

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



JOINT CITY COUNCIL - REDEVELOPMENT AGENCY AGENDA

Regular Meeting
April 13, 2010

- | | |
|-----------------------|--|
| 1:00 P.M. | CLOSED LITIGATION SESSION, COURTYARD CONFERENCE ROOM |
| 2:30 P.M. | CITYSERVE VOLUNTEER RECOGNITION RECEPTION,
COURTYARD |
| 2:55 P.M. | SANTA CRUZ PUBLIC FINANCING AUTHORITY BOARD OF
DIRECTORS MEETING, COUNCIL CHAMBERS |
| 3:00 P.M. | CONSENT, GENERAL BUSINESS AND PUBLIC HEARINGS,
COUNCIL CHAMBERS |
| 6:00 P.M. – 7:00 P.M. | JAZZ MUSIC DURING COUNCIL'S DINNER BREAK IN
CELEBRATION OF JAZZ APPRECIATION MONTH, 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
1:00 PM**

At 1:00 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 and considering Item 1; thereafter the meeting will be closed to the public.

Referral to Closed Session

- 1. Referral to Closed Session - 1520 K1 Pacific Avenue. (ED)

Motion to approve a referral to closed session for the potential lease of the kiosk located at 1520 K-1 Pacific Avenue for the purpose of instructing the negotiator concerning the leasing process, terms, or both.

Closed Litigation Session

- A. 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 |
| | 6. | FIRE IAFF |
| | 7. | Fire Management |

- B. 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

1520 K1 Pacific Avenue Kiosk (Renate Clock - Lessee)
No APN
Bonnie Lipscomb-City Negotiator

Closed Litigation Session (continued)

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

Initiation of Litigation by City (1 case to be discussed)

1 case to be discussed.

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

1. Claimant: Wanda Fowler
2. Claimant: Gregory Peter Panos
3. Claimant: Ethan Shenkman (2 claims)
4. Claimant: Kathryn A. Capaldo

Claims Against: City of Santa Cruz

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

1. People v. Johnson, Santa Cruz County Superior Case No. SCT073906.

An oral report will be presented in the 3:00 p.m. Session (item 22).

**Joint City Council/Redevelopment Agency
3:00 PM**

- * Call to Order
- * Roll Call
- * Pledge of Allegiance
- * Presentation - National Child Abuse Prevention Month and National Volunteer Week Mayor's Proclamations - Court Appointed Special Advocates (CASA)
- * Presentation - National Crime Victims' Rights Week Mayor's Proclamation
- * Presentation - CitySERVE Volunteer Recognition Awards - 15 Minutes
- * 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 23, 2010 Regular City Council Meeting. (CC)
Motion to approve as submitted.
3. Minutes of the March 23, 2010 Regular Redevelopment Agency Meeting. (CC)
Motion to approve as submitted.
4. Monterey Bay National Marine Sanctuary Visitor Center – Amendment to Design Development Contract and New Construction Administration Contract with Thomas Hacker Architects, Inc. (ED)

Resolution authorizing City Manager to amend the Design Development contract with Thomas Hacker Architects, Inc. to complete the construction documents for the Monterey Bay National Marine Sanctuary Visitor Center project and to enter into a new contract for the construction administration of the project, in a form approved by the City Attorney.

Consent Agenda (continued)

5. Monterey Bay National Marine Sanctuary Visitor Center Public Art Program (r520901). (ED)

Motion to approve the Arts Commission recommendation to proceed with a public art project for the Monterey Bay National Marine Sanctuary Visitor Center.

6. Façade Improvement Program - Inclusion of City-Owned Properties Located within the Eastside Redevelopment Area and Merged Redevelopment Area. (ED)

Redevelopment Agency Resolution modifying the façade improvement program to include all qualifying City-owned properties located within the boundaries of the Eastside Storefront Improvement Program and the Merged Project Area Consistent with the Eastside Business Area Improvement Plan, the Merged Project Area Plan and California Redevelopment Law.

7. FY 2011 Cooperative Retail Management Business Real Property Improvement District Assessments. (ED)

Motion to approve the report prepared by the Downtown Management Corporation for FY 2011.

Resolution of Intention to levy a business improvement assessment for FY 2011.

Motion to schedule a public hearing for May 11, 2010, after the hour of 3:00 p.m., on the levy of the assessments for FY 2011.

8. Monterey Bay Unified Air Pollution Control District AB2766 Grant – Request for Extension and Revised Scope. (ED)

Resolution authorizing City Manager to request an extension and revised scope for the Monterey Bay Unified Air Pollution Control District AB2766 Vehicle Emissions Reduction Grant to allow the grant to be utilized to provide new electric charging stations in the downtown parking structures and to provide a pay-for-performance program for increased biodiesel sales through an existing biodiesel supplier in the City.

Consent Agenda (continued)

9. 49-B Municipal Wharf - Municipal Wharf Lease Agreement with Olitas Cantina & Grill, LLC. (ED)

Motion to authorize and direct the City Manager to execute a Municipal Wharf Lease Agreement and any amendments thereto of a non-substantive nature, in a form acceptable to the City Attorney, with Olitas Cantina & Grill, LLC for the operation of a restaurant at 49-B Municipal Wharf.

10. Real Property Acquisition – 575 Dimeo Lane (APN 059-121-07). (ED)(PW)

Resolution authorizing and directing the City Manager to enter into a Purchase and Sale Agreement for real property to be purchased from the Refuse Enterprise Fund, in a form approved by the City Attorney, with Loren F. Humphrey Trust.

Resolution appropriating funds and amending the FY 2010 budget in the amount of \$721,702 to acquire 575 Dimeo Lane (APN 059-121-07).

11. Reimbursement Resolution for Landfill Improvement Project. (FN)

Resolution of the City Council of the City of Santa Cruz declaring intention to reimburse expenditures relating to the Landfill Improvement Project from the proceeds of tax-exempt obligations of the City.

12. East Cliff Drive Slope Stabilization and Repair Project (m400811) – Budget Adjustment. (FN)

Resolution transferring funds and amending the FY 2010 budget in the amount of \$300,000 to General CIP (Fund 311) from Liability Insurance (Fund 842) for the East Cliff Drive Slope Stabilization and Repair Project (m400811).

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

Motion to reject liability claims: a) Wanda Fowler; b) Gregory Peter Panos; c) Ethan Shenkman; and d) Ethan Shenkman, based upon staff investigation.

Consent Agenda (continued)14. City's Classification and Compensation Plans - Police Department. (HR)

Resolution modifying the Classification and Compensation Plans by reducing the Deputy Police Chief salary range and redistributing the salary savings to the Police Lieutenant classification.

15. Beach/Pacific (Wharf) Intersection Roundabout Project (c400035) – Budget Adjustment. (FN)

Resolution transferring funds and amending the FY 2010 budget in the amount of \$992,574 from Traffic Impact Fee - Citywide Fund 226 to the Gas Tax Fund 221 for Beach/Pacific (Wharf) Intersection Roundabout Project #c400035.

16. ARRA - Center/Pacific (Depot) Intersection Roundabout Project (c401012) – Authorization to Advertise and Award. (PW)

Motion to approve the plans and specifications for the American Recovery and Revitalization Act (ARRA) funded Center/Pacific (Depot) Intersection Roundabout Project (c401012) and authorize staff to advertise for bids.

Resolution appropriating funds and amending the FY 2010 budget in the amount of \$1,000,000 to reflect ARRA stimulus funding. The City Manager is hereby authorized and directed to execute the contract as authorized by Resolution NS-27,563.

17. Grant of Easement - County of Santa Cruz - East Zayante Road APN 074-012-07. (WT)

Resolution authorizing the City Manager to execute a Grant of Easement to the County of Santa Cruz covering property located along East Zayante Road on APN 074-012-07.

18. Graham Hill Water Treatment Plant Improvements Project - Technical Review Services and Change Order No. 1. (WT)

Motion to ratify the agreement with HDR Engineering, Inc. (Walnut Creek, CA) for Technical Review services of the Graham Hill Water Treatment Plant Improvements Project.

Motion to authorize the City Manager to execute Change Order No. 1 in the amount of \$25,005 for additional Technical Review services of the Graham Hill Water Treatment Plant Improvements Project.

End Consent Agenda

Public Hearing

19. Ordinance No. 2010-09. Ordinance Amending Chapter 2.40.014 Pertaining to Meetings of Boards and Commissions. (CA)

Final Adoption of Ordinance No. 2010-09.

General Business

20. Imagine Positive Change Program. (CN)

Motion approving the donation and installation of converted parking meters on City sidewalks to be used as collection devices for the initial pilot phase of the Imagine Positive Change initiative.

21. Council Meeting Calendar

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

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

23. 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
- * Presentation – Mayor’s Proclamation in Recognition of Jazz Appreciation Month
- * Presentation - Sister Cities Committee Hans Christian Andersen Writing Awards
- * Joint City Council and Redevelopment Agency Oral Communications - 20 Minutes

Public Hearing

24. Medical Marijuana Ordinance Amending Title 6. (PL)

Note: The City Council Subcommittee and Staff will recommend that consideration of the following ordinance amendment be continued to the meeting of April 27, 2010 at 7:00 p.m. There is no written material for this item.

Introduction of an Ordinance for Publication amending Title 6 of the Santa Cruz Municipal Code modifying standards for Personal Medical Marijuana Use.

25. Emergency Ordinance Amending Section 21.03.020 Pertaining to the Relocation Assistance in Cases of Temporary (Less than 90 Days) Displacement. (CA)

Note: The City Attorney will provide an oral report on this item at the meeting.

Introduction and final adoption of an Emergency Ordinance of the City of Santa Cruz amending Section 21.03.020 of the Santa Cruz Municipal Code pertaining to relocation assistance in cases of temporary (less then 90 days) displacement.

Adjournment — The Redevelopment Agency will adjourn from the regularly scheduled meeting of April 13, 2010 to the next regularly scheduled meeting on April 27, 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 April 13, 2010, to a Special City Council Meeting on Tuesday, April 20, 2010, at the hour of 4:00 p.m. in the City Council Chambers to consider the Capital Improvement Program. The next regularly scheduled meeting will be on April 27, 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 – April 13, 2010
INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS
(Copies available in the Central Branch Library at the Reference Desk)

City Manager

Downtown Association Sidewalk Sales March–
September 2010 (typically last weekend starting
Friday and ending Sunday of each month) - 3/15/10
(CM FYI 138)

Antique Faire for July 2010–June 2011 (2nd Sunday
of each month) - 3/29/10 (CM FYI 139)

Wednesday Farmers Market Expansion for April
2010–June 2010 and July 2010–June 2011- 4/1/10
(CM FYI 140)

Economic Development Department

Termination of Li'l Coney Island Kiosk Lease
Agreement - 3/22/10 (ED FYI 007)

Pacific Coast Kites – Renewal of the Municipal
Wharf License for the Business Located on the
Municipal Wharf - 3/30/10 (ED FYI 008)

Paradise Dogs – Renewal of the Municipal Wharf
License for the Hot Dog Vending Card Located on
the Municipal Wharf - 3/30/10 (ED FYI 009)

Surflin – Renewal of the Municipal Wharf License
for the Webcam Located on the Roof of 49-B
Municipal Wharf - 3/30/10 (ED FYI 010)

Venture Quest – Amendment of the Municipal
Wharf License for the Business Located at 2
Municipal Wharf - 3/30/10 (ED FYI 012)

See Scopes – Renewal of the Municipal Wharf
License for the Viewing Telescopes Located on the
Municipal Wharf and at Lighthouse Point -3/30/10
(ED FYI 013)

ADDENDUM TO CITY COUNCIL AGENDA – April 13, 2010 (continued)
INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS
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Economic Development Department*	Broadband Technology Opportunities Program Grant Application - 4/1/10 (ED FYI 011)
Finance Department	February Portfolio Management Report – Pooled Cash and Investments - 3/8/10 (FN FYI 135) Monthly Financial Reports for February 2010 - 3/31/10 (FN FYI 136)
Information Technology Department*	Broadband Technology Opportunities Program Grant Application - 4/1/10 (ED FYI 011)
Police Department	Sexual Assault Report - 3/17/10 (PD FYI 014)
Public Works Department	Countywide Integrated Solid Waste Management Local Task Force 2009 Annual Report - 3/22/10 (PW FYI 0058)

*Report submitted jointly by departments.

ADDENDUM TO CITY COUNCIL AGENDA – April 13, 2010

MAYOR'S PROCLAMATIONS

1. Proclaiming March 27, 2010 as “Free Radio Santa Cruz Day” and urging all residents to join in celebrating the many contributions of Free Radio Santa Cruz to our community and its residents.
2. Proclaiming the month of April 2010 as “Sexual Assault Awareness Month” and encouraging all residents to learn more about the causes and prevention of sexual assault.
3. Proclaiming April 9, 2010 as “Jazz Day” and the month of April 2010 as “Jazz Appreciation Month” and encouraging all citizens to listen to jazz performances and enjoy the richness of our jazz heritage during this month and all year long.
4. Proclaiming the month of April 2010 as “Child Abuse Prevention Month” and the week of April 18–24, 2010 as “Volunteer Appreciation Week” and urging all citizens to help prevent child abuse by contributing in whatever way possible to strengthen families and support the physical, emotional, and developmental well-being of all children in our community.
5. Proclaiming the week of April 18–24, 2010 as “National Volunteer Week.”
6. Proclaiming the week of April 18–24, 2010 as “National Crime Victims’ Rights Week” and encouraging all citizens to reignite our resolve to ensure full rights and services for all victims of crime.
7. Proclaiming the month of April 2010 as “DMV/Donate Life California Month” in recognition of National Donate Life Month and encouraging all citizens to check “Yes!” when applying for or renewing their driver’s license or I.D. card or by signing up online.
8. Proclaiming Friday, April 9, 2010 as “Three Hawaiian Princes Day” and encouraging all citizens to join in celebrating the unveiling of the plaque dedicated in their honor at Lighthouse Point.