

CITY COUNCIL MEETING

Special Meeting
7:00 P.M.

May 30, 2023
Council Chambers

7:00 P.M. SPECIAL MEETING

Mayor Pro Tem Torres-Walker called the meeting to order at 7:00 P.M., and City Clerk Householder called the roll.

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

PLEDGE OF ALLEGIANCE

Councilmember Barbanica led the Pledge of Allegiance.

1. DISCUSSION ITEM: AGENDA SETTING PROCESSES AND PROCEDURES FOR CITY COUNCIL MEETINGS

Due to the amount of speaker requests, Mayor Pro Tem Torres-Walker reduced speaker times to two-minutes.

Erika Raulston encouraged Council to focus agendas on police reform and rent control.

Leslie May stated she did not want these agenda items to distract from the City's focus on matters involving the Antioch Police Department (APD).

Dr. Jeffrey Klinger, Antioch resident, supported revising the agenda setting process, so it was fair and equitable to everyone.

Julia Emego Kwua, Antioch resident, opposed transitioning the City to five election districts with a rotating Mayor.

Andrew Becker recommended the Council provide an explanation of the item being discussed and supported revising the agenda setting process.

Frank Sterling agreed that Council should provide an explanation of the item being discussed and spoke in support of revising the agenda setting process. He urged Council to focus on tenant protection policies and matters involving the APD.

Devin Williams opposed revising the agenda setting process and urged community members to advocate for their agenda requests.

Francisco Torres discussed the importance of addressing matters related to the APD and supported reviewing the agenda setting policy to determine if changes should be made.

Ralph Hernandez, Antioch resident, expressed concern that Council had reduced public comments to two-minutes. He spoke in support of revising policies for setting agenda items.

Nichole Gardner opposed making changes to the agenda setting process in the middle of Mayor Thorpe's term and urged Council to take current staffing levels under consideration.

Taunita Trotter Antioch resident stated she felt this item showed a division and lack of focus on important matters.

Lucas Stuart-Chilcote agreed with the previous speaker and questioned if agenda items were delayed because of a lack of staffing. He requested agendas be publicized two weeks prior to a meeting and reinstating virtual participation for public comments.

Ronald Mohammad, Antioch resident, stated he felt this item showed a division. He asked Council to represent their constituency and focus on important issues.

Donald Freitas, former Councilmember and Mayor expressed concern that previous requested items had not been placed on the agenda for discussion. He suggested items be placed on an action calendar published with the agenda.

Dorothy Ellis expressed concern Council was holding a Special meeting when they should be focused on more important items.

Mayor Pro Tem Torres-Walker thanked the speakers for their public comments.

Councilmember Barbanica explained that this item was brought forward as a result of a conversation he had with Mayor Pro Tem Torres-Walker regarding items not coming back on the agenda. He reported that they had discussed the following revisions to the agenda setting policy; a 90-day time limit to be placed on agenda requests, placing any carry over items first on the next agenda, limiting the number of items on the agenda and reserving three spaces for Council requested items. He noted the goal was to create an agenda moving forward that assured Councilmembers the ability to get items on the agenda in a timely manner.

Councilmember Ogorchock commented that it was frustrating that she was unable to bring forward requests from constituents in her district. She thanked everyone for their comments and noted that she felt the proposed action would provide for an equal process.

Councilmember Wilson apologized to the community stating she did not feel these items warranted a special meeting. She thanked the community for their comments and acknowledged staff's capacity for placing items on the agenda. She stated she did not support items coming to Council without a report identifying what would be discussed and absent that report, agenda items should be explained to the public.

Mayor Pro Tem Torres-Walker commented that the current process prevented Councilmembers from being able to address public requests and this was about good governance and making sure items came back in a timely manner. She felt it was reasonable to amend the agenda

setting process as outlined by Councilmember Barbanica. She congratulated those who had come forward with initiatives that had made it to an agenda.

City Attorney Smith explained that Council consensus could provide direction to staff to prepare a resolution to codify processes which would then come back at a subsequent meeting for consideration.

Mayor Pro Tem Torres-Walker expressed concern for items that had come forward with no background information. She clarified that they were not dismissing the fact that there were other priorities facing the City.

Following discussion, Council consensus directed staff to bring back a resolution no later than June 27, 2023, codifying the following items:

- Council meetings would end by 11:00 P.M. unless the Council approved to extend past the designated time.
- Any agenda item not covered at the Council meeting will go to the next Council meeting as the first item.
- Three agenda spots will be reserved for Councilmember requests from the reserve list.
- 6-month list will be changed to a 90-day list.

Acting City Manager Ebbs stated it would be helpful and productive to have an executive summary of agenda items as well as applicable laws that applied.

2. DISCUSSION ITEM: CONSIDERATION OF A PROCESS TO TRANSITION THE CITY FROM FOUR TO FIVE ELECTION DISTRICTS AND TO CHANGE THE PROCESS FOR DESIGNATING THE MAYOR, FROM A DIRECTLY ELECTED MAYOR FOR A FOUR-YEAR TERM TO A MAYOR SERVING A ONE-YEAR TERM ON A ROTATING BASIS

Mayor Pro Tem Torres-Walker stated this item was brought forward because she was at an electoral event where she had talked to individuals who served in cities that had rotating Mayors. She stated that she felt the discussion was important to determine if there was interest.

Councilmember Barbanica stated he had discussed this item with Mayor Pro Tem Torres-Walker and understood if the item moved forward, it would need voter approval. He noted they also understood it would be extremely unlikely the current Mayor would be affected.

City Attorney Smith announced Mal Richardson, Elections Attorney, was available to answer any questions this evening.

Councilmember Ogorchock commented that this item was voted down by Antioch voters in 1994.

Ramesh Suman, Antioch resident, and Andrew Becker spoke in support of moving forward with a process to transition to a rotating Mayor for future terms.

Leslie May commented that the City could author bylaws and stand on their principles.

Julia Emego Kwue, Antioch resident, Dorothy Ellis, Susana Williams, Antioch resident and Devin Williams spoke in opposition to moving forward with a process to transition to a rotating Mayor for future terms and discussed items they felt should be focused on by Council.

Frank Sterling, Lucas Stuart-Chilcote and Francisco Torres, Reimagine Antioch stated they were interested in hearing more information on this item from legal counsel.

Ralph Hernandez, Antioch resident, stated he was not in support or opposed to a rotating Mayor; however, he did support eliminating district voting, He noted the item needed to be discussed in detail.

Ronald Mohammad, Antioch resident, expressed concern that there may be Brown Act violations and questioned if Council or their constituency were driving the discussion.

Kimberly Kidd-Bailey spoke in opposition to moving forward with a process to transition to a rotating Mayor for future terms.

Donald Freitas spoke in opposition to moving forward with the process to transition to a rotating Mayor for future terms and encouraged the City to study the item.

Allison Norris, Antioch resident, stated all districts were equally important to her.

Mal Richardson, BBK, Co-Chair of Election Law Practice Group, explained government code allowed for various forms of Council governance including five districts with a rotating mayor or four plus one which is how Antioch's Council was formed. He clarified the fair maps act within the elections code provided that after districting/redistricting a Council shall not adopt new district boundaries until after the next federal decennial census except under three exceptions. Those exceptions included a court order, in furtherance of settling a legal claim or if the City's boundaries changed. He commented that the statute did not speak to the will of the people and that matter had not been addressed by the courts; however, general principle was that initiative power was typically co-extensive with the City Council's authority so characteristically an initiative could not achieve what a Council could not accomplish. He noted it was unclear whether voters could go forward with an initiative; however, it was clear that the Council could not.

In response to Councilmember Barbanica, Mr. Richardson responded that they were unsure if this item could be brought forward as a ballot initiative; however, he could further research legislative intent. He explained that there was no case law, and it was possible that it could be challenged as it was counter to the intent of the fair maps act.

In response to Mayor Pro Tem Torres-Walker, Mr. Richardson explained government code section 34886 allowed for various forms of governance; however, the timing for making a change to that was governed by the fair maps act.

Councilmember Barbanica thanked Mr. Richardson for the presentation. He stated he had received mixed feedback from the community regarding this item. He noted if it moved forward, it would be a decision by the people.

Mayor Pro Tem Torres-Walker thanked Mr. Richardson for the presentation. She thanked City Attorney Smith for having an Elections Law Attorney present to discuss the parameters. She thanked the public for attending this evening and Councilmembers Ogorchock and Wilson for entertaining the conversation.

ADJOURNMENT

On motion by Mayor Pro Tem Torres-Walker, seconded by Councilmember Ogorchock, the City Council members present adjourned the meeting at 9:01 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk