

MINUTES

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

Date: April 20, 2005

POSTING:

The agenda was posted on 4-15-05
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 Marigonda
Vice Mayor Aguilar
Council member Barrett
Council member Bustichi
Council member Johnson

City Manager Comstock
City Attorney Powell
Police Chief Lind
Public Wks Director Anderson
Community Dev Director Kuhn
Finance Director Ando
City Clerk Ferrara
Principal Planner Young Lind
Recreation Division Manager Sudduth
WW Div Mgr/Env Program Mgr Hamby

COMMITTEE REPORTS

CM Johnson reported that the Skypark Subcommittee met to go over documents and review some of the progress with the potential developer, Pratt/Riley/Norton. He stated that discussions included water, fire, and the size and scope of the project. He stated that a lot of good progress has been made.

VM Aguilar stated that she is AMBAG's representative to the California Council of Governments. She reported that they had met and discussed Proposition 42, transportation funding through gas taxes. She stated that there is a movement to try to get a constitutional amendment to recoup the Proposition 42 monies that are supposed to go to all transportation projects in California. She also reported that they discussed the combination of Proposition 42 funding and ACA 4, which has to do with the combination of housing and transportation being put together so that both the housing and transportation plans are integrated.

Mayor Marigonda reported that the City Selection Committee, quarterly meeting of the mayors and city managers of other cities and the County Administrative Officer, met and discussed issues such as the State budget, which will affect all of us, the possibility of a special election being called by the Governor (he has until 6/13/05 to call a special election), and the City of

Santa Cruz budget situation.

PUBLIC COMMENT

CM Johnson reported that the Vine Hill School Auction will be held this Saturday, April 23, 2005 at Chaminade at 6:30 p.m.

CM Barrett reported that E-waste recycling program for Scotts Valley coming again this year on September 17, 2005.

**ALTERATIONS TO
CONSENT AGENDA**

CM Bustichi requested that Item G be moved to the regular agenda. He stated that he cannot vote on this item due to a conflict.

***M/S: Aguilar/Barrett
To approve the Consent Agenda as amended.
Carried 5/0***

Consent Agenda:

- A. Approve Joint City Council/RDA meeting minutes of 4-6-05 and 3-16-05
- B. Approve check register – 4-11-05
- C. Approve extensions of Memoranda of Understanding with SEIU 415, Mid-Management, Police Officers, and Police Supervisors through December 8, 2005
- D. Approve annual review of Glenwood Development Agreement
- E. Approve Contract for Services between the City of Scotts Valley and Jamie Miser, DBA Sweet Treats for Skypark vending services
- F. Approve Resolution No. 1697.1, amending the Heritage Tree Inventory pursuant to Section 17.44.080.L of the Scotts Valley Municipal Code Tree Protection Regulations by removing Item #8
- H. Approve fireworks agreement with Fireworks & Stage FX America
- I. Approve bid award for Skypark Shade Structure to Ross Recreation Equipment Company, Inc. in the amount of \$34,305.36, using the 2002 Proposition 40 grant funds and Scotts Valley Advocates funds

**ALTERATIONS TO
REGULAR AGENDA**

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

REGULAR AGENDA

- G. Approve denial of claim – Tessa Rudy c/o Mr./Mrs. James Rudy, in the amount of \$12,573**

CM Bustichi recused himself from this item due to a conflict.

***M/S: Aguilar/Johnson
To approve the denial of claim from Tessa Rudy c/o Mr./Mrs. James***

**Rudy, in the amount of \$12,573, and to refer the claim to Risk Management for resolution.
Carried 4/0 (ABSTAIN: Bustichi)**

1. Discussion: Regulations pertaining to second dwelling units

PP Young Lind presented the written staff report and responded to questions from Council. Because of an additional information request, PP Young Lind distributed additional information to Council regarding required setbacks between septic tanks and wells and septic tank size requirements from the 2001 California Plumbing Code, and an example of fees for a second dwelling unit (based on an 800 square foot unit).

