

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



JOINT CITY COUNCIL - REDEVELOPMENT AGENCY AGENDA

Regular Meeting

May 24, 2011

- 1:30 P.M. CLOSED LITIGATION SESSION, COURTYARD CONFERENCE ROOM
- 3:00 P.M. CONSENT, GENERAL BUSINESS AND PUBLIC HEARINGS,
COUNCIL CHAMBERS
- 5:00 P.M. ORAL COMMUNICATIONS, COUNCIL CHAMBERS
- 6:30 P.M. GENERAL BUSINESS, PUBLIC HEARINGS AND MATTERS OF
PUBLIC INTEREST, COUNCIL CHAMBERS

Council will receive e-mail regarding items on the agenda during the meeting at citycouncil@cityofsantacruz.com.

Written correspondence and telephone calls received after 5:00 p.m. on the Monday immediately 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

The City of Santa Cruz does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities, we ask that you attend fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this public meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment, please call the City Clerk's Department at 420-5030 at least five days in advance so that we can arrange for such special assistance, or email CityClerk@cityofsantacruz.com. The Cal-Relay system number: 1-800-735-2922.

Closed Litigation Session

1:30 PM

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 public testimony. Thereafter, the meeting will be closed to the public.

- A. Conference with Legal Counsel - Liability Claims (Government Code §54956.95).
 - 1. Claimant: Abel Mekkoudi dba Avenue Bar
 - 2. Claimant: Maria Dutra
 - 3. Claimant: Ian StanleyClaims Against: City of Santa Cruz

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

1547-1549 Pacific Avenue/1110 Cedar Street Property Acquisition (Redevelopment Agency)
Agency Negotiator–Bonnie Lipscomb
APN 005-041-10; 005-041-15; 005-041-05

- C. Conference With Legal Counsel - Existing Litigation (Government Code §54956.9).
 - 1. Norse v. City of Santa Cruz, United States Court of Appeals Case No. 07-15814
 - 2. People v. Huntsinger, Santa Cruz Superior Court Case No. CV169557

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

Significant Exposure of City to Litigation (Government Code §54956.9(b)).
(1 case to be discussed)

Joint City Council/Redevelopment Agency

3:00 PM

Call to Order

Roll Call

Pledge of Allegiance

Presentation - Red Cross Heroes

Presentation - Santa Cruz METRO

Presentation - Santa Cruz Police Officers' Association

Presiding Officer's Announcements

Statements of Disqualification

Additions and Deletions

Consent Agenda

1. Minutes of the May 3, 2011 Special City Council Meeting. (CC)

Motion to approve as submitted.

2. Appointment of the City's Alternate Representatives to the Santa Cruz County Libraries Joint Powers Authority Board and Library Financing Authority. (CN)

Motion to appoint Councilmember Bryant to serve as the City's alternate representative to the Santa Cruz County Libraries Joint Powers Authority Board and to appoint Councilmembers Beiers and Bryant as the City's alternate representatives to the Library Financing Authority.

3. General Obligation Refunding Bonds - Tax Rate Authorization. (FN)

Resolution setting the tax rate for FY 2012 with respect to the City's General Obligation Refunding Bonds.

4. Agreement with Volunteer Center of Santa Cruz County - TDA Claimant. (FN)

Motion to authorize and direct the City Manager to execute an agreement with Volunteer Center of Santa Cruz County, allowing the City to act as claimant for funds obtained from the Santa Cruz County Regional Transportation Commission (SCCRTC) for FY 2012.

5. Agreement with Community Bridges of Santa Cruz County - TDA Claimant. (FN)

Motion to authorize and direct the City Manager to execute an agreement with Community Bridges/Consolidated Transportation Services Agency, allowing the City to act as claimant for funds obtained from the Santa Cruz County Regional Transportation Commission (SCCRTC) for FY 2012.

Consent Agenda (continued)

6. City's Classification and Compensation Plans and the FY12 Budget Personnel Complement - Administrative Services Department/Human Resources Division and Planning and Community Development Departments. (HR)

Resolution amending the Classification and Compensation Plan and the FY12 Budget Personnel Complement by creating a new organizational structure in the Building Inspection division of the Planning and Community Development Department with a phased implementation.

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

Motion to reject liability claims: a) Abel Mekkoudi dba The Avenue Bar, b) Maria Dutra, c) Ian Stanley; based on staff investigation.

8. Request From Sons of Italy to Place a Stone and Memorial Plaque in La Barranca Park. (PK)

Motion authorizing the installation of a memorial plaque in La Barranca Park honoring historic contributions made by Italian Americans in the Santa Cruz area.

9. Clean Air Month 2011. (PW)

Resolution declaring May, 2011 as Clean Air Month.

10. East Cliff Slope Stabilization and Repair Project (m400811) -Request for Proposals and Award of Contract. (PW)

Motion to approve the East Cliff Slope Stabilization and Repair Project Request for Proposals and authorize staff to solicit for proposals. The City Manager is authorized and directed to execute an agreement with the most qualified contractor as authorized per Resolution NS-27,563.

Consent Agenda (continued)

11. Implementation of Deferred Wastewater Rate Increases (PW)

Motion to ratify the wastewater rate increases scheduled to take effect on July 1, 2011 and July 1, 2012.

12. Water Quality Lab Remodel Project - Contract Change Order No. 37. (WT)

Motion to ratify Contract Change Order No. 37 in the amount of \$30,136 with Selden & Son (Watsonville, CA) for additional work on the Water Quality Lab Remodel Project.

13. San Lorenzo River Water Quality and Habitat Protection Riparian Conservation Easement - Charlton Property APN 060-192-10. (WT)

Resolution to authorize the City Manager to execute an Easement Deed with Sandra Charlton for APN 060-192-10 for the purpose of access, scientific research, maintenance and restoration of the riparian areas of the property and watershed protection.

End Consent Agenda

Public Hearings

14. Motel 6 Appeal of Finance Director's Administrative Hearing Determination Regarding Unpaid Transient Occupancy Taxes, Penalties, and Interest. (FN)

Resolution upholding or denying the appeal of Sabrina Patel, RSVP Hospitality, LLC dba Motel 6 Santa Cruz regarding the Finance Director's administrative hearing determination that the appellant owes \$4,327.60 to the City.

- 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 rebuttal - 5 minutes maximum.
- Council deliberation and action

15. Torch Lite Inn Appeal of Finance Director's Administrative Hearing Determination Regarding Unpaid Transient Occupancy Taxes, Penalties, and Interest. (FN)

Resolution upholding or denying the appeal of Sabrina Patel, RSVP Hospitality, LLC dba Torch Lite Inn regarding the Finance Director's administrative hearing determination that the appellant owes \$26,700.85 to the City.

- 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 rebuttal - 5 minutes maximum.
- Council deliberation and action

16. 150 Fernside Street, CP10-0120, APN 008-141-09 - Demolition Authorization, Heritage Tree Removal, Design Permit and Tentative Subdivision Map to Construct Six Townhouse Condominium Units in the R-L (Multiple Residence-Low Density District) Zone District. (PL)

Resolution acknowledging the Environmental Determination (Categorical Exemption), and approving a Demolition Authorization, Heritage Tree Removal, Design Permits and Tentative Subdivision Map based on the findings and the Conditions of Approval listed in Exhibit "A".

General Business

17. Participation in a ½ MegaWatt Solar Project on Municipal Parking Garages and Parking Lots, and Authorize the Preparation of Design and Finance Agreements. (PL) (FN)

Motion to authorize the City Manager to execute a Memorandum of Understanding between the City of Santa Cruz and a local renewable energy consultant (Innovastrat) to finalize a set of financial agreements for the construction of a 1/2 megawatt solar project on Municipal Parking Garages.

Supplemental General Business

18. Council Meeting Calendar. (CC)

The City Council will review the meeting calendar attached to the agenda and revise it as necessary.

19. Council Memberships in City Groups and Outside Agencies. (CC)

The Presiding Officer will provide councilmembers with the opportunity to update Council and the public regarding city groups and outside agencies.

20. City Attorney Report on Closed Session. (CA)

Joint City Council/Redevelopment Agency

5:00 PM

Call to Order

Roll Call

Joint City Council/Redevelopment Agency Oral Communications - 30 minutes.

Recess - City Council.

The City Council will recess to the 6:30 p.m. Session.

Adjournment- Redevelopment Agency.

The Redevelopment Agency will adjourn from the Regular Meeting of May 24, 2011 to the next Regular Meeting on June 14, 2011 for a Closed Litigation Session at or after 1:30 p.m. in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m., 5:00 p.m. and 7:00 p.m. in the Council Chambers.

Joint City Council/Redevelopment Agency

6:30 PM

Call to Order

Roll Call

Presentation - Monterey College of the Law

Presentation - Boltage, Gault School Students

Presentation - James Durbin Day

Public Hearing

21. 407 Broadway, CP 09-0036, APN 005-302-24 - Design Permit for a 111-Room Hotel; Planned Development Permit to Allow a Hotel Use in the RM Zoning District, and to Allow One Additional Building Story to a Height of 42 Feet; and, an Administrative Use Permit for a Low-Risk Alcohol Outlet within the Hotel. One Heritage Tree Will Be Removed for the Project.

Resolution adopting the Mitigated Negative Declaration and approving the Planned Development, Design, and Administrative Use Permits, based on the Findings listed in and the Conditions of Approval attached to resolution.

Adjournment

The City Council will adjourn from the May 24, 2011 Regular Meeting to a Special Meeting on June 7, 2011 in the City Council Chambers at 8:30 a.m. for consideration of the FY 2012 Budget. The next Regular Meeting will be on June 14, 2011, for a Closed Litigation Session at or after the hour of 1:30 p.m. in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m., 5:00 p.m. and 7:00 p.m. in the Council Chambers.

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) vacancy
Measure K Oversight Committee	Three (3) vacancies

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 - May 24, 2011

INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS

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

City Manager

Monthly Camping Incident and Homeless Shelter
Attendance Reports 5/16/11 (CM FYI 160)

Finance Department

Monthly Financial Reports for March 2011
5/8/11 (FN FYI 175)

Portfolio Management Report - Pooled Cash and
Investments as of April 30, 2011
5/11/11 (FN FYI 176)

Public Works Department

West Cliff Path Stairs to Cowell's Cove at Manor
Avenue Status of Repairs Completed
5/2/11 (PW FYI 0071)

ADDENDUM TO CITY COUNCIL AGENDA - MAY 24, 2011

MAYOR'S PROCLAMATIONS

1. Proclaiming May 6, 2011 as "John Ancic Day" and encouraging all his coworkers and citizens to join in expressing heartfelt appreciation for his 22 years of dedicated and exemplary service and numerous contributions to the City of Santa Cruz and its Planning and Community Development Department and wishing him well in his retirement.
2. Proclaiming May 14, 2011 as "James Durbin Day" and encouraging all Santa Cruzans to join in congratulating him on his extraordinary fourth place *American Idol* finish and supporting him in his rising career as a rock star and quest to "Give Metal a Chance."
3. Proclaiming May 18, 2011 as "Heroes Day" and urging all citizens to honor and celebrate our local heroes, to continue to give blood, to volunteer our time, to give generously to the American Red Cross and to its Santa Cruz County Chapter, and to keep in mind that when you help the American Red Cross, you help Santa Cruz.
4. Proclaiming Friday, May 20, 2011 as "One World Many Voices for Japan Day."
5. Proclaiming May 20, 2011 as "Judy Warner Day" and urging all citizens to join in honoring her for all of her dedication and diligent work for the Democratic Central Committee.
6. Proclaiming May 21, 2011 as "National Kids to Parks Day" and encouraging all residents to make time to take the children in their lives to a neighborhood, state, or national park.
7. Proclaiming May 22, 2011 as "Vive Oaxaca and Its Indigenous Communities Day" and encouraging all citizens to join in honoring the Oaxacan and Indigenous Communities in Santa Cruz for their cultures and contributions to the people of the Santa Cruz community and recognizing the organization Vive Oaxaca and Its Indigenous Communities as an established organization.