

# MINUTES

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

Date: June 7, 2006

**POSTING:**

The agenda was posted on 06-02-06  
at City Hall by the City Clerk.

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**CALL TO ORDER**                      6:05 p.m.

**PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE**

**ROLL CALL**

Present:	Mayor Aguilar	City Manager Comstock
	Vice Mayor Bustichi	City Attorney Powell
	Council Member Barrett	Deputy City Mgr/Admin Svs Dir Ando
	Council Member Johnson	Police Chief Lind
	Council Member Marigonda	Public Wks Director Anderson
		Community Development Dir Russell
		City Clerk Ferrara
Scotts Valley Water District	Board President David Hodgin	SVWD General Manager McNiesh
	Board Vice President Paul Watkins	
	Board Member Roger Kern	
	Board Member William Kassis	
Absent:	Board Member Margo Hober	

**COMMITTEE REPORTS**      CM Marigonda reported that the Local Agency Formation Commission met and their main order of business was the annexation of the eastern boundary of the Aptos/La Selva Beach Fire District, which will take pressure away from the Watsonville Fire District.

CM Barrett reported that the County Integrated Waste Management Local Task Force met. He stated that the study is going forward and everything is going well.

CM Barrett reported that the Santa Margarita Groundwater Basin Advisory Committee met. He stated that the Scotts Valley Water District would be reporting on this item tonight during the joint meeting.

CM Johnson reported that the Library Joint Powers Board met and that they have a balanced budget due to the increase of tax increment from sales and property taxes.

CM Johnson reported that the Santa Cruz County Regional Transportation Commission met. He stated that the Highway 1 project is going well and that it is a 3 year, \$42 million Caltrans project.

CM Johnson reported that the Skypark Subcommittee met. He stated that there has been incremental progress on all fronts and that the developer is working with a variety architects to make sure that the Town Center will have its own special character. He stated that they looked at parking, garages, and a mix of commercial and residential.

Mayor Aguilar reported that the Birthday Subcommittee met. She stated that they are looking for people to participate in the 40<sup>th</sup> birthday parade, which will be held on July 4 from 3:00 to 4:00 pm on Scotts Valley Drive. She stated that after the parade there will be a historic memorabilia display at the Community Center and then the 4<sup>th</sup> of July fireworks event will then begin at Skypark. She stated that participation is free and that parade registration forms and information are available on the City's website at the following link:  
<http://www.scottsvalley.org/admin.html>.

**PUBLIC COMMENT**

No one came forward.

**ALTERATIONS TO  
CONSENT AGENDA**

VM Bustichi requested that Item E be moved to the regular agenda for a separate vote.

***M/S: Barrett/Bustichi  
To approve the Consent Agenda as amended moving Item E to the regular agenda for a separate vote.  
Carried 5/0***

**Consent Agenda:**

- A. Approve Joint City Council/RDA meeting minutes of 5-17-06
- B. Approve check register – 5-22-06
- C. Approve contract for professional services between the Redevelopment Agency of the City of Scotts Valley and the M.S. Davis Company for certain professional services regarding preparation of application for and pursuit of Economic Development Administration (EDA) funding to assist with certain improvements to the Skypark Commercial project
- D. Second reading and adoption of Ordinance No. 175.3 amending Title 7, Chapter 7.10 providing regulations applicable to skateboard parks on public property, to require that protective gear be worn at all times when in the skateboard park
- F. Approve the 2006 fireworks agreement between Fireworks & Stage FX America, Inc. and the City of Scotts Valley for the City's fireworks event on July 4, 2006
- G. Approve Resolution No. 514.11 approving the City's Conflict of Interest Code as amended to add the position of Deputy City Manager/Administrative Services Director during this biennial review
- H. Approve award of contract to Anderson Pacific Engineering Construction Company in the amount of \$517,750 from wastewater replacement reserve funds from account 14.90.4579.904, and direct staff to proceed with procuring contract and issuing Notice to Proceed

