

**MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL**

TUESDAY, April 21, 2009

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:32 p.m. by Mayor Pierce in the Library Community Meeting Room, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Medrano, Geller (arrived at 6:50 p.m.), and Shuey (arrived at 7:42 p.m.). Staff present: City Manager Gary Napper, Assistant City Attorney Maury Huguet, Police Chief Dan Lawrence, and City Clerk Laci Jackson.

2. **CLOSED SESSION**

- (a) *Government Code Section 54956.9(c)*, Conference with Legal Counsel
Consider Initiation of Litigation – 1 case

7:01- Report out of Closed Session: Mayor Pierce stated the three Councilmembers present for the Closed Session voted unanimously in favor of authorizing City Manager to sign an agreement with Contra Costa County and the cities of Contra Costa County to toll the statutes of limitations for claims regarding Property Tax Administration Fees. (Passed; 3-0 vote).

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.

4. **CONSENT CALENDAR-** It was moved by Vice Mayor Stratford, seconded by Councilmember Medrano to approve the Consent Calendar as submitted (Passed; 4-0 vote).

(a) **Information Only**

1. Notification by City of Concord announcing proposed sewer services rate increase of 4.1% (\$12 per year; from \$294 to \$306) on real property ownership in the city of Clayton.
2. Property Owner information regarding Water Conservation impacts to landscaped areas and City Code Enforcement standards.

(b) Approved the minutes of the regular meeting of April 7, 2009.

(c) Approved Financial Demands and Obligations of the City.

(d) Set April 28, 2009 at 7:00 pm in Hoyer Hall of the Clayton Community Library as the date, time and location for a joint Special Meeting with the Clayton Planning Commission to discuss and provide general instructions on a Housing Element Update required by state law.

(e) Approved a multi-year award of contract to Waraner Brothers Tree Service (Clayton) in the 3-year total amount of \$91,181.00 to perform citywide annual weed abatement services on public real properties.

5. RECOGNITIONS AND PRESENTATIONS

- (a) Proclamation declaring May 3, 2009 as "Skipolini's Day" celebrating 35 years in Clayton as the original Skipolini's Pizza Restaurant. Mayor Pierce stated the Ipsen's are out of town and could not receive the Proclamation today but that it would be presented to them upon their return.

6. REPORTS

- (a) Planning Commission – Commissioner Keith Haydon reported on the April 14th Planning Commission meeting. The Commission approved a new Sign Permit for CVS/Pharmacy at the former Longs Drug store.

- (b) Trails and Landscaping Committee –No meeting held to report.

- (c) The City Manager reported the City website has been updated and refreshed. The site now features slide shows of some of the city's parks and facilities. He thanked the City Clerk and the City's IT Consultant Jason Delmar for their hard work on the project. He reminded everyone the Clayton Cleans Up is April 25th. When asked by Mayor Pierce, he reported the Longs/ CVS in Clayton is exceeding sales expectations according to a manager who spoke with Planning Commissioner Bob Armstrong. Vice Mayor Stratford asked how the store was affecting the sales tax. The City Manager reported sales tax is up a little and stated this shows there is a market for people to shop locally.

- (d) City Council

Councilmember Geller stated he had been working on the Shop Clayton First program with the CBCA and they are working on creating a webpage and program details.

Vice Mayor Stratford stated the new CERT class starts on May 4th and anyone who wants more information should call 673-7355 or visit www.ClaytonCERT.org.

Mayor Pierce attended meetings of the CCTA and Transpac where "hot lanes" for local freeways were discussed. She will be attending the ABAG General Assembly.

- (e) Other – None.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS- None.

8. PUBLIC HEARINGS – None.

9. **ACTION ITEMS**

- (a) Consider a Resolution increasing the City's local parking ticket fee to comply with a new mandated state law (SB 1407) that imposes a state fee on each local parking citation to fund the planning, design, construction, rehabilitation, renovation, replacement, leasing or acquisition of court facilities.

The Police Chief presented the staff report and stated the purpose of the Resolution was to pass on costs and fees imposed by the State and other agencies to the violators (fee payers). He stated staff is recommending the Council adopt the Resolution to include additional fee increases required by other entities in order to allow the City to retain its share of the fees.

No public comments were offered on this subject.

It was moved by Councilmember Geller, seconded by Vice Mayor Stratford to adopt Resolution 07-2009 (Passed; 4-0 vote).

- (b) Discuss concept proposal for an Amnesty Period on "back taxes" concerning unpaid or undocumented businesses operating within the City limits without a valid City Business License.

The City Manager presented background information related to the City's Business License tax. He stated Business Licenses bring in approximately \$98,000 of revenue this year. He stated anyone doing business in the City of Clayton is required to have a license. He also stated anyone working from their home must have a Business License and a Home Occupation Permit.

Vice Mayor Stratford stated he wanted to provide amnesty for non-tax payers. He stated it would be an incentive to get more people on the tax roll because they will not have to fear back taxes. Mayor Pierce questioned whether the program would relieve the business owner of back penalties or actual back taxes owed, as each are separate. Vice Mayor Stratford stated both should be waived.

Councilmember Geller stated this program could help create more income for the City and could be tied into a Shop Clayton First program.

Councilmember Medrano stated he is completely against the idea because he does not think it is fair to businesses owners who have paid on time each year. He stated it encourages people to ignore the law.

Mayor Pierce stated anyone opening a business should know that a business license is required because it is basic "starting a Business 101". She stated she might be in favor of waiving the penalties but not the back taxes. Mayor Pierce and Councilmember Medrano stated the penalties were not an exorbitant amount of money when considering the total operations and receipts of a business.

Councilmember Shuey arrived at 7:42 p.m.

Vice Mayor Stratford stated this would not be forgiving penalties or taxes for any business already in the system yet delinquent. The program would be for anyone who was not yet in the system as a way to get them on the tax roll going forward.

Councilmember Medrano stated this program was unfair and other business owners he spoke with believed the program was unfair.

Councilmember Shuey asked what staff's opinion is about the program and how it might help to provide more income to the City. The City Manager responded staff currently seeks out new businesses in the newspaper but assigned staff also has a multitude of other tasks to accomplish and therefore can not chase every business.

Councilmember Shuey stated he does not like to see people disobeying the law but was interested in going forward with the amnesty period for a six month period. Vice Mayor Stratford and Councilmember Shuey stated that if anyone was added to the rolls the program would be worth it.

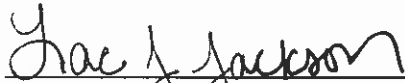
Councilmember Medrano stated this program was sending currently-licensed businesses and scofflaws a bad message.

It was moved by Vice Mayor Stratford, seconded by Councilmember Geller to approve a 6-month amnesty period beginning May 1, 2009 and ending November 1, 2009 for newly registered businesses only, exempting them from back taxes and penalties (Passed 3-2; Noes- Mayor Pierce and Councilmember Medrano).

10. **COUNCIL ITEMS** – None.

11. **ADJOURNMENT**– On call by Mayor Pierce the meeting adjourned at 8:07 p.m.

Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Julie K. Pierce, Mayor