

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



JOINT CITY COUNCIL - REDEVELOPMENT AGENCY AGENDA

Regular Meeting

June 28, 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  |
| 7:00 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](mailto: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](mailto: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 Session in a public meeting in the Courtyard Conference Room, for the purpose of announcing the agenda, considering Item 1, and receiving public testimony. Thereafter, the meeting will be closed to the public.

### Referral to Closed Session

1. Referral to Closed Session: 55-D Municipal Wharf, APN 005-681-02. (ED)

Motion to refer to closed session discussion of a Municipal Wharf Lease Agreement with Christine Castelli for the operation of an internet cafe, and to provide instructions to the Director of Economic Development regarding same.

A. Conference With Legal Counsel - Existing Litigation (Government Code §54956.9).

1. People v. Huntsinger, Santa Cruz County Superior Court, Case No. CV169557
2. UACC Midwest, Inc. et al v. City of Santa Cruz, United States District Court Case No. C-84-7546-51
3. Irene Allman & Kelly Newman v City of Santa Cruz, Santa Cruz City Schools, Jennifer Hodges, Santa Cruz County Superior Court, Case No. 169904

B. 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.

C. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan—Negotiator  
Employee Organizations— All Bargaining Units

**Referral to Closed Session (continued)**

D. Real Property Negotiations

55 D Municipal Wharf Lease Negotiations (City - Lessor; Ocean Conservancy/Shark Bytes - Lessee)  
City Negotiator - Bonnie Lipscomb  
APN 005-681-02

E. Liability Claims

Claimant - Jacob Hawley

Joint City Council/Redevelopment Agency

3:00 PM

Call to Order

Roll Call

Pledge of Allegiance

Introduction of New Employees

Proclamation - Parks & Recreation Month

Presiding Officer's Announcements

Statements of Disqualification

Additions and Deletions

Consent Agenda

2. Minutes of the June 7, 2011 Special City Council Meeting. (CC)

3. Minutes of the June 14, 2011 Regular City Council Meeting. (CC)

Motion to approve as submitted.

4. Minutes of the June 14, 2011 Regular Redevelopment Agency Meeting. (CC)

Motion to approve as submitted.

**Consent Agenda (continued)**

5. Downtown Business Competitiveness - Parking incentives to Attract and Retain Retail and Commercial Businesses. (CN)

Motion to direct staff to research and evaluate parking fee options in order to retain and attract businesses in the Downtown area and to bring recommendations to the Downtown Commission, before returning to the City Council for action by late July, 2011.

6. Paradise Dogs (No address, no APN) Municipal Wharf License Agreement. (ED)

Motion to authorize and direct the City Manager to execute a Municipal Wharf License Agreement and any amendments thereto of a non-substantive nature, in a form acceptable to the City Attorney, with Vince Tuzzi for the operation of a business selling hot dogs, soft drinks and water, and related food products at the entrance to the Municipal Wharf.

7. Tannery Arts Center - Digital Media Center @ the Tannery Building Rehabilitation - Notice of Completion. (ED)

Motion to approve the work completed by Douglas Ross Construction, Inc., and to authorize the filing of the Notice of Completion for the Digital Media Center @ the Tannery Building Rehabilitation.

8. Parking Lot 9 Trash Enclosure Project - Notice of Completion. (ED)

Motion to approve the work completed by Barry Swenson Builder and authorize the filing of the Notice of Completion for the Parking Lot 9 Trash Enclosure Project at 120 Elm Street.

9. Award Contract for Facility Maintenance Supplies. (FN)

Motion to authorize the purchase of facility maintenance supplies from Fastenal Co. (Winona, MN) and W.W. Grainger, Inc. (Lake Forest, IL).

**Consent Agenda (continued)**

10. Concrete Rehabilitation of Sedimentation Tank No. 5 at the Wastewater Treatment Facility (m409657). (PW)

Motion to approve the specifications for the Concrete Rehabilitation of Sedimentation Tank No. 5 Project (m409659) and authorize staff to advertise for bids. The City Manager is hereby authorized and directed to execute the agreement as authorized by Resolution No. NS-27,563.

11. Water Quality Lab Remodel Project - Contract Change Order No. 38 and Notice of Completion. (WT)

Motion to ratify Contract Change Order No. 38 in the amount of \$1,729 with Selden & Son (Watsonville, CA) for additional work on the Water Quality Lab Remodel Project.

Motion to accept the work of Selden & Son (Watsonville, CA) as complete per the plans and specifications and authorizing the filing of a Notice of Completion for the Water Quality Lab Remodel Project.

**End Consent Agenda****Public Hearing**

12. Ordinance No. 2011-04 - Revisions to Santa Cruz Municipal Code Chapter 16.08, Sewer System Ordinance, to Facilitate Graywater Use. (WT) (PW) (PL)

Final adoption of Ordinance No. 2011-04.

13. 1547-1549 Pacific Avenue/1110 Cedar Street CP10-0170 APNs: 005-041-5, 10 & 15 Design and Planned Development Permits, Tentative Subdivision Map and Development Agreement for a Five-Story, Mixed-Use Building Containing Ground Level Commercial Condominiums; Enclosed Ground Level Parking for 66 Automobiles and 76 Bicycles; and Four Upper Stories Containing 66 Residential Condominium Units in the CBD Zone District. (Environmental Determination: Mitigated Negative Declaration) (Park Pacific LLC, Owner) (PL)

Motion to continue the public hearing of the Park Pacific project to July 12, 2011, after the hour of 3:00 p.m.

This item has no written materials.

**General Business**

14. CalPERS Contract Amendment. (HR)

Resolution declaring the Council's intention to approve an amendment to its contract with the California Public Employees' Retirement System (CalPERS) to provide a second tier retirement benefit formula of 3% @ 55 for local safety members.

Introduce an ordinance for publication (first reading) implementing the CalPERS contract amendment.

15. Equal Employment Opportunity Committee Appointment (One Possible Reappointment, with a Term Expiration of 6/30/14) (CC)

Motion to reappoint Deborah Holmes to the Equal Employment Opportunity Committee, to a term expiring 6/30/14.

16. Riverside Avenue Utility Underground and Streetscape Project. (PW)

Motion to adopt the concept design for the streetscape and intersection improvements for Riverside Avenue between Second and Beach Streets to include utility undergrounding, the one-way Leibrandt Street option (with raised crosswalk and pedestrian actuated flashing beacons), wave pattern sidewalk, best management practices drainage improvements, palm trees, low maintenance landscaping, a gateway sign.

### Supplemental General Business

17. Council Meeting Calendar. (CC)

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

18. 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.

19. 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**

**Adjournment - Redevelopment Agency**

The Redevelopment Agency will adjourn from the Regular Meeting of June 28, 2011 to the next Regular Meeting on July 12, 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.

**Recess - City Council**

The City Council will recess to the 7:00 p.m. session.

7:00 PM

Call to Order

Roll Call

Santa Cruz Barbershop Quartet

General Business

20. Completion of Fiscal Year 2012 Budget Review. (CM)

Motion to direct staff to return with amendments to the Proposed Fiscal Year 2012 Budget for final adoption on July 12, 2011.

Adjournment

The City Council will adjourn from the June 28, 2011 Regular Meeting to a Special Closed Litigation Session on July 5, 2011 at or after the hour of 4:00 p.m. in the Courtyard Conference Room, and then to the next Regular Meeting on July 12, 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.

Equal Employment Opportunity Committee	One (1) vacancy or reappointment
Measure K Oversight Committee	Two (2) vacancies

**Advisory Body Direct Appointments**

The following appointments are being made directly by Councilmembers under the authority of Measure K (Ordinance No. 2006-27) adopted by the City electorate at the November 2006 election, and are listed for reference and information. There will be no Council discussion or action.

Councilmember Robinson appointed Michael Becker to the Measure K Oversight Committee on June 6, 2011.

**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 - July 28, 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 6/9/11 (CM FYI 161)
Economic Development Department	Deaccession Shiva's Heaven Sculpture 6/14/11 (ED FYI 014)
Finance Department	Portfolio Management Report - Pooled Cash and Investments as of May 31, 2011 6/15/11 (FN FYI 179)

**ADDENDUM TO CITY COUNCIL AGENDA - JUNE 28, 2011****MAYOR'S PROCLAMATIONS**

1. Proclaiming June 14, 2011 as "Community Television of Santa Cruz County Day" and encouraging all citizens to join in honoring Community Television of Santa Cruz County and, in particular, Peter McGettigan for their public service and for fifteen years of continuous broadcasting of City Council Meetings.
2. Proclaiming the week of June 20-26, 2011 as "Amateur Radio Week" and calling on all residents to support the very important emergency preparedness exercise and recognize the tremendous contributions local amateur radio operators have made to our community.
3. Proclaiming June 23, 2011 as "Stanley E. Iversen Day" and encouraging all citizens to join in congratulating him on being named the "2011 Farmer of the Year" by the Santa Cruz County Farm Bureau.
4. Proclaiming June 25, 2011 as "Santa Cruz Derby Girls Day" and encouraging all citizens to join in congratulating them on a successful fourth season and for igniting a new passion in Santa Cruz and their engagement in the youth and vision of our community.
5. Proclaiming Saturday, June 25, 2011 as "Kelly's French Bakery Day" and encouraging all citizens to join in celebrating its 30<sup>th</sup> Anniversary and expressing heartfelt appreciation for the passion and vision that Kelly and Mark Sanchez have given our City for the past 30 years and continue to enrich our community experience every day.