- I. Approve Lot Line Adjustment number (LLA06-002) at 111 Vine Hill School Road and 167 Glenwood Drive
- J. Approve Resolution No. 1007.19 making certain findings and determinations in compliance with Section XIII B of the California Constitution (Gann Initiative) and setting the appropriations limit for Fiscal Year 2006/2007
- K. Approve Resolution No. 1782 approving the easement deed for the Carbonero Lift Station
- L. Approve site rental agreement between the City of Scotts Valley and the Scotts Valley Chamber of Commerce for rental of 513 square feet of office space in the Scotts Valley Community Center

**ALTERATIONS TO  
REGULAR AGENDA**

***M/S: Barrett/Marigonda***

***To approve the Regular Agenda as amended adding Item E to the regular agenda for a separate vote.***

***Carried 5/0***

**REGULAR AGENDA OF THE SCOTTS VALLEY CITY COUNCIL/RDA BOARD OF DIRECTORS**

- E. **Second reading and adoption of Ordinance No. 16-ZC-202 approving a Zone Change (ZC06-002) and a Planned Development Zoning and Planned Development Permit (PD06-002) for a new fire station at 6000 La Madrona Drive // APN 022-141-20**

VM Bustichi recused and disqualified himself since he is a principal of BCI Builders and may be bidding on this project.

***M/S: Marigonda/Barrett***

***To approve Ordinance No. 16-ZC-202 approving a Zone Change (ZC06-002) and a Planned Development Zoning and Planned Development Permit (PD06-002) for a new fire station at 6000 La Madrona Drive // APN 022-141-20 and waive the reading thereof.***

***Carried 4/0 (ABSTAIN: Bustichi)***

**1. Oral presentations by human care agencies requesting funding**

DCM/ASD Ando presented the written staff report and responded to questions from Council. No action is required at this time.

Lisa Berkowitz from Meals on Wheels gave an overall presentation regarding human care funding in Scotts Valley and Santa Cruz County and thanked the City Council for their past support. She also distributed surveys to the City Council and fact sheets from the different human care alliance agencies.

Human care agencies, having submitted proposals for funding requests, individually addressed the Council to briefly outline their agency's programs and funding needs. The Council referred their decision to a subcommittee for funding recommendation, which will come back to the Council for approval.

**2. First reading and introduction of Ordinance No. 176.1 adding Chapter 5.10 to Title 5 of the Scotts Valley Municipal Code regulating massage establishments**

CA Powell presented the written staff report and responded to questions from Council. She stated that page 2 of the staff report had been left out in error and had been distributed as an add on item.

Maria Rossi, resident and practicing massage therapist in Scotts Valley, stated that she would prefer that the City not have any ordinance regulating massage establishments, and requested that they leave it to State laws and certification. She proposed that the definition of massage in the current Ordinance No. 176.1 be replaced with the definition in SB 412, as follows:

*"Massage" means the application of a system of structured touch, pressure, movement, and holding to the soft tissues of the human body with the purpose of positively affecting the health and well-being of the client. The practice includes the external application of water, heat, cold, lubricants, salt scrubs, or other topical preparations, and the use of devices that mimic or enhance the actions of the hands. Massage does not include the prescription of legend drugs or controlled substances, the diagnosis of illness or disease, or any treatment for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required. (2) "Massage" does not include touching that meets either of the following criteria: (A) It is done as part of movement education, energy balancing, or any other technique, profession, or modality in which any soft tissue manipulation is incidental to, and not the central aim of, the practice. (B) It is done while engaging in the practice of another somatic technique, profession, or modality with established standards and ethics in which a practitioner is qualified, provided that such services are not designated or implied to be massage or massage therapy.*

***M/S: Marigonda/Barrett***

***To introduce Ordinance No. 176.1 adding Chapter 5.10 to Title 5 of the Scotts Valley Municipal Code regulating massage establishments, and amending the definition of massage in Ordinance No. 176.1, with the language currently in the latest revision (6/5/06) of SB 412, as noted above, and waive the reading thereof.***

***Carried 5/0***

**REGULAR AGENDA/JOINT MEETING WITH SCOTTS VALLEY WATER DISTRICT**

**3. Discussion: Recycled Water Program**

SVWD General Manager McNiesh gave an oral presentation on the status of the recycled water program and responded to questions from Council.

#### **4. Discussion: Groundwater Basin Status**

SVWD General Manager McNiesh gave an oral presentation on the status of the groundwater basin and responded to questions from Council.

