

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



JOINT CITY COUNCIL - REDEVELOPMENT AGENCY AGENDA

Regular Meeting  
September 27, 2011

- |           |  |
|-----------|--|
| 1:00 P.M. | CLOSED LITIGATION SESSION, COURTYARD CONFERENCE ROOM                               |
| 2:30 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

1:00 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, and receiving public testimony. Thereafter, the meeting will be closed to the public.

### Closed Session

A. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan - Negotiator  
Employee Organizations - All Bargaining Units

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

1520 K-2 Pacific Avenue Kiosk Lease (Glass Jar LLC dba The Penny Ice Creamery—Lessee)  
City Negotiator—Bonnie Lipscomb  
No APN

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

1. City of Santa Cruz v. Patel, Santa Cruz Superior Court Case No. CV 161056 (Sixth Appellate District Case No. H036245)
2. In Re Manuben Karshanbhal Patel, U.S. Bankruptcy Court, Northern District of California (San Jose), Chapter 11 Bankruptcy Case No. 11-54812
3. In Re RSVP Hospitality, Inc., U.S. Bankruptcy Court, Northern District of California (San Jose), Chapter 11 Bankruptcy Case Number 11-57624
4. In Re Savitriben K. Patel, U.S. Bankruptcy Court, Northern District of California (San Jose), Chapter 11 Bankruptcy Case No. 11-54571
5. In Re Sanjay Kumar Patel, U.S. Bankruptcy Court, Northern District of California (San Jose), Chapter 11 Bankruptcy Case Number 11-57645
6. Sipple, et al. v. City of Alameda, et al., Los Angeles Superior Court Case No. BC462270

**Closed Session (continued)**

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

Claimant: Wayne Wyckoff

Claims Against: City of Santa Cruz

Joint City Council/Redevelopment Agency

2:30 PM

Call to Order

Roll Call

Pledge of Allegiance

Introduction of New Employees

Presentation - Mayor's recognition of Fire Division Chief Eric Aasen's 25 years of service pin.

Presentation - Mayor's Proclamation in Recognition of October 1 - 16, 2011 as Binational Health Week.

Presentation - Mayor's Proclamation in Recognition of October 1 - November 3, 2011 as The Big Read Month.

Presentation - Mayor's Proclamation in Recognition of Jax Day for the dedication and service of Jax and all police canines to the safety of our community.

Presentation - Mayor's Proclamation in Recognition of Sammy the Banana Slug's 25 Years as the University of California at Santa Cruz mascot.

Presiding Officer's Announcements

Statements of Disqualification

Additions and Deletions

Consent Agenda

1. Minutes of the July 26, 2011 Regular City Council Meeting. (CC)

Motion to approve as submitted.

2. Minutes of the July 26, 2011 Regular Redevelopment Agency Meeting. (CC)

Motion to approve as submitted.

Consent Agenda (continued)

3. Minutes of the August 25, 2011 Joint City Council/Redevelopment Agency Special Meeting. (CC)

Motion to approve as submitted.

4. Minutes of the September 13, 2011 Regular City Council Meeting. (CC)

Motion to approve as submitted.

5. Minutes of the September 13, 2011 Regular Redevelopment Agency Meeting. (CC)

Motion to approve as submitted.

6. Liability Claim Filed Against City of Santa Cruz. (ASD)

Motion to reject liability claim: a) Wayne Wyckoff, based on staff investigation.

7. 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 1-22, 2011.

Consent Agenda (continued)

8. Community Action Board - Amendment to the Agreements for Emergency Rent/Mortgage Assistance Program. (ED)

Redevelopment Agency resolution authorizing the Executive Director to execute a Twentieth Amendment to the Agreement with the Community Action Board for Emergency Rent/Mortgage Assistance Program to modify applicant approval procedures.

City Council motion authorizing the City Manager to execute an amendment to the Financing Agreement with the Community Action Board for the Red Cross Emergency Rent/Mortgage Assistance Program to modify applicant approval procedures.

9. Consideration of Revised Enforceable Obligation Payment Schedule and Preliminary Draft of Initial ROPS Consistent with ABX1 26 Enacted as Part of the State FY 2012 Budget. (ED)

Redevelopment Agency resolution approving and adopting a revised Enforceable Obligation Payment Schedule (EOPS) consistent with ABX1 26 enacted as part of the State FY 2012 Budget.

Redevelopment Agency resolution approving a preliminary draft of the initial Recognized Obligation Payment Schedule (ROPS) consistent with ABX1 26 enacted as part of the State FY 2012 Budget.

10. Resolution Approving Extension of the Abandoned Vehicle Abatement (AVA) Program. (PD)

Resolution providing for the extension of the one dollar surcharge on vehicle registration fees for ten years from the date of this resolution.

11. Wastewater Treatment Facility (WWTF) Strategic Maintenance Painting Program-Award of Contract. (PW)

Motion to accept the proposal of Murphy Industrial Coatings, Inc., Signal Hill CA. for the WWTF Strategic Maintenance Painting Program and to authorize the City Manager to execute an agreement in a form approved by the City Attorney.

**Consent Agenda (continued)**

12. Comcast Settlement Agreement and Fourth Amendment to the Consent Judgment for Cable Television. (CM)

Motion to accept a report on the Comcast Settlement and the Fourth Amendment to the Consent Judgment for cable television.

**End Consent Agenda**

**Public Hearing**

13. Ordinance No. 2011-09 Amending Section 5.04.080 of the Santa Cruz Municipal Code Pertaining to Business Licenses. (FN)

Final adoption of Ordinance No. 2011-09.

14. Ordinance No. 2011-10 Pertaining to Commercial Sales in Parks and Beaches (Regulation of Surf Schools). (PK)

Final adoption of Ordinance No. 2011-10.

**General Business**

15. Fire Management Service Pilot Agreement between UCSC and City of Santa Cruz. (CM)

Resolution authorizing the City Manager to negotiate and execute a two-year pilot Fire Management Service Agreement, in a form acceptable to the City Attorney, with the University of California, Santa Cruz.

Resolution amending the classification and compensation plan and the FY 2012 budget personnel complement in the Fire Department to facilitate the Management Service Agreement.

**General Business (continued)**

16. Retail Market Analysis Report. (ED)

Redevelopment Agency motion accepting the 2011 Retail Market Analysis conducted by Gibbs Planning Group and directing staff to set up a future study session focusing on the specific recommendations in the report.

**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 Membership 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. (CC)

**Recess** - The City Council and Redevelopment Agency will recess to the 5:00 p.m. session.



**Joint City Council/Redevelopment Agency**

**5:00 PM**

**Joint City Council/Redevelopment Agency Oral Communications - 30 Minutes**

**Recess** - The City Council and Redevelopment Agency will recess to the 7:00 p.m. session.

**Adjournment** - The Redevelopment Agency will adjourn from the Regular Meeting of September 27, 2011 to next Regular Meeting of October 11, 2011 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.

City Council

7:00 PM

Call to Order

Roll Call

Presentation - Green Building Award Plaque.

Presentation - LifeLab Garden Classroom Day.

Presentation - Recognition of the October 9, 2011 Teen Center Benefit, CruzaPalooza.

General Business

20. External Technology Committee Policy Recommendations. (CN)

I. Fiber Policy Development: Motion to direct staff to develop and maintain a Broadband Master Plan for prioritizing connectivity needs in future years, with an emphasis on delivering high bandwidth services to Santa Cruz's industrial and commercial land use districts and community anchor organizations (education, public services, public safety, and health care).

II. Systems Interoperability: Motion to direct staff to establish a City data classification policy and model that encourages systems interoperability between internal City databases and applications to improve efficiency and reduce paperwork for multi-department processes.

III. Open Data: Resolution authorizing the City Manager to: (1) develop a policy and set of procedures to qualify datasets under the City's control that may be available to the public in a standardized, machine-readable format, provided that such disclosure is consistent with applicable law including those related to privacy; and (2) publish a catalog of available datasets on the City's Website under a generic license, such as "Creative Commons," with a method provided to verify the source of each dataset.

## General Business (continued)

### 21. Code for America 2012 City Fellowship Program. (CN)

Resolution authorizing the City Manager to execute a contract, in a form acceptable to the City Attorney, with Code for America, a nonprofit based in San Francisco, CA for the 2012 City Fellowship Program for the development of an integrated Business Gateway for the City's website.

Resolution appropriating funds and amending the FY 2012 Budget in the amount of \$55,650 to cover the City's FY 2012 cost of participation in the Code for America Fellowship Program.

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

### 22. 120 Union Street - 09-032 - APN 005-046-05 - Appeals of the Planning Commission's approval of a Modification of Zoning Permit 09-032 which changed hours of operation and modified type of entertainment permit for a restaurant (Cypress Lounge) in the CBD zone district, and the Police Chief's action to suspend the Entertainment Permit. (PL/PD)

Resolution denying the appeals and upholding the Zoning Administrator and Planning Commission actions, thereby approving the Modification of Zoning Permit 09-032; and the Police Chief's suspension/revocation of the full entertainment permit, and reversion to incidental entertainment based on the findings and conditions included in the resolution.

**Adjournment** - The City Council will adjourn from the Regular Meeting of September 27, 2011 to the next Regular Meeting of October 11, 2011 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.

Downtown Commission	One (1) vacancy
Measure K Oversight Committee	Two (2) 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 Administrator with such documentation and information for the Legislative History Addendum. The information will be on file in the City Clerk's Division.

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 27, 2011**  
**INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS**

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

City Council Public Safety Committee	Annual Report on Public Safety Committee Review of Professional Standards Unit Investigations 9/12/11 (CM FYI 166)
Water Department	Beltz Well #12 Project - Acquisition of Property in Soquel Research Park - APN 030-181-70 9/13/11 (WT FYI 045)

ADDENDUM TO CITY COUNCIL AGENDA - SEPTEMBER 27, 2011

**MAYOR'S PROCLAMATIONS**

1. Proclaiming September 14-17, 2011 as "Follies Week" and encouraging all citizens to support the effort by attending a performance at the Civic Auditorium during those days.
2. Proclaiming September 2011 as "Compassion Month" and urging all Santa Cruzans to embrace compassion as indispensable to the creation of a just economy and a peaceful global community.
3. Proclaiming Saturday, September 17, 2011 as "Boys & Girls Clubs Day for Kids in Santa Cruz" and encouraging all citizens to join in recognizing and commending the Boys & Girls Clubs Day for Kids Honor Roll organizations in Santa Cruz for providing their outstanding contributions and commitment to improve the lives of the children and young adults in our community.
4. Proclaiming Friday, September 16, 2011 as "Erik Swannack Day" and encouraging all his coworkers and citizens to join in expressing heartfelt appreciation for this twenty-two and one-half years of dedicated and exemplary service and numerous contributions to the Santa Cruz Police Department and the City of Santa Cruz and wishing him well in his retirement.
5. Proclaiming Saturday, September 17, 2011 as "Save Our Shores Day" and encouraging all citizens to join in honoring this environmental organization for its efforts to protect the health of our sanctuary and ocean.
6. Proclaiming Thursday, September 15, 2011 as "Betsy Myers Day" and encouraging all citizens to join in congratulating her on her book release and conveying sincere best wishes for her well-being and continued success in the future.
7. Proclaiming September 24, 2011 as "National Public Lands Day" and urging all citizens to join in recognizing and participating in this special observance.
8. Proclaiming Thursday, September 22, 2011 as "Day of the Girl Day" and encouraging all citizens to support and participate in programs and events to improve the lives of girls everywhere.

9. Proclaiming Sunday, September 25, 2011 as "Pastor Ernest L. Brown and 1<sup>st</sup> Lady Ruby J. Brown Day" and encouraging all citizens to join in congratulating them on their 11<sup>th</sup> Pastoral Anniversary and thanking them for their eleven years of faithful service to their local church and their Santa Cruz community.
10. Proclaiming October 9-15, 2011 as "Fire Prevention Week" and urging all citizens to protect their homes and families by heeding the important safety message of Fire Prevention Week 2011 and to support the many public safety activities and efforts of Santa Cruz fire and emergency services.
11. Proclaiming Tuesday, September 27, 2011 as "Jax Day" and encouraging all citizens to join in recognizing the dedication and service of Jax and all police canines to the safety of our community.
12. Proclaiming October 1 through November 3, 2011 as "The Big Read Month" and encouraging residents to participate in the many events focusing on the incredible life and work of Edgar Allan Poe.
13. Proclaiming Tuesday, September 27, 2011 as "University of California at Santa Cruz Banana Slug Day" and urging all citizens to share their appreciation for the timeless Banana Slug.
14. Proclaiming the week of September 25-October 1, 2011 as "Sea Otter Awareness Week" and encouraging all citizens to join in observance of this week and to do our part to protect Sea Otters for future generations to enjoy.