

MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL

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

MINUTES OF A CITY COUNCIL MEETING

December 9, 2014

1:00 PM

Mayor Robinson opened the City Council Closed Litigation Session at 1:01 p.m. in a public meeting in the Council Chambers, for the purpose of announcing the agenda, considering Agenda Item 1, and receiving public testimony. There were no members of the public in attendance.

**Roll Call**

Present: Councilmembers Bryant, Terrazas, Comstock, Mathews, Posner (arrived at 1:05 p.m.); Vice Mayor Lane (arrived at 1:03 p.m.); Mayor Robinson.

Absent: None.

**Referral to Closed Session**

2. Referral to Closed Session - City-owned Property, Parcel Abutting Ocean Side of Beach Street Between Westbrook and Cliff Streets, APN 5-341-93 (ED)

**MOTION:** Councilmember Terrazas moved, seconded by Councilmember Bryant, to refer to closed session the City-owned parcel abutting the ocean side of Beach Street for the purpose of instructing the staff regarding the potential lease of a small portion of the parcel.

**ACTION:** The motion carried with the following vote.

AYES: Councilmembers Bryant, Terrazas, Comstock, Mathews, Posner; Vice Mayor Lane; Mayor Robinson.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

Mayor Robinson closed the session to the public at 1:02 p.m. and the Council moved to the Courtyard Conference Room. (See pages 2722-2723 for a report on Closed Session.)

## City Council

2:30 PM

**Call to Order** - Mayor Robinson called the meeting to order at 2:36 p.m. in the Council Chambers.

### Roll Call

**Present:** Councilmembers Bryant, Terrazas, Comstock, Mathews, Posner; Vice Mayor Lane; Mayor Robinson.

**Absent:** None.

---

**Staff:** City Manager M. Bernal, City Attorney J. Barisone, Director of Public Works M. Dettle, Police Lieutenant B. Escalante, Deputy Fire Chief M. Ramos, Deputy City Clerk K. Santana, City Clerk Administrator B. Lehr.

### Pledge of Allegiance

**Employee Introduction** - City Manager M. Bernal introduced Human Resources Director Lisa Murphy.

### Presentations

1. 2014 Officer Jim Howes Community Service Awards.

Mayor Robinson gave opening remarks and presented Toby Goddard with the 2014 City Employee category Officer Jim Howes Community Service Award.

Mayor Robinson presented Larry Pearson with the Community Member category Officer Jim Howes Community Service Award.

2. Proclamation in Recognition of Mary Arman's Retirement.

Director of Public Works M. Dettle recognized Operations Manager Mary Arman and the City Council presented her with a proclamation for her nineteen years of service to the Public Works Department.

**Presentations (continued)**

3. Proclamation in Recognition of Susan Barisone's Retirement.

Mayor Robinson and Councilmember Mathews recognized Deputy City Attorney Susan Barisone and presented her with a proclamation.

**Presiding Officer's Announcements**

**Statements of Disqualification - none**

**Additions and Deletions**

City Clerk Administrator B. Lehr announced that Agenda Item 6 - Master Plan for Monterey Bay Sanctuary Scenic Trail Network - Resolution of Support (CN) was deleted.

City Clerk Administrator B. Lehr asked for a motion to continue Agenda Item 19 - Ordinance No. 2014-14 Amending Sections 24.12 and 24.16.100 et al of the Santa Cruz Municipal Code Pertaining to Accessory Dwelling Units and Section 10.41 of the Santa Cruz Municipal Code Pertaining to Residential Parking Permits (PL) to the January 13, 2015 City Council meeting due to lack of noticing of the ordinance summary in the *Good Times*.

**MOTION:** Councilmember Terrazas moved, seconded by Councilmember Bryant, to continue Agenda Item 19 - Ordinance No. 2014-14 Amending Sections 24.12 and 24.16.100 et al of the Santa Cruz Municipal Code Pertaining to Accessory Dwelling Units and Section 10.41 of the Santa Cruz Municipal Code Pertaining to Residential Parking Permits (PL) to the January 13, 2015 meeting.

**ACTION:** The motion carried with the following vote.

**AYES:** Councilmembers Bryant, Terrazas, Comstock, Mathews, Posner; Vice Mayor Lane; Mayor Robinson.

**NOES:** None.

**ABSENT:** None.

**DISQUALIFIED:** None.

**Oral Communications Announcement**

**City Manager Report** - The City Manager reported on events since the last Council meeting, including resources available to residents to report graffiti, encampments, and clean up items.

## Consent Agenda

Vice Mayor Lane requested that Item 13 be pulled.

Robert Norse commented on the process of speaking on public comment items in the City of Santa Cruz and asked the Council to pull Item 7 to give him and other community members a chance to speak on it.

Gillian Greensite commented on Item 14. She thanked the Public Works department for the stop sign proposal and asked the Council to support the item.

Alexander Jaquine commented on Item 14. He asked the Council to support the item.

Steven Argue commented on Item 7. He asked the Council to pull it.

Councilmember Posner pulled Item 7.

**MOTION:** Councilmember Bryant moved, seconded by Vice Mayor Lane, to approve the remainder of the Consent Agenda.

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Bryant, Terrazas, Comstock, Mathews, Posner; Vice Mayor Lane; Mayor Robinson.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

4. Minutes of the November 18, 2014 City Council Meeting (CC)

Motion carried to approve as submitted.

5. Special Events Permits - Main Beach Soccer Tournaments (CM)

Motion carried to direct the Mayor to appoint a City Council ad hoc subcommittee which will be responsible for preliminarily approving, approving or denying one-year and three-year special event permit applications submitted in 2014 seeking City authorization to conduct Main Beach soccer tournaments during the 2015, 2016 and 2017 summer seasons, and further directing the subcommittee to comment and/or make recommendations concerning City procedures for awarding Main Beach soccer tournament dates.

**Consent Agenda (continued)**

6. Master Plan for Monterey Bay Sanctuary Scenic Trail Network - Resolution of Support (CN)

This item was deleted.

7. City Council Participation on City-County Joint Public Safety Initiative Committees (CM)

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS:

Robert Norse

**MOTION:** Councilmember Posner moved, seconded by Councilmember Mathews, to authorize the Mayor to nominate two representatives and one alternate to the City-County joint public safety initiatives committees, including the Downtown Accountability and Serial Inebriates Program committees.

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Bryant, Terrazas, Comstock, Mathews, Posner; Vice Mayor Lane; Mayor Robinson.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

8. FY 2014 Traffic Impact Fee Annual Report (FN)

Motion carried to accept and approve the attached FY 2014 Traffic Impact Fee Annual Report.

9. City's Classification and Compensation Plans and the FY15 Budget Personnel Complement - Fire Department (HR)

Resolution No. NS-28,873 was adopted amending the Classification and Compensation Plans and the FY15 Budget Personnel Complement by adding one position of Deputy Fire Marshal to the Fire Department.

**Consent Agenda (continued)**

10. City's FY15 Budget Personnel Complement - Information Technology (HR)

Resolution No. NS-28,874 was adopted amending the FY15 Budget Personnel Complement by re-classifying an Information Technology Operations/Customer Service Manager to an Information Technology Project Manager/Training Coordinator and re-classifying an Information Technology Specialist I/II to a Programmer Analyst I/II.

11. City's Classification and Compensation Plans and the FY15 Budget Personnel Complement - Parks and Recreation Department (HR)

Resolution No. NS-28,875 was adopted amending the Classification and Compensation Plans and the FY15 Budget Personnel Complement by deleting the classifications of Auditorium Assistant, Community Center Assistant, and Senior Programs Coordinator, and re-classifying positions in the deleted classifications to the classification of Recreation Assistant and updating the job description of Recreation Assistant in the Parks and Recreation (P&R) Department.

12. Conducting a Comprehensive Classification and Compensation Study - Budget Adjustment (HR)

Motion carried authorizing and directing the City Manager to enter into an agreement with Segal Waters Consulting for personnel classification and compensation services.

Resolution No. NS-28,876 was adopted appropriating funds and amending the FY 2015 Budget in the amount of \$135,000 to cover the costs associated with implementing a comprehensive personnel classification and compensation study.

**Consent Agenda (continued)**

13. 2015 Homeland Security Grant Funding - Budget Adjustment (PD/FD)

Vice Mayor Lane gave an oral report.

