

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -JUNE 18, 2013- -6:00 P.M.

Mayor Gilmore convened the meeting at 6:02 p.m.

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

[Note: Councilmember Daysog arrived at 6:03 p.m.]

Absent: None.

The meeting was adjourned to Closed Session to consider:

(13-295) Public Employee Performance Evaluation (54957); Title and name: City Clerk Lara Weisiger

Following the Closed Session the meeting was reconvened and Mayor Gilmore announced that there was nothing to report.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 7:08 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -JUNE 18, 2013- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:04 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

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(13-296) Proclamation Declaring June 22 and 23 as Relay for Life of Alameda Days.

Mayor Gilmore read and presented the proclamation to Lisa Leverton.

Thanked the City for the Proclamation: Michael John Torrey, Alameda.

ORAL COMMUNICATIONS, NON-AGENDA

(13-297) Michael John Torrey, Alameda, announced upcoming events.

CONSENT CALENDAR

Mayor Gilmore noted that she would recuse herself from voting on the amendment to the agreement with Waterworks Engineers [paragraph no. \*13-302].

Vice Mayor Ezzy Ashcraft moved approval of the remainder 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.]

(\*13-298) Minutes of the Special and Regular City Council Meetings Held on May 21, 2013. Approved.

(\*13-299) Ratified bills in the amount of \$1,554,376.11.

(\*13-300) Recommendation to Approve Contract with Alameda Journal for Legal Advertising. Accepted.

(\*13-301) Recommendation to Approve a First Amendment to the Landscape Maintenance Management Agreement in the Amount of \$301,701 to Marina Village Commercial Association to Maintain the Landscape and Lighting District, Zone 6, Marina Village. Accepted.

(\*13-302) Recommendation to Approve a First Amendment to Agreement in the Amount of \$57,000 to Waterworks Engineers for the Preparation of Engineering Documents for the Relocation of the Lagoon Seawall and the Clinton Avenue Extension, No. P.W. 01-12-03. Accepted.

[Note: Mayor Gilmore recused herself from voting on the matter.]

(\*13-303) Recommendation to Award a Contract in the Amount of \$122,055 to SAK Construction to Perform a Cured-in-Place Pipe Sewer Pipe Lining, Allocate \$27,945 in Contingencies, and Authorize the City Manager to Execute All Necessary Documents. Accepted.

(\*13-304) Recommendation to Award a Contract in the Amount of \$224,422 and Allocate \$44,885 in Contingencies to National Plant Services, Inc. for Citywide Sewer Mains Video Inspection and Cleaning, Phase 6, No. P.W. 01-13-01. Accepted.

(\*13-305) Recommendation to Accept the Work of Suarez & Munoz, Inc. for the Park Street Streetscape Project, No. P.W. 10-09-30. Accepted.

(\*13-306) Recommendation to Accept the Work of Columbia Electric for Streetlight Installation and Planting of Trees within the Woodstock to Webster Neighborhood Improvement Project Area. Accepted.

(\*13-307) Recommendation to Authorize the City Manager to Execute an Amendment to an Agreement with Russell Resources for Environmental Consulting Services for Alameda Point Extending the Term for 12 Months and Adding \$144,500 to the Project Budget. Accepted.

(\*13-308) Resolution No. 14819, "Amending the Memorandum of Understanding Between the City of Alameda and the Alameda Fire Chiefs Association, June 30, 2013 – June 24, 2017, and Approve First Amended Appendix A, Salary Schedule." Adopted.

#### REGULAR AGENDA ITEMS

(13-309) Resolution No. 14820, "Appointing Zara Santos as a Member of the Civil Service Board". Adopted;

(13-309 A) Resolution No. 14821, "Appointing Nielsen Tam as a Member of the Commission on Disability Issues". Adopted;

(13-309 B) Resolution No. 14822, "Appointing Ethel Warren as a Member of the

Commission on Disability Issues”. Adopted;

(13-309 C) Resolution No. 14823, “Appointing Wendy Wilkinson as a Member of the Commission on Disability Issues”. Adopted;

(13-309 D) Resolution No. 14824, “Appointing Donna Rauk as a Member of the Historical Advisory Board”. Adopted;

(13-309 E) Resolution No. 14825, “Appointing Nancy Lewis as a Member of the Library Board.” Adopted;

(13-309 F) Resolution No. 14826, “Appointing Suzanne Whyte as a Member of the Library Board”. Adopted;

(13-309 G) Resolution No. 14827, “Reappointing John Knox White as a Member of the Planning Board”. Adopted;

(13-309 H) Resolution No. 14828, “Reappointing Lorre Zuppan as a Member of the Planning Board”. Adopted;

(13-309 I) Resolution No. 14829, “Appointing Ann McCormick as a Member of the Public Utilities Board”. Adopted;

(13-309 J) Resolution No. 14830, “Appointing Nicole Blake as a Member of the Social Service Human Relations Board”. Adopted;

(13-309 K) Resolution No. 14831, “Appointing Sonia Xu as a Member of the Youth Advisory Commission”. Adopted.

Councilmember Tam moved adoption of the resolutions.

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

The City Clerk administered the Oath of Office and presented Certificates of Appointment to Zara Santos, Nielsen Tam, Nancy Lewis, Suzanne Whyte, John Knox White and Nicole Blake.

(13-310) Introduction of Ordinance Amending Municipal Code Section 5-7.1 – Penalty for Nonpayment of Annual, Quarterly or Semi-Annual Business License. Introduced.

The Controller gave a brief presentation.

Vice Mayor Ezzy Ashcraft moved introduction of the Ordinance.

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

(13-311) Resolution No. 14832, “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.

The Public Works Coordinator gave a brief presentation.

Vice Mayor Ezzy Ashcraft inquired whether power washing would remove gum, to which the Public Works Coordinator responded in the affirmative; noted power washing is costly.

Councilmember Daysog recused himself and left dais.

Councilmember Tam moved adoption of the resolution.

Vice Mayor Ezzy Ashcraft seconded the motion.

Under discussion, Councilmember Chen stated that he would abstain from voting on the matter since his wife has a business in the District.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft, Tam and Mayor Gilmore – 3. Abstentions: Councilmembers Chen and Daysog – 2.

(13-312) Resolution No. 14833, “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 Coordinator gave a brief presentation.

Councilmember Tam moved adoption of the resolution.

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

(13-313) Resolution No. 14834, “Tentative Subdivision Map Applications Located Adjacent to 2700 Fifth Street. Applicant: BKF Engineering on Behalf of TriPointe Homes and Catellus. A Proposed Tentative Map Application to Develop Two Subdivisions: a 108-Lot, 199-Unit Subdivision on a 19.1-Acre Property; and a 9-Lot, 56-Unit Subdivision on a 4.2-Acre Property”. Adopted.

The City Planner gave a brief presentation.

Councilmember Tam moved adoption of the resolution.

Vice Mayor Ezzy Ashcraft stated seeing the project move along is exciting.

Councilmember Chen inquired whether the project is subject to affordable housing, to which the City Planner responded in the affirmative; stated 15% affordable housing would be spread throughout the project.

Councilmember Daysog stated the project started in 1997; thanked staff for meeting with him to address questions; stated there should be some kind of commemoration of Don Parker for his contributions.

Councilmember Tam thanked staff; stated the community is interested in tempering the amount of asphalt; two Planning Board members are addressing street width with the Fire Department; work will be done to enhance walkability.

Councilmember Tam moved adoption of the resolution.

Mayor Gilmore thanked staff and the public; stated the project would not be where it is today without the amount and quality of public input; the City will be proud of the project; that she is pleased walkability is being addressed at the beginning of the process.

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

(13-314) Public Hearing to Consider the 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 brief presentation.

Councilmember Chen inquired how long it takes staff to investigate from the time a complaint is filed.

The Chief Building Official responded the amount of time depends on the severity of the complaint; stated life safety issues are addressed within days; other issues might take longer.

Councilmember Chen inquired whether there is a backlog, to which the Chief Building Official responded there are approximately 1,000 cases.

In response to Councilmember Chen's inquiry, the Chief Building Official stated five cases are before Council; noted some cases have been ongoing for a number of years and compliance has not been gained.

In response to Councilmember Chen's inquiry regarding staffing, the Chief Building Official stated hundreds of cases are resolved every year; noted Code Enforcement is time intensive.

Councilmember Chen inquired whether other cities have similar backlogs, to which the Chief Building Official responded in the affirmative; stated Alameda does not seek out cases; all cases are driven by complaints.

Councilmember Chen inquired how many years it would take to resolve all cases, to which the Chief Building Official responded some cases would take years even with additional staff.

Councilmember Chen stated that he is concerned about having safety issues addressed promptly.

The Chief Building Official stated life safety cases are addressed first, along with work without permits.

Vice Mayor Ezzy Ashcraft inquired where the money goes from placing a lien on the property, to which the Chief Building Official responded the money goes to Code Enforcement.

Vice Mayor Ezzy Ashcraft inquired when staff expects the Roosevelt Drive case to be resolved.

The Chief Building Official responded the Roosevelt Drive case is unique; stated the property owner is not allowed in the building; the building is vacated and boarded; the City could do a receivership and take over the property, which is very time consuming and has only been done twice before.

Vice Mayor Ezzy Ashcraft inquired whether there have been more cases due to the downturn in the economy, to which the Chief Building Official responded in the negative.

Mayor Gilmore noted cases seem to be constantly cycling through Code Enforcement; thanked staff for the detailed information on each case.

In response to Councilmember Chen's inquiry regarding continuing to cite the violation, the Chief Building Official stated the process continues; staff has continued to issue violations for one property after presenting the staff report; the matter is presented to Council in June in order to forward the assessment to the County by July.

Vice Mayor Ezzy Ashcraft noted health and safety issues put occupants and neighbors in danger.

Provided handouts and discussed 1523 Pacific Avenue: Randolph Villapando, Representing Property Owner.

Mayor Gilmore inquired whether Mr. Villapando is disagreeing with the violations or the fines.

Mr. Villapando responded the only violation which did not have a permit is the rear deck expansion; disagreed with the framing and two water heaters claims.

Mayor Gilmore noted there are pictures documenting the violations.

Mr. Villapando stated the framing openings are not for windows and doors; the wood is new because rotted out wood was replaced; the framing has been there for years.

Mayor Gilmore stated the openings appear to be for windows.

Mr. Villapando stated windows located on the property were for another project.

Mayor Gilmore inquired whether Mr. Villapando is claiming the framing has been in place since the 1980s, to which Mr. Villapando responded in the affirmative; stated wood was only replaced.

Vice Mayor Ezzy Ashcraft outlined other violations, including theft of power; inquired whether Mr. Villapando is contesting each violation, to which Mr. Villapando responded in the affirmative; stated that he has a rebuttal for each violation.

Vice Mayor Ezzy Ashcraft stated the Council gave 90 days to resolve the matter at the Hearing last year and staff attempts to work with the property owner have been unsuccessful; inquired whether Mr. Villapando could address said matter.

Mr. Villapando responded permits exist for everything.

Mayor Gilmore stated Mr. Villapando is claiming no work has been done; inquired about converting the garage and basement to habitable space.

Mr. Villapando responded there are permits and plans for said construction.

Mayor Gilmore inquired whether Mr. Villapando admits said work has been done.

Mr. Villapando responded the remodeling was done in 1976 with permits.

Mayor Gilmore inquired whether the construction was completed, to which Mr. Villapando responded that he does not have the final approval; stated staff is alleging the work has been done without permits, but there are permits; that he would get permits and work with the City if he could work with a different inspector.

Councilmember Tam stated on September 26, 2012, the attorney indicated that he was no longer representing the property owner; inquired whether there was any communication with City staff regarding the permits.

Mr. Villapando responded a complaint was filed against the attorney; stated that he wants to work with the City.

Mayor Gilmore noted nine months have gone by with no contact.

Mr. Villapando stated that he has been compiling information.



The Chief Building Official stated the action before Council tonight is whether or not to lien the property; the owner has been issued 25 citations and each citation was appealable.

Vice Mayor Ezzy Ashcraft inquired whether the City would have a copy of any permit issued to a property owner, to which the Chief Building Official responded in the affirmative.

Vice Mayor Ezzy Ashcraft inquired whether the Building Department would not have issued citations if building permits had been issued, to which the Chief Building Official responded staff would not have done so.

\* \* \*

Councilmember Daysog left the dais at 8:08 p.m. and returned at 8:09 p.m.

\* \* \*

Mayor Gilmore stated permits are available electronically and automatically pop up for any address searched; inquired about permits which pre-date the computer system.

The Chief Building Official responded permits prior to 1980 are not in the computer, but are available on microfilm.

Mayor Gilmore stated there is new construction at the property; therefore looking back further would not be necessary.

The Chief Building Official stated permits exist for work done on the house in 1976; however, the framing is brand new.

In response to Mayor Gilmore's inquiry regarding permit expiring, the Chief Building Official stated building permits expired within 180 days in 1976 and now expire after three years.

Mayor Gilmore inquired whether permits would have expired, to which the Chief Building Official responded in the affirmative; stated a County Assessor's report indicates work done in the late 1960s early 1970s was abandoned.

Requested a reduction in penalty for the property at 389 Driftwood Lane: Mogeew Weiss, Alameda.

Vice Mayor Ezzy Ashcraft outlined the violations.

Mr. Weiss stated everything already existed and was simply replaced.

Vice Mayor Ezzy Ashcraft inquired whether Mr. Weiss has applied for a permit, to which Mr. Weiss responded in the negative.

Vice Mayor Ezzy Ashcraft stated an inspection revealed the stop work order was removed and another later inspection showed additional work had been done; inquired whether said statements are true.

Mr. Weiss responded the statements are correct; nothing new was built; everything was replaced.

Vice Mayor Ezzy Ashcraft inquired whether two years has gone by, to which Mr. Weiss responded in the affirmative.

Mayor Gilmore stated Mr. Weiss is requesting fees be reduced; however, the only action before Council tonight is whether or not to place an assessment on the property; a permit was pulled on December 20, 2011 and the property owner committed to return with payment in two days, which did not occur; no response was received to a series of citations; on July 2, 2012 the City Council granted some leniency and Mr. Weiss still did not pull a permit or contact the Building Department; Mr. Weiss does not seem like he is interested in working with the City; the fees are so high because citations continue to be ignored; requesting a fee reduction is bold.

Mr. Weiss stated imposing a fee is beyond a 1 to 10 ratio, which the Supreme Court has said is not allowed; stated that he will file a declaratory relief if the City tries to collect the hefty penalty.

Vice Mayor Ezzy Ashcraft inquired whether Mr. Weiss received the 16 notices of violations.

Mr. Weiss stated the issue is the hefty penalty, not whether he was informed; imposing \$12,000 for something which would have cost several hundred dollars will have to be justified in Court.

Provided background information for the property at 1523 Pacific Avenue: Anita Longoria, property owner's granddaughter.

In response to Ms. Longoria's comments, Mayor Gilmore explained the permit process; stated the family disagreeing how to handle the matter is not the City's responsibility; the only thing before Council tonight is whether or not to lien the property.

Vice Mayor Ezzy Ashcraft urged working with the Building Department to get the house in compliance.

Ms. Longoria stated the amount of the fines and the rate at which the fines were assessed were never explained by City staff; that she does not understand why such a large amount was assessed in such a short period of time.

Councilmember Tam stated the question is valid and should be addressed.

Ms. Longoria expressed concern about the matter being complicated.

Vice Mayor Ezzy Ashcraft stated the total amount due as of June 18<sup>th</sup> is \$27,750.

In response to Councilmember Tam's inquiry regarding the proposed lien and back property taxes, the Chief Building Official stated back property taxes were not related to the City; last year, staff presented the lien to Council, which was delayed to allow 90 days to work with the property owner; no contact was made during the 90 days; a citation was sent after the 90 days; there is \$27,000 in outstanding liens on the property; citations are issued on a fairly regular basis when life safety issues exist.

Vice Mayor Ezzy Ashcraft inquired what the assessment amount was one year ago.

The Chief Building Official responded that he does not have said amount; stated the amount has probably increased by \$7,000 or \$8,000.

Mayor Gilmore stated Council directed staff to work with the property owner last year; notices were sent to the property owner and there was no response.

Councilmember Chen inquired whether the penalty has to be cleared before permits can be issued, to which the Chief Building Official responded in the affirmative.

In response to Councilmember Chen's further inquiry, the Chief Building Official stated if the City Council liens the property, the penalty amount is cleared and permits can be pulled.

Councilmember Chen inquired whether the City informs property owners that the amount will increase, to which the Chief Build Official responded every citation issued includes an explanation of the violation, the amount, and provides a time period to comply prior to the amount being enforced; stated in the Pacific Avenue case, the amount is \$1,000 and 30 days were given to comply; as soon as a property owner comes in and starts to work with the City, Code Enforcement stops the citation process.

Councilmember Chen stated people are aware of the amount; inquired whether the \$1,000 amount is similar to other cities, to which the Chief Building Official responded that he believes so; stated the first citation is \$250, the second is \$500 and the third and subsequent citations are \$1,000.

In response to Vice Mayor Ezzy Ashcraft's prior question, the Acting City Manager stated the assessment amount last year was \$16,750.

Councilmember Tam stated the amount increased by \$11,000.

Vice Mayor Ezzy Ashcraft inquired whether the citations show the total amount due, to which the Chief Building Official responded past due amounts are not included on

citations.

Councilmember Tam inquired whether permits cannot be pulled unless a \$27,000 lien is placed on the property if the owners cannot pay.

The Chief Building Official stated permits can be pulled after a lien is placed on the property; property owners have requested the lien be placed on the property in order to start the permit process.

Mayor Gilmore inquired whether a property owner could pull permits if a payment plan is set up, to which the Chief Building Official responded in the affirmative; stated citations are issued when the City cannot gain compliance.

In response to Mayor Gilmore's inquiry regarding the Pacific Avenue case, the Chief Building Official stated the City would have issued permits to address the significant life safety issues immediately; additional work would have had to wait until the fines were paid.

Vice Mayor Ezzy Ashcraft stated the Council direction last year was to work out a payment plan.

In response to Councilmember Tam's inquiry, the City Attorney stated a lien was not placed last year; the property owner did not work with staff, so citations were issued to try to gain compliance; direction could be given to not assess the lien again this year.

Vice Mayor Ezzy Ashcraft inquired how the lien is assessed, to which the City Attorney responded there are two options: the Council could choose to levy an assessment, which would be collected with the property taxes; the other option is to impose a lien against the title, which is collected when the property is sold or foreclosed upon; staff is recommending levying an assessment; the City receives payment from the County for assessments.

Councilmember Tam stated the City's objective is to get properties safe; making it difficult for people to get a permit does not achieve said objective; requiring payment of the fines prior to issuing a permit creates a burden; that she is not inclined to penalize someone for losing their attorney; inquired whether the property owner could get the property to meet safety codes if the lien is reduced or modified.

Ms. Longoria stated \$7,500 was due in past property taxes not related to the City; the family has paid said amount and is willing to work something out with the City; that she thought there had been communication with the City.

Councilmember Tam inquired who would work with the Building Department to get the permits, to which Ms. Longoria responded that she would do so.

Councilmember Tam inquired why no one started to work with the Building Department

after the Attorney quit last September, to which Ms. Longoria responded that she thought Mr. Villapando was working with the City; stated she thought the City was preparing an explanation of the fines as well.

The Assistant City Manager stated the matter had been on-going prior to being presented to Council last year; the fact that there are six cases indicates the system is working well; the same process should be followed for everyone; a lien can be removed; the City received no response in the last 12 months; the family can begin to work with the Building Department tomorrow.

Councilmember Tam inquired the process for removing a lien, to which the City Attorney responded a lien is like a mortgage on the property; stated the amount would not be due with property taxes; the lien would have to be paid off when the property is sold; the City could rescind the lien at any time.

Councilmember Tam inquired whether the City Council would have to take action to remove the lien, to which the City Attorney responded a Council action would not be required; stated the lien could be removed if staff works with the property owner through the normal process.

Councilmember Chen noted the slate would have been wiped clean if the lien had been assessed last year; a permit can be pulled and a payment plan can be started if Council places the lien.

Ms. Longoria stated there could be issues with getting the permits and the family would have to pay for the permits.

Vice Mayor Ezzy Ashcraft stated the amount is a lot less.

Councilmember Chen stated the permit fees are a standard, set amount.

The City Attorney stated the property has to be brought into compliance; the family has to pull the permits and get the work done.

Vice Mayor Ezzy Ashcraft inquired whether the Building Department would not receive payment if a lien is placed on the property, to which the City Attorney responded in the affirmative; noted the Building Department operates on cost recovery.

The Assistant City Manager stated that he suggests Council give staff the authority to proceed; the family could come in and work out a payment plan.

The City Attorney stated the City would not rescind the lien after payments are made over time.

Vice Mayor Ezzy Ashcraft inquired whether Council took the same action last year, to which Mayor Gilmore responded in the negative; stated Council chose not to file a lien

or assessment last year.

Vice Mayor Ezzy Ashcraft stated what can be done to ensure the case does not end up in the same place next year.

Mayor Gilmore stated that she is troubled that there was no response to the notices; inquired whether Ms. Longoria lives at the property.

Ms. Longoria responded that she does not live at the property; stated that she did not see any notices; she thought everything was moving forward; she was not aware new amounts were being assessed.

Mayor Gilmore inquired about Mr. Villapando's role, to which Ms. Longoria responded Mr. Villapando has been representing her grandmother since he understands construction.

Mr. Villapando stated that he likes the plan to place a lien on the property and get permits immediately.

Mayor Gilmore inquired whether Mr. Villapando saw the notices from the Building Department since last September, to which Mr. Villapando responded in the affirmative; stated that he saw some of the notices.

Mayor Gilmore stated that she does not want the matter to come back in a year with claims that there have been communication issues.

Mr. Villapando stated that the family did not have money to pay the fines.

Mayor Gilmore stated there has been no communication with the property owner for nine months; that she does not want to be in the same situation next year.

Vice Mayor Ezzy Ashcraft stated that she would want to set a certain amount of time, not more than 90 days, to allow the permits to be pulled and work started before a lien is placed.

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Councilmembers Chen and Tam left the dais at 9:05 p.m. and returned at 9:08 p.m.

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Mayor Gilmore stated the lien has to be levied by July 1<sup>st</sup>.

The Acting City Manager stated the July 1<sup>st</sup> deadline is to have an assessment placed on the tax rolls, but a lien could be levied at any time.

Councilmember Daysog stated that he does not know who the City is working with; that he has questions about Mr. Villapando.

Mr. Villapando stated that he was in constant communications with an Inspector.

Mayor Gilmore stated that Mr. Villapando indicated that he was in constant communications with an Inspector, and then there was no communication for nine months.

Mr. Villapando explained that he had medical issues; stated that he would like to be able to get permits right away; the family does not have the money to pay the fine right away.

Councilmember Chen stated giving an exception to one family is not fair to others; that he is comfortable moving forward with a lien.

Mayor Gilmore inquired whether the lien is upon sale or transfer.

The City Attorney responded the City could opt to collect at any time after placing a lien on the property; stated any transfer or sale would reveal there is a lien, which would have to be accepted or paid off.

Vice Mayor Ezzy Ashcraft stated a cloud was placed on the property in 2011.

The Chief Building Official stated a Notice of Violation was filed with the County, which would come up if someone did a title search.

Vice Mayor Ezzy Ashcraft inquired whether action is required by the property owner, to which the Chief Building Official responded in the affirmative; stated the City would not remove the notice until the violations are corrected.

Vice Mayor Ezzy Ashcraft stated that she concurs with Councilmember Chen; she is having a hard time understanding throwing away \$1,000 per month by choosing to ignore the situation; the City has to be aware of the message being sent; that she wants to get the work done.

Mayor Gilmore inquired what tools the City has to ensure the work is done after a lien is placed on the property.

The Chief Building Official responded the citation process would start again if the property owner does not comply within a certain timeframe.

Mayor Gilmore inquired whether the City could assess the property next year if the work is not done; further inquired if the lien would have to be removed.

The Chief Building Official responded the City could do a combination of a lien and an assessment.

Vice Mayor Ezzy Ashcraft inquired whether there is a difference between this case and the Driftwood Lane property, to which the Chief Building Official responded the granddaughter seems to want to work with the City unlike the Driftwood Lane property owner.

Mayor Gilmore stated the fine amount is not being changed.

Vice Mayor Ezzy Ashcraft stated a payment plan is being discussed; inquired whether the Driftwood Lane property was before Council last year.

The Chief Building Official responded the assessment was placed against the Driftwood Lane property last year.

Vice Mayor Ezzy Ashcraft stated that she would like the Council to consider allowing the property owner a specific amount of time to come up with a payment plan.

The Assistant City Manager stated all six property owners have the same opportunity to come in and work with the City.

Mayor Gilmore moved approval of the staff recommendation, with the exception of the Pacific Avenue property, which would have a lien rather than an assessment; and direction be given to staff to obtain multiple points of contact, with specific names and addresses, where notice will be sent.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Daysog stated that the contact should have some authority and he is not certain Mr. Villapando or Ms. Longoria have authority.

