

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



**JOINT CITY COUNCIL - REDEVELOPMENT AGENCY AGENDA**

Regular Meeting

March 23, 2010

- |           |  |
|-----------|--|
| 9:00 A.M. | CLOSED PERSONNEL SESSION, CITY MANAGER'S CONFERENCE ROOM                           |
| 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 Personnel Session  
9:00 a.m.**

At 9:00 a.m., the Presiding Officer will open the City Council Closed Personnel session 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.

**Closed Personnel Session**

1. Public Employee Hiring Decision (Government Code §54957).

City Council's hiring of City Manager.

**Closed Litigation Session  
1:30 PM**

**Closed Litigation Session**

At 1:30 p.m., the Presiding Officer will open the City Council and Redevelopment Agency Closed Personnel session 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.

- B. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan—Negotiator

- Employee Organizations—
1. Police Management
  2. Police Officers' Association
  3. SEIU—All Units
  4. Operating Engineers-Supervisors
  5. Operating Engineers-Managers

- C. Real Property (Government Code §54956.8).

148 Walnut Avenue Property Acquisition (Joe Appenrodt-Owner)

APN 005-072-33

Bonnie Lipscomb-City Negotiator

212 Church Street Property Acquisition (Joe Appenrodt-Owner)

APN 005-048-12

Bonnie Lipscomb-City Negotiator

**Closed Litigation Session (continued)**

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

1. City of Santa Cruz v. Deleon/Richardson, Santa Cruz Superior Court Consolidated Case No. CV162526

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

Initiation of Litigation by City (2 cases to be discussed)

2 cases to be discussed.

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

1. Claimant: Sean Christopher Allen
2. Claimant: Mike J. Ronzano

Claims Against: City of Santa Cruz

An oral report will be presented in the 3:00 p.m. Session (item 18).

**Joint City Council/Redevelopment Agency**

**3:00 PM**

- \* Call to Order
- \* Roll Call
- \* Pledge of Allegiance
- \* Presentation - U.S. Census 2010
- \* Presentation - Acceptance of the Award of Excellence from the California Redevelopment Association for the Tannery Artists Lofts
- \* Presiding Officer's Announcements
- \* Statements of Disqualification
- \* Additions and Deletions
- \* Joint City Council/Redevelopment Agency Oral Communications - 10 Minutes

**Consent Agenda**

2. Minutes of the March 9, 2010 Regular City Council Meeting. (CC)  
Motion to approve as submitted.
3. Minutes of the March 9, 2010 Regular Redevelopment Agency Meeting. (CC)  
Motion to approve as submitted.
4. Award Contract for Janitorial Services. (FN)  
Motion to accept the bid of Bewley's Cleaning (Santa Cruz, CA) for janitorial services in the amount of \$280,750, and to authorize the City Manager to execute an agreement, in a form approved by the City Attorney, with Bewley's Cleaning for janitorial services, rejecting all other bids.

**Consent Agenda (continued)**5. Liability Claims Filed Against City of Santa Cruz. (HR)

Motion to reject liability claim a) Sean Christopher Allen, based upon staff investigation.

6. ARRA - Soquel Avenue and Pine Street Storm Drain Improvement Project (c400813), and 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) funded Soquel Avenue and Pine Street Storm Drain Improvement Project (c400813), and 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 NS-27,563.

7. Sole Source Purchase of Loader for Resource Recovery Facility. (PW)

Motion to approve the sole-source purchase from the Refuse Fund of one (1) Caterpillar 914G Wheel Loader, in the amount of \$104,785, from Peterson Tractor Co., San Leandro, CA.

8. Department of Energy Grant for Approved Energy Efficiency and Conservation Projects – Budget Adjustment. (PW)

Resolution appropriating funds and amending the FY 2010 budget in the amount of \$236,439 and reallocating the grant funds to the approved Energy Efficiency and Conservation projects.

9. State Parks and Wildlife Conservation Trust Fund Act of 2010 – Resolution of Support. (CN)

Resolution supporting the State Parks and Wildlife Conservation Trust Fund Act statewide initiative slated for the November 2010 ballot that would provide a stable, reliable and adequate source of funding to protect state parks and conserve wildlife.

**Consent Agenda (continued)**

10. Support of the San Jose Automated Transit Network (ATN) Project. (CN)

Resolution supporting the San Jose Automated Transit Network (ATN).

**Note:** Written material for item 11 will be provided prior to the meeting.

11. Acceptance of a FEMA, SAFER-Funded, Firefighter Grant for Three Firefighter Positions. (FD)

Motion to accept a "SAFER" grant of \$753,328, from the Federal Emergency Management Agency (FEMA), for the hiring of three firefighters to fill positions vacated for cost saving budgetary reasons.

**End Consent Agenda**

**Public Hearings**

12. Ordinance No. 2010-05 Consolidating the Transportation and Public Works Commissions. (PW)

Final adoption of Ordinance No. 2010-05.

13. CDBG and HOME Funding - Housing and Community Development Program Discussion for 2010 – 2011 Program Year. (ED)

Motion to determine appropriate funding levels for CDBG and HOME activities for the 2010 –2011 program year.

Motion to direct staff to complete the draft Action Plan for 2010 – 2011 program year and the Consolidated Plan for 2010-2015, and determine environmental review requirements for those applications recommended for funding.

**General Business**

14. Agreement Endorsing Recommendations of the Desalination Task Force on a Proposed Seawater Desalination Facility. (WT)

Motion to authorize the City Manager to execute the City of Santa Cruz and Soquel Creek Water District Agreement Endorsing the Recommendations of Joint Task Force on a Proposed Seawater Desalination Facility.

15. Comprehensive Settlement Agreement Annual Report (Agreement between the City of Santa Cruz, County of Santa Cruz, University of California Regents, University of California Santa Cruz, and Coalition of Limiting University Expansion (CLUE)). (CM)

Motion to accept the Comprehensive Settlement Agreement Annual Report.

16. Ordinance Amending Chapter 2.40.014 Pertaining to Meetings of Boards and Commissions. (CA)

Introduction of an ordinance for publication amending Chapter 2.40.014 pertaining to meetings of boards and commissions.

17. Council Meeting Calendar

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

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

19. 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

**Public Hearing**

20. Medical Marijuana Dispensaries and Personal Medical Marijuana Use Ordinances. (PL)

Final adoption of Ordinance No. 2010-08.

**Note:** The City Council Subcommittee and Staff will recommend that consideration of the following ordinance amendment be continued to the meeting of April 13, 2010 at 7:00 p.m.

Introduction of an ordinance for publication adding Section 6.90.085 to the Santa Cruz Municipal Code pertaining to annual reports from medical marijuana provider association dispensaries.

**Adjournment** — The Redevelopment Agency will adjourn from the regularly scheduled meeting of March 23, 2010 to the next regularly scheduled meeting on April 13, 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.

**Adjournment** — The City Council will adjourn from the regularly scheduled meeting of March 23, 2010, to the next regularly scheduled meeting on April 13, 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**

No openings at this time.

**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 – MARCH 23, 2010  
**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 - 3/4/10 (CM FYI 137)
Economic Development Department	Tannery Arts Center – Digital Media Center – Project Update - 3/8/10 (ED FYI 006)
Finance Department	January Portfolio Management Report – Pooled Cash and Investments - 2/23/10 (FN FYI 133)  Monthly Financial Reports for December 2009 2/24/10 (FN FYI 134)
Human Resources Department	Equal Employment Opportunity Committee Annual Report for Calendar Year 2009 - 2/26/10 (HRFYI 009)
Public Works Department	Corps of Engineers San Lorenzo River Flood Control and Environmental Restoration Project – Federal Register Notice of Pending Corps Policy on Vegetation Standards for Levees and Floodwalls - 3/2/10 (PW FYI 0057)

ADDENDUM TO CITY COUNCIL AGENDA – MARCH 23, 2010  
**MAYOR’S PROCLAMATIONS**

1. Proclaiming Wednesday, March 10, 2010 as “Marisela Baron Hunger Fighter of the Year Day” and encouraging all citizens to join in honoring her as an inspiring example of an individual whose efforts are supporting the Second Harvest Food Bank’s mission, “to educate and involve individuals to end hunger and alleviate malnutrition in our communities,” and expressing heartfelt appreciation for her contributions on behalf of all those in need.
2. Proclaiming Wednesday, March 10, 2010 as “Senior Pastor René Schlaepfer Hunger Fighter of the Year Day” and encouraging all citizens to join in honoring him as an inspiring example of an individual whose efforts are supporting the Second Harvest Food Bank’s mission, “to educate and involve individuals to end hunger and alleviate malnutrition in our communities,” and expressing heartfelt appreciation for his contributions on behalf of all those in need.
3. Proclaiming Wednesday, March 17, 2010 as “Catherine Barr Day” and encouraging all citizens to join in congratulating Catherine Barr as the recipient of the 2010 Al Smith Friend of Agriculture Award for her contributions to local agriculture.