

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



CITY COUNCIL AGENDA

Regular Meeting - June 28, 2022

- 10:30 A.M. CLOSED SESSION, COUNCIL CHAMBERS/ZOOM
- 12:30 P.M. CONSENT, CONSENT PUBLIC HEARINGS AND GENERAL BUSINESS, COUNCIL CHAMBERS/ZOOM
- 6:30 P.M. ORAL COMMUNICATIONS AND GENERAL BUSINESS, COUNCIL CHAMBERS/ZOOM

IMPORTANT NOTICE:

Pursuant to California Government Code 54953(e)(1)(A) and (C), and the City of Santa Cruz's resolution authorizing continued virtual participation in public meetings given the COVID-19 pandemic, meetings of the Santa Cruz City Council are being conducted with a hybrid format, providing both in-person and virtual participation in order to promote social distancing and protect the health and safety of attendees, staff, and Councilmembers.

In order to minimize exposure to COVID-19, the meeting may be viewed remotely, using any of the following sources:

- Click on Zoom link (no time delay): <https://zoom.us/j/94684401344>
- Online at <http://www.cityofsantacruz.com/government/city-council/council-meetings>
- Online at [Watch - Community Television of Santa Cruz County](#)
- Comcast Channel 25

Or: Call any of the numbers below. If one is busy, try the next one.

- 1-833-548-0276 (Toll Free)
- 1-833-548-0282 (Toll Free)
- 1-877-853-5247 (Toll Free)
- 1-669-900-9128

Enter the meeting ID number: 946 8440 1344

- When prompted for a Participant ID, press #.
- Press *9 on your phone to "raise your hand" when the Mayor calls for public comment.
- It will be your turn to speak when the Mayor calls on you. Press *6 to unmute yourself. The timer will then be set to 2 minutes.

Correspondence to be included in the agenda packet must be received by 5:00 pm on Monday, June 27th.

PLEASE NOTE:

- Requests for extra speaking time on items other than Oral Communications must be made by 5:00 p.m. on Sunday, June 26th by emailing the Mayor and the City Clerk. Approval will be confirmed via email.

sbrunner@cityofsantacruz.com

bbush@cityofsantacruz.com

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.

Si desea asistir a esta reunión pública y necesita ayuda - como un intérprete de lenguaje de señas americano, español u otro equipo especial - favor de llamar al Departamento de la Secretaría de la Ciudad al 420-5030 al menos cinco días antes para que podamos coordinar dicha asistencia especial o envíe un correo electrónico a cityclerk@cityofsantacruz.com. El número del sistema Cal-Relay es: 1-800-735-2922.

Closed Session

10:30 AM

Referral to Closed Session

1. City-owned Property Immediately Behind 412 Woodland Way (ED)

Motion to refer to Closed Session for discussion regarding price of payment, terms, or both.

2. Firefish Restaurant, 25 Municipal Wharf - APN 007-341-01 (ED)

Motion to refer to Closed Session for discussion regarding the renovation of 25 Municipal Wharf and a potential lease amendment for same.

Closed Session

3. Conference with Labor Negotiators (Government Code §54957.6)

SEIU Temporary Employees
SEIU Service Employees
Mid Managers, OE3
Supervisors, OE3
Fire Management
Fire, IAFF
Police Management
Police Officers Association
Executives

City Negotiator - Lisa Murphy

4. Real Property Negotiations (Government Code §54956.8)

1) Property: Approximately 400 square feet of property at the edge of Derby Park immediately behind 412 Woodland Way
APN: 003-184-04 (Portion)
Owner: City of Santa Cruz
City Negotiator: Bonnie Lipscomb
Negotiating Parties: City of Santa Cruz and Robin Bass
Under Negotiation: Price, terms of payment, or both

2) Property: 25 Municipal Wharf, Firefish Restaurant
APN: 007-341-01
Owner: Mark Gilbert
City Negotiator: Bonnie Lipscomb
Negotiating Parties: City of Santa Cruz and Mark Gilbert
Under Negotiation: Renovation of 25 Municipal Wharf and potential lease amendment for same.

5. Conference with Legal Counsel - Existing Litigation (Govt. Code §54956.9(d)(1))

303 Creative LLC, et al., v. Aubrey Elenis, et al.
Supreme Court of the United States Case No. 19-1413
(request for amicus support)

Closed Session (continued)

6. Conference with Legal Counsel - Anticipated Litigation (Government Code §54956.9(d)(4))

Initiation of litigation (one potential case)

City Council

12:30 PM

Call to Order

Roll Call

Presentations

7. Unified Animal Ordinance Update

8. Parks and Recreation Month

Presiding Officer's Announcements

Statements of Disqualification

Additions and Deletions

City Attorney Report on Closed Session

Council Meeting Calendar

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

Council Memberships in City Groups and Outside Agencies

10. The Presiding Officer will provide Councilmembers with the opportunity to update Council on any external committee meetings that occurred since the last Council meeting.

Consent Agenda

11. Resolution Authorizing the City to Continue Teleconferenced Public Meetings Pursuant to Assembly Bill 361 (CA)

Resolution authorizing legislative bodies of the City of Santa Cruz to continue the use of teleconferenced meetings pursuant to Assembly Bill 361.

12. Resolution Extending the Emergency Declaration in Connection with the COVID-19 Pandemic by Sixty (60) Days (CA)

Resolution extending by sixty days the Declaration of Emergency in connection with the COVID-19 pandemic.

13. Resolution Extending the Emergency Declaration in Connection with the CZU August Lightning Complex Fire by Sixty (60) Days (CA)

Resolution extending by sixty days the Local Emergency Declaration in connection with the CZU August Lightning Complex Fire.

14. Minutes of the June 7, 2022 City Council Special Meeting (CC)

Motion to accept as submitted.

15. Minutes of the June 14, 2022 Meeting of the City Council (CC)

Motion to accept as submitted.

16. Amendment of Existing Contract with The Salvation Army for Expanded Shelter Operation at the National Guard Armory Site (CM)

Motion to authorize and direct the City Manager to execute the amended contract, in a form approved by the City Attorney, with The Salvation Army for expanded shelter operations including 60 additional shelter beds at the Armory with existing homelessness response funds from the American Rescue Plan Act and State-provided \$14 million for homelessness response in an amount not to exceed \$3,870,273.39, which represents an increase of \$1,727,345.39 from the previously approved \$2,142,928 contract for The Salvation Army to operate at the Armory.

Consent Agenda (continued)

17. Designation of Voting Delegate and Alternate to Attend the League of California Cities (LOCC) Annual Conference Being Held in Long Beach September 7 - 9, 2022) (CN)

Motion to designate Mayor Brunner as the voting delegate, and Vice Mayor Watkins as the alternate in the event that the voting delegate is unavailable, to attend the League of California Cities Annual Conference in Long Beach.

18. Declaring 400 Square Feet of APN 003-184-04 Currently Included Within the Boundaries of Derby Park and Located Behind 412 Woodland Way, as Exempt Surplus Property Pursuant to the Surplus Lands Act (Cal. Govt. Code § 54220, et seq.), and Approving the Transfer of the Property to the Owner of the Adjacent Property, 412 Woodland Way (ED)

Motion to:

1) Adopt a resolution declaring an approximately 400 square foot portion of a City-owned parcel designated in the records of the Santa Cruz County Assessor as APN-003-184-04 as exempt surplus property pursuant to the “Surplus Lands Act” (Cal. Govt. Code § 54220, et seq.); and

2) Approve the transfer of an approximately 400 square foot portion of APN 003-184-04 from the City to Robin Bass, owner of the contiguous property APN 003-184-15, known as 412 Woodland Way.

19. Pacific Station North Affordable Housing Transit-oriented Development Project Ground Lease Authorization for 902, 912, and 920 Pacific Avenue and 333 and 423 Front Street (ED)

Resolution authorizing the City Manager to enter into any lease(s) and related amendments or documents needed thereto of a non-substantive nature, in a form acceptable to the City Attorney, for real property located at 902, 912 and 920 Pacific Avenue and 333 and 423 Front Street (APNs 005-152-30, -31, -32, -33 and -05) between the City of Santa Cruz, Santa Cruz Metropolitan Transit District (METRO) and/or First Community Housing or its affiliate for the previously approved mixed-use affordable housing project on the subject site.

Consent Agenda (continued)

20. Use of AB 2162 Streamlining for Pacific Station North Affordable and Supportive Housing Project (PL/ED)

Resolution establishing a policy under California State Assembly Bill 2162 that authorizes a unit increase to a maximum of 140 units as a use by right for the Pacific Station North Affordable and Supportive Housing Project that was previously approved for 120 units as a use by right.

