



# CITY OF ATWATER

## CITY COUNCIL ADJOURNED MEETING

### ACTION MINUTES

**October 30, 2019**

#### OPEN SESSION:

*The City Council of the City of Atwater met in Adjourned Session this date at 5:00 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Creighton presiding.*

#### ROLL CALL:

**Present:** *City Council Members Ambriz, Cale, Vierra, Mayor Pro Tem Raymond, Mayor Creighton*

**Absent:** *None*

**Staff Present:** *City Manager Waterman, Interim City Attorney Sanchez, Police Chief Salvador, CAL FIRE Battalion Chief Slate, Human Resources Director Del Real, Finance Director Jacobs-Hunter, Public Works Director Haddix, General Services Manager Pereida, Project Manager Lamerson, Deputy City Clerk Martin*

#### CITY MANAGER'S REPORTS/UPDATES:

Resolution calling, giving notice of, and consolidating a Special Municipal Election to be held on Tuesday, March 3, 2020 regarding the renewal of a Transactions and Use Tax in the City of Atwater; and introducing an ordinance amending and restating Chapter 3.45 "Atwater Public Safety Transactions and Use Tax" of the Atwater Municipal Code

*City Manager Waterman provided a Power Point presentation and background information regarding the current sales tax and its impact on the fiscal solvency of the City. She also summarized the recent public poll taken regarding continuing the Atwater Public Safety Transactions and Use Tax.*

*Finance Director Jacobs-Hunter summarized the public safety sales and use tax for surrounding cities in comparison to Atwater's sales and use tax. She also provided information regarding taxable items under California law and the composition of where sales taxes come from in Atwater.*

*Interim City Attorney Sanchez summarized the content of the proposed resolution and proposed ordinance, as well as options available to the City Council regarding a one-half cent or a one cent tax, and whether there will be a sunset date on the tax if the measure is placed on the ballot.*

**MOTION:** *City Council Member Vierra moved that there be no sunset date on the proposed Public Safety Sales and Use Tax. The motion was seconded by City Council Member Cale and the vote was: Ayes: Cale, Vierra, Ambriz, Raymond, Creighton; Noes: None; Absent: None. The motion passed.*

**MOTION:** *City Council Member Vierra moved to go forward with the proposed Public Safety Sales and Use Tax and replace the one-half cent tax with a one-cent tax. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Cale, Ambriz, Vierra, Creighton; Noes: Raymond; Absent: None. The motion passed.*

**MOTION:** *City Council Member Vierra moved to adopt Resolution No. 3119-19 calling and giving notice of a Special Municipal Election to be held on March 3, 2020, submitting a proposed ordinance relating to renewal of a transactions and use tax—at one cent—with no sunset date—to the City's voters at the Special Municipal Election, and requesting the Board of Supervisors of the County of Merced consolidate the Special Municipal Election to be held on March 3, 2020 with the Presidential Primary Election to be held on the same date pursuant to Section 10403 of the Election Code and requesting specified services from the County related to the election. The motion was seconded by City Council Member Cale and the vote was: Ayes: Cale, Ambriz, Vierra, Creighton; Noes: Raymond; Absent: None. The motion passed.*

**MOTION:** *Mayor Pro Tem Raymond moved to name Mayor Creighton and City Council Member Vierra to establish priorities for written arguments in favor regarding the measure and authorizing and directing the Interim City Attorney to prepare an impartial analysis. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Vierra, Ambriz, Cale, Raymond; Noes: Creighton; Absent: None. The motion passed.*

**MOTION:** *City Council Member Cale moved to name Mayor Creighton and City Council Member Vierra to prepare the filing of rebuttal arguments regarding the measure. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Cale, Ambriz, Vierra, Raymond, Creighton; Noes: None; Absent: None. The motion passed.*

***MOTION:*** Mayor Pro Tem Raymond moved to waive the first reading and introduce Ordinance No. CS 1024, which would amend and restate Chapter 3.45 "Atwater Public Safety Transactions and Use Tax" of the Atwater Municipal Code to extend a transactions and use tax at the rate of one percent with no sunset date for special purposes to be administered by the California Department of Tax and Fee Administration, and amend Section 3.45.160 to reflect that members of the Citizens' Oversight Committee will be appointed by the City Council. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Vierra, Ambriz, Cale, Creighton; Noes: Raymond; Absent: None. The motion passed.

COMMENTS FROM THE PUBLIC:

*Notice to the public was read.*

*No one came forward to speak.*

ADJOURNMENT:

*Mayor Creighton adjourned the meeting at 6:28 PM.*



JANELL MARTIN,  
DEPUTY CITY CLERK

By: Lesa Rasmussen  
P-M Transcription Services