

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

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

**March 26, 2024  
Council Chambers**

**5:00 SPECIAL MEETING**

Mayor Hernandez-Thorpe called the Special Meeting to order at 5:00 P.M., and Acting City Clerk Rosales called the roll.

Present: Council 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.

**SM-1. EMINENT DOMAIN: PUBLIC ACQUISITIONS “THE CONDEMNATION PROCESS”**

City Attorney Smith introduced Outside Legal Counsel Guillermo A. Frias who gave a PowerPoint presentation recommending the City Council receive and file the report.

Allen Payton questioned if the City was currently considering the acquisition of any properties by Eminent Domain.

Mayor Hernandez-Thorpe explained this item was part of a package that included preliminary injunction, summary abatement and health and safety receivership.

In response to Councilmember Ogorchock, Mr. Frias explained statutory requirements and clarified that the adoption of a resolution of necessity authorizing filing of eminent domain would require a super majority vote.

In response to Mayor Hernandez-Thorpe, Mr. Frias explained that the acquisition of property for affordable housing would satisfy the public use requirement; however, it would be harder to receive approval for taking of property for market rate housing.

Mayor Hernandez-Thorpe thanked Mr. Frias for the presentation.

**MOTION TO ADJOURN SPECIAL MEETING**

Mayor Hernandez-Thorpe adjourned at 5:42 P.M.

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

Mayor Hernandez-Thorpe called the Closed Session to order at 6:00 P.M., and Acting City Clerk Rosales called the roll.

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

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – pursuant to California Government Code section 54956.9: James Adams v. New Way Management Services, Veronica Dean, and City of Antioch, Superior Court of California Contra Costa County, Case No. MSC 20-01457.
2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – pursuant to California Government Code section 54956.9: Bullock v. City of Antioch, Superior Court of California Contra Costa County, Case No. MSC19-01331.
3. **PUBLIC EMPLOYMENT – RECRUITMENT OF CITY MANAGER.** This closed session is authorized pursuant to California Government Code section 54957(b).

**PUBLIC COMMENTS** – None

**PLEDGE OF ALLEGIANCE**

Mayor Hernandez-Thorpe led the Pledge of Allegiance.

**ADJOURN TO CLOSED SESSION**

Mayor Hernandez-Thorpe adjourned to Closed Session at 6:02 P.M.

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

Mayor Hernandez-Thorpe called the meeting to order at 7:09 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 approved a settlement in the amount of \$325,000, by a 4-1 vote with Councilmember Ogorchock voting no, **#2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, direction given to City Attorney; and, **#3 PUBLIC EMPLOYMENT – RECRUITMENT OF CITY MANAGER**, direction given to Director of Human Resources and City Attorney.

**COUNCILMEMBER BARBANICA REQUESTED A MOTION TO SUSPEND THE RULES TO MOVE UP REGULAR AGENDA ITEM #4 TO BE HEARD AFTER AGENDA ITEM #1.**

**COUNCILMEMBER OGORCHOCK MADE A SUBSTITUTE MOTION TO MOVE REGULAR AGENDA ITEM #4 TO BE HEARD AFTER THE CONSENT CALENDAR ITEM #3. THE SUBSTITUTE MOTION FAILED 2/3 (BARBANICA, TORRES-WALKER, AND HERNANDEZ - THORPE-NO).**

**THE PREVIOUS MOTION BY COUNCILMEMBER BARBANICA TO SUSPEND THE RULES TO MOVE UP REGULAR AGENDA ITEM #4 TO BE HEARD AFTER AGENDA ITEM #1, WAS APPROVED; 5/0.**

An announcement was made that translation services were available this evening.

#### **1. INTRODUCTION OF NEW CITY EMPLOYEES**

City Attorney Smith introduced Kevin Kunding, Assistant City Attorney who thanked City Attorney Smith for the introduction.

#### **COUNCIL REGULAR AGENDA**

#### **4. DISCUSSION ITEM: JUST CAUSE EVICTION ORDINANCE**

City Attorney Smith introduced Assistant City Attorney Kunding and Housing Specialist Pedroza, who presented the staff report dated March 26, 2024, recommending the City Council: 1) Review, discuss, and provide feedback to staff on the staff report and just cause eviction ordinances from other cities; and 2) Direct staff to: a) Prepare a just cause eviction ordinance for the City of Antioch; or b) Take no further action.

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

Teresa Farias, Antioch resident / Rising Juntos, Chipu Washington, Rising Juntos, Devin Williams, Silvia Angeles, Antioch resident / Rising Juntos, Brenden O'Laskey, Antioch resident / Rising Juntos, Deborah Polk, Antioch resident / Rising Juntos, Gabi Rivas, Rising Juntos, Frank Sterling, Reimagine Antioch, Carmen Ponce, ACCE, Ethan Silverstein, California Center for Movement Legal Services / ACCE, Tachina Garrett, ACCE, Kamileh Miller, ACCE, Archie Brumfield, ACCE / Retired Navy Veteran, Francisco Torres, Reimagine Antioch, Eddie Gums, ACCE, Loren Dalbert, Bay Point resident / RCF Connects, Addison Peterson, Judith Ortiz,

Monument Impact, Shagoofa Khan, Monument Impact and Reverand Millie Phillips, Faith Alliance for Moral Economy / EBASE, spoke in support of a Just Cause for Evictions ordinance. Several speakers made recommendations for items to be included in the ordinance.

Greg Terzakis, California Apartment Association, reported some items discussed this evening were duplicative of state laws and he encouraged Antioch to enforce those laws.

An unidentified speaker discussed the rental market in Antioch.

In response to Council, Assistant City Attorney Kunding reviewed options the City could consider for Antioch's ordinance.

Councilmember Ogorchock stated she wanted to ensure the ordinance would not impede upon the owner's ability to sell their property.

In response to Councilmember Torres-Walker, Ethan Silverstein confirmed that the cities of Oakland and Richmond had strong ordinances.

Assistant City Attorney Kunding explained that ordinance examples provided this evening were intended to provide a broad overview of different schemes other cities had taken.

In response to Mayor Hernandez-Thorpe, City Attorney Smith confirmed that an ordinance brought back to Council would stay within confines of a General Law City.

Following discussion, Council consensus directed staff to prepare a draft ordinance modeled after Bell Garden's ordinance that included considerations for IRS rules regarding owner-occupied homes, protections for tenants making repair requests, and the inclusion of relocation assistance fees.

Mayor Hernandez-Thorpe thanked Assistant City Attorney Kunding for the presentation.

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

Acting Assistant City Manager Helfenberger announced the following civic and community event:

- 3<sup>rd</sup> Annual Eggstravaganza & Rec Expo - March 30, 2024

## **PUBLIC COMMENTS**

Travis Castle gave an overview of the Pathway to Humanity Program and provided Council with additional written comments.

Frank Sterling, Reimagine Antioch, Kelly Dumesnil, Brentwood resident, Isabella Klaus and Francisco Torres requested Council agendize a Ceasefire Resolution.

Tim Barrow expressed concern regarding interactions he had with the Code Enforcement Division.

Gavin Payton, NAACP Youth Council, stated they supported ACCE and encouraged everyone to vote. He invited the public to attend the NAACP Officer Swearing-in event on May 25, 2024.

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

Councilmember Torres-Walker announced the following meeting dates: Community Development Block Grant (CDBG) Standing Committee, March 28, 2024, and the Cannabis Standing Committee April 4, 2024. She supported a discussion on the creation of a new Ad Hoc Committee to work on Human Rights and Racial Equity policies. She reported on meetings she attended with city staff and the County Public Health Department.

Councilmember Barbanica announced that he would be attending the CDBG meeting.

Councilmember Ogorchock reported on her attendance at the League of California Cities Policy Committee meeting.

Councilmember Wilson reported on her attendance at the Delta Diablo meeting and announced Tri Delta Transit would be meeting on March 27, 2024.

### **MAYOR'S COMMENTS**

Mayor Hernandez-Thorpe announced he would be attending Tri Delta Transit, Mayor's Conference and CCTA subcommittee meetings. He reported on various meetings he attended on behalf of the City, including legislative week in Washington DC.

- 3. CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency**
  - A. APPROVAL OF COUNCIL MEETING MINUTES FOR FEBRUARY 27, 2024**
  - B. APPROVAL OF COUNCIL MEETING MINUTES FOR MARCH 12, 2024**
  - C. COUNCIL SPECIAL MEETING FOR MARCH 19, 2024 – NO QUORUM**
  - D. APPROVAL OF COUNCIL WARRANTS**
  - E. REJECTION OF CLAIMS: THOMAS O'CONNOR, INEZ ROGERS, ELIJAH SWANSON, MAVERICK SWANSON, HARLEY SWANSON, KENNEDY SWANSON, BILLIE SWANSON, SARAH SWANSON, AND TANIA SWANSON**
  - F. 2023 ANNUAL HOUSING ELEMENT PROGRESS REPORT, HOUSING SUCCESSOR ANNUAL REPORT AND PROGRESS REPORT FOR THE GENERAL PLAN**

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- G. **RESOLUTION NO. 2024/37 PEREGRINE TECHNOLOGIES CONTRACT AGREEMENT**
  - H. **RESOLUTION NO. 2024/38 APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. F017 TO ADMINISTERING AGENCY-STATE AGREEMENT NO. 04-5038F15 FOR FEDERAL AID PROJECTS FOR THE ANTIOCH – L STREET PATHWAY TO TRANSIT (P.W. 234-15)**
  - I. **RESOLUTION NO. 2024/39 AWARD OF AGREEMENT WITH GOLDEN GATE TRANS INC. FOR LANDSCAPING MATERIAL PURCHASES AND DELIVERIES**
  - J. **RESOLUTION NO. 2024/40 INCREASE TO THE PURCHASE ORDER WITH CORE AND MAIN FOR THE PROCUREMENT OF WATER DISTRIBUTION MAINTENANCE PARTS AND SUPPLIES**
  - K. **RESOLUTION NO. 2024/41 FIRST AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH CENTRICITY GIS, LLC FOR IMPLEMENTATION OF CITYWORKS ASSET MANAGEMENT SOFTWARE**
  - L. **RESOLUTION NO. 2024/42 INCREASE TO THE PURCHASE ORDER WITH BACKFLOW DISTRIBUTORS FOR THE PROCUREMENT OF WATER DISTRIBUTION BACKFLOW PARTS AND SUPPLIES**
  - M. **RESOLUTION NO. 2024/43 APPROVAL OF A PURCHASE ORDER WITH BADGER METER, INC. FOR WATER METERS AND REPAIR PARTS**
  - N. **RESOLUTION NO. 2024/44 ACCEPTANCE OF WORK AND NOTICE OF COMPLETION FOR THE MAINTENANCE SERVICE CENTER WAREHOUSE IMPROVEMENTS (P.W. 143-R)**
  - O. **RESOLUTION NO. 2024/45 ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FISCAL YEAR 2024/25 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PROGRAM**

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

**Item F** – An unidentified speaker expressed concern that the 2023 Annual Housing Element Progress Report was not a regular agenda item and the applications received did not include affordable housing units.

Councilmember Ogorchock reviewed Attachment A of the staff report and stated she was interested in seeing more affordable housing projects in Antioch.

