

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

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

**September 12, 2023  
Council Chambers**

**6:00 P.M. - CLOSED SESSION**

Mayor Thorpe called the Closed Session to order at 6:00 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

**PLEDGE OF ALLEGIANCE**

Mayor Thorpe led the Pledge of Allegiance.

1. **CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation pursuant to California Government Code section 54956.9; Terry Dwayne Robinson et al. v. City of Antioch et al., United States District Court for the Northern District of California (Case No.: 3:23-cv-03773-SI).
2. **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.
3. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code section 54956.9(d)(2): One Case.

**PUBLIC COMMENTS**

Andrew Becker requested Council not move forward with the purchase of 800 W. 2<sup>nd</sup> Street.

**ADJOURN TO CLOSED SESSION**

Mayor Thorpe adjourned to Closed Session at 6:05 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, District 4 Wilson, Mayor Pro Tem (District 1) Torres-Walker and Mayor Thorpe

### **PLEDGE OF ALLEGIANCE**

Mayor Thorpe led the Pledge of Allegiance.

A Spanish interpreter announced translation services were available this evening.

### **MOMENT OF SILENCE IN MEMORY OF 9/11 VICTIMS AND FAMILIES**

Mayor Thorpe led a moment of silence in memory of 9/11 victims and families.

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

### ***CONSENT CALENDAR – Continued from August 22, 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**

#### **RESOLUTION NO. 2023/143**

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica, the City Council unanimously adopted a resolution approving the New Class Specification for Property and Evidence Supervisor, assigning a salary range, and assigning the classification to the Management (Mid/Prof.) Bargaining Unit.

### ***COUNCIL REGULAR AGENDA – Continued from August 22, 2023, Council Meeting***

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

Councilmember Barbanica stated he had brought this item forward to address the shortage of officers which created unacceptable coverage and a safety issue. He clarified that the request was to hire retired police officers in good standing to serve as civilian personnel who could respond to cold cases. He reiterated his request for a staffing update from the Antioch Police Department (APD).

Frank Sterling and Teki Flow, Reimagine Antioch, spoke in opposition to the City contracting with outside law enforcement agencies or hiring retired officers to fill APD vacancies.

Ralph Hernandez, Antioch resident, spoke in support of hiring retired officers as civilian personnel for the APD.

Robert Collins spoke in opposition to hiring retired officers as civilian personnel for the APD.

Andrew Becker spoke in opposition to hiring retired officers as civilian personnel for the APD and questioned why CSOs were driving marked police vehicles. He discussed how other jurisdictions handled police response.

Councilmember Torres-Walker requested staff provide a presentation on all APD divisions to allow Council to understand the need for additional support.

Acting Captain Vigil gave a brief overview of current APD staffing levels and announced that six officers would be graduating the academy next week.

Mayor Thorpe reported the community response team was running 24/7 and they had offloaded some responsibilities from APD. He explained that Council had taken proactive steps to increase staffing, such as improving hiring practices and implementing a signing bonus. He stated additional positions should be freed up as a result of the current investigations into police misconduct.

Councilmember Barbanica reiterated his request for a presentation of staffing levels from the APD.

### **3. PROCLAMATION**

*National Hispanic Heritage Month, September 15, 2023, to October 15, 2023*

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

Antonio Hernandez, AUSD, accepted the *National Hispanic Heritage Month* proclamation.

Ralph Hernandez, Antioch resident, discussed his Hispanic heritage and contributions of the Latino/Hispanic community.

Councilmember Torres-Walker recognized individuals in the community with diverse identities.

Mayor Thorpe discussed the racial diversity of Antioch.

#### **4. ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

- Antioch Council of Teens Coat Drive – September 6 – November 6, 2023
- Teen Jazz & Hip Hop Dance -September 11 – November 16, 2023

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

- Big Truck Day – September 21, 2023
- Coastal Cleanup Day – September 23, 2023

#### **5. ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS**

City Clerk Householder announced the following Board and Commission openings.

- Board of Administrative Appeals
- Parks and Recreation Commission
- Planning Commission
- Sales Tax Citizens' Oversight Committee

For more information and to apply, visit the City's website. Applications were also available in the lobby of City Hall.

#### **PUBLIC COMMENTS**

Christian Gutierrez discussed incidents he was involved in with medical personnel and law enforcement.

Rosalba Zendejas discussed an incident her sons were involved in with law enforcement.

Ginny Stemler, Amy Hilton, Saheed Adepoju, Matt Mauldin, Pastor David Stretzbach, Tom Perez Jr., Sharon Enegbemi, Ginny Logan, Joshua Logan, Tim Kinnicutt, Naomi Estrada and Joe Nunes Jr. representing Heritage Baptist Church & Academy, discussed an assault that occurred by a transient on school property and the delayed police response. Some requests of Council included fully staffing APD, creating an encampment buffer zone around schools, increasing services for the unhoused and temporarily contracting with the County to fill APD vacancies.

Andrew Becker stated the encampment near the Baptist Church was on CCWD property and their police force along with East Bay Regional Parks should be responsible for policing the area. He advocated for an emergency shelter to be located at the former Babe Ruth Fields.

Odessa LaFrancois, East County NAACP, thanked Mayor Thorpe and Councilmember Wilson for attending their Freedom Fund event.

Julia Emego Kwue spoke in support of defunding the APD and using the funds to build a multi-story building for social safety net programs. She encouraged residents to assist the unhoused.

Ralph Hernandez, Antioch resident, spoke in support of APD officers in good standing and discussed cases he had investigated. He stated officers found guilty of misconduct should be terminated or disciplined.

Nicole Gardner encouraged churches to provide outreach services for the unhoused.

Gavin Payton, East County NAACP Youth Council, invited the community to a youth scholarship fundraising banquet at 7:00 P.M. on November 4, 2023.

Devin Williams announced a March to Pittsburg City Hall would be held on September 16, 2023, beginning at Pittsburg City Park to urge Council to pass a rent stabilization ordinance. He encouraged stakeholders work together to provide outreach services for the unhoused.

Kamilah thanked Council for actions taken to improve public safety in the community.

Phillip Cordero stated he attempted to file a report at APD after he was assaulted, and their response was unprofessional.

Shagoofa Khan encouraged stakeholders to work together to resolve the issue of homelessness.

Archie Brumfield, ACCE, recited scripture and encouraged community members to be proactive.

## **CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS**

Councilmember Barbanica thanked the public speakers this evening. He reported on conversations he had had with Amy Hilton and Ginny Hogan regarding the Heritage Baptist Academy incident and apologized for the delay in response from the City. He stated he would be asking staff to agendaize a discussion on buffer zones and the consideration of the former Babe Ruth Fields for homeless services. He reported on his attendance at Stand Down and thanked Delta Veteran's Group for hosting the event. He announced the safe parking lot program was now available at Saint Ignatius and had been very successful.

Councilmember Ogorchok stated she was pleased that the Delta Veteran's Group and the NAACP had successful events and explained that she had been unable to attend since she was out of town. She stated she had spoken to Acting Chief Vigil, Ms. Hilton and Ms. Hogan about the Heritage Baptist Academy event. She reported several churches and St. Vincent DePaul were very active within the homeless communities and she thanked them for their efforts.

Councilmember Wilson announced a Delta Diablo meeting would be held on September 13, 2023, and Tri Delta would be meeting in two weeks. She apologized to Ms. Hogan for the incident that occurred at Heritage Baptist Academy. She spoke in support of stakeholders working together to address public safety and assist the unhoused.

Councilmember Torres-Walker stated the City needed to work with CCWD, EBRP and APD to prevent further incidents at the Heritage Baptist School. She reported on her attendance at the Mayor's Conference, Human Rights and Racial Equity Ad Hoc Committee meeting with Councilmember Ogorchock, Violence Prevention Team meeting and a meeting with staff regarding the "L" Street improvement project. She stated she had not attended some events; however, she had been actively assisting several Antioch residents.

**MAYOR'S COMMENTS**

Mayor Thorpe thanked the residents for their attendance and comments this evening. He stated he believed all Council members had good intentions and volunteered time in the community. He announced that he had attended several events representing the entire Council. He reported on the tasks Antioch had taken on to address public safety and community resources. He explained that the person who assaulted the family at Heritage Baptist was an individual who committed a crime and should be prosecuted. He announced he would be hosting a public safety meeting for commercial businesses. He reported on his attendance at the Contra Costa Transportation Authority meeting, Monument Impact Annual Gala, Delta Stand Down, NAACP event and a tour of his former Navy ship. He expressed his appreciation for the moment of silence for the victims of 911 and thanked first responders and those who served in the military.

Councilmember Wilson left the dais.

- 6. CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency**
- A. APPROVAL OF COUNCIL MEETING MINUTES FOR AUGUST 8, 2023**
- B. APPROVAL OF COUNCIL MEETING MINUTES FOR AUGUST 22, 2023**
- C. APPROVAL OF COUNCIL WARRANTS**
- D. APPROVAL OF HOUSING SUCCESSOR WARRANTS**
- E. ORDINANCE NO. 2232-C-S SECOND READING – ORDINANCE PROHIBITING RETALIATION AND HARASSMENT OF RESIDENTIAL TENANTS (*Introduced on August 22, 2023*)**
- F. SECOND READING – 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 (*Introduced on August 22, 2023*)**
- G. RESOLUTION NO. 2023/144 CONTINUANCE OF EMPLOYEE REFERRAL AND RECRUITMENT SIGNING BONUS AND INCENTIVE PROGRAM FOR QUALIFIED LATERAL AND ENTRY LEVEL POLICE OFFICERS**

- H. **RESOLUTION NO. 2023/145 AUTHORIZE RESPONSE TO GRAND JURY REPORT NO. 2306 “AFFORDABLE HOUSING: A PLAN WITHOUT A HOME”**
- I. **RESOLUTION NO. 2023/146 ACCEPTANCE OF WORK AND NOTICE OF COMPLETION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DOWNTOWN ROADWAY PAVEMENT REHABILITATION, PHASE 9 (P.W. 678-9)**
- J. **RESOLUTION NO. 2023/147 SEVENTH AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH WOODARD & CURRAN FOR THE WEST ANTIOCH CREEK SILT REMOVAL PROJECT (P.W. 201-5A)**
- K. **RESOLUTION NO. 2023/148 APPROVING THE UPDATES TO THE RECREATION SERVICES MANAGER CLASS SPECIFICATION AND ASSIGNING TO SENIOR MANAGEMENT IN THE MANAGEMENT BARGAINING UNIT**

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica, the City Council approved the Council Consent Calendar with the exception of Items E, F, G, H and I, which were removed for further discussion. The motion carried the following vote:

Ayes: Barbanica, Ogorchock, Torres-Walker, Thorpe

Absent: Wilson

Councilmember Wilson returned to the dais.

**Item E** - Councilmember Barbanica announced that under advice of legal counsel, he would recuse himself from Consent Calendar Item E.

Kamilah, Devin Williams, Ethan Silverstein, ACCE, Brendon O’Laskey, Cecilia Perez and Julia Emego Kwue spoke in support of the anti-harassment ordinance. Some speakers asked for a just cause ordinance and rent control to be brought forward as soon as possible.

Ralph Hernandez suggested the ordinance include notification to tenants of their liability.

A motion was made by Councilmember Wilson, seconded by Councilmember Torres-Walker to approve Item E.

A substitute motion made by Councilmember Ogorchock to approve Item E with an exception for residential care homes, died for the lack of a second.

A vote taken on the original motion passed by the following vote:

Ayes: Wilson, Torres-Walker, Thorpe

Noes: Ogorchock

Councilmember Barbanica returned to the dais.

**Item F** – Ralph Hernandez stated he believed Council lacked the experience to oversee the duties of the Chief of Police. He suggested Council review the MOU that gave management personnel the ability to ignore complaints.

Devin Williams, Julia Emego Kwue, Teki Flow spoke in support of Item F.

Melissa Case stated that she was undecided on this item and looked forward to hearing a compromise. She expressed concern regarding the lack of transparency from some Councilmembers.

Phillip Cordero discussed the importance of holding people accountable for their actions.

Councilmember Torres-Walker stated she supported the ordinance provided it included language she had previously proposed regarding a sunset clause to the ordinance of 12 months or upon the hire of a permanent City Manager.

Mayor Thorpe stated he supported the ordinance as presented this evening.

In response to Councilmember Torres-Walker, City Attorney Smith clarified the motion she was requesting would be to direct him to amend the ordinance to include the sunset clause and then bring it back for a new first reading.

A motion made by Councilmember Torres-Walker and seconded by Councilmember Wilson to direct staff to amend the ordinance to include a sunset clause and bring it back to Council for a first reading failed by the following vote:

Ayes: Torres-Walker, Wilson

Noes: Barbanica, Ogorchock, Thorpe

**Item G** – In response to Councilmember Barbanica, Acting Police Chief Vigil provided an update on the incentive program.

Julia Emego Kwue spoke in opposition to Item G and suggested the City invest the money in social safety net programs.

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock the City Council approved Item G. The motion carried the following vote:

Ayes: Barbanica, Ogorchock, Wilson, Thorpe

Abstain: Torres-Walker

**Item H** – Andrew Becker stated he believed Antioch should take on the responsibility of providing shelter housing and disagreed with the City's response to the Grand Jury Report.

Julia Emego Kwue spoke in support of city-controlled affordable housing projects and social safety net programs.



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

**Item I** – Andrew Becker suggested CDBG fund infrastructure improvements in District 1.

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock the City Council unanimously approved Item I.

## COUNCIL REGULAR AGENDA

### **7. NEW CLASS SPECIFICATION FOR PRINCIPAL PLANNER, ASSIGNMENT OF A SALARY RANGE, AND ASSIGNMENT OF THE CLASSIFICATION TO THE MANAGEMENT BARGAINING UNIT**

Director of Human Resources Cortez presented the staff report dated September 12, 2023, recommending the City Council adopt the resolution (1) approving a new class specification for Principal Planner, (2) assigning a salary range, (3) assigning the classification to the Management Bargaining Unit, and (4) authorizing the Acting City Manager or designee to make the necessary adjustments to the Fiscal Year 2024 and 2025 budget to fund the position, in the amount of \$22,953 and \$38,402 respectively(s).

Andrew Becker requested an update on the current staffing levels of the Community Development Department.

Julia Emego Kwue spoke in opposition to increasing compensation for these positions.

In response to Mayor Thorpe, Acting City Manager Reed clarified that this item would be approving the classification for the Principal Planner position.

### **RESOLUTION NO. 2023/149**

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson the City Council unanimously adopted the resolution (1) approving a new class specification for Principal Planner, (2) assigning a salary range, (3) assigning the classification to the Management Bargaining Unit, and (4) authorizing the Acting City Manager or designee to make the necessary adjustments to the Fiscal Year 2024 and 2025 budget to fund the position, in the amount of \$22,953 and \$38,402 respectively(s).

### **8. AMENDMENT TO THE FISCAL YEAR 2024 AND 2025 BUDGET TO FUND ONE (1) SENIOR PLANNER, ONE (1) PRINCIPAL PLANNER, AND ONE (1) PLANNING MANAGER IN LIEU OF TWO (2) PRINCIPAL PLANNERS**

Director of Human Resources Cortez presented the staff report dated September 12, 2023, recommending the City Council adopt the resolution 1) Amending the Community Development Planning Division personnel budget in the amount of \$293,157 for Fiscal Year 2023-24 and

\$308,925 for Fiscal Year 2024-25 to fund one (1) Senior Planner, (1) Principal Planner, and one (1) Planning Manager, instead of two (2) Principal Planners; and 2) Authorizing the Acting City Manager or designee to make the necessary Fiscal Year 2024 and 2025 budget adjustments.

Andrew Becker reiterated his request for staff to provide an update on the current staffing levels of the Community Development Department.

Julia Emego Kwue opposed funding these positions.

**RESOLUTION NO. 2023/150**

On motion by Councilmember Ogorchock, seconded by Mayor Thorpe the City Council unanimously adopted the resolution 1) Amending the Community Development Planning Division personnel budget in the amount of \$293,157 for Fiscal Year 2023-24 and \$308,925 for Fiscal Year 2024-25 to fund one (1) Senior Planner, (1) Principal Planner, and one (1) Planning Manager, instead of two (2) Principal Planners; and 2) Authorizing the Acting City Manager or designee to make the necessary Fiscal Year 2024 and 2025 budget adjustments.

**9. RESOLUTION APPROVING THE FIFTH AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH THOMAS LLOYD SMITH FOR CITY ATTORNEY SERVICES AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT**

Director of Human Resources Cortez presented the staff report dated September 12, 2023, recommending the City Council adopt a resolution approving the Fifth Amendment to the Employment Agreement with Thomas Lloyd Smith for City Attorney Services, authorizing the Mayor to sign the Amendment, and authorizing the Finance Director to make the necessary Fiscal Year 2025 budget adjustment.

Andrew Becker suggested looking at incentives for positions within the City Attorney's office and thanked City Attorney Smith for the work he had done on behalf of the citizens of Antioch.

Julia Emego Kwue discussed the importance of the City employing a professional City Attorney.

Acting City Manager Reed commented that the motion should include FY 23-24 and FY 24-25.

Councilmember Barbanica spoke in support of City Attorney Smith and thanked him for serving the citizens of Antioch.

**RESOLUTION NO. 2023/151**

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock City Council unanimously adopted a resolution approving the Fifth Amendment to the Employment Agreement with Thomas Lloyd Smith for City Attorney Services, authorizing the Mayor to sign the Amendment, and authorizing Acting City Manager Reed or designee to make the necessary Fiscal Year 23/24 and 24/25 budget adjustment.

**10. CITY COUNCIL 90-DAY REQUEST LIST – DISCUSSION ON FALSE ALARM POLICY AND FEES THAT ARE CHARGED TO ANTIOCH RESIDENTS**

Councilmember Torres-Walker announced she would be meeting with Acting City Manager Reed and APD to review the fees associated with false alarms and there was no need to discuss this item this evening.

**PUBLIC COMMENT**

Melissa Case thanked Council for their professionalism and encouraged them to address staffing levels.

**STAFF COMMUNICATIONS**

Acting City Manager Reed thanked City staff for their support.

**COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS**

Councilmember Barbanica requested the following future agenda items: school buffer zone for encampments and permit process amendment for rental properties specifically for immediate family members. He stated he would be discussing the potential future use of the Babe Ruth Fields with Councilmember Torres-Walker.

Councilmember Torres-Walker requested the following future agenda items: presentations/updates on CSO program, establishment of an official Poet Laureate Process, Midnight Basketball, CDBG, Mayor’s Apprenticeship Program, Crisis Response Team, Opportunity Village and the A-3 Miles Hall Crisis Call Center.

Councilmember Ogorchock requested the following future agenda items: Senior Community Friendly City Designation, Federal Lobbyist and Public Hearing times.

Councilmember Wilson requested the following future agenda item: Sister City Program.

Councilmember Barbanica reported that the Babe Ruth Fields had been abandoned and were in the process of being demolished.

**ADJOURNMENT**

On motion by Councilmember Ogorchock, seconded by Councilmember Barbanica, the City Council unanimously adjourned the meeting at 11:07 P.M.

Respectfully submitted:

*Kitty Eiden*  
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KITTY EIDEN, Minutes Clerk