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

CITY COUNCIL REGULAR MEETING

January 28, 2025

Action Summary prepared on January 30, 2025

Closed Session

12:00 PM

The Presiding Officer opened the City Council Closed Session at 12:01 p.m. in a public meeting via Zoom and in Council Chambers, for the purpose of announcing the agenda, and receiving public testimony.

Roll Call - Councilmembers Trigueiro, Brunner, Newsome, Golder, O'Hara; Vice Mayor Kalantari-Johnson; Mayor Keeley.

Councilmembers absent: None.

Mayor Keeley opened the public comment period at 12:02 p.m. Mayor Keeley closed the public comment period at 12:03 p.m. and the meeting was adjourned to closed session.

Closed Session

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

Brown, Loren et al. v. AGCO Corporation, et al.
(Alameda Superior Court Case No. RG20073620)

Council received a status report, gave direction, and no reportable action was taken.

2. Real Property Negotiations (Government Code §54956.8)

1) Property: 45 Municipal Wharf

APN: 007-341-05

Owner: Santa Cruz Waterfront, Inc.

City Negotiator: Bonnie Lipscomb

Negotiating Parties: City of Santa Cruz and Mark Gilbert

Under Negotiation: Price, terms of payment, or both

Closed Session (continued)

2. Real Property Negotiations (Government Code §54956.8) (continued)

2) Property: 31 Municipal Wharf (Riva Fish House)

APN: 007-341-02

Owner: Martin Drobac dba Riva Fish House

City Negotiator: Bonnie Lipscomb

Negotiating Parties: City of Santa Cruz and Peter Drobac

Under Negotiation: Price, terms of payment, or both

3) Property: 37 Municipal Wharf (Gilda's)

APN: 007-341-03

Owner: Charles Maier

City Negotiator: Bonnie Lipscomb

Negotiating Parties: City of Santa Cruz and Charles Maier dba Gilda's

Under Negotiation: Price, terms of payment, or both

4) Property: 41 Municipal Wharf (Surf City Santa Cruz)

APN: 007-381-01

Owner: Flotsam of California, Inc. dba Surf City Santa Cruz

City Negotiator: Bonnie Lipscomb

Negotiating Parties: City of Santa Cruz and Bruce Noland

Under Negotiation: Price, terms of payment, or both

5) Property: 47 Municipal Wharf (Noland's)

APN: 007-341-06

Owner: Flotsam of California, Inc. dba Noland's

City Negotiator: Bonnie Lipscomb

Negotiating Parties: City of Santa Cruz and Bruce Noland

Under Negotiation: Price, terms of payment, or both

6) Property: 49 A Municipal Wharf (Makai)

APN: 007-361-01

Owner: Barking Lion dba Makai

City Negotiator: Bonnie Lipscomb

Negotiating Parties: City of Santa Cruz and Peter Drobac dba Makai (AKA Barking Lion)

Under Negotiation: Price, terms of payment, or both

Closed Session (continued)

2. Real Property Negotiations (Government Code §54956.8) (continued)

7) Property: 49 B Municipal Wharf (Olita's)

APN: 007-371-01

Owner: Olita's Cantina & Grill, LLC

City Negotiator: Bonnie Lipscomb

Negotiating Parties: City of Santa Cruz and Steve Elb

Under Negotiation: Price, terms of payment, or both

8) Property: 55 A Municipal Wharf (Marini's)

APN: 007-381-01

Owner: Marini's Candies, Inc.

City Negotiator: Bonnie Lipscomb

Negotiating Parties: City of Santa Cruz and Nick & Gino Marini

Under Negotiation: Price, terms of payment, or both

9) Property: 55 Municipal Wharf B, C, D (Vino by the Sea)

APN: 007-381-01

Owner: Ana Wold dba Vino by the Sea, Inc.

City Negotiator: Bonnie Lipscomb

Negotiating Parties: City of Santa Cruz and Ana Wold

Under Negotiation: Price, terms of payment, or both

10) Property: 57 Municipal Wharf (Made in Santa Cruz)

APN: 007-351-02

Owner: Genesis Peck dba Made in Santa Cruz

City Negotiator: Bonnie Lipscomb

Negotiating Parties: City of Santa Cruz and Genesis Peck

Under Negotiation: Price, terms of payment, or both

11) Property: 59 Municipal Wharf (Stagnaro's)

APN: 007-351-04

Owner: Stagnaro Bros. Seafood, Inc.

City Negotiator: Bonnie Lipscomb

Negotiating Parties: City of Santa Cruz and Stagnaro Bros. Seafood, Inc.

Under Negotiation: Price, terms of payment, or both

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

City Council

12:45 PM

Call to Order - at 12:47 p.m.

Roll Call - Councilmembers Trigueiro, Brunner, Newsome, Golder, O'Hara; Vice Mayor Kalantari-Johnson; Mayor Keeley.

Councilmembers Absent: None.

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

At 12:48 p.m. Mayor Keeley opened Oral Communications. Mayor Keeley closed Oral Communications at 1:09 p.m.

Presiding Officer's Announcements - Mayor Keeley announced items 13 and 14 would be continued to the February 11, 2025 City Council meeting and would not be discussed. Vice Mayor Kalantari-Johnson announced Council will be bringing an agenda item to reaffirm the City's status as a Sanctuary City. Councilmember Brunner announced the City of Santa Cruz is part of the Monterey Bay Division of the League of California Cities. At the most recent meeting, they appointed Councilmember Brunner to the Community Services Policy Committee and Councilmember Golder to the Public Safety Policy Committee.

Statements of Disqualifications - None.

Additions and Deletions - City Manager M. Huffaker announced a contract was added to item 7, provided to Council at the start of the meeting, and provided to the public.

City Attorney Report on Closed Session

Council Meeting Calendar

3. The City Council reviewed and did not revise the meeting calendar attached to the agenda.

Consent Agenda

Agenda Item 9 was pulled for further discussion.

Consent Agenda (continued)

Councilmember Newsome moved, seconded by Councilmember O'Hara, to approve the Consent Agenda. The motion carried unanimously with the following vote. AYES: Councilmembers Trigueiro, Brunner, Newsome, Golder, O'Hara; Vice Mayor Kalantari-Johnson; Mayor Keeley. NOES: None. ABSENT: None. DISQUALIFIED: None.

4. Resolution Extending the Emergency Declarations in Connection with the 2022/2023 Winter Storms and 2023/2024 Winter Storms (CA/CM)

LOCATION: Citywide

Resolution No. NS-30,428 was adopted extending by sixty days the Local Emergency Declarations in connection with the 2022/2023 and 2023/2024 winter storms.

5. Minutes of the January 14, 2025 City Council Meeting (CC)

LOCATION: None

Motion carried to approve, with the following amendments:

Item 24: Amend the Friendly Amendment as follows:

From:

Councilmember O'Hara requested to add direction to staff to extend the Wharf Business Recovery Recommendations below through February 2025.

- Approval of free 2-hour parking on the Wharf to the public during the month of January. The estimated cost to the City based on parking modeling is approximately \$30,000. This cost will be partially offset by visitor trips to the wharf and increased tenant rent revenue (which is a percentage of sales).
- Approval of recommended rent relief to include percentage-sales only rent during the months of December and January for all wharf tenants. Many tenants have minimum monthly rents in addition to percentage sales. Allowing percentage-only rent based on actual sales received provides economic relief for the period the Wharf was closed to the public. This would additionally eliminate any minimum rents due and rent payments not reflective of the mandatory closure period. Staff further recommends that all late fees and penalties for the months of December and January be waived. An initial estimate of cost to the City is approximately \$40,000-\$50,000.

To:

Councilmember O'Hara requested to add direction to staff to extend the Wharf Business Recovery Recommendation of free 2-hour parking to the public through February 2025.

Consent Agenda (continued)

5. Minutes of the January 14, 2025 City Council Meeting (CC) (continued)

LOCATION: None

Item 24: Amend Item 26: Amend the Sustainability and Resiliency Committee Bylaws to remove “2/3”:

Article VI. Decision-making process

(a) General Decision Process

(iv) Formal voting may be used as a fallback when consensus fails as long as there is a consensus that a vote should take place. Any decision resulting from a vote shall be determined by a 2/3 majority.

6. National Oceanographic and Atmospheric Administration (NOAA) Climate Resilience Regional Challenge Grant: Approval to Execute Subaward of Grant Funds to Develop a Final Design and Implementation of Living Shoreline in Main Beach, and Flood Mitigation, Habitat Enhancement and Restoration in Jessie Street Marsh and San Lorenzo Park (CM)

LOCATION: Districts 1, 2 and 4

Motion carried to:

- Adopt Resolution No. NS-30,429 approving the execution of a subaward agreement with California Marine Sanctuary Foundation to accept grant funds from the NOAA Climate Resilience Regional Challenge Grant administered by NOAA's Office for Coastal Management to develop a final design and implementation of Living Shoreline in Main Beach; to enhance and expand wetland, flood management, trails, and educational and recreational uses at Jessie Street Marsh and San Lorenzo Park;
- Adopt Resolution No. NS-30,430 amending the FY 2025 budget to appropriate \$7,887,878 of funds into project numbers c402513 (Main Beach Living Shoreline) and c302518 (Santa Cruz City Parks Flood Mitigation and Habitat Enhancement and Restoration); and
- Authorize and direct staff to issue Request for Proposals (RFPs) to complete the necessary California Environmental Quality Act and National Environmental Protection Act documentation, processes, and clearances for the work contemplated in the projects, procure Engineering, Permitting, Surveying, Geotechnical and Right of Way services and direct the City Manager to execute Professional Service Agreements in forms acceptable to the City Attorney. The Parks and Recreation and Public Works Directors are authorized to execute contract amendments for these services within the project budget.

Consent Agenda (continued)

7. Emergency Debris Removal (e302501) - Authorization of Emergency Contracts and Budget Adjustment (CM/PR)

LOCATION: Districts 2, 4, and Coastal Areas Located South of the City of Santa Cruz

Motion carried to:

- Ratify the emergency contract with Granite Construction (Watsonville, CA) for debris removal related to the December 2024 Municipal Wharf Incident in the amount of \$385,000. The Parks and Recreation Director is authorized to execute change orders within the approved project budget;
- Authorize the City Manager to execute a contract with Granite Construction (Watsonville, CA) for ongoing debris removal from the December 2024 Municipal Wharf Incident in the amount of \$400,000 in a form approved by the City Attorney. The Parks and Recreation Director is authorized to execute change orders within the approved project budget;
- Adopt Resolution No. NS-30,431 to amend the FY 2025 budget to newly appropriate \$400,000 of funds; and
- Approve of the CEQA determination contained in this agenda report. The Council's action is exempt from CEQA review under California Code of Regulations, Title 14, Division 6, Chapter 3, Article 18, Section 15269(c) as an emergency project. The Council's action is also exempt from CEQA review under California Code of Regulations, Title 14, Division 6, Chapter 3, Article 18, Sections 15304 ("Minor Alterations to Land"), 15307 ("Actions for Protection of Natural Resources"), 15308 ("Actions for Protection of the Environment"), and 15061(b)(3) ("Common Sense Exemption").

8. Establishment of a Council Ad Hoc Housing Subcommittee (CN)

LOCATION: Citywide

Motion carried to establish a Council Ad Hoc Housing Subcommittee with the members to include Mayor Keeley, Vice Mayor Kalantari-Johnson, and Councilmember Newsome.

Consent Agenda (continued)

9. Santa Cruz Municipal Wharf Ground (Builder) Lease for Construction of New Restaurant at 45 Municipal Wharf (APN 007-341-05) with Santa Cruz Waterfront, Inc. (EDH)

LOCATION: District 4

Motion carried to:

- Adopt Resolution No. NS-30,432 authorizing the City Manager to negotiate and execute a new ground lease and authorizing the Economic Development and Housing Director to finalize designs through the permit process, and approve or execute any amendments, deeds of trust and assignments, or documents needed thereto of a non-substantive nature, in forms approved by the City Attorney, for planning and construction of a new restaurant on real property located at 45 Municipal Wharf (APN 007-341-05) between the City of Santa Cruz and Santa Cruz Waterfront, Inc.; and
- Direct staff to navigate this process the quickest way possible with all the agencies involved and not require it to be presented to the Historic Preservation Commission if there are any modifications to the building.

10. Living Wage Rate Annual Prescription for Fiscal Year 2026 (FN)

LOCATION: Citywide

Resolution No. NS-30,433 was adopted upwardly indexing the prescribed minimum living wage rate by 2.3%, the amount which corresponds to San Francisco-Oakland-Hayward Area Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers, for the period ending October 31, 2024, to become effective July 1, 2025; and rescinding Resolution No. NS-30,276.

End Consent Agenda

Public Hearing

11. 2021 Program Year Annual Action Plan Amendment (EDH)

LOCATION: Districts 1 and 4

Councilmember O'Hara moved, seconded by Councilmember Trigueiro, to adopt Resolution No. NS-30,434 amending the 2021-2022 U.S. Department of Housing and Urban Development (HUD) Annual Action Plan for Community Development Block Grant (CDBG) to cancel the "2021PY Senior Studio - NRSA" project for \$50,000 and reallocate the funding to "2021PY Market St. Senior Center Renovations" and direct staff to submit to HUD for approval.

The motion carried unanimously with the following vote. AYES: Councilmembers Trigueiro, Brunner, Newsome, Golder, O'Hara; Vice Mayor Kalantari-Johnson; Mayor Keeley. NOES: None. ABSENT: None. DISQUALIFIED: None.

General Business

12. 2024 Health in All Policies Progress Update and Proposed 2025 Health in All Policies City Council Committee Workplan (CM)

LOCATION: Citywide

Vice Mayor Kalantari-Johnson moved, seconded by Councilmember Trigueiro, to:

- Accept 2024 Health in All Policies (HiAP) progress update; and
- Adopt the 2025 HiAP City Council Committee workplan.

The motion carried unanimously with the following vote. AYES: Councilmembers Trigueiro, Brunner, Newsome, Golder, O'Hara; Vice Mayor Kalantari-Johnson; Mayor Keeley. NOES: None. ABSENT: None. DISQUALIFIED: None.

13. Ordinance Amending Santa Cruz Municipal Code Chapter 9.36 (“Noise”) and Chapter 9.40 (“Sound Amplifying Equipment”) and Adding Objective Standards to Both Chapters (CN)

LOCATION: Citywide

This item was continued to the February 11, 2025 Council meeting and was not discussed.

General Business (continued)

14. Ordinance Amending Chapter 21.07 of the Santa Cruz Municipal Code to Create a Process Guaranteeing a Fair Rate of Return to Landlords (CA)

LOCATION: Citywide

This item was continued to the February 11, 2025 Council meeting and was not discussed.

15. Annual Comprehensive Financial Report (ACFR) and Popular Annual Financial Report (PAFR) for the Fiscal Year that Ended June 30, 2024 (FN)

LOCATION: Citywide

Councilmember Newsome moved, seconded by Vice Mayor Kalantari-Johnson, to receive and file the Annual Comprehensive Financial Report (ACFR), and related reports, for the fiscal year that ended June 30, 2024.

The motion carried unanimously with the following vote. AYES: Councilmembers Trigueiro, Brunner, Newsome, Golder, O’Hara; Vice Mayor Kalantari-Johnson; Mayor Keeley. NOES: None. ABSENT: None. DISQUALIFIED: None.

16. 2025 Legislative Program (CM)

LOCATION: Citywide

Councilmember Newsome moved, seconded by Vice Mayor Kalantari-Johnson, to:

- Identify the three Legislative Priorities as follows:
 - Homelessness Response
 - Affordable Housing
 - Infrastructure; and
- Identify the six Legislative Platform issues for 2025 as follows:
 - Infrastructure & Transportation
 - Homelessness Response
 - Housing
 - Public Safety & Community Well Being
 - Economic Vitality
 - Sustainability & Resiliency

General Business (continued)

16. 2025 Legislative Program (CM) (continued)

LOCATION: Citywide

MOTION (continued):

Through discussion, Council identified the following specifics to provide for staff.

Homelessness

- Funding for implementation of various Mental Health/Behavioral Health related legislation
- Bullet two-specifically the per capita rate not just point-in-time counts

Community Well-being and Public Safety:

- Technological advancement-specifically name AI
- Support initiatives and legislation that decrease use and consumption of harmful substances and products to youth and vulnerable populations, such as active hemp ingredients, sugar sweet beverages, etc.
- Uphold and support existing and new legislation that protects marginalized populations such as immigrants, LGBTQ+
- E-bike policy
- Support for Undocumented Immigrants

Protect Immigrant Rights:

- Advocate for policies that uphold the rights of undocumented immigrants, ensuring access to essential services such as healthcare, education, and legal assistance.
- Support legislation that limits local law enforcement's involvement in federal immigration enforcement, fostering trust within immigrant communities.

Establish Immigrant Support Services

- Making sure we're really clear on our values around Immigrant Support Offices.
- Wildfire Preparedness Prevention

Policy Goals:**Enhance Wildfire Prevention and Preparedness:**

- Support legislation that enhances wildfire prevention, preparedness, and response efforts, particularly in high-risk areas.
- Advocate for policies that promote sustainable land management practices and the development of fire-resistant infrastructure.

General Business (continued)

16. 2025 Legislative Program (CM) (continued)

LOCATION: Citywide

MOTION (continued):

Address Homeowners Insurance Challenges:

- Advocate for policies that ensure the availability and affordability of homeowners insurance in wildfire-prone areas.
- Support initiatives that incentivize insurers to continue offering coverage in high-risk zones, such as implementing wildfire mitigation measures and home hardening techniques.
- Promote transparency in insurance practices, ensuring homeowners are informed about policy changes and non-renewal decisions.

Funding Priorities:

Wildfire Mitigation Projects:

- Pursue state and federal grants to fund wildfire mitigation projects, including vegetation management, community education programs, and emergency response enhancements.
- Seek resources to support the development and implementation of community wildfire protection plans.

Homeowners Insurance Support:

- Advocate for funding to assist homeowners in implementing fire-resistant measures, potentially reducing insurance premiums.
- Support the establishment of state-backed insurance programs to provide coverage options for residents in high-risk areas.

- **Safety Net**

Support for Fixed-Income Seniors

- Promote community programs that address social isolation and enhance the quality of life for seniors.

Childcare

- Promote policies that enhance the training, compensation, and retention of childcare providers.

Youth Programming

- Advocate for increased investment in youth programs that promote education, health, and social development.
- Support policies that provide safe and inclusive spaces for youth engagement and recreation.
- Funding afterschool programs, etc.

General Business (continued)

16. 2025 Legislative Program (CM) (continued)

LOCATION: Citywide

The motion carried unanimously with the following vote. AYES: Councilmembers Trigueiro, Brunner, Newsome, Golder, O'Hara; Vice Mayor Kalantari-Johnson; Mayor Keeley. NOES: None. ABSENT: None. DISQUALIFIED: None.

Advisory Body Appointments

17. Arts Commission

LOCATION: Citywide

By consensus Rebecca Escobedo Guzman was reappointed, and Christopher Mosley and Weston Mossman were nominated to the Arts Commission with terms ending on January 31, 2029.

18. Board of Building and Fire Appeals

LOCATION: Citywide

By consensus Myles Corcoran was reappointed to the Board of Building and Fire Appeals with a term ending January 31, 2029.

19. Children's Fund Oversight Committee

LOCATION: Citywide

This item was continued to the meeting of February 11, 2025 and was not discussed.

20. Commission for the Prevention of Violence Against Women

LOCATION: Citywide

This item was continued to the meeting of February 11, 2025 and was not discussed.

Advisory Body Appointments (continued)

21. County Latino Affairs Commission

LOCATION: Countywide

By consensus Emmanuel Nevarez was appointed to the County Latino Affairs Commission with a term ending April 1, 2027.

22. Downtown Commission

LOCATION: District 4

By consensus Rebecca Acosta was reappointed, and William Ngor and Jessi Bond were appointed to the Downtown Commission with terms ending January 31, 2029.

23. Equal Employment Opportunity Committee

LOCATION: Citywide

By consensus Katie Ferraro was appointed and Alfredo Manrique was reappointed to the Equal Employment Opportunity Committee with terms ending January 31, 2029.

24. Historic Preservation Commission

LOCATION: Citywide

By consensus Donna Ramos was appointed and David Subocz was reappointed to the Historic Preservation Commission with terms ending January 31, 2029.

25. Parks and Recreation Commission

LOCATION: Citywide

By consensus Dan Ackerstein and Barbara Lawrence were appointed to the Parks and Recreation Commission with terms ending January 31, 2029.

Advisory Body Appointments (continued)

26. Planning Commission

LOCATION: Citywide

By consensus Carolyn Book-Kelley was appointed and Matthew Thompson was reappointed to the Planning Commission with terms ending January 31, 2029.

27. Sister Cities Committee

LOCATION: Citywide

By consensus Maggie Mathias was appointed to the Sister Cities Committee with a term ending January 31, 2027 and Emily Burton was appointed with a term ending January 31, 2029.

28. Transportation and Public Works Commission

LOCATION: Citywide

By consensus Elizabeth Madrigal was appointed, and Kyle Kelley, Ron Goodman and Lola Quiroga were reappointed to the Transportation and Public Works Commission with terms ending January 31, 2029.

29. Water Commission

LOCATION: Citywide

By consensus Tom Burns, David Green Baskin, and Justin Burks were reappointed to the Water Commission with terms ending January 31, 2029.

Adjournment - At 4:09 p.m., motion carried to adjourn.



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