



CALL OF SPECIAL MEETING

Antioch City Council Special Meeting

Pursuant to Government Code section 54956, I hereby call a Special Meeting of the Antioch City Council. Said meeting shall be held on the following date, time and place:


DATE: Friday, August 3, 2018

TIME: 2:30 P.M. Special Meeting

**PLACE: Council Chambers
200 H Street
Antioch, California 94509**

The only items of business to be considered at such special meeting shall be set forth on the Special Meeting Agenda.

Dated: August 1, 2018



SEAN WRIGHT, Mayor
City of Antioch

Regular Meetings:
2nd and 4th Tuesday
of each month



Agenda prepared by:
Office of the City Clerk
(925) 779-7009

ANNOTATED AGENDA

for

SPECIAL MEETING OF THE ANTIOCH CITY COUNCIL

COUNCIL CHAMBERS

200 H Street

Antioch, CA 94509

FRIDAY

AUGUST 3, 2018

2:30 P.M.

2:31 P.M. **ROLL CALL – Council Members Wilson, Thorpe, Tiscareno, Ogorchock and Mayor Wright**

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

Direction provided to bring back amended Resolution and Ordinance, 5/0

Recommended Action: It is recommended 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.

STAFF REPORT

**Additional Special Meeting Scheduled on:
August 7, 2018 @ 4:00 p.m. (Council Chambers, 200 H Street, Antioch)**

The City Council meetings are accessible to those with disabilities. Auxiliary aides will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081.

PUBLIC COMMENTS

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

ADJOURNMENT – 3:27 p.m.

amending Section 3-5.405 was omitted from the version of the ordinance the Council adopted.

The attached ordinance corrects this mistake. A revised section 3-5.405 is included, which would increase the transactions tax to one cent after March 31, 2019.

ATTACHMENTS

1. Exhibit 1 - Ordinance

ORDINANCE NO. _____-C-S

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

WHEREAS, at an election on November 5, 2013, the voters of the City of Antioch approved Ordinance 2068-C-S, establishing a half-cent transaction and use tax; and

WHEREAS, the City Council of the City of Antioch enacted Ordinance 2068-C-S on June 13, 2013, subject to the requirement that the voters ratify the Ordinance at the ensuing special election that was called; and

WHEREAS, Ordinance 2068-C-S codifies Article 4 of Chapter 5 of Title 3 of the Antioch Municipal Code, establishing, among other things, the requirements, collection procedures, and exemptions for the City's transactions and use tax; and

WHEREAS, by its terms Ordinance 2068-C-S is set to expire in seven years from its operative date; and

WHEREAS, in accordance with Elections Code section 9222 and Revenue and Taxation Code section 7285.9, the City Council desires to submit to the voters of the City of Antioch the increase of the transaction and use tax to one cent and to impose this tax until ended by voters.

NOW, THEREFORE, BE IT RESOLVED that The People of the City of Antioch do ordain as follows:

Section 1. Section 3-5.405 of the Antioch Municipal Code is hereby amended as follows:

§ 3-5.405 TRANSACTIONS TAX RATE.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the city at the rate of one-half of one percent (.50%) until March 31, 2019, and thereafter at the rate of one percent (1.0%), of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the territory on and after the operative date of this article.

Section 2. Section 3-5.407 of the Antioch Municipal Code is hereby amended as follows:

§ 3-5.407 USE TAX RATE.

An excise tax is hereby imposed on the storage, use or other consumption in the city of tangible personal property purchased from any retailer on and after the operative date

of this article for storage, use or other consumption in said territory at the rate of one-half of one percent (.50%) until March 31, 2019, and thereafter at the rate of one percent (1.0%), of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 3. Section 3-5.416 of the Antioch Municipal Code is hereby repealed.

Section 4. Section 3-5.417 of the Antioch Municipal Code is hereby repealed.

Section 5. CEQA Findings.

The approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). The transactions and use tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action or actions. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the City would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines section 15060 review under CEQA is not required.

Section 6. Replacement of Ordinance No. 2145-C-S.

This ordinance repeals and replaces Ordinance No. 2145-C-S, enacted by the City Council on July 24, 2018.

Section 7. Severability.

In the event any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in force and effect.

Section 8. Effective Date.

This ordinance relates to the levying and collecting of the City's transactions and use taxes and shall not take effect until approved by the majority of the voters voting at the general municipal election to be held on November 6, 2018.

Section 9. Certification and Publication.

Upon approval by the voters, the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause it to be published according to law and transmitted to the Board of Equalization.

All other provisions of Ordinance 2068-C-S as adopted by the City Council on June 25, 2013 shall remain in effect.

Upon approval by the voters, the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause it to be published according to law and transmitted to the Board of Equalization.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was adopted by two thirds of the City Council and submitted to the voters at a regular meeting of the City Council of the City of Antioch held on the 3rd day of August, 2018, by the following vote:

AYES:

NOES:

ABSENT:

Sean Wright, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

Ordinance No. _____ was submitted to the People of the City of Antioch at the November 6, 2018 general election. It is hereby certified that this Ordinance was APPROVED by the following vote of the People of Antioch:

YES:

NO:

This Ordinance was thereby adopted by the voters at the November 6, 2018 general election and took effect upon adoption of a resolution declaring the results of the election at a regular meeting of the City Council held on _____ by the following vote:

AYES:

NOES:

ABSENT:

I hereby certify that the foregoing is a true and correct copy of an ordinance duly and regularly adopted by the People of the City of Antioch, California.

Arne Simonsen, City Clerk of the City of Antioch