

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

**Regular Meeting
7:00 P.M.**

**May 9, 2023
Council Chambers**

6:00 P.M. - CLOSED SESSION

In the absence of Mayor Thorpe and Mayor Pro Tem Torres-Walker, Councilmember Wilson called Closed Session to order at 6:01 P.M., and City Clerk Householder called the roll.

Present: Council/Agency Members District 2 Barbanica, District 3 Ogorchock, District 4 Wilson

Absent: Mayor Pro Tem (District 1) Torres-Walker and Mayor Thorpe

PUBLIC COMMENTS

Andrew Becker, speaking to Closed Session Item #2, commented that the City had a lot of property in its portfolio that had not been inventoried or marketed so he would suggest the dollars be utilized for transitional housing or other higher priorities items.

Mr. Trizuto, speaking to Roberts Rules of Order, commented that he had not used his real name on his speaker card, and he had the right to remain anonymous. He also expressed concern regarding the actions of the City Manager and requested Council resign.

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – This closed session is authorized pursuant to Government Code section 54957. Title: City Manager.
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** – pursuant to California Government Code section 54956.8; Property: 800 W. 2nd Street, Antioch, CA; Agency Negotiation: City of Antioch Negotiators: Forrest Ebbs, Acting City Manager and Thomas Lloyd Smith, City Attorney; Negotiating Parties: Chris Burns, Broker/Owner Representative; Under Negotiation: Price and terms of payment.
3. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code section 54956.9(d)(2): One Case.

Councilmember Ogorchock expressed concern regarding inappropriate language used by one of the public speakers.

ADJOURN TO CLOSED SESSION

Councilmember Wilson adjourned to Closed Session at 6:09 P.M.

7:00 P.M. REGULAR MEETING

In the absence of Mayor Thorpe and Mayor Pro Tem Torres-Walker, Councilmember Wilson called the meeting to order at 7:05 P.M., and City Clerk Householder called the roll.

Present: Council/Agency Members District 2 Barbanica, District 3 Ogorchock, District 4 Wilson

Absent: Mayor Pro Tem (District 1) Torres-Walker and Mayor Thorpe (arrived at 8:04 P.M.)

PLEDGE OF ALLEGIANCE

Councilmember Wilson 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 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**, no reportable action, **#2 CONFERENCE WITH REAL PROPERTY NEGOTIATIONS**, no reportable action; and, **#3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, direction was given to Acting City Manager and City Attorney.

1. PROCLAMATION

Public Works Week, May 21 – 27, 2023

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council members present unanimously approved the proclamation.

Administrative Analyst II Hoffmeister thanked the City Council for the *Public Works Week* proclamation.

Councilmember Wilson thanked Public Works staff for their hard work in the community.

2. ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Youth Services Network Coordinator Cabral introduced the Olwashore Odisanya and Gillianna Diaz, Antioch Council of Teens (ACT), who reported on their past events and announced the following upcoming events:

- Family Paint Night - May 12, 2023
- ACT meeting – May 24, 2023
- Application Deadline for Summer Internships – May 12, 2023

Councilmember Wilson announced Grace's Closet was hosting a Community Resource and Health Fair from 11:00 A.M. to 3:00 P.M. on May 13, 2023, at Grace Bible Fellowship.

Dwayne Eubanks and Linda Wallgren, Antioch Historical Society, announced an Asian American and Pacific Islander Historical Symposium would be held from 2:00 P.M.- 4:00 P.M. on May 20, 2023, at the Antioch Historical Museum.

PUBLIC COMMENTS

Councilmember Wilson reminded the public that this public comment period was for items not on the agenda. Due to the amount of speaker requests, she reduced speaker times to one and a half minutes.

City Clerk Householder and a Translator announced in English and Spanish that translation services and transmitters were available for the public. They also announced Tenant Protections was agenda item #5.

Leslie May gave a history of the mistreatment of African Americans. She requested officers involved in misconduct be immediately removed from their positions with no compensation.

Frank Sterling, Reimagine Antioch, Devin Williams, ACCE, Mary Lutz, Reimagine Antioch and Francisco Torres, Reimagine Antioch, discussed incidents of alleged police misconduct and spoke of their demands for addressing the matter. Some of the speakers asked for the Police Oversight Committee to be empowered beyond their advisory role and offered suggestions for changing procedures for the APD and APOA. A few speakers congratulated the City on the successful launch of the Crisis Response Team.

Andrew Becker supported Reimagine Antioch and their demands. He announced Homekey round three was taking place and requested the City prioritize funding.

Vicki Proctor, Extended Hands Ministry, thanked God and the City for the Executive Inn Project, for unhoused citizens. She thanked the City for honoring her with a Key to the City and spoke in support of acquiring more property and resources for Antioch citizens.

Nichole Gardner spoke in support of Reimagine Antioch and their demands. She thanked the City for recognizing her with a Key to the City and expressed her appreciation for the Executive Inn Program and the Mental Health Crisis Response Team.

Christian Gutierrez discussed an incident involving the APD and stated he wanted to bring awareness to police stereotyping and racial profiling.

Pastor Sylva Akpakpa, Showers of Blessing Ministries, discussed their community outreach efforts and requested the City assist them with a location.

Carolyn Simmons acknowledged mothers who lost sons to police misconduct. She requested an update on the officers who were on administrative leave.

Russell Wade requested officers be professional when dealing with the community.

O.G. Strogatz, 350 Contra Costa, invited Council and staff to the Contra Costa County Inflation Reduction Act Conference on May 18, 2023, at Diablo Valley College.

Shagoofa Kahn announced a Community Round Table would be held at 6:00 P.M. on May 11, 2023, at Delta Bay Church.

Rosalba Zendejas discussed an incident involving family members and the APD and requested the statute of limitations be removed for all cases of assault and the names of officers involved be released.

Teki Flow, Reimagine Antioch, spoke in support of an anti-harassment policy and charging all officers involved in misconduct with the Rico Act and domestic terrorism. She spoke in support of the Angelo Quinto Crisis Response Team and urged the City to continue funding them.

Patricia Granados urged the community to unify for justice and advocated against Antioch Back the Blue.

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS

Councilmember Wilson reported on her attendance at the Tri Delta Transit meeting and announced Delta Diablo would be meeting on May 10, 2023.

MAYOR'S COMMENTS – None

PUBLIC COMMENT – Continued

A resident discussed an incident she was involved in with the APD and spoke in support of defunding the APD.

- 3. CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency**
 - A. APPROVAL OF COUNCIL MEETING MINUTES FOR APRIL 11, 2023**
 - B. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR APRIL 18, 2023**
 - C. APPROVAL OF COUNCIL MEETING MINUTES FOR APRIL 25, 2023**
 - D. APPROVAL OF COUNCIL WARRANTS**
 - E. APPROVAL OF HOUSING SUCCESSOR WARRANTS**
 - F. SECOND READING – PROPOSED ORDINANCE AMENDING SECTION 6-8.14 OF THE ANTIOCH MUNICIPAL CODE REGARDING RESTRICTIONS ON THE SALE OF TOBACCO PRODUCTS (*Introduced on April 25, 2023*)**

- G. **RESOLUTION NO. 2023/67 ACCEPTANCE OF BID AND AWARD OF CONTRACT TO E.E. GILBERT CONSTRUCTION, INC. FOR THE ASPHALT OVERLAY OF DEERFIELD CORRIDOR, CANADA VALLEY, AND SILVERADO TRAILS, BID NO. 988-0413-23A**
- H. **RESOLUTION NO. 2023/68 APPROVING THE FIRST AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH INTERWEST CONSULTING GROUP, INC. FOR DEVELOPMENT AND TRAFFIC ENGINEERING SERVICES**

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica, the City Council members present unanimously approved the Council Consent Calendar with the exception of items A, B, and F which were removed for further discussion.

Item A – Councilmembers Ogorchock and Barbanica stated that this request had nothing to do with the quality of work provided by the Clerk’s office; however, several residents had reached out requesting the minutes of April 11, 2023, reflect exactly what was stated by Mayor Thorpe.

Public comment submitted in writing was entered into the record from the following individual: Johnny Walker.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica, the City Council members present unanimously directed staff to bring back amended minutes to include verbatim comments by Mayor Thorpe.

Item B – Christian Gutierrez and Rosalba Zendejas began to speak regarding their interaction with the APD.

Councilmember Wilson interjected that these comments were not relevant to Item B and informed speakers that they could provide public comment at the end of the meeting.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica, the City Council members present unanimously approved Item B.

Item F – Councilmember Wilson stated she pulled this item because she expected that she would be voting differently than other Councilmembers.

A motion by Councilmember Ogorchock to approve Item F was seconded by Councilmember Barbanica. The motion failed by the following vote:

Ayes: Barbanica, Ogorchock Noes: Wilson Absent: Torres Walker, Thorpe

In response to Councilmember Barbanica, City Attorney Smith stated that this item would need to start again, if brought back by Council, for reconsideration.

PUBLIC HEARING / CITY OF ANTIOCH COUNCIL MEMBERS ACTING AS HOUSING SUCCESSOR TO THE ANTIOCH DEVELOPMENT AGENCY

4. PUBLIC HEARING TO REVIEW THE SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2020-2021 ACTION PLAN AND REVIEW THE FISCAL YEAR 2023-23 ACTION PLAN FOR EXPENDING FEDERAL CDBG, LOCAL HOUSING SUCCESSOR, AND PERMANENT LOCAL HOUSING ALLOCATION (PLHA) FUNDING

Director of Public Safety and Community Resources Johnson introduced CDBG/Housing Consultant House who presented the staff report dated May 9, 2023, recommending the City Council 1) Approve the Substantial Amendment to the Fiscal Year 2020-21 Action Plan recommended by the CDBG Committee and adopt the resolution approving the City of Antioch Amended Fiscal Year 2020-21 Action Plan for expending federal CDBG funds. 2) It is recommended that the City Council approve the funding recommendations of the CDBG Committee and adopt the resolution approving the City of Antioch Fiscal Year 2023-24 Action Plan for expending federal CDBG funds. 3) It is recommended that the City Council approve the funding recommendations of the CDBG Committee and adopt the resolution approving Permanent Local Housing Allocation (PLHA) funding for homeless services outlined in the Fiscal Year 2023-24 Annual Action Plan. 4) It is recommended that the City of Antioch as the Housing Successor to the Antioch Development Agency approve the funding recommendations of the CDBG Committee and adopt the resolution approving Housing Successor funding for homeless services outlined in the Fiscal Year 2023-24 Annual Action Plan.

Mayor Thorpe opened the public hearing.

City Clerk Householder announced that Mayor Thorpe arrived during the staff report presentation at 8:04 P.M.

Andrew Becker thanked CDBG/Housing Consultant House for the presentation. He expressed concern that the CDBG Committee had not allowed stakeholders to provide input for the funding allocations and housing opportunities had not been considered for funding.

Francisco Torres expressed concern that the public had not provided input into the funding allocations for CDBG. He suggested Town Halls be organized and urged the City to ensure allocations were dedicated to programming.

Public comments submitted in writing were entered into the record from the following individuals: Marjorie A. Rocha, Executive Director/ECHO Housing, Ali Uscilka MPH, Director/Healthy & Active Before 5, Elba Velasquez, Senior Program Director/Monument Impact, Natalie Oleas J.D. Central Center Director/Contra Costa Family Justice Center, Brianna Robinson President and CEO/Opportunity Junction, Nicole Levine Interim East Bay Program Director/Renaissance Entrepreneurship Center, Ann Wrixon, Executive Director/Court Appointed Special Advocates and Debbie Toth Executive Director/Choice in Aging.

Mayor Thorpe closed the public hearing.

Mayor Thorpe reported that the recommendation came from the CDBG Committee, and those meetings were public.

In response to Councilmember Barbanica, CDBG/Housing Consultant House gave an overview of the PLHA Public Hearing process and explained that funds were being expended based on Council's direction. She also provided a timeline for the CDBG needs analysis and public hearing process. She confirmed that this item went through a public process and the federal application had set direction.

Mayor Thorpe reiterated that the City was in year four of the plan and there would be another opportunity to engage the public. He reported that the City funded reserved rooms at Delta Landing specifically to serve Antioch's unhoused population.

RESOLUTION NO. 2023/69

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock the City Council members present unanimously approved the Substantial Amendment to the Fiscal Year 2020-21 Action Plan recommended by the CDBG Committee and adopt the resolution approving the City of Antioch Amended Fiscal Year 2020-21 Action Plan for expending federal CDBG funds.

RESOLUTION NO. 2023/70

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock the City Council members present unanimously approved the funding recommendations of the CDBG Committee and adopt the resolution approving the City of Antioch Fiscal Year 2023-24 Action Plan for expending federal CDBG funds.

RESOLUTION NO. 2023/71

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock the City Council members present approved the funding recommendations of the CDBG Committee and adopt the resolution approving Permanent Local Housing Allocation (PLHA) funding for homeless services outlined in the Fiscal Year 2023-24 Annual Action Plan.

RESOLUTION NO. 2023/72

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock the City of Antioch as the Housing Successor to the Antioch Development Agency member present approved the funding recommendations of the CDBG Committee and adopt the resolution approving Housing Successor funding for homeless services outlined in the Fiscal Year 2023-24 Annual Action Plan.

Councilmember Barbanica thanked CDBG/Housing Consultant House and Councilmember Torres-Walker for their hard work and assistance during consideration of funding recommendations.

Mayor Thorpe thanked Councilmembers Barbanica and Torres-Walker for serving on the CDBG Committee.

COUNCIL REGULAR AGENDA

5. PRESENTATION AND DISCUSSION ON TENANT PROTECTION POLICIES AND PROGRAMS, INCLUDING RENT PROGRAM, ANTI-HARASSMENT, AND JUST CAUSE EVICTION

Assistant City Attorney Hundley presented the staff report dated May 9, 2023, recommending the City Council receive presentation and provide direction on next phase of tenant protection policies and programs.

Kamiloh, Antioch resident, ACCE, LaShelle Harris, Antioch resident, ACCE, Rev. Millie Phillips, Faith Alliance for a Moral Economy, Judith Ortiz, Executive Director/Monument Impact, Devin Williams, ACCE, Rachelle Gonzalez, ACCE, Jose Flores, ACCE, Jose C., Raul Vasquez, ACCE, Teresa Lua, East County Regional Group, Patricia Granados, Susana Sanchez, ECRG, Francisco Torres, Rocheall Pierre, Antioch resident, Maria Lopez, ECRG, Christine Clark on behalf of Brendon O'Laskey, ECRG, Teki Flow, Antioch resident, and Tony Bravo, Monument Impact, spoke in support of tenant protections such as anti-harassment/retaliation and just cause ordinances. Several spoke of their personal experiences with tenant harassment and inhabitable conditions and urged the City to expedite the process.

Mayor Thorpe declared a recess at 9:32 P.M. The meeting reconvened at 9:38 P.M. with all Councilmembers present with the exception of Councilmember Torres-Walker who was previously noted as absent.

Councilmember Wilson thanked Assistant City Attorney Hundley for the presentation. She requested anti-harassment and just cause ordinances come back to Council in June.

Assistant City Attorney Hundley responded that if the direction of Council was to expedite the process, they could consult Outside Legal Counsel to determine a timeline for the preparation of the ordinance.