21. Pass Through Agreement with Volunteer Center of Santa Cruz County - Transportation Development Act (TDA) Claimant (FN)

Motion to:

1) Authorize and direct the City Manager to execute an agreement, in a form approved by the City Attorney, with Volunteer Center of Santa Cruz County, allowing the City to act as claimant for funds obtained from the Santa Cruz County Regional Transportation Commission (SCCRTC) for FY 2023; and

2) Authorize funding of \$107,813 for FY 2023.

22. Pass-through Agreement with Community Bridges/Consolidated Transportation Services Agency (CTSA) / State Transit Assistance (STA) of Santa Cruz County - Transportation Development Act Claimant (FN)

Motion to authorize and direct the City Manager to execute an agreement in a form approved by the City Attorney with Community Bridges / Consolidated Transportation Services Agency (CTSA) / State Transit Assistance (STA) to allow the City to act as claimant for funds obtained from the Santa Cruz County Regional Transportation Commission (SCCRTC) for FY 2023.

23. Proposition 4 Appropriations Limit Adjustment Factors (FN)

Resolution approving the selection of the annual adjustment factors to be used in the calculation of the City's Proposition 4 Appropriations Limit (GANN Limit) based on the adopted budget for FY 2023, with amendments thereto, if any.

Consent Agenda (continued)

24. Award Contract to Implement Cityworks, a Computerized Maintenance Management System (IT)

Motion authorizing the City Manager to execute contracts, in forms approved by the City Attorney, with Azteca Systems, LLC for licensing and maintenance of the Cityworks software, and with Centricity GIS to assist the City of Santa Cruz (City) with implementing Cityworks, a computerized maintenance management system (CMMS).

25. Award Contract for an Environmental Impact Report (EIR) for Ocean Place (908 Ocean Street) (PL)

Motion to award a contract to Kimley-Horn (Capitola, CA) for the preparation of an EIR for Ocean Place (908 Ocean Street) in the amount of \$190,261, reject all other proposals, and authorize the City Manager to execute an agreement in a form approved by the City Attorney with Kimley-Horn for the preparation of an EIR for Ocean Place (908 Ocean Street).

26. Award Contract for Decking and Railing Rehabilitation on the Floating Walkway at Neary Lagoon (PR)

Award a contract to Cen-Con, Inc. for the Decking and Railing Rehabilitation on the Floating Walkway at Neary Lagoon in the amount of \$407,257.40 and authorize the City Manager to execute an agreement in a form approved by the City Attorney with Cen-Con, Inc.

27. Award Contract for Consulting Engineering Services for Wastewater Treatment Facility Capital Improvement Projects (PW)

Motion to award a contract to Brown and Caldwell (San Jose, CA) for Consulting Engineering Services for Wastewater Treatment Facility Capital Investment Projects in the amount of \$3,280,000 and reject all other proposals. The City Manager is hereby authorized and directed to execute the contract in a form approved by the City Attorney. The Public Works Director is authorized to execute change orders within the approved project budgets.

Consent Agenda (continued)

- 28. Contract Renewal with Hope Services, Inc. for the Resource Recovery Facility (PW)

Motion to authorize and direct the City Manager to execute renewal of an agreement with Hope Services, Inc., (Santa Cruz, CA), in a form approved by the City Attorney, for recycling and litter control services at the City’s Resource Recovery Facility on Dimeo Lane.

- 29. Purchase of Side Loader Refuse Truck (PW)

Motion authorizing the purchase of one dual commodity side loader refuse truck in the amount of \$440,000 from TEC of California (Oakland, CA).

- 30. Recycling Center Concrete Floor Upgrade 2022 (c401811) - Advertise for Bids and Award Contract (PW)

Motion to approve the plans and specifications for the Recycling Center Concrete Floor Upgrade 2022 (c401811) and authorize staff to advertise for bids and award the contract. The City Manager is hereby authorized and directed to execute the contract in a form approved by the City Attorney. The Public Works Director is authorized to execute change orders within the approved budget.

- 31. Lincoln Property Group, BOZ SC Riverfront LLC (508 Front Street) - Approve Parcel Map (PW)

Resolution to approve the Parcel Map for Lincoln Property Group, BOZ SC Riverfront LLC. Subdivision (508 Front Street), and authorize the City Manager to execute the Subdivision Agreement in a form approved by the City Attorney.

- 32. Housing Matters Hygiene Bay Remodel Project (c102205) - Bid Protest and Award of Contract (PW)

Motion to overrule the May 25, 2022 bid protest submitted by CRW Industries (Scotts Valley, CA) and to award the Housing Matters Hygiene Bay Remodel Project (c102205) to Selden & Son (Watsonville, CA) or reject all bids.

Consent Agenda (continued)

33. Cell 3B Development Project (c401909) - Consultant Contract Amendment No. 5 (PW)

Motion to approve Contract Amendment No. 5 with Tetra Tech BAS for additional construction management services for the Landfill Cell 3B Development Project (c401909) in the amount of \$132,000 and authorize the City Manager to execute the amendment in a form approved by the City Attorney.

34. Trevethan Ave Storm/Sewer Project - Phase I (c401307, c401810) - Notice of Completion (PW)

Motion to accept the work of Devaney Engineering, Inc. (San Francisco, CA) and authorize the filling of the Notice of Completion for the Trevethan Ave Storm/Sewer Project - Phase I (c401307, c401810).

35. Regional Drought Resiliency Project - Implementation Construction Agreement - Budget Adjustment (WT)

Motion to:

1) Adopt a resolution amending the FY 2022 budget to transfer \$1,000,000 within the Water Department's capital budget from the Newell Creek Dam Inlet/Outlet Replacement to a new project for Intertie 1: Santa Cruz - Scotts Valley to be reimbursed through the Multi-Benefit Drought Relief grant program; and

2) Authorize the City Manager to execute an Implementation Construction Agreement, in a form to be approved by the City Attorney, between the City of Santa Cruz and Scotts Valley Water District to implement the grant-funded Regional Drought Resiliency Project.

Consent Agenda (continued)

36. Program Management Services For Water System Capital Investment Program (WT)

Motion to:

1) Authorize the City Manager to renew a Master Services Agreement, in a form to be approved by the City Attorney, with HDR (Walnut Creek, CA) for Program Management Services for a five-year period; and

2) Authorize the City Manager to execute Contract Amendment No. 2023-01, in a form to be approved by the City Attorney, with HDR for Service Order No. 8 in the amount of \$6,747,350.

37. Santa Cruz Anadromous Salmonids Habitat Conservation Plan: ASHCP-First Amendment to the Master Services Agreement with Dudek for Environmental Compliance (WT)

Motion authorizing the City Manager to execute ASHCP-First Amendment to the Master Services Agreement, in a form approved by the City Attorney, for state and federal environmental compliance for the Santa Cruz Anadromous Salmonids Habitat Conservation Plan with Dudek (Santa Cruz, CA) in the amount of \$307,050.

End Consent Agenda

Consent Public Hearings

38. Second Amendment of the 555 Pacific Avenue Apartments Development Agreement (ED/PL)

Motion to:

1) Introduce for publication an ordinance approving the second amendment of the development agreement between Green Valley Corporation and the City of Santa Cruz for 94 residential condominiums and 4,680 square feet of commercial space within four separate tenant spaces fronting on Pacific Avenue at 555 Pacific Avenue; and

2) Approve terms for the second amendment of the 555 Pacific Avenue Apartments Development Agreement and authorize the City Manager to execute the amendment and related documents in a form to be approved by the City Attorney for the purpose of converting 94 Small Ownership Units (SOUs) to a 100% rental project subject to the City's current inclusionary requirement of 20% in perpetuity.

39. SitelogiQ Comprehensive Energy Solutions Program - Facility Solutions Agreement (PW)

Motion to:

1) Adopt a resolution to execute a Facility Solutions Agreement with SitelogiQ (Sacramento, CA) for the implementation of certain energy-related improvements to City of Santa Cruz facilities; and

2) Adopt a resolution to apply and accept funding for the California Energy Commission ECAA loan program of up to \$3,000,000; and

3) Apply and accept funding for a tax-exempt municipal lease loan of up to \$3,500,000; and

4) Direct the City Manager to execute the contract in a form approved by the City Attorney. The Public Works Director is authorized to execute change orders within the approved project budgets.

General Business

Please note - Public Comment:

- Group requests for extra speaking time must be emailed to the City Clerk and Mayor Brunner by 5:00 p.m. on Sunday, June 26th. Your request will be confirmed via email.

sbrunner@cityofsantacruz.com

bbush@cityofsantacruz.com

- Public comment will be limited to no more than a total of 30 minutes. Each speaker will have 2 minutes.

40. Collective of Results and Evidence-based (CORE) Final Award Recommendations (CM)

Motion to:

1. Approve FY 2023 Collective of Results and Evidence-based (CORE) Investments Request for Proposals final recommended awards in Attachment “List of Recommended Awards” and direct staff to work with Santa Cruz County (County) to execute agreements per the City - County Memorandum of Understanding (MOU) approved on June 7, 2022, for all final recommended awards prior to September 30, 2022; and
2. Approve three months of transition funding for all FY 2022 CORE programs that applied for and were not recommended for funding in FY 2023, so that, according to the MOU and amended per this direction, the County can pay the full 3-month transition contract award amounts prior to the agreements being finalized; and
3. Direct staff to return, with the County Human Services Department (HSD), with a report of all agreements executed, as well as any agreements with a revised dollar amount or where negotiations exceeded the September 30, 2022 deadline; and
4. Direct staff to return, with County HSD, on or before December 13, 2022, with an update on the 3-month transition funding, the newly established contracts and performance tracking mechanisms, efforts to explore other funding sources for current CORE-funded agencies not being recommended for award, and progress on the lessons learned review of the request for proposal (RFP) process.

General Business

41. Resolution Ordering an Election, Requesting the County to Conduct the Election, and Requesting Consolidation of the Election to be Held on November 8, 2022 (CC)

Motion to:

- 1) Receive the fiscal impact report, ordered per Elections Code 9212, for the Empty Home Tax initiative petition; and
- 2) Accept the certificate of verification of signatures for two initiative petitions; and
- 3) Amend the May 24, 2022 Council direction related to a report on the impacts of the Our Downtown, Our Future initiative; and
- 4) Adopt a resolution ordering an election to be held on November 8, 2022 and consolidating the election for the purpose of adding two measures to the ballot: Empty Home Tax and Our Downtown, Our Future.

Recess - The City Council will recess to the 6:30 p.m. session.

City Council

6:30 PM

Call to Order

Roll Call

Oral Communications Announcement - Community members may address the Council for two minutes or less about any matter not on the agenda. 30 minutes is allocated for Oral Communications. No extra time for groups will be granted.

Oral Communications

General Business

42. Pogonip Open Space - Pogonip Master Plan Amendment Process for Homeless Garden Project's Farm and Garden in Upper Main Meadow and Contamination and Clean-up Feasibility Update in Lower Main Meadow (PR)

Receive an update and provide directions on 1) the planning process to relocate the Homeless Garden Project's Farm and Garden to the Upper Main Meadow, Pogonip Open Space; and 2) the feasibility analysis for cleaning up the contamination to allow for farming to occur in the Lower Main Meadow, Pogonip Open Space.

Adjournment

INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS

ADDENDUM TO CITY COUNCIL AGENDA - JUNE 28, 2022

43. Human Resources Department: CitySERVE Volunteer Program Quarterly Report (3rd Quarter FY22) - 6/9/22 (HRFYI 044)
44. Finance Department: Portfolio Management Report - Pooled Cash and Investments as of May 31, 2022 - 6/13/22 (FNFYI 356)

MAYOR'S PROCLAMATIONS

ADDENDUM TO CITY COUNCIL AGENDA - JUNE 28, 2022

45. Proclaiming June 15, 2022 as “World Elder Abuse Awareness Day” and the month of June 2022 as “Elder Abuse Awareness Month” and encouraging all citizens to join in this observance, supporting our elders, and voicing opposition to any form of abuse.
46. Proclaiming Thursday, June 30, 2022 as “Andy Werner Day” and encouraging all citizens and his coworkers to join in expressing heartfelt appreciation for his numerous contributions and years of service to the City of Santa Cruz and its citizens and wishing him well in his retirement.
47. Proclaiming June 25, 2022 as “Santa Cruz Woodies and Woodies on the Wharf Day” and encouraging all citizens to join in celebrating Woodies on the Wharf as a locally beloved Santa Cruz event.

Advisory Body Appointments

The following positions are vacant. Council will make the appointments at a future meeting.

Transportation and Public Works Commission	One Opening
--	-------------

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.