

MINUTES

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

Date: February 17, 2010

POSTING:

The agenda was posted on 1-12-10 at City Hall and the SV Senior Center. and on 1-12-10 at the SV Library, by the City Clerk.

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

Mayor Reed

Vice Mayor Bustichi

Council Member Aguilar

Council Member Johnson

Council Member Lind

City Manager Ando

City Attorney Powell

Public Wks Director Anderson

Police Chief Weiss

Interim Community Dev Dir Westman

Recreation Division Manager Sudduth

City Clerk Ferrara

COMMITTEE REPORTS VM Bustichi reported that the Santa Cruz Metropolitan Transit District (SCMTD) met and discussed transportation funding and the upcoming budget. He stated that they are doing everything they can to not cut services.

CM Lind reported that the new Sign Subcommittee held their first meeting to discuss updating the Sign Ordinance.

CM Lind reported that the Seniors Council met and discussed funding and program cuts.

CM Aguilar gave a report as a representative of AMBAG and CALCOG. She reported that the gasoline tax swap that the Governor and the Democrats are proposing will take away approximately \$2.6 billion from transportation revenues and funding. She stated that this will change the Prop 42 tax to an excise tax that the state will have more control over, which will also eliminate \$1.2 billion from education. She also reported that they had a guest speaker, Assembly Member Norby, who wants to remove the fiscalization of land use, which means that there are some cities that will have a difficult time getting a big box or a car dealership into their city for the sales tax. She reported that this particular proposal from AM Norby will make sales tax revenue neutral, so cities would have to give up their sales tax, and swap it for possible property tax, and then possibly have higher property tax allocations. She stated that it is an interesting concept that should be watched carefully because it could take a lot of control out of our local communities.

CM Aguilar reported that the Sign Subcommittee met to discuss updating the current sign ordinance. She stated that they will be working in phases and their first order of business will be to bring portions of the ordinance up to current law.

CM Johnson reported that the Santa Cruz County Regional Transportation Commission (SCCRTC) met and discussed potential federal stimulus dollars that may come to Santa Cruz.

PUBLIC COMMENT

Frank Kertai, SV resident and President of the Heritage Parks Homeowners Association, representing both himself and his community, read the attached letter (Attachment A) regarding the Mt. Hermon Road traffic mitigations and fair share contributions that were discussed at the February 3, 2010 meeting.

Les Dittert, SV resident, read the attached letter (Attachment B) regarding the Mt. Hermon Road traffic mitigations and fair share contributions that were discussed at the February 3, 2010 Council meeting and his DSEIR comments.

Jennifer Highland, Event Chair for the Relay For Life of Scotts Valley, and Heidi Reynolds, SV resident, spoke as representatives of the American Cancer Society. She announced that the Relay for Life event is a 24-hour event to increase cancer awareness while raising much needed funds for the American Cancer Society's research, education, advocacy efforts, and patient services, which will be held July 10 & 11, 2010 at the Scotts Valley High School. She encouraged participation on the Planning Committee and forming a team to walk the track. She stated that more information is available on their website at www.relayforlife.org/scottsvalleycs or by contacting Jennifer at scottsvalleyrelay2010@yahoo.com.

Fred Ritchie, Estrella Drive, spoke regarding traffic concerns on Estrella Drive and potential negative impacts that may arise from making changes on Mt. Hermon Road. He stated that the Estrella Drive neighbors would be willing to participate in any planning that may impact their street.

VM Bustichi announced that the Scotts Valley Host Lions Club is holding its Annual Cioppino Feed/Dance/Raffle, on March 13 at the CPDES Hall at Harvey West Park. He stated that the ticket price is \$40 per person and additional information and tickets are available by calling 438-2356.

Mayor Reed announced that Brook Knoll Elementary School will be holding their annual fundraising auction on February 27, 2010.

ALTERATIONS TO CONSENT AGENDA

***M/S: Aguilar/Bustichi
To approve the Consent Agenda.
Carried 5/0***

Consent Agenda:

- A. Approve Joint City Council/RDA meeting minutes of 2-3-10, 1-20-10
- B. Approve check register – 1-27-10, 2-8-10
- C. Approve lot line adjustment between APN 022-276-66 and APN 022-276-14 in Montevelle
- D. Approve amendment to contract between Strategic Construction Management and the City of Scotts Valley to provide additional services for document review and bid phase services in the amount of \$12,625 for the Scotts Valley Library
- E. Bean Creek Road Bike Lanes Construction Project:
 - (1) Approve Resolution No. 1840, authorizing the City Clerk to execute certificates of acceptance on behalf of the City of Scotts Valley regarding the Bean Creek Road bike lanes sidewalk construction project
 - (2) Approve first amendment to Contract for Professional Services with Ifland Survey in the amount of \$5,900
 - (3) Approve second amendment to Contract for Professional Services with Mesiti-Miller Engineering, Inc. In the amount of 5,000

**ALTERATIONS TO
REGULAR AGENDA**

M/S: Aguilar/Bustichi
To approve the Regular Agenda.
Carried 5/0

REGULAR AGENDA

1. Consideration of letter of endorsement for 2-1-1 Santa Cruz County

CM Ando presented the written staff report and responded to questions from Council.

M/S: Bustichi/Aguilar
To approve the letter of endorsement for 2-1-1 Santa Cruz County.
Carried 5/0

2. Consideration of urgency Ordinance No. 16.128 establishing a temporary moratorium on medical marijuana dispensaries

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

Scott Gates, active member of Scotts Valley community, and founder of The Healing Clinic Cooperative, spoke in favor of medical marijuana dispensaries, and the City placing the temporary moratorium, in order for the Council to determine proper regulations for the Scotts Valley community. Mr. Gates provided a sample ordinance on enacting medical marijuana guidelines for the implementation of Proposition 215 (HS 11362.5) and SB 420 (HS 11362.7).

M/S: Bustichi/Lind

To introduce and adopt Ordinance No. 16.128, an urgency ordinance of the City Council of the City of Scotts Valley adopting a moratorium on medical marijuana dispensaries in order to provide the City with time to determine whether to adopt an ordinance regulating the location or operation of medical marijuana dispensaries, and waive the reading thereof.

Carried 5/0

PUBLIC HEARINGS

3. **Consideration of application for Proposition 84 funds to construct a restroom facility at Camp Evers Fishing Park on Glen Canyon Road**

RDM Sudduth presented the written staff report and responded to questions from Council.

PUBLIC HEARING OPENED - 7:00 PM

Tom Houso, spoke in favor of a restroom at Camp Evers Fishing Park.

PUBLIC HEARING CLOSED - 7:01 PM

M/S: Aguilar/Bustichi

To approve Resolution No. 1843 approving the filing of an application for statewide park program grant funds for funding to construct restrooms at Camp Evers Fishing Park.

Carried 5/0

4. **Consideration of amendment to Zoning Ordinance Section 17.56.180 C.1 to allow center identification signs up to 200 square feet with City Council approval**

ICDD Westman 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

CM Johnson expressed concerns regarding what he feels is a piece meal approach to what should be a more comprehensive sign program review. He stated that he would like to see the Sign Subcommittee study this issue further.

Mayor Reed agreed that he felt this should be reviewed and studied further by the Sign Subcommittee.

M/S: Aguilar/Bustichi
To introduce for first reading Ordinance No. 16.127 amending Section 17.56.189.C.1 of the Scotts Valley Municipal Code (Center Identification Signs), and waive the reading thereof.
Carried 3/2 (NOES: Johnson/Reed)

CM Aguilar requested that the sign permit application be amended to include a condition/requirement that a snow fence be placed to show the outline of the proposed sign.

REGULAR AGENDA

(Resumed)

5. **Consider approval of Resolution No. 1842 in support of the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010**

CM Ando presented the written staff report and responded to questions from Council.

M/S: Aguilar/Lind
To approve Resolution No. 1842 in support of the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010.
Carried 5/0

6. **Future Council/RDA agenda items**

None.

ADJOURNMENT

The meeting adjourned at 7:25 p.m.

Approved:



Jim Reed, Mayor / Chair

Attest:



Tracy A. Ferrara, City Clerk / Secretary

Good Evening. I am Frank Kertai, Scotts Valley resident, President of the Heritage Parks Association, here tonight representing both myself and my community.

At the last city council meeting on February 3, agenda item 2 was the consideration of staff recommendations for the “**Mount Hermon Road Traffic Mitigations and Fair Share Contributions**”. The staff report recommendations were based on a total estimated cost of **\$1,002,885** for mitigating both the Scotts Valley Drive/Mt. Hermon Road intersection and the Mt. Hermon Rd./La Madrona Drive intersection. These cost estimates were produced by consultants hired by the city, who were paid **\$30,000** to produce schematic engineering and cost estimating.

The cost estimates provided to the city appear to be off by at least **100%** -- likely more. It is difficult to determine how far off the estimates are because the consultants failed to document how these estimates were derived. They provided no description of methodology, no citations, no references and no calculations to back up their work.

However, using the December 2009 CALTRANS Price Index for Selected Highway Construction Items and referencing specific line items from the Engineer's Preliminary Opinion of Cost, a spot check of a half dozen items revealed that CALTRANS unit costs exceed the unit costs in the report by over 100%.

Vice-Mayor Bustichi -- you are a builder. If you hired an engineering consultant to provide you with such a poorly documented conceptual cost estimate for a project you were bidding, would it be acceptable to you? **I think not.** If this is not acceptable to you as a builder, why is it acceptable to you as a city council member? And yet you put forward a motion to accept staff recommendations based on this report. **Would you care to explain why?**

Council member Lind – as a law enforcement official with three decades of experience evaluating right versus wrong, how could you find this report acceptable? The report is so inadequate, it is almost criminal. **How could you second such a motion?**

Mayor Reed – in a past life you were an editor. In that profession, you made sure that “i’s” were dotted and “t’s” were crossed. I am certain the most important aspect of that job was verifying facts. After three members of the public, one with 5 decades of engineering experience, warned you of deficiencies in this report, **why did you not insist that the data, methodology and calculations in this report be verified?** How could you entertain a motion on this project in this state?

Council member Aguilar – I thank you for asking numerous questions about this staff report and attempting to clarify for the public the impacts and ramifications as presented.

Council member Johnson – I am thankful you were uncomfortable enough with this report to **not** move forward with staff recommendations as presented.

My recommendation is that a more accurate estimate of the proposed mitigations for these “fair share” calculations be produced. The final deliverable to the city should be a self-contained, reproducible report that anyone can follow. **The revised verifiable estimate should provide a description of the methodology used, document the calculations performed and provide citations to references for sources of estimates.**

Additionally, the drawings delivered to the city should provide engineering information such as scale, distances and other geometric data sufficient enough to aid the city with an adequate cost estimating. CALTRANS should also have input to these costs. And those cost projections should include a factor for inflation as the mitigations will likely not be put in place for a number of years.

The city council should insure that an adequate estimate of costs be developed as part of this “**fair share calculation**” so that the cost burden of mitigating these two intersections is not placed excessively on whichever project actually triggers the need for these mitigations.

Governance is more than just showing up. You need to pay closer attention to the details.

Respectfully,

Frank Z. Kertai

ATTACHMENT B

Good Evening.

My name is Les Dittert, residing in Scotts Valley.

Mayor Reed, from your immediate response to my first comment, made during the last Council meeting of February 3, on the Staff Report of the proposed Mount Hermon Road Traffic Mitigation and Fair Share Contribution, it is evident that my comment was clearly not understood.

As I have stated, the Fair Share Cost for the Mt. Herman Road, LaMadrona Drive improvements were based on the "opinion of costs" estimates which intend to cover the costs of a new southbound SR-17 off-ramp right turn lane only.

The description of a new traffic hazard of the turning path overlapping the sidewalk caused by the right-turning of large trucks from southbound Mt. Hermon Rd. into LaMadrona Drive was ignored.

This problem was clearly illustrated by my DSEIR Comment No.13, as shown on the following page.

Also ignored was my DSEIR Comment No.14 (see the following pages) proposing a widening of the Mt. Hermon SR17 overpass by one lane, and extending that lane to the Mt. Hermon/El Rancho Drive intersection to mitigate the affects of increased project-generated traffic, as described in the DSEIR Impact TRAN-5b. This impact was noted as "Significant and Unavoidable".

The proposed lane widening would permit the lengthening of the LaMadrona westbound left-turn pocket and/or the addition of an extra left turn lane into La Madrona Drive, thereby considerably improving the LOS and reducing the queue of the LaMadrona northbound vehicles at this intersection.

Despite your public assurances that all of my DSEIR comments will be fully considered, the above comments submitted to the City on December 21, 2009 were ignored in the subject Staff Report.

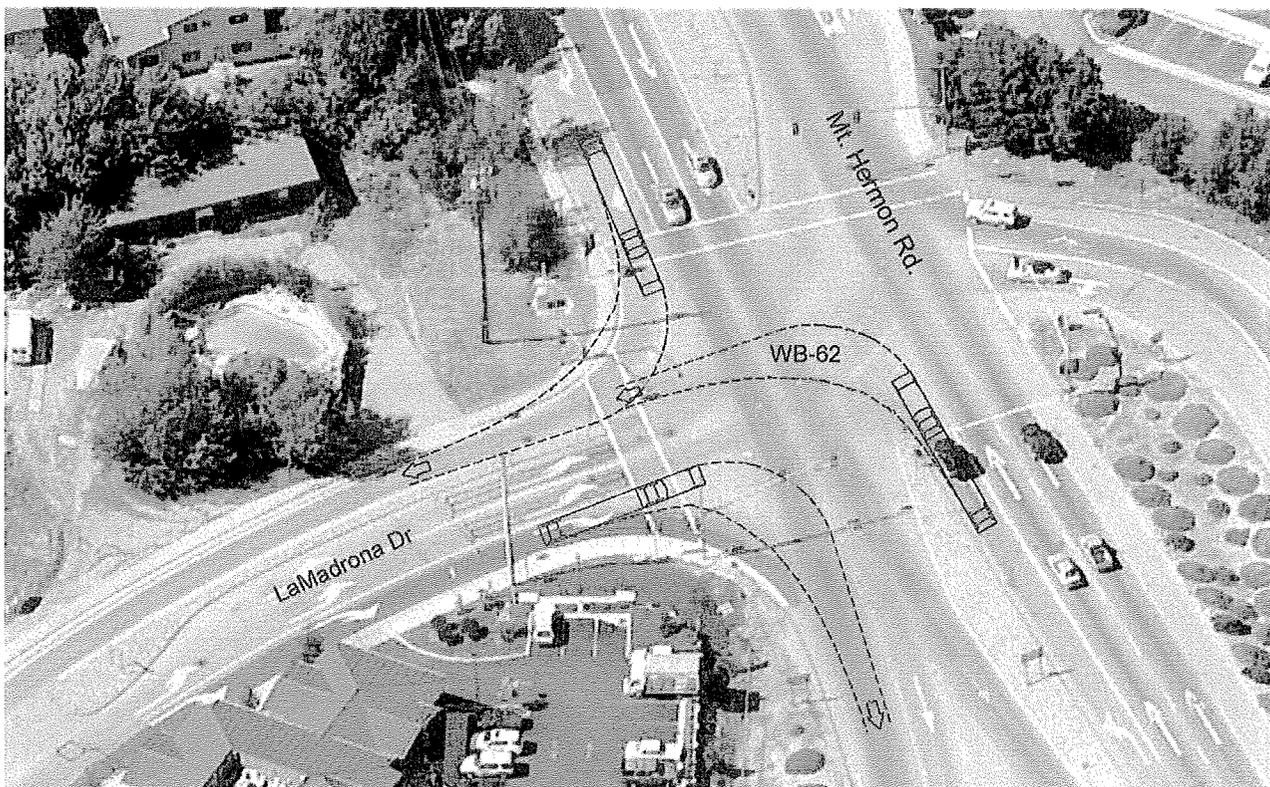
Comment No. 13 Ref: Chapter 4A. Transportation and Circulation.
Vehicle Queuing analysis. Impact TRAN-5a

Please explain why the safety of the Scotts Valley Corners north exit to La Madrona Drive was not investigated here.

Please confirm that that the very short line of site distance of this exit does not warrant its closure.

Please note that there is only one 12 feet wide southbound lane into La Madrona Drive from this intersection and that the southwest curb radius is quite small. My investigation of the turning path of the anticipated 73.5 feet long WB-67 retail store delivery trucks, as well as the 20 cuy capacity soil hauling trucks indicate that turning right from the SB Mt. Hermon Road Right Turn Lane is not possible without going over the curb, as shown below. The interference is at least five feet, and there is a storm drain and traffic signal pole in this area which must be relocated.

Please confirm that all of the anticipated intersections were checked, or will be checked for adequate turning paths of the WB-67 trucks which are also used currently by Caltrans.



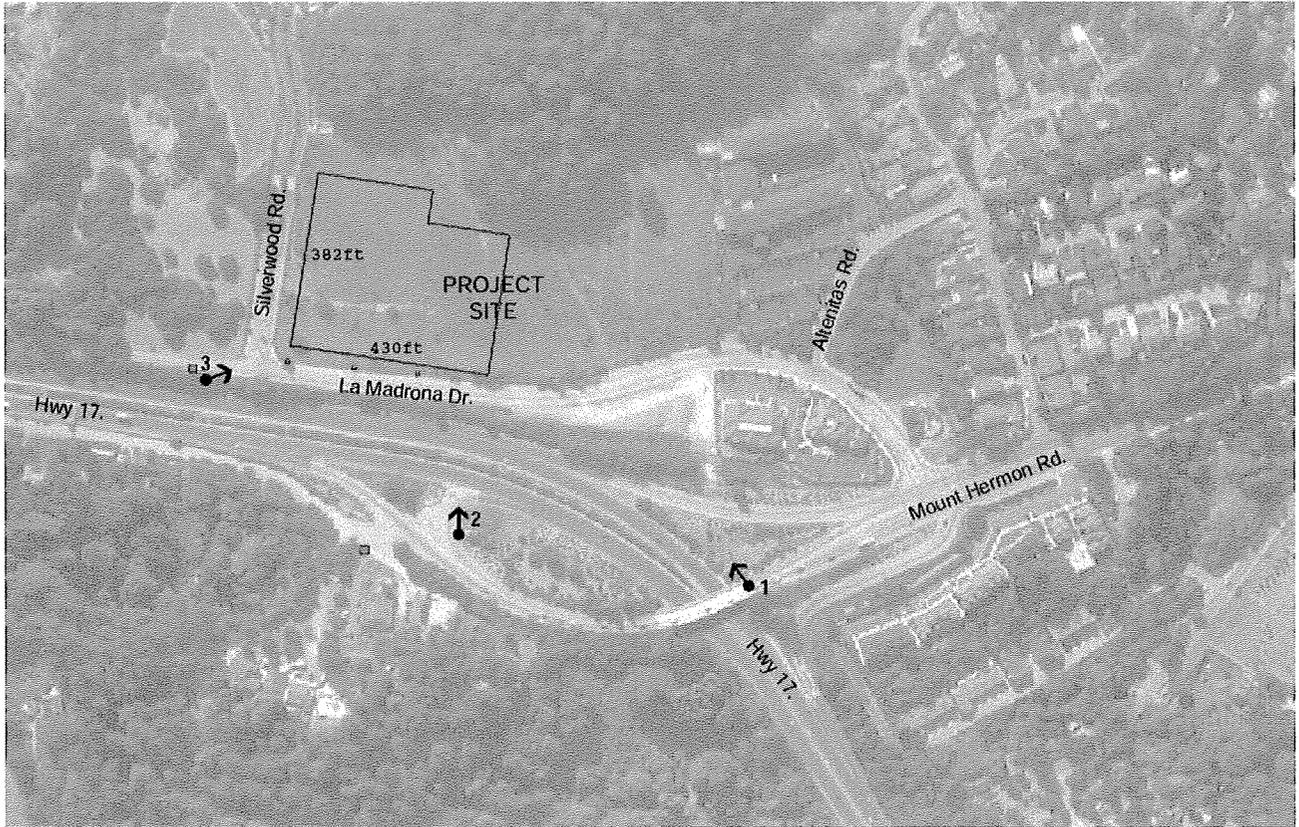
La Madrona-Mt. Hermon Intersection

Comment No. 14 Ref: Chapter 4A. Transportation and Circulation.
Vehicle Queuing analysis. Impact TRAN-5b

The widening of the SR17 overpass by one lane, which would extend to the Mt. Hermon/El Rancho Drive intersection, would permit lengthening of the LaMadrona westbound left-turn pocket and/or the addition of an extra left turn lane into La Madrona Drive, thereby considerably improving the LOS and reducing the queue of the LaMadrona northbound vehicles at this intersection.

Please explain the reasoning (technical or otherwise), that widening of the SR17 overpass is not feasible.

PS. As shown on the aerial photograph below, the widening of the Mt. Herman Road overpass (shown near Viewpoint 1) by installing a new 16 feet wide single-cell concrete box girder next to the existing overpass, and the widening of the curved ramp to SR 17 is quite feasible.



0 150 300
Scale in Feet

1 → Photo Viewpoint

Gateway South Retail Stores . 207755

Figure 4.B-3
Viewpoint Location Map

(Photo copied from the DSEIR)