

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)

Surflines – 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
(Copies available in the Central Branch Library at the Reference Desk)

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.



CITY COUNCIL AGENDA REPORT

DATE: 4/7/2010

AGENDA OF: 4/13/2010

DEPARTMENT: Economic Development

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

RECOMMENDATION: 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.

BACKGROUND: None.

DISCUSSION: Staff has entered into a discussion with Marilyn Strayer regarding the potential tenancy for the premises at 1520 K-1. Staff recommends that the City Council refer this matter to closed session.

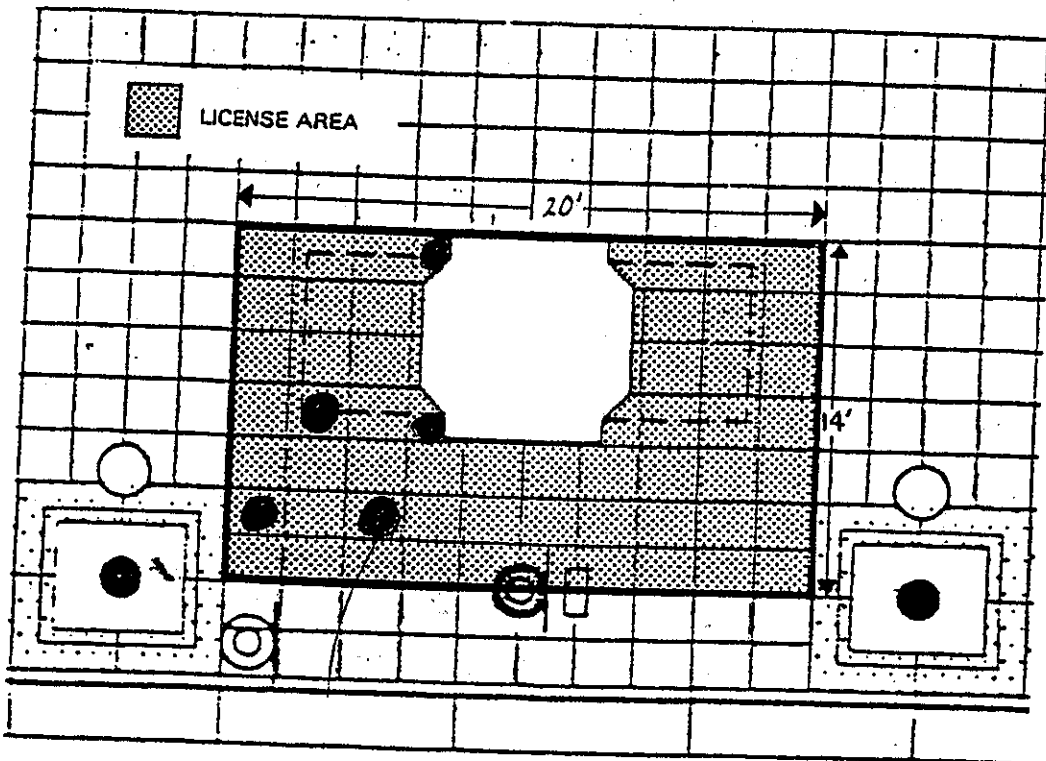
FISCAL IMPACT: None at this time.

Submitted by:
Bonnie Lipscomb
Director of Economic Development

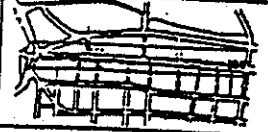
Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: Map

EXHIBIT 2
LICENSE AREA



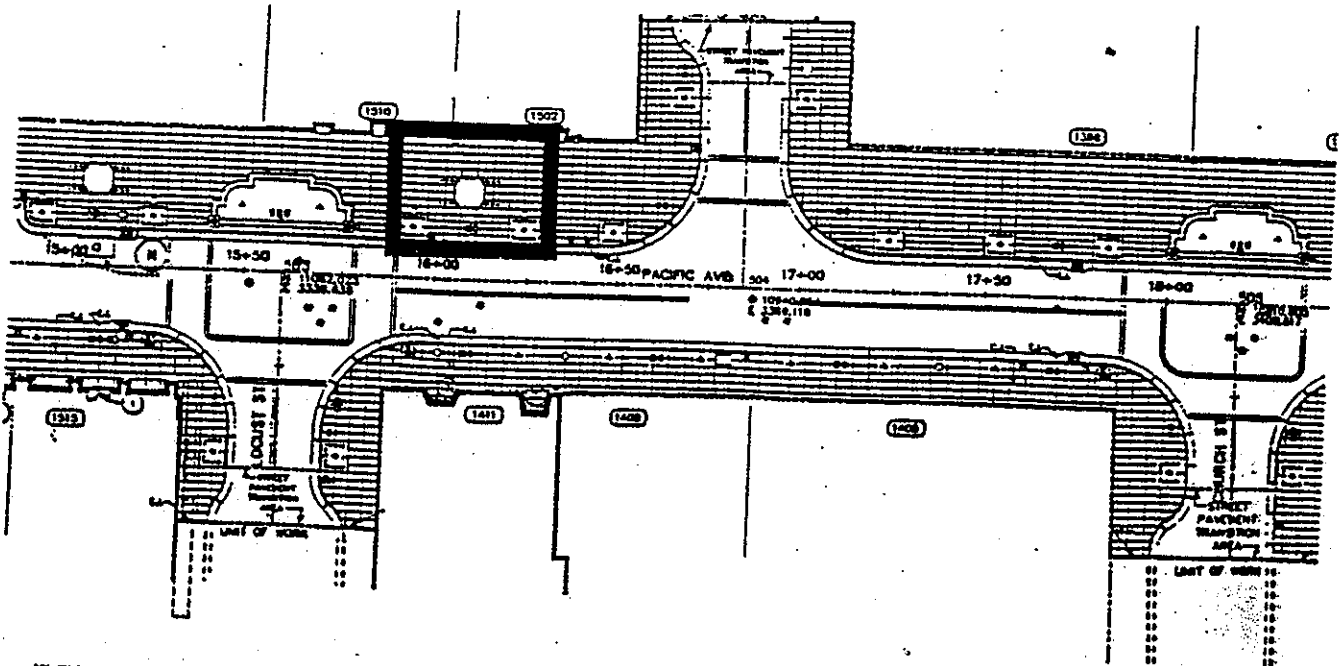
3/11/92 - ISSUED FOR CONSTRUCTION
 5/11/92 - CDD #1
 5/11/92 - AS #1
 1/23/92 - ISSUED FOR BID
 12/8/91 - ISSUED FOR CITY COUNCIL APPROVAL



PROJECT TITLE
**PACIFIC AVENUE
 STREETSCAPE**
 CONSTRUCTION
 DOCUMENT
 PHASE
 PREPARED FOR
 THE CITY OF SANTA CRUZ

DWG. TITLE
**PACIFIC AVENUE
 PAVING PLAN**

JOB NO.	1031.00	DWG. NO.	LA201
DATE	SYC		
DATE	BT/PM		



UNLAWFUL LEASES KIOSKS KIOSK.PAR

March 15, 1993

MEETING OF THE
SANTA CRUZ PUBLIC FINANCING AUTHORITY
BOARD OF DIRECTORS

Santa Cruz City Council Chambers
809 Center Street
Santa Cruz, CA 95060

Tuesday, April 13, 2010

2:55 p.m.

A G E N D A

- I. Meeting Called to Order by Chair Rotkin.
- II. Resolution of City of Santa Cruz Public Financing Authority Setting Time and Place of Regular Meetings. (FN)

Resolution of the Board of Directors of the City of Santa Cruz Public Financing Authority setting time and place of regular meetings.
- III. Public Comments.

Adjournment: The Public Financing Authority Board of Directors will adjourn from the regularly scheduled meeting of April 13, 2010 to the next regularly scheduled meeting on Tuesday, April 27, 2010, at the hour of 2:55 p.m.



SANTA CRUZ
PUBLIC FINANCING AUTHORITY
BOARD OF DIRECTORS
AGENDA REPORT

DATE: March 29, 2010

AGENDA OF: April 13, 2010

DEPARTMENT: Finance

SUBJECT: RESOLUTION OF CITY OF SANTA CRUZ PUBLIC FINANCING
AUTHORITY SETTING TIME AND PLACE OF REGULAR MEETINGS

RECOMMENDATION: Resolution of the Board of Directors of the City of Santa Cruz Public Financing Authority setting time and place of regular meetings.

BACKGROUND: The City of Santa Cruz Public Financing Authority (Authority) is a joint powers authority formed in 2006 between the City of Santa Cruz (City) and the City of Santa Cruz Redevelopment Agency (Agency) for the purpose of creating a public agency which could provide financial assistance to the City and Agency in connection with public capital improvements.

DISCUSSION: Staff plans to bring various documents concerning refinancing outstanding bonds to the Board of Directors of the Authority at its meeting on April 27, 2010. Since recently enacted Government Code section 6592.1 requires that a resolution authorizing bonds or any issuance of bonds be adopted by a joint powers authority only during a regular meeting, it is necessary and appropriate for the Board to establish by Resolution that regular meetings of the Board will be held on a regular basis at 3:00 p. m. on the second and fourth Tuesdays of each month, beginning on April 27, 2010. Under the proposed Resolution, no meeting is required to be held unless there is business to be conducted.

FISCAL IMPACT: There is no fiscal impact resulting from the adoption of this Resolution. However, it is anticipated that the ability to bring matters to the Board of Directors in a timely way will maximize cost savings to the City in future debt issuances.

Submitted by:

Approved by:

Jack Dilles
Director of Finance

Richard C. Wilson
City Manager

Attachment: Resolution

RESOLUTION NO. ____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY
OF SANTA CRUZ PUBLIC FINANCING AUTHORITY SETTING
TIME AND PLACE OF REGULAR MEETINGS

WHEREAS, the City of Santa Cruz Public Financing Authority (the "Authority") has been formed pursuant to a Joint Exercise of Powers Agreement dated as of February 14, 2006, between the City of Santa Cruz (the "City") and the Redevelopment Agency of the Santa Cruz; and'

WHEREAS, the Authority is considering assisting the City in refinancing outstanding bonds and certificates of participation of the City; and

WHEREAS, 6592.1 of the Government Code has recently been enacted and provides that a resolution authorizing bonds or any issuance of bonds shall be adopted by a joint exercise of powers authority only during a regular meeting held pursuant to the Ralph M. Brown Act; and

WHEREAS, Section 1.03(b) of the Joint Exercise Agreement pursuant to which the Authority has been established provides that regular meetings of the Board of Directors (the "Board") shall be held at such time as the Board may fix by resolution from time to time; and

WHEREAS, in order to comply with Section 6592.1 of the Government Code, the Board wishes to establish periodic regular meetings which correspond to regular meetings of the City Council of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF SANTA CRUZ PUBLIC FINANCING AUTHORITY AS FOLLOWS:

Section 1. Time and Place of Regular Meetings. Regular meetings of the Board shall be held at the hour of 3:00 p.m. on the second and fourth Tuesdays of every month, commencing April 27, 2010. Regular meetings shall be held in the City Council Chambers, 809 Center Street, Santa Cruz, California 95060.

Section 2. Circumstances Under Which Meetings Not Required to be Held. In the event the Chairman of the Authority determines that there is no business required to be conducted by the Board at any regular meeting which is established under Section 1, such meeting is not required to be held.

Section 3. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED at a special meeting of the Board of Directors of the City of Santa Cruz Public Financing Authority on the 13th day of April, 2010, by the following called vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson
City of Santa Cruz Public Financing
Authority

ATTEST:

Secretary
City of Santa Cruz Public Financing
Authority

MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL

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

**MINUTES OF A REGULAR JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING**

March 23, 2010

9:00 AM.

Mayor Rotkin opened the Closed Personnel Session at 9:00 a.m., in a public session in the City Manager's Conference Room, for the purpose of announcing the agenda and considering Item 1. No members of the public were present.

Closed Personnel Session

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

Council considered the hiring of a City Manager.

Council closed the session to the public at 9:02 a.m. All Councilmembers were present.

1:30 PM

Closed Litigation Session

Mayor Rotkin opened the Closed Litigation Session at 1:40 p.m. in a public session in the Courtyard Conference Room, for the purpose of announcing the agenda. No members of the public were present.

Council closed the session to the public at 1:42 p.m. All Councilmembers were present except for Councilmember Madrigal. (See pages 1126 and 1127 for a report on closed session.)

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
MARCH 23, 2010
3:00 P.M. SESSION

3:00 P.M. SESSION

Mayor/Chair Rotkin called the meeting to order at 3:10 p.m. in the Council Chambers.

Roll Call

Present: Councilmembers/Members Lane, Mathews, Beiers, Robinson;
Vice Mayor/Vice Chair Coonerty; Mayor/Chair Rotkin.

Absent: Councilmembers/Members Madrigal.

Staff: Assistant City Manager M. Bernal, City Attorney J. Barisone,
Director of Economic Development and Redevelopment
B. Lipscomb, Director of Finance J. Dilles, Chief of Fire R. Oliver,
Director of Human Resources L. Sullivan, Director of Information
Technology S. Caiocca, Director of Parks and Recreation
D. Shoemaker; Director of Planning and Community Development
J. Rebagliati, Director of Public Works M. Dettle, Director of Water
B. Kocher; Principal Planner C. Berg; City Clerk L. Brewer, Deputy
City Clerk T. Graves.

Pledge of Allegiance

Presentation - U.S. Census 2010 – Karen Mallory, U.S. Census Office, and Kimberly La Cross, Project Homeless Connect, gave a brief overview of the census project.

Presentation - Acceptance of the Award of Excellence from the California Redevelopment Association for the Tannery Artists' Lofts.

Presiding Officer's Announcements

Statements of Disqualification – Councilmember Mathews disqualified herself from acting on Item 6.

Additions and Deletions – None.

Joint City Council/Redevelopment Agency Oral Communications

Mike Tomasi spoke about his care at the VA Hospital.

Lynn Robinson announced the Firelight Foundation is holding an Open House on March 25, 2010.

Consent Agenda

Item 6 was removed from the Consent Agenda.

Action

Councilmember/Member Lane moved, seconded by Vice Mayor/Vice Chair Coonerty, to approve the remaining items on the Consent Agenda. The motion carried unanimously (Councilmember/Member Madrigal absent).

2. Minutes of the March 9, 2010 Regular City Council Meeting. (CC)

Motion carried to approve as submitted.

3. Minutes of the March 9, 2010 Regular Redevelopment Agency Meeting. (CC)

Motion carried to approve as submitted.

4. Award Contract for Janitorial Services. (FN)

Motion carried 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.

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

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

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
MARCH 23, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

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)

Note: Councilmember Mathews disqualified herself from acting on this item.

Director of Public Works M. Dettle presented an oral report and responded to Council's questions.

Action

Councilmember Lane moved, seconded by Councilmember Beiers, 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. The motion carried unanimously (Councilmember Madrigal absent; Councilmember Mathews disqualified).

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

Motion carried 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 No. NS-28,178 was adopted 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 No. NS-28,179 was adopted 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 No. NS-28,180 was adopted supporting the San Jose Automated Transit Network (ATN).

Note: Written material for item 11 was provided prior to the meeting.

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

Motion carried 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)

Mayor Rotkin opened the public hearing at 3:44 p.m.

No members of the public spoke.

Mayor Rotkin closed the public hearing at 3:44 p.m.

Action

Councilmember Mathews moved, seconded by Mayor Rotkin, to pass Ordinance No. 2010-05 for final adoption. The motion carried unanimously (Councilmember Madrigal absent).

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
MARCH 23, 2010
3:00 P.M. SESSION

Public Hearings (continued)

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

Mayor Rotkin opened the public hearing at 3:45 p.m.

Principal Planner C. Berg presented an oral report and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Mike Tomasi

Mayor Rotkin closed the public hearing at 4:40 p.m.

Action

Councilmember Beiers moved, seconded by Councilmember Robinson, to determine appropriate funding levels for CDBG and HOME activities for the 2010 – 2011 program year; and to direct staff to complete the draft Action Plan for the 2010 – 2011 program year and the Consolidated Plan for 2010-2015, and determine environmental review requirements for those applications recommended for funding. The motion carried unanimously (Councilmember Madrigal absent).

General Business

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

Director of Water B. Kocher presented an oral report and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING OPPOSITION AND/OR CONCERNS:

Mike Tomasi
An Unidentified Man

Action

Councilmember Mathews moved, seconded by Councilmember Lane, 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. The motion carried unanimously (Councilmember Madrigal absent).

General Business (continued)

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)

Action

Councilmember Mathews moved, seconded by Councilmember Robinson, to accept the Comprehensive Settlement Agreement Annual Report. The motion carried unanimously (Councilmember Madrigal absent).

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

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Mike Tomasi

Action

Councilmember Lane moved, seconded by Councilmember Robinson, to introduce Ordinance No. 2010-09 for publication, amending Chapter 2.40.014 pertaining to meetings of boards and commissions. The motion carried unanimously (Councilmember Madrigal absent).

17. Council Meeting Calendar

The City Council reviewed the meeting calendar attached to the agenda and revised as necessary.

Note: Item 18 was considered out of agenda order.

18. City Attorney Oral Report on Closed Session.

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

Council received status reports and took no reportable action.

JOINT CITY COUNCIL/
 REDEVELOPMENT AGENCY MEETING
 MARCH 23, 2010
 3:00 P.M. SESSION

General Business (continued)

18. City Attorney Oral Report on Closed Session (continued)

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

Council received status reports, instructed the negotiator, and took no reportable action.

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

Council received status reports and took no reportable action.

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

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

2 cases were 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

Claim 1 was discussed, and Council took no reportable action.
 Council authorized staff to settle claim 2.

General Business (continued)

19. Council Memberships in City Groups and Outside Agencies.

Councilmember Mathews attended the County Women's Commission meeting on March 18, 2010, in which the Commission for the Prevention of Violence Against Women and Commission Coordinator K. Agnone were honored for providing exceptional programs for women. Councilmember Mathews also represented the City at the groundbreaking ceremony for the New Sentinel Building.

Councilmember Lane attended the United Way Awards celebration luncheon, and acknowledged City employees for receiving the Gold Award for the Campaign of Giving.

