

**ANTIOCH CITY COUNCIL
SPECIAL MEETING**

Special Meeting
4:00 P.M.

**August 7, 2018
Council Chambers**

Mayor Wright called the meeting to order at 4:00 P.M., and City Clerk Simonsen called the roll.

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

PLEDGE OF ALLEGIANCE

Councilmember Wilson led the Council and audience in the Pledge of Allegiance.

PUBLIC COMMENTS – None

- 1. RESCIND RESOLUTION NO. 2018/94 AND RESOLUTION NO. 2018/92 AND REPEAL ORDINANCE NO. 2145-C-S; AND ADOPT A RESOLUTION AND ENACT AN ORDINANCE 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 ONE-HALF CENT TO ONE CENT AND TO IMPOSE THIS TAX AND TO COLLECT SUCH TAX FOR TWENTY YEARS**

City Manager Bernal introduced Agenda Item #1 and gave an overview of the community engagement process. He reminded Council that the 20-year sunset was not asked for as part of that effort and therefore, they did not know how the voters would respond. He noted in other cities within the County, voters typically preferred either to end the measures themselves or a single digit sunset. He further noted in the absence of having evaluated the issue in polling, should the City Council wish to proceed with a sunset, the recommendation of the consultant was to opt for a 9-year term. He commented that it was his recommendation along with the Quality of Life Adhoc subcommittee to stay with the original language "until ended by voters"; however, if Council was inclined to establish a sunset, his recommendation would be to set it at 9-years.

Interim City Attorney Cole presented the staff report dated August 7, 2018 recommending the City Council take the following actions: 1) Rescind Resolution No. 2018/94 and Resolution No. 2018/92 and Repeal Ordinance No. 2145-C-S; and 2) Adopt a Resolution Calling for a Municipal Election on November 6, 2018 to Request City Voters Extend and increase the City's Transaction and Use Tax from One-Half Cent to One Cent to Provide for Public Safety and 911 Service, Support Youth, and Maintain Other Quality of Life Services; and 3) Enact an Ordinance 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 One-Half Cent to One Cent and to Impose This Tax and to Collect Such Tax for Twenty Years.

Councilmember Thorpe stated the subcommittee could not support a 20-year sunset as it had not been polled in the community.

Marty Fernandez, Antioch resident, suggested Council conduct outreach to professional businesses to develop a long term financial plan to address the pension issue and protect the City should the ballot measure not pass.

Councilmember Wilson commented that they had spent a year working as a committee to bring forward an Ordinance that reflected the data collected from the community; therefore, she could not support a 20-year sunset. She suggested the language revert back to "until ended by voters".

Councilmember Tiscareno stated he supported moving forward with the 20-year sunset and including the Citizen's Oversight Committee.

Councilmember Ogorchock stated polling was not always 100 percent accurate and she believed the 20-year sunset would be approved by voters. She noted if the information had come to Council at an earlier date, it could have been properly vetted.

Mayor Wright stated that he supported a sunset and moving it to 9-years if it allowed the City to get the Measure passed. He reported Council had received an email cautioning the City on a 20-year sunset. He noted a 9-year term would not give long term assurance; however, it would force the Council to utilize the money in a way that voters would approve a future extension.

Councilmember Ogorchock stated the original language for Measure C was a 10-year sunset and Mello Roos was 20 years; therefore, she would continue to support a 20-year sunset.

Councilmember Thorpe stated in light of Ms. Lew's email, he cautioned Council that it was risky to add a sunset without understanding how the voters would react.

Interim City Attorney Cole clarified that if the Council wanted to change the date of the sunset or revert back to the "until ended by voters" language, those changes could be made to the Resolution and Ordinance this evening.

Councilmember Tiscareno commented that he would not be supportive of a 9-year sunset because he felt the Council would be having the same conversation in 6-years to address the expiration of the tax measure. He noted a 20-year sunset would give the Council the ability to build the City to a level of sustainability.

Mayor Wright stated he was not opposed to a 20-year sunset; and explained that his comments were in response to the consultant's comments regarding the challenges of getting the Measure passed.

Councilmember Thorpe cautioned that a 20-year sunset may dilute the chances of the Tax Measure passing and urged Council to support "until ended by voters" because it was the language the voters supported.

City Clerk Simonsen commented that citizens by Initiative could overturn any ordinance. He expressed concern that the email referenced this afternoon from the polling firm had not been made available to the public and requested staff provide him with a copy for the record.

Councilmember Tiscareno stated if the question regarding a sunset was asked in the polling and surveys, he believed citizens would have supported a 20-year sunset.

Mayor Wright stated he appreciated the opinions of the Council and if given the choice of a 20-year sunset or none, he would support the 20-year sunset.

A motion was made by Councilmember Ogorchock, seconded by Councilmember Tiscareno, to: 1) Rescind Resolution No. 2018/94 and Resolution No. 2018/92 and Repeal Ordinance No. 2145-C-S; and 2) Adopt a Resolution Calling for a Municipal Election on November 6, 2018 to Request City Voters Extend and increase the City's Transaction and Use Tax from One-Half Cent to One Cent to Provide for Public Safety and 911 Service, Support Youth, and Maintain Other Quality of Life Services; and 3) Enact an Ordinance 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 One-Half Cent to One Cent and to Impose This Tax and to Collect Such Tax for Twenty Years.

Councilmember Wilson stated she supported the Measure; however, she could not support the 20-year sunset.

Councilmember Thorpe stated he was disappointed that after 1-1/2 years of working with staff to develop language reflective of the community, the City Council was changing language that was not vetted through the community engagement process. He expressed concern that the consultant's recommendation to Council was being discarded. He also felt that the City Clerk had undermined the Adhoc Committee's efforts.

Councilmember Tiscareno commended the Adhoc Committee and staff for their efforts. He stated that he believed if marketed correctly, the Measure would pass with a 20-year sunset. He noted that it was his opinion that this Measure was an extension of Measure C and the City needed to act according to the principals of that measure. He further noted the Council would also be protecting the integrity of the Measure with citizens' oversight and by improving the quality of life for residents.

Mayor Wright commented that the Adhoc committee was asked to do the work and bring it back to Council for deliberation and he was concerned that the information came to Council with little time to review. He noted the constituents asked for continued oversight and a sunset date. He further noted that he would have liked to have had the sunset issue polled so they could have reviewed that information.

Council took action on the previous motion to: 1) Rescind Resolution No. 2018/94 and Resolution No. 2018/92 and Repeal Ordinance No. 2145-C-S; and 2) Adopt a Resolution Calling for a Municipal Election on November 6, 2018 to Request City Voters Extend and increase the City's Transaction and Use Tax from One-Half Cent to One Cent to Provide for Public Safety and 911 Service, Support Youth, and Maintain Other Quality of Life Services; and 3) Enact an Ordinance 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 One-Half Cent to One Cent and to Impose This Tax and to Collect Such Tax for Twenty Years.

The motion carried the following vote:

Ayes: Tiscareno, Ogorchock, Wright

Noes: Wilson, Thorpe

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS – None

COUNCIL COMMUNICATIONS

Councilmember Ogorchock announced that the Antioch Police Department had participated in the lip sync challenge. She commended them on a job well done and for engaging the community in the process.

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 4:51 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk