

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

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

**August 22, 2023  
Council Chambers**

**6:15 P.M. - CLOSED SESSION**

Mayor Thorpe called Closed Session to order at 6:15 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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: CITY ATTORNEY.** This closed session is authorized pursuant to California Government Code section 54957.

**PLEDGE OF ALLEGIANCE**

Mayor Thorpe led the Pledge of Allegiance.

**PUBLIC COMMENTS – None**

**ADJOURN TO CLOSED SESSION**

Mayor Thorpe adjourned to Closed Session at 6:16 P.M.

**7:00 P.M. REGULAR MEETING**

Mayor Thorpe called the meeting to order at 7:03 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

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

**PLEDGE OF ALLEGIANCE**

Mayor Thorpe led the Pledge of Allegiance.

**MOMENT OF SILENCE IN MEMORY OF LEO FONTANA**

Mayor Thorpe led a moment of silence in memory of Leo Fontana.

## 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: CITY ATTORNEY**, no reportable action.

**ON MOTION BY COUNCILMEMBER OGORCHOCK, SECONDED BY MAYOR THORPE THE CITY COUNCIL UNANIMOUSLY SUSPENDED THE RULES AND MOVED REGULAR AGENDA ITEM #7 AND PUBLIC HEARING ITEMS #6 AND #5 TO BE HEARD IN THAT ORDER AFTER PROCLAMATIONS.**

**ON MOTION BY MAYOR THORPE, SECONDED BY COUNCILMEMBER BARBANICA THE CITY COUNCIL UNANIMOUSLY SUSPENDED THE RULES AND MOVED ITEM #3 PROCLAMATIONS TO BE HEARD AS THE NEXT ORDER OF BUSINESS.**

### 3. PROCLAMATIONS

- *Antioch Christian Center – 25th Year Anniversary, August 2023*
- *Recognizing Dr. Carol Weyland Conner’s Humanitarian Contributions to the City of Antioch*
- *Pentecostal Missionary Church of Christ (4th Watch) – 50th Golden Church Anniversary, August 27, 2023*

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica the City Council unanimously approve the proclamations.

Rev. Michael B. and Mrs. Lesia Bell on behalf of Antioch Christian Center accepted the *Antioch Christian Center – 25th Year Anniversary, August 2023* proclamation.

Colin MacKie, White Pony Express, accepted the *Recognizing Dr. Carol Weyland Conner’s Humanitarian Contributions to the City of Antioch* proclamation.

Mayor Thorpe announced he would be presenting the *Pentecostal Missionary Church of Christ (4th Watch) – 50th Golden Church Anniversary, August 27, 2023*, proclamation to the organization at a future date.

## COUNCIL REGULAR AGENDA

### 7. ZERO EMISSION VEHICLE TRANSITION PROJECT

Thomas Paddon, representing Frontier Energy, presented the staff report dated August 22, 2023, recommending the City Council adopt a resolution approving an amendment to the Fiscal Year 2023/24 Operating Budget to increase the funding from the General Fund for the Zero Emission Vehicle Transition Project by \$1,226,760 for a total amount of \$1,361,814.

Due to the amount of speaker requests, Mayor Thorpe reduced speaker times to one-minute. Julia Emego Kwua spoke in support of the project and suggested manufacturers of electric vehicles be financially responsible for installing charging stations.

Andrew Becker expressed concern the City had replaced some of their existing fleet with increased carbon emission vehicles.

Leslie May supported the project and suggested the City consider purchasing electric vehicles from manufacturers who provided better warranties.

In response to Councilmember Barbanica, Mr. Paddon explained the 50% procurement requirement and the fiscal impact associated with adopting the resolution.

An unidentified speaker urged Council to take into advisement whether the project could be reimbursed from the federal government.

**RESOLUTION NO. 2023/133**

On motion by Councilmember Ogorchock seconded by Mayor Thorpe the City Council unanimously adopted a resolution approving an amendment to the Fiscal Year 2023/24 Operating Budget to increase the funding from the General Fund for the Zero Emission Vehicle Transition Project by \$1,226,760 for a total amount of \$1,361,814.

**PUBLIC HEARING**

**6. INTRODUCTION OF ORDINANCE CHANGING THE CITY ADMINISTRATION'S ORGANIZATIONAL STRUCTURE BY TRANSFERRING, FROM THE CITY MANAGER TO THE CITY COUNCIL, THE AUTHORITY TO APPOINT, SUPERVISE, AND REMOVE THE CHIEF OF POLICE**

City Attorney Smith presented the staff report dated August 22, 2023 recommending the City Council introduce by title only and waive further reading of the ordinance (1) amending section 2-2.06(B)(2) of the Antioch Municipal Code removing the Chief of Police from the City Manager's appointment, discipline, and removal power, and (2) adding a new Article 4 to Chapter 3 of Title 2 of the Antioch Municipal Code, so that the Chief is appointed by and serves at the pleasure of the City Council, and setting out some general duties and responsibilities of the Police Chief.

Mayor Thorpe opened the public hearing.

Julia Emego Kwua discussed allegations of police misconduct and spoke in support of the ordinance changing the city administration's organizational structure for the Police Chief.

Ralph Hernandez, Antioch resident, spoke in opposition to the ordinance changing the city administration's organizational structure for the Police Chief. He suggested the City place the

matter on the ballot for the voters to decide. He discussed incidents he investigated of alleged police misconduct.

Mayor Thorpe responded to the previous public comment.

Tachina Garrett, ACCE, and Lisa Elekwachi spoke in support of changing the city administration's organizational structure for the Police Chief and suggested transferring the responsibilities to Mayor Thorpe.

Eddie Grumas, ACCE and Devin Williams spoke in support of Council and the City Manager sharing responsibilities for the appointment, discipline, and removal power process for the Police Chief.

Teki Flow spoke in support of changing the city administration's organizational structure for the Police Chief.

Robert Collins spoke in support of removing the Police Chief from the City Manager's appointment, discipline, and removal power and transferring those responsibilities to the Police Oversight Commission and if not, the City Council.

David George spoke in opposition to changing the city administration's organizational structure for the Police Chief.

Andrew Becker spoke in support of the ordinance changing the city administration's organizational structure for the Police Chief with stakeholders involved in the interview process.

Mayor Thorpe closed the public hearing.

Mayor Thorpe provided a history of this agenda item and discussed the importance of Council providing oversight for the Antioch Police Department. He explained that if Council approved the ordinance, in the future they could add a process that involved the community.

In response to Councilmember Torres-Walker, City Attorney Smith confirmed that Council could modify the ordinance to a term expiring in 12 months or when a permanent City Manager was selected by the City Council.

Councilmembers Barbanica and Ogorchock stated they did not want the Police Department to become a political arm of the City and they would prefer not to change the process.

Councilmember Torres-Walker stated she supported moving forward with the ordinance; however, she believed at some point authority should revert to the City Manager.

In response to Councilmember Torres-Walker, City Attorney Smith confirmed that Council could amend the ordinance in the future.

On motion by Councilmember Torres-Walker, seconded Councilmember Wilson the City Council introduced by title only and waived further reading of the ordinance (1) amending section 2-2.06(B)(2) of the Antioch Municipal Code removing the Chief of Police from the City Manager's appointment, discipline, and removal power, and (2) adding a new Article 4 to Chapter 3 of Title 2 of the Antioch Municipal Code, so that the Chief is appointed by and serves at the pleasure of the City Council, and setting out some general duties and responsibilities of the Police Chief. The motion carried the following vote:

Ayes: Torres-Walker, Wilson, Thorpe

Noes: Barbanica, Ogorchock

Mayor Thorpe declared a recess at 8:43 P.M. The meeting reconvened with all Councilmembers present at 8:49 P.M.

***ON MOTION BY COUNCILMEMBER TORRES-WALKER, SECONDED BY MAYOR THORPE THE CITY COUNCIL UNANIMOUSLY SUSPENDED THE RULES AND RECONSIDERED THE PREVIOUS MOTION FOR PUBLIC HEARING ITEM #6.***

**6. INTRODUCTION OF ORDINANCE CHANGING THE CITY ADMINISTRATION'S ORGANIZATIONAL STRUCTURE BY TRANSFERRING, FROM THE CITY MANAGER TO THE CITY COUNCIL, THE AUTHORITY TO APPOINT, SUPERVISE, AND REMOVE THE CHIEF OF POLICE**

Mayor Thorpe reported the Acting City Manager was in the process of hiring an Interim Chief so he was requesting Council reconsider and to add to the motion that the ordinance would take effect 90-days after the second reading.

City Attorney Smith stated the proposed amendment would be to section 6 of the ordinance, which was the effective date, changing it to 90-days after adoption following the second reading.

Mayor Thorpe stated if the City Manager chose an Interim Chief within the next week or so, it would take up to three months for a background check, so this action would be respectful of the Acting City Manager's authority.

Councilmember Barbanica speaking to the following motion stated he was surprised to hear that the City was a week away from hiring an Interim Police Chief

On motion by Councilmember Torres-Walker, seconded Councilmember Wilson the City Council introduced by title only and waived further reading of the ordinance (1) amending section 2-2.06(B)(2) of the Antioch Municipal Code removing the Chief of Police from the City Manager's appointment, discipline, and removal power, and (2) adding a new Article 4 to Chapter 3 of Title 2 of the Antioch Municipal Code, so that the Chief is appointed by and serves at the pleasure of the City Council, and setting out some general duties and responsibilities of the Police Chief with amendment to take effect and be enforced 90 days after adoption. The motion carried the following vote:

Ayes: Torres-Walker, Wilson, Thorpe

Noes: Barbanica, Ogorchock

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**ON MOTION BY COUNCILMEMBER BARBANICA, SECONDED BY COUNCILMEMBER OGORCHOCK THE CITY COUNCIL UNANIMOUSLY SUSPENDED THE RULES AND MOVED GENERAL PUBLIC COMMENTS TO BE HEARD AS THE NEXT ORDER OF BUSINESS.**

## **PUBLIC COMMENTS**

Christian Gutierrez discussed his negative experiences with the government.

Rosalba Zendejas discussed her sons' experiences with law enforcement.

Andrew Becker commented that the City had informed him that he could not host a fundraiser at a local park without a permit, 90 days' notice, insurance and permit fees. He added that he was told he could move the event to another location that would require a special event permit and 30 days' notice. He expressed concern that a local restaurant was able to hold an event which was endorsed by Council and they had not applied for a permit.

Cassandra Quinto-Collins discussed the importance of holding APD officers accountable. She encouraged the City to conduct further investigations and take action to create a safer community.

Bella Quinto Collins discussed allegations of police misconduct and noted that some of those involved were being promoted and were involved in Internal Affairs.

Kimberly Kidd-Bailey spoke in opposition to the City bringing in outside law enforcement agencies to assist the APD and questioned how they were addressing illegal activity.

Erika Raulston expressed concern that sideshows had reoccurred in north Antioch.

Devin Williams spoke to comments made by the community on the internet and offered his support to Council.

Julia Emego Kwua discussed the upcoming presidential election and suggested Antioch fund a microbiological lab.

Francisco Torres, Reimagine Antioch, spoke in opposition to the City bringing in outside law enforcement agencies to supplement the APD. He urged them to move forward with hiring police officers and expanding the Crisis Response Team.

Melissa Case encouraged public participation at City Council meetings and more unity within the leadership.

Teki Flow spoke in support of reimagining public safety in Antioch to address violence in the community.

Mr. Collins expressed concern for APOA's response regarding allegations of police misconduct and requested federal oversight of APD.

Patricia Granados explained domestic terrorism and urged Council to hold a former police officer accountable for his actions.

Public comments submitted in writing was entered into the record from the following individual:  
Tim Schwartz

### **PUBLIC HEARING – *Continued***

#### **5. INTRODUCE ORDINANCE PROHIBITING RETALIATION AND HARASSMENT OF RESIDENTIAL TENANTS**

Councilmember Barbanica recused himself prior to discussion of Public Hearing Item #5.

City Attorney Smith presented the staff report dated August 22, 2023, recommending the City Council introduce by title only and waive further reading of the Ordinance adding Chapters 4 and 5 of Title 11 of the Antioch Municipal Code prohibiting retaliation and harassment of residential tenants.

Mayor Thorpe clarified that the legislation being voted on this evening was not the same one presented a few weeks ago. He explained that the landlord's intent in terms of bad faith had to be proved by the tenant. He also noted there was no provision regarding jail time and no presumption of guilt.

Mayor Thorpe opened the public hearing.

Ethan Silverstein, Proponent, offered his suggested revisions for the ordinance and requested Council pass the ordinance this evening with those changes.

Rhovy Lyn Antonio, California Apartment Association, Opponent, stated they believed the ordinance was not necessary as it duplicated existing laws. She offered her suggested revisions for the ordinance if Council continued to support moving forward with adoption.

Ralph Hernandez spoke in opposition to the ordinance and encouraged Council to include information regarding tenant responsibilities related to maintaining the property. He questioned if this ordinance was in conformance with AB1482.

Kamilah, Tachina Garrett, Nicole Arrington and Archie Brumfield, ACCE, spoke in support of the ordinance.

Devin Williams, ACCE, thanked Council for bringing this item back and requested the ordinance be retroactive to July 25, 2023. He responded to previous public comment.

Latanya Mathis discussed her experiences with harassment by her landlord.

Soli Alpert, ACCE, Vice Chair of the Berkeley Rent Stabilization Board, stated their City had a similar law that had been successful, and he looked forward to the ordinance being approved this evening. He responded to previous public comment.

