

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



## CITY COUNCIL AGENDA

### Regular Meeting

March 27, 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](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 - 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](mailto: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.

**Closed Session**

- A. 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)

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

Lisa Sullivan—City Negotiator

Employee Organizations— Bargaining Units

1. SEIU—Temporary Employees

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

1. *In Re Manuben Karshanbhal Patel*, U.S. Bankruptcy Court, Northern District of California (San Jose), Chapter 11 Bankruptcy Case No. 11-54812
2. *In Re RSVP Hospitality, Inc.*, U.S. Bankruptcy Court, Northern District of California (San Jose), Chapter 11 Bankruptcy Case Number 11-57624
3. *In Re Savitriben K. Patel*, U.S. Bankruptcy Court, Northern District of California (San Jose), Chapter 11 Bankruptcy Case No. 11-54571

**City Council**

**3:00 PM**

**Call to Order**

**Roll Call**

**Pledge of Allegiance**

**Introduction of New Employees**

**Presentation - Mayor's Proclamation and Recognition of 25 Years of Service Pin to Chief of Police, Kevin Vogel**

**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 March 6, 2012 Special City Council Meeting (CC)

Motion to approve as submitted.

3. City Attorney Legal Expenses - Budget Adjustment - FY 2012 (CM)

Resolution amending the Fiscal Year 2012 Budget to appropriate funds in the amount of \$125,000 to pay for additional City Attorney legal expenses pertaining to code enforcement services.

4. 41 Grandview St., #1204 - Change in Inclusionary Housing Unit Status (ED)

Motion to authorize and direct the City Manager to execute documents, in a form approved by the City Attorney, to change the occupancy status of an existing inclusionary unit from owner-occupied to a unit available for rent to very low-, low-income, or Section 8 households for a limited period of time as set forth below.

5. Election of Pass-Through Payments by the City of Santa Cruz and the Downtown Parking District Allowed by AB 1290 (ED)

Resolution declaring the election of the City of Santa Cruz and the Downtown Parking District to collect pass-through payments as allowed by AB 1290 (Health and Safety Code Section 33607.5).

6. Memorandum of Understanding Between the City of Santa Cruz and Santa Cruz Archery Club (PK)

Motion authorizing the City Manager to enter into a Memorandum of Understanding, in a form approved by the City Attorney, with the Santa Cruz Archery Club A.K.A. Santa Cruz Archers for continued utilization of a portion of DeLaveaga Park.

**Consent Agenda (continued)**

7. Ocean JDR Commons Subdivision (1111 Ocean St.) -Tract No. 1564-Approve Final Map (PW)

Resolution to approve the Final Map for Ocean JDR Commons Subdivision (1111 Ocean Street) - Tract No. 1564, and authorizing and directing the City Manager to execute the Subdivision Agreement.

8. Delaware Addition Subdivision-Phase 1A (2120 Delaware Ave.)-Tract No. 1525-Approve Final Map (PW)

Resolution to approve the Final Map for Delaware Addition Subdivision - Phase 1A (2120 Delaware Avenue) - Tract No. 1525, and authorizing and directing the City Manager to execute the Subdivision Agreement with RTP - Delaware Avenue LLC.

9. Caltrans Cooperative Agreement (PW and ED)

Motion to authorize the Mayor to sign a Cooperative Agreement, in a form approved by the City Attorney, with Caltrans to provide for reimbursement of Caltrans costs for the review of the Project Study Report for the Highway 1 Bridge Replacement Project in the amount of \$37,000.

10. Spring 2012 Cape Seal Project (c400810) - Authorization to Advertise (PW)

Motion to authorize staff to advertise for bids for the Spring 2012 Cape Seal Project (c400810) and authorize the City Manager to execute the contract as authorized by Resolution No. NS-27,563.

11. Sunnyside Avenue Sanitary Sewer District Formation and Project (m400823) (PW)

Resolution of Intention to form an Assessment District to facilitate funding and constructing a new public sanitary sewer system on Sunnyside Avenue.

Motion to approve the plans and specifications and authorize staff to bid and award the Sunnyside Avenue Sanitary Sewer Project (m400826). The City Manager is hereby authorized and directed to execute the contract as authorized by Resolution No. NS-24,604.

**Consent Agenda (continued)**

12. California Department of Transportation Safe Routes to School Cycle 10 Grant Application (PW)

Resolution authorizing the City Manager to apply for, accept and appropriate funds from the California Department of Transportation Safe Routes to School Cycle 10 Grant Program for the funding of Vehicle Speed Feedback Signs.

13. FY 2012-2013 California Department of Transportation Community-Based Transportation Planning Grant Applications (PW)

Resolutions authorizing the City Manager to apply for, accept, and appropriate funds for two grants from the FY 2012-2013 California Department of Transportation Community-Based Transportation Planning Grant Program for the King Street Bikeway Feasibility Study and the Santa Cruz City Schools Complete Streets Master Plan.

14. Water Supply Project - Independent Technical Advisor - Contract Amendment No. 5 (WT)

Motion authorizing the City Manager to execute Contract Amendment No. 5 in a form acceptable to the City Attorney with Kennedy/Jenks Consultants of San Francisco, CA for services of Independent Technical Advisor to the scwd2 Seawater Desalination Program.

15. Bay Street Reservoir Replacement Project, Phase 2 -- Inspection, Testing, and Construction Management Consulting Services (WT)

Motion to authorize the City Manager to execute an agreement with Consolidated CM, Inc. (Oakland, CA) in the amount of \$1,159,044 for Inspection, Testing, and Construction Management Consulting Services for the Bay Street Reservoir Replacement Project - Phase 2.

**End Consent Agenda**

### Public Hearings

16. Ordinance 2012-05 Establishing a Local Business Preference for City of Santa Cruz Competitive Bids and Purchases (CM)

Final adoption of Ordinance No. 2012-05.

17. 350 Ocean Street, CP11-0005, APNs 010-551-04, 06, 08 (PL)

Motion to continue to the April 10, 2012 meeting.

18. Riverside Avenue Underground Utility District-Public Hearing to Establish District Formation (PW)

Resolution establishing an underground utility district on Riverside Avenue between Second Street and Beach Street.

### General Business

19. Ironman Santa Cruz Triathlon Race Proposal (CN)

Motion to accept the presentation from the Ironman Santa Cruz Committee regarding its proposal to host the Ironman race in Santa Cruz in the fall of 2013, and to provide comments and direction regarding the City of Santa Cruz' possible involvement.

20. Single-use Bag Reduction Ordinance: Scheduling of Public Hearing (PW)

Motion to schedule a Public Hearing and first reading of the Single-Use Bag Reduction draft ordinance at the first available opportunity.

### Council Memberships in City Groups and Outside Agencies

21. 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**

**Presentation** - Student Delegation Send-off Ceremony to Shingu, Japan

**Community Presentation** - Update on Tannery Arts Center and Efforts to Build a New Theater

**General Business**

**22. Pogonip East Multi-Use Trail (PK)**

Motion to: 1) Adopt the Mitigated Negative Declaration, 2) Adopt the Mitigation Monitoring and Reporting Plan, 3) Amend the Pogonip Master Plan to include the East Multi-Use Trail and 4) Approve the East Multi-Use Trail Plan and direct staff to begin construction of the trail.

**Adjournment** - The City Council will adjourn from the Regular Meeting of March 27, 2012 to the next Special Meeting of April 3, 2012 for a joint study session with the City of Watsonville Councilmembers, and then to the next Regular Meeting of April 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.



**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)
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 27, 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 3/7/12 (CM FYI 176)
Economic Development Department	Oswald Lease Extension - 121 Soquel Avenue 3/14/12 (ED FYI 003)
Finance Department	Portfolio Management Report - Pooled Cash and Investments as of February 29, 2012 3/13/12 (FN FYI 201)

**ADDENDUM TO CITY COUNCIL AGENDA - MARCH 27, 2012**  
**MAYOR'S PROCLAMATIONS**

1. Proclaiming March 17, 2012 as "Dance Around the World Day."
2. Proclaiming Wednesday, March 21, 2012 as "Michael Olson Day" and encouraging all citizens to join me in congratulating him as the recipient of the 2012 Al Smith Friend of Agriculture Award for his contributions to local agriculture.