

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



CITY COUNCIL AGENDA

Regular Meeting

March 13, 2012

2:45 P.M. CLOSED LITIGATION SESSION, COURTYARD CONFERENCE ROOM

3:00 P.M. CONSENT, GENERAL BUSINESS AND PUBLIC HEARINGS, 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 - 3 minutes each; maximum total time may be established by the Presiding Officer at the beginning of the item
- Council 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

2:45 PM

Business conducted by the City Council in Closed Session will re-convene following the 3:00 p.m. session.

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.

Closed Session

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

1. Claimant: Jose Lucas Escobar
2. Claimant: Tamaris Renn
Claim Against: City of Santa Cruz

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)

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

(1 case to be discussed)

1. *City of Santa Cruz v. Regents of California, et al.*; Santa Cruz Superior Court Case No.: CV155571 (LRDP/EIR)

City Council Agency

3:00 PM

Call to Order

Roll Call

Pledge of Allegiance

Introduction of New Employee

Presentation - Recognition of Recreation Superintendent Carol Scurich's 25 Year Pin

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

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

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

Consent Agenda

2. Minutes of the February 28, 2012 City Council Meeting. (CC)

Motion to approve as submitted.

3. Liability Claims Filed Against City of Santa Cruz. (AS/HR)

Motion to reject liability claims: a) Jose Lucas Escobar, b) Tamaris Renn, based on staff investigation.

4. 1130 K-2 Pacific Avenue - Kiosk Lease Agreement with Downtown Association of Santa Cruz. (ED)

Motion to authorize and direct the City Manager to execute a kiosk lease agreement and any amendments of a non-substantive nature, in a form approved by the City Attorney, with the Downtown Association of Santa Cruz for the kiosk located at 1130 K-2 Pacific Avenue.

5. 55-B/C/D Municipal Wharf (APN 005-681-01 and 005-681-02) - Amendment to Municipal Wharf Lease Agreement with Larry Jackson. (ED)

Motion to authorize and direct the City Manager to execute an amendment to the Municipal Wharf Lease Agreement, in a form acceptable to the City Attorney, with Larry Jackson for additional square footage and a license area at 55-B/C/D Municipal Wharf.

6. Award Contract for Janitorial Services (continued from February 28, 2012) (PW)

Motion to accept the bid of Universal Building Services (Walnut Creek, CA), for janitorial services in the amount of \$295,611, and to authorize the City Manager to execute an agreement, in a form approved by the City Attorney, with Universal Building Services for janitorial services, rejecting all other bids.

End Consent Agenda

Public Hearings

7. 350 Ocean Street, Application #CP11-0005 (PL)
Motion to continue to the March 27, 2012 meeting.

8. Appeal by Pacifica L33 of Outstanding Transient Occupancy Taxes re: Torch Lite Inn (continued from February 28, 2012) (CA)
Motion to deny the appeal.

9. Ordinance No. 2012-03 - City of Santa Cruz Voter Approval for Desalination Plant Construction - Addition to Santa Cruz Municipal Code Chapter 16 Requiring Voter Approval for Desalination Plant Construction Following Completion of Required Environmental Analyses (CN)
Final adoption of Ordinance 2012-03.

10. CDBG and HOME Funding - Housing and Community Development Program Discussion for 2012-2013 Program Year. (ED)
Motion to determine appropriate funding levels for CDBG and HOME activities for the 2012-2013 program year.

Motion to direct staff to complete the draft Action Plan for the 2012-2013 program year and determine environmental review requirements for those applications recommended for funding.

Motion to direct staff to prepare the Lower Ocean-Beach/South of Laurel Neighborhood Revitalization Strategy Area (NRSA) Plan as an amendment to the 2010-2015 Consolidated Plan.

11. 1225 Shaffer Road, Application No. CP11-0171, APN 003-321-04 (PL)
Resolution acknowledging the environmental determination and approving the Tentative Map to create a 53-lot condominium subdivision for a previously approved 52-unit storage facility located in the IG/CZ-O/SP-O/MS-O zone district based on the findings listed below and the conditions attached as Exhibit "A."

General Business

12. CalPERS Contract Amendment (ASD)

Resolution declaring the Council's intention to approve an amendment to its contract with the California Public Employees' Retirement System (CalPERS) to provide a second tier retirement benefit formula of 2% @ 60 for local miscellaneous members; and

Introduce for publication (first reading) an ordinance implementing the CalPERS contract amendment.

13. Introduction of Ordinance Amendments to the Santa Cruz Municipal Code Chapter 5.10, Living Wage (FN)

Introduce an ordinance for publication amending the Santa Cruz Municipal Code Chapter 5.10, Living Wage.

14. Introduction of Ordinance Establishing a Local Business Preference for City of Santa Cruz Competitive Bids and Purchases (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" after the Local Business Preference ordinance is in effect and direct staff to submit to the City Council a status report detailing the outcomes of the local preference after one year of implementation.

15. Historic Preservation Commission Appointment (One Vacancy, with a Term Expiration of 1/1/13) (CC)

Motion to appoint a Historic Preservation Commissioner.

16. Vacation of Water Pipeline Easement - 1255 and 1201 Shaffer Road (APN 003-321-04 and 003-321-05). (WT)

Resolution to vacate a water pipeline easement at 1225 and 1201 Shaffer Road (APN 003-321-04 and 003-321-05) granted by Walti-Schilling Company in 1962.

Council Memberships in City Groups and Outside Agencies

17. 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

Adjournment - The City Council will adjourn from the Regular Meeting of March 13, 2012 to the next Regular Meeting of March 27, 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)
Historic Preservation 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 - MARCH 13, 2012
INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS
(Copies available in the Central Branch Library at the Reference Desk)

Administrative Services Department (Human Resources)	Equal Employment Opportunity Committee Annual Report for Calendar Year 2011 2/28/12 (HR FYI 011)
City Manager	Downtown Association Sidewalk Sales MARCH- NOVEMBER 2012 (typically last weekend starting Friday and ending Saturday of each month) 2/21/12 (CM FYI 175)
Economic Development Department	Marini's Candies 55-A Municipal Wharf (APN: 005-671-01) - Approval of Non-Structural Tenant Improvements to the Premises Located at 55-A Municipal Wharf 3/5/12 (ED FYI 001)
Finance Department	Portfolio Management Report - Pooled Cash and Investments as of January 31, 2012 2/28/12 (FN FYI 200)
Water Department	Revised Water Supply Outlook for 2012 2/28/12 (WT FYI 048)

ADDENDUM TO CITY COUNCIL AGENDA - MARCH 13, 2012

MAYOR'S PROCLAMATIONS

1. Proclaiming the week of February 26-March 3, 2012 as "Peace Corps Week."
2. Proclaiming Wednesday, March 7, 2012 as "Michelle Boisen Hunger Fighter of the Year Day" and encouraging all citizens to join in honoring her as an inspiring example of an individual whose efforts are supporting the Second Harvest Food Bank's mission, "to educate and involve individuals to end hunger and alleviate malnutrition in our communities," and expressing heartfelt appreciation for her contributions on behalf of all those in need.
3. Proclaiming Wednesday, March 7, 2012 as "Robert Montague Hunger Fighter of the Year Day" and encouraging all citizens to join in honoring him as an inspiring example of an individual whose efforts are supporting the Second Harvest Food Bank's mission, "to educate and involve individuals to end hunger and alleviate malnutrition in our communities," and expressing heartfelt appreciation for his contributions on behalf of all those in need.
4. Proclaiming Saturday, March 10, 2012 as "The Winans/Quinto Family Day" and encouraging all citizens to join in congratulating the Winans/Quinto Family for being named the Special Parents Information Network's Distinguished Family of 2012 and applauding them for their contributions to the people of the Santa Cruz community.
5. Proclaiming Saturday, March 10, 2012 as "Santa Cruz AIDS Walk 2012 Day" and urging all citizens to join in supporting and participating in events and efforts to care for those members of our community who are living with HIV/AIDS and to educate our community about what we all can do to help prevent the spread of HIV/AIDS.