Mac Zhu offered his suggested revisions to the ordinance and requested they be discussed by the stakeholders.

Holly Chen, Landlord and Property Manager, expressed concern that the ordinance could be used to abuse the tenant's power and suggested the ordinance exclude single family properties.

Wu comments were inaudible.

Bejamin Huang and Shirley Huang spoke in opposition to the ordinance.

Robert Collins spoke in support of the ordinance and suggested instituting a Commission and mediation to oversee landlord/tenant issues.

Teresa Lua, Christine Clark, Deborah Polk, Rocio Aramboro, Rocheall Pierre, Raising Juntos, spoke in support of the anti-harassment ordinance. Some speakers also requested Council bring forward a just cause ordinance as soon as possible. They offered their suggested revisions to the ordinance.

Patricia Granados spoke in support of the non-profits who were supporting members of the community.

Andrew Becker suggested the City hold meetings with the developers, investors and property managers.

Julia Emego Kwua spoke in support of the ordinance and a moratorium on evictions with rent control.

Melissa Case spoke in opposition to the anti-harassment ordinance and suggested a unit count be attached to the ordinance.

Mayor Thorpe closed the public hearing.

Councilmember Torres-Walker spoke in support of the ordinance. She responded to public comment and thanked those who attended and spoke this evening.

Councilmember Ogorchock stated she agreed with the ordinance and offered her suggested revisions.



In response to Mayor Thorpe and following discussion, City Attorney Smith suggested clarifying Section 4. 11-5.03 "HARASSMENT BY LANDLORD PROHIBITED" by adding to Section (A)(8) "...If applicable law allows for the towing of the vehicle, then towing the vehicle does not constitute harassment".

**ON MOTION BY COUNCILMEMBER TORRES-WALKER, SECONDED BY MAYOR THORPE THE CITY COUNCIL MEMBERS PRESENT UNANIMOUSLY SUSPENDED THE RULES AND EXTENDED THE MEETING FOR AN ADDITIONAL SEVEN MINUTES.**

Continuing with the previous discussion, City Attorney Smith also suggested the following clarifying language adding to Section 4. 11-5.03 "HARASSMENT BY LANDLORD PROHIBITED" Section (A)(23) "...on engaging in other political activities when hosted by a tenant."

On motion by Mayor Thorpe, seconded by Councilmember Torres-Walker the City Council introduced by title only and waived further reading of the Ordinance adding Chapters 4 and 5 of Title 11 of the Antioch Municipal Code prohibiting retaliation and harassment of residential tenants with the following ordinance amendments:

- Amendment #1 - Section 4. 11-5.03 "HARASSMENT BY LANDLORD PROHIBITED"
  - ADD to Section (A)(8) "...If applicable law allows for the towing of the vehicle, then towing the vehicle does not constitute harassment."
- Amendment #2 - Section 4. 11-5.03 "HARASSMENT BY LANDLORD PROHIBITED"
  - ADD to Section (A)(23) "...on engaging in other political activities when hosted by a tenant."
- Amendment #3 - Section 4. 11-5.[07] "REMEDIES AND PENALTIES"
  - ELIMINATE from Section 4. 11-5.[07] (A) Criminal Penalty. "...by imprisonment in the county jail for a period of not more than six months or both."
- Amendment #4 - Section 4. 11-5.02 "EXEMPTIONS"
  - ELIMINATE from Section (A) "...Senior Residential Home Care Facilities."

The motion carried the following vote:

Ayes: Torres-Walker, Wilson, Thorpe

Noes: Ogorchock

Councilmember Barbanica returned to the dais.

## **ADJOURNMENT**

On motion by Councilmember Torres-Walker, seconded by Councilmember Barbanica the City Council unanimously adjourned the meeting at 11:12 P.M.

AT 11:14 P.M. MAYOR THORPE REQUESTED A MOTION TO REOPEN THE MEETING;  
APPROVED 4/1 (OGORCHOCK)

MAYOR PRO TEM TORRES-WALKER REQUESTED A MOTION TO SUSPEND THE RULES  
AND MOVE THE CONSENT CALENDAR TO BE HEARD AS THE NEXT ORDER OF  
BUSINESS; APPROVED 5/0

4. CONSENT CALENDAR

A. APPROVAL OF COUNCIL MEETING MINUTES FOR JULY 25, 2023

B. APPROVAL OF COUNCIL MEETING MINUTES FOR AUGUST 8, 2023

C. APPROVAL OF COUNCIL WARRANTS

D. APPROVAL OF HOUSING SUCCESSOR WARRANTS

E. REJECTION OF CLAIM: HALL & LOADS, INC.

F. ORDINANCE NO. 2230-C-S SECOND READING – 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) (*Introduced on August 8, 2023*)

G. ORDINANCE NO. 2231-C-S SECOND READING – DESIGN GUIDELINES ZONING  
TEXT AMENDMENT (*Introduced on August 8, 2023*)

H. RESOLUTION NO. 2023/134 RENEWAL OF VESTING TENTATIVE SUBDIVISION  
MAP 357-302-20, FINAL DEVELOPMENT PLAN, AND DESIGN REVIEW

I. RESOLUTION NO. 2023/135 FIRST AMENDMENT TO THE AGREEMENT WITH C&J  
FAVALORA TRUCKING, INC. FOR THE FULTON YARD RECYCLING PROJECT

J. RESOLUTION NO. 2023/136 AMENDMENT TO THE CONSTRUCTION AGREEMENT  
WITH FOUNDRY CONSTRUCTION FOR THE MAINTENANCE SERVICE CENTER  
WAREHOUSE IMPROVEMENTS (P.W. 143-R)

K. RESOLUTION NO. 2023/137 SMALL GOVERNMENT AGREEMENT WITH  
ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.

L. RESOLUTION NO. 2023/138 FIRST AMENDMENT TO THE AGREEMENT WITH  
TERRACARE ASSOCIATES FOR PARK MAINTENANCE SERVICES

M. RESOLUTION NO. 2023/139 FIRST AMENDMENT TO THE AGREEMENT WITH  
TERRACARE ASSOCIATES FOR LANDSCAPE MAINTENANCE SERVICES

- N. **RESOLUTION NO. 2023/140 TO ACCEPT THE CONVEYANCE OF TWO GRANTS OF EASEMENTS TO THE CITY OF ANTIOCH FOR THE DEER VALLEY ESTATES SUBDIVISION 9518 (MERITAGE HOMES OF CALIFORNIA) (P.W. 681-2)**
- O. **RESOLUTION NO. 2023/141 AWARDING AN AGREEMENT WITH SHARJO LLC DBA SERVICEMASTER RESTORATION MANAGEMENT FOR ON-CALL HOMELESS ENCAMPMENT CLEANUP SERVICES**
- P. **RESOLUTION NO. 2023/142 ACCEPTANCE OF THE DEDICATION OF THE ROADWAYS WITHIN AVIANO SUBDIVISION PHASE 3, TRACT NO. 9489 (P.W. 676-3)**

A motion was made and seconded, Council unanimously approved the Consent Calendar with the exception of items H and O which were removed for further discussion.

**ITEM H** – Mayor Thorpe recused himself prior to the discussion of Consent Calendar Item H.

In response to Councilmember Barbanica, City Attorney Smith explained that the City did not have a policy to force a landowner to hire union workers and clarified that this item was a request for an extension.

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

Mayor Thorpe returned to the dais.

**ITEM O** – Councilmember Ogorchock stated she pulled this item because the start date was inaccurate and after speaking with City Attorney Smith, she was advised that it could be approved without the date.

Councilmember Torres-Walker stated that she agreed that the City needed to bring in support to cleanup encampments; however, she was not supporting this item as she felt the City should have worked with programs that could have assisted unhoused residents with resources.

On motion by Councilmember Ogorchock, seconded by Mayor Thorpe the City Council approved Item O eliminating the effective date. The motion carried the following vote:

Ayes: Barbanica, Ogorchock, Wilson, Thorpe

Noes: Torres-Walker

**ADJOURNMENT**

On motion by Councilmember Mayor Thorpe, seconded by Councilmember Torres-Walker the City Council unanimously adjourned the meeting at 11:19 P.M.

Respectfully submitted:

Kitty Eiden  
KITTY EIDEN, Minutes Clerk

**[THE FOLLOWING COUNCIL MEETING AGENDA ITEMS WILL BE MOVED TO THE 09/12/2023 COUNCIL MEETING TO BE HEARD]**

**COUNCIL REGULAR AGENDA – Continued from August 8, 2023, Council Meeting**

- 1. 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**
- 2. DISCUSSION ON HIRING OF RETIRED POLICE OFFICERS**

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

**CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS**

**MAYOR’S COMMENTS**

**PUBLIC COMMENTS**

**STAFF COMMUNICATIONS**

**COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS** – Council Members report out various activities and any Council Member may place an item for discussion and direction on a future agenda. Timing determined by Mayor and Acting City Manager – no longer than 90 days.