Police Lieutenant B. Escalante gave an oral report and responded to Council's questions.

Deputy Fire Chief M. Ramos gave an oral report.

**SPEAKING FROM THE FLOOR EXPRESSING OPPOSITION:**

Steven Argue  
Abby Samuels  
Maureen Smith, Peace and Freedom Party  
Unidentified male  
Brett Garrett  
Unidentified female  
Michael Smith, Peace and Freedom Party  
Brent Adams  
John Golder, Active Recreation Coalition of Santa Cruz  
Elizabeth  
Unidentified male  
Paul Gershowitz  
Bruce Tanner  
Irene O'Connell  
Robert Norse

**MOTION:** Vice Mayor Lane moved, seconded by Councilmember Mathews, to take a five-minute recess.

**ACTION:** The motion carried unanimously with the following vote.

**AYES:** Councilmembers Bryant, Terrazas, Comstock, Mathews, Posner; Vice Mayor Lane; Mayor Robinson.

**NOES:** None.

**ABSENT:** None.

**DISQUALIFIED:** None.

**SPEAKING FROM THE FLOOR EXPRESSING OPPOSITION (continued):**

Unidentified female

**Consent Agenda (continued)**

**SPEAKING FROM THE FLOOR EXPRESSING CONCERNS:**

Unidentified male  
Mardi Brick  
Brian Shulman

**MOTION:** Councilmember Comstock moved, seconded by Councilmember Bryant, to adopt Resolution No. NS-28,877 accepting Homeland Security Grant funding in the amount of \$251,293 for the purchase of a regional emergency response and rescue vehicle and amending the FY 2015 budget in the amount of \$251,293.

Chief of Police K. Vogel and Deputy Chief of Police S. Clark responded to Council's questions.

**FRIENDLY AMENDMENT:** Councilmember Posner proposed giving the Police Department direction to make sure that police equipment purchases are not placed on the consent agenda in the future, and to clarify that it is not the intention of the City to use the vehicle against protestors. As maker of the motion, Councilmember Comstock did not accept the friendly amendment.

**AMENDMENT:** Councilmember Posner moved, seconded by Vice Mayor Lane, to require pictures of future requests for equipment purchases and descriptions of how it will be used to be brought to Council as regular agenda items, and that the intention of the City is not to use for protest situations.

**ACTION:** The amendment failed with the following vote.

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

**ACTION:** The main motion carried with the following vote.

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

The Council recessed at 4:35 p.m. and returned at 4:49 p.m.



Consent Agenda (continued)

14. 2-Way Stop Control at Intersections of Gharkey Street at Liberty Street and of Santa Cruz Street at Liberty Street (PW)

Resolution No. NS-28,878 was adopted adopting 2-way stop control at the intersections of Gharkey Street at Liberty Street and Santa Cruz Street at Liberty Street and rescinding Resolution No. NS-28,615.

15. Highway 1/9 Intersection Improvements - Amendment to Consultant Agreement (c400805) (PW)

Motion carried to authorize the City Manager to execute an amendment with BKF Engineers (Redwood City, CA) in the amount of \$898,941 for professional design services for the Plans, Specifications and Estimate and Right-of-Way Phases for the Highway 1/9 Intersection Improvement Project (c400805), in a form approved by the City Attorney.

16. WWTF Hydroxyl Ion Fog Odor Control System Equipment for Secondary Process (m409659) - Budget Adjustment (PW)

Motion carried to approve the sole source contract in the amount of \$348,593.76 with Vapex Environmental Technologies, Inc. (Oviedo, FL), in a form approved by the City Attorney, for the purchase of a hydroxyl ion fog odor control system for the Secondary Process waste water stream at the Wastewater Treatment Facility.

Resolution No. NS-28,879 was adopted amending the Wastewater FY 2015 budget and appropriating funds in the amount of \$120,000 for the purchase of hydroxyl ion fog odor control system equipment costs.

17. Professional Services Agreement for General Environmental Consulting - Budget Adjustment (WT)

Motion authorizing the City Manager to execute Contract Amendment No. 1 in a form acceptable to the City Attorney with URS Corporation, a Nevada Corporation, dba URS Corporation Americas (San Jose, CA) in the amount of \$92,000 for the preparation of General Environmental Consulting Services to the Water Department.

Resolution No. NS-28,880 was adopted amending the Water Department's FY 2015 budget adding \$92,000 to the Engineering Section to support the URS Corporation contract amendment.

**Public Hearing**

18. Ordinance No. 2014-12 Amending Section 13.08.100 of the Santa Cruz Municipal Code Pertaining to Orders to Vacate Park Property (PK/PD)

**MOTION:** Vice Mayor Lane moved, seconded by Councilmember Bryant, to continue this item to January 13, 2015.

**ACTION:** The motion carried with the following vote.

AYES: Councilmembers Bryant, Terrazas, Comstock, Mathews, Posner; Vice Mayor Lane; Mayor Robinson.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

19. Ordinance No. 2014-14 Amending Sections 24.12 and 24.16.100 et al of the Santa Cruz Municipal Code Pertaining to Accessory Dwelling Units and Section 10.41 of the Santa Cruz Municipal Code Pertaining to Residential Parking Permits (PL)

This item was continued to the January 13, 2015 meeting.

**General Business**

20. Amendment to Mobile Vending Ordinance, SCMC Chapter 5.22, Continued from the Nov 25th Meeting (CN)

**MOTION:** Councilmember Bryant moved, seconded by Councilmember Terrazas, to continue to the January 13, 2015 meeting.

**ACTION:** The motion carried with the following vote.

AYES: Councilmembers Bryant, Terrazas, Comstock, Mathews, Posner; Vice Mayor Lane; Mayor Robinson.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

**General Business (continued)**

21. Certification of the November 4, 2014 Election (CC)

**MOTION:** Councilmember Mathews moved, seconded by Vice Mayor Lane, to adopt Resolution No. NS-28,881 confirming and approving the canvass of ballots and returns for the City of Santa Cruz General Municipal Election held on November 4, 2014, and declaring the results; and adopting Ordinance No. 2014-15 (Cannabis Business Tax Ordinance) passed and adopted by a majority vote of the electorate of the City of Santa Cruz at the November 4, 2014 Election.

Due to a disruption by the public, the City Attorney recommended that the City Council withdraw the motion, move this item to the 7:00 p.m. session and adjourn the meeting. The following action was taken at the 7:00 p.m. session.

**MOTION:** Vice Mayor Lane moved, seconded by Councilmember Mathews, to adopt Resolution No. NS-28,881 confirming and approving the canvass of ballots and returns for the City of Santa Cruz General Municipal Election held on November 4, 2014, and declaring the results; and adopting Ordinance No. 2014-15 (Cannabis Business Tax Ordinance) passed and adopted by a majority vote of the electorate of the City of Santa Cruz at the November 4, 2014 Election.

**ACTION:** The motion carried with the following vote.

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

**Oral Communications**

The City Attorney recommended that the Council adjourn the meeting without holding oral communications due to the disruption by members of the public.

**Council Meeting Calendar**

22. The City Council reviewed the meeting calendar attached to the agenda and revised it as necessary.

No changes were made.

### Council Memberships in City Groups and Outside Agencies

23. The Presiding Officer will provide councilmembers with the opportunity to update Council and the public regarding city groups and outside agencies.

Mayor Robinson reported attending her last meetings for the Association of Monterey Bay Area Governments, the Regional Transportation Commission, the Santa Cruz Metropolitan Transit District, the Farmers Market Board Meeting, the 100-year birthday of the Wharf event, and the Scott Kennedy Fields dedication at Depot Park.

### City Attorney Report on Closed Session

- A. Public Employee Performance Evaluation (Government Code §54957).

1. City Attorney performance evaluation.
2. City Manager performance evaluation.

The Council conducted performance evaluations for City Attorney and City Manager and took no reportable action.

- B. Conference With Legal Counsel - Anticipated Litigation (Government Code §54956.9(b)).

(Significant Exposure to Litigation - 1 potential case to be discussed)

The Council heard a report from Deputy City Attorney R. Gallogly, and no reportable action was taken.

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

1. Ocean Street Extension Neighborhood Association v. City of Santa Cruz, Santa Cruz County Superior Court Case No. CV178705.

This item was not discussed.

**Closed Session (continued)**

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

1. Skypark Property - Sale; APNs 022-721-07, 022-71-08 and 022-721-09; Property Owner: City of Santa Cruz; Potential Purchaser: Property Development Centers LLC.

The Council heard from Economic Development Director B. Lipscomb with regard to the assignment of our real property sale agreement with the Safeway Property Development Company. With the change in Safeway's ownership, they wish to assign that to another property development company. The Council gave Ms. Lipscomb instructions in regards to proceeding in those negotiations.

3. Lease of City Property Near Intersection of Westbrook and Cliff Streets; APN 005-341-93; Lessor: City of Santa Cruz; Lessee: Santa Cruz Seaside Company; City Negotiator - Bonnie Lipscomb.

The Council heard from City Negotiator B. Lipscomb with regard to a potential license agreement for the patch of grass at Westbrook and Cliff Streets. It will be a license agreement between the Seaside Company and with that license agreement the Seaside Company will maintain that grassy area that is owned by the City of Santa Cruz. The Council gave Ms. Lipscomb instructions for negotiating that license agreement.

**Recess** - The City Council recessed at 4:59 p.m. to a Council dinner at El Palomar, 1336 Pacific Avenue, and then to the 7:00 p.m. session.

## City Council

7:00 PM

**Call to Order** - Mayor Robinson called the meeting to order at 7:12 p.m. in the Council Chambers.

### Roll Call

**Present:** Councilmembers Bryant, Terrazas, Comstock, Mathews, Posner; Vice Mayor Lane; Mayor Robinson.

**Absent:** None.

---

**Staff:** City Manager M. Bernal, City Attorney J. Barisone, Deputy City Clerk K. Santana, City Clerk Administrator B. Lehr.

Mayor Robinson introduced James Durbin, who sang a song he wrote about Santa Cruz.

### General Business

1. Remarks by Outgoing Councilmember (and Mayor) Lynn Robinson and Councilmember Hilary Bryant (CN)

Councilmember Bryant presented outgoing remarks.

Mayor Robinson presented outgoing remarks.

2. Installation of Councilmembers-Elect Cynthia Chase, David Terrazas, and Richelle Noroyan (CN)

Councilmember-Elect Chase was installed.

Councilmember-Elect Terrazas was installed.

Councilmember-Elect Noroyan was installed.

3. Remarks by Incoming Councilmembers Chase, Terrazas, and Noroyan (CN)

Councilmember Chase presented incoming remarks.

Councilmember Terrazas presented incoming remarks.

Councilmember Noroyan presented incoming remarks.

**General Business (continued)**

4. Election and Swearing-in of New Mayor and Vice Mayor in 2015 (CN)

**MOTION:** Councilmember Terrazas moved, seconded by Councilmember Posner, to elect Don Lane as Mayor of the City of Santa Cruz.

**ACTION:** The motion carried with the following vote and the Mayor was installed.

AYES: Councilmembers Chase, Terrazas, Comstock, Mathews, Noroyan, Posner; Vice Mayor Lane.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

**MOTION:** Councilmember Comstock moved, seconded by Councilmember Chase, to elect Cynthia Mathews as Vice Mayor of the City of Santa Cruz.

**ACTION:** The motion carried with the following vote and the Mayor was installed.

AYES: Councilmembers Chase, Terrazas, Comstock, Mathews, Noroyan, Posner; Mayor Lane.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

City Clerk Administrator B. Lehr swore in Mayor Lane and Vice Mayor Mathews.

5. Remarks by Incoming Mayor and Vice Mayor (CN)

Mayor Lane presented incoming remarks and presented a proclamation to outgoing Mayor Robinson.

Vice Mayor Mathews presented incoming remarks.

**Adjournment** - The City Council adjourned at 8:38 p.m. from the Regular Meeting of December 9, 2014 to the next Regular Meeting of January 13, 2015 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 2:30 p.m. and 7:00 p.m. in the Council Chambers.

Respectfully Submitted:

---

Kristina Santana  
Deputy City Clerk

Attest:

---

Bren Lehr  
City Clerk Administrator

Approved:

---

Don Lane  
Mayor