

MINUTES

Joint Meeting of the Scotts Valley City Council and Redevelopment Agency Board of Directors

Date: January 21, 2009

POSTING:

The agenda was posted on 1-16-09 at City Hall, the SV Library, and the SV Senior Center by the City Clerk.

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

Mayor Johnson
Vice Mayor Reed
Council Member Aguilar
Council Member Bustichi

City Manager Ando
City Attorney Powell
Public Wks Director Anderson
Police Chief Weiss
City Clerk Ferrara
Senior Planner Fodge
Senior Planner Bateman

Absent:

Council Member Lind

COMMITTEE REPORTS VM Reed reported that the Library Joint Powers Board met to discuss the fiscal situation that the library system is facing. He stated that the Library System is heavily dependent on sales tax, which is down due to the current economy. He stated that the Board discussed a variety of ways to close the fiscal shortfall, including: a hiring freeze, and closing the libraries throughout the system on Fridays. He stated that the Board had asked Library City employees to consider a 10% furlough over the coming 21 months; however, the Union has declined that option. He stated that the Library Board may consider layoffs to close the fiscal shortfall, and that there will be more upcoming meetings to continue the budget discussions.

VM Reed reported that the City's Library Subcommittee met and discussed the Request for Proposals (RFP) that was issued. He stated the RFP is due January 30, and that the Subcommittee will be meeting with Library System personnel and some of the RFP applicants to view the potential sites. He stated that they are also looking into options for financing the Library.

CM Aguilar reported that the Association of Monterey Bay Area Governments (AMBAG) met and approved a resolution authorizing AMBAG to seek \$200,000 in funding from the California Energy Commission. She reported that AMBAG is also suffering from budget shortfalls, which they are trying to

address with cuts. She reported that AMBAG will now have a staff member on the California Air Resources Board to look at green house gas targets that were required by SB 375. She also reported that she has been appointed as 2nd Vice President on the AMBAG Board of Directors, and she has been appointed to the Monterey Bay National Marine Sanctuary.

CM Bustichi reported that the Santa Cruz Metropolitan Transit District (SCMTD) will be meeting Friday and accepting an "Annual Disability Service Provider" award from the group "Special Parents". He stated that they will also be putting together a "wish list" of potential items they would like to do in the Transit District, such as providing new bus services, new buses, new bus shelters, etc., which could be used for the possible economic stimulus package that may be coming out from the Federal Government. He stated that the Santa Cruz County Regional Transportation District (SCCRTC) is asking for a "wish list" from the SCMTD, and from all the municipalities that are part of the SCCRTC, so that if and when there are monies available, they will have projects that are ready to go.

Mayor Johnson reported that the Santa Cruz County Regional Transportation Commission met and discussed State funding.

Mayor Johnson reported that the Joint City/School District Subcommittee met and discussed a variety of subjects, including: developer fees; raising parent awareness of the new City Social Host Ordinance; ways to improve behavior at basketball games; requesting City input on the 2009 District Facilities Committee; and, City participation in the District Strategic Planning Committee.

PUBLIC COMMENT

Frank Kertai, President of the Heritage Parks Homeowners Association, read the attached letter (Attachment A), regarding the traffic report from the approved Town Center Specific Plan Final Environmental Impact Report, and urged the City Council to commission a peer review of the traffic report for the Town Center Specific Plan. He also questioned why the Town Center Homes project was approved without an additional traffic report.

Chris Miller, spoke in opposition to the propane tanks being moved to 34 Janis Way, due to safety concerns and what he feels was an inadequate review. He stated that he would like to see this issue reconsidered.

Les Dittert, SV resident, spoke regarding his November 18 letter regarding the methodology used for the traffic portion of the Town Center Specific Plan Final Environmental Impact Report. He also expressed his concerns regarding what he believes is a pedestrian conflict and requested that the City Council take his comments and concerns seriously.

VM Reed announced that a fundraiser is being held on Saturday, January 31 from 6-8 pm at the Scotts Valley Sports Center for Ashton Gillen, a three year-old who is undergoing treatments for cancer. He stated that the cost is \$10 per person and the money will be used to help the family with medical costs. He stated that more information is available online at: www.ashtonscircleofhope.net.

**ALTERATIONS TO
CONSENT AGENDA**

CM Bustichi requested that Item D be moved to the regular agenda for discussion.

M/S: Aguilar/Reed

To approve the Consent Agenda as amended moving Item D to the regular agenda for discussion.

Carried 4/0

Consent Agenda:

- A. Approve Joint City Council/RDA meeting minutes of 1-7-09, 12-19-08, 12-17-08
- B. Approve check register – 1-13-09
- C. Approve second reading and adoption of Ordinance No. 16-ZC-213 approving a planned development (PD) district overlay and permit (PD07-002) for the construction of a 46-unit residential townhouse project and related property improvements, subject to a PD district overlay map on the vacant 2.43-acre lot located on Blue Bonnet Lane / APN 022-211-92

**ALTERATIONS TO
REGULAR AGENDA**

M/S: Bustichi/Reed

To approve the Regular Agenda as amended moving Item D to the regular agenda for discussion.

Carried 4/0

REGULAR AGENDA

- D. Approve the appointment of the following five members to the ADA Accessibility Committee: Council Member Dene Bustichi; Planning Commissioner Jackie Heald; and, At-Large Members: Ellen Buckingham, RN, CDDN; W.R. White; David Woolworth

CM Bustichi provided some history regarding the reasons for the formation of this Subcommittee, thanked the City Council for their support, and introduced Mr. White who will be serving on the Subcommittee. He stated that he will be bringing forward future agenda items regarding this issue.

CM Aguilar requested that staff provide the Subcommittee with a copy of the ADA reported completed approximately five years ago on City facilities.

M/S: Aguilar/Bustichi

To approve the appointment of the following five members to the ADA Accessibility Committee: Council Member Dene Bustichi; Planning Commissioner Jackie Heald; and, At-Large Members: Ellen Buckingham, RN, CDDN; W.R. White; David Woolworth.

Carried 4/0

1. Consideration of second amendment to the Redevelopment Agency Pre-Development Agreement (PDA) with Stanbery Development, LLC for the development of the Town Center project

CA Powell presented the written staff report and responded to questions from Council.

Greg Hall, Stanbery Development, responded to questions from Council, and reviewed the reasons for their request for the second amendment, which will extend the term of the PDA, extend the time period in which to submit the additional deposit to the Redevelopment Agency, and clarify the circumstances under which the PDA could be terminated.

M/S: Aguilar/Reed

To authorize the Executive Director to execute the Second Amendment to the Redevelopment Agency Pre-Development Agreement with Stanbery Development, LLC for the development of the Town Center project.

Carried 4/0

PUBLIC HEARINGS

2. Consideration of planned development (PD07-007) and minor land division (MLD07-002) for the creation of two lots at 630 Tabor Way // APN 021-073-01, and to adopt the mitigated negative declaration and permit conditions // Rossi

SP Bateman presented the written staff report and responded to questions from Council.

Dr. Maximo Rossi, Jr., property owner, spoke regarding the project and thanked City staff for their work on this project.

PUBLIC HEARING OPENED - 7:00 PM

No one came forward.

PUBLIC HEARING CLOSED - 7:01 PM

M/S: Aguilar/Reed

To approve Resolution No. 1823 certifying the negative declaration for a planned development and subdivision of an existing 16,160 square foot lot into two lots at 630 Tabor Way // APN 023-073-01.

Carried 4/0

M/S: Aguilar/Reed

To approve first reading and introduction of Ordinance No. 16-ZC-214 approving planned development zoning for the subdivision of an existing 16,160 square foot lot into two lots at 630 Tabor Way // APN 023-073-01, and waive the reading thereof.

