

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

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

**August 8, 2023
Council Chambers**

5:30 P.M. - CLOSED SESSION

Mayor Thorpe called Closed Session to order at 5:31 P.M., and City Clerk Householder called the roll.

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

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: CITY ATTORNEY.** This closed session is authorized pursuant to California Government Code section 54957.
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** – pursuant to California Government Code section 54956.8; Property: East 18th Street and Wilson Street (APN: 051-400-027), Antioch, CA; Negotiating Parties: City of Antioch Negotiators: Kwame P. Reed, Acting City Manager and Thomas Lloyd Smith, City Attorney; Contra Costa County Fire Protection District Negotiator: Lewis Broschard, Fire Chief; Under Negotiation: Price and terms of payment.
3. **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.
4. **CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation pursuant to California Government Code section 54956.9(d)(1); Valencia v. City of Antioch, et al., San Joaquin County Superior Court, Case No. STK-CV-UAT-2022-461

PUBLIC COMMENTS

An unidentified speaker expressed concern regarding public safety in Antioch.

Andrew Becker urged Council to postpone the acquisition of 800 W. 2nd Street and consider other development opportunities for the site.

ADJOURN TO CLOSED SESSION

Mayor Thorpe adjourned to Closed Session at 5:40 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, Mayor Pro Tem (District 1) Torres-Walker and Mayor Thorpe
Absent: Council/Agency Member District 4 Wilson

An Interpreter announced in Spanish that translation services were available this evening.

PLEDGE OF ALLEGIANCE

Mayor Thorpe led the Pledge of Allegiance.

CITY ATTORNEY TO REPORT OUT ON CLOSED SESSION

Outside Legal Counsel Ziegler reported the City Council had been in Closed Session and gave the following report: **#1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION: CITY ATTORNEY, #2 CONFERENCE WITH REAL PROPERTY NEGOTIATIONS, #3 CONFERENCE WITH REAL PROPERTY NEGOTIATIONS;** and, **#4 CONFERENCE WITH LEGAL COUNSEL**, no reportable action.

PUBLIC HEARING – Continued from July 25, 2023, Council Meeting

1. ORDINANCE AMENDING ARTICLE 15 OF CHAPTER 5 OF TITLE 4 OF THE ANTIOCH MUNICIPAL CODE AND CHANGING THE PRIMA FACIA SPEED LIMIT ON VARIOUS ROADWAYS (P.W. 282-3A)

Traffic Engineer Consultant Solla presented the staff report dated August 8, 2023, recommending the City Council introduce by title only, and waive the first reading, of an Ordinance amending Article 15 of Chapter 5 of Title 4 of the Antioch Municipal Code “Special Speed Zones” in order to change the prima facie speed limit on certain streets.

Mayor Thorpe opened the public hearing.

Following a verbal warning, Mayor Thorpe requested Antioch Police Department (APD) escort an audience member out of the City Council meeting.

Mayor Thorpe declared a recess at 7:08 P.M. The meeting reconvened at 7:11 P.M. with all Councilmembers present with the exception of Councilmember Wilson who was previously noted as absent.

Mayor Thorpe closed the public hearing.

Mayor Thorpe reopened the public hearing.

Andrew Becker expressed concern regarding how the community would respond to speed limit changes and questioned if light signal cycles had been adjusted in these areas.

Mayor Thorpe closed the public hearing.

In response to Councilmember Ogorchock, Traffic Engineer Consultant Solla responded that state law only permitted adjusting speed limits based on the 85-percentile speed and James Donlon Blvd was outside of that range.

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council members present unanimously introduced by title only, and waived the first reading, of an Ordinance amending Article 15 of Chapter 5 of Title 4 of the Antioch Municipal Code "Special Speed Zones" in order to change the prima facie speed limit on certain streets.

COUNCIL REGULAR AGENDA – Continued from July 25, 2023, Council Meeting

2. PROPOSED TRAFFIC CALMING IMPROVEMENTS FOR SYCAMORE DRIVE, JAMES DONLON BOULEVARD, AND WEST 10TH STREET

Traffic Engineer Consultant Solla presented the staff report dated August 8, 2023, recommending the City Council adopt the resolution: 1) Approving the proposed traffic calming improvements for (1) Sycamore Drive, (2) James Donlon Boulevard (from Somersville Road to Contra Loma Boulevard and from Contra Loma Boulevard to Lone Tree Way), and (3) West 10th Street; and 2) Approving an amendment to the Fiscal Year 2023/24 Operating Budget to include \$425,000 from the Gas Tax Fund for the traffic calming improvements for Sycamore Drive.

Melissa Case spoke in support of the proposed improvements and suggested the City consider honoring the memorials along James Donlon Blvd.

Andrew Becker expressed concern that narrowing lanes on James Donlon Blvd. may cause people to travel outside of the traffic lanes and felt delineators would not prevent reckless driving.

Leslie May expressed concern regarding reckless drivers and suggested additional traffic calming measures be installed on West 10th Street.

Julia Emego Kwua spoke in support of traffic calming measures, decreasing speed limits, installing traffic cameras and social safety net programs for residents in the Sycamore area.

At the request of Councilmember Torres-Walker and following discussion, Council consensus directed staff to research restriping Mahogany Way similar to the proposals presented this evening.

RESOLUTION NO. 2023/126

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council members present unanimously adopted the resolution: 1) Approving the proposed traffic calming improvements for (1) Sycamore Drive, (2) James Donlon Boulevard (from Somersville Road to Contra Loma Boulevard and from Contra Loma Boulevard to Lone Tree Way), and (3) West 10th Street; and 2) Approving an amendment to the Fiscal Year 2023/24 Operating Budget to include \$425,000 from the Gas Tax Fund for the traffic calming improvements for Sycamore Drive.

3. ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

- Join the Antioch Council of Teens - visit us at: antiochca.gov/act and for more information, email: Youth@antiochca.gov
- Antioch Council of Teens – Bowling Night August 8, 2023

Director of Parks and Recreation Helfenberger announced the following civic and community event.

- Multicultural Festival – August 12, 2023

Mayor Thorpe announced the following event:

- Stop the Violence Event at Monica’s Riverview - August 11, 2023

PUBLIC COMMENTS

Christian Gutierrez expressed concern regarding his interactions with healthcare professionals and law enforcement. He suggested the City invest in those who had been victimized.

Rosalba Zendejas read a verse from the bible and discussed an incident involving her sons with law enforcement.

Robert Connor reported that he had experienced inadequate service from the City’s contracted garbage service and suggested the City consider a replacement company.

Jessica Owens, Union Carpenter Apprentice, discussed the importance of supporting labor standards in Antioch.

Leslie May expressed concern regarding sideshows that had occurred at the marina and suggested the City hold adult participants as well as the parents of underage participants accountable.

Ralph Hernandez, Antioch resident, expressed concern regarding sideshows that had occurred in Antioch. He encouraged the City to enforce laws and implement stricter consequences and fines for participants and spectators.

Francisco Torres, Reimagine Antioch, stated he opposed the City hiring a contractor to perform encampment cleanups and encouraged the City to provide services for the unhoused.

Satnam Sanghera, Small Business Owner, reported the unhoused were loitering and vandalizing his property and requested the City address public safety along East 18th Street.

Frank Sterling, Reimagine Antioch, encouraged the City to seek considerate services to address encampments. He requested the City constitute the Police Oversight Committee.

Kathryn R. Wade congratulated Lieutenant Vigil on his future appointment as Acting Police Chief. She requested that he respond to her requests for police reports involving her son as well as her request for a meeting.

Jim Lanter, Antioch resident, expressed concern regarding public safety in Antioch and suggested the City seek assistance from outside law enforcement agencies for traffic control.

Carolyn Simmons discussed allegations of police misconduct and wished the new Police Chief the best in dealing with those issues.

Rick Stadlander, Antioch resident, expressed concern for public safety and urged the City to seek solutions to end illegal activities.

Julia Emego Kwua requested the City remove COVID-19 signs from public spaces, track individuals who received vaccinations, fund homeschooled children and marginalized families, defund the APD, fund social safety net programs and support legalizing drugs.

Devin Williams, Antioch resident / Reimagine Antioch addressed previous public comment and spoke in support of providing services for unhoused residents.

Teki Flow, Reimagine Antioch, spoke in support of funding services to assist the unhoused and investing in schools and the community. She responded to previous public comment.

Kimberly Kidd-Bailey, Reimagine Antioch, spoke in support of constructing tiny home communities for unhoused residents. She suggested contracting with outside law enforcement agencies to address criminal behavior in Antioch.

Debra Vinson congratulated the City on the success of the Mayor's Apprenticeship Program and National Night Out. She encouraged Antioch to hold other community building events and suggested capitalizing on nonviolent youth gatherings. She encouraged residents to stop supporting panhandlers.

Mary Lutz thanked Acting City Manager Reed for the actions he had taken to prevent sideshows. She reported an increase in criminal activity since the opening of Laurel Road. She suggested the abatement crew partner with social workers and healthcare professionals. She also suggested the City designate an empty lot for the unhoused to set up their tents.

Melissa Case commented the community wanted transparency in hiring police personnel and open communication from APD. She questioned when the City would be funding the 10th Street and James Donlon Blvd. improvements. She supported strategies to assist the unhoused, strengthening penalties for sideshow participants as well as continued demonstration of unity and inclusiveness from Council.

An unidentified speaker reported APD was under-resourced and understaffed. They supported adrenaline charged events for youth and proactive solutions. They responded to previous public comments and invited the community to a fundraiser barbeque on August 12, 2023.

Public comment submitted in writing was entered into the record from the following individual: Trent Sanson, Vice President of Land Acquisition & Entitlements / DeNova Homes, Inc.

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS

Councilmember Barbanica congratulated Lieutenant Vigil on his future appointment as Acting Chief. He reported on a meeting he attended with staff, Councilmember Torres-Walker and community members to discuss sideshows and issues going on at the Marina. He thanked Acting City Manager Reed for installing a barricade and imposing a curfew in the area. He also thanked everyone who participated in National Night Out. He welcomed back the Cornerstone Christian Center Mission Group and recognized U.S. Representative Garamendi for helping to get them home safely following a military coup in Africa. He suggested Council recognize these individuals. He requested the City contract with other law enforcement agencies to backfill the shortage of police officers.

Councilmember Ogorchock reported on her attendance at the Stuff the Bus, Julpun Park, ribbon-cutting and National Night Out. She spoke in support of requesting assistance from other law enforcement agencies, increasing fines for sideshows and holding sideshow organizers accountable.

Councilmember Torres-Walker recognized the indigenous people of Antioch and referenced several public comments. She stated if the City contracted with other law enforcement agencies they should be critically evaluated. She congratulated Lieutenant Vigil on his Acting role as Police Chief and reported several patrol officers were in the hiring process. She commented that the City had the technology necessary to address sideshows; however, the community needed to be proactive. She thanked everyone for their public comments.

MAYOR'S COMMENTS

Mayor Thorpe reported on his attendance at the Julpun Park ribbon-cutting and the Mayor's Apprenticeship Program (MAP) celebration. He recognized Rubicon for providing wrap-around services for MAP participants. He responded to several public comments. He announced a sideshow spectator ordinance would be coming to Council in the future and reported Police Oversight Commission interviews were being scheduled. He congratulated Lieutenant Vigil on his future appointment as Acting Police Chief.

4. CONSENT CALENDAR
 - A. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR JUNE 23, 2023
 - B. APPROVAL OF COUNCIL MEETING MINUTES FOR JUNE 27, 2023
 - C. APPROVAL OF COUNCIL MEETING MINUTES FOR JULY 25, 2023
 - D. APPROVAL OF COUNCIL WARRANTS
 - E. APPROVAL OF HOUSING SUCCESSOR WARRANTS
 - F. SECOND READING – ORDINANCE PROHIBITING RETALIATION AND HARASSMENT OF RESIDENTIAL TENANTS (*Introduced on July 25, 2023*)
 - G. REJECTION OF CLAIM: JUSTIN AND SHEILA NARTEA
 - H. **RESOLUTION NO. 2023/127** THIRD AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH URBAN PLANNING PARTNERS FOR HOUSING ELEMENT AND SAFETY AND ENVIRONMENTAL JUSTICE ELEMENT PREPARATION SERVICES
 - I. RENEWAL OF VESTING TENTATIVE SUBDIVISION MAP 357-302-20, FINAL DEVELOPMENT PLAN, AND DESIGN REVIEW
 - J. **RESOLUTION NO. 2023/128** ADOPTING TRANSPORTATION AND VEHICLE MILES TRAVELED IMPACT ANALYSIS GUIDELINES
 - K. **RESOLUTION NO. 2023/129** ACCEPTANCE OF HILLCREST AVENUE FOR OFFSITE IMPROVEMENTS, SUBDIVISION 9569 (TRI POINTE HOMES HOLDINGS) (P.W. 697-6)

On motion by Councilmember Ogorchock, seconded by Councilmember Torres-Walker, the City Council members present unanimously approved the Council Consent Calendar with the exception of items F, H and I, which were removed for further discussion.

Item F – Councilmember Barbanica stated due to a conflict of interest and under the advice of legal counsel, he would recuse himself from Item F. He left the dais.

Rhovy Lyn Antonio, CA Apartment Association, thanked Council for revising the ordinance and discussed provisions within the proposed ordinance that she would like amended.

Devin Williams encouraged Council to consider the children that would benefit from these ordinances.

Ralph Hernandez expressed concern that some tenants were not maintaining their properties and stated he believed the ordinance unfairly targeted the landlords who were providing a service for tenants.

Andrew Becker responded to the previous public comment and expressed concern that corporate entities lacked concern for tenants.

Julia Emego Kwua suggested the ordinance include a moratorium on evictions. She spoke in support of building multistory complexes managed by the City for low income residents.

Councilmember Ogorchock discussed provisions within the proposed ordinance that she would like amended.

Following discussion, Mayor Thorpe and Councilmember Torres-Walker supported amending the ordinance to include previous Council direction adding "...except when a landlord is engaged in a tenant eviction process." to Section 4. 11-5.03 Section (A)(17).

Speaking to the following motion and in response to Councilmember Torres-Walker, Outside Legal Counsel Ziegler explained that under California law a motion made for this item only needed to be passed by a majority of the quorum, so the motion could pass on a two to one vote.

On motion by Councilmember Torres-Walker, seconded by Mayor Thorpe, the City Council moved to 1) Amend the resolution to include Section 4. 11-5.03 "HARASSMENT BY LANDLORD PROHIBITED" - ADDING "...except when a landlord is engaged in a tenant eviction process." to section (A)(17) and 2) Continue Item F for a second reading to August 22, 2023.

Ayes: Torres-Walker, Thorpe

Noes: Ogorchock

Absent: Wilson

[In line with Ordinance No. 507-C-S the previous motion failed]

Councilmember Barbanica returned to the dais.

Item H – Andrew Becker expressed concern that the data provided by the consultant was insufficient to justify an increase and there had been no presentation from staff for this item.

Julia Emego Kwua agreed that there should have been a presentation explaining this item. She reiterated her support for the City building a multistory building for low-income residents and social safety net programs.

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

Item I – Mayor Thorpe recused himself and turned the gavel over to Mayor Pro Tem Torres-Walker.

Chris Palomo, Nor Cal Carpenters Union, spoke in support requiring the project to provide prevailing wages, comprehensive healthcare benefits and state certified apprenticeship programs. Contact information was provided.

Andrew Becker spoke in opposition to multifamily developments without an affordable housing component and expressed concern that the developer had not presented the project.

Julia Emego Kwua also expressed concern that the developer had not presented the project. She reiterated her support for the City building a multistory building for low-income residents and social safety net programs.

In response to Councilmember Barbanica, Senior Planner Scudero stated there were no requirements placed on the project for union labor when approved.

Councilmember Barbanica requested Council postpone or continue this item to get clarification from City Attorney Smith regarding the nexus for instituting labor requirements on projects.

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock the City Council members present continued Consent Calendar Item I to August 22, 2023.

Mayor Thorpe returned to the dais.

PUBLIC HEARING

5. DESIGN GUIDELINES ZONING TEXT AMENDMENT AND RESIDENTIAL OBJECTIVE DESIGN STANDARDS

Senior Planner Merideth introduced Bruce Brubaker, Placeworks, who presented the staff report dated August 8, 2023, recommending the City Council take the following actions: 1) Introduce by title only and waive the first reading of the ordinance amending Section 9-5.2609 of the Antioch Municipal Code regarding design guidelines. 2) Adopt the resolution approving the Single Family and Missing Middle Objective Design Standards.

