

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



JOINT CITY COUNCIL - REDEVELOPMENT AGENCY AGENDA

Regular Meeting

November 22, 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.

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 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 No. 11-57645
 6. *People v. Pleich, et al.* (Occupy Santa Cruz), United States District Court Case No. 11-cv-05523-HRL
 7. *Community Water Coalition v. Santa Cruz County LAFCO, et al.*, Sixth District Court of Appeal Docket No. H036616
 8. *Pack v. Superior Court (City of Long Beach)*, Second District Court of Appeal Docket No. B228781 (ACLU Request for Amicus Assistance)

B. 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)

Initiation of Litigation by City (Government Code §54956.9(c)).

(1 case to be discussed)

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

1. Claimant: John Golder
2. Claimant: Ron MacDonald
3. Claimant: Eric Jimyung Choi
4. Claimant: Kathleen Ardell
5. Claims Against: City of Santa Cruz

Joint City Council/Redevelopment Agency

3:00 PM

Call to Order

Roll Call

Pledge of Allegiance

Spotlight on City Services - Presentation by Water Conservation Specialist Aerin Martin on recently rolled out water conservation projects.

Presentation - Mayor's Presentation of Proclamation Declaring In-Home Care Providers' Courage to Care and National Family Caregivers Month of November.

Presentation - Green Business Awards and Program Review.

Presiding Officer's Announcements

Statements of Disqualification

Additions and Deletions

Consent Agenda

1. Minutes of the November 8, 2011 City Council Meeting. (CC)

Motion to approve as submitted.

2. Minutes of the November 8, 2011 Redevelopment Agency Meeting. (CC)

Motion to approve as submitted.

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

Motion to reject liability claim: a) John Golder, based on staff investigation.

Consent Agenda (continued)4. Clean Air Act - Resolution in Support. (CN)

Resolution supporting the Clean Air Act and the Environmental Protection Agency's efforts to protect and restore our natural resources and limit the emission of greenhouse gas pollution.

5. Authorization for Councilmember Madrigal to Represent the City of Santa Cruz on a Regional Economic Development Delegation to Mexico. (CN)

Motion authorizing Councilmember Madrigal to serve as the City of Santa Cruz' official representative and member of San José Councilmember Xavier Campos' delegation to Mexico, to explore economic development opportunities and ideas that may be returned to and applied in the City of Santa Cruz.

6. Adopt Affirmative Marketing Policies and Procedures for HOME Assisted Residential Units. (ED)

Motion to adopt Affirmative Marketing Policies and Procedures for HOME Assisted Residential Units.

Motion to authorize the City Manager to execute amendments, in a form approved by the City Attorney, to existing HOME regulatory agreements for projects with five or more HOME assisted units replacing existing requirements for affirmative marketing with the adopted Affirmative Marketing Policies and Procedures for HOME Assisted Residential Units.

7. 47 Municipal Wharf - Municipal Wharf Lease Agreement with Flotsam of California, Inc. dba Noland Clothing and Gift Shop. (ED)

Motion to authorize and direct the City Manager to execute a Municipal Wharf Lease Agreement and any amendments thereto of a non-substantive nature, in a form acceptable to the City Attorney, with Flotsam of California, Inc. for the operation of a retail clothing and gift store at 47 Municipal Wharf.

Consent Agenda (continued)

8. 15 Municipal Wharf - Municipal Wharf Lease Agreement with JFS, Inc. dba Santa Cruz Boat Rentals. (ED)

Motion to authorize and direct the City Manager to execute a Municipal Wharf Lease Agreement and any amendments thereto of a non-substantive nature, in a form acceptable to the City Attorney, with JFS, Inc. for the operation of a boat rental and retail gift store at 15 Municipal Wharf.

9. Traffic Impact Fee Annual Report. (FN)

Motion to accept and approve the attached FY 2011 Traffic Impact Fee Annual Report.

10. Wastewater Treatment Facility Gravity Thickener #2 Overhaul Project-m409659-Notice of Completion. (PW)

Motion to accept the work completed by D.W. Nicholson of Hayward, CA and authorize the filing of the Notice of Completion for the Wastewater Treatment Facility Gravity Thickener #2 Overhaul Project (m409659).

11. Donation of Refuse Vehicle to Jinotepe, Nicaragua. (PW)

Motion to approve the donation of a refuse vehicle to our Sister City, Jinotepe, Nicaragua.

12. Bay Street Reservoir Replacement Project -Phase 2 Construction - 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 Phase 2 of the Bay Street Reservoir Replacement 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.

Consent Agenda (continued)

13. Water Supply Project - scwd2 Desalination Program Permitting Advisor/Facilitator - Award of Contract. (WT)

Motion to authorize the City Manager to execute an agreement with Dudek (San Diego, CA) in the amount of \$480,700 for the Permitting Advisor/Facilitator to the scwd2 Desalination Program.

14. Water Supply Project - CEQA/NEPA Support Services - Contract Amendment No. 1. (WT)

Motion to authorize the purchase of legal services from Remy, Thomas, Moose and Manley, LLP, Attorneys at law (Sacramento, CA) in the amount of \$100,000 and to authorize the City Manager to execute the Contract Amendment No. 1 with Remy, Thomas, Moose and Manley, LLP, Attorneys at Law, for additional work to support the environmental review process.

End Consent Agenda**Public Hearings**

15. California Statewide Communities Development Authority Loan to Georgiana Bruce Kirby Preparatory School. (FN)

Resolution to approve financing to be undertaken by the California Statewide Communities Development Authority to finance and/or refinance capital facilities to benefit Georgiana Bruce Kirby Preparatory School.

16. 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. Appeal of Historic Alteration Permit Condition Which Requires Elimination of Proposed Balcony Feature. (Environmental Determination: Categorical Exemption) (Horn, Khristina M. S/W, owner/filed: 7/14/2011 & 10/25/11)

That the City Council consider the Historic Landmark Designation and appeal of the applicant and adopt a:

Resolution approving the Historic Landmark Designation; and

Resolution upholding the appeal, thereby eliminating the Historic Alteration Permit condition of approval requiring removal of the proposed balcony feature.

General Business

17. Extending Holiday Free Parking Downtown by One (1) Week. (CN)

Motion to extend free parking in Downtown Santa Cruz by one (1) additional week for a total of two (2) weeks, from the period of December 10 through December 25, 2011; and, to authorize staff to explore and implement, if feasible, a program to provide \$5 ParkCards to customers that show receipts for purchases of \$50 or more when having their gifts wrapped at 1200 Pacific Avenue.

18. City Council Policy on Water Conservation Strategy Regarding Water Demands Associated with the University of California Santa Cruz (UCSC). (CN)

Motion to review the draft City Council Policy 34.06 on water conservation strategy regarding water demands associated with UCSC and authorize staff to submit the policy to the Local Area Formation Commission (LAFCO) for its review and consideration in connection with the City's application to amend the City's Sphere of Influence (SOI) to include the UCSC North Campus.

Supplemental General Business

19. Council Meeting Calendar. (CC)

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

20. 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.

21. 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 November 22, 2011 to the next Special Meeting of November 29, 2011, for an open session at the approximate hour of 7:00 p.m. in the Council Chambers, and to the next Regular Meeting of December 13, 2011 for a closed 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

Public Hearing

22. 2010 Urban Water Management Plan Update. (WT)

Public hearing to receive public input and to discuss the draft 2010 Urban Water Management Plan.

General Business

23. Election of the Mayor.

The seating of the Mayor for the 2012 term is scheduled for December 13, 2011.

24. Election of the Vice Mayor.

The seating of the Vice Mayor for the 2012 term is scheduled for December 13, 2011.

Adjournment - The City Council will adjourn from the Regular Meeting of November 22, 2011 to the next Special Meeting of November 29, 2011, for an open session at the approximate hour of 7:00 p.m. in the Council Chambers, and to the next Regular Meeting of December 13, 2011 for a closed 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 apptmts)
Parks and Recreation Commission	One (1) reappointment
Planning Commission	Two (2) vacancies and one (1) reappointment
Sister Cities Committee	Two (2) vacancies and one (1) reappointment
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 22, 2011
INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS
(Copies available in the Central Branch Library at the Reference Desk)

City Manager Report on Three-Month Trial of Dogs Downtown: 11/11/11
(CM FYI 168)

 Monthly Camping Incident and Homeless Shelter
 Attendance Reports: 11/15/11 (CM FYI 169)

ADDENDUM TO CITY COUNCIL AGENDA - NOVEMBER 22, 2011

MAYOR'S PROCLAMATIONS

1. Proclaiming the month of November 2011 as “Pancreatic Cancer Awareness Month” to help raise awareness in the community, bring much-needed attention to this deadly disease, and encourage all citizens to support the efforts of the Pancreatic Cancer Action Network.
2. Proclaiming November 2, 2011 as “Scotts Valley Appreciation Day” and encouraging all citizens to join in honoring and supporting Scotts Valley and in conveying our most sincere regards for our Scotts Valley neighbors and their Falcon football team.
3. Proclaiming Saturday, November 12, 2011 as “Duck Day” and urging all residents to support Chip Kelly and the Ducks on their way to a convincing victory against the Stanford Cardinals.
4. Proclaiming November 9, 2011 as “City Veteran Appreciation Day” and encouraging all citizens to join in saying “thank you” to these employees for their dedicated service to our country and continued service to our community and committing to causes that are greater than self and promoting public service.