

**ANTIOCH CITY COUNCIL  
SPECIAL MEETING**

**Special Meeting  
2:30 P.M.**

**August 3, 2018  
Council Chambers**

Mayor Wright called the meeting to order at 2:31 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Thorpe, Tiscareno, Ogorchock and Mayor Wright

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENTS – None**

- 1. REPEAL ORDINANCE NO. 2145-C-S WHICH IS EXHIBIT 1 OF ATTACHMENT A OF RESOLUTION NO. 2018/94; AND ENACT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH SUBMITTING A MEASURE TO THE VOTERS OF THE CITY OF ANTIOCH TO AMEND ARTICLE 4 OF CHAPTER 5 OF TITLE 3 OF THE ANTIOCH MUNICIPAL CODE TO INCREASE THE CITY'S TRANSACTIONS AND USE TAX FROM A HALF CENT TO ONE CENT AND TO IMPOSE THIS TAX UNTIL ENDED BY VOTERS**

City Clerk Simonsen announced Interim City Attorney Cole was participating in the meeting this afternoon by telephone.

City Manager Bernal introduced Item #1.

Interim City Attorney Cole apologized to Council for making the drafting error in the Ordinance that omitted a reference to language which imposes the Transaction Tax. He presented the staff report dated August 2, 2018 recommending that the City Council take the following actions: 1) Repeal Ordinance No. 2145-C-S which is "Exhibit 1" of "Attachment A" of Resolution No. 2018/94; and 2) Enact an Ordinance of the City Council of the City of Antioch as "Exhibit 1" of Resolution No. 2018/94 Submitting a Measure to The Voters of the City of Antioch to Amend Article 4 of Chapter 5 of Title 3 of the Antioch Municipal Code to Increase the City's Transactions and Use Tax from a Half Cent to One Cent and to Impose This Tax Until Ended by Voters.

Rich Buongiorno, Antioch resident, expressed concern with the timing of Ordinance and discussed the importance of transparency. He questioned if the Chamber of Commerce was in support of the Measure. He spoke in support of a sunset date and quarterly review.

Mark Jordan, Antioch resident, stated the City was attempting to provide a solution to the cash flow issue and he commended Council for informing the public about a potential solution. He noted it would be up to the voters to decide if they wanted to support a Tax Measure to improve the community.

Marty Fernandez, Antioch resident, expressed concern that at a meeting he recently attended there was conflicting information regarding whether there was an oversight committee in this Measure. He stated he felt the City was rushing into this without clear direction.

Ken Turnage II, Antioch resident, requested the City Council include language for the oversight committee, quarterly or semi-annual review and a sunset date.

Diane Gibson-Gray requested the City Council include language for the oversight committee and a sunset date or stop the process and bring the item back in two years when all Council seats were up for re-election.

Dr. Jeffrey Klingler questioned if exhibit one in the staff report was identical to the previous version with the exception of the transaction tax. He stated if that was the only change he would ask for clarification with regards to the oversight committee and termination date of the sunset.

Interim City Attorney Cole responded that the only change in the Ordinance was the addition of section 3-5-405 and on page 2 there was a heading replacement on Section 6, repealing the Ordinance adopted on July 24, 2018 and replacing it with this Ordinance. He clarified the Ordinance as presented eliminated the language that called for the oversight committee. He noted the City could still create an oversight committee; however, there would no longer be a mandate.

Councilmember Thorpe stated it would be up to Council to determine whether to insert the requirement for an oversight committee into the Ordinance. He noted that if they chose not to, they could continue in a way that would give future Council's the ability to decide the composition of the oversight committee.

In response to Councilmember Ogorchock, Interim City Attorney Cole stated if it was the pleasure of the Council, they could take action today to strike Section 3-5.416; and that action would leave the language in the code that codifies the committee.

Councilmember Ogorchock stated with this Measure as written, the Council would be determining where to allocate the funds and noted that their priority was the Antioch Police Department. She stated she could support a 20-year sunset date. She expressed concern that they were not provided with a breakdown of the code sections being repealed or given sufficient time to vet the process.

Councilmember Tiscareno stated he would support adding the oversight committee and a sunset date.

Interim City Attorney Cole commented that if a sunset date was included, the amended ballot language would need to come back at a subsequent meeting for consideration.

Councilmember Wilson discussed the community engagement process.

Councilmember Thorpe stated that he did not support a sunset date. In speaking to the oversight committee language, he noted whether it was included or not, it would occur so he could support adding the language.

Mayor Wright stated he would support codifying the oversight committee and 20-year sunset date.

Interim City Attorney Cole explained that if the Measure passed, the one-half cent would expire in March 31, 2019 and the one cent would take effect on April 1, 2019.

City Clerk Simonsen added that if a 20-year sunset was added to the Measure, it would run until April 1, 2039.

A motion was made by Councilmember Ogorchock to 1) Repeal Ordinance No. 2145-C-S which is "Exhibit 1" of "Attachment A" of Resolution No. 2018/94; and 2) Enact an Ordinance of the City Council of the City of Antioch as "Exhibit 1" of Resolution No. 2018/94 Submitting a Measure to The Voters of the City of Antioch to Amend Article 4 of Chapter 5 of Title 3 of the Antioch Municipal Code to Increase the City's Transactions and Use Tax from a Half Cent to One Cent and to Impose This Tax Until Ended by Voters. 3) Striking Section 3: Section 3-5.416 and 4) Amending Section 3-5.417 to read the authority to levy the tax imposed by this article shall expire 20-years from the operative date.

Discussion ensued regarding the motion with Interim City Attorney Cole explaining that if Council made the proposed changes to sections 3-5.416 and 3-5.417, those items would have to come back to Council at a subsequent meeting for consideration.

City Clerk Simonsen stated based on Interim City Attorney Cole comments, he would recommend the motion direct City Attorney to adopt the language provided so that he would have consensus of the Council to come back with those changes. In order to meet deadlines, he requested the item come back to Council at the latest, August 7, 2018.

Administrative Services Director Mastay commented that the current ballot language had polled very well and they had not polled the language being discussed this afternoon. She noted if approved, they would be uncertain of the outcome of the ballot measure.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously directed the City Attorney to come back with new language for the Ordinance and Resolution based on the motion by Councilmember Ogorchock.

The City Council agreed to hold a subsequent Special Meeting on August 7, 2018 at 4:00 P.M.

**PUBLIC COMMENTS – None**

**STAFF COMMUNICATIONS – None**

**COUNCIL COMMUNICATIONS – None**

**ADJOURNMENT**

With no further business, Mayor Wright adjourned the meeting at 3:27 P.M. to the Special Meeting at 4:00 P.M. on August 7, 2018.

Respectfully submitted:

*Kitty Eiden*

KITTY EIDEN, Minutes Clerk