

# MINUTES

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

**Date: March 16, 2011**

**POSTING:**

The agenda was posted on 3-11-11 at City Hall, the SV Senior Center, and the SV Library, by the City Clerk.

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**CALL TO ORDER** 6:00 p.m.

**PLEDGE OF ALLEGIANCE** Flag ceremony performed by Girl Scout Troop 11013. Mayor  
**MOMENT OF SILENCE** Bustichi and presented a Mayor's Proclamation to the Girl Scouts honoring their 99<sup>th</sup> Birthday and proclaiming March 6-12, 2011 as Girl Scout Week in Scotts Valley.

**ROLL CALL**

Present:

Mayor Bustichi  
Vice Mayor Lind  
Council Member Aguilar  
Council Member Johnson  
Council Member Reed

City Manager Ando  
City Attorney Powell  
Public Wks Director Anderson  
Police Chief Weiss  
Interim Community Dev Dir Westman  
City Clerk Ferrara

**COMMITTEE REPORTS**

CM Johnson reported that the SCCRTC met and received news that the courts ruled in favor of the SCCRTC in the lawsuit that was filed against the SCCRTC for the Highway 1 auxiliary lane project. He reported that this is a \$16 million project that will benefit the County.

CM Aguilar reported that the Monterey Bay Division League of California Cities met and John Chiang, State Controller, spoke regarding the State budget and the impacts to local governments. She reported that there are a couple of scenarios being reviewed regarding the possible reorganization of redevelopment agencies, in lieu of eliminating redevelopment agencies.

VM Lind reported that the Seniors Advisory Council met and reviewed a draft Senior Area Plan Update. She reported that the draft update is being distributed widely reviewing and a public hearing will be held at the Live Oak Seniors Annex on Wednesday, April 13 at 10:00 a.m. She also reported that there is a Seniors Needs Assessment Survey is being circulated to help provide information on the needs of our seniors and how those needs can be met. She reported that Project SCOUT is providing tax assistance for seniors and disabled.

VM Lind reported that she met with Marie Laugharn, representing the Santa Cruz County Women's Commission. She stated that the Women's Commission has recently completed a report on the

status of women and girls in Santa Cruz County, which is the first of its kind. It is being presented to the County Board of Supervisors on March 22 and the Women's Commission will be making a presentation and holding a forum in Scotts Valley in the summer.

Mayor Bustichi reported that the Santa Cruz Metropolitan Transit District (SCMTD) met and reviewed the budget, which is facing severe cuts, approximately 35% in service. He reported that some alternatives are to renegotiate salaries and consider use of reserves to help balance the budget. He stated that he has asked for a future agenda item for the SCMTD to look at the feasibility of consolidating the SCRRTC and the SCMTD.

Mayor Bustichi read a list of some of the accomplishments that the ADA Subcommittee has been able to accomplish since they were formed in 2009.

Mayor Bustichi reported that he and CM Johnson (Economic Development Subcommittee) attended an ICSC Conference in Monterey to promote the City's Town Center and provided information on what they had learned at the conference.

CM Johnson reported that the Library JPA Board met and reviewed the options for the sustainability of the library. He reported that a smaller subcommittee has now been formed and they will be going out to the community to receive additional public input.

## **PUBLIC COMMENT**

No one came forward.

## **ALTERATIONS TO CONSENT AGENDA**

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

***M/S: Aguilar/Lind***

***To approve the Consent Agenda moving Item D to the regular agenda for discussion.  
Carried 5/0***

## **Consent Agenda:**

- A. Approve Joint City Council/RDA meeting minutes of 3-2-11, 3-8-11
- B. Approve check register – 3-4-11
- C. Approve modification to agreement with Strategic Construction Management adding an additional \$11,134 to the contract for additional services

## **ALTERATIONS TO REGULAR AGENDA**

***M/S: Aguilar/Lind***

***To approve the Regular Agenda as amended moving Item D to the regular agenda.  
Carried 5/0***

**D. Approve agreement between the Solar Point Resources, Inc. and the City of Scotts Valley and authorize the City Manager to execute the agreement**

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

Mayor Bustichi requested that we add any APN numbers for City or RDA property that we feel would be appropriate and that may benefit from the wind turbines.

John Bartholomew questioned the size of the wind turbines.

Mayor Bustichi responded to Mr. Bartholomew's questions. He clarified that this agreement would not authorize the installation of wind turbines and stated that prior to any installation we would hold public hearings before the Planning Commission and City Council.

***M/S: Aguilar/Johnson***

***To authorize the City Manager to execute the agreement and make minor changes to the agreement, as long as there are no costs to the City, and to prepare additional applications for Siltanen Park, Skypark Park, or any other City or RDA owned properties that the City Manager feels would benefit from the installation of wind turbines.***

***Carried 5/0***

**PUBLIC HEARINGS**

**1. Consideration of zoning ordinance amendment to prohibit medical marijuana dispensaries within the City of Scotts Valley**

ICDD Westman presented the written staff report and responded to questions from Council. She stated that staff had a few recommended changes to the ordinance that was reviewed by the Planning Commission: (1) Remove the section dealing with criminal penalties; (2) Consider modifying the ordinance to allow for deliveries in Scotts Valley.

**PUBLIC HEARING OPENED - 6:40 PM**

Scott Gates spoke in opposition to the City Council adopting a zoning ordinance amendment to prohibit medical marijuana dispensaries within the City of Scotts Valley. He also read a letter from a Scotts Valley citizen who could not attend the meeting, opposing the City Council adopting a zoning ordinance amendment to prohibit medical marijuana dispensaries within the City of Scotts Valley.

Chris Coulter, Americans for Safe Access, spoke in opposition to the City Council adopting a zoning ordinance amendment to prohibit medical marijuana dispensaries within the City of Scotts Valley. He asked the Council to delay acting on this item and to hold more community outreach.

John Bartholomew spoke in favor of the City Council modifying the ordinance to allow the delivery of medical marijuana in Scotts Valley.

Tom Houso stated that he agreed with the need for medical marijuana, however, he feels that dispensaries need to be regulated better.

Aaron Crenshaw, High School English Teacher, spoke in favor of the City Council adopting a zoning ordinance amendment to prohibit medical marijuana dispensaries within the City of Scotts Valley as he feels it sends a mixed message to school children in our community.

**PUBLIC HEARING CLOSED - 7:00 PM**

Based on City Council discussion, CA Powell clarified the changes that would be made to the ordinance when it comes back for second reading at the next regular City Council meeting:

- Page 4, Section 17.58.010, Definitions, for “Marijuana Dispensary” and “Medical Marijuana Dispensary”, remove the words, *whether fixed or mobile*.
- Page 5, Section 17.58.020, remove the words, *fixed or mobile*.
- Page 5, Section 17.58.030, remove the words, *fixed or mobile*.
- Page 5, Section 17.58.040, add new subsection (f) as follows:  
(f) *Discreet delivery of medical marijuana to a qualified patient from a medical marijuana dispensary located outside the City of Scotts Valley.*

***M/S: Aguilar/Lind***

***To approve first reading and introduction of Ordinance No. 16.128.3 adding Chapter 17.58 to Title 17 of the Scotts Valley Municipal Code relating to Medical Marijuana Dispensaries as amended, removing the section dealing with criminal penalties and modifying the ordinance to allow for the discreet delivery of medical marijuana to qualified patients or primary caregivers at their place of residence or business in Scotts Valley, and waive the reading thereof.***

***Carried 5/0***

2. **Consider transfer of properties from the Scotts Valley Redevelopment Agency to the City of Scotts Valley // APN No's. 022-211-80, 022-721-02, 022-231-03, 022-601-01, 022-211-36, 022-048-01**

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

**PUBLIC HEARING OPENED - 7:40 PM**

No one came forward.

**PUBLIC HEARING CLOSED - 7:40 PM**

***M/S: Aguilar/Reed***

***To approve Resolution No. CRA-103, a resolution of the Redevelopment Agency of the City of Scotts Valley, authorizing the transfer of certain properties to the City of Scotts Valley, and waive the reading thereof.***

***Carried 5/0***

**M/S: Aguilar/Lind**

**To approve Resolution No. 1864, a resolution of the City of Scotts Valley, approving the transfer of certain properties from the Redevelopment Agency of the City of Scotts Valley to the City of Scotts Valley, and waive the reading thereof.**

**Carried 5/0**

**3. Consideration of lease agreement between Cabrillo College and the Redevelopment Agency of the City of Scotts Valley**

CM Ando stated that negotiations with Cabrillo College are continuing, and requested that the City Council open the public hearing and continue the hearing to the next regular Council meeting on April 6.

**PUBLIC HEARING OPENED AT 7:42 PM AND CONTINUED TO THE COUNCIL MEETING OF APRIL 6, 2011**

**4. Consideration of lease agreement between Santa Cruz County Library Joint Powers Authority and the Redevelopment Agency of the City of Scotts Valley**

CM Ando stated that negotiations with Santa Cruz County Library Joint Powers Authority are continuing, and requested that the City Council open the public hearing and continue the hearing to the next regular Council meeting on April 6.

**PUBLIC HEARING OPENED AT 7:44 PM AND CONTINUED TO THE COUNCIL MEETING OF APRIL 6, 2011**

**REGULAR AGENDA**

(Resumed)

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

CM Aguilar stated that she wants to be sure that the City of Santa Cruz property that is located in the Town Center area, and that we have an option on, is protected should redevelopment agencies be eliminated.

CA Powell stated that she believes the agreements provide for the protection of our option on the property. She stated that she will review the agreements to be sure that we are protected, and if changes need to be made, it will come back as a future agenda item.

**CONVENE TO CLOSED SESSION**

The City Council convened to closed session at 7:46 p.m. to discuss the following items:

1. Pursuant to Government Code Section 54957.6, the City Council met in closed session to confer with their labor negotiator regarding employee negotiations with SEIU, Mid Management Group, Management Group, Scotts Valley Police Bargaining Unit, and the Scotts Valley Police Supervisors Association.

**RECONVENE TO OPEN SESSION**

The City Council reconvened to open session at 8:20 p.m.

**REPORT ON ACTION TAKEN DURING CLOSED SESSION**

Mayor Bustichi announced that there was nothing to report.

**ADJOURNMENT**            The meeting adjourned at 8:21p.m.

Approved: \_\_\_\_\_  
Dene Bustichi, Mayor / Chair

Attest: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk / Secretary