

City of Santa Cruz
809 Center Street
Santa Cruz, CA 95060

MINUTES OF A REGULAR CITY COUNCIL MEETING

February 12, 2013

2:00 PM SESSION

Mayor Bryant opened the City Council Closed Litigation Session in a public meeting at 2:05 p.m. in the Council Chambers, for the purpose of announcing the agenda, considering Items #1 and #2, and receiving public testimony. One member of the public was present.

SPEAKING FROM THE FLOOR REGARDING ITEM #1:

Charles Criswell read a letter that he prepared regarding his acquisition of City-owned property that is adjacent to his property on Harbor Drive.

Referral to Closed Session

1. [Referral to Closed Session - Real Property Negotiation for Disposition of Property Located adjacent to 422 Harbor Drive \(APN 059-121-07\) \(ED\)](#)

ACTION: Councilmember Lane moved, seconded by Councilmember Mathews, to refer to closed session the potential disposition of vacant City-owned property located adjacent to 422 Harbor Drive (APN 011-081-56) for the purpose of instructing the negotiator, Economic Development Director Bonnie Lipscomb, concerning price, terms or both. The motion carried unanimously.

2. [Referral to Closed Session - City-owned Property in the City of Scotts Valley, aka Skypark, APNs 022-721-07, 022-721-08, and 022-721-09 \(ED\)](#)

ACTION: Councilmember Lane moved, seconded by Councilmember Mathews, to refer to closed session for discussion regarding the desirability of a potential sale of the City-owned property and for the purpose of instructing the negotiator concerning price, terms, or both. The motion carried unanimously.

Mayor Bryant closed the session to the public at 2:10 p.m. and the Council moved to the Courtyard Conference Room. All councilmembers were present. (See page 2047 for a report on Closed Session.)

City Council

3:00 PM SESSION

Call to Order - Mayor Bryant called the meeting to order at 3:10 p.m. in the Council Chambers.

Roll Call

Present: Councilmembers Terrazas, Comstock, Lane, Mathews, Posner; Vice Mayor Robinson (left at 7:20 p.m.); Mayor Bryant.

Absent: None.

Staff: City Manager M. Bernal, Assistant City Manager T. Shull, Assistant to the City Manager S. Collins, City Attorney J. Barisone, Director of Finance M. Pimentel, Director of Economic Development B. Lipscomb, Recreation Supervisor C. Scurich, Deputy Chief of Police Rick Martinez, Director of Public Works M. Dettle, Transportation Manager J. Burr, Director of Water B. Kocher,

Assistant Director of Water L. Almond, City Clerk Administrator B. Lehr.

Pledge of Allegiance

Introduction of New Employees - Director of Public Works M. Dettle introduced Charles Harper, Parking Control Maintenance Worker.

Presentation - Recreation Supervisor C. Scurich introduced Deborah Luhrman, Chair of Sister Cities Committee, who presented information on the visit to Santa Cruz of the Alushta (Ukraine) Teachers Delegation and introduced the delegates. Mayor Bryant welcomed the delegates and received a gift, and then photos were taken of the delegates and Councilmembers.

Presiding Officer's Announcements

Statements of Disqualification - Councilmember Mathews disqualified herself from Item #9 on the Consent Agenda.

Additions and Deletions - None.

Oral Communications Announcement

City Manager Report - The City Manager did not report on events since the last council meeting.

Consent Agenda

Councilmember Posner requested that item #10 be removed from the Consent Agenda for further discussion.

Councilmember Mathews requested that item #11 be removed from the Consent Agenda for further discussion.

Harry Salsburg, President of the Santa Cruz Chapter of the Brady Campaign to Prevent Gun Violence, spoke in support of the Resolution of Support for President Barack Obama's Plan to End Gun Violence, Consent Agenda Item #5.

Matt Davidson spoke in support of the Resolution of Support for Hydraulic Fracturing Moratorium in California, Consent Agenda Item #6 and asked that the impact of fracking on seismic hazard issues be included in any reports on fracking.

An unidentified female speaker spoke in support of the Resolution of Support for President Barack Obama's Plan to End Gun Violence, Consent Agenda Item #5 and asked that all parents of school age children be educated on gun safety.

Jeff Lau stated that limiting gun ownership does not deter crime and that almost all the mass shootings were in areas where gun ownership was restricted and that self-defense is a Second Amendment right.

Sandra Nichols, Trustee for the County Board of Education, spoke in support of the Resolution of Support for President Barack Obama's Plan to End Gun Violence, Consent Agenda Item #5. The County Board of Education will be discussing a similar Resolution of Support in a future meeting.

Items #10 and #11 were removed from the Consent Agenda for further discussion.

ACTION: Councilmember Lane moved, seconded by Councilmember Terrazas, to approve the remaining items on the Consent Agenda.

The motion passed with the following vote:

AYES: Councilmembers Terrazas, Comstock, Lane, Mathews (all Consent Agenda Items except Item #9), Posner; Vice Mayor

NOES: Robinson; Mayor Bryant.
ABSENT: None.
DISQUALIFIED: Councilmember Mathews (Consent Agenda Item #9 only).

Consent Agenda (continued)

1. [Minutes of the July 10, 2012 City Council Meeting \(CC\)](#).

Motion carried to approve as submitted.

2. [Minutes of the July 24, 2012 City Council Meeting \(CC\)](#).

Motion carried to approve as submitted.

3. [City's Classification and Compensation Plans and the FY13 Budget Personnel Complement - Finance Department, City Manager Department and Planning Department \(AS\)](#).

Resolution No. NS-28,598 was adopted to amend the Classification and Compensation Plans and the FY13 Budget Personnel Complement by

reclassifying one Account Clerk II position to a Purchasing Assistant, retitling the Account Clerk II classification to Accounting Assistant II, retitling the Account Clerk I classification to Accounting Assistant I, reclassifying the Administrative Assistant to the City Manager classification to Executive Assistant to the City Manager, and adding one position of Code Compliance Specialist.

4. [Homeward Bound Allocation \(CM\)](#)

Motion carried to allocate and authorize expenditure of the \$25,000 appropriated in the FY 2013 budget for homeward bound programs, as follows: \$16,700 to the Homeless Services Center's Homeward Bound Program; \$8,000 to Santa Cruz County's MOST/Downtown Outreach Worker (DOW) Programs; and, \$300 to the Santa Cruz County Jail (Sheriff's Office).

5. [President Barack Obama's Plan to End Gun Violence - Resolution of Support \(CN\)](#)

Resolution No. NS-28,599 was adopted in support of President Barack Obama's Plan to End Gun Violence in America.

Consent Agenda (continued)

6. [Hydraulic Fracturing Moratorium in California - Resolution of Support \(CN\)](#)

Resolution No. NS-28,600 was adopted to support a moratorium on hydraulic fracturing (fracking) in the State of California until sufficient regulatory safeguards are established and implemented.

7. [5th Annual Prom Dress Drive - City Co-Sponsorship \(CN\)](#)

Motion carried to co-sponsor, in name only, the 5th Annual Prom Dress

Drive.

8. [Living Wage Rate Annual Prescription for 2013 \(FN\)](#)

Resolution No. NS-28,601 was adopted to upwardly index the prescribed minimum living wage rate by 3.7%, the amount which corresponds to the San Francisco-Oakland-San Jose Area Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers, for the period ending October 31, 2012, to become effective July 1, 2013.

9. [Walnut Commons Subdivision \(148 Walnut Avenue\), Tract No. 1571 - Approval Final Map \(PW\)](#)

Councilmember Mathews disqualified herself from acting on this item.

Resolution No. NS-28,602 was adopted to approve the Final Map for Walnut Commons Subdivision (148 Walnut Avenue) - Tract No. 1571, and authorizing and directing the City Manager to execute the Subdivision Agreement in a form approved by the City Attorney.

10. [Spring 2013 Cape Seal Project - Authorization to Advertise \(PW\)](#)

Director of Public Works M. Dettle responded to Council's questions.

ACTION: Councilmember Posner moved, seconded by Councilmember Terrazas, to approve the plans and specifications for the Spring 2013 Cape Seal Project (c400810) and authorize staff to advertise for bids, with the amendment that Rooney Street would be included in the fall Cape Seal Project that would be put out to bid in the next fiscal year. The City Manager is hereby authorized and directed to execute the contract as authorized by Resolution No. NS-

27,563 in a form approved by the City Attorney. The motion carried unanimously.

Consent Agenda (continued)

11. [Beltz Well No. 12 Project - Notice of Completion \(WT\)](#)

Assistant Director of Water L. Almond responded to Council's questions.

ACTION: Councilmember Mathews moved, seconded by Councilmember Lane, to accept the work of Maggiora Brothers Drilling, Inc. (Watsonville, CA) as complete per the plans and specifications and authorizing the filing of a Notice of Completion for the Beltz Well No. 12 Project. The motion carried unanimously.

End Consent Agenda

Public Hearings

12. [Ordinance No. 2013-01 - Annulment of the Twenty-four Consecutive Month Water Service Abandonment Policy - Santa Cruz Municipal Code Section 16.04.360 \(a\)-\(b\) \(WT\)](#)

Mayor Bryant opened the public hearing at 3:41 p.m.

No members of the public wished to speak.

Mayor Bryant closed the public hearing at 3:42 p.m.

ACTION: Vice Mayor Robinson moved, seconded by Councilmember Mathews, to pass Ordinance No. 2013-01 for final adoption. The motion carried unanimously.

Public Hearings (continued)

13. [Ordinance No. 2013-02 - Amending Santa Cruz Municipal Code Sections 21.02.040 and 21.02.070 Pertaining to Security Deposits for Residential Rental Property_ \(CM\)](#)

Mayor Bryant opened the public hearing at 3:42 p.m.

No members of the public wished to speak.

Mayor Bryant closed the public hearing at 3:43 p.m.

ACTION: Councilmember Mathews moved, seconded by Councilmember Lane, to pass Ordinance No. 2013-02 for final adoption. The motion carried unanimously.

14. [Ordinance No. 2013-03 - Amending Santa Cruz Municipal Code Chapter 6.49, the Single-Use Bag Reduction Ordinance \(PW\)](#)

Mayor Bryant opened the public hearing at 5:56 p.m.

SPEAKING FROM THE FLOOR IN SUPPORT:

Mike Rotkin

Mayor Bryant closed the public hearing at 5:57 p.m.

ACTION: Councilmember Posner moved, seconded by Councilmember Lane, to pass Ordinance No. 2013-03 for final adoption. The motion carried unanimously.

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General Business

15. [Public Safety Committee Recommendations \(CN\)](#)

Assistant to the City Manager S. Collins gave an oral report and responded to Council's questions.

Deputy Chief of Police Rick Martinez responded to Council's questions.

City Manager M. Bernal responded to Council's questions.

SPEAKING FROM THE FLOOR IN SUPPORT:

Mike Rotkin, former City of Santa Cruz Mayor and Councilmember and Westside resident

An unidentified female speaker

Chris Ferrante, owner of Beach Street Inn and Suites

Don Jacinto, General Manager of Dream Inn

Michelle Reed, Westside resident

Dr. Lisa Hernandez, Health Officer for County of Santa Cruz

Rob Libbey, Executive Director of Janus

Eric Swannack, retired Santa Cruz Police Sergeant

Carolyn Coleman, Executive Director of Santa Cruz Community Counseling Center

Laurel Keefe, CitySERVE Program Coordinator

Jonathan

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General Business (continued)

15. Public Safety Committee Recommendations (CN) (continued)

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS:

Megan, volunteer for the homeless

Andrew Mueller

Dylan Greiner

An unidentified male speaker

David Minton Silva

Steve Schnaar

Emily Auger, Street Outreach Supporters

Ken Collins

T.J., founder of Clean Team

Duffy Wartelle, UCSC Good Neighbor Intern

Patricia Castagnola, Program Manager of Santa Cruz AIDS
Project

Kim

Robert Norse

Steve Pleich

Gary Whitney, property owner in lower Ocean neighborhood

Eric

An unidentified female speaker

Pat Kittle

Greg Julian

Matt, resident of lower Ocean neighborhood

Anna Jimenez and her son Rocket

General Business (continued)

15. Public Safety Committee Recommendations (CN)_(continued)

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ACTION: Councilmember Mathews moved, seconded by Councilmember Terrazas, to direct staff to:

- A. Continue discussions between the City, Santa Cruz County Health Services Agency, volunteer needle exchange program volunteers and local pharmacies to develop best practices, including: locations, policies, oversight and connection to services, and procedures for hypodermic needle dispensing and collection that meet public health outcomes and reduce community impacts;
- B. Explore the feasibility of placing additional sanitation facilities in public locations, including restrooms, trash containers and needle disposal containers;
- C. Increase resources for City-led clean-up efforts, including a variety of options that would include additional City staffing dedicated to this function, partnerships with community organizations and nonprofits, and provision of City resources to accommodate those efforts;
- D. Pursue cooperation with regional partners to address underlying public safety issues, including such agencies as the Regional Transportation Commission, CalTrans, Courts, Health Services, Sheriff, District Attorney, Community Realignment and local nonprofits;
- E. Authorize the recruitment and hiring of police officers and community service officers in excess of the number of

- currently budgeted positions, to reduce the number of vacant police positions at any given time;
- F. Explore the possibility of a curfew or limited hours at and around Cowell Beach and engage in discussions with the Coastal Commission on this and other coastal access-related issues that might improve public safety in the beach areas;
 - G. Report back monthly on the progress in these areas and the administrative steps both achieved and those in-the-works to meet these goals; and
 - H. Convene a Citizen Task Force to explore underlying public safety issues, to meet and sunset in six months with a report and recommendations to be returned to the Council, and to authorize the Mayor to appoint members of that Task Force with full input from Councilmembers and the public.

General Business (continued)

15. Public Safety Committee Recommendations (CN) (continued)

ACTION: Councilmember Lane moved, seconded by Councilmember Mathews to amend the motion to have the Citizen Task Force meet in a public forum.

ACTION: Mayor Bryant moved, seconded by Councilmember Mathews, to amend the motion to have the progress reports to the Council occur as part of the City Manager's Report.

The original motion, as amended, carried unanimously.

ACTION: Councilmember Mathews moved, seconded by Councilmember Terrazas, to direct staff to bring back to the next

regular Council meeting an FY 2013 Budget Adjustment in the amount of \$50,000 for clean-up efforts, and consider resources for ongoing clean-up needs in next year's budget plans. The motion carried unanimously.

Oral Communications

Mayor Bryant opened Oral Communications at 5:53 p.m.

Mike Rotkin thanked the City Council for their hard work on the hard issues that are before them these days. Mr. Rotkin completely disagrees with a previous speaker who characterized the Councilmembers as lazy and uncaring. He believes that the Councilmembers care greatly about their City and all of its residents.

T.J. stated that he is leaving Santa Cruz and taking his business with him. He would very much like to return someday as he is a fifth-generation Santa Cruzan, but he does not feel that cleaning up after others is a sustainable program. He suggested that the City implement Garbage Mapping, so that citizen groups can quickly take care of garbage problems as they pop up. He also stated that you cannot arrest your way out of this problem and suggested that the Councilmembers each watch the film *Breaking the Taboo*.

Dave Dodson from Charter for Compassion Santa Cruz spoke of letters that his organization sent out to Councilmembers this week that describe the Charter, mention the other cities who have already signed the Charter, and the actions those cities have taken. Mr. Dodson said the next step will be to meet with each Councilmember about Santa Cruz becoming a part of the Charter for Compassion.

Oral Communications (continued)

Marilyn Garrett from Wireless Radiation Alert Network spoke of the sign at the podium of audio interference and stated that cell phones cause interruption to our cellular functioning as well. Besides a meeting on public safety, Ms. Garret stated that a meeting also needs to occur on the biological damage caused by low-frequency microwave radiation that is forced on us.

Pat Kittle relayed a story about Robert Norse on a recent radio show. When asked if Mr. Norse would ask the homeless to pick up after themselves, Mr. Norse responded that he could do it but would not because he did not want to be a nag. Mr. Kittle than spoke of his objection to the City of Santa Cruz declaring that it is a Sanctuary City and the problems that has caused. Mr. Kittle believes that population growth is not sustainable.

Douglas Weimyth, a member of the Clean Team whose favorite sites to clean up are the “Lost Boys” bridge and train trestle, has been told that he needs clearance from the Santa Cruz County Regional Transportation Commission to clean up that area. He would like to be allowed to clean up the area and remove cigarette butts. Mr. Weimyth also stated that the bridge and trestle need to be fenced off so people do not use those areas as a latrine and need to be monitored by the police.

Naomi Legate, who works with Family Doctors of Santa Cruz, stated that she noticed that Santa Cruz has a worse heroin problem than she encountered while working at Highland Hospital in Oakland. Fifteen to twenty percent of her patients have a drug abuse problem. Ms. Legate states that she is a liberal but her views have changed and she no longer believes in the legalization of drugs. She no longer believes that hand-holding is the right approach to take with drug problems, though she is unsure of what is the right solution.

Dave Christian, a member of Take Back Santa Cruz who is here to express his personal opinions, expressed his concern that AB 109 funds will be used to open fifteen more beds at the HSC (Homeless Services Center) for paroled

felons. Mr. Christian stated that HSC is the incubator for all the bad things that happen in the City.

Andrew Mueller spoke of the lack of information that would help to establish the cause of the problems we are facing today as a community. The report not being available until six months after the end of the year is unacceptable when we have companies in this City working on developing data-mining software applications that would make that report available instantaneously. Mr. Mueller stated that the use of technology should be included in whatever the Public Safety Task Force decides.

Mayor Bryant closed Oral Communications at 6:16 p.m.

Recess - At 6:16 p.m. Mayor Bryant recessed the City Council meeting until 6:21 p.m.

Reconvene - At 6:26 p.m. Mayor Bryant reconvened the City Council meeting.

General Business (continued)

16. [Imagine Positive Change Parking Meter Program Re-Launch-Administrative Stewardship and Art Promotion \(CN\)](#)

Councilmember Lane gave an oral report and responded to Council's questions.

Assistant City Manager T. Shull responded to Council's questions.

City Attorney J. Barisone responded to Council's questions.

Project Homeless Connect Coordinator Monica Wright gave a presentation and responded to Council's questions.

Councilmember Mathews moved, seconded by Vice Mayor Robinson, to terminate the agreement with the Downtown Association of Santa Cruz.

ACTION: Councilmember Lane moved, seconded by Councilmember Terrazas to continue the item to the next Council meeting on February 26, 2013.

The motion passed with the following vote:

AYES: Councilmembers Terrazas, Comstock, Lane, Posner;
Mayor Bryant.
NOES: Councilmember Mathews; Vice Mayor Robinson.
ABSENT: None.
DISQUALIFIED: None.

Vice Mayor Robinson left the dais at 7:06 p.m.

General Business (continued)

17. [FY 2012/13 General Fund Mid-Year Financial Report and Preliminary Four-Year Forecast, and FY 2012/13 Budget Amendments \(FN\)](#)

Director of Finance M. Pimentel gave an oral report and responded to Council's questions.

City Manager M. Bernal responded to Council's questions.

ACTION: Councilmember Lane moved, seconded by Councilmember Terrazas, to:

- 1) Accept the mid-year report on the General Fund's financial status and preliminary forecasts, and approve resolutions

appropriating funds and amending the FY 2012/13 operating budget by \$338,294;

- 2) Adopt Resolution No. NS-28,603 to appropriate \$233,294 from current year operating savings for costs already expended in preparation for the Santa Cruz Warriors relocation, and appropriate \$20,000 from current year operating savings for future costs to be incurred the remainder of this fiscal year related to the Kaiser Permanente Arena; and
- 3) Adopt Resolution No. NS-28,604 to appropriate from current year operating savings \$85,000 for space utilization and subsequent spacial optimization designs for the City Hall complex.

The motion carried unanimously (Vice Mayor Robinson absent).

Council Meeting Calendar

18. [The City Council reviewed the meeting calendar attached to the agenda and revised it as necessary.](#)

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The Budget Meetings originally scheduled for June 4 and June 5, 2013 have been moved to an all-day meeting on Monday, June 10, 2013 and a half-day morning meeting on Tuesday, June 11, 2013.

Council Memberships in City Groups and Outside Agencies

19. [Mayor Bryant provided Councilmembers with the opportunity to update Council and the public regarding City groups and outside agencies.](#)

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Councilmember Lane reminded everyone in attendance that he is the City Council representative to the county-wide Criminal Justice Council.

City Attorney Reported on Closed Session

A. Conference with Legal Counsel-Anticipated Litigation (Government Code §54956.9).

Initiation of Litigation by City (Government Code §54956.9(c)).

1. *City v. County of Santa Cruz* - Property Tax Administration Fee Dispute

This item was tabled. Council did not receive a status report due to time constraints.

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

1. Verizon Cell Tower Lease (Graham Hill Water Treatment Plant - 715 Graham Hill Rd)
APN: 060-141-05
City Negotiator - Bonnie Lipscomb, Economic Development Director
2. 422 Harbor Drive - Sale of adjacent City-owned property
APN: 059-121-07
City Negotiator - Bonnie Lipscomb, Economic Development Director
3. Sale of City-owned Skypark property located in Scotts Valley
APNs: 022-721-07, 022-721-08, 022-721-09
City Negotiator - Bonnie Lipscomb, Economic Development Director

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

Adjournment - The City Council adjourned at 7:56 p.m. from the Regular Meeting of February 12, 2013 to the next Regular Meeting of February 26, 2013 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.