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

**COUNCIL REGULAR AGENDA – Continued**

**5. APPROVING THE PURCHASE OF REAL PROPERTY LOCATED AT 800 WEST 2ND STREET, ANTIOCH, CA (APN 066-091-017); AUTHORIZING ACTING CITY MANAGER TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS WITH SKEJUL, LLC; APPROVING CERTAIN RELATED ACTIONS; AND MAKING CEQA EXEMPT FINDINGS**

Director of Economic Development Reed presented the staff report dated March 26, 2024 recommending the City Council adopt a resolution approving the purchase of the real property located at 800 W. 2nd Street, Antioch, California (APN 066-091-017) (“Property”); authorizing the Acting City Manager or designee to execute the Purchase and Sale Agreement and Joint Escrow Instructions with SKEJUL, LLC for purchase of the Property with a purchase price in the amount of \$1,830,000.00 plus closing costs and fees, and take all related actions necessary to complete the acquisition; and making a finding that the purchase of the Property is found to be categorically exempt from environmental review under the California Environmental Quality Act (CEQA).

An unidentified speaker suggested as an alternative, the City invest in 501 Auto Center for the location of an affordable housing project and the Public Safety and Community Resources Department.

An unidentified speaker urged staff to document the graffiti on walls of the current Public Safety and Community Resources building on 10<sup>th</sup> Street, for historical record.

Councilmember Torres-Walker commented that after purchasing this property there should be sufficient funds remaining to consider the acquisition of 501 Auto Center Drive for the purpose of creating housing with resources on site for the city’s most vulnerable population. She requested that item be agendaized for discussion.

Councilmember Ogorchock commented that purchasing this building with no data or budget would be fiscally irresponsible. She suggested reorganizing one of the community centers for the Public Safety and Community Resources Department. She discussed the possibility of allocating funding to create housing for the unhoused on another property.

Councilmember Barbanica spoke in support of the purchase of the W. 2<sup>nd</sup> Street property noting that the City was lacking space for employees, and this was an opportunity to expand to a location adjacent to City Hall. He also supported selling the 10<sup>th</sup> Street property for market value.

**RESOLUTION NO. 2024/46**

On motion by Councilmember Barbanica, seconded by Councilmember Torres-Walker, the City Council adopted a resolution approving the purchase of the real property located at 800 W. 2nd Street, Antioch, California (APN 066-091-017) (“Property”); authorizing the Acting City Manager or designee to execute the Purchase and Sale Agreement and Joint Escrow Instructions with SKEJUL, LLC for purchase of the Property with a purchase price in the amount of \$1,830,000.00 plus closing costs and fees, and take all related actions necessary to complete the acquisition; and making a finding that the purchase of the Property is found to be categorically exempt from environmental review under the California Environmental Quality Act (CEQA). The motion carried the following vote:

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

Noes: Ogorchock

**PUBLIC COMMENT**

An unidentified speaker requested Council consider purchasing 501 Auto Center Drive for development of affordable housing.

An unidentified speaker suggested Council invest in affordable housing.

**STAFF COMMUNICATIONS – None**

**COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS**

Councilmember Wilson requested Council revisit the mural program. She apologized to Councilmember Torres-Walker regarding the previous dissolution of the Human Rights and Racial Equity Ad Hoc Committee and requested the item come back for discussion.

Councilmember Torres-Walker requested staff agendize a resolution supporting a ceasefire and reiterated her request for a discussion item for the acquisition of 501 Auto Center Drive. She expressed concern regarding political posturing, discussed accomplishments of Council and asked for the community’s support.

Councilmember Ogorchock requested the following items be agendized for consideration: an additional Veteran’s parking spot at City Hall, renovations of Antioch Police Department Dispatch, establishment of an Antioch CORE Team and the hiring of a federal lobbyist.

Councilmember Torres-Walker invited the community to the CDBG Standing Committee meeting.

Mayor Hernandez-Thorpe thanked everyone for attending the meeting.



**ADJOURNMENT**

On motion by Councilmember Ogorchock, seconded by Councilmember Torres-Walker, the City Council unanimously adjourned the meeting at 10:02 P.M.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk