

CITY OF SANTA CRUZ  
809 Center Street  
Santa Cruz, California 95060



**JOINT CITY COUNCIL - REDEVELOPMENT AGENCY AGENDA**

Regular Meeting

December 08, 2009

- |           |  |
|-----------|--|
| 1:30 P.M. | CLOSED LITIGATION SESSION, COURTYARD CONFERENCE ROOM                               |
| 3:00 P.M. | CONSENT, GENERAL BUSINESS AND PUBLIC HEARINGS, COUNCIL CHAMBERS                    |
| 7:00 P.M. | GENERAL BUSINESS, PUBLIC HEARINGS AND MATTERS OF PUBLIC INTEREST, COUNCIL CHAMBERS |

*Written correspondence and telephone calls received after 5:00 p.m. on Monday preceding a Council meeting may not have time to reach Councilmembers, nor be read by them prior to consideration of an item. Please make any communication to Councilmembers regarding Council meeting items prior to 5:00 p.m. Monday.*

Council meetings are cablecast on Comcast Channel 25.

Written material for every item listed in the open sessions is available for review at the Central Branch Library Reference Desk.

Time limits set by Council Policy are guidelines. Unless otherwise specified, procedures for all items, except those approved in one motion on the Consent Agenda, are:

- Oral staff report
- Public comment - 2 minutes each; maximum total time may be established by the Presiding Officer at the beginning of the item
- Council/Agency deliberation and action

### Closed Litigation Session

1:30 PM

At 1:30 p.m., the Presiding Officer will open the City Council and Redevelopment Agency Closed Litigation sessions in a public meeting in the Courtyard Conference Room, for the purpose of announcing the agenda; thereafter the meeting will be closed to the public.

A. Real Property (Government Code §54956.8).

Gilbert's Wharf Lease and Lease Assignment Negotiations  
(Gilbert's Restaurant-25A Municipal Wharf)  
APN: 005-391-12  
Bonnie Lipscomb--Negotiator

B. Labor Negotiations ( Government Code §54956.6).

Lisa Sullivan—Negotiator  
Employee Organizations— 1. Firefighters  
2. Fire Management

C. Conference with Legal Counsel– Anticipated Litigation (Government Code §54956.9).

Significant exposure of City to Litigation (Government Code §54956.9(b))

1 case to be discussed.

D. Conference With Legal Counsel—Existing Litigation (Government Code §54956.9).

1. Greiner v. City of Santa Cruz, United States District Court Case No. C07-02523-RS.

E. Conference with Legal Counsel – Liability Claims (Government Code §54956.95)

1. Claimant: Marina Alise Maze

Claims Against: City of Santa Cruz

An oral report will be presented in the 3:00 p.m. Session (item 20).

**Joint City Council/Redevelopment Agency**

**3:00 PM**

- \* Call to Order
- \* Roll Call
- \* Pledge of Allegiance
- \* Spotlight on City Services - Green Business Awards
- \* Introduction of New Employees
- \* Presentation - Jim Howes Community Service Awards
- \* Presiding Officer's Announcements
- \* Statements of Disqualification
- \* Additions and Deletions
- \* Joint City Council/Redevelopment Agency Oral Communications - 10 Minutes

**Consent Agenda**

1. Minutes of the November 10, 2009 and November 24, 2009 Regular City Council Meetings. (CC)  
Motion to approve as submitted.
2. Minutes of the November 10, 2009 and November 24, 2009 Redevelopment Agency Meetings. (CC)  
Motion to approve as submitted.
3. City Council Regular Meeting Schedule. (CC)  
Resolution setting the regular meeting schedule for the calendar year 2010, canceling the regular City Council meetings on August 10th and 24th, and December 28th.

**Consent Agenda (continued)**

4. 913 Cedar Street (APN 005-048-06) - Disposition of City Owned Property. (ED)

Resolution declaring the property at 913 Cedar Street, Assessor Parcel Number 005-048-06, not needed for public purposes, and authorizing and directing the City Manager to enter into a Contract of Sale, in a form approved by the City Attorney, with John R. Davis.

5. Annual Report of the Redevelopment Agency Fiscal Year 2009. (ED)

City Council motion to accept the Redevelopment Agency's Annual Report for the Fiscal Year 2009.

Redevelopment Agency motion to adopt the Redevelopment Agency's Annual Report for the Fiscal Year 2009.

6. 2009 Traffic Impact Fee Annual Report. (FN)

Motion to accept and approve the 2009 Traffic Impact Fee Annual Report.

7. Office Supplies Agreement. (FN)

Motion to direct the City Manager to execute an agreement in the amount of \$205,000 between the City of Santa Cruz and Palace Art and Office Supply of Santa Cruz, California.

8. Liability Claims Filed Against City of Santa Cruz. (HR)

Motion to reject liability claim a) Marina Alise Maze, based upon staff investigation.

9. Establishing a Safety Enhancement Zone Downtown on New Year's Eve. (PD)

Resolution authorizing a temporary safety enhancement zone for New Year's Eve Downtown from 8:00 p.m., December 31, 2009 to 3:00 a.m., January 1, 2010, designating the geographic boundary of the temporary safety enhancement zone and increasing fines and penalties for certain Municipal Code violations within the zone.

**Consent Agenda (continued)**

10. Statewide Park Development and Community Revitalization Act of 2008 (Proposition 84) Grant Application. (PK)

Resolution authorizing and directing the City Manager to execute all documents necessary to apply for the Statewide Park Development and Community Revitalization Act of 2008 (Prop 84 Statewide Park Program).

11. Historic Preservation Commission Bylaws Update. (PL)

Motion to adopt revised Bylaws of the Historic Preservation Commission.

12. American Recovery and Revitalization Act (ARRA) - Arterial and Collector Street Reconstruction and Overlay - c400809 - Authorization to Advertise and Award. (PW)

Motion to approve the plans and specifications for the American Recovery and Revitalization Act (ARRA) Arterial and Collector Street Reconstruction and Overlay Projects (c400809) and authorize staff to advertise for bids. The City Manager is hereby authorized and directed to execute the contract as authorized by Resolution No. NS-27,563.

13. FY 2010/11 Bicycle Transportation Account (BTA) Grant Application – Heller Drive Bike Lanes, Revised Phase II (UCSC). (PW)

Resolution authorizing the City Manager to submit a grant application to the Bicycle Transportation Account (BTA) Program FY 2010/11 for the Heller Drive Bike Lanes, Revised Phase II Project on behalf of the University of California, Santa Cruz.

14. Project Homeless Connect Event for the U.S. Census - City Co-Sponsorship. (CN)

Motion authorizing the City of Santa Cruz to co-sponsor and host the March 30, 2010 Project Homeless Connect event (related to the U.S. Census) at the Civic Auditorium.

**End Consent Agenda**

## Public Hearing

15. Ordinance No. 2009-25 Amending Chapter 1.18 of the Santa Cruz Municipal Code Pertaining to Mayor/Councilmember Compensation as Authorized by the Santa Cruz City Charter, Section 603. (CM)

Final adoption of Ordinance No. 2009-25.

## General Business

16. Redevelopment Agency 2010-2014 Five-Year Implementation Plan. (ED)

Redevelopment Agency resolution adopting the Agency's Five-Year Implementation Plan (2010-2014).

17. Community Access Preservation Act (HR 3745) - Resolution of Support. (CN)

Resolution supporting HR 3745, the Community Access Preservation Act, and urging its adoption by the U.S. House of Representatives and Senate.

**Note:** Written material for item 18 will be provided prior to the meeting.

18. Mid-Year Budget Report. (CM)

Motion to accept the report and provide direction, if necessary.

19. Council Meeting Calendar.

That the City Council review the meeting calendar attached to the agenda and revise as necessary.

20. City Attorney Oral Report on Closed Session. (See Page 2)

21. Council Memberships in City Groups and Outside Agencies.

The Presiding Officer will provide Councilmembers with the opportunity to update Council and the public regarding City Groups and Outside Agencies.

**The City Council and Redevelopment Agency will recess to the 7:00 P.M. Session.**

**Joint City Council/Redevelopment Agency  
7:00 PM**

- \* Call to Order
- \* Roll Call
- \* Joint City Council and Redevelopment Agency Oral Communications - 20 Minutes

**Adjournment** — The Redevelopment Agency will adjourn from the regularly scheduled meeting of December 8, 2009 to the next regularly scheduled meeting on January 12, 2010, for a closed litigation session at 1:30 p.m., in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m. and 7:00 p.m. in Council Chambers.

**Public Hearing**

- Oral staff report
- Appellant/Applicant presentation – 10 minutes maximum.
- Public comment – 2 minutes each; maximum total time may be established by the Presiding Officer at the beginning of the item.
- Appellant rebuttal – 5 minutes maximum.
- Council deliberation and action

22. 101 Manor Place 09-065 (APN 004-283-32) Appeal of the Planning Commission's Denial of Special Use Permit, Design Permit, Variance, Conditional Driveway Permit, and Conditional Fence Permit to Construct a Second Dwelling as an Addition to an Existing Residence to Create a Duplex on a Corner Lot. (PL)

Consider the appeal of the applicant and adopt one of the following resolutions:

1) Resolution denying the appeal, thereby upholding the Planning Commission's decision to deny Special Use Permit, Design Permit, Variance, Conditional Driveway Permit, and Conditional Fence Permit;

or

2) Resolution upholding the appeal of the applicant and approving Special Use Permit, Design Permit, Variance, Conditional Driveway Permit, and Conditional Fence Permit with conditions, thereby overturning the Planning Commission's decision.

Staff recommended that the Planning Commission approve the application

**Adjournment** — The City Council will adjourn from the regularly scheduled meeting of December 8, 2009 to the next regularly scheduled meeting on January 12, 2010, for a closed litigation session at 1:30 p.m., in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m. and 7:00 p.m. in Council Chambers.

**Note:** The Council Chambers will be closed ten minutes after the meeting is adjourned.

### Advisory Body Appointments

The following at-large positions are will be open for reappointment and or appointment in January 2010. Council will make appointments at the meeting of January 26, 2010.

Arts Commission	One (1) reappointment
Downtown Commission	One (1) vacancy
Historic Preservation Commission	Two (2) vacancies
Parks and Recreation Commission	Two (2) reappointments
Planning Commission	Two (2) reappointments
Public Works Commission	One (1) vacancy
San Lorenzo River Committee	Two (2) vacancies
S.C. City Transportation Commission	Two (2) vacancies
Sister Cities Committee	One (1) reappointment and three (3) vacancies
Water Commission	Two (2) vacancies

**Public Hearing:** If, in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that action either 60 days or 90 days following the date on which the decision becomes final as provided in Code of Civil Procedure Section 1094.6 Please refer to code of Civil Procedure 1094.6 to determine how to calculate when a decision becomes "final." The 60-day rule applies to all public hearings conducted pursuant to the City's Zoning Ordinance, Title 24, Santa Cruz Municipal Code. The 90-day rule applies to all other public hearings.



### City Council Agenda Legislative History Addendum

No information was submitted.

City staff is responsible for providing the City Clerk with such documentation and information for the Legislative History Addendum. The information will be on file in the City Clerk's Department.

The Addendum is a listing of information specific to City Council business, but which does not appear on a Council meeting agenda. Such entities would include, but not be limited to:

- Court decisions
- Coastal Commission Appeals of City Council actions
- Closed Session Agreements/Settlements, which are public record
- Association of Monterey Bay Area Governments
- Local Agency Formation Commission

ADDENDUM TO CITY COUNCIL AGENDA – DECEMBER 8, 2009  
**INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS**  
(Copies available in the Central Branch Library at the Reference Desk)

City Manager	Monthly Camping Incident and Homeless Shelter Attendance Reports -11/23/09 (CMFYI 132)
Economic Development Department	Tannery Arts Center – Digital Media Center – Project Update - 11/16/09 (EDFYI 031)  Project for Innovation & Entrepreneurship 2009–10 - 11/17/09 (EDFYI 030)
Planning Department	Public Review of the Draft EIR for the North Campus Sphere of Influence Amendment and Extraterritorial Water Service Application - 11/18/09 (PLFYI 022)
Police Department	2009 Halloween Recap - 11/16/09 (PDFYI 013)

ADDENDUM TO CITY COUNCIL AGENDA – DECEMBER 8, 2009  
**MAYOR'S PROCLAMATIONS**

None issued.