

CITY OF
ANTIOCH
CALIFORNIA

ANNOTATED AGENDA

Antioch City Council
SPECIAL AND REGULAR MEETING
Including the Antioch City Council acting as
Housing Successor to the Antioch Development Agency

Date: **Tuesday, May 14, 2024**

Time: 5:00 P.M. – Special Meeting/Work Session
6:30 P.M. – Closed Session
7:00 P.M. – Regular Meeting

Place: **Council Chambers**
200 'H' Street
Antioch, CA 94509

City Council meetings are televised live on Comcast channel 24, AT&T U-verse channel 99, or live stream (at www.antiochca.gov). Please see the inside cover for detailed Speaker Rules.

PLEASE TURN OFF CELL PHONES BEFORE ENTERING COUNCIL CHAMBERS.

Lamar A. Hernandez-Thorpe, Mayor
Monica E. Wilson, Mayor Pro Tem (District 4)
Tamisha Torres-Walker, Council Member District 1
Michael Barbanica, Council Member District 2
Lori Ogorchock, Council Member District 3

Ellie Householder, City Clerk
Lauren Posada, City Treasurer
Kwame P. Reed, Acting City Manager
Thomas Lloyd Smith, City Attorney

ACCESSIBILITY: In accordance with the Americans with Disabilities Act and California law, it is the policy of the City of Antioch to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at the number or address below at least 72 hours prior to the meeting or when you desire to receive services. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City's ADA Coordinator can be reached @ Phone: (925) 779-6950, and e-mail: publicworks@antiochca.gov.

Notice of Availability of Reports

This agenda is a summary of the actions proposed to be taken by the City Council. For almost every agenda item, materials have been prepared by the City staff for the Council's consideration. These materials include staff reports which explain in detail the item before the Council and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Unless otherwise noted, City Council actions include a determination that the California Environmental Quality Act (CEQA) does not apply. The Council meets regularly on the second and fourth Tuesdays of the month at 7:00 p.m., with Closed Sessions often occurring before or after the regular meeting. City Council Agendas, including Staff Reports are posted onto our City's Website 72 hours before each Council Meeting. To be notified when the agenda packets are posted onto our City's Website, simply click on this link: [Notifications – City of Antioch, California \(antiochca.gov\)](https://www.antiochca.gov/notifications) and enter your e-mail address to subscribe. To view the agenda information, click on the following link: [City Council – City of Antioch, California \(antiochca.gov\)](https://www.antiochca.gov/city-council). Questions may be directed to the staff member who prepared the staff report, or to the City Clerk's Office, who will refer you to the appropriate person.

Notice of Opportunity to Address Council

The public has the opportunity to address the City Council on each agenda item. To address the Council, fill out a Speaker Request form and place in the Speaker Card Tray near the City Clerk before the meeting begins. This will enable us to call upon you to speak. Comments regarding matters not on this Agenda may be addressed during the "Public Comments" section. No one may speak more than once on an agenda item or during "Public Comments". The Speaker Request forms are located at the entrance of the Council Chambers. Please see the Speaker Rules on the inside cover of this Agenda.

5:00 P.M. ROLL CALL – SPECIAL MEETING/STUDY SESSION – for Council Members – *All Present*

PLEDGE OF ALLEGIANCE

STUDY SESSION

SM-1. FISCAL YEAR 2023-25 MID-YEAR BUDGET REVIEW

Direction provided to staff

Recommended Action: It is recommended that the City Council provide feedback and direction on the draft mid-year budget options and adjustments to the fiscal year 2023-25 budget.

6:25 P.M. MOTIONED TO ADJOURN SPECIAL MEETING/STUDY SESSION

6:30 P.M. ROLL CALL – CLOSED SESSION – for Council Members – *All Present*

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS *for Closed Session - None*

CLOSED SESSION:

- 1) **CONFERENCE INVOLVING JOINT POWERS AGENCY** – Municipal Pooling Authority and California Affiliated Risk Management Authority (CARMA). Discussion will concern EXISTING LITIGATION pursuant to California Government Code section 54956.9 MARIA QUINTO-COLLINS, et al., v. CITY OF ANTIOCH, et al., United States District Court Northern District of California CASE NO.: 3:21-cv-06094-AMO; Name of local agency representative on joint powers agency board: Thomas Lloyd Smith, City of Antioch; Appearing on behalf of joint powers board: Linda Cox, Municipal Pooling Authority and Amanda Griffith, ERMA (Employment Risk Management Authority).

City Council moved to settle case for \$7.5M; approved, 5/0

- 2) **CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation pursuant to Government Code section 54956.9 JESSE WILSON AND DAJON SMITH v. CITY OF ANTIOCH, United States District Court for the Northern District of California CASE NO.: 3:24-cv-02758-SK.

No Reportable Action

6:32 P.M. MOTIONED TO ADJOURN TO CLOSED SESSION

7:04 P.M. ROLL CALL – REGULAR MEETING – for City /City Council Members acting as Housing Successor to the Antioch Development Agency –
All Present

PLEDGE OF ALLEGIANCE

CITY ATTORNEY TO REPORT OUT ON CLOSED SESSION

COUNCIL REGULAR AGENDA – Continued from April 23, 2024, Council Meeting

COUNCIL MEMBER BARBANICA REQUESTED A MOTION TO CONTINUE ITEMS #1-3 TO NEXT MEETING; APPROVED, 5/0

1. ***CITY COUNCIL REQUESTED DISCUSSION ITEM – DISCUSSION ON A FUTURE PRESENTATION FROM THE ANTIOCH POLICE DEPARTMENT ON THE TOOLS AND EQUIPMENT UTILIZED BY THE DEPARTMENT***

Recommended Action: It is recommended that the City Council discuss and provide direction to City staff.

2. ***CITY COUNCIL REQUESTED DISCUSSION ITEM – DISCUSSION ON THE CREATION OF A CITY COMMISSION FOR SENIORS/MATURE ADULTS***

Recommended Action: It is recommended that the City Council discuss and provide direction to City staff.

COUNCIL REGULAR AGENDA – Continued from April 23, 2024, Council Meeting

3. FUTURE PLANS FOR THE ANTIOCH POLICE CRIME PREVENTION COMMISSION

Recommended Action: It is recommended that the City Council direct staff to take one of the following actions:

- *Initiate the candidate application process to fill the vacancies on the Police Crime Prevention Commission;*
- *Prepare an ordinance to dissolve the Police Crime Prevention Commission;*
- *Prepare a resolution for an ad hoc committee to propose the future mission and purpose of the Antioch Police Crime Prevention Commission;*
- *Take no action.*

COUNCIL MEMBER BARBANICA REQUESTED A MOTION TO SUSPEND THE RULES TO MOVE UP AGENDA ITEM #9 TO BE HEARD AFTER AGENDA ITEM #4; APPROVED, 5/0

4. PROCLAMATIONS

- In Honor of Older Americans' Month, May 2024
- National Public Works Week, May 19 – 25, 2024
- Be Kind to Animals Month, May 2024
- Affordable Housing Month, May 2024
- Mental Health Awareness Month, May 2024
- Asian American & Pacific Islander Heritage Month, May 2024
- Jewish American Heritage Month, May 2024
- National Water Safety Month, May 2024

Approved, 4/0/1 (Torres-Walker – Abstained)

Recommended Action: It is recommended that the City Council approve the proclamations.

COUNCIL REGULAR AGENDA

9. SALES TAX CITIZENS' OVERSIGHT COMMITTEE APPOINTMENTS FOR THE VACANCIES EXPIRING MARCH 2026 AND MARCH 2028

Recommended Action: 1) *It is recommended that the Mayor nominate the candidates for appointment.*

Reso No. 2024/57 adopted, 5/0

2) *It is recommended that the City Council adopt a resolution approving the Mayor's appointment of Cortney L. Jones to the Sales Tax Citizens' Oversight Committee for the vacancy expiring March 2028.*

Reso No. 2024/58 adopted, 5/0

3) *It is recommended that the City Council adopt a resolution approving the Mayor's appointment of Katherine Mundhenk to the Sales Tax Citizens' Oversight Committee for the partial-term vacancy expiring March 2026.*

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

5. ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

- ECONOMIC DEVELOPMENT COMMISSION
- CONTRA COSTA MOSQUITO & VECTOR CONTROL BOARD

PUBLIC COMMENTS – *Members of the public may comment only on unagendized items. The public may comment on agendized items when they come up on this Agenda.*

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS

MAYOR'S COMMENTS

6. 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 APRIL 9, 2024

Approved, 5/0

Recommended Action: It is recommended that the City Council approve the Meeting Minutes.

CONSENT CALENDAR for City /City Council Members acting as Successor Agency/Housing Successor to the Antioch Development Agency – Continued

B. APPROVAL OF COUNCIL MEETING MINUTES FOR APRIL 23, 2024

Approved, 5/0

Recommended Action: It is recommended that the City Council approve the Meeting Minutes.

C. APPROVAL OF COUNCIL WARRANTS

Approved, 5/0

Recommended Action: It is recommended that the City Council approve the warrants.

D. APPROVAL OF TREASURER'S REPORT FOR DECEMBER 2023

Received and Filed, 5/0

Recommended Action: It is recommended that the City Council receive and file the December 2023 Treasurer's Report.

E. APPROVAL OF TREASURER'S REPORT FOR JANUARY 2024

Received and Filed, 5/0

Recommended Action: It is recommended that the City Council receive and file the January 2024 Treasurer's Report.

F. APPROVAL OF TREASURER'S REPORT FOR FEBRUARY 2024

Received and Filed, 5/0

Recommended Action: It is recommended that the City Council receive and file the February 2024 Treasurer's Report.

G. APPROVAL OF HOUSING SUCCESSOR WARRANTS

Approved, 5/0

Recommended Action: It is recommended that the City Council approve the warrants.

CONSENT CALENDAR for City /City Council Members acting as Successor Agency/Housing Successor to the Antioch Development Agency – Continued

8:26 P.M. COUNCIL MEMBER BARBANICA LEFT THE MEETING DURING PUBLIC COMMENTS FOR CONSENT ITEM #H

H. FIRST AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH THE KPA GROUP FOR CITYWIDE SPACE PLANNING AND ARCHITECTURAL CONSULTATION SERVICES (P.W. 700-4)

Postponed, 4/0/1 (Barbanica – Absent)

Recommended Action: It is recommended that the City Council adopt a resolution:

- 1) Approving the first amendment to the Consulting Services Agreement with The KPA Group for Citywide Space Planning and Architectural Consultation Services, which increases the contract by \$267,165 for a total contract amount of \$317,165; and
- 2) Authorizing the Acting City Manager to execute the amendment to the agreement in a form approved by the City Attorney.

I. ACCEPTANCE OF WORK AND NOTICE OF COMPLETION FOR THE ANTIOCH CAPE SEAL PROJECT 2023 (P.W. 328-13)

Reso No. 2024/59 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution accepting work and authorizing the Acting City Manager or designee to file a Notice of Completion for the Antioch Cape Seal Project 2023.

J. FIRST AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH TESTING ENGINEERS, INC. FOR ON-CALL MATERIAL TESTING AND SPECIAL INSPECTION SERVICES

Reso No. 2024/60 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution:

- 1) Approving the first amendment to the Consulting Services Agreement with Testing Engineers, Inc. for On-Call Material Testing and Special Inspection Services, which increases the contract by \$100,000 for a total contract amount of \$150,000; and
- 2) Authorizing the Acting City Manager to execute the amendment to the agreement in a form approved by the City Attorney.

CONSENT CALENDAR for City /City Council Members acting as Successor Agency/Housing Successor to the Antioch Development Agency – Continued

K. FIRST AMENDMENT TO THE MAINTENANCE SERVICE AGREEMENT WITH ALTA FENCE CO. FOR FENCING PARTS AND INSTALLATION SERVICES

***Reso No. 2024/61 adopted, 3/0/1/1
(Torres-Walker – Abstained / Barbanica – Absent)***

Recommended Action: It is recommended that the City Council adopt a resolution:

- 1) Authorizing the Acting City Manager or designee to make the necessary budget amendment to the operating budget in the amount of \$56,000 in Fiscal Year 2023/24 from the Delta Fair Fund for Fencing Parts and Installation Services;
- 2) Approving the first amendment to the Maintenance Service Agreement with Alta Fence Co. for Fencing Parts and Installation Services, which increases the contract by \$225,500 for a total contract amount of \$375,500; and
- 3) Authorizing the Acting City Manager to execute the amendment to the agreement in a form approved by the City Attorney.

L. AWARD OF A MULTI-YEAR MAINTENANCE SERVICE AGREEMENT WITH TERRACARE ASSOCIATES FOR PARK MAINTENANCE SERVICES

***Reso No. 2024/62 adopted, 3/0/1/1
(Torres-Walker – Abstained / Barbanica – Absent)***

Recommended Action: It is recommended that the City Council adopt a resolution:

- 1) Awarding a multi-year Maintenance Service Agreement to Terracare Associates for Park Maintenance Services beginning July 1, 2024, through June 30, 2027, in the amount of \$4,232,733 with an annual contingency of \$200,000 for a three (3) year total of \$4,832,733 with an option to extend the agreement two (2) additional years in the amount of \$2,906,482 with an annual contingency amount of \$200,000 for a two (2) year total of \$3,306,482 for a five (5) year amount not to exceed \$8,139,215;
- 2) Authorizing the Acting City Manager to execute the agreement in a form approved by the City Attorney; and
- 3) Authorizing the Acting City Manager or designee to make the necessary budget amendment to the Fiscal Year 2024/25 Operating Budget in the amount of \$147,032 for Park Maintenance services.

CONSENT CALENDAR for City /City Council Members acting as Successor Agency/Housing Successor to the Antioch Development Agency – Continued

M. ZENCITY PUBLIC SURVEY TOOL CONTRACT EXTENSION

Reso No. 2024/63 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution approving a one-year contract with Zencity for \$45,000 to continue operation of a public survey tool that the Antioch Police Department adopted January 1, 2023.

N. 2024 ANNUAL EMPLOYEE SERVICE AWARDS

Received and Filed

Recommended Action: It is recommended that the City Council receive and file the 2024 Annual Employee Service Awards report.

O. REJECTION OF CLAIMS: KEITH BURTON, JUAN PABLO SAUCEDA, DASON MELIUS

Rejected, 5/0

Recommended Action: It is recommended that the City Council reject the claims submitted by Keith Burton, Juan Pablo Saucedo and Dason Melius

PUBLIC HEARING

7. ADOPTING NEW FACILITY RESERVE FEE FOR TREATED WATER CAPACITY IN THE BRACKISH WATER DESALINATION FACILITY REPLACING THE EXISTING CHARGE FOR CAPACITY IN CONTRA COSTA WATER DISTRICT'S RANDALL-BOLD WATER TREATMENT PLANT

**Reso No. 2024/64 adopted, 4/0/1 (Barbanica – Absent)
Adding “Apply \$500,000 per year towards the DWR loan”**

Recommended Action: It is recommended that the City Council adopt a resolution:

- 1) Approving the *Technical Memorandum – Facility Reserve Fee for Brackish Water Desalination Facility Assets*, dated April 30, 2024, and prepared by Pavletic Consulting LLC (the “Study”);
- 2) Adopting a new Facility Reserve Fee for Treated Water Capacity based on the Study;
- 3) Repealing and superseding the existing Facility Reserve Fee for Treated Water Capacity; and
- 4) Directing the Acting City Manager or his designee to notify Contra Costa Water District pursuant to the *Treated Water Service Amendatory Agreement* between the City and Contra Costa Water District that it is capping its capacity right thereunder.

COUNCIL REGULAR AGENDA

8. DISCUSSION ITEM: JUST CAUSE EVICTION DRAFT ORDINANCE

Direction provided to staff to meet with stakeholders to draft the ordinance

Recommended Action: It is recommended that the City Council:

- 1) Review, discuss, and provide feedback to staff on the staff report and draft Just Cause Eviction Ordinance; and
- 2) Direct staff to:
 - a) Add, delete, modify or retain provisions of the draft Just Cause Eviction Ordinance and return to the City Council for further review;
 - b) Prepare a final version of the Just Cause Eviction Ordinance and introduce it at an upcoming city council meeting;or
 - c) Take no further action.

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.*

MOTION TO ADJOURN – *After Council Communications and Future Agenda Items, the Mayor will make a motion to adjourn the meeting. A second motion is required, and then a majority vote is required to adjourn the meeting.*

Motioned to adjourn meeting at 10:03 p.m., 4/1 (Barbanica – Absent)