Action

By consensus, staff was directed to add Rail Acquisition to the April 13, 2010 City Council agenda.

At 5:11 p.m., the City Council and Redevelopment Agency recessed to the continued Closed Session and then to the 7:00 P.M. Session.

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

**MINUTES OF A JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING**

MARCH 23, 2010

7:00 P.M. SESSION

Mayor/Chair Rotkin called the meeting to order at 7:08 p.m. in Council Chambers.

Roll Call

Present: Councilmembers/Members Lane, Mathews, Madrigal (arrived 7:38 p.m.); Vice Mayor/Vice Chair Coonerty; Mayor/Chair Rotkin.

Absent: Councilmember/Member Beiers.

Staff: Assistant City Manager M. Bernal, City Attorney J. Barisone, Director of Planning and Community Development J. Rebagliati, Associate Planner M. Ferry, City Clerk L. Brewer, Deputy City Clerk T. Graves.

Joint City Council and Redevelopment Agency Oral Communications

Ed Davidson spoke about Arana Gulch, and encouraged Councilmembers to continue their efforts on the Broadway/Brommer Bike and Pedestrian Project.

Public Hearing

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

Mayor Rotkin opened the public hearing at 7:13 p.m.

Associate Planner M. Ferry presented an oral report and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Ed Davidson
An Unidentified Man
Jeff Peters
Jake
Lisa Molyneaux

Public Hearing (continued)

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

SPEAKING FROM THE FLOOR EXPRESSING OPPOSITION AND/OR CONCERNS:

Heather Babcock

Mayor Rotkin closed the public hearing at 7:27 p.m.

Action

Councilmember Robinson moved, seconded by Mayor Rotkin, to pass Ordinance No. 2010-08 for final adoption, and to continue consideration of Ordinance No. 2010-10 adding Section 6.90.085 to the Santa Cruz Municipal Code pertaining to annual reports from medical marijuana provider association dispensaries to the April 13, 2010, 7:00 p.m. session. The motion carried unanimously (Councilmember Beiers absent).

Adjournment — At 7:45 p.m., the Redevelopment Agency adjourned 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 — At 7:45 p.m., the City Council adjourned 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.

Respectfully submitted

Tom Graves
Deputy City Clerk

Approved

Lorrie Brewer
City Clerk

Approved

Michael Rotkin
Mayor

MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL

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

MINUTES OF A REGULAR REDEVELOPMENT AGENCY MEETING

March 23, 2010

3:00 P.M. SESSION

Mayor/Chair Rotkin called the meeting to order at 3:10 p.m. in the Council Chambers.

Roll Call

Present: Councilmembers/Members Lane, Mathews, Beiers, Robinson;
Vice Mayor/Vice Chair Coonerty; Mayor/Chair Rotkin.

Absent: Councilmembers/Members Madrigal.

Staff: Assistant City Manager M. Bernal, City Attorney J. Barisone,
Director of Economic Development and Redevelopment
B. Lipscomb, Director of Finance J. Dilles, Chief of Fire R. Oliver,
Director of Human Resources L. Sullivan, Director of Information
Technology S. Caiocca, Director of Parks and Recreation
D. Shoemaker; Director of Planning and Community Development
J. Rebagliati, Director of Public Works M. Dettle, Director of Water
B. Kocher; Principal Planner C. Berg; City Clerk L. Brewer, Deputy
City Clerk T. Graves.

Pledge of Allegiance

Presentation - U.S. Census 2010 – Karen Mallory, U.S. Census Office, and Kimberly La Cross, Project Homeless Connect, gave a brief overview of the census project.

Presentation - Acceptance of the Award of Excellence from the California Redevelopment Association for the Tannery Artists' Lofts.

Presiding Officer's Announcements

Statements of Disqualification – Councilmember Mathews disqualified herself from acting on Item 6.

Additions and Deletions – None.

REDEVELOPMENT AGENCY MEETING
 MARCH 23, 2010
 3:00 P.M. SESSION

Joint City Council/Redevelopment Agency Oral Communications

Mike Tomasi spoke about his care at the VA Hospital.

Lynn Robinson announced the Firelight Foundation is holding an Open House on March 25, 2010.

Consent Agenda

Item 6 was removed from the Consent Agenda.

Action

Councilmember/Member Lane moved, seconded by Vice Mayor/Vice Chair Coonerty, to approve the remaining items on the Consent Agenda. The motion carried unanimously (Councilmember/Member Madrigal absent).

2. Minutes of the March 9, 2010 Regular City Council Meeting. (CC)

Motion carried to approve as submitted.

3. Minutes of the March 9, 2010 Regular Redevelopment Agency Meeting. (CC)

Motion carried to approve as submitted.

4. Award Contract for Janitorial Services. (FN)

Motion carried 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.

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

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

REDEVELOPMENT AGENCY MEETING
MARCH 23, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

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)

Note: Councilmember Mathews disqualified herself from acting on this item.

Director of Public Works M. Dettle presented an oral report and responded to Council's questions.

Action

Councilmember Lane moved, seconded by Councilmember Beiers, 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. The motion carried unanimously (Councilmember Madrigal absent; Councilmember Mathews disqualified).

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

Motion carried 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 No. NS-28,178 was adopted 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.

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Resolution No. NS-28,179 was adopted 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.

REDEVELOPMENT AGENCY MEETING
 MARCH 23, 2010
 3:00 P.M. SESSION

Consent Agenda (continued)

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

Resolution No. NS-28,180 was adopted supporting the San Jose Automated Transit Network (ATN).

Note: Written material for item 11 was provided prior to the meeting.

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

Motion carried 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)

Mayor Rotkin opened the public hearing at 3:44 p.m.

No members of the public spoke.

Mayor Rotkin closed the public hearing at 3:44 p.m.

Action

Councilmember Mathews moved, seconded by Mayor Rotkin, to pass Ordinance No. 2010-05 for final adoption. The motion carried unanimously (Councilmember Madrigal absent).

REDEVELOPMENT AGENCY MEETING
MARCH 23, 2010
3:00 P.M. SESSION

Public Hearings (continued)

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

Mayor Rotkin opened the public hearing at 3:45 p.m.

Principal Planner C. Berg presented an oral report and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Mike Tomasi

Mayor Rotkin closed the public hearing at 4:40 p.m.

Action

Councilmember Beiers moved, seconded by Councilmember Robinson, to determine appropriate funding levels for CDBG and HOME activities for the 2010 – 2011 program year; and to direct staff to complete the draft Action Plan for the 2010 – 2011 program year and the Consolidated Plan for 2010-2015, and determine environmental review requirements for those applications recommended for funding. The motion carried unanimously (Councilmember Madrigal absent).

General Business

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

Director of Water B. Kocher presented an oral report and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING OPPOSITION AND/OR CONCERNS:

Mike Tomasi
An Unidentified Man

Action

Councilmember Mathews moved, seconded by Councilmember Lane, 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. The motion carried unanimously (Councilmember Madrigal absent).

REDEVELOPMENT AGENCY MEETING
 MARCH 23, 2010
 3:00 P.M. SESSION

General Business (continued)

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)

Action

Councilmember Mathews moved, seconded by Councilmember Robinson, to accept the Comprehensive Settlement Agreement Annual Report. The motion carried unanimously (Councilmember Madrigal absent).

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SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Mike Tomasi

Action

Councilmember Lane moved, seconded by Councilmember Robinson, to introduce Ordinance No. 2010-09 for publication, amending Chapter 2.40.014 pertaining to meetings of boards and commissions. The motion carried unanimously (Councilmember Madrigal absent).

17. Council Meeting Calendar

The City Council reviewed the meeting calendar attached to the agenda and revised as necessary.

Note: Item 18 was considered out of agenda order.

18. City Attorney Oral Report on Closed Session.

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

Council received status reports and took no reportable action.

REDEVELOPMENT AGENCY MEETING
MARCH 23, 2010
3:00 P.M. SESSION

General Business (continued)

18. City Attorney Oral Report on Closed Session (continued)

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

Council received status reports, instructed the negotiator, and took no reportable action.

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

Council received status reports and took no reportable action.

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

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

2 cases were 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

Claim 1 was discussed, and Council took no reportable action.
Council authorized staff to settle claim 2.

REDEVELOPMENT AGENCY MEETING
MARCH 23, 2010
3:00 P.M. SESSION

General Business (continued)

19. Council Memberships in City Groups and Outside Agencies.

Councilmember Mathews attended the County Women's Commission meeting on March 18, 2010, in which the Commission for the Prevention of Violence Against Women and Commission Coordinator K. Agnone were honored for providing exceptional programs for women. Councilmember Mathews also represented the City at the groundbreaking ceremony for the New Sentinel Building.

Councilmember Lane attended the United Way Awards celebration luncheon, and acknowledged City employees for receiving the Gold Award for the Campaign of Giving.

Action

By consensus, staff was directed to add Rail Acquisition to the April 13, 2010 City Council agenda.

At 5:11 p.m., the City Council and Redevelopment Agency recessed to the continued Closed Session and then to the 7:00 P.M. Session.

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

MINUTES OF A REDEVELOPMENT AGENCY MEETING

MARCH 23, 2010

7:00 P.M. SESSION

Mayor/Chair Rotkin called the meeting to order at 7:08 p.m. in Council Chambers.

Roll Call

Present: Councilmembers/Members Lane, Mathews, Madrigal (arrived 7:38 p.m.); Vice Mayor/Vice Chair Coonerty; Mayor/Chair Rotkin.

Absent: Councilmember/Member Beiers.

Staff: Assistant City Manager M. Bernal, City Attorney J. Barisone, Director of Planning and Community Development J. Rebagliati, Associate Planner M. Ferry, City Clerk L. Brewer, Deputy City Clerk T. Graves.

Joint City Council and Redevelopment Agency Oral Communications

Ed Davidson spoke about Arana Gulch, and encouraged Councilmembers to continue their efforts on the Broadway/Brommer Bike and Pedestrian Project.

Public Hearing

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

Mayor Rotkin opened the public hearing at 7:13 p.m.

Associate Planner M. Ferry presented an oral report and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Ed Davidson
An Unidentified Man
Jeff Peters
Jake
Lisa Molyneaux

REDEVELOPMENT AGENCY MEETING
 MARCH 23, 2010
 7:00 P.M. SESSION

Public Hearing (continued)

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

SPEAKING FROM THE FLOOR EXPRESSING OPPOSITION AND/OR CONCERNS:

Heather Babcock

Mayor Rotkin closed the public hearing at 7:27 p.m.

Action

Councilmember Robinson moved, seconded by Mayor Rotkin, to pass Ordinance No. 2010-08 for final adoption, and to continue consideration of Ordinance No. 2010-10 adding Section 6.90.085 to the Santa Cruz Municipal Code pertaining to annual reports from medical marijuana provider association dispensaries to the April 13, 2010, 7:00 p.m. session. The motion carried unanimously (Councilmember Beiers absent).

Adjournment — At 7:45 p.m., the Redevelopment Agency adjourned 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.

Approved

 Mike Rotkin
 Chair

Attest

 Bonnie Lipscomb
 Executive Director



CITY COUNCIL AGENDA REPORT

DATE: 4/7/2010

AGENDA OF: 4/13/2010

DEPARTMENT: Economic Development

SUBJECT: Monterey Bay National Marine Sanctuary Visitor Center – Amendment to Design Development Contract and New Construction Administration Contract with Thomas Hacker Architects, Inc. (ED)

RECOMMENDATION: 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.

BACKGROUND: On January 11, 2005, the City Council adopted a resolution authorizing and directing the City Manager to execute a Memorandum of Agreement (MOA) between the City of Santa Cruz (City) and the National Oceanic and Atmospheric Administration (NOAA) to provide for the design and development of the Monterey Bay National Marine Sanctuary Visitor Center (Visitor Center). Under the MOA, the City serves as the lead project manager with respect to the design, permitting and construction of the Visitor Center on behalf of NOAA and the Monterey Bay National Marine Sanctuary Program. In that capacity, the City approved a resolution on June 27, 2006 to enter into a contract with Thomas Hacker Architects, Inc. (THA) to design the Visitor Center. The funds for the contract were paid by a grant from NOAA. Due to funding limitations, the initial contract was for architectural design services only and did not include construction administration by THA for the next phase of the project.

DISCUSSION: Given unavoidable delays to the project due to the availability of federal funding, the project was put on hold in 2008 after initial project approvals were secured until additional federal funds could be amassed sufficient to build the project. This fiscal year, we have secured an additional \$4.66 million for the project and an additional grant application for \$2.94 million is in the final round of NOAA approval. In anticipation of receiving this final federal funding required for the project, and in order to meet critical timing deadlines of the summer construction season, it is necessary to resume and complete the final construction drawings for the project. Due to the lengthy delay, building improvements including sustainable building features and changes in the International Building Code in the last several years, the cost for revising the construction drawings is approximately \$89,334. Current grant funds are available in the project budget for this contract amendment. Staff believes that the proposed budget for completing the construction documents is a reasonable and necessary project expense and recommends that Council approve the amendment to the original contract.

It is anticipated that the project will be ready to go out to bid for construction in the next two months. During the bid and construction phases, it will be necessary to enter into an additional contract with the project architect for architectural construction administration services. Staff recommends that the City Council approve a contract with THA, in a form to be approved by the City Attorney, in an amount up to \$250,000 for architectural construction administration services. Current grant funds are available in the project budget for this new contract.

FISCAL IMPACT: The contracts, if approved, will be funded by grants from NOAA secured for the project. There is no impact to the General Fund for approving these contracts.

Submitted by:
Bonnie Lipscomb
Director of Economic Development

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: Resolution

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
AUTHORIZING THE CITY MANAGER TO AMEND THE DESIGN DEVELOPMENT
CONTRACT WITH THOMAS HACKER ARCHITECTS, INC. FOR THE MONTEREY BAY
NATIONAL MARINE SANCTUARY VISITOR CENTER PROJECT AND TO ENTER
INTO A NEW CONTRACT FOR THE CONSTRUCTION ADMINISTRATION
OF THE VISITOR CENTER

WHEREAS, on January 11, 2005 the City Council of the City of Santa Cruz (Council) approved a resolution authorizing the City Manager to enter into a Memorandum of Agreement with the National Oceanic and Atmospheric Administration (NOAA) for the City to act as project manager for the National Marine Sanctuary Visitor Center project (Visitor Center); and

WHEREAS, on June 27, 2006, the Council approved a resolution authorizing the City Manager to enter into a contract with Thomas Hacker Architects, Inc. (THA) to provide design services for the project; and

WHEREAS, THA has completed the design services to the 90 percent construction document phase; and

WHEREAS, an amendment to the contract is needed to authorize further expenditures to complete the construction documents; and

WHEREAS, further services for construction administration will be required by THA during project construction; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that the City Manager is hereby authorized to amend the contract for design services for the Visitor Center between the City and Thomas Hacker Architects, Inc. entered into on October 24, 2006 in an amount not to exceed \$89,334 in additional services plus reimbursable to complete the construction documents for the project.

BE IT FURTHER RESOLVED that the City Manager is authorized to enter a contract with Thomas Hacker Architects, Inc. to provide construction administration services during the construction of the Visitor Center in an amount not to exceed \$250,000.

PASSED AND ADOPTED this 13th day of April, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



JOINT CITY COUNCIL/ REDEVELOPMENT AGENCY AGENDA REPORT

DATE: 4/7/2010

AGENDA OF: 4/13/2010

DEPARTMENT: Economic Development

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

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

BACKGROUND: The Monterey Bay National Marine Sanctuary Visitor Center will be located in the heart of Santa Cruz's tourist beach area, directly across the street from the municipal wharf and a few blocks from the Santa Cruz Boardwalk. The Visitor Center will be a cornerstone project for redevelopment efforts currently focused on reconnecting the beach area and downtown. Additional efforts to enliven this area include murals, streetlights, way-finding, street trees, public art and roundabouts. These improvements will encourage tourists, workers and residents to experience this corridor as a culturally rich, safe and pedestrian-friendly linkage between the City's primary outdoor and cultural destinations.

The public art component offers an important opportunity to enliven the Visitor Center streetscape and increase the project's interpretive visibility. Since the project is primarily funded through federal grants, the 2% public art ordinance is not a project requirement, but where funds are available to implement public art it is recommended. To this end, funding for the 2% for public art for this project was included in the FY10 Agency Budget. Other public art projects recently completed with Council approval that were funded with voluntary 2% for public art contributions include the Union/Locust building, Poet's Park and the City Graphic Traffic box projects.

DISCUSSION: In consultation with project staff and staff from NOAA, a project subcommittee has prioritized two distinct public art project opportunities and budgets for this site. This first project is a façade project targeted at experienced public artists, envisioned for the south side of the building facing Beach Street. The second project is an entryway public artwork project targeted at local artists. The entryway public artwork may include seating elements, bike racks and other streetscape amenities. The overall project goals are to commission public artwork that:

- Brings the interpretive intent of the Visitor Center into the streetscape/building exterior.
- Inspires and engages the broad-based community that will use the site.
- Enlivens the entryway and creates a dynamic "gathering" area.

- Integrates the site with its surroundings, and serves to further activate the pedestrian corridor between the beach area and downtown.
- Is durable and able to withstand the elements with ongoing maintenance.

Staff and the project subcommittee are working to integrate any commissioned public art into the construction timeline.

FISCAL IMPACT: Funds in the amount of \$250,000 for the 2% for public art project are included in the FY2010 Budget. There is no impact to the General Fund.

Prepared by:
Crystal Birns
Arts Program Manager

Submitted by:
Bonnie Lipscomb
Director of Economic Development /
Agency Executive Director

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: None



REDEVELOPMENT AGENCY AGENDA REPORT

DATE: 4/7/2010

AGENDA OF: 4/13/2010

DEPARTMENT: Economic Development

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

RECOMMENDATION: 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.

BACKGROUND: The Façade Improvement Program was established in 1994 as the Eastside Storefront Improvement Program in the Eastside Redevelopment Project Area to upgrade the appearance of storefronts and to create a more positive retail environment. Since 1994, the Agency has approved additional program target areas in the Merged Earthquake Project Area including the Downtown, Lower Ocean, and Mission Street neighborhoods. Throughout both Redevelopment Areas the Agency has completed over 100 successful projects eliminating blighting conditions and enhancing the retail environment.

The program provides free design assistance to business and commercial property owners as well as funding to implement the façade improvements. Façade improvement projects prioritize repainting the exterior of buildings as the primary use of the program. In addition to this improvement goal, exterior lighting, awnings, storefront signage, anti-graffiti coating on display windows, murals, landscaping and limited exterior structural improvements may also be included in the scope of eligible expenses. The program is paid as a reimbursement grant comprised of two components. First, a whole grant to the participant is available up to \$10,000. Second, a matching grant is available, shared 50% by the Agency and 50% by the participant, up to an additional \$10,000 project cost for each storefront in the project building. The maximum amount to be reimbursed by the Agency for the matching grant is \$5,000 per storefront.

DISCUSSION: Staff recommends that the Redevelopment Agency include tenant-occupied City-owned buildings that are located within the Merged and Eastside Project Areas as eligible applicants for the Façade Improvement Program. Increased interest in the program has been expressed by Santa Cruz Municipal Wharf Tenants as well as other tenants of the City not exclusive to the Municipal Wharf. Due to the current budgetary climate, the General Fund does not have the capacity for façade improvement projects on City-owned property. This budgetary constraint has caused blighting issues that the Façade Improvement Program can help to alleviate

if the Agency considers applications from tenant-occupied City-owned buildings as eligible under the program.

The inclusion of City-owned buildings in the Façade Improvement Program is consistent with California Redevelopment Law under certain conditions including: 1) that the improvements are of benefit to the project area; 2) that no other means of financing the improvements is available; 3) the funding of the improvements will result in the elimination of one or more blighting conditions in the project area; and 4) that funding of the improvements is consistent with the most recently approved implementation plan. All of the above conditions currently apply to tenant-occupied City-owned buildings. These funds cannot be used for ongoing maintenance of City-owned property.

Through the proposed inclusion of tenant-occupied City-owned buildings in the Façade Improvement Program the Agency can address the need for facade improvements in the Redevelopment Project Areas and assist tenants of the City who currently have unmet needs. This inclusion will meet the four criteria above by benefiting the Project Areas as a whole, providing funding where the City is unable to fund such improvements, eliminating blighting conditions with deteriorating storefronts, and remaining consistent with the Five-Year Implementation Plan for the Agency. This proposal does not modify the guidelines of the program and all tenants of City-owned properties would still need to comply with all program requirements in order to participate in the program.

The inclusion of City-owned properties in the Façade Improvement Program will be reviewed annually and continued only if it is determined that all of the conditions under the California Redevelopment Law still comply.

FISCAL IMPACT: The funds budgeted for the existing Façade Improvement Program in the Agency Budget will continue to be utilized and no additional funds are requested for allocation.

Prepared by:
J Guevara
Administrative Analyst

Submitted by:
Bonnie Lipscomb
Agency Executive Director

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS:
Resolution
Map
List of Tenants in City-Owned Buildings

RESOLUTION NO.

RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA CRUZ
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 IS CONSISTENT WITH THE EASTSIDE BUSINESS AREA
IMPROVEMENT PLAN, THE MERGED PROJECT AREA PLAN AND
CALIFORNIA REDEVELOPMENT LAW

WHEREAS, by Ordinance No. 90-37, adopted on October 9, 1990, the Council approved and adopted the Redevelopment Plan (the “Eastside Redevelopment Plan”) for the Eastside Business Improvement Project (the “Eastside Project”); and

WHEREAS, by Ordinance Nos. 90-40 and 90-41, adopted on November 13, 1990, the City Council of the City of Santa Cruz (the “Council”) approved and adopted the Redevelopment Plan (the “Merged Redevelopment Plan”) for the Merged Earthquake Recovery and Reconstruction Project (the “Merged Project”); and

WHEREAS, on May 10, 1994 by Resolution No. 772 the Redevelopment Agency of the City of Santa Cruz adopted the Qualifications and Conditions Summary to implement the Storefront Improvement Program (“Program”) and authorized the Executive Director to enter into contractual agreements with Eastside Business Area property owners/tenants to assist in funding approved facade improvements; and

WHEREAS, on January 9, 1995, the Agency approved the Qualifications and Conditions Guidelines (“Guidelines”) to implement a Storefront Improvement Program consistent with the Downtown Recovery Plan and authorized the Executive Director to enter into agreements with qualified and eligible property and business owners; and

WHEREAS, The City Council of the City of Santa Cruz adopted the Eastside Business Area Improvement Plan (“Plan”) on January 23, 1996; and

WHEREAS, on September 9, 2008, the Agency of the City of Santa Cruz modified the Façade Improvement Guidelines to (1) extend the boundaries of the Downtown, Mission Street, and River Façade Improvement Programs so they are co-terminus to the boundaries of the Merged Project Area, (2) increase the grant amount to \$10,000 and matching grant amount to \$5,000 for the Merged and Eastside Project Areas, (3) allow anti-graffiti window coatings for street front and display windows as an eligible expense, (4) allow the Executive Director to increase the grant amount by 25% for buildings which are multi-story or over 5,000 sq ft. in area, (5) to allow limited exterior structural improvements as an eligible program expense, and (6) allow the Executive Director to approve minor non-financial program guidelines amendments, subject to the approval of the City Attorney; and

WHEREAS, on December 8, 2009, the Agency adopted a Five-Year Implementation Plan (2010 – 2014) for the Merged Earthquake Recovery and Reconstruction and the Eastside Business Improvement Projects; and

WHEREAS, the inclusion of tenant-occupied City-owned property in the Façade Improvement Program is consistent with California Redevelopment Law and the improvements are of benefit to the project area; and

WHEREAS, the inclusion of City-owned property in the Façade Improvement Program is consistent with California Redevelopment Law and that no other means of financing the improvements is available; and

WHEREAS, the inclusion of City-owned property in the Façade Improvement Program is consistent with California Redevelopment Law and the funding of the improvements will result in the elimination of one or more blighting conditions in the project area; and

WHEREAS, the inclusion of City-owned property in the Façade Improvement Program is consistent with California Redevelopment Law and that funding of the improvements is consistent with the most recently approved implementation plan for the Agency.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of the City of Santa Cruz finding that modifying of the Façade Improvement Program to include tenant-occupied City-owned properties located within the Eastside and Merged Project Areas, is of benefit to the Redevelopment Project Area and is consistent with the intent of the Five-Year Implementation Plan, the Eastside Redevelopment Project Plan and the Merged Project Area Plan.

PASSED AND ADOPTED this 13th day of April, 2010, by the following vote:

AYES:

NOES:

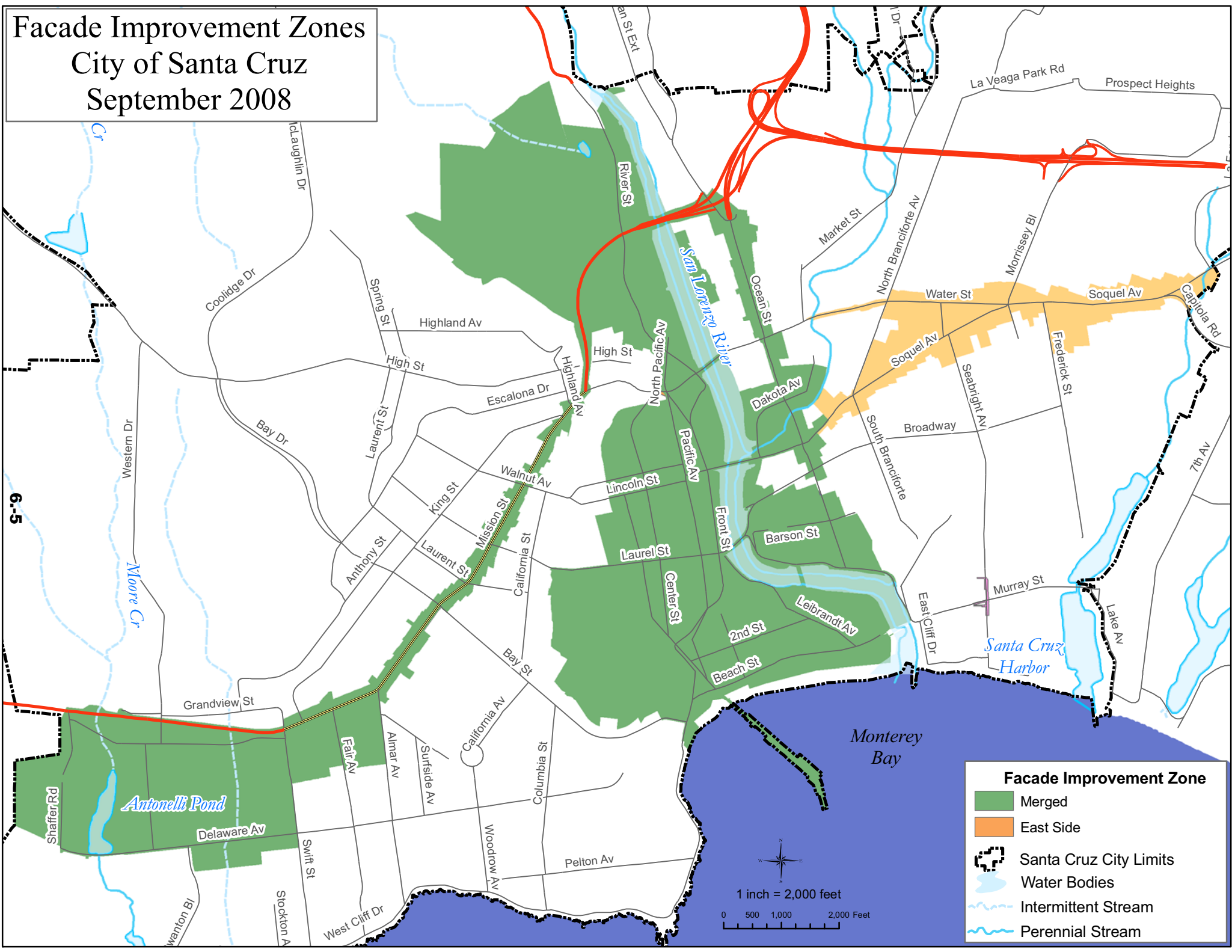
ABSENT:

DISQUALIFIED:

APPROVED: _____
Chair

ATTEST: _____
Executive Director

Facade Improvement Zones
City of Santa Cruz
September 2008



Facade Improvement Zone

- Merged
- East Side
- Santa Cruz City Limits
- Water Bodies
- Intermittent Stream
- Perennial Stream

**TENANT-OCCUPIED CITY-OWNED PROPERTY
BY TENANT**

<u>TENANT</u>	<u>CITY-OWNED LOCATION</u>	<u>AREA</u> (EASTSIDE OR MERGED)
ALANTIS FANTASYWORLD	1020 CEDAR STREET	MERGED PROJECT AREA
ALFRESCO	1130 PACIFIC AVENUE - K2	MERGED PROJECT AREA
ANDY'S BAIT AND TACKLE SHOP	71B MUNICIPAL WHARF	MERGED PROJECT AREA
BONNIE'S GIFT	17-B MUNICIPAL WHARF	MERGED PROJECT AREA
BUCCANEER	17-E MUNICIPAL WHARF	MERGED PROJECT AREA
CAFÉ CAMPESINO	1130 PACIFIC AVENUE - K1	MERGED PROJECT AREA
CAFÉ DELMARETTE	1126 PACIFIC AVENUE	MERGED PROJECT AREA
CAFÉ LIMELIGHT	1016 CEDAR STREET	MERGED PROJECT AREA
CARNIGLIA'S	49-A MUNICIPAL WHARF	MERGED PROJECT AREA
DEL MAR THEATRE	1124 PACIFIC AVENUE	MERGED PROJECT AREA
DOLPHIN RESTAURANT	71A MUNICIPAL WHARF	MERGED PROJECT AREA
GILDA'S	37 MUNICIPAL WHARF	MERGED PROJECT AREA
HABITAT FOR HUMANITY OF SANTA CRUZ	1014 CEDAR STREET	MERGED PROJECT AREA
HOMELESS GARDEN PROJECT	30 WEST CLIFF DRIVE	MERGED PROJECT AREA
JAMES GILBERT ENTERPRISES, INC.	25 MUNICIPAL WHARF	MERGED PROJECT AREA
LA PLAYA	1120 PACIFIC AVENUE	MERGED PROJECT AREA
LAW OFFICES	915 CEDAR STREET	MERGED PROJECT AREA
L'I'L CONEY ISLAND	1520 K1 PACIFIC AVENUE	MERGED PROJECT AREA
LITTLE SHANGHAI	1010 CEDAR STREET	MERGED PROJECT AREA
MADE IN SANTA CRUZ	57 MUNICIPAL WHARF	MERGED PROJECT AREA
MARCENARO'S MIRAMAR, INC.	45 MUNICIPAL WHARF	MERGED PROJECT AREA
MARINIS AT THE BEACH, INC.	55-A MUNICIPAL WHARF	MERGED PROJECT AREA
NOLAND'S	47 MUNICIPAL WHARF	MERGED PROJECT AREA
OCEAN CONSERVANCY	55-D MUNICIPAL WHARF	MERGED PROJECT AREA
OLITA'S	49-B MUNICIPAL WHARF	MERGED PROJECT AREA
OSWALD	121 SOQUEL AVE	MERGED PROJECT AREA
PACIFIC BONNY DOON GAREDEN COMPANY	1520 PACIFIC AVENUE - K2	MERGED PROJECT AREA
PORTS OF CALL	41 MUNICIPAL WHARF	MERGED PROJECT AREA
RIVA'S FISH HOUSE	31 MUNICIPAL WHARF	MERGED PROJECT AREA
RIVER STREET SHELTER	115 CORAL STREET	MERGED PROJECT AREA
SANTA CRUZ BAY COMPANY	17-D MUNICIPAL WHARF	MERGED PROJECT AREA
SANTA CRUZ BOAT RENTALS	15 MUNICIPAL WHARF	MERGED PROJECT AREA
SANTA CRUZ COUNTY SYMPHONY	307 CHURCH STREET	MERGED PROJECT AREA
SANTA CRUZ JEWELERS	1122 PACIFIC AVENUE	MERGED PROJECT AREA
STAGNARO FISHING TRIPS	32 MUNICIPAL WHARF	MERGED PROJECT AREA
STAGNARO'S RESTAURANT	59 MUNICIPAL WHARF	MERGED PROJECT AREA
SURF LIFE	17-A MUNICIPAL WHARF	MERGED PROJECT AREA
VINO PRIMA	55-B & 55-C MUNICIPAL WHARF	MERGED PROJECT AREA
WILLIAM FISHER ARCHITECTURE, INC.	PI 603 FRONT ST	MERGED PROJECT AREA



CITY COUNCIL AGENDA REPORT

DATE: 4/7/2010

AGENDA OF: 4/13/2010

DEPARTMENT: Economic Development

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

RECOMMENDATION: 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.

BACKGROUND: On February 8, 1994, the City Council adopted Ordinance 94-06 adding Chapter 5.06 to the Santa Cruz Municipal Code establishing the Cooperative Retail Management Business Real Property Improvement District and levying assessments on the properties along Pacific Avenue pursuant to the Parking and Business Improvement Area Law of 1989. The program was initially established for a two-year trial period. The program has been in operation since that time, and in 1996, the area was expanded to include side streets between Cedar and Front Streets and some downtown alleyways including Plaza, Locust, Commerce, Elm and Birch Lanes; Pearl Alley; and Lincoln-Cathcart and Pacific-Front alleyways.

In accordance with State law, the Downtown Management Corporation (DMC), the advisory body to the City Council for this District, is required to submit an Annual Report/Plan for each year in which assessments are to be levied in the District. The attached 2011 Annual Report/Plan prepared by the DMC is provided for Council approval. The Annual Report/Plan on file in the City Clerk's office may be modified by the Council and then approved.

DISCUSSION: For FY 2011, the DMC Annual Report/Plan proposes an assessment increase from \$15.00 per linear foot to \$19.50 per linear foot for the properties along Pacific Avenue and from \$12.00 per linear foot to \$15.60 per linear foot for the properties along the side streets as follows: properties between Cedar and Front Streets and located on Soquel Avenue; Locust, Cooper, Church, Walnut, Lincoln, Cathcart, Elm and Maple Streets; Plaza, Locust, Commerce, Elm and Birch Lanes; Pearl Alley; Lincoln-Cathcart and Pacific-Front alleyways. The proposed assessment increase is the first since 1996. In the past year, the DMC has implemented a number of significant changes that have resulted in an improved program. Most notably, in June 2009, the DMC Board executed a contract with Service Group Incorporated (SGI) for the management

of the downtown hospitality program. SGI is a nationally recognized leader in providing hospitality, maintenance and safety services in assessment districts around the country.

The Annual Report/Plan also outlines the DMC's FY 2011 planned activities, budgeted expenses and revenues and contributions from sources other than the assessments levied. The City and the Redevelopment Agency together contribute \$27,600.97 to the District for properties owned by both public agencies with an additional revenue contribution of \$11,500 received by the City from kiosk rentals and sidewalk license areas.

As an adjunct to the hospitality guide services, the Redevelopment Agency provides funds for County mental health/social outreach services. The Agency proposes to continue funding for County mental health/social outreach services for FY 2011. In the last year, the City of Santa Cruz Parking District, Santa Cruz Public Works and the Redevelopment Agency combined resources to purchase and staff sidewalk cleaning equipment for the downtown area. The sidewalk sweeper/scrubber is staffed by Public Works and can be seen weekdays in the downtown area. A schedule of the sidewalk cleaning can be obtained from the Public Works Department.

Following approval of the DMC Annual Report/Plan, a resolution declaring the intention of the City to levy and collect assessments within the District must be adopted. The resolution shall also set a public hearing to be held on May 11, 2010. Notices of the public hearings were published on March 19, March 26, and April 2 advising of the April 13 and May 11 meetings. The law also requires that not sooner than 10 days after adoption of the resolution of intention, the City Council must hold a public hearing at which time it is required to take public testimony and receive protests pertaining to the proposed assessment. Written and oral protests, if any, may be made in accordance with Sections 36524 and 36525 of the Law. City Council may then adopt a resolution levying the assessment only if there is not a majority of the property owners opposed to the levy.

FISCAL IMPACT: The City and the Redevelopment Agency both own property within the boundaries of the CRM district. The assessment is \$24,901.19 for the City properties and \$2,699.78 for the Agency-owned properties. It is staff's belief that the benefit provided by the assessment district continues to justify the expenditure of City and Agency funds to the district.

Submitted by:
Bonnie Lipscomb
Director of Economic Development

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS:
DMC Annual Report/Plan
Resolution

RESOLUTION NO. NS-
RESOLUTION OF INTENTION OF THE CITY COUNCIL
OF THE CITY OF SANTA CRUZ TO LEVY BUSINESS IMPROVEMENT
ASSESSMENTS FOR FY 2011

WHEREAS, in accordance with California Streets & Highways Code §36533, the Downtown Management Corporation has prepared an annual report/plan to the City of Santa Cruz for the fiscal year 2011 pertaining to the Cooperative Retail Management Business Real Property Improvement District ("District"); and

WHEREAS, pursuant to California Streets & Highways Code §36533, the City Council has heretofore considered that annual report/plan and by motion approved the report; and

WHEREAS, Santa Cruz Municipal Code §5.06.030 provides for the levy of semiannual assessments within the District pursuant to the formula set forth in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz as follows:

1. The City Council hereby declares its intention to levy and collect, on a semiannual basis, assessments within the District for the FY 2011.

2. The City Council hereby declares and finds that the proposed assessment is based upon a proportionate degree of special benefit derived by each owner and tenant of business real property in the Cooperative Retail Management District. In particular, the proceeds of the assessment are used to fund the Downtown Host Program implemented by the Downtown Management Corporation of Santa Cruz, a nonprofit corporation. The Hosts make regular and continuous security patrols of each parcel subject to an assessment by the Cooperative Retail Management District. These patrols are made along the frontage and side streets of each parcel. The Hosts act as additional "eyes and ears" for the police, advising the Santa Cruz Police Department of any suspicious activities and requesting their response if needed. They provide assistance to the merchants leasing the assessed parcels and provide information to shoppers, tourists and local residents while on patrol for the benefit of the commercial property owners and their tenants. The Hosts also serve as goodwill ambassadors for the benefit of the property owners and their tenants. The Hosts are in touch with all of the merchants occupying the assessed parcels on a daily basis.

3. The FY 2011 Annual Report/Plan filed with the City Clerk by the Downtown Management Corporation of Santa Cruz contains a full and detailed description of the improvements and activities to be provided to the District in the FY 2011. In addition, the report specifically identifies the boundaries of the District and the proposed assessments to be levied upon the businesses within the District for the FY 2011.

4. The proposed assessments for FY 2011 will be calculated pursuant to the following formula. This formula is based on the linear footage of business real property within the boundaries of the District in an amount of fifteen dollars (\$19.50) per linear foot for business

real property fronting on Pacific Avenue and twelve dollars (\$15.60) per linear foot for business real property fronting on the other streets and/or alleyways within the District.

5. The Santa Cruz City Council will hold a public hearing in the City Council Chambers, located at City Hall, 809 Center Street, Santa Cruz, after the hour of 3:00 p.m. on Tuesday, May 11, 2010, to receive any oral or written protests or endorsements pertaining to the proposed levy of assessments, the amount of the proposed assessments, the proposed improvements and activities to be funded with the revenues derived from the proposed levy of assessments, and/or the proposed boundaries of the District. The form and manner of protest shall conform to the requirements set forth therefor in California Streets & Highways Code §36524 and §36525 and legislation enacted pursuant to Proposition 218.

6. The City Clerk is hereby directed to give notice of the public hearing referenced in paragraph 5 by publishing this Resolution of Intention once in a newspaper of general circulation in the City of Santa Cruz for at least seven (7) days, April 24, 25, 26, 27, 28, 29 and 30th prior to the public hearing.

PASSED AND ADOPTED this 13th day of April, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

Downtown Management Corporation

Annual Report/Plan
FY 2011

**Downtown Management Corporation
Annual Report/Plan
FY 2011**

1. Are there any proposed changes to the Cooperative Retail Management Business Real Property Improvement District (CRM)?

Due to programmatic improvements, the Downtown Management Corporation (DMC) Board of Directors is proposing an assessment increase from \$15.00 per linear foot to \$19.50 per linear foot for Pacific Avenue and from \$12.00 per linear foot to \$15.60 per linear foot for side streets and alley ways. This proposed assessment increase is the first increase since 1996. In the past year, the CRM has realized a number of important changes that have resulted in an improved program. Most notably, in June 2009, the Board of Directors executed a contract with Service Group Incorporated (SGI), a nationally recognized leader in providing hospitality, maintenance and safety services, for the management of the downtown hospitality program.

2. Describe the improvement activities that were provided for the year.

Please see Attachment No. 1.

3. Describe the budget for the improvements and activities.

Please see Attachment No. 2.

4. Describe the method used to levy assessments.

The assessments for FY 2011 are based upon the linear foot frontage of the real property used for commercial or business purposes within the assessment district at a rate of \$19.50 per linear foot of frontage on Pacific Avenue and \$15.60 per linear foot of property used for commercial or business purposes distinct from those on Pacific Avenue as follows: between Cedar and Front Streets and located on Soquel Avenue; Locust, Cooper, Church, Walnut, Lincoln, Cathcart, Elm and Maple Streets; Plaza, Locust, Commerce, Elm and Birch Lanes; Pearl Alley; Lincoln-Cathcart and Pacific-Front alley ways.

The rate of business promotion assessment for FY 2011 shall be established for business property owners according to the following formulas by area:

- a) Properties on Pacific Avenue between Laurel and Mission/Water Street:

Linear footage of property fronting on Pacific Avenue x \$19.50 = Annual Assessment

- b) Properties between Cedar and Front Streets and located on Soquel Avenue; Locust, Cooper, Church, Walnut, Lincoln, Cathcart, Elm and Maple Streets;

Plaza, Locust, Commerce, Elm and Birch Lanes; Pearl Alley; Lincoln-Cathcart and Pacific-Front alley.

Linear footage of property fronting the aforementioned street or alley way x
\$15.60 = Annual Assessment

New property owners shall not be exempt from levy of the assessment. The individuals or entities subject to the proposed assessment shall be those persons or entities who own commercial or business real property within the assessment district which have frontage on Pacific Avenue, downtown side streets and downtown alley ways in Santa Cruz, California. Owners of residential property within the assessment district are exempt from the assessment unless the property is also zoned and used for commercial and business purposes. The proposed assessment shall be payable in two equal installments due on or before July 1 and January 1.

5. Show the amount or any surplus or deficit revenues carried over from the prior year.

The FY 2010 Operating Budget has an estimated accumulated reserve of \$38,730.

6. The amount of contributions from other sources, if any.

The Redevelopment Agency of the City of Santa Cruz provided limited administrative support in the form of membership mailings and the coordination of regular meetings of the Board of Directors. The Parking District of the City of Santa Cruz provided office space in the Soquel/Front Parking Garage for the Downtown Hospitality Program.

In addition to the proceeds by the Cooperative Retail Management Assessment District in FY 2010, the DMC received \$23,500 collected by the City for Cafe Extension License Areas fees and Kiosk rent.

7. The proposed work plan for the next fiscal year.

The work plan for FY 2011 consists of the continuation of the Downtown Hospitality Program. Since July 1, 2009 Service Group Incorporated (SGI), a nationally recognized leader in providing management services for maintenance, safety and hospitality services for business improvement districts, has administered and managed the Downtown Hospitality Program. SGI has provided additional training resources, new technologies, quality assurance programs to evaluate performance, and expanded wage and benefit packages leading to a more stable and professional Host workforce. The Board has been pleased with SGI's performance and recommends continuing the contract with SGI for the coming year.

8. Five-Year Program Costs

Although the DMC plan is approved annually, the Board has projected program costs for the next five year period for the continuation of the SGI contract (please see Attachment No.2). The projected five-year program costs assume no assessment increases over the same period. While not currently in the five-year projections, the Board, subject to annual approval by the City Council and the Real Business Property Owners in the District, may recommend an annual assessment increase based on any increases in the consumer price index (CPI), capped at 4%. Any proposed annual increases will be noticed to the Real Business Property Owners in the District prior to the City Council public hearing each year.

Attachment No. 1

Downtown Management Corporation FY 2011 Work Program

The objectives of the Downtown Management Corporation (DMC) as stated in its bylaws are:

- To improve public perception of downtown Santa Cruz by enhancing safety and security;
- To provide information and direction to shoppers and visitors in downtown Santa Cruz;
- To provide a visible presence in downtown Santa Cruz to observe, report and prevent street disorder.

The DMC Board of Directors, pursuant to its bylaws, consists of nine members, including:

- Three representatives of the City: Mayor and Vice Mayor (or their designees, who must be Council members) and Director of Redevelopment or designated Redevelopment Agency Staff member.
- Three downtown property owners or designated agents selected by the DMC.
- Three downtown business owners or designated agents selected by the DMC.

The Downtown Hospitality Program continues to be the main focus of the DMC. Each parcel owner in the assessment district and their commercial tenants receive proportionate special benefit from the Downtown Hospitality Program. The Hospitality Guides make regular and continuous patrols of each parcel that is subject to the assessment of the Cooperative Retail Management District. These patrols are made along the frontage and side streets of each parcel. They provide assistance to businesses occupying the assessed parcels and provide information to shoppers, tourists and local residents while on patrol. The Hospitality Guides act as additional eyes and ears for the police, advising the Santa Cruz Police Department (SCPD) of any suspicious activities and requesting their response if needed. The Hospitality Guides serve as goodwill ambassadors for the benefit of the property owners and their tenants. The Hospitality Guides are in touch with all of the merchants occupying the assessed parcels on a regular basis. Each Hospitality Guide maintains records of their contacts with the public during their patrol and these records are submitted to the Board of Directors on a monthly basis.

For the past 12 months, the Hospitality Program has been comprised of three hosts and one supervisor, working seven days a week. The hours of operation were 11:00 a.m. to 7:30 p.m. for Memorial Day through Labor Day and 10:00 a.m. to 6:30 p.m. the remainder of the year. Staffing is adjusted according to demand, with hours decreasing during the late fall and winter, while increasing during the late spring and summer. The Hospitality Program has become an integral part of downtown – a much-appreciated resource for the owners of the assessment parcels and their tenants.

RELATED PROGRAMS THAT ENHANCE HOSTS' WORK

City Services

The Downtown Police Patrol and Community Service Officers (CSO) greatly enhance the efforts of the Hospitality Guides. A full time CSO, funded by the Redevelopment Agency, provides a valuable addition to downtown staffing. The Downtown CSO trains the hosts on the proper use of the downtown ordinances. The presence of the Downtown Police Officers and CSOs allow the Hospitality Guides to approach difficult situations knowing that support is close at hand.

The Redevelopment Agency additionally funds a mental health outreach worker employed by the County Health Services Agency who focuses on both mental health and youth issues. The mental health outreach worker has been extremely effective in identifying and assisting people with social and mental health problems and in referring them to needed services. The mental health outreach worker works closely with the Hospitality Guides, Police and downtown businesses to increase the awareness of the position and to provide assistance to the business owners with social problems occurring in their premises and in the downtown generally. The mental health outreach worker shares office space with the Downtown Hospitality Program.

In the last year, the City of Santa Cruz Parking District, Santa Cruz Public Works and the Redevelopment Agency combined resources to purchase and staff sidewalk cleaning equipment for the downtown area. The sidewalk sweeper/scrubber is staffed by Public Works and can be seen weekdays in the downtown area. A schedule of the sidewalk cleaning can be obtained from the Public Works Department.

Over the last year, the Santa Cruz Public Works Traffic Maintenance Division has replaced approximately 100 lamp fixtures that were installed on Pacific Avenue approximately twenty years ago. The old fixtures were in poor condition and had diminished lighting effectiveness. The new Holophane lamp fixtures have significantly improved lighting along Pacific Avenue and are easier to maintain.

Rotary Club Surveillance Cameras

DMC supported the Rotary Club's (Santa Cruz District 5170) grant application to assist with funding two surveillance cameras and digital recording devices in a downtown Santa Cruz and participated as the cooperating organization by communicating and collaborating with property owners, business owners and the City. The installation of surveillance cameras helps DMC meet one of its primary objectives which is to improve the public perception of downtown Santa Cruz by enhancing safety and security.

Downtown Association

The DMC continues to collaborate with the Downtown Association of Santa Cruz (DTA) on creating a clean, safe and friendly downtown. The DTA sponsors orientation workshops for new downtown employees and invites the Hospitality Program supervisor to attend and to provide information on Host services. The DTA additionally supplies copies of the Downtown Santa Cruz Directory to the Hosts to hand out to visitors.

PROGRAM FOR THE COMING YEAR

The DMC Board of Directors is recommending to the City Council that the District be continued in its current activities. DMC Board Members have contacted businesses and property owners in the District and have found that the program services continue to provide a valuable resource for businesses and property owners in the downtown. DMC Board of Directors is actively responsive to feedback received from businesses and property owners and works continually to evaluate and improve program performance.

Appendix to Attachment No. 1

Downtown Management Corporation Board of Directors FY 2010

Craig French, Redtree Properties
Jennifer Greene, Attorney at Law
June Hoffman, Hoffman's Bakery Cafe
John Huffman, Property Owner
Bonnie Lipscomb, Director, Economic Development/Redevelopment
Cynthia Mathews, Councilmember
Larry Pearson, Pacific Cookie Company
Peter Prindle, Property Owner
Lynn Robinson, Councilmember

Downtown Hospitality Guides FY 2010

The following people were employed by the
Service Group Inc. and worked as Hospitality Guides

Current Employees

Gina Ramirez, Supervisor
Thomas Glynn
Fran Guerrero
John Willet

Past Employee

Doreen Schack

Downtown Host Contact Report

On a monthly basis, the Downtown Host Program records all contacts that they have with the direct public. The following is a list of all contacts from January 1, 2009 to December 31, 2009, which reflects a substantial increase over the previous year. The majority of the contacts in 2009 were made in the second half of year under the new contract with SGI.

Category	2008 Contacts	2009 Contacts	% of Total	Change from 2008
General Information Requests	586	2,604	12.8%	344%
Directions	590	1,939	9.5%	229%
Municipal Code Violations	577	945	4.6%	63%
Merchant Calls/ Contacts	1,897	1,513	7.4%	-20%
Aggressive/Unlawful Panhandling	1,043	1,350	6.6%	29%
Mental Health Referrals	116	214	1%	84%
Skateboards	875	1,354	6.6%	55%
Bikes on Sidewalks	1,140	1,651	8.1%	45%
Illegal Sitting	1,778	3,254	16%	83%
Street Performers	295	855	4.2%	190%
Display device	NA	190	1%	NA
Refer to the Santa Cruz Police Department	368	524	2.6%	42%
Dogs on Pacific Avenue	1,101	1,792	8.8%	63%
Graffiti Referral	248	471	2.3%	90%
Complaints/Public Safety Hazards	55	132	.7%	140%
Smoking	NA	1,597	7.8%	NA
TOTAL	10,669	20,385	100%	91%

Attachment No. 2

Downtown Management Corporation Estimated Operating Budget FY 2010 and Projected Budget for FY 2011 – FY 2015

REVENUE	Estimated FY 2010	Projected Five Year Budget Without CPI Increase				
	FY 2011	FY2012	FY2013	FY2014	FY2015	
Assessment Fees	118,503	154,054	154,054	154,054	154,054	154,054
Kiosk Rent	6,500	6,500	6,500	6,500	6,500	6,500
Café Extensions	¹ 17,000	5,000	5,000	5,000	5,000	5,000
Interest	200	200	200	200	200	200
Fund balance from previous year	36,847	38,730	60,774	62,620	59,364	50,800
Total Estimated Revenue	179,050	204,284	226,528	228,174	224,918	216,554
EXPENSES	Estimated FY 2010	Projected Five Year Budget				
	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	
Service Group Inc.	136,700	139,930	² 160,128	165,203	170,337	175,596
Insurance	1428	1,500	1,500	1,500	1,500	1,500
Tax Preparation/Taxes	780	780	780	780	780	780
Other	1,200	1,500	1,500	1,500	1,500	1,500
Total Estimated Expenses	140,108	143,710	163,908	169,010	174,117	179,376
 Accumulated Reserve	 38,730	 60,774	 62,620	 59,364	 50,800	 37,177

¹ One time increase from \$5,000 to \$17,000 to close the funding gap for the SGI contract.

² . Increase in contract amount represents proposed increase in supervisor hours subject to future City Council and Business Real Property Owner approval



CITY COUNCIL AGENDA REPORT

DATE: 4/5/2010

AGENDA OF: 4/13/2010

DEPARTMENT: Economic Development

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

RECOMMENDATION: 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.

BACKGROUND: On October 15, 2007, the City of Santa Cruz (City) was awarded an AB2766 Vehicle Emissions Reduction Grant (Grant) in the amount of \$170,000 from the Monterey Bay Unified Air Pollution Control District (District) to establish and operate an ethanol fueling station. The City intended to enter into a cooperative agreement with the International Institute for Ecological Agriculture (IIEA) whereby IIEA would establish and operate the ethanol station for the City; however, IIEA and the City were not able to come to an agreement on the terms. As the Grant is due to expire on April 24, 2010, the City has been exploring ways to extend that deadline and utilize the Grant. Questions that have arisen over the last two years regarding the efficacy of ethanol to reduce emissions have made the proposed grant project less desirable to the District. Therefore, an alternative proposal for the use of the Grant is likely to receive favorable results. Following consultation with the District, staff proposes to request a revision of the Grant scope to provide two different methods of emissions reductions: new electric charging stations in the downtown; and a pay-for-performance program for increased sales of biodiesel at an existing biodiesel station in the city. The City would also request an extension of the Grant to allow these projects to be implemented.

DISCUSSION: Staff has been working with the District and the Green Station, an existing biodiesel fueling station in Santa Cruz, to develop a pay-for-performance based program to provide an incentive to increase sales of biodiesel fuel in the city. The District has previously approved grants for several similar programs. The program works by providing a rebate for each gallon of biodiesel sold above the baseline set by sales in the same month of the previous year, with the rebate dollar amount per gallon based on the type of fuel sold. If the station increased the levels of sales from the previous year's levels, it would receive the rebate for those additional gallons. If there was no increase in the gallons sold, no rebate would be paid. Staff is proposing to implement a five-year program, with a maximum \$60,000 in rebates.

The remaining \$110,000 of the grant would be utilized to install electric charging stations in the downtown. This project would be implemented by the City's Public Works Department. Any funding for the biodiesel rebate program that remained after the five-year life of the program would be returned to the electric charging station program to provide additional stations or other upgrades as needed.

FISCAL IMPACT: There is no grant match required for the Grant and only minor grant administration required by staff. Therefore, there would be minimal fiscal impact to the Agency and no impact to the General Fund. If approved, a budget adjustment will be presented to Council for consideration at a future meeting that amends the budget, accepts the grant revenues and appropriates related grant expenditures.

Prepared by:	Submitted by:	Approved by:
Katherine Donovan	Bonnie Lipscomb	Richard C. Wilson
Redevelopment Manager	Director of Economic Development	City Manager

ATTACHMENTS: Resolution

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
AUTHORIZING THE CITY MANAGER TO REQUEST AN EXTENSION AND SCOPE
REVISION FOR THE MONTEREY BAY UNIFIED AIR POLLUTION CONTROL
DISTRICT AB2766 VEHICLE EMISSIONS REDUCTION PROGRAM GRANT #08-19 AND
TO ENTER INTO ANY AGREEMENTS NECESSARY TO ACCEPT THE GRANT

WHEREAS, on October 15, 2007, the Monterey Bay Unified Air Pollution Control District (the District) awarded the City of Santa Cruz (the City) an AB2766 Vehicle Emissions Reduction Grant to establish and operate an ethanol fueling station; and

WHEREAS, the City was unable to come to an agreement with the third party entity intended to implement the ethanol station; and

WHEREAS, the deadline for grant implementation is April 24, 2010; and

WHEREAS, the District no longer supports the use of ethanol to reduce emissions; and

WHEREAS, the District has previously provided grants to implement a pay-for-performance rebate for biodiesel use; and

WHEREAS, the City has entered into discussions with the Green Station to provide a pay-for-performance rebate program for increases in biodiesel sales; and

WHEREAS, the City also desires to provide new charging stations that would encourage owners of electric vehicles to stop in the downtown;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that the City Manager is hereby authorized to request a grant extension and scope revisions from the District to extend the grant deadline for five years and to revise the project scope to implement a pay-for-performance rebate program for increases in biodiesel sales and to provide electric charging stations downtown.

BE IT FURTHER RESOLVED that the City Manager is authorized to enter into any agreements necessary to revise and extend the grant and to accept the grant.

RESOLUTION NO. NS-

PASSED AND ADOPTED this 13th day of April, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



CITY COUNCIL AGENDA REPORT

DATE: 4/5/2010

AGENDA OF: 4/13/2010

DEPARTMENT: Economic Development

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

RECOMMENDATION: 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.

BACKGROUND: On September 14, 1983, Seaside Dining Inc. entered into a Wharf Lease Agreement for the premises now known as 49-B Municipal Wharf. The lease provided for the operation of a restaurant and cocktail lounge known as the Sea Cloud in the City-owned building at that location, and had a five-year term with an additional five-year option based on performance.

A new lease was executed with Seaside Dining in August 1995, providing for a fifty-five month term to terminate in January 2000. Subsequent amendments extended the term of the lease through January 2010, at which time a final amendment to the lease extended the term through April 30, 2010 to allow for the negotiation of a new lease.

DISCUSSION: Olitas Cantina & Grill, LLC intends to maintain the existing ambiance and flavor of the restaurant, and contemplates no changes to the management operation. Staff and Olitas Cantina & Grill, LLC have negotiated key terms of the new lease to include:

Term of Lease: Ten years expiring on April 30, 2020.

Options: None.

Rent: The greater of \$83,884 increasing annually by 2% or the sum of 6% of food sales plus 8% of alcohol sales.

Tenant Improvements: Olitas Cantina & Grill, LLC has no plans to construct any tenant improvements.

Capital Improvements: Olitas Cantina & Grill, LLC will make contributions of 1% of the restaurant's annual gross sales to a Capital Improvement fund beginning May 1, 2013 and continuing throughout the term of the lease. This arrangement is in keeping with the City's

recently developed municipal wharf lease template, and the funds will be used to upgrade and improve major building components and systems as required. A portion of the Capital Improvement funds may also be used for replacement and repairs to the Wharf's piling system located under the building.

FISCAL IMPACT: The revenue generated from the lease will post to the general fund. Expected annual rental revenues will be the greater of \$83,884 increasing annually by 2% or the sum of 6% of food sales plus 8% of alcohol sales.

Prepared by:
Norm Daly
Wharf Property Manager

Submitted by:
Bonnie Lipscomb
Director of Economic Development

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: None



CITY COUNCIL AGENDA REPORT

DATE: 4/1/2010

AGENDA OF: 4/13/2010

DEPARTMENT: Economic Development/Public Works

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

RECOMMENDATION: 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).

BACKGROUND: Over the last fifteen years, the City has been interested in acquiring 575 Dimeo Lane (APN 059-121-07) because of its adjacency to the Resource Recovery Facility (RRF). The 5.51 acres of land owned by Loren F. Humphrey Trust (Seller) could be used for resource recovery operations as well as for providing an additional buffer between the RRF and neighboring homes. Since 1997 the City has made several attempts to acquire the property, but was not able to successfully negotiate an acquisition agreement with the Seller. Most recently, in 2007, the Seller listed the property for \$2,000,000, considerably above the fair market appraised value and subsequently rejected the City's offer of \$700,000 based on a fair market appraisal. The property was recently listed for sale for \$800,000.

At its closed session meeting on February 23, 2010, the City Council instructed the negotiator on the terms and purchase price for acquiring 575 Dimeo Lane. Since that time, the City has been in earnest negotiations and an agreement has been reached between the parties regarding the terms and purchase price.

DISCUSSION: The City's final offer of \$718,300 plus closing costs has been accepted by the Seller and a Purchase and Sale Agreement has been prepared for execution by the City Manager. Although the fair market appraisal of the property is valued at \$520,000, the Seller received two other offers of comparable range. One offer was slightly higher than the City's offer but it involved an outside broker. Since the broker for the Trust is the only broker on the sale with the City, the commission was reduced in order to give the Seller a net equivalent to the higher offer.

FISCAL IMPACT: The Refuse Enterprise Fund has sufficient funds available for the property acquisition. A budget adjustment in the amount of \$721,702 is required to appropriate funds for the purchase. There is no impact to the General Fund.

Submitted by:
Bonnie Lipscomb
Director of Economic Development

Submitted by:
Mark R. Dettle
Director of Public Works

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS:
Resolution
Budget Adjustment
Assessor Parcel Map

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AUTHORIZING
AND DIRECTING THE CITY MANAGER TO ENTER INTO A PURCHASE AND
SALE AGREEMENT WITH LOREN F. HUMPHREY TRUST FOR REAL PROPERTY TO
BE PURCHASED FROM THE REFUSE ENTERPRISE FUND
AT 575 DIMEO LANE APN 059-121-07

WHEREAS, the City of Santa Cruz is interested in acquiring land adjacent to the Resource Recovery Facility (RRF) to use for resource recovery operations and for providing an additional buffer between the RRF and neighboring homes; and

WHEREAS, Loren F. Humphrey Trust desires to sell property adjacent to the Resource Recovery Facility; and

WHEREAS, Loren F. Humphrey Trust has agreed to sell the property to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that that the City Manager is authorized and directed to execute a purchase and sale agreement with the Loren F. Humphrey Trust in the amount of \$718,300.00 from the Refuse Enterprise Fund for acquisition of the property located at 575 Dimeo Lane, APN 059-152-07, under the terms and conditions presented herein.

PASSED AND ADOPTED this 13th day of April, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

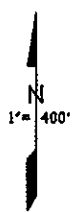
ATTEST: _____
City Clerk

R TAX PURPOSES ONLY
 ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
 ©COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

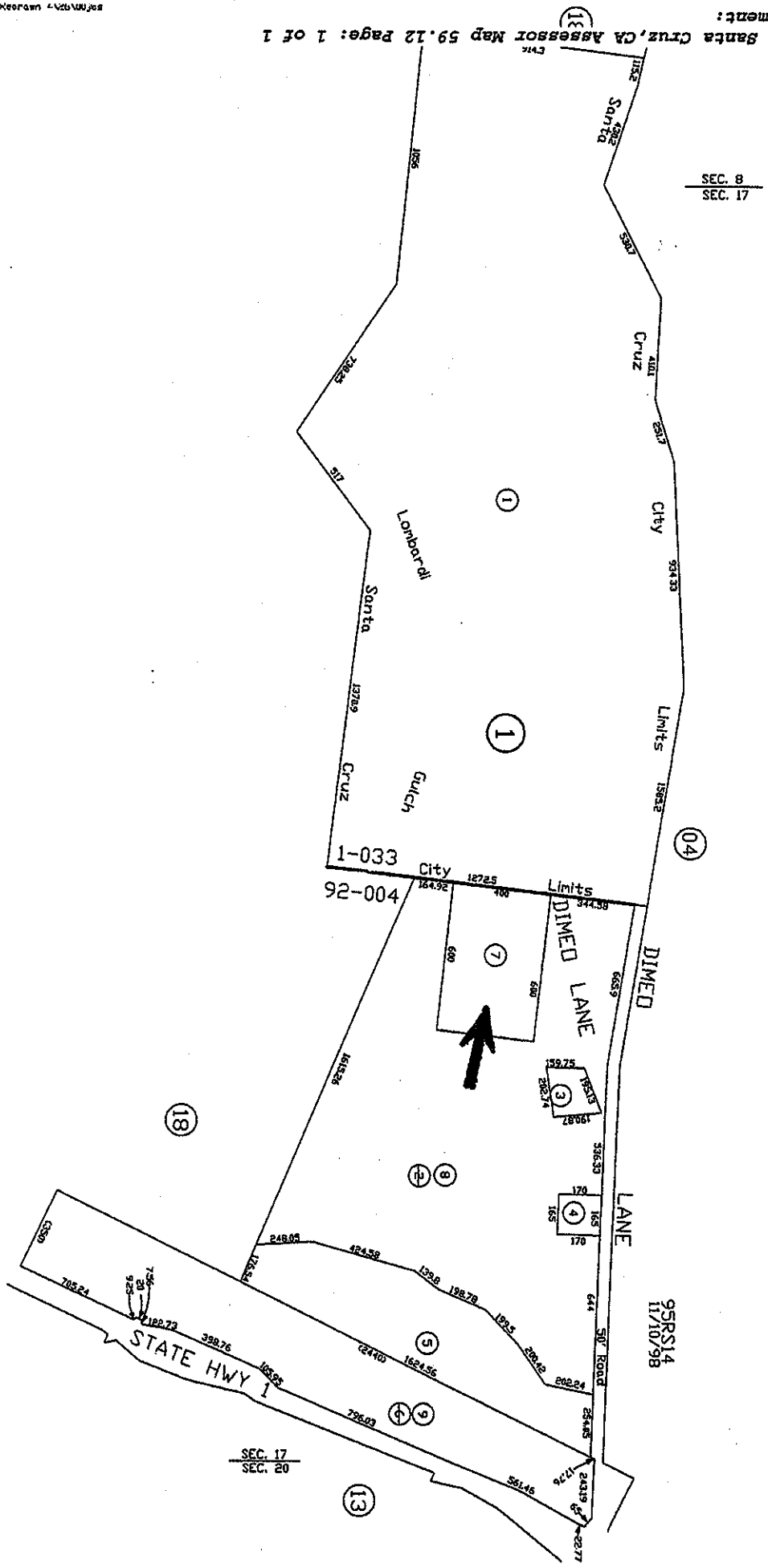
REFUGIO RANCHO
 PDR SECS, 8,17 & 20
 T11S, R.2W., M.D.B. & M.

Tax Area Code
 1-033 92-004

59-12



Order: 2 Comment:
 Description: Santa Cruz, CA Assessor Map 59.12 Page: 1 of 1



Note - Assessor's Parcel & Block
 Numbers Shown in Circles.

Assessor's Map No. 59-12
 County of Santa Cruz, Calif.
 April, 2000

Electronically generated

**City of Santa Cruz
BUDGET ADJUSTMENT REQUEST**

<input checked="" type="radio"/> Council Approval	Resolution No. _____
<input type="radio"/> RDA Approval	Resolution No. _____
<input type="radio"/> Administrative Approval	

<input checked="" type="radio"/> Current Fiscal Year
<input type="radio"/> Prior Fiscal Year

Date:

ACCOUNT	REVENUE EDEN ACCOUNT TITLE	
TOTAL REVENUE		\$0.00

ACCOUNT	EXPENDITURE EDEN ACCOUNT TITLE	
731-40-63-7303-57102	Capital Outlay - Land	\$721,702.00
TOTAL EXPENDITURE		\$721,702.00

NET: \$ (721,702.00)

Purpose: Purchase of land and improvements at 575 Dimeo Lane (APN 005-152-07) by the Refuse Enterprise Fund.

PREPARED BY	DEPARTMENT HEAD APPROVAL	ACCOUNTING APPROVAL	FINANCE DIRECTOR APPROVAL	CITY MANAGER APPROVAL
Mary Arman <small>Digitally signed by Mary Arman DN: cn=Mary Arman, o=City of Santa Cruz, ou=Public Works, email=marman@cityofscruz.ca.gov, date=2010.03.29.08:58:53 -0700</small>	Mark R. Dettle <small>Digitally signed by Mark R. Dettle DN: cn=Mark R. Dettle, o=City of Santa Cruz, ou=Public Works, email=markrd@cityofscruz.ca.gov, date=2010.03.29.08:58:11 -0700</small>	Patty Haymond <small>Digitally signed by Patty Haymond DN: cn=Patty Haymond, o=Finance Department, ou=City of Santa Cruz, email=phaymond@cityofscruz.ca.gov, date=2010.04.01.15:38:55 -0700</small>	Jack Dilles <small>Digitally signed by Jack Dilles DN: cn=Jack Dilles, o=Finance, ou=FINAD, email=jdilles@cityofscruz.ca.gov, cn=US, date=2010.04.01.17:27:12 -0700</small>	
3/29/10		4/1/10		

Revised December 2009



CITY COUNCIL AGENDA REPORT

DATE: 4/5/2010

AGENDA OF: 4/13/2010

DEPARTMENT: Finance

SUBJECT: Reimbursement Resolution for Landfill Improvement Project. (FN)

RECOMMENDATION: 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.

BACKGROUND: The City has a need to borrow monies to finance the acquisition of real property at 575 Dimeo Lane in conjunction with making landfill improvements. That acquisition is included as a separate item on the same City Council agenda as this report. Revenues from fees collected by the Refuse Enterprise Fund will provide the funds for paying the debt service on the borrowing.

DISCUSSION: The City intends to purchase the real property for Landfill Enterprise purposes using available cash on hand. The City plans to issue debt, to reimburse the City, at an optimum time to minimize interest expense. The best timing for the debt may be several months in the future.

In order to use the proceeds of the Bonds to reimburse advances made by the City for the Landfill Project before the date of issuance of the Bonds, but not more than 60 days before the date of adoption of this Resolution, Section 1.150-2 of the United States Income Tax Regulations requires that City Council declare its intention to reimburse such advances from the proceeds of the Bonds.

The attached Resolution will allow the City to acquire the property now and to use the Bond proceeds to reimburse the expenditures when the debt is issued. The following rules relate to reimbursements under this Resolution:

1. Any "preliminary expenditures," up to 20% of debt proceeds, may be reimbursed no matter when they were paid and are not included in this Resolution. Preliminary expenditures include costs of design, engineering, and planning costs usually referred to as "soft costs";
2. The Reimbursement Resolution applies only to "hard costs" of a project. It applies based on when expenditures are actually paid by the City, not when contracts are entered into;

3. Once a particular project is completed, the related expenditures must be reimbursed within 18 months; and
4. Once the first expenditure is incurred for a particular project, reimbursements from debt proceeds must occur within 36 months.

FISCAL IMPACT: All costs associated with the project are reimbursable from the debt proceeds. While the intended purchase price and closing costs are estimated to total \$721,702, the Reimbursement Resolution provides for a reimbursement of up to \$750,000 to cover any additional incidental costs.

Prepared by:
Jack Dilles
Director of Finance

Submitted by:
Jack Dilles
Director of Finance

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: Resolution

RESOLUTION NO. ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SANTA CRUZ DECLARING INTENTION TO REIMBURSE
EXPENDITURES RELATING TO A LANDFILL
IMPROVEMENT PROJECT FROM THE PROCEEDS OF
TAX-EXEMPT OBLIGATIONS OF THE CITY

WHEREAS, the City Council of the City of Santa Cruz (the “City”) owns and operates a public enterprise for the collection, transportation, disposal, and recycling of solid waste (the “Refuse Enterprise”), and the City intends to purchase real property for landfill purposes (“Landfill Project”); and

WHEREAS, in order to provide funds to finance the Landfill Project, the City Council intends to issue and sell its tax-exempt bonds or certificates of participation in the aggregate principal amount of approximately \$750,000 which are payable from net revenues generated from the Refuse Enterprise (the “Bonds”), possibly as part of a larger bond issue that would also refund outstanding Refuse Enterprise related debt; and

WHEREAS, in order to use the proceeds of the Bonds to reimburse advances made by the City for the Landfill Project before the date of issuance of the Bonds, but not more than 60 days before the date of adoption of this Resolution, Section 1.150-2 of the United States Income Tax Regulations requires that City Council declare its intention to reimburse such advances from the proceeds of the Bonds; and

WHEREAS, it is in the public interest and for the public benefit that the City declare its official intent to reimburse the expenditures referenced herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz as follows:

Section 1. Declaration of Intent. The City Council hereby declares that it reasonably expects to issue the Bonds and to use a portion of the proceeds thereof to reimburse expenditures made by the City for the Landfill Project before the date of issuance of the Bonds, and not more than 60 days before the date of adoption of this Resolution. The Bonds shall be issued in an aggregate principal amount which is sufficient to raise funds for the Landfill Project in the approximate amount of \$750,000.

Section 2. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

PASSED and ADOPTED this 13th day of April, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

[Seal]

ATTEST:

City Clerk



CITY COUNCIL AGENDA REPORT

DATE: 4/6/2010

AGENDA OF: 4/13/2010

DEPARTMENT: Finance

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

RECOMMENDATION: 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).

BACKGROUND: The City Council approved the East Cliff Drive Slope Stabilization and Repair Project in the Annual Budget of FY 2008. Project costs have been spent on evaluating an existing failed slope and several retaining structure options on East Cliff Drive, between Atlantic and Fourth Avenue, to fully restore and protect private property access.

DISCUSSION: The action recommended at this time is to transfer funding to the project from the Liability Insurance Fund. Staff is preparing an application for a Coastal permit, prior to completing the final design.

FISCAL IMPACT: The project funds need to be budgeted from Liability Insurance Fund 842 in order to finance the current costs. The Liability Insurance Fund is an appropriate funding source because this project is necessary in order to mitigate the risks associated with slope stability. There is no fiscal impact to the General Fund.

Prepared by:
Ray Galindo
Accountant II

Submitted by:
Jack Dilles
Director of Finance

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: Budget Adjustment



CITY COUNCIL AGENDA REPORT

DATE: 4/5/2010

AGENDA OF: 4/13/2010

DEPARTMENT: Human Resources

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

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

BACKGROUND:

a. Claimant: Wanda Fowler
Date of occurrence: 10/06/09
Date of claim: 02/03/10 (amended claim filed 2/16/10)
Amount of claim: Unspecified

Claimant alleges police excessive force during/after an arrest.

Represented by Garth V. Smith, Esq.

b. Claimant: Gregory Peter Panos
Date of occurrence: 09/04/09
Date of claim: 03/03/10
Amount of claim: Unspecified

Claimant alleges discrimination because he was not allowed to ride his Segway at the Beach Boardwalk.

Represented by David G. Geffen, Esq.

c. Claimant: Ethan Shenkman
Date of occurrence: 01/22/10
Date of claim: 03/01/10
Amount of claim: \$50,000.00

Claimant alleges harassment by the City Parking Office.

Represented by himself.

d. Claimant: Ethan Shenkman
Date of occurrence: 03/03/10
Date of claim: 03/03/10
Amount of claim: Unspecified

Claimant alleges the Downtown Association refused to provide an agenda and minutes.

Represented by himself.

DISCUSSION: None.

FISCAL IMPACT: There is no fiscal impact.

Prepared by:	Submitted by:	Approved by:
Kris Kamandulis	Lisa Martinez Sullivan	Richard C. Wilson
Risk & Safety Manager	Director of Human Resources	City Manager

ATTACHMENTS: None.



CITY COUNCIL AGENDA REPORT

DATE: 4/5/2010

AGENDA OF: 4/13/2010

DEPARTMENT: Human Resources

SUBJECT: City's Classification and Compensation Plans - Police Department. (HR)

RECOMMENDATION: 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.

BACKGROUND: Due to negotiated salary increases, the top salary step for Deputy Police Chief is currently \$14,239 per month. The top salary step for the Chief of Police is \$15,346 per month. The difference between these salaries is less than 8% and does not reflect the significant difference in responsibility and authority between the two positions. It is fiscally unrealistic to increase the Chief of Police salary range to correct this deficiency.

DISCUSSION: Due to the recent retirement of Deputy Police Chief Sapone, the opportunity to reduce the Deputy Police Chief salary range through attrition and without negatively impacting incumbents was recognized. The City entered into negotiations with the Police Management Association, representing the Deputy Police Chief classification, and presented the compaction problem along with a recommendation for a lower salary range. During the course of negotiations, a similar salary compaction problem between the Police Lieutenant and Police Sergeant classifications was recognized.

The negotiations were successfully concluded and an agreement reached for a reduced salary range for the Deputy Police Chief classification with a new top step of \$13,403 per month. The reduced salary range will be implemented through attrition, starting with the next appointment to the Deputy Police Chief classification. Upon appointment of the first Deputy Police Chief to the reduced salary, the salary range for the Police Lieutenant classification will be increased from \$11,120 per month at top step to \$11,329 per month (top step). Upon appointment of the second Deputy Police Chief to the reduced salary, the salary range for the Police Lieutenant classification will be increased to \$11,538 per month (top step).

FISCAL IMPACT: There will be no net cost to the General Fund as this is a redistribution of budgeted salaries.

Prepared by:
Lisa Martinez Sullivan
Director of Human Resources

Submitted by:
Lisa Martinez Sullivan
Director of Human Resources

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: Resolution

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
AMENDING THE CLASSIFICATION AND COMPENSATION PLANS BY REDUCING
THE DEPUTY POLICE CHIEF SALARY RANGE AND REDISTRIBUTING THE SALARY
SAVINGS TO THE POLICE LIEUTENANT CLASSIFICATION

WHEREAS, staff has recommended certain modifications to the Classification and Compensation Plans.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz, as follows.

That, effective April 17, 2010, the City of Santa Cruz Classification and Compensation Plans be modified as follows:

Effective with the first appointment to the Deputy Police Chief classification after April 1, 2010, the salary range for that position be reduced to a range with a new top step of \$13,403 per month.

Effective with the first appointment to the Deputy Police Chief classification after April 1, 2010, the salary range for the Police Lieutenant classification be increased to a range with a new top step of \$11,329 per month.

Effective with the second appointment to the Deputy Police Chief classification after April 1, 2010, the salary range for the entire classification be reduced to a range with a new top step of \$13,403 per month.

Effective with the second appointment to the Deputy Police Chief classification after April 1, 2010, the salary range for the Police Lieutenant classification be increased to a range with a new top step of \$11,538 per month.

PASSED AND ADOPTED this 13th day of April, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



CITY COUNCIL AGENDA REPORT

DATE: 4/5/2010

AGENDA OF: 4/13/2010

DEPARTMENT: Finance

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

RECOMMENDATION: 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.

BACKGROUND: The Beach/Pacific (Wharf) Intersection Roundabout Project was approved by the City Council in the Gas Tax Fund Annual Budget FY 2006. The project design includes railroad gates, as required by the California Public Utilities Commission, and is currently being reviewed by Union Pacific Railroad. Construction will begin pending their approval. Project costs to date are \$334,858 and remaining costs are estimated to be \$890,142 for a total estimated project cost of \$1,225,000. Funding in the amount of \$70,000 was provided by the City's Redevelopment Agency, \$151,861 from Traffic Impact – Citywide Fees, and \$10,565 in local developer fees. The remaining of \$992,574 will be provided by Traffic Impact – Citywide Fees.

DISCUSSION: Sufficient funds are available in Traffic Impact Fees – Citywide Fund for completion of the Beach/Pacific (Wharf) Intersection Roundabout Project, and a budget adjustment for a transfer from Traffic Impact Fee – Citywide Fund to the Gas Tax Fund in the amount of \$992,574 is included with this report.

FISCAL IMPACT: Funds are being appropriated in the Traffic Impact Fees – Citywide Special Revenue Fund for transfer into the Gas Tax Fund. There is no fiscal impact to the General Fund.

Prepared by:
Ray Galindo
Accountant II

Submitted by:
Jack Dilles
Director of Finance

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: Budget Adjustment



CITY COUNCIL AGENDA REPORT

DATE: 03/24/2010

AGENDA OF: 4/13/2010

DEPARTMENT: Public Works

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

RECOMMENDATION: 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.

BACKGROUND: The Public Works Department and its consultant have completed the plans and specifications for this project. The Center/Pacific (Depot) Intersection Roundabout project was approved for ARRA funding recently and the federal government is requesting that the projects funds be encumbered as soon as possible. In addition, at the direction of Council, staff met with the bicycle and pedestrian advocates who had concerns about components of the design. The Pacific/Beach (Wharf) Intersection Roundabout project continues to be effected by the lack of agreement on the railroad crossing gates and therefore may not be constructed during the same period.

DISCUSSION: The scope of the project includes the Depot intersection roundabout, streetscape construction on Pacific Avenue up to the Marine Sanctuary Center, and paving on streets leading to and from the intersection. See the attached vicinity map. The project is ready to advertise and award. Construction would not start until September 7, 2010 following Labor Day and the height of the summer tourist season.

The bike and pedestrian components were partially resolved as described below:

1. Modify the southwest corner of the intersection to improve the contraflow bike access from West Cliff Drive. The design was changed to improve this bike access point.
2. Install “Bikes must take lane” signs. This sign is not a permitted sign in the Manual on Uniform Traffic Control Devices (MUTCD). Staff will include the approved “Share the Road” sign.

3. Install raised crosswalks. Staff has reviewed this with the roundabout expert. It is not a necessary feature as the entrance speeds are low. Raised crosswalk (speed tables) will slow emergency vehicle access, impact drainage and future capacity, and are downright annoying for bicyclists and motorists. The increased cost of \$20-30,000 is not supportable. See attached Beach Area Feasibility Addendum for background information.

Plans and specifications are available for review in the Public Works office.

FISCAL IMPACT: The project budget adjustment reflects the ARRA stimulus funding. There is no impact to the General Fund.

Prepared by:
Christophe J. Schneiter
Assistant Director/City Engineer

Submitted by:
Mark R. Dettle
Director of Public Works

Approved by:
Richard C. Wilson
City Manager

Available for public review at Public Works: Plans and Specifications

ATTACHMENTS:
Vicinity Map
Beach Area Roundabout Feasibility Addendum
Budget Adjustment



MEMORANDUM

DATE: December 15, 2005

TO: Chris Schneiter, PE, City of Santa Cruz
Jim West, PE, Kimley-Horn & Associates

FROM: Scott Ritchie, PE, Roundabouts & Traffic Engineering

SUBJECT: Beach Area Roundabouts Feasibility Addendum

Based upon the comments received from the public meeting held on November 2, 2005, RTE has revised the conceptual roundabout design at the Beach Area Roundabout per direction from City of Santa Cruz staff. The following numerical list identifies the major concerns and comments from the public as well as brief responses to each. It should be noted that the comments received from the public meeting are not major deterrents for the final recommendation of constructing a modern roundabout at the two study area intersections. The comments and responses below pertain mostly to the Beach Area Roundabout, in which the design has been revised and is shown in [Figure 1](#).

1. **Public Comment:** *Please add a crosswalk on the north end of the Beach Area Intersection.* **Response:** A crosswalk cannot be placed too close to the intersection due to the proximity of the railroad tracks and pedestrian safety concerns. In addition, the available right-of way is limited. However, a pedestrian crossing has been placed on the north side of the intersection, which will include the installment of tactile strips or truncated domes at all ADA ramp landings and possibly a highly visible textured crosswalks depending on the approval of the City.
2. **Public Comment:** *Please separate the pedestrians and bicycles from each other at the Beach Area Intersection. In addition, please provide a mutually exclusive bike lane / bike path through the Beach intersection.* **Response:** The roundabout designer has modified the initial conceptual design to include a 10-foot wide mutually

exclusive bike path (two lane bikeway) that is separated from vehicular traffic by 4 feet and separated from pedestrian traffic by 2 feet with raised medians or pavement markings, depending on the location. A 10-foot wide pedestrian path/sidewalk has also been added to accommodate the high pedestrian volumes. This creates a continuous 10-foot bike path and a 10-foot wide pedestrian path in the east west direction along Beach Street as well as connecting to the northeast side of the intersection and sidewalk.

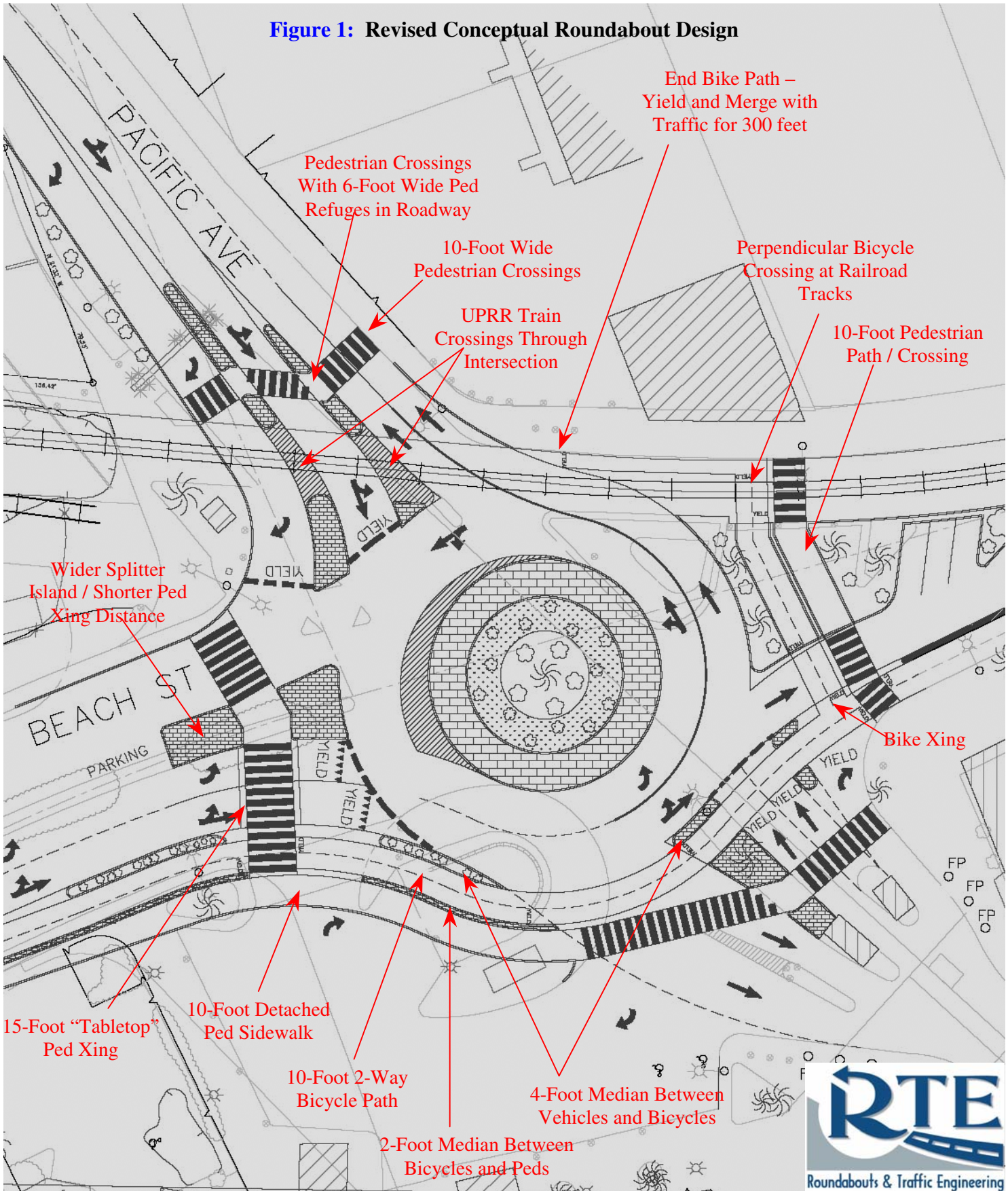
Please note on **Figure 1** below the new bike path, the required yield locations for both vehicles and bicycles, as well as the perpendicular crossing of the railroad tracks on the east side of the roundabout for bicycle safety. However, due to the right-of-way constraints on the north side of the intersection, bicycle traffic must yield to vehicular traffic and share the road along Pacific Avenue for approximately 300 feet until the bike lane again commences on Pacific Avenue (northbound). These modifications are conceptual in nature and may be modified again in the future based on upon input from the City and final design constraints.

3. **Public Comment:** *Please decrease the pedestrian crossing distance on the west side of the Beach roundabout. This is the primary crossing location for most pedestrians with a high volume of pedestrian traffic.* **Response:** Originally, the longer crossing distance was designed to accommodate parking stalls to the west of the roundabout. However, the median or “splitter island” on the west side of the roundabout has been increased in width to decrease the crossing distance. Only about 1 or 2 parking spaces are lost with these revisions. In addition, with respect to the comment about this pedestrian crossing being a high pedestrian volume location, the roundabout designer has increased the width of the pedestrian crossing to 15 feet instead of the standard 10 feet on the west side of the intersection. This will permit a much higher pedestrian volume to cross at one time.
4. **Public Comment:** *Are there any additional pedestrian safety measures that can be added to the roundabout design at Beach Street to improve pedestrian movements in harmony with vehicles?* **Response:** Per direction from City staff, the roundabout designer has added a raised crosswalk on the applicable entering lanes of the roundabout. The raised crosswalk (also known as a table top crosswalk) are raised 2 to 2.5 inches above the asphalt driving surface to create a speed hump for approaching traffic. By slowing off-peak hour entering traffic, the speed differential between the pedestrians and vehicles is extremely low. This results in safer pedestrian conditions for the intersection, however, it also significantly decreases the available vehicular capacity of the roundabout. When traffic volumes are high, the yield condition at the roundabout will automatically create

queues of vehicles at or beyond the crosswalks, at which time the raised crosswalks would not have any effect on the already stopped or slow moving traffic. Therefore, the City should consider these raised crosswalks while traffic volumes remain low (5-10 years).

5. **Public Comment:** *Occasionally throughout the year, a large truck must enter onto the Wharf Pier to replace the existing piers. This requires a "straight shot through" between the tollbooths in order to fit the large truck onto the pier. How will the roundabout accommodate this special design vehicle?* **Response:** The roundabout at the Wharf pier or Beach Intersection can accommodate a large truck onto the pier from Pacific Avenue with a straight ahead line of approach between the tollbooths. However, similar to any other type of intersection control at this location (signal or stop signs), the roundabout must be temporarily closed while the large truck negotiates driving onto the pier. The truck would need to proceed southbound on Pacific Avenue, continue onto the east side of the roadway (opposite direction of travel) just prior to the roundabout, traverse through the exit lanes of the roundabout, across the truck apron (3.5 inch mountable curb), and straight through the tollbooths onto the pier. It is highly recommended (if not required by the City) that this special vehicle utilize this intersection during off-peak hours to disrupt the least amount of traffic possible.
6. **Public Comment:** *Do these roundabouts incorporate design treatments for the blind or people with limited visibility?* **Response:** Current standards for accessibility for the blind have been and will be incorporated into the final design if the City selects the roundabouts for approval. All available design treatments and requirements per the Manual of Uniform Traffic Control Devices and the American Disabilities Act (ADA) for the placement of crosswalks will be incorporated in the final design, including truncated domes / tactile warning strips for the visually impaired.
7. **Public Comment:** *How accurate are the costs estimates for the roundabouts?* **Response:** The cost estimates have been completed for preliminary and planning stages of the feasibility study only. The final cost estimates will depend on the design requirements from the City, the desired landscaping parameters and details in and around the roundabouts, as well as other design details the City may need to address or be interested in completing in the final design phase. Some of the pedestrian facilities and details still need to be worked out under final design of the intersections once an alternative has been chosen for each intersection design. For example the actual bike path or pedestrian sidewalks may vary from the widths described herein.

Figure 1: Revised Conceptual Roundabout Design

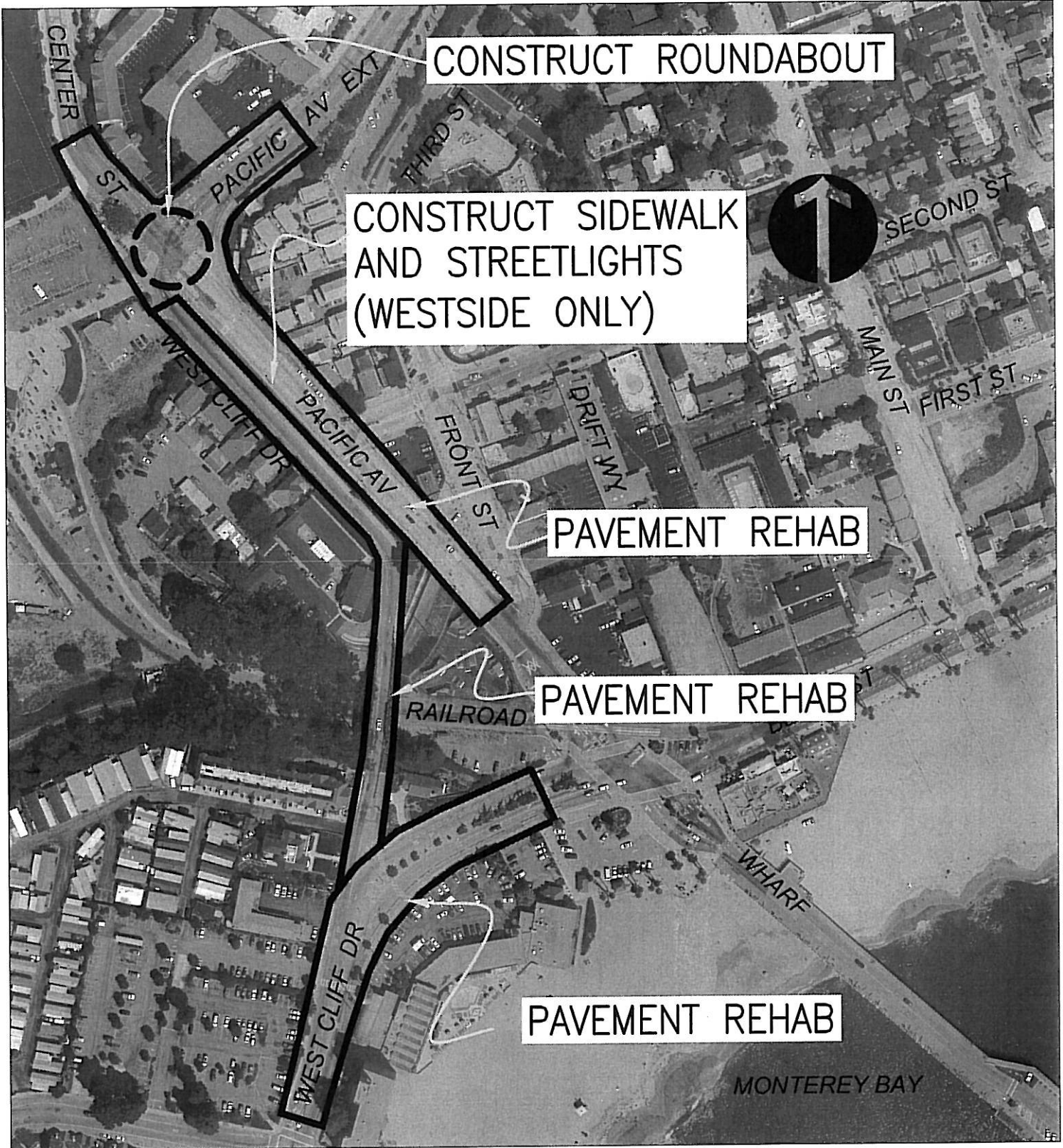


ROUNDABOUTS & TRAFFIC ENGINEERING
 TRUCKEE, CALIFORNIA 96161

11279 HUNTSMAN LEAP

WWW.ROUNDABOUTS.US

CITY OF SANTA CRUZ
PACIFIC / CENTER
ROUNDBABOUT
AREA OF CONSTRUCTION



VICINITY MAP

SCALE: 1"=200'
16.7



CITY COUNCIL AGENDA REPORT

DATE: 4/5/2010

AGENDA OF: 4/13/2010

DEPARTMENT: Water

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

RECOMMENDATION: 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.

BACKGROUND: During winter storms, high water flows in Zayante Creek and saturated embankment conditions have caused a 70-foot section of the County of Santa Cruz's East Zayante Road to slip out. The East Zayante Road Storm Damage Repair Project (Project) will repair the road and provide improved slope protection.

DISCUSSION: In order to make these improvements on City property, the County will need a Grant of Easement. The Project will require a permanent easement for drainage and rock slope protection over 2,180 square feet and a temporary construction easement over 3,076 square feet.

The property concerned is a wooded riparian area in the City's watershed lands. Staff has reviewed the project and determined that it should have no impact on the City's long-term use and preservation of the property.

FISCAL IMPACT: Funds in the amount of \$1,550 will be received and deposited in the Water Fund as per appraisal report.

Submitted by:
Bill Kocher
Water Director

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS:
Resolution
Easement Agreement

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF EASEMENT TO THE
COUNTY OF SANTA CRUZ ALONG EAST ZAYANTE ROAD ON APN 074-012-07

WHEREAS, the County of Santa Cruz has requested a Grant of Easement from the City of Santa Cruz to repair a county road with drainage and rock slope protection; and

WHEREAS, such easement would not interfere with the city's use and protection of said City property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that the City Manager is hereby authorized to execute that certain Grant of Easement pertaining to certain property located along East Zayante Road on APN 074-012-07 from the City of Santa Cruz to the County of Santa Cruz, upon the terms and conditions as set forth in said Grant of Easement presented to Council this date, in a form approved by the City Attorney.

PASSED AND ADOPTED this 13th day of April, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED _____
Mayor

ATTEST: _____
City Clerk

Property No.: 1

APN: 074-012-07

Project: **EAST ZAYANTE ROAD STORM
DAMAGE REPAIR PROJECT PM 4.66**
(FEMA – 1628-DR-CA)

City of Santa Cruz

(Sellers)

**CONTRACT
COUNTY OF SANTA CRUZ**

This contract is entered into this ____ day of _____, 2010, by and between the COUNTY OF SANTA CRUZ, hereinafter called **COUNTY**, and CITY OF SANTA CRUZ, hereinafter called **SELLERS**. The parties mutually agree as follows:

1. The parties herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for this transaction.

2. **SELLERS** agree to execute and deliver documents in the form of an **Easement Deed and a Form W-9 (Request for Taxpayer Identification Number and Certification)** covering the property located along East Zayante Road at PM 4.66, in the COUNTY, more particularly described in Exhibit "A", attached hereto and made a part hereof. Said documents will be delivered to Kenneth A. Hill, Chief Real Property Agent of the COUNTY, State of California.

3. The COUNTY shall:

(A) Pay the undersigned grantor(s) the sum of **\$1550.00** for the property or interest therein (including all improvements existing thereon unless removal is specifically authorized hereinafter in this Contract) as conveyed by **Easement Deed** within thirty (30) days after date title to said property vests in the COUNTY free and clear of all liens, encumbrances, assessments, easements and leases (recorded and/or unrecorded), taxes, penalties, and bonds except:

1. Covenants, conditions restrictions and reservations of record, if any,
2. Easements or rights of way over said land for utility or street purposes, if any.

(B) Pay all escrow and recording fees incurred in this transaction, and if Title Insurance is required by the COUNTY, the premium charge therefore, except that the payment of any reconveyance fees, trustee's fee, or forwarding fees for any full reconveyance of deed of trust or full release of mortgage shall be the responsibility of the **SELLERS**.

4. **SELLERS** agree to indemnify, defend, and hold harmless the COUNTY from and against any claim, action, suit, proceeding, loss, cost, damage, deficiency, fine, penalty, liability, or expense (including without limitation, attorney's fees), arising out of any of the following matters in, on, or about the Property occurring prior to the close of escrow for this transaction:

(A) The release, use generation, discharge, storage, disposal, or transportation of any Hazardous Materials, or

(B) The violation of any statute, ordinance, order, rule, regulation, permit, judgment, or license relating to the release, use generation, discharge, storage, disposal, or transportation of any Hazardous Materials.

The term "Hazardous Materials" shall mean any substance, material, or waste which is regulated by any governmental authority, including, but not limited to, any material or substance which is defined as a "hazardous substance", "hazardous waste", "extremely hazardous waste", or "restricted hazardous waste" in the California Health and Safety Code.

The purchase of the easement shall not be construed as limiting SELLERS' responsibility and/or the COUNTY's rights concerning hazardous materials discovered before or after purchase of the easement.

5. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the COUNTY, its contractors and/or authorized agents have the right to enter upon the SELLERS property in the vicinity of the land described in the attached Exhibit "A", as necessary, to construct the improvements for which the purpose of the deed is being granted. It is understood and agreed that the premises will be left in a clean and orderly condition. As of the inspection date, any existing improvements located within this right-of-entry area, exclusive of any fee or permanent easement areas and not including those improvements already compensated for as specified in the appraisal, that may have been disturbed or removed during the course of the project construction work will be restored or replaced in kind. The right of entry will terminate at the completion of the project or the end of December, 2012, whichever occurs first. The redwood tree to be removed, along with any item of historical significance removed as part of the Project, shall be left on the Subject Property in a location mutually agreeable to SELLER and COUNTY.

6. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the Subject Property by the COUNTY including the right to remove and dispose of improvements, shall commence on the date the COUNTY delivers said total amount shown in Clause 3(A) to the SELLERS or deposits said amount into escrow, and that the amount shown in Clause 3(A) herein includes, but is not limited to, full payment for such possession, use, and interest from said date.

7. SELLERS warrant that there are no oral or written leases on any portion of the real property described in Exhibit "A" exceeding a period of one month, and SELLERS further agree to hold harmless and reimburse the COUNTY for any and all losses or expenses resulting or arising from any lease on the property exceeding a period of one month.

8. On the day title of said property vests in the name of the COUNTY, the condition of the property, including the existence or nonexistence of improvements, will be the same as the condition of the property on the inspection date of April 16, 2009.

9. This CONTRACT is subject to the approval of the Santa Cruz County Board of Supervisors and does not bind County until such time as Board approval and consent has been received in writing and as required by law.

10. The provisions of this agreement shall inure to the benefit of and bind the respective successors, heirs, and assigns of the parties hereto.

IN WITNESS WHEREOF, the County has caused this contract to be duly executed as of the _____ day of _____, 2010; and

SELLERS have executed this agreement as of the _____ day of _____, 2010.

RECOMMENDED FOR APPROVAL

CITY OF SANTA CRUZ

By: _____
Kenneth A. Hill
Chief, Real Property

RICHARD C. WILSON, CITY MANAGER

APPROVED AS TO FORM:

By: _____
Office of County Counsel

COUNTY OF SANTA CRUZ

By: _____
JOHN J. PRESLEIGH
Director of Public Works

(SELLERS)

Handwritten signature

3-31-10

CITY OF SANTA CRUZ

EXHIBIT "A"

ROCK SLOPE PROTECTION AND DRAINAGE EASEMENT

LANDS OF THE CITY OF SANTA CRUZ APN 074-012-07

Situate in the County of Santa Cruz, State of California, and lying within Section 36, Township 9 South, Range 2 West, M. D. B. & M., and described as follows:

Being a portion of the land conveyed to the City of Santa Cruz by that deed recorded February 11, 1969 in Volume 1932 of Official Records of Santa Cruz County at Page 249, and more particularly described as follows:

Being a permanent easement for the construction and maintenance of rock slope protection and drainage facilities over a portion of said land of the City of Santa Cruz, and more particularly described as follows:

Commencing at the northerly terminus of the course shown as "North 51°18'30" East 586.86 feet" on the centerline of East Zayante Road on that map titled Zayante Estates filed in Volume 31 of Maps at Page 19, Santa Cruz County Records;

Thence from said Point of Commencement along the approximate centerline of East Zayante Road North 40°15'36" East 290.16 feet; thence leaving said centerline South 45°27'15" East 24.84 feet to a point on the southeasterly sideline of East Zayante Road and the True Point of Beginning:

Thence from said True Point of Beginning leaving said sideline South 45°27'15" East 18.00 feet; thence North 44°32'45" East 83.64 feet; thence North 36°06'29" East 46.89 feet; thence North 45°43'15" West 11.12 feet to a point on the southeasterly sideline of East Zayante Road; thence along said sideline South 44°32'45" West 129.97 feet to the True Point of Beginning.

Containing 2,180 square feet, more or less.

TN
1/8/10

RECORDED AT THE REQUEST OF:

COUNTY OF SANTA CRUZ

Govt. Agency Exempt GC 27383

WHEN RECORDED RETURN TO:

DEPT. OF PUBLIC WORKS

701 OCEAN STREET RM 410

SANTA CRUZ, CA 95060

ATTN: Real Property Division

PORTION: 074-012-07

EASEMENT DEED

For value received the **CITY OF SANTA CRUZ**

GRANTS to } COUNTY OF SANTA CRUZ, a political subdivision of the State of California
all that real property situate in the County of Santa Cruz, State of California described below

For Legal Description see Exhibit "A", attached hereto and made a part hereof

<p style="text-align: center;">CERTIFICATE OF ACCEPTANCE - Govt. Code Sec. 27281</p> <p>This is to certify that the interest in real property conveyed by the within deed to the County of Santa Cruz, a political subdivision of the State of California, is hereby accepted by Resolution No. 700-57 of the Board of Supervisors dated Nov. 12, 1957, and the Grantee consents to recordation thereof by its duly authorized officer.</p> <p>Dated _____</p> <p>By _____ Chairperson Board of Supervisors</p>

State of California

County of _____

CITY OF SANTA CRUZ

On _____, 20__ before me,
_____, personally appeared

_____, who
proved to me on the basis of satisfactory evidence to be the person(s)
whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed the instrument.

RICHARD C. WILSON, CITY MANAGER

I certify under PENALTY OF PERJURY under the laws of the State
of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)



CITY COUNCIL AGENDA REPORT

DATE: 4/5/2010

AGENDA OF: 4/13/2010

DEPARTMENT: Water

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

RECOMMENDATION: 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.

BACKGROUND: The Graham Hill Water Treatment Plant (GHWTP) is a conventional treatment plant that was commissioned in 1960 as a 12 million gallon per day (mgd) plant and has undergone an expansion and numerous improvements over the last 40 years. In 2002 the City Water Department contracted with consultant Camp Dresser and McKee, Inc. (CDM) to complete a comprehensive Water Quality & System Improvement Study (WQ&SIS) to address concerns about aging equipment and infrastructure and complex water supply and demand issues. When completed in 2007, the WQ&SIS developed new water quality and system reliability goals and proposed specific improvements to the GHWTP to meet those goals. The proposed improvements were also designed to meet new water quality regulations promulgated in 2006 by the U.S. Environmental Protection Agency (USEPA) with an October 1, 2012 compliance date. In April 2009, CDM prepared a Basis of Design Report (BDR) which presented design decisions, criteria, drawings, schedules, and preliminary cost estimates to facilitate the final design and implementation of the recommended improvements.

Water quality testing required by the USEPA 2006 drinking water regulations was completed and approved in 2009. The results showed the source water quality to be better than anticipated in the WQ&SIS. This and other changes in the water system since the WQ&SIS was initiated in 2002, prompted staff to contract for an independent review and update of the technical basis of the recommended improvements to the GHWTP.

DISCUSSION: On September 22, 2009, the City entered into an agreement with HDR Engineering, Inc. in the amount of \$90,400 for Technical Review Services. The scope of the testing required to adequately analyze alternative plant improvements has been expanded and will require more staff hours than originally anticipated. Change Order No. 1 addresses additional staff hours required to complete the jar testing, alternative life-cycle analyses and the

residuals handling evaluation. Additional time above the original proposal will also be needed to fully evaluate the restrictions and costs of discharging water treatment residuals to the Wastewater Treatment Plant.

FISCAL IMPACT: The total cost of Change Order No. 1 is \$25,005, bringing the entire contract amount to \$115,405. Funds are available in Water Department FY 2010 Capital Improvement Program project c700025, Water Treatment Upgrades.

Submitted by:
Bill Kocher
Water Director

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: Change Order No. 1



CONTRACT CHANGE ORDER
(EFFECTIVE ONLY WHEN SIGNED BY THE CITY)

WATER DEPARTMENT
 212 Locust Street, Suite C
 Santa Cruz, CA 95060
 Ph: 831-420-5200
 Fax: 831-420-5201

Project:	GHWTP Improvements Project-Technical Review
Subject:	Change Order for additional man hours related to the Technical Review
Contract date:	September 22, 2009
P.O. #:	91-10020

Change order #:	1
Date:	3/30/10
Requested by:	HDR Engineering, Inc.

Change order to include these applicable items:
1. Description of work to be done <i>or</i> change to be made
2. Payment to be made <i>or</i> credit to be taken: <ul style="list-style-type: none"> a. Fixed price adjustment (<i>agreed or specified reimbursement</i>) b. Force account work
3. Time extension(s) granted: <ul style="list-style-type: none"> a. Indicate what time extension applies to

1.
 - a. Jar testing to adequately perform analyses of various plant improvements will require more man hours than originally anticipated. Additional jar testing will be conducted on new potential alternatives that were not included in the original proposal.
 - b. The number of alternatives for which life-cycle analyses are being performed is higher than originally anticipated. Additional man hours are required to perform life-cycle analyses on new potential alternatives such as Pre-Ozination, Actiflo Carb, and Enhanced Coagulation.
 - c. Additional time above the original proposal will be needed to fully evaluate the restrictions and costs of discharging residuals to the Wastewater Treatment Plant.
2.
 - a. The total price adjustment shall be \$15,800.00
 - b. The total price adjustment shall be \$4,800.00
 - c. The total price adjustment shall be \$4,325.00
3. No time extension granted or requested.

Base Bid:	\$ 90,400.00	Recommended by:	Isidro Rivera, Associate Engineer
Contingency: NA	\$ 0.00	Signature/Date:	
Contract to date:	\$ 76,078.31	Reviewed by:	Linette Almond, Engineering Manager
Change amount:	\$ 25,005.00	Signature/Date:	
Increased: \$ 25,005.00	Days: 0	Approved by:	Bill Kocher, Water Director
Decreased: \$	Days:	Signature/Date:	
New Contract Amount:	\$115,405.00	Emergency Approval:	Richard C. Wilson, City Manager

Consultant:

You are hereby directed to make the above described changes from the plans and specification, or to do the above described work not included in the plans and specifications on your contract.

Consultant signature Printed name Date

NOTE: For valuable consideration set forth herein, the consultant hereby releases the City of Santa Cruz from any and all claims for direct, indirect, and impact expenses and additional time impact now existing or which may hereafter arise out or result from the work or change described herein.

ORDINANCE NO. 2010-09

AN ORDINANCE OF THE CITY OF SANTA CRUZ
AMENDING CHAPTER 2.40.014 OF THE SANTA CRUZ MUNICIPAL CODE
PERTAINING TO MEETINGS OF BOARDS AND COMMISSIONS

BE IT ORDAINED by the City Council of the City of Santa Cruz as follows:

Section 1. Chapter 2.40.014 of the Santa Cruz Municipal Code is hereby amended to read as follows:

2.40.014 MEETINGS – ORGANIZATION.

As soon as practicable, following the first day of January of each year, each board and commission shall organize by electing one of its members to serve as chairperson, at the pleasure of such board or commission.

Each board or commission shall hold regular meetings in accordance with the regular meeting schedule set forth in the City Council approved bylaws for that board or commission. All proceedings shall be open to the public except as provided by state law.

The mayor shall call the first meeting of each newly established board or commission, and the city manager shall designate a city employee to act as secretary to each board and commission, who shall keep a record of its proceedings and transactions.

Section 2. This ordinance shall be in full force and take effect thirty (30) days after its final adoption.

PASSED FOR PUBLICATION this 23rd day of March, 2010, by the following vote:

AYES: Councilmembers Lane, Mathews, Beiers, Robinson; Vice Mayor Coonerty;
Mayor Rotkin.

NOES: None.

ABSENT: Councilmember Madrigal.

DISQUALIFIED: None.

APPROVED: ss/Mike Rotkin
Mayor

ATTEST: ss/Lorrie Brewer
City Clerk

ORDINANCE NO. 2010-09

PASSED FOR FINAL ADOPTION this _____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

This is to certify that the above and foregoing document is the original of Ordinance No. 2010-09 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz

City Clerk



CITY COUNCIL AGENDA REPORT

DATE: April 1, 2010

AGENDA OF: April 13, 2010

DEPARTMENT: City Council

SUBJECT: Imagine Positive Change Parking Meter Program. (CN)

RECOMMENDATION: 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.

BACKGROUND: In an effort to address the many negative impacts of panhandling, and at the request of the City Council from its January 27, 2009 meeting, the Downtown Association activated a working group of Business leaders, service providers, neighborhood representatives and government officials to research and recommend action.

After researching local services provided and case studies from other communities, the working group concluded the positive change program can connect people on the street with available services. The Outreach Social Worker's job is to interact with and assess clients on the street to meet immediate needs and guide people to services geared toward positive change, such as housing, medical help, rehabilitation services and job training. However, there is no available funding for things like transportation to these services or the replacement of lost identification cards required for receiving most services. These vital, small cost items can make all the difference in creating positive change.

Based on successes in other communities, such as Denver's Road Home, a parking meter collections program in combination with a far reaching public education campaign will accomplish several things: 1) increase public awareness about the unintended impacts of panhandling; 2) reduce panhandling in the City of Santa Cruz; and, 3) raise funds to support the work of the Outreach Social Worker.

DISCUSSION: The parking meters will be installed in phases in highly visible locations in the city's business districts. Potential locations for the first phase of meters are noted in the attached map provided by the Downtown Association.

In addition to the very eye-catching meters, a comprehensive and ongoing public education campaign will include: 1) an informational sign board on the meters; 2) brochures containing a list of services, ways to help and information about the impacts of panhandling, which will be primarily distributed through the Downtown Host Program and downtown merchants; 3) a website at ImaginePositiveChange.org with up-to-date information about the program and services in the area; 4) press releases to local media and news outlets; 5) grassroots information

distribution by volunteers through United Way; 6) outreach to the UCSC community; and 7) a telephone number with recorded information about available services.

Businesses surrounding the proposed locations are being informed of the program and responses to date have been positive.

The Downtown Association has committed to the administration of the pilot program for the first year. It will collect all donations, make bank deposits, disbursements and provide oversight of all aspects of the program, including repair and graffiti abatement of the meters and evaluation of the program's overall effectiveness.

Private contributions have been raised to pay for the set-up and initial administration costs of the program, including the cost of installing the meters. Every coin contributed on the street will go directly to helping somebody toward a more healthy and independent lifestyle. Donations of any size can be accepted through www.ImaginePositiveChange.org. Individuals and organizations may also sponsor the meters for \$500 per year.

The program was constructed not to require any financial contribution from the City for its launch or operation.

FISCAL IMPACT: The fiscal impact to the City is the donation of retired parking meters. The Imagine Positive Change Initiative will pay the City for the installation costs.

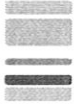
Submitted by:

Submitted by:

Don Lane
Councilmember

Lynn Robinson
Councilmember

Attachments: Map of potential Imagine Positive Change Meter Locations
Information on Denver's Road Home Meter Donation Program
Meter Location Concerns



Denver's Road Home | Donation Meter Program

The Concept

The donation meter program is designed to increase awareness about Denver's Ten-Year Plan to End Homelessness, and it is also an effort to redirect the money given to panhandlers into initiatives that provide meals, job training, substance abuse counseling, housing, and other programs for those in need. This grassroots campaign is projected to raise roughly \$100,000 per year giving the general public a constructive way to help Denver's homeless. "The donation meter demonstrates yet another innovative way in which this community is responding to Denver's Road Home and our commitment to ending homelessness" – Mayor Hickenlooper.

The First Phase

Denver Public Works along with Denver's Road Home, Leadership Denver, the Downtown Denver Partnership, Mile High United Way, rabble+rouser, and OZ Architecture worked together to make the donation meter program a reality. This group coordinated the meter design, decal messaging, printing, installation, and the \$1,000 sponsorships for individual meters, which raised \$36,000 before the meters were unveiled.

On March 5, 2007, thirty-six meters were installed at strategic downtown locations that had significant foot traffic and panhandling issues. Within the first month, 16,411 coins were donated at these various meters totaling approximately \$2,000.

It is already evident that the panhandling population is decreasing in the area around the meters, and that there is a significant increase in awareness of the issue within the downtown community.

The Second Phase

With the first round positively impacting Denver's efforts, the plan is to distribute another fifty refurbished meters in other community sectors that expressed an interest in participating. A launch for the rest of the meters is expected in early fall of 2007.

Sustainability

The Mile High United Way and the alumni of Leadership Denver will continue to coordinate annual sponsorships for individual meters, and the Department of Public Works will organize regular collections allowing the program to continue as long as it is effective. With thirty-six existing meters, plus the additional fifty meters from the second phase, we anticipate the project to generate in excess of \$100,000 per year through sponsorships and donations.

The donation meter project, in addition to its benefits for awareness and curbing panhandling, will serve as a way to provide some sustainability to Denver's Road Home throughout the Ten-Year Plan to End Homelessness.





Executive Summary: Year Four

When Denver's Road Home was started four years ago, the Homeless Commission could never have anticipated a year like we just had. Who could ever imagine that our economy would shift into a global recession unlike anything we have ever experienced? And yet, in the midst of unparalleled economic shifts, there comes great opportunity. We believe that there has never been a more important time for Denver to have a plan... a plan to end homelessness as we know it.

During the past year our homeless plan has been tested and we expect the coming year will continue to pose new challenges for us. Housing foreclosures, unemployment and funding cutbacks will continue to place new demands on our ten-year plan to end homelessness. As a result, we asked the Homeless Commission to update our plan so we can respond swiftly and efficiently to the changing needs of our homeless community. As we move into Year Five of Denver's Road Home, our community must now, more than ever, work together to ensure that every homeless man, woman and child has an alternative to living life on the streets.

We have been asked lately if the economy is going to impact the progress we are making to end homelessness as we know it in ten years. To this we say that we have never been more determined to move this initiative forward. Just look at the numbers:

- In the past four years in partnership with this community we have developed over 1,500 new units of housing for the homeless.
- We have prevented over 2,232 families from becoming homeless and 3,278 homeless people have obtained employment.
- The faith community continues to stand by our side, and four years later, we can proudly say that we have mentored 564 families out of homelessness in partnership with one another.
- In partnership with the Mile High United Way we have achieved our aggressive fundraising goal of \$46.1 million dollars in the first four years of the plan.
- And, in the midst of one of our most challenging economic climates, we have 500 new units of affordable housing in the pipeline that will be developed over the next two years!

Indeed, it has been a challenging year, but one with great victories and promise for the future of this important community initiative. As a result of significant cost savings to the community through Denver's Road Home, Denver City Council responded and passed a proclamation supporting the development of 482 new units of affordable housing.

And what an exciting opportunity it was for us to showcase our success during the Democratic National Convention, putting the national spotlight on the work we have done to create new housing and services for the homeless men, women and children of this community.

These are just a handful of reasons that we are urging the Denver community to continue to embrace Denver's Road Home and remain focused on housing, services and prevention. Denver has a plan, and in Year Five it is critical that we move this plan forward to end homelessness as we know it.

Background

Denver's Road Home (www.denversroadhome.org) began in October 2003 in response to an increasing rise in homeless persons in the City & County of Denver and a mounting increase in public safety concerns. At that time, Mayor Hickenlooper convened a commission to develop and recommend a comprehensive plan seeking to address the root causes of homelessness and bring an end to homelessness for the Denver community. This plan is unique in its approach to not just serve the chronically homeless, but to offer opportunities and hope to all persons living on the street, in shelters or doubled up with friends and family in Denver, with a singular emphasis on persons and families whose incomes are at or below 30% area median income (those most in need and hardest to serve).

Forty-one commissioners and 350 community volunteers conducted a comprehensive research and planning process over the course of 18 months to develop a plan with eight primary goals focused on:

- Permanent and transitional housing
- Emergency shelter systems
- Prevention
- Services
- Public Safety and Outreach
- Education, Training & Employment
- Community Awareness & Coordinated Responses
- Zoning, Urban Design & Land Use

The plan was approved by Denver City Council and Mayor Hickenlooper in 2005 and was implemented in July 2005. For this plan to be successful, it is imperative that the community (public and private sectors, the foundation community, faith-based organizations, service delivery providers, community members and service recipients) own this initiative and continue to mobilize resources in order to achieve the ambitious goals affect systemic change.

From the beginning the citizens of Denver were promised a plan with achievable and sustainable goals with measurable action steps, as well as a plan that emphasizes collaborative efforts and accountability from all people of the Denver community. To this end, national evaluators specializing in research and assessment in the field of homeless issues have agreed to oversee the evaluation. Moreover, Denver is now part of a Model Cities program funded by the Rockefeller Foundation and the U.S. Interagency Council on Homelessness to study best practices across the nation.

We believe the end result has both compassion and accountability. We worked to create a balance of service delivery such as housing, treatment services and job training with the expectation of responsibility and self-reliance from those who receive services (for example, participants must participate in social service programs and pay 30% of their income for housing).

Four Ways to Help: Visit Our Website at www.DenversRoadHome.org and...

1. Sponsor a Project Homeless Connect
2. Write a check or make an online donation
3. Mentor a family
4. Sponsor a meter or Participate in PJ Day!

Contact for Denver's Road Home: *Jamie Van Leeuwen*, Executive Director; 1200 Federal Boulevard, Denver, Colorado 80205; Phone: 720-944-2506; Fax: 303-944-3092; jamie.vanleeuwen@denvergov.org; www.denversroadhome.org

Imagine Positive Change Meter Locations

City Staff Questions with DTA Responses

1. How will these meters be distinguished from regular meters?

The meters will be very distinguishable; painted red with a corona of metal. Each will have a sign on the pole describing the project and referring people to our website or to numbers for assistance.

2. What happens if they get vandalized? How soon would they be repaired?

Vandalized meters will be repaired or, if not able to be repaired, they will be removed. The schedule for this has not been determined. Would PW be responsible for removing them upon request at a cost to the program? Would police do enhanced police patrol for the first month of our program to keep an eye on them?

3. Is the program indefinite?

The program will be initially referred to as a pilot program. It will have review dates built in. Initially for the first year, DTA will administer the program. The DTA does not know how long it will be in place. The assumption is that it will be in place for as long as it is (a) successful and (b) has someone to administer it.

4. Who would perform the actual installation?

PW will do the actual installations. Mark Dettle has provided the price and the program has funds in the budget to cover the costs.

5. How will the surrounding businesses be notified of the program?

DTA will notify/ask the affected businesses if they support having a meter in front of their businesses.

Concerns

- Interference with sidewalk scrubber operation schedule. It takes more time for the machine to get around street furniture.
- Location 1 and 8 interfere with vehicles loading and unloading
- Meters close to the rounded curbs at intersections may be hit by vehicles.
- Since there is only a one-year commitment, twelve meters may have to be removed in a year. Costs of removal and staff time need to be considered.
- Adds more objects that will need graffiti removal
- Adds more visual clutter

City staff recommended no more than 6 total meters. The recommended locations are as follows:

Metro Transit Center, Pacific Ave 900 block

Hoffman's (12), Pacific Ave 1100 block

Borders (9), Pacific Ave 1200 block

Pacific Wave (3), Pacific Ave 1500 block

Trader Joes

Walnut St (7) close to Pacific Ave 1300 block

Bank of ①
the west

LOCUST

Peets ③

④
cinema 9

Church

Super
Silver ⑦

Walnut

Om Gallery ⑩

Lincoln

Proposed Meter
locations

Imagine Positive
Change.

② - Pacific Wave

Cooper

⑤ - O'neills

⑥ - Twist

⑧ Borders

Soquel

⑨ - New leaf ✱

⑨ - Al Fresco

⑪ - Kianti's

Cathcart

✱

⑫ - Metro Center

Pacific

⑬
Trader
Joes



City Council Meeting Calendar April 5, 2010

Date	Time	Location	Topic
April 20, 2010	4:00 p.m.	Council Chambers	Special City Council Meeting – Capital Improvement Program Budget Review
April 27, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions
May 11, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions
May 25, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions
June 7, 2010 and June 9, 2010 (if necessary)	8:30 a.m. – 5:00 p.m.	Council Chambers	Special Meeting – Budget Hearings
	1:00 p.m. – 5:00 p.m.		
June 8, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions
June 22, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions
July 13, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions
July 27, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions
August Break – No Council Meetings			
September 14, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions

Council Membership in City Groups and Outside Agencies

Councilmembers will have the opportunity to present oral updates to Council and the public. Councilmembers may provide direction, request additional information or that a topic raised be agendized for future Council action. The Presiding Officer may request oral updates from Council ad hoc Committees.

The Presiding Officer will ask representatives of each entity if there is any oral update.

Name of Agency/Organization	Currently Serving
Association of Monterey Bay Area Governments (AMBAG)	L. Robinson, T. Madrigal (alternate)
City of Santa Cruz/Soquel Creek Water District (SqCWD) Desalination Project	D. Lane, M. Rotkin, R. Coonerty (Alt.)
City Schools Committee (Ad Hoc)	C. Mathews, T. Madrigal, R. Coonerty
Community Action Board	T. Madrigal, David Sweet (alternate)
Conference and Visitors' Council	C. Mathews, L. Robinson
Cultural Council Board City Representative	K. Beiers
Downtown Management Corporation	C. Mathews, L. Robinson
Economic Development Council (Mayor/Vice Mayor)	R. Coonerty, D. Lane, C. Mathews
Library Joint Powers Authority Board	K. Beiers, M. Rotkin, C. Mathews (alt.)
Library Financing Authority	M. Rotkin
Local Agency Formation Commission (LAFCO)	D. Lane
Monterey Bay Unified Air Pollution Control District	2010 City of Watsonville
Public Safety Committee	D. Lane, M. Rotkin, L. Robinson
Sanctuary Inter-Agency Task Force	K. Beiers, C. Mathews
Santa Cruz County Children's Network	D. Shoemaker, C. Scurich (alt.)
Santa Cruz Community Farmers Market, Inc.	L. Robinson
SC County Integrated Waste Management Local Task Force	M. Rotkin, Alan Schlenger (alternate) Bob Nelson, Mary Arman (alternate)
Santa Cruz Metropolitan Transit District Board	M. Rotkin, L. Robinson
SC County Regional Transportation Commission (SCCRTC)	D. Lane, L. Robinson (alternate)
Social Services Program Committee	R. Coonerty, C. Mathews, L. Robinson

Public comment on the reports given will be heard at a time to be determined by the Presiding Officer.