

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**September 27, 2011
Council Chambers**

Mayor Davis called the meeting to order at 7:03 P.M., and Minutes Clerk Eiden called the Council/Agency roll.

Present: Council/Agency Members Agopian, Rocha, Harper and Mayor/Chair Davis
Absent: Council/Agency Member Kalinowski (arrived at 7:20 PM)

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Harper led the Council and audience in the Pledge of Allegiance.

PROCLAMATIONS

Domestic Violence Awareness Month, October 2011
Driftwood Yacht Club Day and Make-A-Wish Day, October 8, 2011

On motion by Councilmember Rocha, seconded by Councilmember Harper the Council members present unanimously approved the proclamations.

Mayor Davis presented the proclamation proclaiming October 2011 as *Domestic Violence Awareness Month* to Police Chief Cantando, who accepted the proclamation and spoke to advances in domestic violence laws. He announced STAND has changed their name to STAND for Families Free of Violence.

Councilmember Harper presented the proclamation proclaiming October 8, 2011 as *Driftwood Yacht Club Day and Make-A-Wish Day* to Diane Ivanicki, Angelic Hetrick and Commodore Jerry Smith, who thanked the City Council for their support and invited the community to attend the Make-A-Wish fundraising event on October 8, 2011.

Mayor Davis thanked the Driftwood Yacht Club for hosting the fundraiser event for Make-A-Wish.

PRESENTATION — Contra Costa Water District

Mayor Davis announced the presentation had been postponed to a later date.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

PUBLIC COMMENTS

Barbara Sobalvarro, representing the Friends of Animal Services announced the Sixteenth Annual Black Cat Ball benefiting the Antioch Animal Shelter would be held on October 1, 2011 beginning at 6:30 P.M. at Lone Tree Golf and Event Center. Contact information was given for

anyone wishing to attend the event. She announced October was *Adopt a Shelter Cat or Dog Month* and Friends of Animal Services would be covering the costs associated with the spay and neutering of the first ten dogs and cats adopted and a celebration would be held on October 15, 2011 from 11:00 – 2:00 P.M. at the Antioch Animal Shelter.

Mayor Davis commented it was a premier event for the City and a signature event for the Friends of Animals Services. He encouraged the community to attend.

Douglas Tokes expressed concern regarding hazardous smoke from a fire occurring on September 17, 2011, along the river which negatively impacted the quality of life for residents by polluting the air in Antioch. He questioned these burns being allowed every year.

Mayor Davis read written comment from Antioch resident Nakia Cooper who expressed concern regarding the Antioch Unified School District releasing her confidential information. Mayor Davis explained the Antioch Unified School District was a separate entity with its own governing body and her concerns had been forwarded to them.

Denise Cox, Antioch resident expressed concern for overgrown landscaping and excessive trash dumped in a park adjacent to her home. She noted her requests had gone unanswered and she was asking for assistance in having the area cleaned of the debris.

Sean Wright, representing the Antioch Chamber of Commerce announced they were sponsoring *A Celebration of Antioch* event on October 24, 2011 from 12:00 – 2:00 P.M. at Humphreys on the Delta. Contact information was provided for anyone wishing to attend.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Agopian reported on his attendance at the League of California Cities Convention.

Councilmember Kalinowski arrived at 7:20 P.M.

Councilmember Rocha reported on her attendance at the retirement party for Senior Center employee Brenda Perry.

Councilmember Harper reported on his attendance at the Knights of Columbus ceremony honoring Antioch Police Officer of the Year, James Stenger, CHP Officer of the Year and Contra Costa County Firefighter of the Year.

MAYOR'S COMMENTS

Mayor Davis reported on his attendance at the Delta Diablo Sanitation District subcommittee meeting.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR AUGUST 9 AND 25, 2011

- B. APPROVAL OF COUNCIL WARRANTS**
- C. APPROVAL OF TREASURER'S REPORTS FOR JULY AND AUGUST 2011**
- D. REJECTION OF CLAIM**
 - 1. Elizabeth Hill 11/12-2011 (personal injury)**
- E. RESOLUTION NO. 2011/64 APPROVING UPDATED REVISIONS TO THE CLASS SPECIFICATION OF WATER TREATMENT PLANT TRAINEE/WATER TREATMENT PLANT OPERATOR**
- F. RESOLUTION NO. 2011/65 APPROVING UPDATED REVISIONS TO THE CLASS SPECIFICATION OF WATER TREATMENT MAINTENANCE WORKER I/WATER TREATMENT MAINTENANCE WORKER II**
- G. RESOLUTION NO. 2011/66 APPROVING RIGHT OF WAY PURCHASE AGREEMENT FOR THE WILBUR AVENUE OVERCROSSING PROJECT (P.W. 259-B)**
- H. RESOLUTION NO. 2011/67 PROPERTY CONVEYANCE OF THE FORMER CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT STATION 88 PROPERTY AT 4527 DEERFIELD DRIVE (APN 053-191-001) PER ANTIOCH CITY COUNCIL RESOLUTION 89/12**
- I. APPROVE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND MONIES**

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council unanimously approved the Council Consent Calendar with the exception of items #E and #H which were removed for further discussion.

Item H – In response to Councilmember Rocha, Analyst Nunnally clarified that the deed to the property required that as the property reverted back to the City and was sold, the monies received went back into the Community Fire fund.

On motion by Councilmember Rocha, seconded by Councilmember Harper, the City Council unanimously approved item #H.

Item E - The City Council acknowledged they had received and were approving the resolution dated September 19, 2011 with the amendments as presented this evening and dated September 27, 2011.

On motion by Councilmember Kalinowski, seconded by Councilmember Agopian, the City Council unanimously approved item #E.

COUNCIL REGULAR AGENDA

2. APPROPRIATION OF EXPENDITURES FOR ENCUMBRANCES AND PROJECT BUDGETS OUTSTANDING AS OF JUNE 30, 2011 TO THE 2011/12 FISCAL-YEAR BUDGET AND OTHER BUDGET AMENDMENTS

Finance Director Merchant presented the staff report dated September 13, 2011 recommending the City Council adopt the resolution.

In response to Councilmember Kalinowski, City Manager Jakel stated there would be an update in the October/November timeframe with regards to the City having latitude for some General Fund charges back to the Water Fund.

Councilmember Agopian cautioned that while the numbers are positive, the City needed to remain fiscally conservative to address future budgetary needs. He suggested the City Council hold discussions with regards to how to best use the one time monies.

In response to Council, City Manager Jakel stated a property tax report commissioned by EDAB indicated residential property values had stabilized however he was not sure how those numbers translated into the County Assessor's Office. Regarding the business closures in West Antioch, he noted a certain amount of transference would occur and there would be minimal leakage. He further noted the area had potential with several of the City's top sales tax generators located just north of Highway 4. He encouraged residents to support local businesses.

RESOLUTION NO. 2011/68

On motion by Councilmember Rocha, seconded by Councilmember Kalinowski, the City Council adopted the resolution. The motion carried by the following vote:

Ayes: Kalinowski, Harper, Rocha, Davis

Noes: Agopian

Following discussion, staff was directed to add to the next City Council agenda, appointment of two Councilmembers to a subcommittee to coordinate a "Shop Antioch" campaign.

3. CONSIDERATION OF FUNDING LIMITED CODE ENFORCEMENT PROGRAM

Deputy Director of Community Development Graham presented the staff report dated September 13, 2011 recommending the City Council receive the report and provide direction.

Deputy Director of Community Development Graham clarified it would take approximately 60-90 days for the RFP process to engage a code enforcement consultant and additional time for training a Code Enforcement employee.

Mayor Davis felt it was important to implement the program immediately and thanked Deputy Director of Community Development Graham for the report.

In response to Councilmember Rocha, City Attorney Nerland stated staff would address the question regarding a business license tax for people who own multiple residential properties.

Councilmember Harper spoke in support of implementing a Code Enforcement Program and stated he would like the program staffed by one fulltime and one part time employee or two full time employees.

In response to Councilmember Kalinowski, Deputy Director of Community Development Graham clarified the \$100.00/per hour cost proposed by the consultant included salary, benefits and overhead costs for one fulltime employee. He added the City's billable rate for a Code Enforcement Officer was \$118.00 per hour.

Councilmember Kalinowski stated he felt the hourly rate was excessive and if the City moved forward he would like to see the RFP justify the rate.

Councilmember Agopian thanked staff for the comprehensive report. He suggested exploring a hybrid program to maximize the funds available. He voiced his support to enhance the program citywide with the use of \$100,000-120,000 of GenOn funding.

Terry Ramus and Sean Wright, representing the Antioch Chamber of Commerce, provided the City Council with a two page summary of opportunities for the business community to prevent code enforcement/blight issues within the City. He noted in cooperation with store managers the City could implement requirements, such as locking spray paint cans, which would allow the companies to come forth with the funds needed.

Mayor Davis thanked Mr. Ramus and Mr. Wright for brining the issue forward and stated the subcommittee working with Economic Development could address commercial code violations and prevention strategies.

Councilmember Agopian commended Mr. Ramus for taking initiative to bring the issue forward and suggested the graffiti subcommittee be reconfigured to cover blight issues and work with the Chamber of Commerce to develop recommendations for code enforcement.

In response to Councilmember Kalinowski, Finance Director Merchant clarified the top step code enforcement officer salary and benefits was \$57-58 per hour, however the City would bill out \$118.00 to recoup overhead costs.

Following discussion the City Council provided the following direction:

- Limited code enforcement should be funded
- Focus violations specific to vacant unsecure property and trash and debris investigations
- Make sure funding sources from abandoned vehicles was appropriately targeted
- Inspection fees shall be implemented
- Explore timeline for RFP and HR alternative as soon as possible (include possible funding for temporary employee to assist in the HR process)

On motion by Councilmember Agopian, seconded by Councilmember Harper, the City Council unanimously received the report.

Consensus of the City Council agreed to hear agenda item #5 as the next item of business.

5. INVESTMENT ADVISORY COMMITTEE

City Attorney Nerland presented the staff report dated September 21, 2011 recommending the City Council disband the Investment Advisory Committee, direct staff to revise the Statement of Investment Policy to delete references to the Committee, and provide any other direction.

RESOLUTION NO. 2011/69

On motion by Councilmember Rocha, seconded by Councilmember Kalinowski, the City Council unanimously disbanded the Investment Advisory Committee and directed staff to revise the Statement of Investment Policy to delete references to the Committee.

Mayor Davis declared a recess at 8:55 P.M. The meeting reconvened at 9:12 P.M. with all Councilmembers present.

Mayor Davis recused himself from the Card Room item due to a potential conflict of interest related to his wife owning a business next to the 19th Hole Card Room. He turned the gavel over to Mayor Pro Tem Harper and left the dais.

4. CARD ROOM ORDINANCE

City Attorney Nerland thanked volunteer legal intern Sohrab Dibadin for assistance on the item and presented the staff reports dated September 21, and 27, 2011 recommending the City Council A) read the Ordinance by title only; and, B) introduce an Ordinance Repealing and Re-Enacting Chapter 4 of Title 5 of the Antioch Municipal Code, to transfer the application procedures for Card Room Work Permits to the California Gambling Control Commission and make other amendments to the procedures for card room licenses and permits as presented with September 27, 2011 staff report ; and, C) Provide other guidance to staff regarding possible expansion of card room operations.

Alberto Cianfichi gave a brief history of his business at Kelly's Cardroom and discussed the difficulties they had experienced in coexisting with ANKA Behavioral Heath Inc. He noted due to those circumstances, he was requesting the City Council consider allowing them to relocate and lease them the City property at the corner of Delta Fair Blvd. and Century Blvd. Additionally, he requested expansion of the gaming operation to nine tables. He offered to hire former City employees with their expansion and share the profits of the card room with the City.

Linda King stated if they were allowed to move their location and expand they would share the gross profits with the City on a semi-annual basis. She noted those funds would assist in stabilizing the City's general fund.

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the City Council A) read the Ordinance by title only; and, B) introduced an Ordinance Repealing and Re-Enacting Chapter 4 of Title 5 of the Antioch Municipal Code, to transfer the application procedures for Card Room Work Permits to the California Gambling Control Commission and make other amendments to the procedures for card room licenses and permits, including an

increase in the bidding limits for "No Limit" game as presented in the September 27, 2011 staff report. The motion carried by the following vote:

Ayes: Kalinowski, Harper, Rocha, Agopian

Recused: Mayor Davis

In response to Council, Mr. Cianfichi stated he was unable to afford security however if they were permitted to move and increase their tables, they would be employing approximately 100 people and could share the profits with the City.

In response to Councilmember Rocha, Mr. Cianfichi stated he would agree to increase the fee paid to the City to \$500.00 per table, per month if they were allowed to increase to 9 tables.

A motion was made by Councilmember Rocha to direct staff to continue to explore moving the location of Kelly's Cardroom, increase the tables to a total of 9 and increasing the per month, per table fee to \$500.00. The motion failed for a lack of a second.

Following discussion the City Council consensus did not support the expansion of gaming operations in Antioch.

Councilmember Kalinowski stated the business could consider relocating provided they conform to gaming control regulations and the City's use permit process.

Councilmember Agopian stated he would support relocation of the restaurant however he would not support the relocation of the gaming establishment, particularly, in an area adjacent to Los Medanos College.

Mayor Davis returned to the dais.

6. AGENCY CONSENT CALENDAR

A. APPROVAL OF AGENCY WARRANTS

On motion by Agency Member Agopian, seconded by Agency Member Harper, the Antioch Development Agency unanimously approved the Agency Warrants.

PUBLIC COMMENTS

Beverly Knight, Antioch resident, expressed concern regarding the negative impacts of the increased vacant storefronts in her neighborhood and expressed her frustration at the response she received from staff and the City Council regarding those concerns. She provided City staff with a DVD she recorded of blight in her neighborhood.

COUNCIL COMMUNICATIONS

Councilmember Kalinowski stated he understood Ms. Knight's concern and explained that action taken by the staff and the City Council to address those concerns. He encouraged Ms. Knight to attend the city's Quality of Life Forums.

Councilmember Rocha reported San Pablo City Councilmember Arturo Cruz had an aortic aneurism and stroke and wanted him kept in people's thoughts.

Councilmember Agopian reported on his attendance at the League of California Cities Conference and noted the City of Hayward was awarded recognition for creating a program for placing public art in locations which were previously chronically tagged with graffiti. He stated he had provided City Manager Jakel with the information on the program for possible implementation in Antioch.

Mayor Davis thanked City Manager Jakel for his dedication to the City of Antioch.

STAFF COMMUNICATIONS

City Manager Jakel announced the following meeting schedule: Regular City Council meetings on October 11 and 25, 2011 and the Mayor's Conference on November 3, 2011.

With no further business, Mayor Davis adjourned the meeting at 10:00 P.M. to the next regular Council meeting on October 11, 2011.

Respectfully submitted:

Kitty Eiden, Minutes Clerk