#### **5. Discussion: Project Updates**

SVWD General Manager McNiesh gave an oral presentation on proposed capital improvement projects and responded to questions from Council.

GM McNiesh asked the City Council to provide a letter of support for a grant that they are applying for from the Integrated Regional Water Management Plan (IRWMP) for funding assistance for expansion of Scotts Valley Water District's recycled water distribution system. He also stated that he wants to make sure that there are necessary mitigations for water on current and upcoming projects.

Mayor Aguilar provided a copy of a letter and questions from Ann Wright regarding water use and consumption, the aquifer, and the groundwater basin to the SVWD Board of Directors and the City Council.

BM Kern stated that approximately 140 acre feet per year are pumped from the aquifer by AVIZA for their clean-up, and that this clean-up should be completed within the next year to two.

BM Kassis asked about build-out in the City. Mayor Aguilar stated that we are affected by state housing mandates and she encouraged the SVWD to write to the State and forward their concerns regarding water constraints in Scotts Valley.

VM Bustichi stated that one thing the City can do to assist in water conservation is to work on mitigation and work with developers on sustainable projects that are going to reduce the amount of water used and provide recharge.

#### ***M/S: Bustichi/Marigonda***

***To provide a letter of support from the City to the Scotts Valley Water District for their grant.***

***Carried 5/0***

BP Hodgkin stated that over the last few years there has been a large effort to develop better information about the aquifer. He stated that each study brings new information, and the current study shows that there is not as much water available as shown in prior studies. He stated that there seems to be a variety of ways to mitigate water concerns such as using some of the deeper wells; however, this is more expensive. He stated that we need to continue to be concerned about water.

## REGULAR AGENDA OF THE SCOTTS VALLEY CITY COUNCIL/RDA BOARD OF DIRECTORS

### 6. Discussion: Bid for maintenance contract for linear park and the two greenbelt areas at Skypark

DCM/ASD Ando presented the written staff report and responded to questions from Council.

Sheryl McEwan, Skypark resident, spoke in favor of the maintenance contract. She requested support from the City to get the park cleaned up for the Garden Faire that is coming up in June. She also introduced Mike Cusack, a member of the Ecological Landscaping Association, who will be giving tours of the Linear Park during the Gardening Faire.

Mr. Cusack stated that weeding will be drastically reduced with routine maintenance and mulch. He stated that corn gluten is an excellent pre-emergent that prevents the seeds from germinating.

CM Johnson recommended looking into deferring a portion of the Skypark Assessment District \$20,000 for self-insurance toward this clean-up effort.

CM Marigonda stated that he is concerned about the cost of this and does not see how we can possibly get the work done in 3 weeks. He stated that he supports the idea of going out to bid for a maintenance contract for the Linear Park. He recommended looking at how the cost of the maintenance contract can be included in the amount that is allocated in the Skypark Assessment District.

CM Barrett recommended including the two greenbelt areas in the contract.

VM Bustichi stated that he feels that these two items should be separate because the Linear Park is a natural setting that should be maintained without weed killers, weed whipping, and lawn mowers, and the greenbelt areas are lawns that will be maintained with lawn mowers and weed killers. He also recommended putting this bid out to ecological landscapers in order to work toward the natural self-sustaining environment.

Lisa Frost, recommended putting this bid out to ecological landscapers.

Sheryl McEwan, stated that she has a proposed contract from Terra Nova Landscaping, dated 1/15/06.

***M/S: Marigonda/Barrett***

***To go out to bid for the Linear Park only, and for the Linear Park and two greenbelt areas, and look at whether the cost of the maintenance contract can be included in the distribution of Skypark Assessment District funds being reviewed by the Council in July.***

***Carried 5/0***

PWD Anderson stated that he does not have staff to do the clean-up over the next few weeks. He stated that we could use the work farm, but they would need transportation and require direct supervision. He stated that we could get approximately ten people this Saturday. PWD Anderson stated that staff will be able to weed whip the outlying areas.

VM Bustichi volunteered to supervise the ten people and transport them in order to get as much work done as possible on the Linear Park before the Gardening Faire.

