

MINUTES

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

Date: September 2, 2009

POSTING:

The agenda was posted 8-28-09 at City Hall, SV Senior Center, and on the Internet at www.scottsvalley.org It was posted at the SV Library on 8-29-09.

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

Mayor Johnson
Vice Mayor Reed
Council Member Aguilar
Council Member Bustichi
Council Member Lind

City Manager Ando
City Attorney Powell
Public Wks Director Anderson
Police Chief Weiss
Interim Community Dev Dir Westman
Senior Planner Bateman
City Clerk Ferrara

COMMITTEE REPORTS CM Lind reported that LAFCO met and approved the application for annexation for Brook Knoll Elementary School to join the Rolling Woods Sewer Collection District due to a septic system failure at the School. She reported that another resident in the Brook Knoll School area reported that his septic system has failed and others in the area are failing. She stated that LAFCO also approved an extra-territorial agreement with the property owner on the condition that he obtains annexation and a connection agreement with Rolling Woods. She stated that they also discussed SB211, and that there is a growing opposition to this bill. She stated that SB211 has been shelved for a year by its author, Senator Joe Simitian, in order to allow time for further evaluation.

VM Reed reported that the Library Subcommittee met to review the Agreement for Professional Services with Group 4 Architects for architectural and related services for the remodel of 251 Kings Village Road for a 13,150 square foot library facility. He stated that they need to further review and narrow the scope of work in the agreement due to budget concerns.

PUBLIC COMMENT

John Roberson, SV resident, presented the City Council with a cross that he made for the City Council Chambers.

Frank Kertai, SV resident and President of the Heritage Park Homeowners Association, submitted and read a letter (Attachment A) regarding Title II Corporation, Target, and the upcoming Draft Environmental Impact Report for the Gateway South project.

ALTERATIONS TO CONSENT AGENDA

M/S: Aguilar/Reed

To approve the Consent Agenda.

Carried 5/0

Consent Agenda:

- A. Approve Joint City Council/RDA meeting minutes of 8-19-09
- B. Second reading and adoption of Ordinance No. 16-ZC-217 approving zone change ZC03-003 and planned development (PD) district overlay PD97-006 to change the existing zoning districts from R-1-10, R-1-20, R-MT-5 single family residential zones to R-1-10/PD, OS (open space), and P/Q, P/PD (public/quasi-public/planned development) for the 40-lot Polo Ranch subdivision and related property improvements, located at the end of Santa's Village Road / APNs 024-281-03 & -04
- C. Second reading and adoption of Ordinance No. 16-ZC-217.1 approving development agreement DA09-001 for the 40-lot Polo Ranch subdivision and related property improvements, located at the end of Santa's Village Road / APNs 024-281-03 & -04

ALTERATIONS TO REGULAR AGENDA

VM Reed requested that item 3 be continued to the September 16, 2009 City Council meeting in order to allow additional time to review the proposed scope of work.

CM Aguilar requested that the Library Subcommittee look at Section 2.6 of the Scope of Work because the tenant improvements do not include seismic upgrades to the existing building, and she would like to see that evaluated further.

M/S: Reed/Lind

To approve the Regular Agenda as amended continuing item 3 to be heard at the September 16, 2009 City Council meeting.

Carried 5/0

REGULAR AGENDA

1. Consideration of 2009/2010 budget reductions

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

CM Aguilar recommended taking the three days off at Christmas as furlough days if the employees would prefer. CM Aguilar stated that giving up the City Council benefits would provide a large cost savings.

CA Powell responded that Government Code Section 36516.5 and a State Attorney General's opinion state that during their term in office the Council could voluntarily give up those benefits, however, they cannot mandate it. She stated that no reductions in Council Member compensation or benefits can occur until December 2010.

Sylvia Sanchez, SEIU 521 representative, stated that she will do her best to work with the City regarding the furlough.

Walt George, City employee, read a list of positions that have been eliminated or frozen over the years, including those currently being considered, and stated that the City has gone from 40 to 28.5 positions, which is a 31% decrease.

Paul Bach, Scotts Valley Responsible Local Development Political Action Committee (SVRLDPAC), read from a May 2009 article in the Santa Cruz Sentinel regarding the City's budget. He stated that he does not feel that the City has done enough over the years to fix and prepare for its budget problems, and he feels the only solution is to renew Measure C.

CM Aguilar stated that she would like to start the process for the April transition of the Public Works Department Administrative Secretary now, should any of the people being laid off who are qualified be interested in the position.

M/S: Aguilar/Reed

To approve the staff recommendation, which includes: the concept of a work furlough as discussed in the staff report and above; the elimination of the positions of Building Official, Administrative Secretary III/Planning Aide, Planning/Economic Development Specialist, and Office Assistant due to a lack of funds and/or work; authorize the recruitment of a part-time (10 hour per week) Building Inspector position; and start the internal recruitment for the Public Works Department Administrative Secretary if there are any interested parties.

Carried 5/0

PUBLIC HEARINGS

2. **Consideration of the Planning Commission's recommendation of approval of a land division (LD09-001) and use permit (U09-004) for the division of two existing industrial buildings into nine industrial condominium units for industrial use located at 1300 and 1350 Green Hills Road // APN 024-261-07**

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

PUBLIC HEARING OPENED - 7:12 PM

No one came forward.

PUBLIC HEARING CLOSED - 7:13 PM

M/S: Aguilar/Reed

To approve Resolution No. 1833 approving land division (LD09-001) and use permit (U09-004) for the subdivision of two existing industrial buildings into nine industrial condominium units for industrial use located at 1300 & 1350 Green Hills Road / APN 024-261-07.

Carried 5/0

REGULAR AGENDA

3. **Consideration approval of agreement for professional services in the amount of \$667,510 with Group 4 Architecture, Research + Planning, Inc. for architectural and related services for the remodel of 251 Kinds Village Road for a 13,150 square foot library facility**

This item was continued to the September 16, 2009 City Council meeting in order to allow additional time to review the proposed scope of work.

4. Future Council/RDA agenda items

None.

ADJOURNMENT

The meeting adjourned at 7:20 p.m.

Approved: _____

Randy Johnson, Mayor / Chair

Attest: _____

Tracy A. Ferrara, City Clerk / Secretary

20090902 City Council Meeting Kertai Comments

Good Evening. My name is Frank Kertai. I am a resident of Scotts Valley and President of the Heritage Parks Association.

This city council will shortly have brought before it the consideration for approval of the Final Environmental Impact Report for a large retail project at Gateway South. This despite the fact that the property owner, Title II Corporation, and its' principle Mr. Choo, are in arrears on the payment of hundreds of thousands of dollars of back taxes for this property. A majority of those past due property taxes is owed to the City of Scotts Valley.

That report should include an evaluation of the environmental business practices of the proposed retailer, Target Corporation. These questionable practices should be of concern to this city council. The time to consider these practices is before approval is granted for the project.

It was recently widely reported in various California local news media that Attorney General Brown and twenty district attorneys filed a suit against Target Corporation for repeated willful disregard for California's hazardous-waste laws. That lawsuit alleges that over an eight year period, Target has been illegally dumping flammable liquids and toxic chemicals in local landfills.

Brown's office claims that since 2001, Target has been served with over 300 Notices of Violation for breaking California's Hazardous Waste Laws. If successful, this lawsuit would force Target Corporation to clean-up its act and to comply with state environmental laws.

What impact will this proposed project have locally? The environmental effects are many. The primary impacts would be on our local water supply and on local traffic. The initial Traffic report concludes that the project would generate nearly 10,000 additional car trips per day on La Madrona Drive, which is a two lane country road. This additional traffic would significantly impact Scotts Valley families going to and from Brook Knoll Elementary School. The proposed site is also a significant recharge area for our community's sole source of water – our aquifer.

Once that final Environmental Impact Report is released, this community will have 45 days to ask questions about the report and provide inputs to this City Council. I highly encourage the public to review the final EIR and to provide these inputs. After the EIR is certified and approved, it will be too late.

Over the past two years I have provided significant background information to this city council that details how a large big-box retail store as proposed for Gateway South would have net negative impact on both our local economy and on our local government. Over twenty other Bay Area governments have already reached this conclusion and enacted restrictions or outright bans on retail superstores. The cities of Santa Clara and Salinas are recent additions to this list.

OIn addition to the environmental impact report required by law, this city council promised this community an economic impact report. We look forward to seeing the results of this localized study and its' conclusions. It will be interesting to see how Scotts Valley differs from 128 other local municipalities in terms of how it would be impacted by a Big-Box store.

20090902 City Council Meeting Kertai Comments

All of Target's talk about "social responsibility" and "giving back to the community" is disingenuous when its' ongoing business practices both flaunt the law and have such a negative impact on our local environment.

Add to this evidence a pattern of bad corporate behavior as described in the recent newspaper article and it is easy to assess this project. Not only is it a highly inappropriate development proposal – it is simply wrong for this city and community.

Respectfully,

Frank Z. Kertai