

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



## CITY COUNCIL AGENDA

### Regular Meeting

March 27, 2012

Action Agenda prepared March 28, 2012 with action taken in bold type.

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 **opened** 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 **was 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 was discussed.**

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

Lisa Sullivan—City Negotiator

Employee Organizations— Bargaining Units

1. SEIU—Temporary Employees

**Council received a status report, instructed the negotiator, and took no reportable action.**

- 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

**Council received status reports, instructed the City Attorney, and took no reportable action.**

**City Council**

**3:00 PM**

**Call to Order - 3:05 p.m.**

**Roll Call - Councilmembers Madrigal, Beiers, Robinson, Coonerty, Terrazas; Vice Mayor Bryant; Mayor Lane.**

**Pledge of Allegiance**

**Introduction of New Employee - City Manager M. Bernal introduced Director of Finance Marc Pimentel.**

**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 - None.**

**Additions and Deletions - None.**

**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 reviewed the meeting calendar attached to the agenda and revised it as necessary.

**City Manager Report - The City Manager reported on events since the last council meeting.**

**Consent Agenda**

**Item 15 was removed from the Consent Agenda.**

2. Minutes of the March 6, 2012 Special City Council Meeting (CC)

**Motion carried** to approve as submitted.

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

**Resolution No. NS-28,463 was adopted** 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 carried** 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 No. NS-28,464 was adopted** 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 carried** 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 No. NS-28,465 was adopted** 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 No. NS-28,466 was adopted** 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 carried** 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 carried** 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 No. NS-28,467 was adopted** to form an Assessment District to facilitate funding and constructing a new public sanitary sewer system on Sunnyside Avenue.

**Motion carried** 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-27,563.

**Consent Agenda (continued)**

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

**Resolution No. NS-28,468** was adopted 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)

**Resolution Nos. NS-28,469 and NS-28,470** were adopted 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 carried** 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 carried** 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)

**Ordinance No. 2012-05 was passed for final adoption.**

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

**Motion carried** to continue to the April 10, 2012 meeting.

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

**Resolution No. NS-28,471 was adopted** 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 carried** 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 carried** 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 - At 5:05 p.m.** the City Council recessed to the 7:00 p.m. session.

**City Council**

**7:00 PM**

**Call to Order - 7:05 p.m.**

**Roll Call - Councilmembers Madrigal, Beiers, Robinson, Coonerty, Terrazas; Vice Mayor Bryant; Mayor Lane.**

**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 carried 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.

**Motion Amended** to include the following conditions:

1. Implement a Sub-Committee of the Parks and Recreation Commission to advise staff on implementation of the Pogonip Master Plan Amendment, including development of signage of multi-use trails, and review of existing bail schedule for citations.
2. Trail signs that include the minimum amount of fines.
3. Evaluate signage for bike versus walking trail designations.
4. Provide report on amount of costs prior to construction of trail.
5. Provide a quarterly report for up to two years to review level of compliance for citations and warnings.
6. Provide a timetable for permitting and construction.
7. Direct Mayor Lane to meet with the appropriate person from the County to start discussions regarding an alternate bike trail along the rail line from the City to an entrance at Pogonip.
8. Establish criteria that will trigger the closure of the trail due to weather conditions.

**Adjournment - At 11:13 p.m.** the City Council **adjourned** 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.