

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



JOINT CITY COUNCIL - REDEVELOPMENT AGENCY AGENDA

Regular Meeting

December 13, 2011

- | | |
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| 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.

Referral to Closed Session

1. Referral to Closed Session - 1130 K-2 Pacific Avenue Kiosk Lease. (ED)

Motion to refer to closed session the 1130 K-2 Pacific Avenue kiosk for the purpose of instructing the negotiator regarding future price, terms, or both.

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. *Occupy Santa Cruz v. City of Santa Cruz* - Injunction (No Docket Number as of this time).

Closed Session (continued)

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

1. Claimant: Emilio Hughes Martinez
2. Claimant: Peter Allen Birmingham
Claims Against: City of Santa Cruz

D. Labor Negotiations (Government Code §54956.6).

1. SEIU - Temporary Employees
City Negotiator - Lisa Sullivan

E. Real Property Negotiations (Government Code §54956.8).

1. 1130 K-2 Pacific Avenue Kiosk Lease Negotiations
City Negotiator - Bonnie Lipscomb
APN - None

Joint City Council/Redevelopment Agency

3:00 PM

Call to Order

Roll Call

Pledge of Allegiance

Introduction of New Employees

Presentation - Mayor's Certificate of Recognition Honoring Reilly Meehan, gold medalist at the Chaine des Rotisseurs Juenes Commis international culinary competition.

Presentation - Mayor's Recognition of Annual Jim Howes Community Service Award.

Presentation - Outgoing Remarks and Thank You's to Councilmembers by Finance Director Jack Dilles and Fire Chief Ron Oliver Regarding their Retirement from the City.

Presiding Officer's Announcements

Statements of Disqualification

Additions and Deletions

Consent Agenda

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

Motion to reject liability claims: a) Emilio Hughes Martinez, b) Peter Allen Birmingham, based on staff investigation.

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

Resolution amending the Classification and Compensation Plans and the FY12 Budget Personnel Complement to create a new organizational structure for the Santa Cruz Public Libraries and rescinding Resolution No. NS-28,417.

Consent Agenda (continued)

4. Minutes of the November 15, 2011 Special City Council Meeting. (CC)
Motion to approve as submitted.

5. Minutes of the November 22, 2011 Regular City Council Meeting. (CC)
Motion to approve as submitted.

6. Minutes of the November 22, 2011 Regular Redevelopment Agency Meeting. (CC)
Motion to approve as submitted.

7. Minutes of the November 29, 2011 Special City Council Meeting. (CC)
Motion to approve as submitted.

8. Minutes of the November 29, 2011 Special Redevelopment Agency Meeting. (CC)
Motion to approve as submitted.

9. Resolution Setting the City Council Calendar for 2012. (CC)

Resolution setting the regular meeting schedule for the calendar year 2012, canceling the regular City Council meetings (3:00 p.m. and 7:00 p.m. sessions) on August 14, August 28, and December 25, and the 7:00 p.m. session only on September 25 in observance of the Jewish holiday Yom Kippur.

10. 2011 Annual Report - UCSC/City/County/CLUE Comprehensive Settlement Agreement. (CN)

Motion to accept the 2011 Annual Report of the UCSC/City/County/CLUE Comprehensive Settlement Agreement implementation.

Consent Agenda (continued)

11. Special Permit Exemption to Santa Cruz Municipal Code Chapter 9.28 (Firearms) for Boy Scout Merit Badge Qualification. (CM)

Motion to grant a standing special permit to the Monterey Bay Council's Boy Scout Troop 618 to allow the discharge of BB guns as part of an annual Boy Scout merit badge training and qualification module.

12. 4th Annual Prom Dress Drive 2012 - City Co-Sponsorship. (CN)

Motion to co-sponsor, in name only, the 4th Annual Prom Dress Drive.

13. Tannery Arts Center - Accept a Grant From the California Cultural and Historical Endowment for the Rehabilitation of the Kron House. (ED)

Redevelopment Agency resolution authorizing the Executive Director to accept a grant from the California Cultural and Historical Endowment (CCHE) in the amount of \$300,000 for the rehabilitation of the historic Kron House at the Tannery.

Redevelopment Agency resolution amending the FY 2012 Budget in the amount of \$300,000 for the rehabilitation of the historic Kron House from the California Cultural and Historical Endowment.

14. Annual Report on Agency Activities of the Redevelopment Agency Fiscal Year 2011. (ED)

City Council motion to accept the Redevelopment Agency's Annual Report on Agency Activities for the Fiscal Year 2011.

Redevelopment Agency resolution to adopt the Redevelopment Agency's Annual Report on Agency Activities for the Fiscal Year 2011.

15. Annual Financial Report for FY 2011. (FN)

Motion to authorize the Finance Director to file with the City Clerk the Comprehensive Annual Financial Report for Fiscal Year 2011.

Consent Agenda (continued)16. Issuance of Permit for Commercial Sales at DeLaveaga Disc Golf Course (PK)

Motion to authorize the City Manager to negotiate a Concessionaire Agreement in a form acceptable to the City Attorney with Mark Karleskind to provide concessionaire services at Delaveaga Disc Golf Course for a term of one year with a one year option for renewal.

17. Verizon Wireless Overhead Telecommunications Network on Mission Street Extension - Encroachment Permit. (PW)

Resolution granting an encroachment permit for installation and maintenance of Verizon Wireless overhead telecommunications network on Mission Street Extension, between Western Drive and Shaffer Road.

18. Climate Adaptation Plan Approval and Adoption. (PW)

Resolution approving and adopting the City of Santa Cruz Climate Adaptation Plan as an update to the City of Santa Cruz Local Hazard Mitigation Plan (LHMP) previously approved by Federal Emergency Management Agency (FEMA).

19. Bicycle Transportation Account (BTA) Funding for UCSC Smart Bike Locker Program - Budget Adjustment to Accept the BTA Grant. (PW)

Motion to accept Bicycle Transportation Account (BTA) funding as a sponsor for UCSC.

Resolution amending the FY 2012 budget to appropriate funds in the amount of \$173,700 for the UCSC Smart Bike Locker Program.

20. Award Contract to Pacific Gas & Electric (PG&E) for the CDBG Street Light Replacement Project - Sole Source Vendor. (PW)

Motion to authorize a sole source contract with PG&E, San Francisco, CA in the amount of up to \$170,337 for the CDBG Street Light Replacement Project and to authorize the City Manager to execute an agreement in a form acceptable to the City Attorney.

Consent Agenda (continued)

21. Westlake Neighborhood Pedestrian Safety Project Grant Acceptance and Budget Adjustment. (PW)

Motion accepting Safe Routes to School (SRTS) grant funding.

Resolution to amend the FY 2012 budget to appropriate funds in the amount of \$503,100 for the Westlake Neighborhood Pedestrian Safety Project.

End Consent Agenda

General Business

22. Annual Financial Report and Presentation for Clean River, Beaches and Ocean Tax Ordinance. (FN)

Motion to file annual financial report for Clean River, Beaches and Ocean Tax (Measure E Fund).

23. Beltz Well Project - Final Environmental Impact Report. (WT)

Resolution certifying the Beltz Well No. 12 Final Environmental Impact Report; and

Motion to designate the environmentally superior Reduced Pumping Alternative as the preferred alternative.

24. 2010 Urban Water Management Plan Update. (WT)

Resolution adopting the 2010 Urban Water Management Plan and authorizing the Director of Water to file a copy of the plan with the California Department of Water Resources.

Supplemental General Business

25. Council Meeting Calendar. (CC)

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

26. 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.

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

Joint City Council/Redevelopment Agency Oral Communications - 30 Minutes

5:00 PM

Recess - The City Council will recess to a Council dinner at Hula's Island Grill, 221 Cathcart Street, and then to the 7:00 p.m. Session.

Adjournment - The Redevelopment Agency will adjourn from the Regular Meeting of December 13, 2011 to the next Regular Meeting of January 10, 2012 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. and 7:00 p.m. in the Council Chambers.

City Council

7:00 PM

Call to Order

Roll Call

General Business

28. Remarks by Outgoing Mayor.

29. Swearing In and Seating of Incoming Vice Mayor and Mayor.

30. Remarks by Incoming Vice Mayor and Mayor.

Adjournment - The City Council will adjourn from the Regular Meeting of December 13, 2011 to the next Regular Meeting of January 10, 2012 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. and 7:00 p.m. in the Council Chambers.

NOTICE: Following the evening session of the December 13, 2011 City Council Meeting until approximately 9:00 p.m., councilmembers will be in attendance at a reception in the foyer of the Civic Auditorium located at 307 Church Street.

Advisory Body Appointments

The following at-large positions 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	Three (3) vacancies and one (1) reappointment
Transportation & Public Works Commission	Two (2) vacancies and one (1) reappointment
Water Commission	Two (2) vacancies 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 - DECEMBER 13, 2011
INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS
(Copies available in the Central Branch Library at the Reference Desk)

City Clerk	Resignation of Robert Mazurek from the Water Commission 11/21/11 (CC FYI 139) Resignation of Jennifer Hodges from the Sister Cities Committee 11/29/11 (CC FYI 140)
City Manager	Monthly Camping Incident and Homeless Shelter Attendance Reports 12/6/11 (CM FYI 170)
Finance Department	Portfolio Management Report - Pooled Cash and Investments as of October 31, 2011 11/17/11 (FN FYI 192) Monthly Financial Reports for June 2011: FY 2011 Preliminary Year-End Report (Unaudited) 11/21/11 (FN FYI 191) Monthly Financial Reports for June 2011: FY 2011 Preliminary Year-End Report (Unaudited) - REVISED 11/21/11 (FN FYI 193)
Public Works Department	Additional Information - Free Holiday Meter Parking Downtown 11/28/11 (PW FYI 0078)
Water Department	FY 2012-2014 Capital Improvement Program (Water Funds) 11/15/11 (WT FYI 046)

ADDENDUM TO CITY COUNCIL AGENDA - DECEMBER 13, 2011

MAYOR'S PROCLAMATIONS

1. Proclaiming the month of November 2011 as “National Family Caregivers Month” and encouraging all citizens to join in acknowledging the essential work and contributions that in-home caregivers bring to the City of Santa Cruz.
2. Proclaiming November 30, 2011 as “Planned Parenthood of Santa Cruz County Day” and urging all citizens to join in honoring Planned Parenthood Mar Monte in Santa Cruz for the longstanding provision of health care services and education for the Santa Cruz community.
3. Proclaiming the week of November 21-27, 2011 as “International Girl Effect Week” and encouraging all citizens to join in working together to make a difference by creating positive change within our own lives and the world— one girl at a time.
4. Proclaiming Sunday, December 4, 2011 as “Bill Monroe Day” in the City of Santa Cruz, a hotbed for bluegrass music, and encouraging all citizens to join in honoring him and expressing heartfelt appreciation for his lifetime of composing music and influencing many generations.