

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



**JOINT CITY COUNCIL - REDEVELOPMENT AGENCY AGENDA**

Regular Meeting

September 28, 2010

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

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

Council meetings are cablecast on Comcast Channel 25.

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

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

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

## Closed Litigation Session

1:30 PM

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

A. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan—Negotiator

- Employee Organizations—
1. Police Officers' Association
  2. SEIU —Temporary Employees
  3. Firefighters IAFF

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

1. Community Water Coalition v. Santa Cruz County LAFCO, et al., Santa Cruz County Superior Court Case No. CV 167407.
2. Habitat and Watershed Caretakers v. City of Santa Cruz, Santa Cruz County Superior Court Case No. CV 168697.

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

1. Claimant: Jesse Henri
2. Claimant: Dana Landig
3. Claimant: Jerry and Sylvia Soper
4. Claimant: Pasatiempo Golf Club, Inc.

Claims Against: City of Santa Cruz

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

Initiation of Litigation by City Government Code §54956.9(c)).

1 case to be discussed.

**Closed Litigation Session (continued)**

E. Conference with Real Property Negotiator- Real Property Negotiations  
(Government Code §54956.8).

190 Walnut Avenue/212 Church Street Property Exchange  
(City of Santa Cruz -190 Walnut Owner; 207 Church Street LLC –  
212 Church Street Owner)  
Bonnie Lipscomb – City Negotiator  
190 Walnut Ave. APN 005-072-26  
212 Church St. APN 005-048-12

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

**Joint City Council/Redevelopment Agency**

**3:00 PM**

- \* Call to Order
- \* Roll Call
- \* Pledge of Allegiance
- \* Presentation - Mayor's Proclamation in Recognition of October 2 - 15, 2010 as Binational Health Week.
- \* Presentation - Mayor's Proclamation to Ken Kimes
- \* Presentation - PRIDE Program - Officers Hernandez and Garcia
- \* Presentation - Fire and EMA Cost Recovery
- \* Presentation - Mayor's Proclamation in Recognition of Fire Prevention Week - October 3 through 9th
- \* Presiding Officer's Announcements
- \* Statements of Disqualification
- \* Additions and Deletions
- \* Joint City Council/Redevelopment Agency Oral Communications - 10 Minutes

**Consent Agenda**

1. Minutes of the September 7, 2010 Special and September 14, 2010 Regular City Council Meetings. (CC)  
Motion to approve as submitted.
2. Minutes of the September 14, 2010 Regular Redevelopment Agency Meeting. (CC)  
Motion to approve as submitted.

**Consent Agenda (continued)**

3. Review and Amendment of the City's Conflict of Interest Code. (CC)

Resolution to amend and approve the Conflict of Interest Code.

4. Inclusionary Housing Affordability Preservation Program. (ED)

City Council resolution authorizing and directing the City Manager to establish an Inclusionary Housing Affordability Preservation Program and to execute a cooperative loan agreement with the Redevelopment Agency, in a form to be approved by the City Attorney, in the amount of \$500,000 to the Affordable Housing Trust Fund to fund the Inclusionary Housing Affordability Preservation Program.

City Council resolution appropriating funds and amending the FY 2011 budget in the amount of \$503,000 to fund the Inclusionary Housing Affordability Preservation Program and the related interest expense.

Redevelopment Agency resolution authorizing and directing the Executive Director to enter into a cooperative loan agreement with the City of Santa Cruz, in a form approved by the Agency Attorney, in the amount of \$500,000 to fund the the Inclusionary Housing Affordability Preservation Program as part of the Affordable Housing Trust Fund.

Redevelopment Agency resolution appropriating funds and amending the FY 2011 budget in the amount of \$503,000 from the Redevelopment Agency Low and Moderate Income Housing Set-Aside Fund balance to fund the Inclusionary Housing Affordability Preservation Program and related interest revenue as part of the Affordable Housing Trust Fund.

5. 207 Church Street, LLC Owner Participation Agreement. (ED)

Redevelopment Agency Resolution authorizing and directing the Executive Director to enter into an Owner Participation Agreement which includes a forgivable loan with 207 Church Street, LLC in an amount up to \$122,500 to assist with the public infrastructure improvements of the site rehabilitation and to execute such documents as may be necessary to carry out the Owner Participation Agreement and forgivable loan in forms approved by the Agency Attorney.

Redevelopment Agency Resolution amending the FY 2011 budget to appropriate an amount up to \$122,500 for a forgivable loan to 207 Church Street, LLC to financially assist with certain public infrastructure improvements at the site.

**Consent Agenda (continued)**

6. 190 Walnut Avenue and 212 Church Street – Property Exchange between the City of Santa Cruz and 207 Church Street LLC. (ED/PW)

Resolution 1) authorizing and directing the City Manager to execute any and all documents necessary for the property exchange, in a form approved by the City Attorney, with 207 Church Street LLC to accomplish the exchange of 190 Walnut Avenue (APN 005-072-26) with 212 Church Street (APN 005-048-12); 2) declaring City-owned property known as 190 Walnut Avenue exempt from the surplus land clearance process pursuant to California Government Code 54221 (b); 3) accepting Planning Commission report that the property exchange is in conformity with the General Plan of the City; and 4) authorizing and directing the City Manager to execute a lease agreement and any amendments thereto of a non substantive nature, subject to the approval of the City Attorney, with 207 Church Street LLC for the premises located at 190 Walnut Avenue.

Resolution appropriating funds and amending the Fiscal Year 2011 Budget in the amount of \$110,000 for parking enforcement staff office relocation costs and Church Street parking lot preparation costs and for repayment of these costs to the Parking Fund from the General Fund from the future parking lot revenues, and to record the exchange of 190 Walnut Street for 212 Church Street.

7. Pacific Station – Extension of Memorandum of Understanding with Santa Cruz Metropolitan Transit District. (ED)

Resolution authorizing the City Manager to execute an extension of the Memorandum of Understanding with the Santa Cruz Metropolitan Transit District, in a form approved by the City Attorney, for staff services in connection with the development of a mixed-use project at 425 Front Street to be known as Pacific Station.

8. Year-End Budget Adjustments for FY 2010. (FN)

Resolution amending the FY 2010 budget in the total amount of \$7,694,913 as detailed in the table attached to the staff report, where expenditures have exceeded appropriations, as recommended by the Finance Director.

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

Motion to reject liability claim a) Jesse Henri, and b) Dana Landig based upon staff investigation.

**Consent Agenda (continued)**

10. City's Classification and Compensation Plans and FY11 Budget Personnel Complement – Economic Development/Redevelopment. (HR)

Resolution amending the Classification and Compensation Plans to combine two (2) .50 FTE Management Analyst positions into one (1) 1.0 FTE Management Analyst position.

11. Halloween 2010 Safety Enhancement Zone. (PD)

Resolution establishing a safety enhancement zone Downtown from 6:00 p.m. October 30 - 3:00 a.m. November 1, 2010. Resolution appropriating funds and amending the FY 2011 budget in the amount of \$60,000 to fund the local and allied law enforcement overtime, lighting, restrooms and equipment.

12. Proposition 84 Urban Greening Grant Application for the Seabright Area Plan. (PL)

Resolution authorizing the City Manager to submit a grant application for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) and to prepare an Urban Greening Plan (Seabright Area Plan) per the grant requirements.

13. FY/2011 Environmental Enhancement and Mitigation Program Grant Application (PW)

Resolution authorizing and directing the City Manager to submit an application, in a form approved by the City Attorney, to the FY 2010-2011 Environmental Enhancement and Mitigation Program for the funding of Phase 1 of the Resource Management Plan of the Arana Gulch Master Plan.

14. Wastewater Treatment Facility 54" Effluent Pump Pipeline Repair Project (M409659) - Contract Change Order and Notice of Completion. (PW)

Motion authorizing the City Manager to execute Contract Change Order Number 1 and file a Notice of Completion with D. W. Nicholson Corporation, Hayward, CA, for the Wastewater Treatment Facility 54" Effluent Pump Pipeline Repair Project.

**Consent Agenda (continued)**

15. Binational Health Week – Resolution of Support. (CN)

Resolution supporting Binational Health Week and urging the Santa Cruz community to join the City Council in observing and participating in Binational Health Week from October 2-15, 2010.

**End Consent Agenda**

**Public Hearing**

16. Ordinance 2010-18 Camping Ordinance Amendment. (CA)

Final adoption of Ordinance No. 2010-18.

**General Business**

17. Council Meeting Calendar

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

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

19. Council Memberships in City Groups and Outside Agencies.

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

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



## Joint City Council/Redevelopment Agency

7:00 PM

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

### Public Hearing

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

#### 20. 335 Union Street Appeal. (PL)

Resolution upholding the appeal, thereby approving the Historic Alteration Permit with conditions, and approving the Design Permit.

Staff originally recommended that the Historic Preservation Commission approve the Historic Alteration Permit.

**Adjournment** — The Redevelopment Agency will adjourn from the regularly scheduled meeting of September 28, 2010 to the next regularly scheduled meeting on October 12, 2010, for a closed litigation session at 1:30 p.m., in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m. and 7:00 p.m. in Council Chambers.

**Adjournment** — The City Council will adjourn from the regularly scheduled meeting of September 28, 2010, to the next regularly scheduled meeting on October 12, 2010, for a closed litigation session at 1:30 p.m., in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m. and 7:00 p.m. in Council Chambers.

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

**Advisory Body Appointments**

The following positions are vacant. Council will make appointments at a future meeting.

Commission for the Prevention of Violence Against Women	One (1) opening
County Latino Affairs Commission	One (1) opening
Downtown Commission	One (1) opening
Equal Employment Opportunity Committee	One (1) opening
Planning Commission	One (1) opening
Water Commission	One (1) opening

**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 – SEPTEMBER 28, 2010  
**INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS**  
(Copies available in the Central Branch Library at the Reference Desk)

City Clerk	Resignation of Kai Shane from the Downtown Commission - 9/20/10 (CC FYI 123)
Economic Development Department	New Graffiti Abatement Services Contractor Graffiti Protective Coatings, Inc. - 9/6/10 (ED FYI 032)  Lease Extension – Charles and Andrea Criswell - 9/8/10 (ED FYI 033)

ADDENDUM TO CITY COUNCIL AGENDA – SEPTEMBER 28, 2010  
**MAYOR'S PROCLAMATIONS**

1. Proclaiming Sunday, September 12, 2010 as "Religious Freedom Day" and encouraging all local residents to join in recognizing this day as an opportunity to express our affirmation and celebration of these fundamental principles of religious freedom and diversity; our rejection of intolerance, hatred, or violence against persons exercising these protected rights; and our commitment to engage all resources available to ensure the free exercise of those rights wherever they are in jeopardy.