

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



CITY COUNCIL AGENDA

Regular Meeting

February 14, 2012

- 2:00 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.

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

2:00 PM

The Presiding Officer will open the City Council 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: 55 B/C Municipal Wharf, APN 005-681-01 and 55-D Municipal Wharf, APN 005-681-02. (ED)

Motion to refer to closed session for discussion of 55 B/C and 55-D Municipal Wharf and to provide instructions to the Director of Economic Development regarding same.

Closed Session

- A. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan—City Negotiator

Employee Organizations— Bargaining Units

1. SEIU—Temporary Employees
2. Santa Cruz Police Officers Association

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

1. 407 Liberty Street Property Disposition (City of Santa Cruz-Owner)
City Negotiator - Bonnie Lipscomb
APN: 004-253-04
2. 55 B/C Municipal Wharf Lease, (City of Santa Cruz-Owner/Lessor)
City Negotiator - Bonnie Lipscomb
APN: 005-681-01; 005-681-02

Closed Session (continued)

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

1. *LaFont v. City of Santa Cruz*, Santa Cruz Superior Court Case No. CV 170002
2. *Fowler v. City of Santa Cruz*, United States District Court, Northern District of California (San Jose), Case No. C 11-00906-EJD
3. *Escobar-Lainez v. City of Santa Cruz, et al.*, United States District Court, Northern District of California (San Jose), Case No. C 10-02660-LHK

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

1. Claimant: Aaron Coats
Claim Against: City of Santa Cruz

City Council

3:00 PM

Call to Order

Roll Call

Pledge of Allegiance

Introduction of New Employees

Presentation - Mayor Recognition of the American Public Works Association (APWA) Monterey Bay Chapter 2012 Project of the Year for the Beach Area Roundabout

Presiding Officer's Announcements

Statements of Disqualification

Additions and Deletions

Oral Communications Announcement

Community members may address the Council about any matter not on the agenda during Oral Communications. The Mayor determines when Oral Communications will commence but generally it will occur at approximately 5 p.m. but may occur before or after 5 p.m. **Speakers will be invited up to the lectern by the Mayor and are asked to keep comments to two minutes or less**, and encouraged to state name and community of residence. Up to 30 minutes will be allocated for Oral Communications. Note that in the absence of an emergency, California law prohibits the Council from discussing or taking immediate action on comments offered in Oral Communications.

Council Meeting Calendar

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

City Manager Report

3. The City Manager will report on events since the last council meeting.

Consent Agenda

4. Minutes of the January 24, 2012 Regular City Council Meeting. (CC)

Motion to approve as submitted.

5. Minutes of the January 24, 2012 Regular Redevelopment Agency Meeting. (CC)

Motion to approve as submitted.

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

Motion to reject liability claim:

a) Aaron Coats, based on staff investigation.

7. California Cancer Research Act - Resolution of Support for Proposition 29 - Passage of the California Cancer Research Act. (CN)

Resolution supporting California State Ballot Measure Proposition 29, the California Cancer Research Act, on the June 2012 ballot.

8. Main Street Fairness Act - H.R. 2701 - Resolution of Support. (CN)

Resolution supporting U.S. House of Representatives bill H.R. 2701, the Main Street Fairness Act, and directing the Mayor to forward letters of support to Congressman Sam Farr, U.S. Senator Boxer and U.S. Senator Feinstein.

9. CPUC Regional Consortia Broadband Grant. (ED)

Motion to authorize the City Manager to apply, accept and appropriate funds from the City of Watsonville to underwrite economic development staff support to develop regional broadband policies on behalf of the Central Coast Broadband Consortium.

Consent Agenda (continued)

10. 223 Darwin St. (APN: 011-122-04) - Assignment of Real Property, a CDBG grant, and an American Red Cross loan from Santa Cruz AIDS Project to CFSC, Inc. (ED)

Motion authorizing the City Manager, in a form approved by the City Attorney, to execute any and all documents necessary to approve an assignment and assumption of the real property located at 223 Darwin St., a \$105,000 Community Development Block Grant (“CDBG”) grant, and a \$74,500 American Red Cross Loan from the Santa Cruz AIDS Project (“SCAP”) to CFSC, Inc. (“CFSC”).

11. Monterey Bay National Marine Sanctuary Exploration Center - Authorization to Sign a Letter of Agreement with the National Oceanic and Atmospheric Administration (NOAA). (ED)

Motion authorizing the City Manager or his designee to sign a Letter of Agreement, in a form approved by the City Attorney, with the National Oceanic and Atmospheric Administration (NOAA) providing that the City will continue to insure the Monterey Bay National Marine Sanctuary Exploration Center at 35 Pacific Avenue with NOAA reimbursing the total cost of the insurance for the property on annual basis.

12. Authorizing the Successor Agency to the Santa Cruz Redevelopment Agency to Invest Monies in the Local Agency Investment Fund. (FN)

Resolution authorizing the investment of monies in the Local Agency Investment Fund (LAIF) by the City of Santa Cruz acting in its capacity as the Successor Agency to the Redevelopment Agency of the City of Santa Cruz.

13. 2011 Homeland Security Grant. (PD)

Resolution appropriating funds and amending the FY 2012 budget in the amount of \$57,277 in order to accept 2011 Homeland Security Grant funding.

14. Budget Adjustment for Rising Fuel Expenses. (PW)

Resolution appropriating funds and amending the Fiscal Year 2012 budget in the amount of \$200,000 in order to fund rising fuel expenses.

Consent Agenda (continued)

15. Chestnut Street Extension Slope Stabilization and Repair Project - m400811-Request for Proposals and Award of Contract. (PW)

Motion to approve the Chestnut Street Extension Slope Stabilization and Repair Project Request for Proposals and authorize staff to advertise for the design/build proposals. The City Manager is hereby authorized and directed to execute the agreement as authorized by resolution No. NS-27,563.

Motion to authorize staff to negotiate an easement or encroachment permit, in a form acceptable to the City Attorney, between the City and adjacent property owners for the private use and maintenance of the public rights-of-way between the top of the aforementioned slope and the private property.

End Consent Agenda**Public Hearing**

16. Ordinance No. 2012-01 - Per Requirements of Senate Bill 2, Zoning Amendments for Emergency Shelters, A11-0002, City-wide Amendment to Title 24 of the Santa Cruz Municipal Code and the Local Coastal Program to Allow Emergency Shelters in the PF Zone as a Principally Permitted Use and in the IG District with a Use Permit and to Define Transitional and Supportive Housing Types. (Environmental Determination: Negative Declaration) (City of Santa Cruz, applicant/filed: 10/25/2011). (PL)

Final adoption of Ordinance No. 2012-01.

17. Ordinance No. 2012-02 - Revision to Santa Cruz Municipal Code Chapter 8.16 to Prohibit the Sale and Possession of Live American Bullfrogs. (WT)

Final adoption of Ordinance No. 2012-02.

General Business

18. Parks and Recreation Commission Appointment (One Vacancy, with a Term Expiration of 1/1/14). (CC)

Motion to appoint a Parks and Recreation Commissioner.

Council Memberships in City Groups and Outside Agencies

19. The Presiding Officer will provide councilmembers with the opportunity to update Council and the public regarding city groups and outside agencies.

City Attorney Report on Closed Session

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

City Council

7:00 PM

Call to Order

Roll Call

Public Hearing

20. 350 Ocean Street Affordable Housing and Mixed-Use Development, CP11-0005, APNs 010-551-04, 06, 08 - Demolition Authorization Permit, Planned Development Permit, Design Permit, and Tentative Map to Construct a Four-Story, Mixed-Use Development with 58 Residential Apartments and 5,269 Square Feet of Commercial Space on a 1.44-acre Site in the RM/FP-O Zone District. Tree Removal Permit to Allow the Removal of 14 Heritage Trees. (Environmental Determination: Mitigated Negative Declaration) (Santa Cruz Pacific Associates, Owner/Filed: 1/5/2011) (PL)

Resolution adopting a Mitigated Negative Declaration, a Mitigation Monitoring and Reporting Program, and approving the Demolition Authorization Permit, Planned Development Permit, Design Permit, and Tentative Map to construct a four-story, mixed-use development with 58 residential apartments and 5,269 square feet of commercial space, based on the Findings and the Conditions of Approval in the attached resolution.

Adjournment - The City Council will adjourn from the regular meeting of February 14, 2012 to the next regular meeting of February 28, 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.

Advisory Body Appointments

The following positions are vacant. Council will make appointments at a future meeting.

Measure K Oversight Committee	One (1) vacancy (Madrigal's direct appointment)
Parks and Recreation Commission	One (1) vacancy
Planning Commission	One (1) vacancy, to be filled Summer 2012

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 - FEBRUARY 14, 2012
INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS
(Copies available in the Central Branch Library at the Reference Desk)

City Manager	Monthly Camping Incident and Homeless Shelter Attendance Reports 1/24/12 (CM FYI 172)
Finance Department	Portfolio Management Report - Unpooled Cash and Investments as of December 31, 2011 1/30/12 (FN FYI 198) Portfolio Management Report - Pooled Cash and Investments as of December 31, 2011 1/30/12 (FN FYI 199)
Water Department	Initial Water Supply Outlook for 2012 1/24/12 (WT FYI 047)

ADDENDUM TO CITY COUNCIL AGENDA - FEBRUARY 14, 2012
MAYOR'S PROCLAMATIONS

1. Proclaiming January 29, 2012 as "Chris Rene Day" and encouraging all Santa Cruzans to join in congratulating him on his extraordinary *X-Factor* third place finish and supporting him in his continual quest to overcome addiction and his rising career as a performer and songwriter.
2. Proclaiming the month of February 2012 as "Teen Dating Violence Prevention and Awareness Month" and urging all citizens to work toward ending teen dating violence by empowering young people to develop healthier relationships, assisting victims in accessing the information and supportive services that they need, creating better and more resources for young people in need, instituting effective intervention and prevention policies in schools, and engaging in discussions with family members and peers to promote awareness and prevention of the quiet epidemic of teen dating violence.