

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



**JOINT CITY COUNCIL - REDEVELOPMENT AGENCY**  
**AMENDED AGENDA**

Regular Meeting

November 08, 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

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.

**The November 8, 2011 Joint City Council - Redevelopment Agenda is amended as follows:**

The 7:00 p.m. Session has been cancelled.

**Presentation** regarding the Mayor's Recognition of Proclamation for Pancreatic Cancer Awareness Month of November is moved to the 3:00 p.m. Session.

**The below General Business - Item #16 is removed from the agenda:**

16. City Council Consideration of Downtown Commission and Public Works and Transportation Commission Deliberation Regarding the Proposal to Change Certain Segments of Pacific Avenue from One-Way to Two-Way. (ED)

Motion to: 1) review the recommendation received from the joint meeting of the Downtown Commission and the Transportation and Public Works Commission; 2) receive additional information from staff for consideration; and 3) provide direction to staff regarding the proposal received by the Downtown Association regarding conversion of Pacific Avenue south of Locust Street to two-way traffic.

### 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.

#### Referral to Closed Session

1. Referral to Closed Session: 15 Municipal Wharf (dba JFS, Inc.), APN 005-381-02. (ED)

Motion to approve a referral to closed session for discussion regarding the desirability of negotiating and executing a new Municipal Wharf lease and providing instructions to the Director of Economic Development regarding same.

2. Referral to Closed Session: 47 Municipal Wharf (dba Noland's Clothing and Gift Company), APN 005-391-06. (ED)

Motion to approve a referral to closed session for discussion regarding the desirability of negotiating and executing a new Municipal Wharf lease and providing instructions to the Director of Economic Development regarding same.

#### Closed Session

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

Fowler v. City of Santa Cruz, United States Northern District Court Case No. 11-CV-00906-PSG.

- B. Public Employee Performance Evaluation (Government Code §549567).

City Council's performance evaluation of City Manager.

**Closed Session (continued)**

C. Conference with Legal Counsel - Anticipated Litigation (Government Code Section 54956.9).

Significant Exposure of City to Litigation (Government Code Section 54956.9(b))  
(2 cases to be discussed).

D. Real Property Negotiations (Government Code Section 54956.8).

1. 15 Municipal Wharf Lease Negotiations (JFS, Inc.)

City Negotiator: Bonnie Lipscomb

APN: 005-381-02

2. 47 Municipal Wharf Lease Negotiations (Noland's Clothing and Gift Company-Lessee)

City Negotiator: Bonnie Lipscomb

APN: 005-391-06

**Joint City Council/Redevelopment Agency**

**3:00 PM**

**Call to Order**

**Roll Call**

**Pledge of Allegiance**

**Presentation** - Mayor's Recognition of Donation to the Loudon Nelson Teen Center.

**Presentation** - Mayor's Recognition of Proclamation for Pancreatic Cancer Awareness Month of November.

**Presentation** - Mayor's Recognition of Certificate of Achievement for Excellence in Financial Reporting (CAFR).

**Presentation** - Annual Report on CityServe.

**Presiding Officer's Announcements**

**Statements of Disqualification**

**Additions and Deletions**

**Consent Agenda**

3. Minutes of the October 25, 2011 City Council Meeting. (CC)

Motion to approve as submitted.

4. Minutes of the October 25, 2011 Redevelopment Agency Meeting. (CC)

Motion to approve as submitted.

5. Minutes of the November 1, 2011 Special City Council Meeting. (CC)

Motion to approve as submitted.

**Consent Agenda (continued)**

6. Council Policy - Arana Gulch Public Trust Fund Account. (CM)

Motion to adopt a Council Policy that would only take effect if the California Coastal Commission approves the Arana Gulch Master Plan, related to dedicated funding for implementation of the Arana Gulch Master Plan which includes Santa Cruz Tarplant, riparian and coastal prairie habitat restoration and management.

7. Project Homeless Connect - City Co-Sponsorship. (CN)

Motion authorizing the City of Santa Cruz to co-sponsor 2012 Project Homeless Connect events at the Civic Auditorium without waiving any fees or charges.

8. For The Future Housing, Inc., a California Corporation - Loan Agreement Amendment. (ED)

Redevelopment Agency resolution authorizing the Executive Director to execute an Amendment, in a form approved by the City Attorney, to the Financing Agreement with For The Future Housing, Inc. to assist in the acquisition of 110 Lindberg Street and construction of a twenty one (21) unit affordable rental housing project.

9. Purchase of Golf Course Maintenance Equipment Through the City's Investment and Loan Internal Service Fund. (P&R) (FN)

Resolution to amend the FY2012 budget and increase estimated revenues in the amount of \$126,219 and appropriations in the amount of \$126,219 in the Golf Course Fund to purchase a Toro 3500D greens mower, a Toro Workman HDX-D utility vehicle, a Toro ProCore Aerator and two Toro Workman MDX maintenance carts for DeLaveaga Golf Course maintenance operations and enter into a 5-year loan arrangement with the City's Internal Investment and Loan Internal Service Fund.

**Consent Agenda (continued)**

10. Newell Creek Dam Inlet/Outlet Gate Repairs Project - Approval of Plans and Specifications and Authorization to Advertise for Bids and Award Contract. (WT)

Motion to approve the plans and specifications for Construction of Newell Creek Dam Inlet/Outlet Gate Repairs Project and authorize staff to advertise for bids. The City Manager is hereby authorized and directed to execute the contract as authorized by Resolution No. NS-27,563.

Resolution appropriating funds and amending the Fiscal Year 2012 budget in the amount of \$484,000 to fully fund the Newell Creek Dam Inlet/Outlet Gate Repairs Project.

**End Consent Agenda**

**Public Hearing**

11. 320 West Cliff Drive, CP11-0102, APN 004-243-20: Historic Landmark Designation for a Property Listed on the City Historic Building Survey and Located in the R-1-5/CZ-O/SP-O/WCD-O Zoning District. (Environmental Determination: Categorical Exemption, Class 1, 15301) (Khristina Horn, owner/filed 7/14/2011) (PL)

Motion to continue to a public hearing at the November 22, 2011 City Council meeting.

**General Business**

12. City Commitment to Comply with LAFCO Water Policies. (CM)

Motion to direct staff to draft a conservation strategy that would offset growth in water demand associated with development in the area described and identified in the City's LAFCO application (#928) to amend the Sphere of Influence (SOI) to include the UCSC North Campus, through the use of water-related fees paid by the University for water conservation projects in the Water Service Area and to communicate to LAFCO the City's willingness to adopt such a strategy in conjunction with approval of application #928.

**Supplemental General Business**

13. Council Meeting Calendar. (CC)

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

14. 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.

15. City Attorney Report on Closed Session. (CC)



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

**5:00 PM**

**Adjournment** - The City Council and Redevelopment Agency will adjourn from the Regular Meeting of November 8, 2011 to the next Special meeting of November 15, 2011, and the Regular Meeting of November 22, 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 at-large positions are will be open for reappointment and or appointment in January 2012. Council will interview candidates at the meeting of January 17, 2012 and make appointments at the meeting of January 24, 2012.

Arts Commission	Two (2) reappointments
Downtown Commission	One (1) vacancy and two (2) reappointments
Historic Preservation Commission	One (1) vacancy and one (1) reappointment
Measure K Oversight Committee	Two (2) vacancies (Beiers', Madrigal's appointments)
Parks and Recreation Commission	One (1) reappointment
Planning Commission	Two (2) vacancies and one (1) reappointment
Sister Cities Committee	One (1) vacancy and two (2) reappointments
Transportation & Public Works Commission	Two (2) vacancies and one (1) reappointment
Water Commission	One (1) vacancy and one (1) reappointment

### 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 - NOVEMBER 8, 2011  
**INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS**  
(Copies available in the Central Branch Library at the Reference Desk)

City Clerk	Resignation of Melissa Whatley from the Planning Commission 10/27/11 (CC FYI 138)
Economic Development Department	*Quarterly Sales Tax Reports - 2011 2 <sup>nd</sup> Quarter 10/27/11 (ED FYI 028 & FN FYI 188)
Finance Department	Portfolio Management Report - Pooled Cash and Investments as of September 30, 2011 10/26/11 (FN FYI 189)  Portfolio Management Report - Unpooled Cash and Investments as of September 30, 2011 10/26/11 (FN FYI 190)  *Quarterly Sales Tax Reports - 2011 2 <sup>nd</sup> Quarter 10/27/11 (ED FYI 028 & FN FYI 188)
Parks and Recreation Department	Pilkington Creek Cleanup and Re-vegetation Project Complaint 10/24/11 (PK FYI 053)

ADDENDUM TO CITY COUNCIL AGENDA - NOVEMBER 8, 2011

**MAYOR'S PROCLAMATIONS**

1. Proclaiming October 28, 2011 as "Steve Mulhollan Day" and encouraging all citizens to join in commending him for his many years of Federal service and the assistance that he has provided the City of Santa Cruz and wishing him well in his retirement.
2. Proclaiming Wednesday, October 19, 2011 as "The Blue Sweater Day" and encouraging all citizens to join in honoring and supporting Jacqueline Novogratz's book, *The Blue Sweater*, and her hard work and conveying our most sincere best wishes for her continued success in attempting to help alleviate and eventually end global poverty and her ability to inspire others to follow in her footsteps.
3. Proclaiming October 16-22, 2011 as "Freedom from Workplace Bullies Week."
4. Proclaiming November 1, 2011 as "Extra Mile Day" and urging each individual to take time on this day to not only "go the extra mile" in his or her own life, but to also acknowledge all those around who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.
5. Proclaiming November 6, 2011 as "Sing For Your Life Day" and encouraging all citizens to support music in our schools by attending a performance of Sing For Your Life.