Ms. Longoria stated that she would consult her grandmother.

Councilmember Chen inquired why the City should not issue liens since liens are more beneficial for property owners.

The Chief Building Official responded the City does not receive payment for liens.

In response to Councilmember Tam's inquiry regarding the Driftwood Lane property, the Chief Building Official stated an assessment was placed on the property last year and another assessment would be placed on the property again this year.

Vice Mayor Ezzy Ashcraft stated that she would advocate for placing a lien on the Driftwood Lane property since the property owner made the effort to come to the meeting; inquired whether the property would be assessed if a payment plan is not established.

The Chief Building Official inquired whether the Council is establishing a timeframe for



the Pacific Avenue property.

Mayor Gilmore inquired whether the Council could provide direction; stated the timeframe is not included in the current motion.

The Chief Building Official stated having Council establish a timeframe would be helpful.

The City Attorney stated placing a lien on the property wipes the slate clean; an assessment would have to be approved when staff comes back next year.

In response to Councilmember Chen's inquiry, Mayor Gilmore stated Council is considering giving a certain amount of time to obtain permits and fix the property.

The Chief Building Official suggested a 90 day period be offered to gain compliance before violations begin to be issued again.

The Council concurred with said suggestion.

Mayor Gilmore restated the motion: approval of the staff recommendation to assess properties, with exception of the Pacific Avenue property; and the Pacific Avenue property representatives have 90 days to work with the Planning and Building Department, pull permits and start corrective work on health and safety violations.

The Acting City Manager inquired whether the motion includes placing a lien on the Pacific Avenue property, to which Mayor Gilmore responded in the affirmative.

Vice Mayor Ezzy Ashcraft inquired whether the motion could be amended to include the Driftwood Lane property, to which Mayor Gilmore responded in the negative.

Councilmember Daysog stated that he still seconds the motion, due to the Pacific Avenue owner's granddaughter and the Driftwood Lane owner not remaining at the meeting.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Chen, Daysog and Mayor Gilmore – 3. Noes: Councilmembers Ezzy Ashcraft and Tam – 2.

(13-315) Public Hearing to Consider Collection of Delinquent Business License Taxes and Delinquent Integrated Waste Management Accounts Via the Property Tax Bills.

The Controller gave a brief presentation and provided a handout.

Councilmember Chen inquired how many payments have to be missed before placing a lien, to which the Controller responded ample time is provided; stated one case has continued for several years.

Vice Mayor Ezzy Ashcraft stated staff does an good job tracking down businesses that are operating without licenses.

Councilmember Daysog inquired whether a business license is required for renting out a room, to which the Controller responded in the affirmative.

In response to Mayor Gilmore's inquiry regarding the 3334 Fir Avenue business, the Assistant City Manager stated staff is recommending offering a payment plan.

Mayor Gilmore stated the U.S. Government is listed as being behind in garbage bill payment; inquired whether the City could lien the U.S. Government, to which the Controller responded in the negative.

The Public Works Program Specialist stated the U.S. Government leases property and the bills have been submitted to City staff overseeing the lease for payment.

Councilmember Daysog moved approval of the staff recommendation.

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

#### CITY MANAGER COMMUNICATIONS

(13-316) The Acting City Manager announced the Library Food for Fines program will continue through July 8<sup>th</sup>; the Mif Golf Course is under construction through September and the newly renovated driving range is open; summer recreation programs are underway and it is the 60<sup>th</sup> Anniversary of Alameda Day Camp.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

None.

#### COUNCIL COMMUNICATIONS

(13-317) Councilmember Chen announced that he would miss the conveyance ceremony because he would be attending an Asian Pacific American training for elected officials.

(13-318) Councilmember Tam announced that she and Councilmember Daysog attended the League of California Cities (LCC) Policy Committee meeting; outlined issues addressed.

(13-319) Councilmember Daysog outlined the sessions he attended at the LCC Policy

Committee meeting.

(13-320) Mayor Gilmore invited the community to attend the Conveyance Ceremony.

(13-321) Mayor Gilmore announced that a hold was placed on Assembly Bill 935 related to the Water Emergency Transit Authority governance.

#### ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 9:47 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

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