

# MINUTES

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

**Date: August 2, 2006**

**POSTING:**

The agenda was posted on 7/28/06  
at City Hall by the City Clerk.

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

**PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE**

**SPECIAL SET MATTER**      The City Council acknowledged the City's 40<sup>th</sup> birthday, August 2, 1966. Mayor Aguilar introduced former Mayors/Council Members Rey Retzlaff (1981-1984), Joe Miller (1984-1996), and Gina Koshland (1990-1994), and former City Attorney Ray Haight (1980-1990), who said a few words about their experiences with the City. Mayor Aguilar read a proclamation from Congresswoman Anna G. Eshoo, 14<sup>th</sup> District, commemorating the City's 40<sup>th</sup> birthday. The Council recessed for 15 minutes for cake and punch.

**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 Lieutenant Weiss
	Council Member Marigonda	Public Wks Director Anderson
		Community Development Dir Russell
		Senior Planner Fodge
		City Clerk Ferrara

**COMMITTEE REPORTS**      None.

**PUBLIC COMMENT**              None.

**ALTERATIONS TO  
CONSENT AGENDA**

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

**Consent Agenda:**

- A. Approve Resolution No. 1785, intention to execute and deliver not to exceed \$2,900,000 of 2006 refunding certificates of participation to refund a portion of the outstanding City of Scotts Valley 1997-1 refunding certificates of participation and approve Resolution No. 1786 appointing special counsel, disclosure counsel, a municipal underwriter, structural

consultant and a trustee for execution and delivery of 2006 refunding certificates of participation for the purpose of refunding a portion of the outstanding 1997-1 refunding certificates of participation; and approving certain agreements in connection therewith

- B. Approve updated Services Supervisor class specification

**ALTERATIONS TO  
REGULAR AGENDA**

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

**REGULAR AGENDA**

- 1. Discussion: Cancellation of September 6, 2006 City Council meeting**

Mayor Aguilar stated that she had requested this meeting be cancelled due to her attendance at the League of California Cities Annual Conference being held in San Diego, September 6-9, 2006. She stated that as a member of the Public Safety Policy Committee she had meetings that she was required to attend on September 6, and with only one item on the September 6 agenda at this time, she was requesting that the City Council cancel the meeting.

***M: Barrett  
To cancel the September 6, 2006 City Council meeting.  
Motion failed, no second.***

- 2. Discussion: Polo Ranch Draft EIR – Lennar Communities/Greystone Homes request to discuss an alternative concept plan to the submitted development application to subdivide the 113-acre Polo Ranch site into 41 lots for single-family dwellings**

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

Jerry Embree, Planning Consultant for Lennar Communities, thanked the Council for their time and feedback. He went over the new plan and stated that it responds to Council's previous recommendation for smaller lots and the question of what that would do to the project. He stated that the revised lots are 8,000 -14,000 square feet with a 8,000 square foot minimum, and that the previous plan had a minimum lot size of 10,000 square feet. He also stated that he had several meetings and phone conversations with John Sutton (Co-founder the local non-profit group Black Diamond Foundation, LLC) regarding the Polo Barn (Lot 41). He stated that they are proposing to move the Barn approximately 250 feet to the northwest, allowing the entry road to have a better flow and providing more separation between the Barn uses and lots.

VM Bustichi thanked the developer for due diligence in responding to the City Council's previous comments on the Draft EIR. He questioned Mr. Embree regarding the condition that they are proposing to leave the Barn in. Mr. Embree responded that they have always planned on making a major contribution to the rehabilitation of the barn and that relocating the Barn would be part of the development cost, including new skin, foundation, utilities, and

landscaping. He stated that the amount of work to be done on the inside (e.g., sprinklering) depends on the interior uses.

John Sutton, Co-Founder of the Black Diamond Foundation LLC, stated that they have sent some comments and recommendations to Lennar and the Planning Commission regarding the Barn. He stated that if the Barn is relocated, he would recommend rotating it 150 degrees clockwise so that the front of the Barn faces the street. He stated that relocation would allow for more open space around the Barn, and it would also help with the endangered species and grading issues.

Claire Hodgin, Scotts Valley resident, stated that she is concerned about the Black Diamond Foundation proposal, because the Barn has always been proposed park land in the City's Parks Master Plan. She stated that she would like to see an alternative to private ownership and proposed the following: setting up a 501(c)3 as an independent entity with a Board of Directors, and set it up for public use, leaning toward the Arts, which could include archery. She proposed that the present owner deed the property to the 501(c)3, with an unbreakable proviso that if the 501(c)3 fails, the ownership of the land would revert to the City and the Parks & Recreation Department. She stated that show knows it would be a huge job to do that would take a lot of time and a lot of coordination, but there are people who can do it. She stated that she is willing to work on it, but her preference is toward visual, music, and performing arts. She would also like to see the former groom's quarters used for a meeting place for various clubs and for the entire facility to get heavy civic use. She stated that if \$650,000 could be raised for the skate park, she did not see why we could not raise the money for the Barn.

Mike Keogh, Scotts Valley resident, spoke in favor of the City taking over the Polo Barn in order to keep it available for civic use and stated that he feels this property should be owned by the City. He expressed concern about turning Lot 41 (Polo Barn site) to Black Diamond Foundation without an open bidding process for other local groups. He stated that this is an opportunity that should not be missed.

Gene Scothorn, Scotts Valley resident, recommended that the owners who will be living in the development have a say on the use of the open space. He recommended keeping the Lot 41 property under the ownership of the City and that the City entertain proposals from multiple organizations for its use. He recommended that the City keep Lot 41 as open space, like the Glenwood residential development, and not specify uses until the homes are occupied.

Pam Smith, Scotts Valley resident and Parks & Recreation Commissioner, stated that the majority of the Parks & Recreation Commission agreed with moving the Barn, but did not specify uses. She urged the Council to keep the Barn (Lot 41) under the control of the City and not have any long term uses.

Mayor Aguilar reviewed the Parks & Recreation recommendations on page 24 of the staff report.

CM Marigonda stated that he is not in favor of shrinking the lot sizes down to 8,000 square feet and clustering, and that he preferred the previous site plan to the proposed plan. He stated that he is opposed to giving up City land, so he is concerned about the possibility of the Black Diamond Foundation taking over the Barn, which could potentially belong to the City.

VM Bustichi stated that he preferred the larger lot sizes, however, he could live with smaller lot sizes in order to protect land. He stated that he did not have a problem with moving the Barn, but he would like City to retain ownership and look into leasing to a variety of groups to include an art component. The Parks Master Plan call for the Barn as a park site, so he is open to facilitate this, such as a passive park with trails. He stated that he is not opposed to the Black Diamond Foundation being involved, but he is hesitant to give up ownership.

CM Barrett stated that he is okay with the reduction in lot sizes, although he does prefer the larger lot sizes, he stated that he feels the proposed plan provides better environmental protection. He questioned the dedication of Lot 41 to the City. He stated that he does not have a problem with the relocation of the Barn and rotating it 150 degrees. He stated that he does not have a problem with the archery use, however, he would like to see the land and the Barn dedicated to the City and have an open competition for the use. He questioned the liability concerns that the City might have with Lot 41 and how we would handle all of the open space and trails.

CM Johnson stated that he prefers the larger lots, however, he is in favor of the more environmentally sound plan with reduced lot sizes. He stated that regarding the Barn, he is concerned about the cost of restoration and feels we need more information about who else might be interested in participating. He stated that he is not sure that if the Barn is a meeting place people will take full advantage of it. If there is real interest within the community for the Barn, then people should step forward.

Mayor Aguilar stated that she is not too comfortable with the relocation of the Barn, but would prefer to see it reconfigured to incorporate the sensitive habitat and expand the Barn site into Lot 33. She stated that she feels it is critical that the Barn be restored and maintained and that she is open to a competitive bid process for the use. She stated that she does not have a problem with the archery use, but she feels we need to look at the maintenance, upkeep, insurance, and return of money on the facility. She stated that she does not concur with a gated community concept because she wants it open for trail access. She stated that low lighting ballards should be used.

Mr. Embree asked for clarification and direction on where to go with lot size before going forward with the Draft EIR. He stated that he felt moving the Barn would allow for the creation of a historical park.

VM Bustichi asked if Lennar was willing to restore the barn as a fully functional building, safe to go in and walk in, with caretakers quarters and kitchen refurbished.

Mr. Embree stated that yes, with the caveat that depending on the use, they don't know exactly what work will be required on the inside such as fire sprinklers, ADA, etc.

Mayor Aguilar questioned when the Barn would be restored.

Mr. Embree stated that the Barn would be the first thing to happen because it is in the way of the entire development. He also stated that whether the Barn is in its current or modified location, homes would sell better if it is restored.

SP Fodge summarized that this preliminary review is not a formal decision, it is simply to get Council feedback. She stated that it is up to Lennar Communities to decide whether they want to proceed with the new concept with the larger Lot 41. Then Lennar Communities would have their engineers prepare detailed plans to submit to the City for environmental review and feedback. After the EIR is finalized, the entitlements (planning permits) will be prepared for review by the City Council, including determining the ultimate disposition and uses of the Barn. She stated that there will be plenty of opportunity for public input at the future public hearings with advance public notices.

CM Barrett questioned whether Succinto Drive would still be an emergency access road.

SP Fodge stated that Succinto Drive as an emergency access road had not changed. However, she wanted to point out that the revised concept plan has reduced road widths (22 feet) and there was concern at the Planning Commission level that there was adequate on-street parking.

Mayor Aguilar stated that she would like to see locations within the development with parking on at least one side of the street.

3. **Future Council/RDA agenda items:** None.

### **CONVENE TO CLOSED SESSION**

The City Council convened to closed session at 7:35 p.m. to discuss the following items:

1. Pursuant to Government Code Section 54956.9, the City Council met in closed session to confer with their legal counsel regarding potential litigation – 4 cases.

### **RECONVENE TO OPEN SESSION**

The City Council reconvened to open session at 8:10 p.m.

**REPORT ON ACTION TAKEN DURING CLOSED SESSION**

Mayor Aguilar announced that there was nothing to report.

**ADJOURNMENT**

The meeting adjourned at 8:15 p.m.

Approved: \_\_\_\_\_  
Stephany E. Aguilar, Mayor / Chair

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