilmember Torres-Walker and Wilson stated this place of service was needed and it would uplift the community. They noted the intent was to address traffic safety prior to it being opened to the public. They urged Council to support the request.

In response to Councilmember Torres-Walker, Director of Public Safety and Community Resources Johnson stated staff hoped to seek funding from other sources and they were confident that they would find some funding.

Councilmember Barbanica stated he wanted to discuss the City's budget prior to committing funding for this project.

Councilmember Ogorchock spoke in support of the building design. She stated she wanted the Council to consider the budget and funding needed for "L" Street improvements, prior to moving forward with this project.

In response to Councilmember Torres-Walker, Acting Director of Public Works/City Engineer Buenting stated staff was looking for feedback regarding the project design. He noted construction was unfunded and moving forward they needed some commitment to the funds. He further noted he understood the hesitancy at a time when Council was considering the budget. He reported preliminary traffic calming plans had been drawn up and they were looking for a grant for the improvements, and they were also waiting to consult with the Antioch Police Department to make sure they were in agreement.

Mayor Thorpe added that as soon as those items were completed, Acting Director of Public Works/City Engineer would provide Council with an update on traffic calming measures.

Acting City Manager Ebbs stated if Council supported the project design, he would request they allow staff to explore financing options.

City Attorney Smith added that this item was not prepared for a full commitment of funds.

Mayor Thorpe commented that there may be an opportunity to work with the County regarding incorporating a new library facility into this building. He cautioned that historically cost projections increased and the City needed to budget accordingly. He spoke in support of the project, noting that this area of the City had historically been under resourced.

Councilmembers Barbanica and Ogorchock stated they could not support the project until a funding source was identified. Councilmember Ogorchock suggested that the library site on 18th Street may be a viable location for the Public Safety and Community Resources department.

Following discussion, Council consensus supported the Department of Public Safety and Community Resources project.

8. ECONOMIC DEVELOPMENT COMMISSION REVIEW OF PAST PURPOSE AND FUTURE VALUE

Director of Economic Development Reed presented the staff report dated March 28, 2023, recommending the City Council discuss the future relevance of the Economic Development Commission.

Lemuel del Castillo, Tim McCall and Kelly Kalfsbeek, Economic Development Commissioners, spoke to the value of their work on the Economic Development Commission (EDC) and requested Council support continuing with the EDC.

Ralph Hernandez expressed concern about the number of businesses that had closed in Antioch and the value of getting assistance from the EDC to retain and attract business.

Public comment submitted in writing was entered into the record from the following individual: Tim McCall.

Councilmember Torres-Walker stated she supported reinstating the EDC with strategic planning and in partnership with the Chamber of Commerce.

Director of Economic Development Reed commented that the EDC was underutilized; however, there had been distractions when it came to presenting to Council. He noted former members discussed the EDC becoming a committee not subject to the Brown Act and there may be value in making the EDC an advisory committee to give them freedom for site visits. He noted the

Chamber CEO had expressed interest in being appointed to the Commission. He spoke in support of reforming the EDC as an advisory committee.

Councilmember Wilson suggested looking at Economic Development regionally.

City Attorney Smith explained that if the EDC became a committee in the policy advisory process, they were still required to follow the Brown Act.

Mayor Thorpe suggested reducing the membership of the Committee/Commission to five and developing a workgroup to determine the role of the EDC moving forward.

Councilmembers Torres-Walker and Wilson offered to work with current EDC members and the Chamber of Commerce to define the role of the Commission/Committee.

Following discussion, Council consensus directed staff to bring back the formation of an Economic Development Ad Hoc Committee to determine the role of the EDC.

Director of Economic Development Reed responded that he would work with City Attorney Smith on the formation of an Ad Hoc Committee.

PUBLIC COMMENT – None

STAFF COMMUNICATIONS

Acting City Manager Ebbs thanked Council for allowing him to serve as Acting City Manager.

Mayor Thorpe thanked Acting City Manager Ebbs for serving as Acting City Manager.

COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS

Councilmember Ogorchock requested staff investigate the lack of parking spaces at the marina as well as the flooding issues. She also requested restrictions on donation flyers be revisited since she had witnessed them showing up in neighborhoods.

Councilmember Wilson requested staff revisit the restriction on donation bins since she had witnessed them returning.

Councilmember Torres-Walker thanked the public for their attendance and comments this evening. She requested Council reconsider allowing Zoom meetings for the public.

Councilmember Barbanica requested an update of his request for the City to consider a sole source provider that had offered to tow abandoned motorhomes and pick up debris from roadways, free of charge.

ADJOURNMENT

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council unanimously adjourned the meeting at 10:55 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk