

MINUTES

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

Date: April 7, 2010

POSTING:

The agenda was posted on 4-2-10 at City Hall and the SV Senior Center. and on 4-2-10 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
Senior Planner Fodge
Deputy City Clerk Roland

COMMITTEE REPORTS VM Bustichi reported that the Library Subcommittee met today and there is an item on this agenda to discuss the library.

VM Bustichi reported that the Santa Cruz Metropolitan Transit District will be meeting this Friday. He stated that he had a meeting the General Manager earlier today to discuss concerns over funding. He stated that they are looking at a structural deficit and they will be looking at route cuts throughout the County, including Scotts Valley, and it can have some negative effects for transit users in Scotts Valley. He stated that they are trying to protect the bus routes to schools. He stated that they will be looking at different options for the future such as: opening up MOU's with labor organizations, the Transit District merging with the Transportation Commission to save some redundancy in management, and possibly privatization of bus services.

CM Lind reported that LAFCO met and the LAFCO Water Subcommittee is continuing to work on an updated water policy for the County. She stated that LAFCO also approved the proposed budget for fiscal year 2010/2011, that included a \$20,000 reduction in revenues.

CM Lind reported that the Area Aging Advisory Committee met and discussed two bills that were proposed by members to help seniors: one that would reinstate the property tax deferral program for seniors that would place a lien on their property, and another bill that would provide a senior exemption

changing the Government Code wording to state that seniors shall receive an exemption. She stated that they also received the results of their year end report, and the top five results where seniors are being impacted are paying dental care, paying for home maintenance, paying for medications, cooking, and transportation for basic needs. She stated that State funding cuts are negatively impacting seniors. She also stated that senior coupon books for the Farmer's Market should be available to seniors soon.

CM Johnson reported that the Santa Cruz County Regional Transportation Commission met and agreed to bring the purchase of the rail line to a vote at their May 6 meeting. He also reported that a public hearing is being held on April 14 at 7:00 pm a public hearing will be held to receive public input on the proposed purchase of the rail line.

Mayor Reed reported that the Library Joint Powers Authority Board met and discussed reinstating inter-library loan services at some point. He also reported that they have a special meeting on April 19 to hear the results of the strategic plan that the Library Director and several other people have been gathering input on for the last several months, as far as what people value most in the library system. He reported that they also discussed budget and voted to give recommendations to staff to come back with options for their consideration on dealing with the budget. He reported that they will need to have structural changes in the library system due to the present economy.

PUBLIC COMMENT

Scott Gates, resident of Scotts Valley and owner of Healing Clinic Cooperative, spoke on the medical marijuana issue and thanked Chief John Weiss and CM Lind for taking a tour of the dispensary in Santa Clara. He stated that believes the tour answered many questions, spoke on the need for this service, stated that he is trying to bring the service to Scotts Valley, and reviewed the safety precautions he would provide.

ALTERATIONS TO CONSENT AGENDA

VM Bustichi requested that Item G be moved to the regular agenda for discussion.

M/S: Bustichi/Aguilar

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

Carried 5/0

Consent Agenda:

- A. Approve Joint City Council/RDA meeting minutes of 3-17-10
- B. Approve check register – 3-23-10
- C. Approve letter of support for Big Brothers/Big Sisters for federal grant application
- D. Approve appointment of Patricia (Trish) Melehan to the Scotts Valley Arts Commission by Vice Mayor Bustichi to replace Sue Anne Murray
- E. Approve non-collection of business license fee for American Crown Circus (sponsored by the Scotts Valley Chamber of Commerce)

- F. Approve Resolution No. 1832.1 approving the parcel map for the lands of Bill & Shirley Graham, 668 Mt. Hermon Road, APN 022-231-23

**ALTERATIONS TO
REGULAR AGENDA**

M/S: Aguilar/Lind

To approve the Regular Agenda as amended moving Item G to the regular agenda for discussion as 3A.

Carried 5/0

REGULAR AGENDA

1. Scotts Valley Grand Prix Bicycle Race:

a. Consider approval of agreement for Scotts Valley Prix Bicycle Race on May 15, 2010

CA Powell presented the written staff report and responded to questions from Council. She advised that she believed Mark Davis had proposed changes to the agreement, and she had asked Third Pillar to provide the proposed changes in advance, however, she had not received them.

CM Ando passed out a letter of support from Jesse Gabriel Flippen of Jesse Gabriel Photography.

VM Bustichi expressed concerns regarding consistency and size of the ads in the numerous papers, and felt that the applicant should be given the option of using any of the local four papers.

Mark Davis, applicant and Race Director, spoke on behalf of Third Pillar Racing, LLC and introduced Tony Borba, Team Manager from Third Pillar Racing, LLC. He stated that in principle they agree with the agreement that has been drafted, however, they would like some language added.

Tony Borba, Team Manager of Third Pillar Racing, LLC, gave background on Third Pillar Racing and spoke regarding. He also passed out an amended agreement with the changes they are requesting and his concerns regarding advertising.

Mayor Reed and CM Bustichi requested this item be moved to the end of the agenda to allow the City Attorney to review Third Pillar Racing's amended agreement and asked specifically what the differences were between the two documents.

Tony Borba stated they wanted the name to change in the agreement from Third Pillar to Third Pillar Racing LLC; in Item B they wanted some language to the effect that the race would bring fame and notoriety to Scotts Valley; in Item D they wanted specific names of the affected businesses listed in agreement; they had issues in paragraph 1 with the possible forfeit of all funds deposited (over \$3,400) with the City, instead of the \$1,700 for reimbursement of costs; they stated the

cones size they may be able to get are 18" to 24" and are different from what was requested in the agreement; and they also wanted very specific closed language in the agreement so there wouldn't be any question of responsibilities.

Mayor Reed stated that the items Third Pillar Racing listed were all items that were discussed in a prior discussion with City staff.

City Attorney Powell advised that she didn't see any differences between the document that they just submitted and the document that was presented to Council in the packet. In terms of the reference to Third Pillar Racing, at the beginning of the agreement the full name of the entity is listed correctly and it was given "a term of art", which is Third Pillar.

Lorraine Siadat, Scotts Valley Car Wash, thanked the Council for considering their concerns at the last meeting and spoke in opposition of the race due to the impact on their business. She questioned who would be picking up the trash afterwards and wanted to know what non-profit the race would benefit, because it was said this race would be modeled in conjunction with the Amgen Tour, which benefits non-profits.

Mahad Siadat, owner of Scotts Valley Car Wash, spoke in opposition to the race and stated that he was very concerned about public safety.

Lorraine Siadat read a letter from Renny Letts, Manager of Scotts Valley Sprinkler and Pipe Supply, in opposition to the race due to the disruption to their business and substantial revenue loss.

Shelly Evans, professional bike racer and resident of Scotts Valley, spoke in support of the race. She stated she believes the race will have a positive long term impact on Scotts Valley for future business.

Rob Evans, resident of Scotts Valley, spoke in support of the race. He stated that he feels it is special to have a hometown race.

Lorraine Donner, Manager of the local office of Bailey Properties on Scotts Valley Drive, spoke in favor of the race as she believes it will bring many people to the community and open it up to the world.

Ted Porter, owner of The Beemer Shop, stated that his motorcycle business struggles during the winter and the race will have a negative effect on his business due to the road closure. He asked for some type of compromise on the ingress and egress from his business.

City Attorney Powell advised she had finished her review of the agreement and noted the below changes:

In Section 2, Third Pillar would like to make two changes: (1) they are requesting the approval of the City Manger on the content of the advertisements not be unreasonably withheld; and (2) that the businesses affected by the race shall be identified in writing. City Attorney Powell stated both these changes were acceptable to her.

Mayor Reed advised Mr. Davis had already received a list of businesses from the City and that the list has not changed.

City Attorney Powell advised the next requested change was in Section 6, instead of "Third Pillar shall utilize 600 reflectorized cones" it would be "provide", and with respect to Mr. Borba's comment on the size of the cones Third Pillar could get, it does state the cones be a minimum of 18". Also in Section 6, Third Pillar is requesting that the language "the approval of which shall not be unreasonably withheld" be added with respect to the Police Department approval of the number of volunteers needed. City Attorney Powell advised that this is also acceptable. Third Pillar is also requesting that in the event the race is cancelled, the forfeitures of the deposit monies be only on half instead of the full amount. City Attorney Powell also stated that Third Pillar Racing, LLC also wanted clarification on the advertisement.

Mayor Reed requested Mr. Davis (Third Pillar Racing, LLC) speak on the request for clarification on the advertising.

Mark Davis, wanted clarification that the advertising referred to in the agreement is printed advertising and not website changes. He advised he didn't want to have to get the City Manager's approval for every website change they made.

Mayor Reed stated that this issue was discussed in a previous meeting with staff and nothing had changed.

CM Bustichi requested clarification from Third Pillar Racing, LLC on whether they are a for profit organization and if any funds from the race would go to the company.

Mr. Davis advised they had several charities they give to and profits would either be divided up between those charities or be held to fund the race next year.

CM Bustichi asked if agreements had been negotiated with the Fire District for medical services and Seagate regarding parking.

Mr. Davis advised there was a verbal agreement with the Fire District on staging and that they were still working out an agreement with Seagate.

Clarification was also made by Council that the advertisement could be in any of the four printed media (SC Sentinel, SV Banner, Valley Post, SV Times), with the SC Sentinel being a ½ page ad and the other three requiring a full page ad. It was also agreed upon that a deposit of \$2,400 would be required by April 30th, with \$1,000 due a week prior.

M/S: Bustichi/Aguilar

To approve the agreement between Third Pillar Racing, LLC and the City of Scotts Valley for the Grand Prix Bicycle Race to be held on May 15, 2010 with the before mentioned amendments that the City Attorney approved, the amendment regarding advertising, and the amendment regarding payment of the deposit and that half the deposit would be forfeit instead of the full deposit if the race was cancelled.

Carried 5/0

- b. **Consider approval of Resolution No. 1845 approving the temporary closure of a portion of Scotts Valley Drive, Carbonero Way, and El Pueblo Road for the Scotts Valley Grand Prix Bicycle Race on May 15, 2010**

PC Weiss presented the written staff report and responded to questions from Council.

M/S: Bustichi/Aguilar

To approve Resolution No. 1845 temporarily closing a portion of Scotts Valley Drive, Carbonero Way, and El Pueblo Road for the Scotts Valley Grand Prix Bicycle Race.

Carried 5/0

PUBLIC HEARINGS

2. **Consideration of Design Review application 10-003 and Planned Development application 10-002 to remodel 13,150 square feet of an existing 23,000 square foot building at 251 Kings Village Road to be used as the Scotts Valley Library // APN 022-211-80**

ICDD Westman introduced David Schnee from Group 4 Architects who will be talking about the design of the building, David Tanza from Strategic Construction Management, and Teresa Landers Director of the Santa Cruz Library system, and presented the written staff report and responded to questions from Council. ICDD Westman also explained the blind bid process for the Council that will be used on this project. She also listed some wish list items that would be considered if the bid came in low enough to allow these items.

David Schnee, Group 4 Architects, provided a PowerPoint presentation on the design process and gave a summary of the interior and exterior design. A hard copy of the PowerPoint presentation was handed to Council by ICDD Westman.

CM Aguilar asked ICDD Westman if library signage would be on the monument sign. ICDD Westman advised that at this time there is no signage on the monument sign, only on the building. For the record, CM Aguilar requested that in the future if monies become available, that the library would have signage on the monument sign on Kings Village Road.

Library Director Landers thanked the City for involving the Santa Cruz Library System in the process of the design for this project and congratulated the Council for developing a state of the art library.

PUBLIC HEARING OPENED - 8:16 PM

Tom Houso, spoke regarding problems with ivy growing over the entrance of the building and suggested other vines would be more appropriate.

ICDD Westman clarified that ivy is not being suggested, that it was an error during the presentation.

PUBLIC HEARING CLOSED - 8:18 PM

M/S: Aguilar / Reed

To introduce Ordinance No. 16-ZC-220 approving planned development zoning (PD10-002) for the remodel of 13,150 square feet of an existing 23,000 square foot commercial building at 251 Kings Village Road to be used as the Scotts Valley Library and commercial tenant space located within the Scotts Valley Town Center Specific Plan Area, and waive the reading thereof.

Carried 5/0

M/S: Aguilar / Reed

To approve Resolution No. 1846 approving planned development permit (PD10-002) and design review (DR10-003) for the remodel of 13,150 square feet of an existing 23,000 square foot commercial building at 251 Kings Village Road to be used as the Scotts Valley Library and commercial tenant space located within the Scotts Valley Town Center Specific Plan Area.

Carried 5/0

REGULAR AGENDA

3. Consider cancellation of 4th of July parade

CM Ando presented the written staff reports on both the consideration of the cancellation of the 4th of July parade and the fireworks agreement, and responded to questions from Council.

CM Aguilar wanted to clarify that she asked for the cancellation of the parade to be considered, she was not requesting it.

CM Bustichi stated that he had done some research and it would cost approximately \$4,000 to put on the parade. He stated that he was able to obtain four (4) sponsors for the parade who were willing to donate \$1,000 each for the parade, and thanked the sponsors for their donations that will allow the City to keep the tradition of the 4th of July parade and a day of fun:

- Mike Keogh, Keogh Properties
- Todd Ritchie, Scarborough Lumber
- Russ & Kevin Pratt, owners of SV Square and Scotts Village
- Bill Brooks, Brooks Properties

CM Aguilar stated that she was very thankful that the City will not have to cancel the parade and wanted to make sure that the four donors for this event are advertised as sponsors.

3a. Approve agreement with Fireworks & Stage FX America, Inc. for fireworks on July 4, 2010 (formerly Consent Agenda Item G)

M/S: Aguilar/Bustichi

To approve the agreement between Fireworks & Stage FX America, Inc., and the City of Scotts Valley for fireworks on July 4, 2010.

Carried 5/0

4. Discussion: Revision of City's campaign reform act ordinance

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

Mayor Reed stated he requested this item be brought before the Council because he had questions and concerns that our ordinance may not be consistent with federal and state laws.

CM Aguilar requested clarification between campaign expenditures and campaign contributions. City Attorney Powell gave several examples on the distinction.

After discussion it was the consensus of the City Council that they would like to make the ordinance less complicated and have a \$100 cap for individual and/or corporate contributions.

CM Aguilar stated that she thought the cap should be \$200.

M/S: Bustichi/Lind

For City Attorney Powell to come back to Council with revisions to the City's Campaign Reform Act Ordinance to change the campaign contribution cap to \$100 per individual or business.

Carried 4/1 (NOES: Aguilar)

5. Consider approval of General Plan Tracking Report for Fiscal Year 2009-2010 and authorize the City Manager to submit the report to the Governor's Office of Planning

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

CM Aguilar stated she had several corrections to the text of the actions that she would like corrected.

SP Fodge stated that they will make a note to clean up the errors when a comprehensive review is done of the document itself. She stated that it was the status column of the report that needed to be approved and authorized by Council.

M/S: Bustichi/Lind

To approve the General Plan Tracking Report for fiscal year 2009-2010, noting the corrections and concerns for the next comprehensive update of the General Plan, and authorize the City Manager to submit the report to OPR.

Carried 5/0

6. Future Council/RDA agenda items

CM Aguilar requested a future agenda item to discuss whether the community would like to continue the 1/4 percent sales tax.

Mayor Reed requested a future agenda item to address a separate item in the City Council format for community announcements so as not to infringe upon an individuals public comment time.

ADJOURNMENT

The meeting adjourned at 9:20 p.m.

Approved: _____

Jim Reed, Mayor / Chair

Attest: _____

Jeanette Roland, Deputy City Clerk