

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

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

**August 27, 2024
Council Chambers**

5:15 P.M. - CLOSED SESSION

Mayor Hernandez-Thorpe called the Closed Session to order at 5:15 P.M., and Acting City Clerk Rosales called the roll.

Present: Council Members District 2 Barbanica, District 3 Ogorchock, Mayor Pro Tem (District 4) Wilson and Mayor Hernandez-Thorpe
Absent: Council Member District 1 Torres-Walker (arrived at 5:31 P.M.)

PLEDGE OF ALLEGIANCE

Mayor Hernandez-Thorpe led the Pledge of Allegiance.

PUBLIC COMMENTS

Mark Jordan and an unidentified speaker requested Council appoint an experienced City Manager.

Leslie May and Devin Williams spoke in support of appointing Bessie M. Scott as City Manager.

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – pursuant to California Government Code section 54956.9: Susana Shippam v. City of Antioch, Superior Court of California Contra Costa County (Case No. C22-01129).
2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, Initiation of litigation pursuant to California Government Code section 54956.9(c): Three Cases.
3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: ACTING CITY MANAGER.** This closed session is authorized pursuant to California Government Code section 54957(b)(1).
4. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: CITY ATTORNEY.** This closed session is authorized pursuant to California Government Code section 54957(b)(1).
5. **A. PUBLIC EMPLOYEE APPOINTMENT: CITY MANAGER.** This closed session is authorized pursuant to California Government Code section 54957(b)(1).

- B. CONFERENCE WITH LABOR NEGOTIATORS** – pursuant to California Government Code section 54957.6. City designated representatives: Human Resources Director Ana Cortez and City Attorney Thomas Lloyd Smith. Employee Organization: Unrepresented Employee – City Manager Candidate.

ADJOURN TO CLOSED SESSION

Mayor Hernandez-Thorpe adjourned to Closed Session at 5:29 P.M.

7:00 P.M. REGULAR MEETING

Mayor Hernandez-Thorpe called the meeting to order at 7:10 P.M., and City Clerk Householder called the roll.

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

PLEDGE OF ALLEGIANCE

Mayor Hernandez-Thorpe led the Pledge of Allegiance.

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 unanimously approved a settlement in the amount of \$85,000, by a 5-0 vote, **#2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, direction given to City Attorney, **#3 PUBLIC EMPLOYEE PERFORMANCE EVALUATION: ACTING CITY MANAGER**, no reportable action, **#4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION: CITY ATTORNEY**, no reportable action; and, **5. A. PUBLIC EMPLOYEE APPOINTMENT: CITY MANAGER** and, **5. B. CONFERENCE WITH LABOR NEGOTIATORS**, no reportable action.

1. INTRODUCTION OF NEW CITY EMPLOYEES

Interim Police Chief Addington introduced Brennan Taft, Community Service Officer who thanked Interim Police Chief Addington for the introduction and stated he looked forward to serving the citizens of Antioch.

Director of Human Resources Cortez introduced Michele Milo, Human Resources Technician who thanked Director of Human Resources Cortez for the introduction and stated she looked forward to working in Antioch.

2. PROCLAMATIONS

- International Overdose Awareness Day, August 31, 2024
- Childhood Cancer Awareness Month, September 2024

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

A representative accepted the *International Overdose Awareness Day* proclamation.

3. ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Amadeus Castillo, Antioch Council of Teens (ACT) announced the following civic and community events:

- The “Yoch” Teen Volunteer Program – Visit: antiochca.gov/Youth
- Mayor’s Apprenticeship Program (MAP) – Visit: antiochca.gov/MAP

4. ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Householder announced the following Board and Commission openings.

- Contra Costa County Mosquito & Vector Control Board
- Economic Development Commission

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

PUBLIC COMMENTS

Due to the amount of speaker requests, Mayor Hernandez-Thorpe reduced speaker times to (2) two-minutes.

John Malcolm Jr., Antioch resident, discussed a significant increase in his water bill and requested Council intervene.

Nadia King, NAACP, announced the NAACP Banquet would be held on October 20, 2024.

Kimberly Kidd-Bailey and Linette Kidd, Antioch residents, discussed a bicycle fatality of a family member and expressed concern for the lack of response from City staff regarding this matter.

Teresa Farias Lua, Rising Juntos, expressed concern that interpretation services were not made available this evening.

Erika Raulston suggested the City bring Job Corps and AmeriCorps programs into Antioch for the youth in the community.

Dan Aderholt, American River Homeless Crews, spoke in support of the *Childhood Cancer Awareness Month* proclamation, discussed his homeless outreach efforts and thanked homeless advocates in Antioch.

Yousef spoke in support of a ceasefire resolution and divestment from Israel.

Frank Sterling, Antioch resident, spoke in support of a ceasefire resolution. He thanked the CARE team for providing services to a member of the community. He spoke in support of ACCE and congratulated Captain Vigil on his promotion.

Kathryn Wade encouraged the City to advocate for state funding for homeless services. She thanked Mayor Hernandez-Thorpe for his outreach efforts and expressed concern for comments posted on social media during this election season.

Gavin Payton, NAACP, offered condolences to the lives lost to community violence and voiced his support for anti-racism efforts.

Nicole Arrington spoke in support of Councilmember Torres-Walker and voiced her support for anti-racism efforts.

An unidentified speaker reported on an interaction he had with children raising money for charity and encouraged community members to support each other.

Gigi Crowder, Black Minds Matter 21, expressed concern that the County was not sharing federal funding opportunities for housing with East Contra Costa County. She encouraged relationship building to get federal funding for housing and residential treatment programs in Antioch.

Tachina Garrett, ACCE Antioch, invited the community to attend the Whistle Stop Tour and Celebration on September 14, 2024.

An unidentified speaker requested Council provide a zoom option for public participation at City meetings. She acknowledged the accomplishments of several Councilmembers and encouraged them to continue to make positive changes in the community. She expressed concern for divisive posts on social media.

Public comments submitted in writing were entered into the record from the following individuals: Robert Prinz, Advocacy Director Bike East Bay and Mahogany Gillam.

Councilmember Wilson made a request to suspend the rules to move Public Hearing Item #6 up as the next order of business. Following discussion, she withdrew her request.

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS – None

MAYOR'S COMMENTS – None

5. **CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency**
 - A. **APPROVAL OF COUNCIL MEETING MINUTES FOR JULY 23, 2024**
 - B. **APPROVAL OF COUNCIL MEETING MINUTES FOR AUGUST 13, 2024**
 - C. **APPROVAL OF COUNCIL WARRANTS**
 - D. **APPROVAL OF HOUSING SUCCESSOR WARRANTS**
 - E. **RESOLUTION NO. 2024/118 APPROVAL OF THE PROPOSAL FROM LILYPAD EV UTILIZING THE SOURCEWELL COOPERATIVE PURCHASING AGREEMENT NO. 04221-CPI FOR PHASE 1 OF THE ZERO EMISSION VEHICLE TRANSITION PROJECT (P.W. 690-1)**
 - F. **RESOLUTION NO. 2024/119 CONSIDERATION OF BIDS FOR THE JACOBSEN PARK RENOVATIONS (P.W. 59-P2)**
 - G. **RESOLUTION NO. 2024/120 FIRST AMENDMENT TO THE MAINTENANCE SERVICE AGREEMENT WITH DC ELECTRIC GROUP INC. FOR ELECTRIC VEHICLE CHARGER INSTALLATIONS**
 - H. **RESOLUTION NO. 2024/121 APPROVAL OF THE REPLACEMENT PURCHASE OF A CATERPILLAR WHEEL LOADER MODEL CAT 914 UTILIZING A SOURCEWELL COOPERATIVE PURCHASING AGREEMENT WITH PETERSON CAT AGREEMENT NO. 011723-CAT**
 - I. **RESOLUTION NO. 2024/122 ACCEPTING COMPLETED IMPROVEMENTS, AUTHORIZING FILING A NOTICE OF COMPLETION AND AUTHORIZING THE RELEASE OF BONDS FOR AVIANO SUBDIVISION PHASE 3 IMPROVEMENTS NOT PREVIOUSLY ACCEPTED WITH CITY COUNCIL RESOLUTION NO. 2023/142, TRACT NO. 9489 (P.W. 676-3)**
 - J. **RESOLUTION NO. 2024/123 APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. HSIPSL-5038(029) TO ADMINISTERING AGENCY-STATE AGREEMENT NO. 04-5038S21 FOR STATE FUNDS FROM THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) AND APPROVING A FISCAL YEAR 2024/25 BUDGET AMENDMENT FOR THE INSTALLATION OF HAWK SIGNALS AT VARIOUS LOCATIONS (P.W. 282-25)**

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously approved the Council Consent Calendar with the exception of Items E and F, which were removed for further discussion.

Item E – In response to Andrew Becker, Acting Director of Public Works/City Engineer Buenting gave an overview of the Phase 1 Zero Emission Vehicle Transition Project.

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

Item F – In response to Andrew Becker and Alexander Broom, Acting Director of Public Works/City Engineer Buenting explained the community engagement and review process as well as site design for the Jacobson Park renovations.

On motion by Councilmember Ogorchock, seconded by Mayor Hernandez-Thorpe the City Council unanimously approved Item F.

PUBLIC HEARING

6. INTRODUCTION OF THE JUST CAUSE EVICTION ORDINANCE

In response to Councilmember Ogorchock, Assistant City Attorney Kunding clarified that the redline of the Ordinance was not included with the staff report; however, the Draft Ordinance was attached.

Assistant City Attorney Kunding presented the staff report dated August 27, 2024, recommending the City Council introduce by title only and waive further reading of the Ordinance Adding Chapter 6 of Title 11 of the Antioch Municipal Code Providing Just Cause Eviction Protection within the City of Antioch. He noted there were two minor typographical errors that needed to be corrected, and he would review those after the close of the Public Hearing.

Mayor Hernandez-Thorpe opened the public hearing.

Ethan Silverstein, California Center for Movement Legal Services, Melvin Willis, ACCE, Richmond resident, Reverand Millie Phillips, Faith Alliance for a Moral Economy and EBASE, Leslie May, Devin Williams, Yarely Perez, Rising Juntos, Leticia Walker, Rising Juntos, Brendon O'Laskey, Rising Juntos, Dr. Kimberly Payton, Gavin Payton, Patricia Granados, Nicole Arrington, Jaydon Pierre-King, Rising Juntos, Addison Peterson, Eddie Gums, ACCE, Rhea Elina Laughlin, Rising Juntos, an unidentified speaker and Antwon Webster, spoke in support of the Just Cause for Evictions Ordinance and thanked the stakeholders for participating in the process. Several speakers made recommendations for items to be included in the ordinance.

Public comments submitted in writing were entered into the record from the following individuals: Joey Flegel-Mishlove and Greg Terzakis, Senior Vice President, California Apartment Association.

Mayor Hernandez-Thorpe closed the public hearing.

Assistant City Attorney Kunding explained the typographical errors that needed to be corrected included the following: 1) Page 3, Section – 11-6.04 - Termination of tenancy. A.(1)(c) removing 30 days to abate the nuisance and replacing it with **3 days** to abate the nuisance, and 2) Page 11, Section – 11-6.06 – Relocation assistance. A.(1) replacing reference to 11-6.04 (A)(2)(a) with **11-6.04(A)(2)**.

Councilmember Torres-Walker, Wilson and Mayor Hernandez-Thorpe thanked the tenants and stakeholders for advocating on behalf of renters and for participating in the process.

On motion by Councilmember Torres-Walker, seconded by Councilmember Wilson the City Council unanimously introduced by title only and waived further reading of the Ordinance Adding Chapter 6 of Title 11 of the Antioch Municipal Code Providing Just Cause Eviction Protection within the City of Antioch incorporating the following amendments:

- Page 3, Section – 11-6.04 - Termination of tenancy. A.(1)(c) removing 30 days to abate the nuisance and replacing it with **3 days** to abate the nuisance
- Page 11, Section – 11-6.06 – Relocation assistance. A.(1) replacing reference to 11-6.04 (A)(2)(a) with **11-6.04(A)(2)**

7. GOOD CHANCE PRELIMINARY DEVELOPMENT PLAN (PRE2023-0004)

Councilmember Barbanica recued himself due to the location of the project and left the dais.

Planning Manager Merideth introduced Contract Planner Valente who presented the staff report dated August 27, 2024, recommending the City Council provide feedback to the applicant and staff regarding the proposal and provide direction to the applicant for the entitlement submittal.

Mayor Hernandez-Thorpe opened the public hearing.

Mike Milani, Milani and Associates Mike Milani, Milani and Associates, thanked staff for a thorough staff report and gave a brief history of the project. He explained they were requesting direction from Council on how to move forward with their project and asked them to consider a general plan land use amendment to change the property from open space to medium/low density residential.

An unidentified speaker and Alexander Broom spoke in opposition to the General Plan Land Use Amendment given site constraints on the property and spoke in support of it remaining a buffer for open space.

Leslie May spoke in opposition to the project design and expressed concern for site constraints and potential seismic activity occurring in the area.

Rebuttal

Mike Milani explained the PDP process. He stated they could not proceed with geotechnical studies unless Council supported the General Plan Amendment and if they were conditioned to address the landfill, then they could evaluate that matter to determine economic viability. He reported that they had been in discussions with the park district regarding the property that they had acquired, and they were in the process of addressing that issue. He commented that ADU issues were a result of action taken by the State and noted that they intended to be good developers. He requested direction from Council and approval of the General Plan Amendment.

Public comments submitted in writing were entered into the record from the following individuals: Jerry Henderson and Thomas Smith, Antioch residents.

Mayor Hernandez-Thorpe closed the public hearing.

Following discussion, Council consensus did not support a General Plan Amendment from Open Space to Medium Low Density Residential for this property.

Councilmember Barbanica returned to the dais.

8. INTRODUCTION OF AN ORDINANCE: APPROVING COUNCILMEMBER INCREASES IN SALARY IN ACCORDANCE WITH SENATE BILL 329. THE COUNCIL PAY WILL INCREASE FROM \$1,604 PER MONTH TO \$1,900 PER MONTH AND WILL NOT TAKE EFFECT UNTIL THE NEXT CITY COUNCIL IS SEATED AFTER THE NOVEMBER 2024 ELECTION.

City Attorney Smith presented the staff report dated August 27, 2024, recommending the City Council introduce by title only and waive the further reading of the ordinance increasing councilmember compensation to one thousand nine hundred dollars (\$1,900) per month for a total of twenty-two thousand eight hundred dollars (\$22,800) per year.

An unidentified speaker and Devin Williams spoke in support of the ordinance increasing Councilmember compensation.

A motion was made by Councilmember Barbanica, seconded by Councilmember Torres-Walker to introduce by title only and waive the further reading of the ordinance increasing councilmember compensation to one thousand nine hundred dollars (\$1,900) per month for a total of twenty-two thousand eight hundred dollars (\$22,800) per year.

Speaking to the motion, Councilmember Ogorchock stated she did not support increasing Councilmember compensation.

Councilmember Barbanica spoke in support of the Ordinance.

A vote taken on the previous motion to introduce by title only and waive the further reading of the ordinance passed. The motion carried the following vote:

Ayes: Torres-Walker, Barbanica, Wilson, Hernandez-Thorpe

Noes: Ogorchock

COUNCIL REGULAR AGENDA

9. APPOINTMENT OF BESSIE M. SCOTT AS CITY MANAGER AND APPROVAL OF AN EMPLOYMENT AGREEMENT WITH BESSIE M. SCOTT FOR CITY MANAGER SERVICES

Director of Human Resources Cortez presented the staff report dated August 27, 2024, recommending the City Council 1) Approve the Agreement appointing Bessie M. Scott as City Manager for a term of two years with an annual salary of \$_____ (Salary Schedule Step __); 2) Approve reimbursement of additional moving expenses up to _____; and 3) Authorize the Mayor to sign the Agreement in a form approved by the City Attorney.

Teki, Devin Williams, Leslie May, Mary Lutz, Dr. Kimberly Payton, Kimberly Kidd-Bailey, Antioch resident, Patricia Granados, Gigi Crowder, Nicole Arrington and an unidentified speaker, spoke in support of Council appointing Bessie M. Scott as City Manager. Several speakers expressed concern regarding social media posts in opposition to her appointment.

Sandra Wilson, Eric Wunderly, Antioch resident, Elleen Bethany and Dr. Jeffrey Klinger spoke in opposition to Council appointing Bessie M. Scott as City Manager. Several speakers suggested Council postpone this appointment until after the election in November.

Gavin Payton, NAACP, requested members of the NAACP in attendance this evening stand in solidarity.

Lynette Hart offered suggestions for updating job descriptions and the interview process.

Public comment submitted in writing was entered into the record from the following individual: Mike C.

Councilmember Barbanica spoke in support of Acting City Manager Reed remaining as an interim City Manager until after the election.

Councilmember Torres-Walker provided an overview of the City Manager recruitment process. She expressed concern for comments made on social media in opposition to Ms. Scott's appointment and spoke in support of appointing Ms. Scott as City Manager.

Councilmember Ogorchock thanked everyone who spoke on this item and stated she believed Ms. Scott was intelligent; however, she did not feel she was qualified for the position.

Councilmember Wilson spoke in support of appointing Ms. Scott as City Manager and acknowledged her connections with the federal government.

Mayor Hernandez-Thorpe encouraged residents to remain engaged. He gave a history of previous City Manager appointments and the interview process. He spoke in support of appointing Ms. Scott as City Manager.

In response to Councilmember Torres-Walker, Director of Human Resources Cortez reviewed the step schedule for the City Manager position and the request for reimbursement of moving expenses.

On motion by Councilmember Torres-Walker, seconded by Councilmember Wilson the City Council 1) Approved the Agreement appointing Bessie M. Scott as City Manager for a term of two years with an annual salary of \$263,880 (Salary Schedule Step B); 2) Approved reimbursement of additional moving expenses up to \$20,000; and 3) Authorized the Mayor to sign the Agreement in a form approved by the City Attorney. The motion carried the following vote:

Ayes: Torres-Walker, Wilson and Hernandez-Thorpe

Noes: Barbanica, Ogorchock

10. 2023 ANNUAL MILITARY EQUIPMENT REPORT

11. RESPONSE TO GRAND JURY REPORT NO. 2405, "CHALLENGES FACING THE CITY OF ANTIOCH"

12. DESIGNATION OF A VOTING DELEGATE AND ALTERNATE DELEGATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE AND AUTHORIZATION FOR ASSOCIATED CONFERENCE EXPENSES NOT TO EXCEED \$2,238 PER PARTICIPANT

On motion by Councilmember Torres-Walker, seconded by Mayor Hernandez-Thorpe, the City Council unanimously tabled Regular Agenda Items #10, 11 and 12 to September 10, 2024.

ADJOURNMENT

On motion by Councilmember Torres-Walker, seconded by Mayor Hernandez-Thorpe the City Council unanimously adjourned the meeting at 11:09 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk

[THE FOLLOWING COUNCIL MEETING AGENDA ITEMS WILL BE MOVED TO THE 09/10/2024 COUNCIL MEETING TO BE HEARD]

COUNCIL REGULAR AGENDA – Continued

10. 2023 ANNUAL MILITARY EQUIPMENT REPORT
11. RESPONSE TO GRAND JURY REPORT NO. 2405, “CHALLENGES FACING THE CITY OF ANTIOCH”
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PUBLIC COMMENTS

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS