

ACTION AGENDA

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

CITY COUNCIL REGULAR MEETING

September 14, 2021

Action Agenda prepared on September 15, 2021 with action taken in bold type

Closed Session

9:00 AM

The Presiding Officer **opened** the City Council Closed Session at **9:01 a.m.** in a public meeting via Zoom, for the purpose of announcing the agenda, and receiving public testimony.

Roll Call - Councilmembers Watkins (via Zoom), Kalantari-Johnson (via Zoom), Brown (via Zoom), Cummings (via Zoom), Golder (via Zoom, left at approximately 10:00 a.m.); Vice Mayor Brunner (via Zoom); Mayor Meyers (via Zoom).

Councilmembers absent: None.

Mayor Meyers **opened** the public comment period at **9:02 a.m.** Mayor Meyers **closed** the public comment period at **9:03 a.m.** and the meeting was adjourned to closed session.

Closed Session

1. Conference With Legal Counsel - Liability Claims (Government Code §54956.95)

- 1) Claimant: Kelly DiGirolamo
- 2) Claimant: Noe Castaneda

Claims against the City of Santa Cruz

Council received a status report, and took up under agenda item 14. No reportable action was taken.

Closed Session (continued)

2. Conference with Legal Counsel - Existing Litigation (Government Code §54956.9(d)(1))

1) City of Santa Cruz v. Richard L. Santee, et al.
(Santa Cruz County Superior Court Case No. 19CV01304 - 744 River St. & 808 River St.)

2) Haytasingh v. City of San Diego
Court of Appeal, Fourth Appellate District Division One Case No. D076228
(request for amicus support)

Council received a status report and gave direction to legal counsel, and took no reportable action regarding item 1. Council authorized the Mayor to send an amicus letter in support of the City of San Diego's appeal in item 2.

3. Conference with Legal Counsel - Anticipated Litigation (Government Code §54956.9(d)(2))

Significant exposure to litigation (1 potential case to be discussed)

Council received a status report and took no reportable action.

4. Real Property Negotiations (Government Code §54956.8)

Property: City-owned property on Front Street
APNs: 005-151-48 and 005-151-35
Owner: City of Santa Cruz
City Negotiator: Bonnie Lipscomb
Negotiating Parties: City of Santa Cruz and SCFS Hotel Venture LLC
Under Negotiation: Price, terms of payment, or both

Council received a status report from the City Negotiator, and took no reportable action.

City Council

12:00 PM

Call to Order - at 12:00 p.m.

Roll Call - Councilmembers Watkins (via Zoom), Kalantari-Johnson (via Zoom), Brown (via Zoom), Cummings (via Zoom), Golder (arrived at 12:45 p.m. via Zoom); Vice Mayor Brunner (via Zoom); Mayor Meyers (via Zoom).

Councilmembers Absent: None.

Presentation

5. Jack Sprow 30-year Service Pin Recognition
6. Mayoral Proclamation Declaring September as Childhood Cancer Awareness Month
7. Library Mixed-Use Project Update

Presiding Officer's Announcements

Statements of Disqualifications - None.

Additions and Deletions - None.

Oral Communications Announcement - The Mayor **provided** a brief announcement about Oral Communications.

City Attorney Report on Closed Session

City Manager Report

8. The Interim City Manager called on staff to **provide** a report and updates on the City's business, COVID-19 response, and events.

Council Meeting Calendar

9. The City Council reviewed and revised the meeting calendar attached to the agenda.

City Clerk Administrator B. Bush reminded Council of the September 21st Special Meeting and announced it will begin at 4:15 p.m., as opposed to 4:00 p.m.

Agenda Items 13 and 17 were pulled for further discussion.

Consent Agenda

10. Minutes of the August 24, 2021 City Council Meeting (CC)

Motion **carried** to approve as submitted.

11. Minutes of the August 31, 2021 City Council Meeting (CC)

Motion **carried** to approve as submitted.

12. Minutes of the September 7, 2021 City Council Meeting (CC)

Motion **carried** to approve as submitted.

13. Resolution Related to Adult Personal Use and Personal Possession of Entheogenic Psychoactive Plants and Fungi (CN)

Resolution No. NS-29,867 was adopted declaring that the investigation and arrest of individuals twenty-one (21) years of age and older involved with the adult personal use and personal possession of entheogenic psychoactive plants and fungi listed on the Federal Schedule 1 list be amongst the lowest priorities for the City of Santa Cruz, and rescinding Resolution No. NS-29,623.

14. Liability Claims Filed Against the City of Santa Cruz (FN)

Motion **carried** to reject the liability claim of a) Kelly DiGirolamo; and to return as late the claim of b) Noe Castaneda, based on staff recommendation.

Consent Agenda (continued)

15. Resolution Amending the City of Santa Cruz Personnel Complement and Classification and Compensation Plans for the Parks and Recreation Department (HR)

Resolution No. NS-29,868 was adopted amending the Classification and Compensation Plans for the FY 2022 Budget Personnel Complement by approving position changes and a classification job title change in the Parks and Recreation Department.

16. Office of Traffic Safety Selective Traffic Enforcement Program - Grant Acceptance (#PT22134) and Budget Adjustment (PD)

Resolution No. NS-29,869 was adopted amending the FY 2022 budget and authorizing the acceptance and appropriation of funds from the Office of Traffic Safety for the Selective Traffic Enforcement Program. The City Manager is hereby authorized and directed to execute the contact and agreements associated with the acceptance of this grant.

17. Downtown Intersection Improvements (c401903) - Award Contract (ED/PW)

Motion carried to:

- Approve a contract with Kimley-Horn and Associates, Inc. (Pleasanton, CA) for traffic system analysis and conceptual design of transportation and Downtown Intersection Improvements (c401903) along Front Street and authorize the City Manager to execute an agreement in a form acceptable to the City Attorney. The Public Works Director is authorized to execute change orders within the approved budget.
- Direct staff to work with the Chair of the Transportation and Public Works Commission to agendaize this item at their earliest meeting possible.

18. Emergency Leachate Booster Bypass Upgrade (m400019) - Award Contract (PW)

Motion carried to award the emergency contract with Don Chapin Co., Inc. (Salinas, CA) for repairing and upgrading the leachate booster bypass in the amount of \$149,600. Authorize the City Manager to execute an agreement in a form acceptable to the City Attorney. The Public Works Director is authorized to execute change orders within the approved project budget.

Consent Agenda (continued)

19. Active Transportation Program Cycle 5 Grant Education and Encouragement Programs (c401403) - Award Contract (PW)

Motion **carried** to award the contract to Ecology Action (Santa Cruz, CA) in the amount of \$550,000 for the Active Transportation Program Cycle 5 Grant Education and Encouragement Programs. Authorize the City Manager to execute an agreement in a form acceptable to the City Attorney.

20. Caterpillar 972M-BR Hydraulic Wheel Loader - Additional Funds for Purchase (PW)

Motion **carried** to approve the increase of funds by \$14,756 for the Council-approved purchase of one Caterpillar 972M-BR Hydraulic Wheel Loader from Peterson Tractor Co. (San Leandro, CA) in the amount of \$480,000.

21. Annual San Lorenzo River Flood Control Maintenance (m409505) - Award Contract and Budget Adjustment (PW)

Motion **carried** to:

- Award a contract for the annual San Lorenzo River Flood Control Maintenance with Kenny Robinson Construction (Santa Cruz, CA) in the amount of \$275,000, and authorize the City Manager to execute the agreement in a form acceptable to the City Attorney.
- Adopt Resolution No. NS-29,870 amending the FY 2022 budget by adding \$50,000 to Fund 752 from Fund 751 to conduct necessary vegetation removal around gravity outlets along the San Lorenzo River and channel disking to promote scouring during high flow events.

End Consent Agenda**Public Hearing**

22. 2nd Reading and Final Adoption of Ordinance No. 2021-17 Amending Chapter 13.40 of the Municipal Code Related to the Parks and Recreation Department's Adopt-a-Park Program (PR)

Ordinance No. 2021-17 was adopted amending Chapter 13.40 of the Santa Cruz Municipal Code (SCMC) related to park adoptions.

General Business

23. Temporary SEIU Local 521 Employee Association Memorandum of Understanding (HR)

Resolution No NS-29,871 was adopted adopting a Tentative Agreement with the Temporary SEIU Local 521 Employee Association.

24. Contract for Mixed-Use Library Master Architect (ED)

Motion **carried** to award the contract for the Mixed-Use Library Master Architect to Jayson Architecture in an amount up to \$2,289,550 and authorize the City Manager to execute an agreement with Jayson Architecture in a form to be approved by the City Attorney.

At this time, Mayor Meyers heard item #25, and then returned for Oral Communications.

At 3:50 p.m. Mayor Meyers **opened** Oral Communications. Mayor Meyers **closed** Oral Communications at 3:56 p.m.

General Business

25. 831 Water Street: CP20-0121 (APNs 009-212-30, -31, -38) - A Public Oversight Meeting to Assess Compliance with the City's Objective Standards Criteria and Accompanying Density Bonus Request for an Affordable Housing Project Proposed Pursuant to SB 35 (Planning and Zoning: Affordable Housing: Streamlined Approval Process). The Proposed Project Includes Demolition of Existing Commercial Buildings and Construction of a Five-story Mixed-use Building and a Four-story Residential Building Consisting of 2,727 Square Feet of Ground Floor Retail and 145 Residential Units (With 50% of the Base Units as Affordable per SB35) with Shared Underground Parking. (Owner: Novin Development Corp.) (PL)

Motion **carried** to continue this item to the October 12, 2021 City Council meeting.

Adjournment - The City Council **adjourned** at 3:56 p.m.