Mayor Thorpe commented that it was important to recognize that Council had asked a lot of staff particularly regarding this subject matter. He noted they needed to be cognizant of the need for additional staff to administer the tenant protections being requested.

Following discussion, Council consensus directed staff to follow the timeline presented.

6. FISCAL YEAR 2023-25 BUDGET DEVELOPMENT

Finance Director Merchant presented the staff report dated May 9, 2023, recommending the City Council provide feedback and direction regarding the budget development of the Fiscal Year 2023-25 Budget.

Charts A, B and C – Deficit/Budget Stabilization General Fund Comparisons

Finance Director Merchant confirmed that all budget scenarios froze five Code Enforcement Officer positions.

Acting City Manager Ebbs explained the recommendation to freeze the Code Enforcement Officer positions was due to not having the space or organizational structure to support additional staff.

Mayor Thorpe commented that he did not support freezing the Code Enforcement positions.

Finance Director Merchant stated she was confident that the City would be able to cover the deficit in FY23/24.

Following discussion, Council consensus supported budget scenario Chart B with funding for Code Enforcement Officers to come from ARPA funding.

Mayor Thorpe suggested Acting City Manager Ebbs bring back reclassifying one Code Enforcement Officer position into a supervisor position.

Finance Director Merchant cautioned Council that once ARPA funding ran out in December 2024, another source of funding would have to be identified for the Code Enforcement positions.

Measure W Allocations

Following discussion, Council consensus supported dividing the Measure W Allocations as follows: 60% law enforcement, 20% youth and 20% quality of life.

One-time Revenues

Acting City Manager Ebbs reported that there was a serious need for repairs at the Water Park and if not addressed they would become larger and more expensive.

Councilmember Ogorchock spoke in support of applying one-time revenue funds to unfunded liabilities, EOC upgrades and addressing safety concerns at the Water Park.

Director of Parks and Recreation Helfenberger stated his priorities for the water park would be pool plastering, deck replacement and mechanical improvements.

Mayor Thorpe stated he would not support EOC upgrades at this time since there were other priorities.

Councilmember Barbanica suggested Council consider funding the EOC upgrades because it was needed for future emergencies.

Councilmember Wilson stated she would support funding the window and roof repairs at City Hall.

Council directed staff to bring back one-time revenues for further discussion and consideration.

Recreation and Animal Services Special Revenue Funds Budgets

There were no questions or direction given regarding the Recreation and Animal Services Special Revenue Funds Budgets.

Finance Director Merchant stated that if staff received enough direction they would bring a final draft budget on June 13, 2023, otherwise it would come back on the June 27, 2023, meeting. She confirmed that she would bring back scenario B and a discussion on one-time revenues.

7. DISCUSSION ITEM: CITY COUNCIL REVIEW OF THE POLICY FOR THE CITY, INCLUDING ALL OF ITS DEPARTMENTS, REGARDING THE SELECTION OF ATTORNEYS PROVIDING CONTRACT SERVICES, AND THE REVIEW, AUTHORIZATION AND EXECUTION OF ALL AGREEMENTS FOR LEGAL SERVICES AND SERVICES TO BE PROVIDED BY ATTORNEYS TO THE CITY

Mayor Thorpe stated at the request of Councilmember Torres-Walker, this item would be postponed to the next meeting.

Andrew Becker expressed concern that the Council majority had failed to abide by the previously approved policy.

PUBLIC COMMENT

Christian Gutierrez discussed an incident he and a family member were involved in with the APD.

Andrew Becker discussed criminal activity occurring in Antioch. He urged elected officials to start engaging the community.

STAFF COMMUNICATIONS – None

COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS

Councilmember Ogorchock requested the City consider hiring a Federal Lobbyist.

Councilmember Barbanica requested the Tobacco Ordinance return for reconsideration.

ADJOURNMENT

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

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk