

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



**JOINT CITY COUNCIL - REDEVELOPMENT AGENCY AGENDA**

Regular Meeting

December 14, 2010

- 1:30 P.M.                    CLOSED LITIGATION SESSION, COURTYARD CONFERENCE ROOM
- 3:00 P.M.                    CONSENT, GENERAL BUSINESS, ORAL COMMUNICATIONS AND PUBLIC HEARINGS, COUNCIL CHAMBERS
- 7:00 P.M.                    CITY COUNCIL ELECTION MATTERS, 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 and considering items 1 and 2; thereafter the meeting will be closed to the public.

### Referral to Closed Session

1. Referral to Closed Session - 1120 Pacific Avenue, APN 005-153-10. (ED)

Motion to refer to closed session the lease assignment of 1120 Pacific Avenue for the purpose of instructing the negotiator concerning price, terms, or both.

2. Referral to Closed Session – Lease of 705 Woodrow Avenue, APN 004-173-09. (ED)

Motion to refer to closed session the lease of 705 Woodrow Avenue for the purpose of instructing the negotiator concerning price, terms, or both.

### Closed Litigation Session

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

1. Claimant: Dana O'Brien
2. Claimant: Silvia V. Quintero
3. Claimant: Ethan Shenkman
4. Claimant: Pacific Bell Telephone Co.
5. Claimant: Pacific Gas & Electric
6. Claimant: Patricia Cross
7. Claimant: AT&T Mobility LLC/New Cingular Wireless PCS LLC
8. Claimant: Engineering Soil Repairs, Inc.
9. Claimant: Steve Hoberg

Claims Against: City of Santa Cruz

**Closed Litigation Session (continued)**

- B. Conference with Real Property Negotiator- Real Property Negotiations (Government Code §54956.8).
1. 1120 Pacific Avenue Lease Negotiations (La Playa-Del Mar Building - City of Santa Cruz Redevelopment Agency-Owner)  
RDA Negotiator: Bonnie Lipscomb  
APN: 005-153-10
  2. 705 Woodrow Avenue Lease Negotiations (City of Santa Cruz-Owner, Garfield Branch Library Cell Tower Lease)  
City Negotiator: Bonnie Lipscomb  
APN: 004-173-09
- C. 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
- D. Conference With Legal Counsel - Anticipated Litigation (Government Code §54956.9).
- Initiation of Litigation by City (Government Code §54956.9(c)).
- (2 cases to be discussed)
- E. Personnel Session (Government Code §54957).
- City Council Appointment/Employment of Interim City Clerk.
- F. Public Employee Performance Evaluations (Government Code §54957).
- City Council's performance evaluation of City Manager  
City Council's performance evaluation of the City Clerk

An oral report will be presented in the 3:00 p.m. Session (item 29).

**Joint City Council/Redevelopment Agency**

**3:00 PM**

- \* Call to Order
- \* Roll Call
- \* Pledge of Allegiance
- \* Presentation - "Green" Sidewalks on Morrissey Blvd. and Rooney Street - Presentation by Santa Cruz County Regional Transportation Commission and Calera Corporation.
- \* Presiding Officer's Announcements
- \* Statements of Disqualification
- \* Additions and Deletions
- \* Joint City Council/Redevelopment Agency Oral Communications - 30 Minutes

**Consent Agenda**

3. Minutes of the November 23, 2010 Regular City Council Meeting. (CC)  
Motion to approve as submitted.
4. Minutes of the November 23, 2010 Regular Redevelopment Agency Meeting. (CC)  
Motion to approve as submitted.
5. Resolution Setting the City Council Calendar for 2011. (CC)  
Resolution setting the regular meeting schedule for the calendar year 2011, canceling the regular City Council meetings on August 9th and 23rd, and December 27th.

**Consent Agenda (continued)**

6. Appointment of Councilmembers Robinson and Councilmember-elect Bryant to the Santa Cruz Metropolitan Transit District. (CC)

Motion to appoint Councilmember Robinson and Councilmember-elect Bryant to the Santa Cruz Metropolitan Transit District to a term expiring 12/31/12.

7. Appointment of Councilmember Beiers and Councilmember-elect Terrazas to the Library Joint Powers Authority Board. (CC)

Motion to appoint Councilmember Beiers and Councilmember-elect Terrazas to the Library Joint Powers Authority Board.

8. 17-E Municipal Wharf - Municipal Wharf Lease Agreement with Gary Phariss and Joan Phariss. (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 approved by the City Attorney, with Gary Phariss and Joan Phariss for the operation of a gift store at 17-E Municipal Wharf.

9. 344 La Fonda Avenue – Resolution Rescinding Resolution No. NS-28,254 which Granted a Temporary Construction Easement at 344 La Fonda Avenue. (ED)

Resolution rescinding Resolution No. NS-28,254 which was a resolution authorizing and directing the City Manager to execute a Temporary Construction Easement Agreement with the State of California Department of Transportation for temporary use of vacant property located at 344 La Fonda Avenue (APN 009-332-01).

10. Louden Nelson Community Center Fence Replacement Funding. (ED)

Motion authorizing the City Manager to amend the scope of work for the Loudon Nelson Roof and Window Replacement Improvement Project to include fence replacement in both the City Capital Improvement Program and the 2010-2011 Annual Action Plan and rename the project the Loudon Nelson Community Center Improvement Project.

**Consent Agenda (continued)**

11. Annual Report of the Redevelopment Agency Fiscal Year 2010. (ED)

City Council motion to accept the Redevelopment Agency's Annual Report for the Fiscal Year 2010.

Redevelopment Agency resolution to adopt the Redevelopment Agency's Annual Report for the Fiscal Year 2010.

12. Tannery Arts Center – Authorization for Interior Improvements and Architectural Services. (ED)

Redevelopment Agency resolution authorizing the Executive Director to approve change orders necessary to construct interior improvements and execute a contract for architectural services for the Kron House Phase of the Tannery Working Studios and Digital Media Center Project, so long as these actions do not exceed the Agency budget for the the project.

13. Retail Market Analysis and Urban Retail Brokerage – Authorization for Consultant Services. (ED)

Redevelopment Agency motion authorizing the Executive Director to advertise, select, and execute a contract with a consultant firm specializing in retail market analysis and a consultant firm specializing in urban retail brokerage services.

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

Motion to reject liability claim a) Dana O'Brien; b) Silvia V. Quintero; c) Ethan Shenkman; d) Pacific Bell Telephone Co. (dba AT&T); e) Pacific Gas & Electric Company; f) Patricia Cross; and g) AT&T Mobility LLC/New Cingular Wireless PCS LLC; based upon staff investigation.

15. Sole Source Vendor - New Integrated Library System (ILS) for the Santa Cruz Public Libraries. (LB)

Motion to approve Equinox as sole source vendor to provide migration services to Evergreen, an open source Integrated Library System (ILS).

**Consent Agenda (continued)**

16. Authorization to Enter into a Lease with the Santa Cruz Museum Association for Use of the Natural History Museum. (PK)

Resolution authorizing and directing the City Manager to enter into a lease agreement with the Santa Cruz Museum Association for use of the Museum of Natural History.

17. Stroke Center Building Demolition - DeLaveaga Park. (PK)

Motion to authorize the City Manager to advertise for bids and enter into an agreement in a form acceptable to the City Attorney for demolition of the Stroke Center Building in DeLaveaga Park.

Resolution appropriating funds and amending the FY 2011 budget in the amount of \$100,000 to cover the costs associated with demolition of the Stroke Center Building in DeLaveaga Park.

Resolution authorizing the City Manager to apply for and, if funded, accept a grant from the Redevelopment Agency Brownfield Revolving Grant Fund in for lead and asbestos removal an amount not to exceed \$75,000.

18. Acceptance of Grant - Proposition 84. (PK)

Motion to accept the \$1,792,000 grant from the State Office of Grants and Local Services (OGALS) for the purchase of property and development of a park in the Lower Ocean Street neighborhood and authorize the City Manager to execute a contract with the State of California to accept the grant.

Motion to Approve the purchase agreement between the City of Santa Cruz and John R. Giottonini and authorize the purchase of parcel #007-422-04; 007-422-15 and 007-422-16.

19. Paint Truck Purchase - Budget Adjustment. (PW) (P&R)

Resolution transferring funds and amending the FY 2011 budget in the amount of \$36,243.52 to partially fund the purchase of a replacement paint truck.

**Consent Agenda (continued)**

20. Purchase of Six (6) Replacement Police Patrol Vehicles - Authorization to Award. (PW)

Motion to accept the bid of North Bay Ford of Santa Cruz, CA for six (6) police patrol vehicles in the amount of \$134,502.54 and authorize the City Manager to execute an agreement in a form approved by the City Attorney with North Bay Ford and reject all other bids.

21. Safe Routes to School Grant Acceptance and Budget Adjustment - Gault School Sidewalk Infill Project (c401113). (PW)

Motion to authorize and direct the City Manager to accept the Safe Routes to School (SR2S) Grant Award for the Gault School Sidewalk Infill Project (c401113).

Resolution appropriating/transferring funds and amending the FY2011 budget in the amount of \$444,963 for the State Safe Routes to School Cycle 9 Program Grant to Gault School Sidewalk Infill Project and \$49,440 for the local match, for a total project cost of \$494,403.

22. Sewer Cleaning Truck - Budget Adjustment and Bid Award. (PW)

Resolution transferring funds and amending the FY 2011 wastewater budget in the net amount of \$259,895 to fund the purchase of one sewer cleaning truck.

Motion awarding the bid to Municipal Maintenance Equipment, Inc. of Sacramento, California in the amount of \$300,030.

23. Cowell's Beach Stair Rehabilitation - Budget Adjustment. (PW)

Resolution appropriating funds and amending the FY 2011 budget in the amount of \$84,000, ratifying the rehabilitation of the Cowell's Beach Stairs.

24. Santa Cruz World Surfing Reserve - Resolution of Support. (CN)

Resolution supporting the establishment of a Santa Cruz World Surfing Reserve.

**End Consent Agenda**



### General Business

25. Local Purchasing Preference - Research and Development of Draft Ordinance for Future Consideration. (CN)

Motion to direct staff to research and assess the implications of an enhanced local preference in City of Santa Cruz purchasing and to return to the City Council within four months with a draft ordinance or other recommendation.

### Public Hearings

26. Ordinance No. 2010-24 - Ordinance Amending Section 1.01.010 and Adding Section 1.01.035 Pertaining to Repealing of Outdated Codes Adopted by Reference and Granting Publication Authority to Code Publishing Company. (CC)

Final adoption of Ordinance No. 2010-24.

**Note: Item 27 will be continued to the meeting of January 11, 2010**

27. Residential Rental Inspection Program Fees. (PL)

Resolution adopting a new Department of Planning and Community Development Fee Schedule creating fees for the Residential Rental Inspection Program, and rescinding Resolution No. NS-28,171.

### General Business

28. Council Meeting Calendar

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

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

30. 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.

**Adjournment** — The Redevelopment Agency will adjourn from the regularly scheduled meeting of December 14, 2010 to the next regularly scheduled meeting on January 11, 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.

**The City Council will recess to a Council dinner at Café Mare, 700 Front Street, and then to the 7:00 p.m. Session.**

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

\* Call to Order

\* Roll Call

**Note:** 30 Minutes of Oral Communications will be held in the 3:00 p.m. Session only.

**General Business**

31. Certification of the November 2, 2010 Election. (CC)

Resolution confirming and approving the canvass of ballots and returns for the City of Santa Cruz General Municipal Election held on November 2, 2010, and declaring the results.

Ordinance No. 2010-25 passed and adopted by a majority vote of the electorate of the City of Santa Cruz at the November 2, 2010 Election.

32. Remarks by Outgoing Councilmembers.

Councilmember Mathews.  
Mayor Rotkin.

33. Installation of New Councilmembers.

Councilmember-Elect Bryant.  
Councilmember-Elect Robinson.  
Councilmember-Elect Terrazas.

34. Remarks by Incoming Councilmembers.

Councilmember Bryant  
Councilmember Robinson.  
Councilmember Terrazas.

35. Election of the Mayor.

36. Election of the Vice Mayor.

**Adjournment** — The City Council will adjourn from the regularly scheduled meeting of December 14, 2010, to a Special Closed Session on Thursday, December 16, 2010 in the Courtyard Conference Room. The next regularly scheduled meeting will be on January 11, 2011, for a closed litigation session at 1:30 p.m., in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m. and 7:00 p.m. in Council Chambers.

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

**Advisory Body Appointments**

The following at-large positions are will be open for reappointment and or appointment in January 2011. Council will interview candidates at the meeting of January 18, 2011 and make appointments at the meeting of January 25, 2011.

Arts Commission	Three (3) vacancies and one (1) reappointment
Board of Building Appeals	Six (6) reappointments
Commission for the Prevention of Violence Against Women	Three (3) vacancies and or reappointments
Downtown Commission	One (1) vacancy and one (1) reappointment
Equal Employment Opportunity Committee	One (1) vacancy
Historic Preservation Commission	One (1) reappointment
Latino Affairs Commission (County)	One (1) vacancy
Measure K Oversight Committee	Three (3) vacancies and one (1) reappointment
Parks and Recreation Commission	Two (2) vacancies and one (1) reappointment
Planning Commission	One (1) vacancy and one (1) reappointment
Sister Cities Committee	Three (3) vacancies and one (1) reappointment
Transportation & Public Works Commission	One (1) reappointment
Water Commission	One (1) vacancy

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

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

## City Council Agenda Legislative History Addendum

No information was submitted.

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

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

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

ADDENDUM TO CITY COUNCIL AGENDA – DECEMBER 14, 2010  
**INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS**  
(Copies available in the Central Branch Library at the Reference Desk)

City Clerk	Resignation of Linda Bixby from the Arts Commission 12/1/10 (CC FYI 126)
	Resignation of Melissa Nix from the Sister Cities Committee 12/1/10 (CC FYI 127)
	Resignation of David Partida from the Measure K Oversight Committee 12/7/10 (CC FYI 128)
City Manager	Monthly Camping Incident and Homeless Shelter Attendance Reports 11/30/10 (CM FYI 151)
Economic Development Department	*Quarterly Sales Tax Reports – 2010 2 <sup>nd</sup> Quarter 1/22/10 (ED FYI 039)

ADDENDUM TO CITY COUNCIL AGENDA – DECEMBER 14, 2010  
**INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS**  
(Copies available in the Central Branch Library at the Reference Desk)  
(CONTINUED)

Finance Department	Monthly Financial Reports for September 2010 11/18/10 (FN FYI 156)  *Quarterly Sales Tax Reports – 2010 2 <sup>nd</sup> Quarter 11/22/10 (FN FYI 157)  October 2010 Portfolio Management Report – Pooled Cash and Investments 11/23/10 (FN FYI 158)
Planning Department	Approval of Minor Modification for Mixed-Use Commercial/Residential Project, 1109–1111 Ocean Street (Application No. CP10-0099) 10/22/10 (PL FYI 026)
Public Works Department	Transportation and Public Works Commission Actions on the Draft Climate Action Plan 11/17/10 (PW FYI 0066)

\* Report submitted jointly by departments.

ADDENDUM TO CITY COUNCIL AGENDA – DECEMBER 14, 2010  
**MAYOR'S PROCLAMATIONS**

1. Proclaiming December 1, 2010 as “Linda Wolfe Day” and encouraging all citizens and her coworkers to join in wishing her a long and fulfilling retirement, traveling to Idaho, Mexico, and beyond; becoming a waitress at the local breakfast spot; and enjoying her family and friends.
2. Proclaiming December 4, 2010 as “Dr. Keith McKenzie Day” and urging all citizens to join in expressing heartfelt thanks to Dr. Keith McKenzie and the Santa Cruz Rotary Club for these significant medical achievements over the last 15 years in rural Guatemala.
3. Proclaiming December 10, 2010 as “Narconon Vista Bay Day” and encouraging all citizens to join in expressing heartfelt appreciation for its contributions to those in need of effective drug rehabilitation and drug treatment and for its volunteerism.