Mayor Thorpe opened the public hearing.

Andrew Becker, Opponent, discussed the importance of community engagement for the Objective Design Standards and expressed concern regarding the financial impact of the proposed standards on developers. He spoke in support of streamlining affordability.

Julia Emego Kwua spoke in support of building large multistory buildings under government control for the unhoused and low-income tenants. She also supported price regulations for rents and home purchases.

Mayor Thorpe closed the public hearing.

In response to Councilmember Barbanica, Senior Planner Merideth and Mr. Brubaker explained the purpose of the objective design guidelines. Senior Planner Merideth confirmed that setbacks were not changing.

In response to Councilmember Ogorchock, Senior Planner Merideth confirmed that the Planning Commissions changes had been incorporated into the resolution.

RESOLUTION NO. 2023/130

On motion by Councilmember Ogorchock, seconded by Mayor Thorpe the City Council members present unanimously 1) Introduced by title only and waived the first reading of the ordinance amending Section 9-5.2609 of the Antioch Municipal Code regarding design guidelines. 2) Adopted the resolution approving the Single Family and Missing Middle Objective Design Standards.

6. PUBLIC HEARING TO ORDER IMPROVEMENTS AND LEVY ANNUAL ASSESSMENTS FOR STREET LIGHT AND LANDSCAPE MAINTENANCE DISTRICTS 1, 2A, 4, 5, 9, AND 10 FOR FISCAL YEAR 2023/24 (P.W. 500)

Acting Director of Public Works/City Engineer Buenting introduced Administrative Analyst Hoffmeister who presented the staff report dated August 8, 2023, recommending the City Council adopt a resolution ordering improvements and levying annual assessments for Street Light and Landscape Maintenance Districts 1, 2A, 4, 5, 9, and 10 for Fiscal Year 2023/24.

Mayor Thorpe opened the public hearing.

Julia Emego Kwua suggested minimizing landscaping to reduce the use of pesticides, improve visibility and lower maintenance costs.

Ralph Hernandez, Antioch resident, spoke in opposition to levying annual assessments for Street Light and Landscape Maintenance.

Melissa Case stated she liked landscaping; however, she did not support increased taxes.

Mayor Thorpe closed the public hearing.

In response to Councilmember Barbanica, Administrative Analyst Hoffmeister explained that these assessments paid for the contractors and staff who performed landscape maintenance. He noted this was an existing assessment that had been in place and frozen for 4-years.

RESOLUTION NO. 2023/131

On motion by Councilmember Ogorchock, seconded by Councilmember Torres-Walker the City Council members present unanimously adopted a resolution ordering improvements and levying

annual assessments for Street Light and Landscape Maintenance Districts 1, 2A, 4, 5, 9, and 10 for Fiscal Year 2023/24.

ON MOTION BY COUNCILMEMBER BARBANICA, SECONDED BY COUNCILMEMBER TORRES-WALKER, THE CITY COUNCIL MEMBERS PRESENT UNANIMOUSLY SUSPENDED THE RULES AND MOVED COUNCIL REGULAR AGENDA ITEM #8 AS THE NEXT ORDER OF BUSINESS.

COUNCIL REGULAR AGENDA

8. RESOLUTION TO SUPPORT LOCAL, STATE, AND FEDERAL EFFORTS TO EXONERATE THE PORT CHICAGO 50

Mayor Thorpe introduced Regular Agenda Item #8.

Councilmember Ogorchock provided background information for the Resolution.

RESOLUTION NO. 2023/132

On motion by Councilmember Barbanica, seconded by Councilmember Torres-Walker the City Council members present unanimously adopted a resolution to support Local, State, and Federal efforts to exonerate the Port Chicago 50.

7. 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

9. DISCUSSION ON HIRING OF RETIRED POLICE OFFICERS

On motion by Councilmember Barbanica, seconded by Councilmember Torres-Walker the City Council members present unanimously continued Regular Agenda Items #7 and 9 to August 22, 2023.

ADJOURNMENT

On motion by Councilmember Barbanica, seconded by Mayor Thorpe, the City Council members present unanimously adjourned the meeting at 11:08 P.M.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk