

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

April 25, 2023
Council Chambers

6:00 P.M. - CLOSED SESSION

Mayor Thorpe called the meeting to order at 6:01 P.M., and Acting City Clerk Rosales called the roll.

Present: Council 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 Trent Allen, et al. v. City of Antioch, United States District Court Northern District of California Case No. 3:23-cv-01895-TSH.
- 2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code section 54956.9(b): Two Cases.
- 3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: ACTING CITY MANAGER.** This closed session is authorized pursuant to Government Code section 54957(b)(1).
- 4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: CITY ATTORNEY.** This closed session is authorized pursuant to Government Code section 54957(b)(1).

PUBLIC COMMENTS – None

ADJOURN TO CLOSED SESSION

Mayor Thorpe adjourned to Closed Session at 6:02 P.M.

7:00 P.M. REGULAR MEETING

Mayor Thorpe called the meeting to order at 7:08 P.M., and Acting City Clerk Rosales called the roll.

Present: Council 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**, no reportable action, **#2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, Council authorized City Attorney to commit the City to participate in the National Opioid settlements, The potential settlement value is \$466,200, by a 5-0 vote, **#3 PUBLIC EMPLOYEE PERFORMANCE EVALUATION: ACTING CITY MANAGER**, no reportable action; and, **#4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION: CITY ATTORNEY**, no reportable action.

1. PROCLAMATIONS

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

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously approved the proclamations.

Acting Director of Public Works/City Engineer Buenting and Public Works and Operations Supervisor Traya, invited the public to celebrate Arbor Day 9:00 A.M. – 1:00 P.M. on April 28, 2023, at Gentrytown Park. Ron Parrish, Antioch Rotary Club, and Holy Rosary students stated they looked forward to participating in the Arbor Day event.

Councilmember Ogorchock announced several rose trees were planted at City Park.

Mahasin Abuwi Aleem, Senior Community Library Manager thanked Council for the *National Library Week* proclamation and the community for their support.

Councilmember Ogorchock announced Friends of the Antioch Library were seeking volunteers.

Barbara Sobalvarro and Animal Control Manager Harding thanked the City Council for the *Be Kind to Animals Month* proclamation and announced the new President of Friends of Animal Services was Michelle Kuslits.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Youth Services Network Manager Cabral announced the Antioch Council of Teens (ACT) met every second and fourth Wednesday of the month. She introduced members of the Antioch Council of Teens who reported on their past events and announced the following upcoming events:

- Family Paint Night - May 12, 2023
- ACT meeting – May 10, 2023
- Application Deadline for Internships for Summer – May 12, 2023

Councilmember Wilson announced Tri Delta Transit Shred-it event would begin at 9:00 A.M. on April 27, 2023, at Oakley Park and Ride.

Mayor Thorpe announced the Executive Inn Transitional Housing ribbon-cutting event would take place on April 27, 2023. He reported Keys to the City would be awarded to Vicki Proctor, Nichole Gardner, Joy Motts, and Rosanna Bayon Moore for being instrumental in bringing homeless services to Antioch.

PUBLIC COMMENTS

Due to the amount of speaker requests Mayor Thorpe reduced speaker times to one and a half minutes.

Christian Gutierrez discussed incidents he was involved in with law enforcement agencies and the importance of investigating every aspect of the Antioch Police Department (APD).

Fred Hoskins expressed concern regarding the cost of the City logo.

Gregory Osorio, Elonzia Perkins, King and Lilian Hornbeck, representing Souljahs, apologized for comments made at a previous Council meeting and offered their support to the City.

Andrew Becker questioned why the City moved forward with their transitional housing project instead of pursuing a Homekey Project.

Ralph Hernandez, Antioch resident, discussed instances of police misconduct and expressed concern no action was taken for incidents he had previously reported to the City.

Frank Sterling, Reimagine Antioch, and Devin Williams requested officers found guilty of misconduct be terminated and their benefits taken away. They urged the City to move forward with the Police Citizens' Oversight Commission so they could be involved in the audit process.

Francisco Torres, Reimagine Antioch, thanked Council for approving audits of the APD and urged elected officials to be aware of how they conducted themselves.

Stephany Morris, Antioch resident, expressed concern regarding illegal drugs being brought in from outside the community.

Leslie May advocated for an African American Holistic Healing Center in Antioch.

Richard Johnson, Formally Incarcerated Giving Back, discussed an incident involving police misconduct and suggested that those found guilty of misconduct be stripped of their pensions.

Lucas Stuart-Chilcote spoke in support of police accountability. He cautioned residents to be mindful of the warmer weather and the potential for flooding.

Kathryn Wade discussed an incident involving a family member and law enforcement.

Alize Durant discussed an incident she was involved in with APD.

Dorothy Clay comments inaudible.

Carolyn Simmons discussed incidents involving police misconduct.

Patricia Granados, Antioch resident, requested police officers involved in misconduct be terminated and their benefits taken away. She requested the Police Oversight Commission be included in the audits and spoke in support of reparations for the African American community.

Juanita Alexander, Ph.D. Antioch resident, offered her support to help make Antioch safer.

Latrece Martin, Reimagine Antioch, encouraged everyone to come together and requested supervisors of the community take action.

Teki Flow, Reimagine Antioch, requested officers involved in misconduct be terminated, decertified, pensions taken away and their names released. She encouraged Council to appoint members to the Police Oversight Commission and expand their scope beyond an advisory board. She supported a healing hub in Antioch funded through CDBG.

Apostle Fred Brown Jr. apologized for disparaging remarks made against an elected official. He urged the City to staff a crisis management team and offered to assist.

Krystle Brooks discussed several encounters she had with the APD and encouraged the City to involve EMS in their audits.

Taunsa Trotter, Antioch resident, requested Council report out on the status of the police audits. She encouraged human kindness and requested a proclamation regarding mental health and recognizing victims of misconduct.

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS

Mayor Thorpe declared a recess at 8:23 P.M. The meeting reconvened at 8:30 P.M. with all Councilmembers present.

Councilmember Ogorchock acknowledged the value of the Volunteers in Police Services and Animal Services.

Due to technical difficulties, Mayor Thorpe declared a recess at 8:32 P.M. The meeting was reconvened at 8:35 P.M. with all Councilmembers present. He announced that the audio of the meeting was unavailable to viewers at home and asked Council whether they wanted to continue or complete the remaining agenda items at a future meeting.

Acting City Manager Ebbs stated if the intent of Council was to adjourn, it would be possible to continue the meeting to May 9, 2023, so public noticing would convey.

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock the City Council unanimously adjourned the meeting at 8:38 P.M. to May 9, 2023.

Councilmember Ogorchock reported that the technical difficulties had been resolved.

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock, the City Council unanimously rescinded the previous motion to adjourn.

The meeting reconvened at 8:39 P.M. with all Councilmembers present.

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS – Continued

Councilmember Ogorchock thanked the speakers for their public comments this evening.

Councilmember Wilson announced Tri Delta Transit Board would meet on April 26, 2023. She reported on her attendance at the Cannabis Standing Committee meeting with Councilmember Torres-Walker.

Councilmember Torres-Walker reported on her attendance at the Cannabis Standing Committee meeting and several meetings with the community. She spoke against the use of police powers to remove the public from a public space and apologized for that action.

MAYOR'S COMMENTS

Mayor Thorpe thanked the public for their attendance this evening. He announced the City would be moving forward with audits for APD. He acknowledged that he had shortcomings in running meetings because he had to ensure they got through the agenda and the public had the opportunity to provide input. He explained when he asked for people to be removed it was to ensure the safety of everyone in attendance. He announced they would fill the Police Oversight Commission positions once other Commission vacancies had been filled. He asked the community for their patience.

PUBLIC COMMENTS – Continued

Jose Cardon reported on an incident he was involved in with law enforcement and encouraged Council to address current events.

2. CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MEETING MINUTES FOR MARCH 28, 2023**
- B. APPROVAL OF COUNCIL MEETING MINUTES FOR APRIL 11, 2023**
- C. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR APRIL 18, 2023**
- D. APPROVAL OF TREASURER'S REPORT FOR DECEMBER 2022**
- E. APPROVAL OF TREASURER'S REPORT FOR JANUARY 2023**

- F. APPROVAL OF TREASURER'S REPORT FOR FEBRUARY 2023
- G. APPROVAL OF COUNCIL WARRANTS
- H. RESOLUTION NO. 2023/59 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
- I. RESOLUTION NO. 2023/60 EXTENSION OF BANKING SERVICES CONTRACT WITH BANK OF THE WEST FOR FIVE YEARS
- J. RESOLUTION NO. 2023/61 THIRD AMENDMENT TO EAST COUNTY WATER MANAGEMENT ASSOCIATION AGREEMENT (P.W. 704-1)
- K. RESOLUTION NO. 2023/62 CONSULTING SERVICES AGREEMENTS WITH COASTLAND AND PARK ENGINEERING FOR ON-CALL INSPECTION SERVICES
- L. RESOLUTION NO. 2023/63 CONSIDERATION OF BIDS FOR THE ANTIOCH WATER PARK PERIMETER FENCE REPAIR (P.W. 567-11)
- M. RESOLUTION NO. 2023/64 TO TRANSITION THE CITY'S VEHICLE FLEET TO ZERO-EMISSION AND HYBRID VEHICLES
- N. RESOLUTION NO. 2023/65 TO APPROVE AN INCREASE TO THE PURCHASE ORDER FOR LOWE'S AND TO ADD LOWE'S TO THE RECURRING PURCHASE ORDER LIST
- O. APPROVAL OF PAYMENT TO HAIGHT BROWN & BONESTEEL LLP FOR LEGAL FEES INCURRED UNDER A PROCEDURALLY INVALID CONTRACT

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously approved the Council Consent Calendar with the exception of Items C, M and O which were removed for further discussion.

Item C – Andrew Becker expressed concern that during the April 18, 2023 Council meeting, an elected official spoke with the City Attorney; however, there was no report out on what had been discussed.

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

Item M – Andrew Becker questioned why this item was on Consent and not openly discussed.

Councilmember Ogorchock reported she had requested a resolution reflecting Council's direction to transition the city's vehicle fleet to zero-emission and hybrid vehicles. She requested APD be allowed to purchase their own vehicles.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously approved Item M.

Item O – Andrew Becker stated he felt staff should provide an overview of this agenda item. He asked why this item was on the Consent Calendar.

Councilmember Barbanica stated he had received several calls from the public regarding this item and clarified he had not voted to support the contract. Additionally, he noted City Attorney Smith advised Council that moving forward with this was invalid, improper and a violation of the municipal code.

Councilmember Ogorchock reported she had not voted on this item and no formal action was taken by Council on the contract. She reported she had received several phone calls regarding this agenda item.

Councilmember Torres-Walker, Wilson and Mayor Thorpe discussed the importance of providing oversight and accountability for those who were delivering the services to the community.

Mayor Thorpe stated they would be bringing back a resolution for this process.

In responds to Councilmember Ogorchock, Mayor Thorpe reported the attorney met with elected officials and briefed them on an item they had received in Closed Session. He noted another meeting with the attorney dealt with personnel matters, which could not be discussed.

On motion by Councilmember Torres-Walker, seconded by Councilmember Wilson the City Council approved Item O. The motion carried the following vote:

Ayes: Wilson, Torres-Walker, Thorpe

Noes: Barbanica, Ogorchock

PUBLIC HEARING

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

Acting City Manager Ebbs presented the staff report dated April 25, 2023, recommending 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: 1) Remove restrictions on tobacco products based on package size or price; and 2) 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.

Mayor Thorpe opened the public hearing.

Jazz Toor, Ralph Hernandez, Sam Sahota, John Nguyen, Nisha Toor, Shlok Soosh, Jasbir Sooch and Asit Sooch spoke in support of the ordinance amending the Antioch Municipal Code regarding restrictions on the sale of tobacco products.

Mayra Lopez, Contra Costa Health Services Tobacco Prevention Program, Jimmy Ancisa, Contra Costa Tobacco Prevention Coalition and LGBTQ Minus Tobacco, Jordyn Tahwani, Youth Tobacco Advocacy & Policy Project (YTAPP) and Sarah Morgan, YTAPP, spoke in support of Antioch continuing to enforce current local policies in place.

Public comments submitted in writing were entered into the record from the following individuals: Amaya Wooding, Esmey, Ingrid De Santiago, Program Manager / Healthy Options at Point of Sale (HOPS) Bay Area Community Resources, Chepa Cubias, Program Coordinator / Bay Area Community Resources Engaging Community in Advocacy and Policy, and Heath Galiwango, Antioch resident.

Mayor Thorpe closed the public hearing.

In response to Councilmember Barbanica, Acting City Manager Ebbs explained that the provisions to sell the business were located in the zoning ordinance and it would be going to the Planning Commission prior to coming back to Council for consideration.

Councilmember Ogorchock speaking to the following motion stated that she met with both the opponents and proponents as well as other jurisdictions regarding this ordinance. She apologized for being unaware of how this ordinance negatively impacted tobacco retailers. She thanked YTAPP representatives for their input this evening.

Mayor Thorpe commented that his position on this ordinance had not changed, and he would not be supporting the ordinance amendments.

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock, the City Council waived the first reading and introduced, by title only, the proposed ordinance amending the Municipal Code regarding tobacco sale restrictions. 1) Removing restrictions on tobacco products based on package size or price; and 2) Amending restriction on sale of tobacco products with characterizing flavor to clarify that restriction applies to any product containing a constituent that imparts characterizing flavor. The motion carried the following vote:

Ayes: Barbanica, Ogorchock, Torres-Walker

Noes: Wilson, Thorpe

COUNCIL REGULAR AGENDA

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

Director of Economic Development Reed presented the staff report dated April 25, 2023 recommending 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.

Ralph Hernandez, Antioch resident, spoke in support of the formation of an Ad Hoc Committee for the restructuring of the Economic Development Commission.

Andrew Becker spoke in support of restructuring the Economic Development Commission; however, he felt in the past that the Ad Hoc Committee process was flawed.

Councilmember Torres-Walker reported that she along with Councilmember Wilson had expressed interest in serving on this Ad Hoc Committee.

RESOLUTION NO. 2023/66

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock the City Council unanimously 1) Formed an Ad Hoc Committee for the Restructuring of the Economic Development Commission for the purposes described in the resolution; 2) Confirmed the appointment of Councilmember Torres-Walker and Councilmember Wilson for the Ad Hoc Committee for the Restructuring of the Economic Development Commission; 3) Confirmed the duration of the Ad Hoc Committee of 6-months for the Restructuring of the Economic Development Commission; and 4) Adopted the resolution forming the Ad Hoc Committee for the Restructuring of the Economic Development Commission.

PUBLIC COMMENT

Andrew Becker, Antioch resident, clarified that when he made public comments, he spoke on behalf of himself. He requested elected officials return his phone calls.

STAFF COMMUNICATIONS – None

COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS

Councilmember Torres-Walker requested an update regarding the list of the requests by Councilmembers for agenda items. She thanked Mr. Becker for being relentless in his pursuit for the community and noted she remained committed to their partnership. She commented that it was unfortunate the City had missed the opportunity to participate in a Homekey project. She expressed concern regarding comments made by a fellow Councilmember.

Councilmember Ogorchock questioned if Antioch was designated a senior friendly city and if not if staff could investigate participating. She requested the City partner with AUSD for the soccer fields at James Donlon Park for middle school programs.

ADJOURNMENT

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica, the City Council unanimously adjourned the meeting at 10:11 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk