

MINUTES

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

Date: September 7, 2005

POSTING:

The agenda was posted on 9-2-05
at City Hall by the City Clerk.

CALL TO ORDER 6:02 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
Senior Planner Fodge
Principal Planner Young Lind

COMMITTEE REPORTS

CM Bustichi reported that the Santa Cruz Metropolitan Transit District has been meeting to discuss contract negotiations. He stated that they have had some mediation sessions with the bus driver's union in an attempt to avoid a strike and they are hopeful that negotiations will come to a conclusion soon.

CM Johnson reported that the Santa Cruz County Transportation Commission met and discussed the State money that is becoming available to fund various projects. He stated that discussions centered around how that money will be distributed and shared.

PUBLIC COMMENT

CM Barrett stated that an E-waste clean-up will be held on September 17 between 9:00 am and 1:00 pm on Erba Lane.

Mayor Marigonda encouraged contributions to the Red Cross and other organizations that are assisting with Hurricane Katrina.

**ALTERATIONS TO
CONSENT AGENDA**

VM Aguilar requested that item C be moved to the regular agenda for discussion.

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

Consent Agenda:

- A. Approve Joint City Council/RDA meeting minutes of 8-17-05
- B. Approve check register – 8-18-05 and 8/29/05
- D. Second reading and adoption of Ordinance No. 176 adding Chapter 5.10 to Title 5 of the Scotts Valley Municipal Code regulating massage establishments
- E. Approve lot line adjustment number LLA05-003 at 552 Bean Creek Road (22-271-11/Common Area) and 552-108 Bean Creek Road (22-294-07)
- F. Approve request to modify contracts for Polo Ranch:
 - (1) Modification No. 3 - Agreement between the City of Scotts Valley and Lennar Communities/Greystone Homes for the preparation of an environmental impact report by a consultant
 - (2) Modification No. 6 - Agreement between the City of Scotts Valley and Impact Sciences, Inc. to prepare an environmental impact report (EIR) for Lennar Communities/Greystone Homes

**ALTERATIONS TO
REGULAR AGENDA**

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

REGULAR AGENDA

- C. **Approve Resolution No. 1618.2 amending tree removal permit processing procedures pursuant to Section 17.44.080 of the Scotts Valley Municipal Code**

VM Aguilar stated that she felt the proposed tree removal procedure should be changed to send out notices prior to taking action instead of after the permit is approved to avoid the after the fact appeal process.

M/S: Aguilar/Bustichi
To table this item and direct staff revise the proposed resolution and bring it back at a future meeting.
Carried 5/0

1. Discussion: Skypark Town Center concept

CDD Kuhn presented the written staff report and responded to questions from Council. She stated that this is a very preliminary stage in the process. She stated that tonight would include a presentation by the development team and Erin Miller from the architectural firm. She stated that staff is looking for direction from the RDA Board of Directors on the following questions:

- 1. Is the development plan embracing the design and land use concepts

desired by the Agency?

2. Are there concerns and issues which need to be further evaluated, considering the public comments received and the information submitted thus far?
3. Should staff and the subcommittee continue to the next step of negotiating a Pre-Development Agreement for review by the Agency in October?

Russ Pratt, representing the development team, introduced members of the development team: Howard Norton, Scott Norton, Kevin Pratt, and Michael Pratt. He provided a history of their development experience in Scotts Valley and an overview of their proposed development that incorporates the concerns, issues, and desired features for the Scotts Valley Town Center that were gathered during the public meetings.

Erin Miller, representing the architectural firm, presented a 17 page power point presentation which included: a project overview, potential opportunities within the town center, the definition of a town center, potential town center elements, an existing site plan, a community meeting concept diagram, a circulation concept diagram, a town center infrastructure diagram, mixed use examples, a development and land use pattern overview, examples for the character of the town center, and the next steps necessary in the process.

CM Bustichi stated that the public meetings and input over the last four months had been an extremely beneficial and important in this process. He stated that a slow methodical process is very important to a quality development.

VM Aguilar questioned if a performing arts center had been discussed.

Mr. Pratt stated that there had been some discussion regarding a performing arts center; however, they have been working on a library as a priority. He stated that they are willing to look into the possibility of including a performing arts center.

CM Johnson stated that a performing arts center had been discussed; however, funding for a performing arts center is not available at this time, as opposed to the library, which does have funding available.

Mayor Marigonda reviewed the three issues presented for Agency discussion and opened the meeting up to the public for input.

Wendy Brannan, Whispering Pines, stated that one of the things she felt would be helpful is to see the location of the skate park represented on future site plans. She stated that she is concerned about parking and circulation, and swapping park land for library use. She recommended that the Council request input from the Parks & Recreation Commission regarding the needs of the community as it relates to a performing arts center and other possible

improvements and amenities.

Marcelo Ciero, congratulated the Council and developer on the proposed plans. He proposed digital signage, in proper balance with nature, and digital connectivity to bring this project into the 21st century.

Claire Hodgkin encouraged arts in the town center and recommended including a performing arts center and gallery within the development.

Jondi Gumz, Santa Cruz Sentinel, questioned the land swap proposal.

Erin Miller responded to Ms. Gumz question and stated that this is still in a very preliminary phase and they are open to suggestions and comments.

CM Bustichi stated that he believes a performing arts center is a great idea and they will continue discussions; however, cost is an issue. He also responded to the possibility of the dog park going away or being moved and stated that they may need to move it to another area, but he feels strongly that we should maintain a dog park somewhere in the City. He recommended moving forward with the pre-development agreement.

CM Johnson stated that the idea of a performing arts center is not being excluded; however, past discussions have included a joint venture with the High School on a performing arts center to be located at the High School. He stated that there are challenges ahead; however, we have an excellent relationship with the developer and he recommended moving forward with the pre-development agreement.

CM Barrett recommended moving forward with the pre-development agreement. He stated that he would like to see a future potential location for the dog park and a performing arts center. He recommended the inclusion of affordable senior housing near the senior center.

VM Aguilar stated that she is concerned about the proposal to swap park land. She stated that she would be more inclined to have the plaza where the plans now show the park and library, and then on the upper far right corner have the library instead of residential because it is located next to the park, the senior center, the community center, and the transit center. She recommended having the performing arts center next to the library. She also stated that there had been a number of requests to not have a street opening up onto Skypark Drive at the public meetings, and she wanted to clarify if the proposed plans were showing a street or pedestrian pathway.

Erin Miller stated that they are proposing a street opening up onto Skypark Drive; however, there will be a thorough traffic study by a traffic engineer, and they feel that they can design an intersection that would help manage and improve some of the traffic issues that currently exist.

VM Aguilar stated that she would prefer not to have senior housing next to

the park due to noise and traffic concerns.

Mayor Marigonda thanked the Skypark Subcommittee, CDD Kuhn, CM Comstock, SP Fodge, and the development team for all of their hard work. He stated that what he likes specifically about this proposal is the integration of commercial, residential, and recreational. He stated that he likes the idea of a connection on Skypark Drive and the idea of senior housing. He stated that he is concerned about parking. He stated that in his opinion discussions can continue on the performing arts center; however, money is definitely a large concern. He stated that initial discussions regarding the dog park in 2001 were that the dog park would be temporary. He stated that they will be looking at it very seriously and the possibility of alternate locations will be discussed further. He recommended moving forward with the pre-development agreement.

2. **Consideration of a preliminary review (PR05-001) to rezone and create three lots from two lots at 305 Hacienda Drive (APN 23-251-07) and 18 Nashua Drive (APN 23-251-02)**

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

VM Aguilar stated that she would like to see a PD any variances are required.

CM Johnson disclosed that in the past he had a business arrangement with the applicant; however, that financial arrangement no longer exists and he does not have a conflict.

Council unanimously agreed with the following responses to the questions in the staff report:

1. Is the proposed re-zone appropriate? **Council response: Yes**
2. Should 307 Hacienda Drive be included in a future re-zone application? **Council response: No**
3. Is a planned development appropriate to allow reduced lot depths for all three designs and possibly setbacks (setbacks only an issue for Lot A)? **Council response: Yes**
4. Which design is most appropriate? **Council response: Design #1**

CM Bustichi encouraged the applicant to be as creative as possible to avoid a Planned Development.

VM Aguilar encouraged the applicant to speak to the neighboring properties regarding the potential impact of the proposed home.

PUBLIC HEARINGS

3. **Consideration of adoption of City park rule disallowing sales in City park parking lots**

PWD Anderson presented the written staff report and responded to questions from Council.

PUBLIC HEARING OPENED - 7:45 PM

Todd Teman, Skypark resident, stated that he is opposed stopping the sale of ice cream from trucks in parking lots.

Laurie Cates, owner of ice cream business in Scotts Valley (Aunt Lali's Treats), stated that she is opposed to stopping the sale of ice cream from trucks in parking lots. She stated that she is fully licensed and abides by all the laws. She stated that her business is a family business and that the City would be taking away her livelihood if this rule is put into effect. She stated that the larger issue is that there is not enough parking.

Wendy Brannan, Whispering Pines Drive, stated that she is in favor of the City Council approving the addition of the "no sales in parking lots" to the existing park parking lot rules. She stated that she is concerned about the health and safety issues related to conducting commercial business in parking lots.

PUBLIC HEARING CLOSED - 7:55 PM

CM Johnson stated that he is opposed to restricting this type of business. He stated that he is aware of the safety issues; however, he stated that he does not feel there is a problem at this time.

CM Barrett stated that he is in favor of implementing this new rule because they can still conduct business if they park on the street.

CM Bustichi stated that he is opposed to implementing this new rule. He stated that trucks on the street concern him much more. He stated that he would agree to limiting the time they are there, the number of times per day, the number of days, and requiring them to park in a parking stall.

VM Aguilar stated that she would like to see the vendors park in a stall.

CM Johnson stated that he is concerned that the trucks would take up two stalls instead of one which will reduce parking.

Mayor Marigonda stated that he is not convinced that this rule is needed at this time. He stated that if we cannot regulate the number of businesses he does have a concern. He stated that he feels we need to evaluate this issue further to establish some reasonable regulations. He stated that he would direct staff to look at all the legalities, restrictions, and options to limit business in parking lots.

Wendy Brannan stated that the loading zones had been eliminated to add more parking and that this is not an ice cream issue but a vendor issue.

VM Aguilar stated that she would like to explore this issue further.

M/S: Barrett/Aguilar

To postpone this item to a later date, and direct staff to look at the legalities, restrictions, and options to limit business in parking lots and return to Council with more information and additional options.

Carried 5/0

4. **Consideration of a General Plan Amendment and Zoning Ordinance Amendments to allow secondary dwelling units and guesthouses to be served by wells and to update the definition of flag lots (GPA05-003 and ZAO05-021)**

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

PUBLIC HEARING OPENED - 8:25 PM

No one came forward.

PUBLIC HEARING CLOSED - 8:25 PM

M/S: Johnson/Bustichi

Approve Resolution No. 1119.26 amending Public Service & Facilities Element, Policy PSP-568, of the Scotts Valley General Plan to eliminate the prohibition on private well use for projects not requiring discretionary review (GPA005-003)

Carried 3/2 (NOES: Aguilar, Barrett)

M/S: Johnson/Bustichi

To introduce Ordinance No. 16.120 amending Title 17, Zoning of the Scotts Valley Municipal Code regarding Section 17.04.090 (to provide a revised definition for flag lots); Sections 17.41.030 and 17.41.110 (to allow secondary dwelling units and guest houses to be served by wells where the property is located more than 200 feet from an existing sewer main); Zoning Ordinance amendment (AZO05-002) and waive the reading thereof.

Carried 3/2 (NOES: Aguilar, Barrett)

5. **Consideration of Ordinance No. 16-121 amending Sections 17.26.020, 17.56.050.B, 17.56.180.C.1, 17.56.180.D.2 17.56.180.G.1 and 17.56.180.G.2, (sign setback definition), 17.56.070.A (signs in the right-of-way), 17.56.170.A.1-4 (on- and off-site signs), 17.56.190.A.1 (improvements to nonconforming signs), and 17.56.190.A.2-3 (enforcement of illegal signs) of Title 17 (Zoning) of the Scotts Valley Municipal Code**

PP Young Lind presented the written staff report and responded to questions from Council. She stated that VM Aguilar had requested two changes to the Planning Commission's recommendations regarding the enforcement of

nonconforming signs, distributed as an add on.

CM Barrett stated that he has a problem with the non-conforming signs and he feels they should be brought into conformity when they want to change them. He agreed with all other changes including the proposed changes by VM Aguilar.

CM Johnson stated that he would prefer to see non-conforming signs upgraded and that he supports the recommendations of the Planning Commission.

VM Aguilar stated that the subcommittee felt that with the degrading signs in the City, this is beneficial to the community and businesses. She stated that she feels it allows a balance.

CM Bustichi agreed with the Planning Commission recommendations and the changes proposed by VM Aguilar.

Mayor Marigonda agreed with the Planning Commission recommendations and the changes proposed by VM Aguilar.

PUBLIC HEARING OPENED - 8:40 PM

No one came forward.

PUBLIC HEARING CLOSED - 8:40 PM

M/S: Aguilar/Bustichi

To introduce Ordinance No. 16.121 amending Scotts Valley Municipal Code, Title 17, Chapter 17.56, Signs, Sections 17.56.020, 17.56.050.B, 17.56.070.A.1-2, 17.56.170.A.1-4, 17.56.080.C.1, 17.56.180.D.2, 17.56.180.G.1-2, and 17.56.190.1-3; Zoning Ordinance amendment (AZO05-003), as amended and waive the reading thereof. Carried 4/1 (NOES: Barrett)

REGULAR AGENDA

(Resumed)

6. Discussion: City staffing update

FD Ando presented the written staff report and responded to questions from Council. He stated that in 2000-01 we had 75.91 positions and in 2005-06 we now have 69.00 positions. This item is for discussion purposes only and no action is required.

7. Future Council/RDA agenda items

None.

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 9:00 p.m. to discuss the following item:

Pursuant to Government Code Section 54957(b)(1), the City Council met in closed session to confer with the City Manager regarding public employment for the position of Community Development Director.

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 9:15 p.m.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

Mayor Marigonda announced that there was nothing to report.

ADJOURNMENT

The meeting adjourned at 9:16 p.m.

Approved:

Paul Marigonda
Mayor / Chair

Attest:

Tracy A. Ferrara
City Clerk / Secretary