

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



JOINT CITY COUNCIL - REDEVELOPMENT AGENCY AGENDA

Regular Meeting  
October 11, 2011

- 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

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

### Closed Session

A. 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
7. City of Santa Cruz v. Norse, Supreme Court of the United States Case No. 10-1476

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

1. Claimant: Matthew Alsing
2. Claimant: Ingrid Volmer  
Claims Against: City of Santa Cruz

Closed Session (continued)

C. Public Employee Performance Evaluation ( Government Code §549567).

City Council's performance evaluation of City Manager.

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)

E. Labor Negotiations (Government Code §54957.6).

Lisa Sullivan - Negotiator

Employee Organizations - All Bargaining Units

Joint City Council/Redevelopment Agency

3:00 PM

Call to Order

Roll Call

Pledge of Allegiance

Presentation - Mayor's Proclamation in Recognition of October 9-15, as Fire Prevention Week.

Presiding Officer's Announcements

Statements of Disqualification

Additions and Deletions

Consent Agenda

1. Liability Claims Filed Against City of Santa Cruz. (ASD)

Motion to reject liability claims: a) Matthew Allen Alsing,  
b) Ingrid Taimi Volmer, based on staff investigation.

2. Minutes of the September 27, 2011 Regular City Council Meeting. (CC)

Motion to approve as submitted.

3. Minutes of the September 27, 2011 Regular Redevelopment Agency Meeting. (CC)

Motion to approve as submitted.

4. City/County/UCSC/CLUE Comprehensive Settlement Agreement Implementation Expenses - Budget Adjustment - FY 2012. (CM)

Resolution amending the Fiscal Year 2012 Budget to appropriate funds in the amount of \$100,000 to pay for City/County/UCSC/CLUE Comprehensive Settlement Agreement implementation expenses.

5. City Purchase of Bottled Water - Council Policy. (CN)

Motion to adopt a Council Policy prohibiting the City of Santa Cruz from purchasing single-use bottled water for City offices and operations except in cases of emergency.

6. Southern Sea Otter Translocation Program Termination - Resolution of Support. (CN)

Resolution supporting the termination of the Southern Sea Otter Translocation Program.

7. Proposition 1481 - Oil Extraction Tax to Rescue Education Proposition Initiative Statute - Resolution of Support. (CN)

Resolution supporting Proposition 1481 and encouraging Californians to sign the petition for Proposition 1481 to allow the people of our State to vote on this matter.

8. San Lorenzo Park Temporary No Smoking Exemption. (CN)

Resolution establishing a five-hour exemption to the smoking prohibition in San Lorenzo Park on Saturday, October 22, 2011 from the hours of 12 p.m. to 5 p.m.

## Consent Agenda (continued)

9. Laurel Street Pedestrian Safety Improvements - Approve Plans and Specifications - Budget Adjustment (PW)

Motion to approve the plans and specifications for the Laurel Street Pedestrian Improvements project (c401111) and authorize staff to advertise for bids.

Resolution transferring funds and amending the FY2012 budget in the amount of \$70,000 from the Traffic Impact Fee Fund for alternative transportation to fully fund for the project.

10. Wastewater Treatment Facility Ocean Outfalls - Lease Agreement (PW)

Resolution authorizing and directing the City Manager to execute a lease agreement, approved as to form by the City Attorney, with the State of California for the continued use of the City's Wastewater Treatment Facility ocean outfalls.

11. UCSC Telecommunication Network - Mission Street and Western Drive - Encroachment Permit. (PW)

Resolution granting an encroachment permit for installation and maintenance of the UCSC underground telecommunications network at Mission Street and Western Drive.

12. Abbott Square Activation and Collaboration with the McPherson Museum of Art and History. (CN)

Motion to direct staff to explore a partnership with the McPherson Museum of Art and History (MAH) and the arts community to develop ideas to enliven the Downtown through the activation of Abbott Square as a more welcoming, family-friendly destination.

End Consent Agenda

## General Business

13. City's Classification and Compensation Plans and the FY12 Budget Personnel Complement - Human Resources and Library. (HR/LIB)

Resolution to amend the Classification and Compensation Plan and the FY12 Budget Personnel Complement to create a new organizational structure for the Santa Cruz Public Libraries.

14. Direction to Staff Relative to KB Home's Branciforte Creek Subdivision. (CN)

Motion to direct staff to:

- 1) Work with KB Home representatives and local Native American representatives to develop an easement for portions of the Branciforte Creek Subdivision to be set aside and protected from disturbance in perpetuity, for consideration and approval by the City Council along with any resulting modifications to the Subdivision entitlements; and
- 2) Provide a report to City Council on the policies, regulations, and methods used to evaluate archaeological resources and/or Native American sites, including consultation with Ohlone representatives.

15. Local Business Preference Ordinance - Introduction for Publication. (CM)

Introduce for publication an ordinance establishing a Local Business Preference for City of Santa Cruz competitive bids and purchases.

Motion to delete Council Policy 29.2 "Bids - Advantage for Local Vendors" as obsolete upon the adoption of the Local Business Preference Ordinance.

## Public Hearings

16.
  - (a) Staff will present its report before other evidence is heard by the Council;
  - (b) The appellant, having the burden of proof, will be permitted to present evidence in support of the appeal;
  - (c) Opponents will present their evidence;
  - (d) Appellant will be permitted to rebut issues raised by opponents, but may not raise new issues in their rebuttal;
  - (e) The Council will hear from other members of the public;
  - (f) The hearing will be closed and the matter will be before the Council for deliberation and action.

201 West Cliff Drive CP10-011 APN 004-091-26 Appeal of the Planning Commission's Approval of a Coastal Permit to Recognize the Removal of Five Heritage Trees OF-R Zone District. (Environmental Determination: Statutory Exemption (15269 Emergency Projects) (Santa Cruz Seaside Company, owner/filed: 7/8/2010) This Project Requires a Coastal Permit Which is Appealable to the California Coastal Commission After all Possible Appeals are Exhausted through the City. (PL)

Resolution acknowledging the environmental determination and denying the appeal, upholding the Zoning Administrator's and Planning Commission's approval of the Coastal Permit based upon the Findings and the Conditions included in the resolution.

17. Engineering and Traffic Survey 2011-2015. (PW)

Resolution certifying the Engineering and Traffic Survey 2011-2015 for radar enforcement on certain streets and rescinding resolution NS 27-024.

Introduction of an Ordinance amending Section 10.60.010 of the Municipal Code pertaining to increase of local speed limits.



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 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.

20. 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 Oral Communications - 30 Minutes**

**5:00 PM**

**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 October 11, 2011 to next Regular Meeting of October 25, 2011 for a closed litigation session 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 - Mayor's Proclamation in Recognition and Support of California Arts Day, October 7, 2011, and National Arts and Humanities Month, October, 2011.

## Public Hearing

21. 1547-49 Pacific Ave./1110 Cedar St. CP10-0170 APN 005-041-05,-10,-15 Design and Planned Development Permits and Tentative Subdivision Map 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 70 Residential Condominium Units in the CBD Zone District. The Planned Development Permit is Required to Allow Variations to Downtown Recovery Plan Requirements Related to: Building Wall Stepbacks above 50 feet along Portions of Building Side Walls; the Height and Depth of First-Floor Commercial Space; Use of Vinyl Windows; and Other DRP Building Standards. (Environmental Determination: Mitigated Negative Declaration) (Park Pacific LLC, owner/filed: 11/18/2010 & 9/6/11) (PL)

Resolution adopting the Mitigated Negative Declaration and approving the Design and Planned Development Permits, and Tentative Map, based on the Findings in the resolution and the Conditions of Approval listed in Exhibit "A."

**Adjournment** - The City Council will adjourn from the Regular Meeting of October 11, 2011 to next Regular Meeting of October 25, 2011 for a closed litigation session 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 - OCTOBER 11, 2011  
 INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS  
 (Copies available in the Central Branch Library at the Reference Desk)

Economic Development Department	603 and 605 Front Street - William Fisher Architecture, Inc. and Autumn and Alex Williams dba Emergency Response Training Lease Extensions 9/27/11 (ED FYI 025)
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Finance Department	Portfolio Management Report - Pooled Cash and Investments as of August 31, 2011 9/22/11 (FN FYI 186)
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Police Department	Funding Allocation for 2011 SLESF Program 9/21/11 (PD FYI 017)
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ADDENDUM TO CITY COUNCIL AGENDA - OCTOBER 11, 2011

MAYOR'S PROCLAMATIONS

Mayor Ryan Coonerty

1. Proclaiming October 1-22, 2011 as "Binational Health Week" and urging all citizens to take part in observing and participating in its related activities.
2. Proclaiming Wednesday, October 5, 2011 as "Commission for the Prevention of Violence Against Women Day" and encouraging all residents to join in celebrating its 30<sup>th</sup> Anniversary and thanking all current and past members of the Commission for the Prevention of Violence Against Women for their numerous contributions to the women and City of Santa Cruz.
3. Proclaiming the month of October 2011 as "Stan Soroken Month" and encouraging all citizens to listen to jazz performances and enjoy the richness of our jazz heritage during this month and all year long.

Vice Mayor Don Lane

4. Proclaiming Saturday, October 15, 2011 as "Santa Cruz Band Review Day."