

M I N U T E S

Joint Meeting of the
Scotts Valley City Council,
Redevelopment Agency Board of Directors,
Public Financing Authority, and
Scotts Valley Water District Board of Directors

Date: April 19, 2006

POSTING:

The agenda was posted on 4-14-06
at City Hall by the City Clerk.

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and **MOMENT OF SILENCE**

ROLL CALL

Present:

Mayor Aguilar
Vice Mayor Bustichi
Council Member Barrett
Council Member Johnson
Council Member Marigonda

City Manager Comstock
City Attorney Powell
Deputy City Mgr/Admin Svs Dir Ando
Police Chief Lind
Public Wks Director Anderson
Community Development Dir Russell
Recreation Division Manager Sudduth
Police Lieutenant Weiss
City Clerk Ferrara

COMMITTEE REPORTS CM Johnson reported that the Skypark Subcommittee met today and continued progress is being made. He stated that the propane companies are under contract awaiting appraisals and that we are looking at applying for an EDA grant from the Federal government, with the developer paying the fee for the grant writer. He stated that overall progress is excellent and that there have been some changes in the overall design, and they have encouraged the developer to come forward to show those changes.

CM Marigonda reported that the Monterey Bay Unified Air Pollution Control District met and they voted to pursue a grant that the California State Air Resources Board is allotting to air pollution and air management control districts over the next couple of years. He stated that it will be about a \$266,000 grant that will go toward improving school buses, by replacing diesel buses that are major polluters with more efficient buses.

PUBLIC COMMENT Mayor Aguilar reported that a candidate forum for the County Superintendent of Schools will be held on Thursday, May 4th from 7-9 pm at the Scotts Valley Senior Center.

**ALTERATIONS TO
CONSENT AGENDA**

***M/S: Barrett/Marigonda
To approve the Consent Agenda.
Carried 5/0***

Consent Agenda:

- A. Approve Joint City Council/RDA meeting minutes of 4-5-2006
- B. Approve check register – 4-10-2006
- C. Approve Resolution No. 1777 in support of a measure to secure local transportation funding
- D. Approve Resolution No. 1778 regarding telecommunications services and vital city interests

**ALTERATIONS TO
REGULAR AGENDA**

CM Comstock requested that the joint meeting with the Scotts Valley Water District (items 7, 8, and 9) be continued to an upcoming meeting.

***M/S: Barrett/Marigonda
To approve the Regular Agenda as amended to continue the joint meeting with the Scotts Valley Water District, items 7, 8, and 9 on the regular agenda, to an upcoming meeting.
Carried 5/0***

REGULAR AGENDA

1. Discussion and review of Skate Park Ordinance

CM Comstock presented the written staff report and responded to questions from Council. He stated that additional information from City staff regarding a private corporation that manages skate parks as a business, and a listing of skate parks that may charge a minimal fee, was distributed to the Council as an add on to this item.

RDM Sudduth went over the handout from the private corporation that provides supervision and responded to questions from Council. He stated that the company requires a minimum of \$75,000 of guaranteed revenue in order to make it worthwhile, and that they charge \$1,500 to evaluate if their company would be interested in managing the park. RDM Sudduth also stated that the company requires a large modular building on site that they operate a pro shop out of, which supports their mission. He stated that in his research he found only one public park (Folsom – \$2) that charges an admission fee, and they also have a BMX track and snack bar. He stated that the only parks he found that are staffed are Templeton and Atascadero, and no admission is charged.

PC Lind provided statistics on the number of calls, citations, etc. they have received regarding the skate park from September 26, 2005 to April 17, 2006 and stated that during this time they have handled 552 events: 82 of those being calls received from the public, 67 verbal warnings, 2 courtesy citations, 47 citations, and 4 arrests.

CM Marigonda questioned RDM Sudduth regarding staffing of the two parks he addressed (Templeton and Atascadero).

RDM Sudduth stated that they have two staff at all times, with limited hours of after school to dusk, and weekends from 9:00 am to dusk, with a cost of \$30,000 for part time staff. He stated that costs are fully subsidized through the general fund. He also stated that their decision to staff their parks were a direct result of experiences that mirrored ours.

Jennifer Ache, Skypark resident, stated that she walks daily by the skate park and has never seen 100% compliance, and that even a week after the Tony Hawk event she only saw 50% compliance. She questioned how much it costs for the police department to go out on calls and how often they are able to go out. She stated that sometimes when she has called she has been told that they do not have time to respond to the skate park.