**7. Standard Pacific Homes preliminary review of mixed use and residential concept plan to develop mixed use on the former quarry site at 5007 and 5015 Scotts Valley Drive // APN 022-451-04 and -10**

CDD Russell and SP Fodge presented the written staff report and a slide presentation, and responded to questions from Council.

Peter Dunn, Standard Pacific Homes/project applicant, provided an overview of their proposed project, which incorporates the comments received from the Council during the previous preliminary review in September 2005. He responded to some of the suggestions from staff regarding the key issues/questions and responded to questions from Council. He stated that the economic impact of structured parking would be excessive and they are extremely concerned about the impact of rear access parking on a commercial project. He also stated that they have served a will-serve letter from the Scotts Valley Water District.

Robert Lee, land planner for William Hezmalhalch Architects, Inc. gave a presentation on the soil remediation, pedestrian areas, access, and overall land use of the mixed use and residential areas.

VM Bustichi stated that he felt Standard Pacific had incorporated most of the recommendations of the Council from the September 2005 review. He stated that he did not agree with staff's recommendation for no parking in front of commercial buildings on Scotts Valley Drive. He stated that he felt they had created a fairly pedestrian friendly area. He stated that he agreed with the grid system at the toe of slope for water recharge. He agreed with multiple driveways and stated that he liked the flow. He stated that he likes three buildings instead of two and the proposed architecture. He stated that he likes the overall design and flow, however, he still has a little bit of a problem with the rows of residential buildings in back and he is still concerned about tandem garages.

CM Marigonda concurred with VM Bustichi regarding parking in front of the commercial center. He stated that he likes the architecture, however, he does not like the tandem parking. He also stated that he was pleased to hear about the improvements regarding recharge and the use of recycled water.

CM Johnson stated that he sees an improvement from the previous preliminary review. He agrees that parking in front is necessary, even if the building may look better with parking in back. He stated that he likes the

renderings, and hopefully they are achievable. He stated that he also likes the water recharge area. He feels there are still ways to improve some of the residential in the back.

CM Barrett commented regarding the staff recommendations for Council consideration on page 5 of the staff report as follows: Item A, no to items 1, 2, and 3; Item B, yes to items 1, 2, 3, and 4; Item C, he is in favor of two buildings instead of three with a larger plaza in the middle, and he agrees with items 1, 2, 3, and 4. He stated that he wants to be sure there is enough landscaping to break up parking and provide shade.

Mayor Aguilar stated that she does not like the tandem parking. She stated that she does not agree with the terracing and that she likes the idea of a parking garage as recommended by staff. She stated that she likes the integration of residential and commercial and that she likes the complete flow without emergency access. She feels a commercial loading area is needed and she would like to see greater active recreational amenities/facilities like a pool or community clubhouse. She concurs with providing a public walkway and a transit stop.

Peter Dunn went over the thought process that they went through for this current design. He stated that tandem parking was only on some of the smaller units and that the CC&R's will include requirements that parking garages be for cars, not storage or some other type of use. He stated that terracing the site allows them to increase the use/development area of the site and that an amenity such as pool or clubhouse may be possible. He stated that many details such as loading zones and trash locations still need to be worked out.

#### **8. Presentation of 2006/2007 Scotts Valley Redevelopment Agency Preliminary Budget**

DCM/ASD Ando presented the written staff report and responded to questions from Council.

VM Bustichi stated that he does not see the rationale to add or modify a driveway approach on Scotts Valley Drive and he requested that this item be removed from the budget.

In reference to the Homeless Action Partnership request for funding, CM Marigonda recommended that we fund the Winter Homeless Shelter in the requested amount of \$2,058, but not the other three items: (1) the 2007 Homeless Census/Survey (\$1,414); (2) the HAP Consultant (\$1,265); and (3) the Homeless Management Information System (\$514). Council unanimously agreed.

***M/S: Bustichi/Marigonda***

***To remove the \$4,000 driveway modification on Scotts Valley Drive from the budget.***

***Carried 3/2 (NOES: Barrett/Aguilar)***

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

None.

**ADJOURNMENT**

The meeting adjourned at 10:26 p.m.

Approved:

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Stephany E. Aguilar  
Mayor / Chair

Attest:

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Tracy A. Ferrara  
City Clerk / Secretary