

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

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

**November 28, 2023  
Council Chambers**

**5:45 P.M. - CLOSED SESSION**

Mayor Thorpe called Closed Session to order at 5:45 P.M., and Acting City Clerk Rosales called the roll.

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

Absent: Mayor Pro Tem (District 1) Torres-Walker (arrived at 5:48 P.M.)

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to California Government Code section 54956.9(d)(1); Justin Nartea v. Pamela Sabedra et al., Contra Costa County Superior Court Case C23-01521.
2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to California Government Code section 54956.9(d)(1); Wade v. City of Antioch, United States District Court for the Northern District of California, Case No. 23-cv-01130-DMR.
3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to California Government Code section 54956.9(d)(1); Collier Jr. v. City of Antioch, Superior Court for the State of California, Contra Costa County Case No. C22-02806.

**PUBLIC COMMENTS**

John Trizuto spoke on items that were not on the Closed Session agenda.

**ADJOURN TO CLOSED SESSION**

Mayor Thorpe adjourned to Closed Session at 5:51 P.M.

**CLOSED SESSION – Continued**

Mayor Thorpe reopened Closed Session at 5:53 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

City Attorney Smith introduced the additional Closed Session agenda item.

4. **CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** – pursuant to California Government Code section 54956.8; Property: 1915 D Street, Antioch, CA; Negotiating Parties: City of Antioch Negotiators: Kwame P. Reed, Acting City Manager and Thomas Lloyd Smith, City Attorney; Negotiating Parties: Mickie Marchetti, Executive Director, R.E.A.C.H. Project; Under Negotiation: Price and terms of payment.

#### **ADJOURN TO CLOSED SESSION**

Mayor Thorpe adjourned to Closed Session at 5:53 P.M.

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

Mayor Thorpe called the meeting to order at 7:02 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.

Mayor Thorpe opened the meeting in memory of Contra Costa County Fire Fighter John Martinez and Councilmember Barbanica led a moment of silence.

#### **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 – EXISTING LITIGATION**, City Council approved a settlement in the amount of \$35,000, by a 5/0 vote, **#2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, direction was given **#3 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, direction was given; and, **#4 CONFERENCE WITH REAL PROPERTY NEGOTIATIONS**, direction was given.

#### **1. PROCLAMATIONS**

- *In Memory of the City of Antioch's first female Mayor Louise Giersch, September 23, 1925 – September 4, 2023*
- *In Memory of Former Council Member Frank L. Stone, April 29, 1927 – October 25, 2023*

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

Councilmember Ogorchock memorialized Louise Giersch.

Mayor Thorpe declared a recess at 7:09 P.M. during proclamations due to a CCTV technical issue. The meeting reconvened at 7:10 P.M. with all Councilmembers present.

Former Mayor Joel Keller and Barbara Sobalvarro memorialized Louise Giersch and Frank Stone.

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

Director of Parks and Recreation Helfenberger announced the following event:

- Holiday Delites Celebration - December 2, 2023, Antioch's Historic Rivertown

Mayor Thorpe announced the following event:

- Healing & Unity + Key to the City Event - November 30, 2023, Antioch Community Center

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

City Clerk Householder announced the following Board and Commission opening.

- Planning Commission

For more information and to apply, visit the City's website.

## **PUBLIC COMMENTS**

Michelle Kuslits, Antioch resident, thanked Council for acknowledging Frank Stone. She discussed staffing needs at the Antioch Animal Shelter and expressed concern for an elected official who was breeding and selling puppies.

Christine Clark and Brendon O'Laskey, Rising Juntos, requested Council place a Just Cause for Evictions Ordinance on a future Council agenda.

Martha Goralka, Antioch resident, thanked Council for acknowledging Frank Stone and Louise Giersch, and discussed their contributions to the community.

Julia Emego Kwue, Antioch resident, requested an accounting of subsidies given to the private sector and an update on allegations of police misconduct. She called for the abolishment of the Planning Commission.

Devin Williams reported on his participation in the Thanksgiving turkey give-away.

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## CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS

Councilmember Ogorchock announced she would be attending Cal Cities this week. She requested staff agendaize a discussion on theft prevention designs for commercial buildings.

Councilmember Torres-Walker gave an update on the Human Rights and Racial Equity Ad Hoc Committee. She thanked Prison from the Inside Out for providing Thanksgiving food service downtown. She congratulated Mayor Thorpe on the success of the turkey give-away and thanked everyone who met the needs of community members.

## MAYOR'S COMMENTS

Mayor Thorpe reported on the success of the Thanksgiving turkey giveaway and thanked everyone who participated. He stated he looked forward to the Healing & Unity event on November 29, 2023. He encouraged everyone to wear ugly sweaters for the December City Council meeting.

**ON MOTION BY COUNCILMEMBER OGORCHOCK, SECONDED BY COUNCILMEMBER BARBANICA, THE CITY COUNCIL UNANIMOUSLY SUSPENDED THE RULES AND MOVED COUNCIL REGULAR AGENDA ITEMS #5 AND #6 AS THE NEXT ORDER OF BUSINESS.**

## COUNCIL REGULAR AGENDA

### 5. SALES TAX CITIZENS' OVERSIGHT COMMITTEE APPOINTMENT FOR THE VACANCY EXPIRING MARCH 2026

City Clerk Householder announced that Mayor Thorpe nominated Ami Odom to the Sales Tax Citizens' Oversight Committee for the partial-term vacancy expiring March 2026, and read her biography.

#### **RESOLUTION NO. 2023/167**

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously adopted the resolution appointing Ami Odom to the Sales Tax Citizens' Oversight Committee for the partial-term vacancy expiring March 2026.

### 6. BOARD OF ADMINISTRATIVE APPEALS APPOINTMENTS FOR ONE VACANCY EXPIRING MARCH 2024 AND ONE VACANCY EXPIRING MARCH 2026

City Clerk Householder announced that Mayor Thorpe nominated Sharif Umair to the Board of Administrative Appeals for the partial-term vacancy expiring March 2024, and read his biography.

#### **RESOLUTION NO. 2023/168**

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously adopted the resolution appointing Sharif Umair to the Board of Administrative Appeals for the partial-term vacancy expiring March 2024.

City Clerk Householder announced that Mayor Thorpe nominated John Constantine Richelsen to the Board of Administrative Appeals for the partial-term vacancy expiring March 2026, and read his biography.

**RESOLUTION NO. 2023/169**

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously adopted the resolution appointing John Constantine Richelsen to the Board of Administrative Appeals for the partial-term vacancy expiring March 2026.

City Clerk Householder administered the Oath of Office to Ami Odom, Sharif Umair, and John Constantine Richelsen.

4. **CONSENT CALENDAR for City / City Council Members acting as Successor Agency/Housing Successor to the Antioch Development Agency**
  - A. **APPROVAL OF COUNCIL MEETING MINUTES FOR OCTOBER 24, 2023**
  - B. **APPROVAL OF COUNCIL MEETING MINUTES FOR NOVEMBER 14, 2023**
  - C. **APPROVAL OF COUNCIL WARRANTS**
  - D. **APPROVAL OF SUCCESSOR AGENCY WARRANTS**
  - E. **APPROVAL OF HOUSING SUCCESSOR WARRANTS**
  - F. **ORDINANCE NO. 2235-C-S AND ORDINANCE NO. 2236-C-S SECOND READING – INNOVATIVE HOUSING (IH) OVERLAY DISTRICT AND ACCESSORY DWELLING UNITS (LA2023-0003) *(Introduced on November 14, 2023)***
  - G. **ORDINANCE NO. 2237-C-S SECOND READING – ZONING TEXT AMENDMENTS (LA2023-0004) *(Introduced on November 14, 2023)***
  - H. **RESOLUTION NO. 2023/170 AMENDMENT TO PURPOSE-BUILT CONTRACT FOR SAFETY APPAREL, UNIFORMS, AND PERSONAL PROTECTIVE EQUIPMENT PURCHASES**
  - I. **RESOLUTION NO. 2023/171 CONSIDERATION OF A COOPERATIVE AGREEMENT BETWEEN THE CITY OF ANTIOCH AND THE CONTRA COSTA TRANSPORTATION AUTHORITY FOR THE ANTIOCH BICYCLE GARDEN PROJECT FUNDED IN PART BY A SAFE STREETS AND ROADS FOR ALL GRANT**

- J. **RESOLUTION NO. 2023/172 CONSIDERATION OF BIDS FOR THE CONTRA LOMA ESTATES PARK RENOVATION (P.W. 298-P3)**
- K. **RESOLUTION NO. 2023/173 AUTHORIZATION TO RESPOND TO REQUEST FOR STATUS UPDATE TO GRAND JURY REPORT NO. 2106 “MENTAL HEALTH CRISIS RESPONSE”**

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously approved the Council Consent Calendar with the exception of items C, F, G, I and J.

**Item C** – It was determined that this item was pulled from the Consent Calendar in error.

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

**Item G** - It was determined that this item was pulled from the Consent Calendar in error.

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

**Item F** – Andrew Becker suggested rewriting the ordinance to include waiving development fees for affordable housing developers building under 60 percent AMI.

Julia Emego Kwue spoke in opposition to the ordinance.

In response to Councilmember Barbanica, City Attorney Smith clarified that Council could approve the ordinance and if it was determined that the City could waive developer fees, that item could be brought back as an ordinance amendment.

Acting Planning Manager Merideth explained by state law there were no development fees for accessory dwelling units under 750 square feet and those over 750 square feet had to be proportional to a single-family home. She noted that formula was included in the ordinance. She further noted if Council wanted to look at waiving developer fees on a broader scale, that item could be brought back for discussion at a future date.

Councilmember Torres-Walker supported Council holding a discussion on waiving developer fees for affordable housing.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously adopted an ordinance amending Title 9, Chapter 5 of the Antioch Municipal Code to implement State legislation regarding Accessory Dwelling Units and to permit multiple Accessory Dwelling Units in the Innovative Housing (IH) Overlay District.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously adopted an ordinance to rezone 33 parcels to include an IH Overlay District.

**Item I** – Addison Peterson spoke in support of the bicycle garden project and the Contra Loma Estates Park renovation.

Andrew Becker expressed concern for the location of the bicycle garden project and questioned if it met the intent of the grant.

Julia Emego Kwue spoke in opposition to the bicycle garden project.

Mayor Thorpe clarified that this item was related to a grant from the federal government and restricted for a specific use. He explained that the location was chosen through a community engagement process.

In response to Councilmember Ogorchock, Director of Parks and Recreation Helfenberger commented that once the agreement was executed, they would be working with CCTA to begin public outreach for the design process.

Councilmember Torres-Walker expressed concern that most projects were not accessible to residents of Districts 1 and 2. She spoke in support of hiring a grant writer to bring in more opportunities for meeting the needs of those residents.

Councilmember Barbanica questioned if there was a possibility of splitting the grant funds for smaller versions of the same project in both south and north Antioch.

Mayor Thorpe responded that it was too late to change the project and provided a history of the park location selection process.

Councilmember Torres-Walker discussed the importance of advocating for increased transportation opportunities for Districts 1 and 2.

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

**Item J** – Julia Emego Kwue suggested creating a structure for housing the homeless in the park.

Andrew Becker encouraged the City to create access to the park from surrounding communities by installing a well-lit and safe pedestrian bridge over the creek.

Councilmember Ogorchock requested staff build contingencies into projects in the event there are overruns in the future.

Councilmember Torres-Walker expressed concern that neighborhood parks lacked bathrooms. She spoke in support of the project and noted in the future she hoped Council would discuss accessibility to the park from the adjacent community.

On motion by Councilmember Ogorchock, seconded by Councilmember Torres-Walker, the City Council unanimously approved Item J.

Mayor Thorpe declared a recess at 8:59 P.M. The meeting reconvened at 9:05 P.M. with all Councilmembers present.

**7. RESOLUTIONS APPROPRIATING EXPENDITURES FOR ENCUMBRANCES AND PROJECT BUDGETS OUTSTANDING TO THE 2023/24 FISCAL YEAR BUDGET AND APPROVING OTHER AMENDMENTS TO THE 2023/24 AND 2024/25 FISCAL YEAR BUDGETS**

Finance Director Merchant presented the staff report dated November 28, 2023 recommending the City Council adopt the following resolutions: 1) Resolution of the City Council of the City of Antioch appropriating expenditures for encumbrances and project budgets outstanding to the 2023/24 fiscal year budget and approving other amendments to the 2023/24 and 2024/25 fiscal year budgets. 2) Resolution of the City Council of the City of Antioch approving amendments to the 2023/24 and 2024/25 fiscal year budgets for items considered at the meeting of November 28, 2023.

Andrew Becker expressed concern regarding one-time revenues were being considered for Water Park maintenance items and offered suggestions for City expenditures.

Julia Emego Kwue requested additional data pertaining to expenditures and offered suggestions for budget revisions.

Following discussion on street sweeping services, Council consensus supported retaining the proposed budget amendments for additional street sweeping services.

**RESOLUTION NO. 2023/174**

On motion by Councilmember Barbanica, seconded by Councilmember Torres-Walker, the City Council unanimously adopted the resolution of the City Council of the City of Antioch appropriating expenditures for encumbrances and project budgets outstanding to the 2023/24 fiscal year budget and approving other amendments to the 2023/24 and 2024/25 fiscal year budgets.

Following discussion of the additional budget items for consideration, Council consensus supported funding the Sister City Expenses, July 4<sup>th</sup> Event and Water Park Needs. They also supported revisiting the additional items for consideration at a future meeting.



**RESOLUTION NO. 2023/175**

On motion by Councilmember Barbanica, seconded by Councilmember Ogorchock, the City Council unanimously adopted the resolution of the City Council of the City of Antioch approving amendments to the 2023/24 and 2024/25 fiscal year budgets for the following projects:

- Sister City Expenses – \$50,000
- July 4<sup>th</sup> Event – \$110,000
- Water Park Needs - \$1,579,605

Councilmember Barbanica thanked Finance Director Merchant for working on the City’s budget.

**PUBLIC COMMENT**

Andrew Becker discussed the importance of creating safe spaces for the unhoused.

**STAFF COMMUNICATIONS**

Acting City Manager Reed announced the City would be hosting the Mayor’s Conference on January 4, 2024 at Smith’s Landing.

**COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS**

Councilmember Barbanica reiterated a previous request for a smoke shop ordinance amendment that would allow owners to sell or will their businesses to others.

Councilmember Torres-Walker wished everyone a Happy Holiday and announced she would be unable to attend the December City Council meeting. She thanked everyone who participated in the meeting this evening. She requested the following items be agendized for a future City Council meeting:

- Update on the 6-month agenda item request list.
- Just Cause for Eviction Ordinance.
- Consideration of waiving all development fees for developers committed to building housing under 60 percent AMI.
- Potential acquisition of the Golf and Games property for community services and housing for the unhoused.
- Tri Delta Transit route presentation with the goal to improve public transportation needs.
- Discussion on parking and security at the Antioch Marina.

Mayor Thorpe reminded Council to wear their ugly sweaters to the next Council meeting.

**ADJOURNMENT**

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously adjourned the meeting at 10:10 P.M.

Respectfully submitted:

*Kitty Eiden*  
KITTY EIDEN, Minutes Clerk