CM Johnson stated that the inability to respond is very likely due to the shortage of officers right now and the prioritization of calls.

Clark(?), Santa Cruz resident, stated that she agreed with the comments in Santa Cruz Sentinel article. She stated that in her opinion the supervision of the park is an unnecessary issue. She stated that Senator Morrow has proposed SB 1179 in an attempt to remove helmet and gear law. She stated that she feels we should be encouraging young people and adults to skate and that injury statistics for a variety of other sports are higher. She asked that the City put together a task force consisting of residents, police, and skateboarders to work on the problems.

Mark Dettle, Scotts Valley resident, stated that he and his son were active in the design and funding of the skate park. He stated that he believes with the additional skate park being constructed in Santa Cruz (opening estimated for September 2006), it will relieve some of the pressure on our park. He agreed that a task force may be a good idea in order to involve the skaters and make them part of the solution. He stated that his observance is that skaters 12 years and under at least wear their helmets, but older skaters generally do not wear it. He stated that he does not feel it is appropriate to penalize the group as a whole by closing the park.

Rich Harris, owner of Dislocated Skate Park in Scotts Valley, spoke about the positive side of skateboarding such as forging friendships, the sport aspects, taking lessons at an early age, and wearing safety gear. He stated that he feels families need to be more accountable for compliance and supervision. He stated that he tries to work with kids to encourage and support them regarding their families, school, homework, etc. and that he gives discounts for good grades. He stated that he feels that positive aspects should have been addressed in the Banner article instead of just the negative and that the stigma of skaters needs to be broken. He stated that he is supportive of working to monitor and make the park better and that he is opposed to shutting down the park.

Grady Brandon, local skater, stated that in his opinion, the majority of the local kids wear their helmets. He stated that he believes 70% of the citations are given to people from out of town. He stated that 99% of the bowl skaters who skate there everyday wear their helmets, and that it is the street skaters who don't usually wear their helmets. He stated that if the park is closed down, the bowl skaters have no where to skate, but the streets skaters will go somewhere else such as parking lots.

Tommy Werner, Aptos resident, stated that his family drives him to the Scotts Valley Skate Park from Aptos all the time, and that his family spends money here. He stated that he is opposed to closing the park, but monitoring the park might be a good idea.

Kyle Todd, Ben Lomond resident, stated that with all the crack down to close the park, the bad kids will go to the streets and cause more problems.

Wendy Brannan, Scotts Valley resident, stated that she feels there are many positive options to enhance the skate park. She stated that there is room for growth and enhancing the recreational opportunities. She stated that in her opinion, since we now have a high school we are more prone to problems, because the kids are in town and not in Santa Cruz anymore.

Maurice Pardue, San Jose resident, stated that he goes to the skate park often and sees people calling about problems at the skate park. He stated that he does not agree with generalization of kids who skateboard as problem kids. He stated that he is not necessarily a fan of monitoring the park, but he sees the benefits. He stated that having a staff person on site may mitigate many of the issues and he feels \$50,000 should be allotted for this.

Jesse Gold, Santa Cruz resident, stated that he does not support hiring an outside firm to monitor the park. He stated that he agrees with hiring someone who can monitor the park, but in his opinion, they should be able to relate the skaters and earn respect.

Brice LeBlanc, Scotts Valley resident, stated that he feels we should keep the skate park open because of the high cost of building it.

Mitch LeBlanc, Scotts Valley resident, stated that he goes to the skate park about once a week. He stated that he has not seen the negative issues that have been discussed, he has just seen kids having a great time. He stated that in his opinion the helmet law does not need to be enforced and that when we close the skate park because of the few, it hurts the majority. He stated that he does not wear his helmet in other parks, but he does wear it in Scotts Valley because he doesn't want a ticket.

Kathy Woerner, Aptos resident, spoke on behalf of the parents and kids who go to the skate park. She stated that she feels the pad nanny is the best idea and thanked the Council for brainstorming on this issue instead of just shutting down the park.

CM Barrett stated that he feels the park is for the better good of Scotts Valley, but he does have concerns about enforcement of the rules and regulations. He stated that he feels making rules and ignoring them sends a bad message. He stated that he does not feel that the enforcement we have had so far has worked, and now we need to look at something new. He stated that he feels strongly that helmets need to be worn for safety and that we need to send a firm message that helmets need to be worn. He stated that he agrees with the last three bullets in the staff report: (1) changing the existing ordinance to require anyone inside the fenced area, in the act of skating or not, to be wearing all protective gear; (2) authorizing the City Manager to temporarily close the skate park for significant lack of compliance of the skate park rules; and (3) adding additional signage at the front of the skate park stating that helmet and pads are required to be worn inside the fenced area at all times, not wearing a helmet and pads may result in citation and temporary closure of the skate park, and not wearing a proper fitting helmet may result in serious injury or death. He does not agree that the park should be closed down forever; however, closing the park for graffiti problems has worked. He stated that he feels eliminating the helmet regulations would be derelict.

CM Marigonda stated that in his opinion people choose to live in Scotts Valley because they appreciate the safety. He stated that he voted against the large skate park because he felt it was too large for the area. He stated that he is concerned about the proximity of the skate park to the proposed town center, which will be a very important part of our community, and feels we need respect on all levels. He believes that those who choose not to comply should go elsewhere, and that he believes the community wants the rules to be followed. He feels that we should charge admission if we choose to have a monitor, as he does not feel it is viable to use general fund monies to fund a monitor with the current state of our budget. He stated that he is not in favor of a video camera.

VM Bustichi stated that it is not the Council's intention to try to make things more difficult for kids. He stated that he feels this is a rule/law that needs to be complied with. He stated that he does not see us being able to monitor the facility due to a lack of funding, and he does not agree with charging admission at this time, but it may need to happen in the future. He stated that this is a process we are working through as different issues arise at the skate park, and we are not trying to stop the park or hinder the facility. He stated that he is not in favor of closing the skate park for non compliance, because he feels it would be closed all the time. He stated that he agrees with changing the ordinance to require anyone inside the fenced area, in the act of skating or not, to wear all protective gear, and recommended possibly increasing the ticket cost and having a no tolerance attitude regarding the issuance of tickets.

CM Johnson stated that he agrees with possibly having a pad nanny on-site and possibly charging a nominal fee to defer general fund costs as it may possibly reduce the amount of calls received. He stated that there are definitely issues that need to be addressed and he feels this has been a positive meeting. He stated that in his opinion there are two issues: following

the safety rules and making sure Skypark remains the crown jewel of the Scotts Valley park system. He stated that he does not agree with closing the park and thanked the skaters who attended the meeting for their input. He reviewed an email he received that recommended we charge a fee and possibly use volunteers or docents in order to keep the park viable. He stated that he feels the rules and regulations established need to be followed and that we should possibly engage the Parks and Recreation Commission to work with the skating community and citizens, to come up with some ideas and return to the Council for further discussion. He stated that he feels we should have something in place by the end of the school year.

CM Marigonda stated that he likes the idea of a monitor, however, we do not have the funding. He feels that to have a monitor we need to have a funding mechanism. He agreed with CM Johnson's recommendation of having the Parks & Recreation Commission work on this issue and present recommendations to the City Council at the June 7, 2006 City Council meeting.

Mayor Aguilar stated that she feels there are different stages for working with compliance. She stated that she agrees with item 3, changing the existing ordinance to require anyone inside the fenced area, in the act of skating or not, to be wearing all protective gear. She stated that she would like to see the Council make a motion to bring the revised ordinance back with this change and then later, look at the possibility of having a monitor. She stated that some communities have fundraisers to pay for a monitor and she would be happy to work on fundraising activities. She stated that she believes this would keep the police from going out as often and hopefully improve compliance. She agreed with having the Parks & Recreation Commission review this issue and bring back recommendations.

M/S: Johnson/Barrett

To direct staff in accordance with item 3 on page 2 of the staff report, to amend the existing municipal ordinance to require anyone inside the fenced area, in the act of skating or not, to be wearing all protective gear. Allow children 10 and under to be accompanied by a non-skating, 18 years of age or older, parent or guardian who is not in protective gear.

Carried 5/0

M/S: Aguilar/Barrett

To charge the Parks and Recreation Commission to research in depth the issue of a skate park monitor and the associated costs, and have the Parks & Recreation Commission look at financing options to include fundraisers to pay for the park monitor.

Carried 5/0

M/S: Barrett/Marigonda

To implement items A and C of the proposed new signage on page 2 of the staff report as follows: Helmet and pads required to be worn inside the fenced area at all times; and, Not wearing a proper fitting helmet

may result in serious injury or death!
Carried 4/1 (NOES: Bustichi)

2. 2006 Tax Allocation Refunding Bonds

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

M/S: Johnson/Barrett

To approve Resolution No. CRA-87 a resolution of intention to authorize the issuance of Agency's Tax Allocation Refunding Bonds for the purpose of refunding the Agency's 1999 Tax Allocation Bonds and that certain Note, dated as of August 21, 1996, executed by and between the Agency and the City of Santa Cruz (Scotts Valley Redevelopment Project).

Carried 5/0

M/S: Barrett/Marigonda

To approve Resolution No. CRA-88 appointing Bond Counsel and Disclosure Counsel, and approving an agreement in connection therewith, Underwriter and Structural Consultant for issuance of Tax Allocation Refunding Bonds to refund the Agency's 1999 Tax Allocation Bonds and that certain Note, dated as of August 21, 1996, executed by and between the Agency and the City of Santa Cruz (Scotts Valley Redevelopment Project).

Carried 5/0

M/S: Marigonda/Barrett

To approve Resolution No. CRA-89 approving the forms of an authorizing execution of an Indenture of Trust, a Bond Purchase Contract, a Structural Consultant Services Agreement, a Continuing Disclosure Agreement, an Escrow Agreement, a Schedule of Fees for Trustee Services and a Preliminary Official Statement relating to the issuance of the Agency's Tax Allocation Refunding bonds and approving certain actions in connection therewith (Scotts Valley Redevelopment Project).

Carried 5/0

M/S: Aguilar/Barrett

To approve Resolution No. JPA-33 approving the forms of and authorizing a Bond Purchase Contract, a Structural Consultant Services Agreement, a Continuing Disclosure Agreement, an Escrow Agreement, a Schedule of Fees of Trustee, and a Preliminary Official Statement relating to the issuance of the Redevelopment Agency of the City of Scotts Valley's Tax Allocation Refunding Bonds and approving certain actions in connection therewith.

Carried 5/0

M/S: Marigonda/Barrett

To approve Resolution No. 1776 approving the sale of Tax Allocation Refunding Bonds for the Redevelopment Agency of the City of Scotts Valley's Redevelopment Project Area.

Carried 5/0

3. **Consider approval of Resolution No. 1775 temporarily closing a portion of Scotts Valley Drive for the City's 40th Birthday Parade on July 4, 2006**

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

M/S: Barrett/Bustichi

To approve Resolution No. 1775 temporarily closing a portion of Scotts Valley Drive for the City's 40th Birthday Parade.

Carried 5/0

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

None.

PUBLIC HEARINGS

5. **Consideration of fee adjustments for various City fees**

CM Comstock stated that staff is requesting that the City Council open this public hearing and continue it to the regular City Council meeting of May 3, 2006.

PUBLIC HEARING OPENED - 7:48 PM

This public hearing was continued to the regular City Council of May 3, 2006 at 7:00 p.m.

6. **Consideration of municipal code amendments to require uses in zoning districts to conform with state and/or federal law, and to extend the time limits of planning permits (Zoning Ordinance Amendments AZO06-001 & AZO06-002)**

CDD Russell presented the written staff report and responded to questions from Council.

PUBLIC HEARING OPENED – 7:52 PM

No one came forward.

PUBLIC HEARING CLOSED – 7:53 PM

M/S: Barrett/Johnson

To introduce Ordinance No. 16-122 amending Sections 16.16.130, 16.16.140, 17.50.010g.1., 17.50.020e., 17.50.020f.1., and 17.50.030f and adding Section 17.02.120 to Titles 16 (Subdivisions) and 17 (Zoning) of the Scotts Valley Municipal Code to require land uses to comply with State and/or Federal laws and to extend the approval time limits of certain planning permits (Zoning Ordinance Amendments AZO06-001 and AZO06-002)

Carried 5/0

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 8:00 p.m. to meet with their real property negotiator regarding rental of City property – APN 22-211-77

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 8:15 p.m.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

Mayor Aguilar announced that there was nothing to report.

ADJOURNMENT

The meeting adjourned at 8:20 p.m.

Approved: _____

Stephany E. Aguilar
Mayor / Chair

Attest: _____

Tracy A. Ferrara
City Clerk / Secretary