

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JUNE 26, 2012- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:07 p.m. Councilmember Johnson led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore – 5.

Absent: None.

AGENDA CHANGES

(12-335) Mayor Gilmore announced that the City Clerk Employment Agreement [paragraph no. 12-336] would be continued to a Closed Session on July 3rd.

ORAL COMMUNICATIONS, NON-AGENDA

None.

CONSENT CALENDAR

Mayor Gilmore announced that the Quarterly Sales Tax Report [paragraph no. 12- 337] was removed from the Consent Calendar for discussion.

Councilmember Tam moved approval of the remainder of the Consent Calendar.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote – 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(12-336) Recommendation to Approve the Employment Agreement Between the City of Alameda and City Clerk Lara Weisiger. Not Heard.

(12-337) Recommendation to Accept the Quarterly Sales Tax Report for the Period Ending March 31, 2012.

The Controller gave a brief presentation.

In response to Councilmember Tam's inquiry regarding decreases in sales tax generation for the Marina Village and Harbor Bay business parks, the Controller stated the decrease is due to business to business sales, which vary a lot from quarter to quarter.

Councilmember Tam moved approval of the staff recommendation.

Vice Mayor Bonta seconded the motion, which carried by unanimous voice vote – 5.

(*12-338) Recommendation to Accept the City of Alameda Investment Policy. Accepted.

(*12-339) Resolution No.14708, “Agreeing to Establish of a Reciprocal Tax Sharing Agreement Between the City of Alameda and the Franchise Tax Board”. Adopted.

AGENDA ITEMS

(12-340) Public Hearing to Consider Establishment of the Proposition 4 (Appropriations) Limit for FY 12-13 and Resolution No. 14709, “Establishing the Appropriations Limit for FY 12-13.” Adopted.

The Controller gave a brief presentation.

Councilmember Tam moved adoption of the resolution.

Councilmember Johnson seconded the motion, which carried by unanimous voice vote – 5.

(12-341) Public Hearing to Consider Resolution No. 14710, “Amending Master Fee Resolution No. 12191 to Revise Fees.” Adopted.

The Controller gave a brief presentation.

Staff responded to Council questions regarding the proposed automated business license fee process; the Affordable Housing Inclusionary fee; Building Department fees; using kiosk parking slips at multiple locations within a business district; taxicab permit fees; and false alarm and ambulance fees.

Vice Mayor Bonta moved adoption of the resolution.

Councilmember Tam seconded the motion, which carried by unanimous voice vote – 5.

(12-342) Public Hearing to Consider Collection of Delinquent Business License Taxes and Delinquent Integrated Waste Management Accounts Via the Property Tax Bills and Payment Plans.

The Controller gave a brief presentation.

Indicated they do not have a business in Alameda: Zika Zivanovic, 2 Square Properties Co. and Crystal Glantz, Alameda.

Following Mr. Zivanovic’s comments, Mayor Gilmore inquired whether Mr. Zivanovic has paid business license taxes to the City prior to this year, to which Mr. Zivanovic responded in the negative.

In response to Mayor Gilmore’s inquiry, the Controller stated staff uses a variety of methods to determine whether someone has a business in Alameda; a business does

not need to generate revenue to be considered a business; that he would check on the matter tomorrow; 2 Square Properties would be removed from the list if results show that no business is being conducted.

Following Ms. Glantz's comments, the Controller stated that he would check on Ms. Glantz's property also; the property would be removed from the list if tax has been assessed incorrectly.

Councilmember Johnson moved adoption of the resolution.

Councilmember deHaan seconded the motion with the caveat that Mr. Zivanovic's and Ms. Glantz's comments be taken under advisement.

Mayor Gilmore questioned whether staff would have the authorization to keep the two cases on the list if research proved that no mistake has been made.

The Controller stated the deadline is tight for submitting the list to the County; due to the Sunshine Ordinance, staff would not have enough time to provide Council with a new staff report because of the break in August; that he would like to receive direction from Council giving staff the authority to place the two cases on the tax roll for July if there is evidence of business being conducted.

Councilmember Johnson inquired when the list would need to be presented to the County, to which the Controller responded typically, by July 1st; stated August 1st is the cut off date.

Councilmember Johnson inquired whether the preference would be to submit everything together, to which the Controller responded in the affirmative; stated an additional administrative fee would be assessed for a separate submittal.

Councilmember Johnson inquired whether the Controller recalls receiving communication from Mr. Zivanovic and Ms. Glantz, to which the Controller responded that he does not know whether Mr. Zivanovic and Ms. Glantz communicated with staff, but he was not aware that they would be here tonight.

Councilmember Johnson inquired whether staff is getting more aggressive on rental units without business licenses.

The Controller responded that he has one staff person handling business licenses; stated the City issues approximately 8,000 business licenses; in September, staff would present Council with a program for having a third party assist in the process.

Councilmember Johnson inquired what is the penalty for not reporting a rental.

The Controller responded 10% a month up to 50% or 70% of the amount due; stated rental units are very hard to track.

Councilmember Johnson clarified that the motion is to move adoption of the resolution with the understanding that staff would review the two cases and would make the final determination [whether Mr. Zivanovic and Ms. Glantz are doing business regardless of not generating any revenue].

Councilmember deHaan seconded the motion, which carried by the following voice vote: Ayes: Councilmembers deHaan, Johnson, Tam and Mayor Gilmore – 4. Noes: Vice Mayor Bonta – 1.

Vice Mayor Bonta stated the two speakers have raised enough issues and questions to be pulled from the list; there is no need to rush for this year's tax roll; the two cases could be added next year.

(12-343) Resolution No.14711, "Approving and Adopting the Operating and Capital Budget for Fiscal Year 2012-2013." Adopted.

The Assistant City Manager, Controller, and City Manager gave a brief presentation.

Discussed public safety salaries and benefits, transparency throughout negotiations and the need to reduce public safety contracts by at least 10%: Kevin Kennedy, City Treasurer.

Urged Council to cut public safety salaries: Kevin Kearney, City Auditor.

Voiced concern with Alameda becoming another bankrupt city like Vallejo and Stockton: Carol Gottstein, Alameda.

The collective bargaining process and sales tax revenue were discussed.

Vice Mayor Bonta moved adoption of the resolution.

Councilmember Tam seconded the motion.

Mayor Gilmore called for a roll call vote, which carried by the following roll call vote: Councilmembers Bonta: Aye; deHaan: Noe; Johnson: Aye; Tam: Aye; Mayor Gilmore: Aye. Ayes: 4. Noes: 1.

(12-344) Resolution No.14712, "Amending the Alameda City Employees Association Salary Schedule Establishing the Classifications of Senior Fire Code Compliance Officer and Senior Building Code Compliance Officer." Adopted; and

(12-344 A) Resolution No.14713, "Amending the Management and Confidential Employees Association Salary Schedule Establishing the Classification of City Planner." Adopted.

The Human Resource Director gave a brief presentation.

Councilmember Johnson moved adoption of the resolutions.

Vice Mayor Bonta seconded the motion, which carried by unanimous voice vote – 5.

(12-345) Ordinance No. 3049, "Amending Sections 30-58, 30-59, and 30-60 of the Alameda Municipal Code to Adopt New Bay Friendly Landscaping Requirements for Major New and Rehabilitation Landscaping Projects." Finally passed.

The Community Development Director gave a brief presentation.

Councilmember Tam moved approval of final passage of the ordinance.

Vice Mayor Bonta seconded the motion, which carried by unanimous voice vote – 5.

CITY MANAGER COMMUNICATIONS

(12-346) The City Manager stated the Records Management Subcommittee will begin work soon; the majority of the Council have submitted questions for the Frequently Asked Questions presentation; that he will draft answers by the end of the week; personnel evaluations are now under way.

(12-347) The Assistant City Manager stated the Greenway Golf lease ordinance will be introduced at the July 17th City Council meeting; the second reading will be presented at the Special City Council meeting on July 24th; the ordinance would go into effect thirty days later.

COUNCIL COMMUNICATIONS

(12-348) Vice Mayor Bonta stated a budget is not simply a math problem but is a reflection of the community's values.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 9:43 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Sunshine Ordinance.