

# MINUTES

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

**Date: October 20, 2010**

### POSTING:

The agenda was posted on 10-15-10 at City Hall, the SV Senior Center, and the SV Library by the City Clerk.

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

**PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE**

### **ROLL CALL**

Present:

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

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

### **COMMITTEE REPORTS**

VM Bustichi reported that the ADA Subcommittee has been continuing to meet to determine areas that are in need of improvement throughout the City. He reported that the Public Works Department just recently replaced concrete with asphalt in a sidewalk area by Oak Tree Villa where tree roots were causing problems. He reported that the asphalt will make it easier to repair future damage caused by the tree roots.

CM Lind reported that LAFCO has been the subject of civil action from the Bonny Doon Fire litigation, and a statement was recently issued by the courts denying the petition for the writ of mandate in its entirety and ruling in favor of Santa Cruz LAFCO.

CM Lind reported that the Seniors Advisory Council and discussed health care costs in Santa Cruz County. She reported that Seniors who have questions regarding health care costs can contact Hicap at 462-5510 or Senior Network at 1-800-434-0222.

CM Aguilar reported that AMBAG met and discussed the Energy Watch Program, which is an energy assessment of government buildings throughout the Santa Cruz, Monterey, and San Benito counties to help cut back on energy costs.

CM Johnson reported that the Santa Cruz County Regional Transportation Commission (SCCRTC) held a special meeting last week regarding issues surrounding the rail line purchase.

## **PUBLIC COMMENT**

Sharolynn Ullestad, Executive Director of the Scotts Valley Chamber of Commerce, invited everyone to attend the annual Scotts Valley Chamber of Commerce Community Awards Dinner on November 13, 2010 at 5:00 pm at the Scotts Valley Hilton. She announced the community award winners: Kelly Gladder, Woman of the Year; Aaron Gouw, Sharemi Ullestad Memorial Youth of the Year; John Hohmann, Man of the Year; Wells Fargo Bank, Business of the Year; Scotts Valley Kiwanis, Organization of the Year.

CM Lind announced that next week is Red Ribbon Week in Scotts Valley to support a drug free lifestyle and environment. She also announced that students are involved, in addition to several local businesses who will be participating and offering discounts for anyone wearing a red ribbon.

VM Bustichi announced that the Scotts Valley High School baseball team is starting a series of fundraisers for their coming year. He announced that their first event is a yard sale at 7:00 am at 4865 Scotts Valley Drive on October 23, 2010.

VM Bustichi announced that Valley Christmas Project/Valley Churches United will be holding a series of events this year. Following are some of the dates: October 23, Spaghetti Dinner at St. John's Catholic Church in Felton; October 29, Halloween Food Drive Kick-off at St. Andrew's Preschool; November 1, San Lorenzo Valley/Scotts Valley holiday canned food drives; December 2, Valley Churches Annual Gala at Scopazzi's; December 3, Moose Lodge Christmas dinner; December 4, Scotts Valley Christmas Holiday Light Festival.

Mayor Reed announced that a dedication ceremony for the utility art box project was held this evening at 5:15 pm at Scotts Valley Drive and Disc Drive.

Mayor Reed announced that he participated in a tour of the City's wastewater treatment facilities with a group of Cub Scouts.

## **ALTERATIONS TO CONSENT AGENDA**

***M/S: Aguilar/Johnson***  
***To approve the Consent Agenda.***  
***Carried 5/0***

### **Consent Agenda:**

- A. Approve Joint City Council/RDA meeting minutes of 10-6-10
- B. Approve check register – 10-1-10
- C. Approve amendment to the Association of Monterey Bay Area Governments (AMBAG) By-Laws
- D. Ratify the Scotts Valley Fire Protection District Fire Code, adopted by the Scotts Valley Fire Protection District Board of Directors by Ordinance No. 2010-1 at their October 13, 2010 Board meeting
- E. Approve lot line adjustment between APN's 024-191-15 and 024-191-20 on El Carlo Drive

## **ALTERATIONS TO REGULAR AGENDA**

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

## **REGULAR AGENDA**

### **1. Consideration of economic development incentive for Zero Motorcycles**

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

Gene Banman, CEO of Zero Motorcycles since 2008, gave a PowerPoint presentation on Zero Motorcycles, provided some history and details on the company, which started in 2006, provided details on their electric motorcycle products, and responded to questions from Council.

Jay Friedland, Vice President of Zero Motorcycles, responded to questions from Council.

Sharolynn Ullestad, Executive Director of the Scotts Valley Chamber of Commerce, spoke in favor of the City approving this economic incentive from the Redevelopment Agency for Zero Motorcycles.

***M/S: Johnson/Aguilar  
To authorize the Executive Director negotiate an agreement with Zero Motorcycles and return to Council for approval of the agreement.  
Carried 5/0***

### **2. Discussion: County of Santa Cruz proposed vacation rental ordinance**

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

CM Aguilar asked staff to obtain a copy of the City of Capitola vacation rental ordinance.

The following spoke in opposition to the proposed County of Santa Cruz vacation rental ordinance:

Bob Vallerga, representing the Senior Coalition

Candy Noel, Santa Cruz County Association of Realtors

Robert Rio

Gene Scothorn, Vice Chair of the Republican Central Committee of Santa Cruz County

Judith Buck, property manager

Tamera O'Kelly, vacation rental owner

Bruce Kaiser

Monica Bowman, (distributed a copy of a petition to the Council).

Beth Webber Guarino

Anthony Benning

Peter Vervika, realtor/broker in Santa Cruz County

Sharolynn Ullestad, Executive Director of the Scotts Valley Chamber of Commerce

Dave Reetz, spoke in favor of the proposed County of Santa Cruz vacation rental ordinance:

VM Bustichi expressed concerns about Scotts Valley passing a resolution weighing in on other jurisdictions decisions, like the County. He stated that he is in opposition to the proposed County of Santa Cruz vacation rental ordinance, but stated that he feels it is inappropriate to get involved in County matters, because he does not want the County to get involved in Scotts Valley matters.

CM Lind spoke in opposition to the proposed County of Santa Cruz vacation rental ordinance, and stated that she agreed with VM Bustichi's comments.

CM Aguilar spoke in opposition to the proposed County of Santa Cruz vacation rental ordinance, however, she also stated that she does not believe Scotts Valley's input will change the County's position.

Mayor Reed spoke in opposition to the proposed County of Santa Cruz vacation rental ordinance and stated that he feels the Council should send a letter urging the County to fully evaluate the impacts this ordinance will have on the entire County.

CM Johnson stated that he is concerned about the negative impacts this ordinance will have on the City and the entire County. He stated that he agrees with sending a letter, however, he stated that he would like the letter to be strongly worded because he does not want to send a letter that is so watered down that it is inconsequential.

VM Bustichi stated that he does not support sending a letter because he does not feel it is appropriate.

CM Lind stated that she could only support a letter that deals specifically with the impacts the ordinance will have on Scotts Valley only. She also stated that it should not be too strongly worded.

***M/S: Johnson/Reed***

***To draft a letter to the County urging the County to fully evaluate the impacts this ordinance will have on the entire County and bring the letter back to the next regular Council meeting for approval.***

***Carried 3/2 (NOES: Aguilar, Bustichi)***

## **PUBLIC HEARINGS**

- 3. Appeal Hearing: Consideration of an appeal of the Planning Commission's approval of a temporary 2-year Use Permit to allow an outdoor contractor storage yard in both the C-S and I-L zones at 5300 Scotts Valley Drive / APN 022-042-07 (U10-002)**

SP Fodge presented the written staff report and responded to questions from Council. She informed the Council that this is a de novo hearing, which means that the project is reviewed as if it has not been heard before and as if a decision has not been previously rendered.

Lawrence Ross, MD, Appellant, reviewed his reasons for filing this appeal as stated in his letter on page 11 of the staff report.

Santana Noble, President of Santana Paving, stated that he does not have 15 vehicles, that number includes his vehicles and equipment. He also stated that he will comply with the conditions placed on this temporary use permit.

**PUBLIC HEARING OPENED - 8:54 PM**

Steve Bogner, owner of adjacent property, spoke in opposition to the use of this property as a temporary storage facility due to concerns about noise impacts and pollution.

Terry Guy, President of Small Business Consulting, spoke in opposition to the use of this property as a temporary storage facility due to concerns about traffic and impacts on Scotts Valley Drive.

Tom Alexander, Scotts Valley Drive property owner, spoke in opposition to the use of this property as a temporary storage facility due to concerns about tracking dirt onto Scotts Valley Drive and because he feels it negatively impacts business.

**PUBLIC HEARING CLOSED - 9:02 PM**

CM Aguilar recommended the following conditions:

- Pave the lot.
- Renewal for any extensions would come to Council with neighboring properties being notified.
- No cleaning and maintenance on the weekends.

VM Bustichi expressed the following concerns and made the following recommendations:

- Structures are unsafe and he would like to see the structural component brought back to the Planning Commission.
- Concerned about paving the site and affecting impervious surfaces.
- Concerned about potential pollution impacts to the Creek and would like to see a stormwater plan to protect the Creek.
- Allow a 1 year use permit to be reviewed by the Council in 1 year and decide at that time to extend the use permit or not.

CM Lind expressed the following concerns and made the following recommendations:

- Concerned about impacts to neighbors.
- Would like to see closer monitoring.
- Structures go before the Planning Commission for approval.
- Have the extensions come back to the City Council for approval, not the Community Development Director.

Mayor Reed expressed the following concerns and made the following recommendations:

- Since Mr. Noble has a 2-year lease we should approve a 2-year use permit, or not approve it at all.
- Would support extensions coming back to the Council after two years, not to the Community Development Director.

After Council discussion, CA Powell made the following amendments to Resolution No. 1858 and the Conditions of Approval:

- Resolution No. 1858: Eliminate all references to the shed/carport.
- Resolution No. 1858, Section 3, Item 2, second sentence: The outdoor contractor's storage yard use meets the requirements of this finding in that the conditions allow a 2-year temporary use permit, with a 1-year review by the City Council and the possibility of revocation, and with the ability for 1-year extensions subject to review and approval by the Community Development Director (CDD) City Council.
- Condition 5: The Temporary Use Permit is valid for a 2-year period, with a 1-year review by the City Council and the possibility of revocation, and with the potential for a staff-level 1-year extension(s) subject to review and approval by the Community Development Director (CDD) City Council. The permit shall expire ~~September 9, 2012~~ October 21, 2012, unless the applicant submits an application to extend the permit in advance to allow adequate processing time.
- Condition 6: Hours of operation shall be limited to Monday-Friday from 7:00AM to 6:00 PM and Saturday-Sunday from 8:00AM to 5:00PM. No maintenance and/or repair of equipment/vehicles is allowed on-site on Saturday-Sunday. The CDD may reduce hours of operation if noise from the outdoor storage becomes a problem, as determined by the CDD.
- Condition 8: ~~To avoid the requirement to install fire sprinklers in each carport, the applicant shall reduce the size of each carport by 45 square feet each to not exceed 1,000 square feet, before a final building inspection, subject to approval by the Contract Building Inspector.~~ The applicant shall obtain Design Review approval by the Planning Commission for any carports before building permit issuance.
- Condition 9: The applicant shall obtain a business license within 30 days of project approval ~~and before building permit issuance of the carports.~~
- Condition 15, first sentence: To prevent accidental discharge of construction related fuels, lubricants or other contaminants into the right-of-way, project site, or other properties, the developer shall implement best management practices during ~~of carport construction and the entire duration of the temporary use permit.~~

***M/S: Bustichi/Lind***

***To approve Resolution No. 1858 denying an appeal and approving temporary use permit (#U10-002) to allow an outdoor contractor storage yard on a vacant lot in the C-S and I-L zones at 5300 Scotts Valley Drive / APN 022-042-07, as amended above by the City Attorney. Carried 5/0***

## **REGULAR AGENDA**

(Resumed)

### **4. Consideration of vacancies in the Public Works Maintenance Division**

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

***M/S: Bustichi/Lind***

***To authorize the hiring of one maintenance worker and to solicit formal bids for mowing and/or any other services and return to Council with a comparison***  
***Carried 5/0***

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

VM Bustichi requested an item for the next Council agenda to form an City Council exploratory subcommittee to evaluate consolidation with the Scotts Valley Water District.

**ADJOURNMENT**            The meeting adjourned at 9:42 p.m.

Approved:

  
\_\_\_\_\_  
Jim Reed, Mayor / Chair

Attest:

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