PP Young Lind stated that there is no specific definition of “new development” as it relates to wells, and asked the Council to consider how to define “new development” based on the following options:

- 1) any new construction;
- 2) any new construction which requires a building permit;
- 3) any development which results in an intensification of land use;
- 4) any new development which results in any impact to a resource (e.g., water);
- 5) development which requires any discretionary approval; or
- 6) any development which requires discretionary approval which requires CEQA review (especially where environmental mitigation is required).

CM Bustichi questioned why the information from the plumbing code was provided since the Council has no jurisdiction to change this code.

VM Aguilar stated that she asked for this information due to concerns about health and safety regarding wells, septic tanks, and leech fields. She stated that she is concerned because wells and leech fields are not mapped in this area.

VM Aguilar asked about hydrology review as it relates to second dwelling units for the entire neighborhood. She is concerned that if this second dwelling unit is allowed it will allow everyone on the street to add a second dwelling unit, which could cause additional draw on the aquifer.

PP Young Lind stated that the only time the well would be looked at is if they are deepening the well, or if there are conditions where the aquifer is dropping, it may be a reason to deepen a well so that the yield of the well can be increased. This would require a well construction permit through the Water District, or if a second well was being drilled, a well construction permit would be required through the Water District. She stated that water quality issues would be regulated by the County Health Services Department.

Jack Paul, 555 Sunridge Drive, addressed the Council and responded to

some of the questions and concerns that had been raised. He stated that he is on a 3 acre parcel, which meets the required setbacks. He also stated that he had heard some concerns raised about traffic and road width. He does not feel there is a problem with traffic now and does not feel the one to two cars that will be added will cause a problem. He stated that he would like to build this unit so that his parents can live in the unit. Mr. Paul stated that his septic tank is brand new and more than adequate for the second dwelling unit; however, they will probably need to add an additional section to their leech field.

Berna Bruzzone, 29 year Sunridge resident, asked for clarification on the requirements for a second dwelling unit, and asked if there is a difference between a guest house and a second dwelling unit. She spoke in favor of allowing the second dwelling unit on this property.

PP Young responded to the question as follows: A guest house cannot have a kitchen or be rented out. A second dwelling unit cannot be larger than 800 square feet, it can have a kitchen, and it can be rented out.

Cathy Hurtman, Sunridge resident, stated that Sunridge is a 2,400 foot long dead end road. She stated that the City recommends dead end roads be no longer than 500 feet. She stated that the road does not meet the road width standards in certain areas, especially where her home sits, and she is concerned about safety and traffic. She is also concerned about water and the potential reduction of the aquifer.

CM Johnson stated that he feels this is a reasonable request for a three acre parcel, and that a code amendment would be appropriate. He stated that he feels the impact on water and traffic would be very minimal in this specific case.

CM Barrett stated that he does not believe a code amendment is appropriate at this time. He stated that he would agree to options 3 through 6 on page 5 of the staff report (and as stated above) regarding the definition of "new development". He also stated that he feels the water situation is a definite concern.

CM Bustichi stated that he believes a code amendment would be appropriate. He stated his concerns regarding the definition of "new development". He does not want the definition to affect property owners who are simply trying to add a bedroom or some other type of addition to their homes. He feels the City should be very careful, because it could affect development and land use throughout the entire City. He stated that he would like the ordinance amendment to have similar wording as septic tanks, i.e. that water has to be within 200 feet.

VM Aguilar stated that her opinion is that if someone is building anything over 75% is new development. She stated that she is concerned about water due to the current situation we are in with the aquifer. She also stated that she is concerned because the wells and leech fields in this area are not mapped,

and health and safety could be an issue. She stated that she is also concerned about the Fire District having to waive road width standards, and easement legal descriptions for the road.

Mayor Marigonda stated that he feels this is a unique situation on an area of land that has been around for a number of years. He stated that he feels this is a reasonable use of the property and he would like to see a code amendment which would allow this use. He stated that he would like to see options 1 - 4 for defining "new development", taken out completely (see above listing). He stated that he is also concerned about water; however, he does not feel there will be a tremendous impact based on Mr. Paul's proposed use.

CDD Kuhn stated that for wells only, the Council needs to define "new development". She stated that past practice regarding this issue has been at option 5, *development which requires discretionary approval*.

M/S: Bustichi/Johnson

To define "new development" for wells only, using options 5 and 6 as follows:

- 5) *development which requires any discretionary approval; and/or***
- 6) *any development which requires discretionary approval which requires CEQA review (especially where environmental mitigation is required)*.**

Carried 3/2 (NOES: Aguilar/Barrett)

VM Aguilar stated that she would like to see option 4 included (e.g. water).

CM Barrett stated that he is voting no because he does not feel it goes deep enough into protecting our resources.

M/S: Bustichi/Johnson

To amend Section 17.41.030Q, Restrictions and standards and Section 17.41.1100, Restrictions and standards, as follows: Secondary dwelling units and Guesthouses shall be served by a Water District, connecting to water mains, unless the subject property is located more than 200 feet from an existing water main and the guesthouse conforms with all requirements of the Uniform Building Code, Fire District Codes, and Santa Cruz County Environmental Health Service Department.

~~Connection to existing or new private wells is prohibited.~~

Carried 3/2 (NOES: Aguilar/Barrett)

2. Discussion: Library land acquisition

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

CM Johnson stated that he feels that commercial property costs are stagnant

at this time, and the cost of \$10 to \$12 per square foot is an unreasonable cost when there is a potential that the land could be donated.

VM Aguilar stated that she brought this forward to let the public know that we have this type of funding available (\$1,100,000) to build the library. She is willing to wait to see what the near future may hold with respect to the possibility of donated land, seeing that commercial land values are not increasing at this time.

Mayor Marigonda stated that his preference is still the Bluebonnet Lane property.

CM Johnson stated that the City doesn't have the money to purchase the property and construct the library.

CM Barrett stated that he also prefers the Bluebonnet Lane property.

3. Approve Exclusive Negotiating Rights Agreement with Pratt/Riley/Norton Group for development of the Skypark Town Center project

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

CM Johnson gave an overview of the progress that has been made in such a short time.

M/S: Barrett/Bustichi

To authorize the RDA Chair to execute the Exclusive Negotiating Rights Agreement between the Scotts Valley Redevelopment Agency and Howard Norton, Scott Norton, Russell R. Pratt, and Malcolm Riley for the Skypark Town Center.

Carried 4/1 (NOES: Aguilar)

4. Wastewater, Recreation, Senior Center, and Community Center budget meeting

FD Ando presented the written staff report for discussion purposes only and there was no action taken.

Ferd Bergholz, Senior Center Board President, reported that the Senior Center is adding some additional activities to try to reduce the \$2,369 subsidy. He stated that they are looking into the following: Oktoberfest, professional cooking classes in the evening that would be open to everyone, evening computer classes for people other than seniors, increasing the cost of Wednesday lunch from \$3.50 to \$4.00 (\$700 to \$1,000 increase over a year), increasing van rides to \$1.50 from \$1.00 locally, reserve fund transfer money, additional advertising for rentals. He also stated that they have two members that have volunteered to pay for the paint to paint the outside of the Senior Center (they are currently negotiating with a painting contractor) which would remove this item from the CIP (scheduled for a few years from now). He stated that they are also looking at a potential flea market style event

where they would rent space in the two parking lots.

RDM Sudduth responded to questions from Council regarding the Recreation Division budget.

WWDM Hamby responded to questions from Council regarding the Wastewater Fund budget and the City's Recycling Fund, County Service Area 9C).

5. 2005/06 General Fund Revenue Budget

FD Ando presented the written staff report for discussion purposes only. Staff fielded Council questions, and there was no action taken.

6. Appointment of regular board member to the Highway 1 Construction Authority

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

Mayor Marigonda stated that CM Barrett had volunteered to serve on this board.

M/S: Johnson/Aguilar

To appoint Council Member Barrett to serve as a regular board member to the Highway 1 Construction Authority representing the City of Scotts Valley for the calendar year 2005.

Carried 5/0

7. Future Council/RDA agenda items

None stated.

CLOSED SESSION

CM Comstock reported that there was no information for closed session.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Approved: _____

Paul Marigonda
Mayor / Chair

Attest: _____

Tracy A. Ferrara
City Clerk / Secretary