

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JUNE 17, 2014- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:12 p.m. Councilmember Tam led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Chen, Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 5.

Absent: None.

AGENDA CHANGES

(14-249) Mayor Gilmore announced that the resolution establishing integrated waste rates [paragraph no. 14-263] was continued to July 1, 2014.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(14-250) Proclamation Declaring June 21 and 22, 2014 as Relay for Life Alameda Days.

Councilmember Chen left the dais at 7:14 p.m. and returned at 7:16 p.m.

Mayor Gilmore read and presented the proclamation to Lisa Leverton, Event Chair.

ORAL COMMUNICATIONS

(14-251) Michael John Torrey, Alameda, announced the USS Hornet Annual Field Day event would be on June 28th and 29th.

(14-252) Rion Cassidy, Alameda, stated that he is concerned about the impacts of the Del Monte warehouse proposal, specifically noticing and permit parking.

CONSENT CALENDAR

Vice Mayor Ezzy Ashcraft moved approval of the Consent Calendar.

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

(*14-253) Minutes of the Special and Regular City Council Meetings Held on May 20, 2014. Approved.

(*14-254) Ratified bills in the amount of \$2,118,813.90.

(*14-255) Recommendation to Accept the Treasury Report for the Quarter Ended March 31, 2014. Accepted.

(*14-256) Recommendation to Award Contract for Legal Advertising for Fiscal Year 2014-15. Accepted.

(*14-257) Recommendation to Award a Contract in the Amount of \$1,885,144.50 and Allocate \$471,286.13 in Contingencies to MCK Services, Inc. for Repair and Resurfacing of Certain Streets, Phase 33, No. P.W. 02-14-04. Accepted.

(*14-258) Recommendation to Award a Contract in the Amount of \$1,299,000 and Allocate \$195,000 in Contingencies to Dixon Marine Services, Inc., for Alameda South Shore Lagoon Dredging, No. P. W. 11-13-26. Accepted.

REGULAR AGENDA ITEMS

(14-259) Resolution No. 14932, "Reappointing Marguerite Malloy as a Member of the Civil Service Board." Adopted;

(14-259 A) Resolution No. 14933, "Appointing Elizabeth Kenny as a Member of the Commission on Disability Issues." Adopted;

(14-259 B) Resolution No. 14934, "Reappointing Timothy Scates as a Member of the Golf Commission." Adopted;

(14-259 C) Resolution No. 14935, "Appointing Chee Chan as a Member of the Historical Advisory Board." Adopted;

(14-259 D) Resolution No. 14936, "Appointing John Piziali as a Member of the Historical Advisory Board." Adopted;

(14-259 E) Resolution No. 14937, "Reappointing Catherine Atkin as a Member of the Library Board." Adopted;

(14-259 F) Resolution No. 14938, "Reappointing David Burton as a Member of the Planning Board." Adopted;

(14-259 G) Resolution No. 14939, "Reappointing Kristoffer Köster as a Member of the Planning Board." Adopted;

(14-259 H) Resolution No. 14940, "Reappointing William Delaney as a Member of the Recreation and Park Commission." Adopted;

(14-259 I) Resolution No. 14941, "Appointing Mario Mariani as a Member of the Recreation and Park Commission." Adopted;

(14-259 J) Resolution No. 14942, "Appointing Ruben Tilos as a Member of the Recreation and Park Commission." Adopted.

(14-259 K) Resolution No. 14943, "Appointing Audrey Hyman as a Member of the

Social Service Human Relations Board.” Adopted; and

(14-259 L) Resolution No. 14944, “Reappointing Jennifer Williams as a Member of the Social Service Human Relations Board.” Adopted.

Councilmember Tam moved adoption of the resolutions.

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

The City Clerk administered the oath of office and presented certificates of appointment to Ms. Kenny, Mr. Scates, Mr. Piziali, Mr. Burton, Mr. Köster, Mr. Delaney, Mr. Tilos and Ms. Hyman.

(14-260) Introduction of Ordinance Approving a Lease and Authorizing the City Manager to Execute Documents Necessary to Implement the Terms of a Lease with Pacific Automated, LLC for Five Years with an Additional Five Year Option in a Portion of Building 25 Located at 1951 Monarch Street at Alameda Point. Introduced.

The Economic Development Division Manager gave a brief presentation.

Vice Mayor Ezzy Ashcraft moved introduction of the ordinance.

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

(14-261) Recommendation to Authorize the Establishment of a Basic Life Support (BLS) Ambulance Transport Program as a Regular Service of the Alameda Fire Department's (AFD) Emergency Medical Services Division.

The Fire Chief provided a handout and gave a Power Point presentation.

Mayor Gilmore inquired whether revenue payments lag up to a year, to which the Fire Chief responded in the affirmative.

Councilmember Tam inquired whether the one year payment lag is typical for Advanced Life Support (ALS) ambulance service.

The Fire Chief responded ALS takes a third less time to collect than BLS; stated BLS deals with MediCal and MediCaid, which are more careful to prevent fraud.

Councilmember Daysog inquired whether staff time to collect payments is programmed into the expenditure, to which the Fire Chief responded in the affirmative.

The Fire Chief continued presentation.

Councilmember Tam inquired how cost recovery translates to revenue generation, specifically market share and potential.

The Fire Chief responded revenues were over estimated at first; stated the goal is seven transports per day; adding a second ambulance captures more transports per day; transports are run five days per week, 10 hours per day; there is potential to add evenings and weekends in the future; based on market share, Alameda has definitely hit goals and will establish new goals including obtaining contracts for skilled nursing facilities services; the revenue and cost sharing will be caught up this year; there is always a billing lag.

Councilmember Tam inquired whether 45% of the outstanding collection would be reimbursed, to which the Fire Chief responded in the negative; stated if \$100,000 is billed, \$45,000 payment is expected.

Mayor Gilmore inquired whether the Fire Department is recovering cost, to which the Fire Chief responded in the affirmative; stated fiscal year 2012-13 was a wash; the current year will be a net positive, which will grow in the future; the department has good partners and good support.

Councilmember Tam inquired whether prevailing wage applies to private companies.

The City Attorney responded that she does not know the prevailing wage situation.

The City Manager stated the City is not contracting with other providers, the providers are contracting with the City.

Councilmember Tam inquired whether prevailing wage would change the outcome, to which the City Manager responded that he did not think it would; stated there is an exchange; prevailing wage applies when people are hired to do work.

The City Attorney stated she will look into the issue and provide an answer later.

Mayor Gilmore inquired whether prevailing wage is viewed as a competitive advantage or disadvantage.

Councilmember Tam responded prevailing wage levels the playing field.

The Fire Chief stated there is no law in Alameda County for exclusivity; Alameda County Emergency Medical Services (EMS) can choose to give exclusive operating areas for BLS transport; EMS chooses not to; Alameda's past ALS contract included exclusivity for Alameda; however, exclusivity was negotiated out of the current contract.

Councilmember Tam stated no exclusivity makes the prevailing wage issue moot; inquired whether there would be a change in the reimbursement, or increase in usage, as a result of being a participant in the community paramedics program.

The Fire Chief responded Alameda is one of 11 pilot cities selected for the program; the scope issues will be reviewed; there will be more training for paramedics to provide relief for patients with chronic illnesses; patients will not be readmitted because paramedics will provide intervention before going to the Emergency Room.

In response to Councilmember Chen's inquiry, the Fire Chief stated service calls are received 24 hours a day, seven days a week.

Councilmember Chen inquired if additional certifications are provided to the EMTs, to which the Fire Chief responded in the affirmative; stated the Fire Department wants EMTs to be successful, graduate, and become full time Fire or Police Officers.

Councilmember Chen inquired how Alameda decides which independent contractor to use.

The Fire Chief responded the process needs to be evaluated; stated Alameda Hospital receives priority; service can be scheduled in advance; as calls come in, independent contractors are used.

Councilmember Chen inquired whether the Alameda BLS program would be a collaborative partner or competitor with the County.

The Fire Chief responded the County is reviewing contracts for efficiency and effectiveness, both of which the City can offer; stated Alameda does not want to over tax the current situation and neglect the needs of the community; Alameda needs to evaluate the County's expectations; with a clearer understanding of the County's needs, there is opportunity to increase business and assist the County.

Councilmember Chen inquired whether the City would be self-sustaining without a contract if it becomes a competitor to the County.

The Fire Chief responded hopefully; stated the answer will be known moving forward.

Councilmember Daysog stated the community values the service; inquired whether there is enough data to decide to make the pilot program permanent.

The Fire Chief responded the pilot program is expiring at the end of the month; stated Fire would like to make the program a regular part of its services; if the program does not make sense for the City, another decision could be made.

Vice Mayor Ezzy Ashcraft stated the program is worthwhile; California is ahead of other states with the Affordable Care Act; Alameda has an aging population and the service is geared towards them; inquired whether most of the transports are on the Island.

The Fire Chief responded most transports originate on the Island.

Vice Mayor Ezzy Ashcraft inquired whether the transports tax the two ambulances now, to which the Fire Chief responded in the negative; stated the program is still in early stages and will need monitoring to determine issues.

Provided background information and outlined the benefits of the service: Debi Stebbins, Alameda Hospital.

Commented on the excellence of the service and all it does to get patients to the Wound Center: Beth Brizee and Sophia Telmo, Alameda Hospital Wound Care.

Outlined his experience as a former employee of the program: Myles McMillian, former BLS employee.

Councilmember Chen moved approval of staff recommendation.

Vice Mayor Ezzy Ashcraft seconded the motion.

Under discussion, Councilmember Daysog stated that he wished there were more data points for Council to evaluate the program as a business entity and the effect and lasting impact of the additional ambulance; he knows the Fire Chief will be vigilant in monitoring and ensuring the success of the program; he supports the program.

Mayor Gilmore suggested that the matter be brought back to Council in one year to evaluate the progress and impacts of the program.

Councilmember Chen and Vice Mayor Ezzy Ashcraft agreed to amend the motion to include a report back to the Council in one year.

On the call for the question, the motion carried by unanimous voice vote – 5.

(14-262) Recommendation to Approve Parking Improvements for Park Street and Webster Street Shopping Districts.

Councilmember Tam left the dais at 8:25 p.m. and returned at 8:28 p.m.

Councilmembers Chen and Daysog recused themselves and left the dais.

The Public Works Coordinator and Assistant Engineer gave a Power Point presentation.

Mayor Gilmore stated it appears the parking goal for Webster Street has already been met; Webster Street does not have the same side-street business pattern as Park Street; that she suspects the red indicates inadequate parking for residents rather than for business; she is interested in seeing more data; inquired whether the electronic sign

that counts spaces has the capability to say “Full”, to which the Public Works Coordinator responded in the affirmative.

Mayor Gilmore stated the parking sign has a lot of information for drivers to process.

Vice Mayor Ezzy Ashcraft concurred with Mayor Gilmore; stated there is too much information on the parking sign; that she would like to see Lot C across from Theatre reconfigured to be more accommodating and efficient; she likes the electronic sign for the parking garage; inquired why kiosks were not chosen.

The Public Works Coordinator responded residents did not express a dislike for kiosks, but rather a preference for the smart meter; kiosks are more expensive; Park Street Business Association (PSBA) and Webster Street Business Association (WABA) prefer the smart meter; smart meters did not exist five years ago and have become more popular.

Vice Mayor Ezzy Ashcraft stated there is a need for more bike parking, but bike lockers take up lots of space; more bike parking encourages people to use bikes instead of cars.

Councilmember Tam stated the garage is underutilized; suggested moving the 13 spaces from the Oak Street and Alameda Avenue gravel lot into the garage, and repurposing the lot; a best and highest use for the lot should be found.

The Public Works Coordinator stated that he would definitely look into the suggestion.

Mayor Gilmore complimented staff for an excellent report which provides a lot of information; inquired whether there was any feedback regarding why the bike rack in front of Lot C is unpopular.

Vice Mayor Ezzy Ashcraft's inquired what day of the week and time the photo of the bike rack in Lot C was taken, to which the Assistant Engineer responded he does not recall.

In response to Mayor Gilmore's inquiry, the Assistant Engineer stated staff had the same thoughts about the unpopularity of the bike rack in Lot C; stated staff will collect data on bike rack parking.

Vice Mayor Ezzy Ashcraft inquired whether there were any suggestions about how to deter jay walking, to which the Public Works Coordinator responded there were no great ideas about deterring jay walkers.

Stated PSBA unanimously supports the staff recommendation; signage at Lot C should direct people to the parking garage: Robb Ratto, PSBA.

Councilmember Tam moved approval of staff recommendation with the direction to look

at repurposing some of the lots to achieve parking goals.

Vice Mayor Ezzy Ashcraft seconded the motion which carried by unanimous voice vote – 3. [Absent: Councilmembers Chen and Daysog – 2.]

Mayor Gilmore requested an off agenda report on additional Webster Street data.

(14-263) Public Hearing to Consider Adoption of Resolution Establishing Integrated Waste Collection Ceiling Rates and Service Fees for Alameda County Industries, Inc. for Rate Period 13 (July 2014 to June 2015). Continued to July 1, 2014.

(14-264) Public Hearing to Consider Resolution No. 14945, “Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering the Levy of Assessments, Island City Landscaping and Lighting District 84-2, All Zones.” Adopted.

Mayor Gilmore and Councilmember Daysog recused themselves and left the dais.

The Public Works Management Analyst gave a brief presentation.

Councilmember Tam moved adoption of the resolution.

Councilmember Chen seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmember Daysog and Mayor Gilmore – 2.]

(14-265) Public Hearing to Consider Resolution No. 14946, “Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering the Levy of Assessments, Maintenance Assessment District 01-01 (Marina Cove).” Adopted.

The Public Works Management Analyst gave a brief presentation.

Vice Mayor Ezzy Ashcraft inquired whether the allocation from reserves needed to cover expenses is expected to be reduced after there are more homes at Marina Cove.

The Public Works Management Analyst responded in the affirmative; stated the formation of the Community Facilities District will be presented on July 15th.

Vice Mayor Ezzy Ashcraft moved adoption of the resolution.

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

(14-266) Public Hearing to Consider Resolution No. 14947, “Confirming the Webster Street Business Improvement Area (BIA) Report for Fiscal Year 2014-15 and Levying an Annual Assessment on the Webster Street BIA.” Adopted.

Councilmembers Chen and Daysog recused themselves and left the dais.

The Development Manager gave a Power Point presentation.

Vice Mayor Ezzy Ashcraft moved adoption of the resolution.

Councilmember Tam stated that she wants to make sure issues raised at the previous Council meeting were addressed.

The Development Manager responded staff has not received any written or verbal communication or protest.

Vice Mayor Ezzy Ashcraft withdrew her motion to allow a speaker for the public hearing.

The Development Manager clarified that the public hearing tonight levies the assessment; the boundary was approved at a previous council meeting.

The City Attorney stated the expansion of the boundaries was approved in April, tonight is annual levy of the assessment.

Mayor Gilmore clarified that the vote about the business district expansion took place in April, the action tonight is about levying the assessment.

Stated the process was not clear and that he opposes the boundary change: Andrew Wyszkowski, Business Owner.

Mayor Gilmore stated Mr. Wyszkowski's business address has been part of the BIA for quite some time and was not affected by the expansion; inquired whether Mr. Wyszkowski was notified back in March or April.

Mr. Wyszkowski responded that he was invited to the public hearing; that he thought the notice indicated that the vote was occurring tonight.

The City Attorney stated the notice might be indicating there can be a protest of 50% of assessed value; Mr. Wyszkowski's business is within the existing boundary.

The City Manager inquired whether Mr. Wyszkowski is protesting the boundary, to which Mr. Wyszkowski responded in the negative; stated that he is protesting the inclusions of other businesses.

Vice Mayor Ezzy Ashcraft inquired whether Mr. Wyszkowski understands expanding boundaries brings more revenue to the district.

Mr. Wyszkowski stated that he was confused by the notice.

Vice Mayor Ezzy Ashcraft stated some businesses were inadvertently included; the annual assessment presumably benefits all businesses and tries to get businesses to

contribute a fair share; it is a moot point for Mr. Wyszkowski's business because it is already included.

The City Attorney stated staff determined Mr. Wyszkowski represents less than half a percent of the assessments in the district and does not meet the 50% to challenge.

Mayor Gilmore stated Mr. Wyszkowski is correct, as stated in the notice, he can protest the boundary or assessment at tonight's meeting; in order for protest to have effect, the protestors have to be over 50% of the assessed value; Mr. Wyszkowski does not meet that threshold.

Councilmember Tam inquired why Council needs to vote if there is not sufficient protests.

The City Attorney stated the law requires Council take action to levy the assessment.

Vice Mayor Ezzy Ashcraft stated the notice quotes a provision of law; it is important to remember staff is writing to a lay person audience; correspondence should be easy to understand.

Councilmember Tam stated the issue is substantive; on April 15th, the matter was heard a second time because outreach was not clear; this is another situation where the protestor is included, read the same letter, but got a different impression; there is a pattern about the ability to communicate.

The City Manager stated the letter is clear; the speaker came to protest boundaries on the inclusion of other business; it happened twice, the letter is merely a function and attempt by staff to have as much clarity and transparency as possible.

Mayor Gilmore stated the system worked; that she was confused because no business owner has shown up at the meeting when the levy is assessed to protest boundaries; she thought it was not the proper meeting; the City Attorney made it clear tonight's meeting is to have the protest.

Vice Mayor Ezzy Ashcraft moved adoption of the resolution.

Councilmember Tam seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmembers Chen and Daysog – 2.]

(14-267) Public Hearing to Consider Collection of Delinquent Administrative Citation Fees, Vacant Building Monitoring Fees, Administrative Penalties and Abatement Costs Via the Property Tax Bills for the Subject Properties.

The Building Official gave a Power Point presentation.

In response to Councilmember Chen's inquiry, the Building Official stated the amount of \$9,750 indicated on the presentation slide is correct for 812 Island Drive.

The Building Official continued the presentation.

Mayor Gilmore inquired why 1617 Concordia Street and 1504 Webster Street are not included in the presentation, to which the Building Official responded both properties paid their fees prior to the meeting.

Councilmember Tam inquired whether the property owner of 812 Island Drive attempted to pay the prior administrative citations.

The Building Official responded the current amount is accrual of new fines and assessments.

Councilmember Tam inquired whether the \$9,750 is the new owner's accrual for last two years, to which the Building Official responded in the affirmative; stated the amount is primarily for vacant building monitoring fees.

Vice Mayor Ezzy Ashcraft inquired whether notices are sent out in the property owner's language, to which the Building Official responded in the negative; stated the City offers translation if needed.

Councilmember Chen inquired when the new owner of 812 Island Drive took possession, to which the Building Official responded January 2013.

Councilmember Chen inquired how much was owed prior to the new owner taking possession, to which the Building Official responded that he does not have the specific breakdown.

Councilmember Chen inquired if the new owner has paid any of the new assessment, to which the Building Official responded in the negative; stated the new owner may have paid for prior penalties through escrow.

Mayor Gilmore clarified any prior penalties or fees owed to the City were wiped clean when the property changed hands and the \$9,750 is a new assessment for the new owner.

Councilmember Chen stated that he spoke with the new owner who informed him he paid \$28,000 through escrow already; that the new owner did not understand the issue of non-compliance and missed appeals because he needs a translator.

The City Manager inquired when the owner met with a translator in the City, to which the Building Official responded several times.

Vice Mayor Ezzy Ashcraft noted one meeting with the translator took place in April 2013.

The City Manager stated it has been 14 months since said meeting.

Vice Mayor Ezzy Ashcraft inquired whether the owner occupies the premises, to which the Building Official responded in the negative; stated the property is vacant.

Mayor Gilmore stated something was communicated to the new owner during the translator meeting of April 2013.

The Building Official stated Planning staff has had several conversations with the new owner about fixing and improving the property.

Nancy Nguyen, translator for property owner, stated there is a big problem with communication and the owner needs more time to improve the property.

Mayor Gilmore inquired whether part of the property is City land.

Councilmember Chen responded the property was 9,000 square feet at the time of purchase; County records indicate he only owns 7,500 square feet and the City owns the remaining 1500 square feet; the Building Official and City staff are currently looking into the validity of this claim.

The City Manager stated the information should have come up during the title transfer.

Mayor Gilmore inquired whether the property owner knows he can make an appointment with Planning and Building staff and request a translator, to which Ms. Nguyen responded he did not know; stated the owner has been to Planning and there was a translator five times.

Mayor Gilmore inquired whether the owner understands he needs to pay the fees before permits can be issued, to which Ms. Nguyen responded in the affirmative; stated he is told at every visit.

Vice Mayor Ezzy Ashcraft stated the issue is with the house itself, not the land discrepancy.

Ms. Nguyen stated every time the City informs the owner of issues, he puts in the effort to fix the problems but he is not clear about what he needs to do.

The City Manager inquired whether the owner was told in April that house had to be fixed.

Ms. Nguyen responded in the affirmative; stated the owner took action right away and put boards on the windows and doors.

Councilmember Chen stated every time there is an issue, the owner is compliant and makes repairs; all that needs to be done is to not leave the house vacant; the owner did not understand he was accruing a vacant lot assessment; there is sticker shock with a \$9,750 vacant property monitoring fee.

Councilmember Tam inquired whether Councilmember Chen could ask the property owner directly what his understanding of the current situation is and what he wants done.

Councilmember Chen asked the owner in Mandarin what his understanding of the situation is and what he would like to do.

Ms. Nguyen responded the owner does not understand why he has the fines and he would like to finish his remodeling plan; he has verification and permission from the City to start construction.

Councilmember Tam inquired whether the City is waiting for the owner to pay the fines before processing his permit application of his remodeling plan.

The Building Official responded in the negative; stated the owner can go through the permit process.

Councilmember Tam inquired the status of the owner's permit process and whether he has submitted plans.

The Building Official responded a plan submitted last year was not approved because of the project size; the owner has a new plan; in the interim, enforcement has been done; the City is asking the owner to repair, tear down, or maintain the property to existing standards.

Mayor Gilmore inquired whether the owner's new plans include tearing down the building, to which Ms. Nguyen responded in the affirmative; stated the owner would like to build a new house on the property.

Mayor Gilmore stated the City should give the owner a demolition permit so he can continue to move through the process.

Ms. Nguyen stated the owner is worried the City will not give him permission to build a new house after he tears down the existing one.

Mayor Gilmore stated that she understands the owner's concerns; his options are to tear down the structure with no guarantee, or keep the structure and the fines will continue to accrue.

Vice Mayor Ezzy Ashcraft concurred with the Mayor; stated tearing down the building will stop fines, crimes, and vermin; there is no guarantee to build a new structure, but the City does not want vacant homes; the Planning Department will work with the owner through the process and come up with an acceptable plan.

Ms. Nguyen inquired whether the City would accept a new plan if the owner tears down the house.

Councilmember Tam responded the issue still needs to be considered.

Ms. Nguyen stated the owner does not understand the \$9,750 amount; in April the fee was only \$2,000.

In response to Councilmember Daysog's inquiry, the Building Official stated the fees are a combination of four citations for vacant building monitoring and vacant building administrative penalty fees; stated the owner agreed to a Notice in Order to demolish the building by August 30, 2014.

The City Manager stated the owner plans to come to the Planning Board at the end of July.

Councilmember Tam stated part of the dilemma with interpretation is some interpreters speak a different dialect; knowing that the owner plans to tear down the building solves the problems of levying the \$9,750 fine; she understands the need for cost recovery but she suggests allowing the owner to use the money to demolish the building.

(14-268) Councilmember Chen moved approval of considering the delinquent business license and waste bills [paragraph no. 14-269] after 10:30 p.m.

Councilmember Daysog seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Chen, Daysog, Ezzy Ashcraft and Mayor Gilmore – 4. Noes: Councilmember Tam – 1.

The City Manager stated the issue is not about cost recovery, it is about behavior; there were ample opportunities to address the problems; if the City takes individualized circumstances, it will set a precedent; there is no reason for other tax payers to subsidize this venture.

Councilmember Tam stated it is important to protect the financial interest and integrity of the City; Alameda does not have what Oakland has in dealing with similar issues on an ad hoc basis.

The City Manager stated the owner indicated that he knew what the problems were.

Vice Mayor Ezzy Ashcraft concurred with the City Manager; stated the property has been owned since late 2012; that she does not know how much translation is needed.

Mayor Gilmore inquired how long it takes to issue a demolition permit, to which the Building Official responded it is a two day process.

Mayor Gilmore inquired how long demolition of the building would take, to which the Building Official responded the building would not be difficult to tear down.

Mayor Gilmore inquired whether the demolition can be accomplished in a timely fashion after the Planning Board meeting.

The Building Official responded the issue is not whether the owner can build something; the owner has a right to build a structure; the issue is whether what he wants, such as a 3-unit building or a single family home, can be built; a variance is needed.

Councilmember Chen stated that he understands not wanting to set a precedent; however in the owner's defense, it was not his fault original plans were drawn up for 9,000 square feet versus 7,500 square feet; suggested not issuing additional citations until the end of August; stated once the City issues a citation, there is still possibility of miscommunication; staff cannot be expected to be legal translators.

Mayor Gilmore requested Ms. Nguyen to communicate to the property owner two main actions: 1) the property needs to be demolished by August 30, 2014, otherwise fines will continue to accrue; 2) the owner submitted plans to the Planning Department, the hearing will be July 28, 2014; he will be able to build at least the same size that is on the property now.

Ms. Nguyen inquired whether the owner would have time to submit plans if he cannot demolish, to which Mayor Gilmore responded in the negative.

Councilmember Chen stated communicating the issues are lost in translation.

The City Manager stated the owner needs to be responsible for securing a translator; it is not the City's responsibility; suggested Council places a lien on the property.

Councilmember Chen concurred with the City Manager; communicated to the owner in Mandarin that the assessment cannot be taken back, and that the owner either has to pay it or a lien will be placed.

The owner indicated he understood his options.

Councilmember Daysog moved approval of the staff recommendation.

Vice Mayor Ezzy Ashcraft seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Chen, Daysog, Ezzy Ashcraft and Mayor Gilmore – 4.

Noes: Councilmember Tam – 1.

(14-269) Public Hearing to Consider Collection of Delinquent Business License Taxes and Delinquent Integrated Waste Management Accounts Via the Property Tax Bills.

The Finance Director gave a brief presentation; noted staff received a request for an extension from two people and staff is willing to work with the requestors.

Councilmember Tam inquired whether requests for extension would run until June 30th, to which the Finance Director responded in the affirmative; stated flexibility is given to accommodate and resolve the matter; there are no protests regarding business license items.

In response to Vice Mayor Ezzy Ashcraft's inquiry, the Finance Director stated that he would follow up on obtaining current information for William Godfrey listed on a business license lien.

Councilmember Daysog moved approval of the staff recommendation with the amendment.

Councilmember Chen left the dais at 10:48 p.m. and returned at 10:55 p.m.

Vice Mayor Ezzy Ashcraft seconded the motion, which carried by unanimous voice vote – 4. [Absent: Councilmember Chen – 1.]

CITY MANAGER COMMUNICATIONS

(14-270) The City Manager announced that the Mayor and Darrel Doan from Economic Development attended the International Council of Shopping Centers (ICSC) Conference regarding leasing efforts at Alameda Landing.

Councilmember Tam left the dais at 10:53 p.m. and returned at 10:56 p.m.

COUNCIL REFERRALS

None.

ORAL COMMUNICATIONS, NON-AGENDA

(14-271) Irma Garcia, Alameda, expressed concern over customs issues.

(14-272) Robb Ratto, PSBA, commended the Building Official and his staff for

addressing health and safety issues in the closed Wienerschnitzel building and parking lot.

COUNCIL COMMUNICATIONS

(14-273) Consideration of Mayor's Nominations for Appointment to the Transportation Commission. Not heard.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 11:01 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JUNE 17, 2014- -6:00 P.M.

Mayor Gilmore convened the meeting at 6:00 p.m.

Roll Call – Present: Councilmembers Chen, Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 5.

[Note: Councilmember Tam arrived at 6:10 p.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(14-248) Public Employee Performance Evaluation; Pursuant to Government Code § 54957; Positions Evaluated: City Attorney - Janet Kern

Following the Closed Session the meeting was reconvened and Mayor Gilmore announced that no action was taken.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 7:02 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

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