Carried 4/0

M/S: Aguilar/Reed

To approve Resolution No. 1823.1 approving a planned development permit (PD07-007) and minor land division (MLD047-002) to subdivide an existing 16,160 square foot lot into two lots at 630 Tabor Way // APN 023-073-01.

Carried 4/0

3. **Consideration of one year time extension request to extend an approved map of a minor land division to create three lots from two lots at 305 Hacienda Way (APN 023-251-02) and 18 Nashua Drive (APN 023-251-07) // Zanotto**

SP Fodge presented the written staff report and responded to questions from Council.

PUBLIC HEARING OPENED - 7:05 PM

No one came forward.

PUBLIC HEARING CLOSED - 7:06 PM

M/S: Bustichi/Reed

To approving Resolution No. 1793.3 approving a 1-year time extension (MLD06-001.1) for a previously approved minor land division to create a third lot between two lots located at 305 Hacienda Way (APN 023-251-02) and 18 Nashua Drive (APN 023-251-07).

Carried 4/0

4. **Consideration of resolutions to amend the Building Department fee schedule to collect mandated state fees under Section 19831.6 of the California Health and Safety Code and to allow the City of Scotts Valley to retain not more than ten (10) percent of the fees collected for carrying out provisions relating to green building standards**

CA Powell presented the written staff report and responded to questions from Council.

PUBLIC HEARING OPENED - 7:08 PM

No one came forward.

PUBLIC HEARING CLOSED - 7:09 PM

M/S: Aguilar/Reed

To approve Resolution No. 1198.54 amending certain fees and charges for building services.

Carried 4/0

M/S: Aguilar/Reed

To approve Resolution No. 1198.55 approving the retention of 10% of certain fees and charges for building services.

Carried 4/0

REGULAR AGENDA
(Resumed)

5. Discussion: Storm Water Management Plan (SWMP)

PWD Anderson presented the written report and responded to questions from Council.

CM Aguilar recommended the following change to the last sentence of the letter to the California Regional Water Quality Control Board, page 28 of the staff report::

"As additional resources become available to the City, we will continue with our proactive approach to improve water quality. The City of Scotts Valley will continue our proactive approach to enhance our programs and, as money becomes available, we will expand those programs towards improving stormwater quality and its beneficial uses."

The City Council reached unanimous consensus to update the Storm Water Management Plan in accordance with 31 of the 40 comments from the California Regional Water Quality Control Board (CRWQCB), and authorize the Public Works Director to send a letter to the CRWQCB, to be included with the next submittal of the City's Storm Water Management Plan, requesting that the CRWQCB not impose the remaining nine comments, with the amendment to the last sentence of the letter as noted above.

6. Appointments to interjurisdictional, standing local, and project specific committees

Mayor Johnson made the following appointments to interjurisdictional, standing local, and project specific committees:

Interjurisdictional Committees:

Criminal Justice Council	(Bustichi/Johnson)
Transportation Commission	(Johnson/Lind)
Metro Transit District Board	(Bustichi)
County Integrated Waste Mgmt Local Task Force	(Lind/Hamby)
City/School District Joint Committee	(Reed/Johnson)
AMBAG	(Aguilar/Lind)
LAFCO	(Lind)
City Selection Committee	(Mayor)
League of California Cities Delegate Program	(Aguilar)
Hazardous Materials Advisory Commission	(Scott Hamby)
Cultural Council	(Lind)
Seniors Advisory Council	(Vacant)
Santa Margarita Ground Water Basin Advisory Committee	(Lind/Aguilar)
Library Financing Authority/Joint Powers Boards	(Reed)

Standing Local Committees:

Traffic Safety Committee	(Aguilar/Lind)
Economic Development	(Johnson/Bustichi)
Affordable Housing	(Aguilar/Bustichi)
Water Subcommittee	(Lind/Reed)
Budget Subcommittee	(Lind/Bustichi)
Green Building Permit Process Subcommittee	(Lind/Reed)
Glenwood Trails Subcommittee	(Aguilar/Reed)
ADA Accessibility Committee	(Bustichi)

Project Specific Committees:

Skypark Subcommittee	(Johnson/Bustichi)
Gateway South Commercial	(Reed/Johnson)
Library Construction Subcommittee	(Johnson/Reed)

M/S: Reed/Bustichi

To approve Mayor Johnson's appointments to the interjurisdictional, standing local, and project specific committees.

Carried 4/0

7. Future Council/RDA agenda items

CM Bustichi requested the following future agenda items:

- Update sign ordinance, piece by piece, i.e. business signs and political signs. Have Economic Development Subcommittee review business signs to make recommendations.
- Consider the use of wastewater funds to pay for waterless urinals at all school facilities, to include Scotts Valley Unified School District, Baymonte, and Bethany University.
- Look at the possible expansion of the Community Center for performing arts.
- Look at using RDA funds to help local businesses become more ADA accessible.
- Prepare a project list of capital improvements, road repairs, road improvements, sidewalks, etc. in preparation for possible future funding.
- Discuss Town Center Specific Plan EIR traffic report and make a decision to have a peer review or not.
- Discuss Mid-Town Interchange.

Mayor Johnson requested a future agenda item to discuss a satellite project on dual flush plumbing that would test the efficacy of dual flush toilets, with the possibility of using wastewater funds for this program.

CM Aguilar requested a future agenda item to discuss coordinating with the Water District on the recycled water usage ordinance.

ADJOURNMENT

The meeting adjourned at 7:33 p.m.

Approved:


Randy Johnson, Mayor / Chair

Attest:


Tracy A. Ferrara, City Clerk / Secretary

2009-01-21 City Council Meeting Open Kertai Comments

Good Evening. My name is Frank Kertai. I am a resident of Scotts Valley. I am the President of the Heritage Parks Association of Scotts Valley.

In November of last year, this City Council approved the Town Center Specific Plan Final Environmental Impact Report with a three to two majority vote, citing overriding considerations. Part of the justification used for approval of that EIR was a flawed traffic report. We pointed out the deficiencies and flaws of that report at both planning commission and city council meetings. We summarized the major flaws of that traffic analysis in a letter written by Les Ditteret, a Scotts Valley resident and Civil Engineer with decades of experience.

We requested at that time, as did retired councilman Cliff Barrett, that a full peer review of the Town Center Traffic report be performed. We again requested a peer review at the last city council meeting. Council member Aguilar requested that a peer review be added as a future agenda item at the last city council meeting. We reiterate our request for that peer review today.

Just to be clear, I personally believe that in the long run, a town center project is a good thing for the city of Scotts Valley. I do believe, however, that the studies used to justify the scale and scope of the Town Center Specific Plan should use valid methodologies. Using appropriate methodologies will not only give everyone a more accurate model of the impacts of the proposed Town Center Specific plan to all members of the public, it will also enable this city council to make better informed decisions about the actual projects proposed within that specific plan.

The first of these actual projects, the Town Center Town Homes, was approved at the last city council meeting. This approval was granted despite my again pointing out the flawed methodology used in the original Town Center Specific Plan Traffic Report. Also, that project was approved without any additional traffic study being performed. What justification did this city council use to allow that project to proceed without requiring an additional traffic study? There was no evaluation of the impacts of that project on adjacent intersections. There was no evaluation of ingress/egress from Blue Bonnet Lane. And there was no evaluation of the impacts on traffic with and without the project.

I would like to point out that a traffic study is required by the City's Public Works Department guidelines whenever a minimum of 50 trip ends at a street facility is expected to occur. The Town Center Homes project was approved with 46 units. This will result in significantly more than 50 trip ends. Why was no traffic study required for this project before approval?

Before any other developments are approved, we again urge the City Council to commission a peer review of the Traffic Report for the Town Center Specific Plan.

Respectfully -- Frank Z. Kertai