

## ANTIOCH CITY COUNCIL

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

**October 11, 2011**  
**Council Chambers**

Mayor Davis called the meeting to order at 7:04 P.M., and Minutes Clerk Eiden called the roll.

Present: Council Members Kalinowski, Harper, Rocha, Agopian and Mayor Davis

### **PLEDGE OF ALLEGIANCE**

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

### **PROCLAMATIONS**

Help People with Intellectual Disabilities Days, Oct. 21 – 23, 2011

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council unanimously approved the proclamations.

Councilmember Harper presented the proclamation proclaiming October 21-23, 2011, as *Help People with Intellectual Disabilities Days* to a representative of the Knights of Columbus who thanked the City Council for the proclamation and their support.

### **PRESENTATION**

The City Council presented Brenda Perry with a certificate of recognition and key to the City for her dedication and service as Senior Coordinator at the Senior Center.

Ms. Perry thanked the City Council for the recognition and stated it had been a privilege to serve the seniors in the community. She acknowledged the volunteers at the Senior Center and the City Council for their support.

Mayor Davis introduced Gina Lombardi-Gravert as the Senior Coordinator.

Gina Lombardi-Gravert stated she was looking forward to the opportunity of working with the Seniors at the Senior Center.

### **PUBLIC COMMENTS**

Alberto Cianfichi, operator of Kelly's Card Room, thanked the City Council and staff for their support in allowing them to relocate their business and stated they felt the right location was the property at Century Blvd and Delta Fair Blvd.

Sheila White, Owner of the Red Caboose, thanked the City Council and staff for the decision to close McElheny Road. She invited the community to attend the Take Back Antioch Historic Walk on October 15, 2011, at 10:00 A.M.

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

Sheila McWilliams, representing Grace Bible Fellowship of Antioch, announced the Holy Eve Community Carnival would be held beginning at 2:00 P.M., October 31, 2011, at the Somersville Towne Center. She suggested a booth be set up by the Antioch Police Department for public outreach at the event.

Councilmember Harper voiced his support for the Holy Eve Community Carnival and encouraged the community to attend.

## **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Harper reported on his attendance at the Lone Tree Golf Course and Event Center subcommittee meeting and the Mello Roos Board meeting.

Councilmember Kalinowski reported on his attendance at the Highway 4 Bypass committee meeting.

## **MAYOR'S COMMENTS**

Mayor Davis reported on his attendance at the Lone Tree Golf Course and Event Center subcommittee meeting and Conference for the American Public Transportation Association. He reminded the City Council Antioch would be hosting the Mayor's Conference next month at the Antioch Community Center.

### **1. COUNCIL CONSENT CALENDAR**

#### **A. APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 13, 2011**

#### **B. APPROVAL OF COUNCIL WARRANTS**

#### **C. REJECTION OF CLAIM**

- 1. Tracy Gurecki 11/12-2026 (property damage)**

#### **D. CARD ROOM ORDINANCE (*re-Introduced 09/27/11*)**

#### **E. AUTHORIZATION TO ENTER INTO A CONTRACT WITH BEALS ALLIANCE FOR DESIGN AND ENGINEERING SERVICES FOR THE ANTIOCH COMMUNITY PARK SYNTHETIC TURF FIELDS PROJECT**

On motion by Councilmember Harper, seconded by Councilmember Agopian, the Council unanimously approved the Council Consent Calendar with the exception of items A and D which were removed for further discussion.

Item A – Mayor Davis pulled the item for a separate vote due to his absence at the September 13, 2011, City Council meeting.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council approved item #A. The motion carried by the following vote:

Ayes: Kalinowski, Harper, Rocha, Agopian

Abstain: Davis

Item D – Mayor Davis pulled the item to recuse himself from the vote due to a potential conflict of interest. He turned the gavel over to Mayor Pro Tem Harper and left the dais.

Councilmember Kalinowski stated public information had come forward since the item was discussed that indicated Kelly's Card Room was operating on a delayed suspension. He expressed concern the information was not given to the City Council or staff and requested the ordinance be modified, with further discussion to occur once the sanctions by the California Gaming Commission had been placed.

A motion was made by Councilmember Kalinowski, seconded by Councilmember Agopian, to reintroduce the ordinance with the following changes:

- Page 6 – (L) (c) to read: "\$500 for individual bets in No Limit and Double Hand Poker games; and"
- Page 6 – (L) (d) to read: "\$50 for individual bets in any other card room game permitted by California law"
- Page 6 – (L) (e) - Deleted

Linda King informed the City Council they would be meeting with the Gambling Control Commission and the Department of Justice Internal Affairs on Thursday, which would more than likely resolve the issues with the State Gambling Control Commission.

In response to Councilmember Kalinowski, Ms. King explained they were in the process of resolving those issues and therefore they did not feel it was necessary to offer the information to the City.

Alberto Cianfichi stated his father was accused of having an employee who did not have the proper permit and the Department of Justice was reviewing the issue. He stated they did not bring the information to City staff or the City Council as they felt the license would be granted.

In response to Councilmember Kalinowski, Ms. King clarified they were fined \$112,000 for a violation of her father's probation which she was in the process of disputing.

In response to Councilmember Rocha, City Attorney Nerland stated if the City Council desired to revisit the betting limit issue, it could be done pursuant to a separate ordinance.

The previous motion carried by the following vote:

Ayes: Kalinowski, Harper, Rocha, Agopian

Recused: Mayor Davis

Mayor Davis returned to the dais.

## **COUNCIL REGULAR AGENDA**

### **2. CITY COUNCIL SUBCOMMITTEE APPOINTMENTS**

Director of Community Development Wehrmeister presented the staff report dated October 6, 2011, recommending the City Council appoint two Council Members to a subcommittee to coordinate a “*Shop Antioch*” campaign and address commercial Code violations and prevention strategies.

Mayor Davis appointed Councilmember Agopian and himself to serve on the subcommittee.

On motion by Councilmember Kalinowski, seconded by Councilmember Harper, the City Council unanimously approved the appointments of Councilmember Agopian and Mayor Davis to a subcommittee to coordinate a “*Shop Antioch*” campaign and to address commercial Code violations and prevention strategies.

### **3. FILLING THE CITY CLERK VACANCY**

City Attorney Nerland presented the staff report dated October 4, 2011, recommending the City Council: 1) Adopt a resolution appointing an individual to fill the City Clerk vacancy effective November 1, 2011, and contingent on confirmation, that the appointee was a registered voter in Antioch; or 2) Adopt a resolution inviting letters of interest for appointment to fill the City Clerk vacancy and establishing dates and rules for the application process; or 3) Adopt a resolution calling for a special election to fill the position of City Clerk on April 10, 2012 along with to provide other direction to staff regarding the elected positions of City Clerk and/or City Treasurer.

A motion was made by Councilmember Rocha, seconded by Councilmember Kalinowski, to adopt the resolution inviting letters of interest for appointment to fill the City Clerk vacancy and establishing dates and rules for the application process.

Council discussion ensued regarding various options available for the elected positions of the City Clerk and the City Treasurer positions. Councilmember Kalinowski felt with the current staffing levels, the Council should consider options for reinventing the City Clerk/City Treasurer position prior to the 2012 Election.

The previous motion was unanimously approved by the City Council with the following amendment: Application deadline for the City Clerk position was 4:30 P.M. on October 27, 2011, Oral Statements to the City Council and Appointment would occur at 6:00 P.M. on November 8, 2011.

**PUBLIC COMMENTS** - None

### **COUNCIL COMMUNICATIONS**

Mayor Davis announced the Veteran’s Day Parade would be held on November 11, 2011, at 11:00 A.M.

## STAFF COMMUNICATIONS

Director of Community Development Wehrmeister announced Celebration of Antioch hosted by the Antioch Chamber of Commerce would be held on October 24, 2011 and the next City Council meeting would be held on October 25, 2011.

Following discussion, the City Council agreed to meet for the November 22, 2011, City Council meeting, should it be necessary.

## ADJOURNMENT TO CLOSED SESSION

With no further business, Mayor Davis adjourned the meeting at 8:20 P.M. to the Closed Session immediately following.

## CLOSED SESSION

- 1) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to subdivision (c) of §54956.9 (1 case).

City Attorney Nerland reported the following information from Closed Session: Mayor Davis was absent from Closed Session; Council voted 4-0 to initiate a lawsuit if the parties could not reach a mutually acceptable Tolling Agreement. Should a lawsuit be formally initiated, the complaint would be disclosed upon request. Closed session adjourned at 8:50 P.M.

Respectfully submitted:

*Kitty Eiden*

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Kitty Eiden, Minutes Clerk