

MINUTES

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

Date: October 21, 2009

POSTING:

The agenda was posted on 10-16-09 at City Hall, the SV Senior Center, and on 10-17-09 at the SV Library by the City Clerk.

CALL TO ORDER 6:03 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
City Clerk Ferrara

COMMITTEE REPORTS CM Aguilar reported that AMBAG met and discussed their application for Proposition 84 monies to do a transportation modeling for Monterey and Santa Cruz counties, to help with the requirements of SB 375 and AB 32 for green house gas reductions.

CM Aguilar reported that the League of California Cities filed a constitutional amendment today with the Attorney General's office to protect local revenues to include transportation monies, user tax gasoline monies, prohibit the state from taking local tax dollars such as TOT taxes, any other taxes that we use to keep our law enforcement and our cities in good health. She stated that she will be bringing forward more information on this as it becomes available. She stated that from 2007 to 2009 the state has taken \$1.977 billion away from transportation agencies, and \$13,916,312 from Santa Cruz County alone. She stated that the League is also looking to take the loophole out of Proposition 1A, so the state cannot "borrow" money from cities.

CM Lind reported that the Senior Commission met and despite massive budget cuts they are still able to provide many valuable services to seniors. She reported that many seniors are being affected by fraud and scams in Santa Cruz County, and the Seniors Commission is trying to get information out to Seniors to protect them.

Mayor Johnson reported that the Santa Cruz County Regional Transportation Commission (SCRTC) held a workshop to talk about a concept they are trying to implement, called the STAR system, which would be used for

transportation projects. He stated that the STAR system tries to enhance the most environmentally friendly components of any project, that still make sense financially and economically.

PUBLIC COMMENT

Frank Kertai, SV resident and President of the Heritage Parks Homeowners Association, read the attached letter (Attachment A) regarding the SEIR for the Gateway South retail project, and encouraged citizens to submit their comments on the SEIR to the City by Wednesday, November 4, 2009.

Paul Bach, President of the Scotts Valley Responsible Local Development Political Action Committee (SVRLDPAC), spoke regarding the Draft SEIR that recently came out for comment on the Gateway South Retail project. He expressed concerns and stated that he believes the economic study in the Draft SEIR is inadequate and the proposed Target retail store is too large.

**ALTERATIONS TO
CONSENT AGENDA**

Paul Bach requested that item be moved to the regular agenda for discussion.

M/S: Bustichi/Aguilar

To approve the Consent Agenda moving item to the regular agenda for discussion.

Carried 5/0

Consent Agenda:

B. Approve check register – 10-7-09, 9-9-09

C. Second reading and adoption of Ordinance No. 86.3 amending or adding various sections of Title 6 of the Scotts Valley Municipal Code relating to animal control

**ALTERATIONS TO
REGULAR AGENDA**

M/S: Aguilar/Reed

To approve the Regular Agenda moving item from the consent agenda for discussion.

Carried 5/0

REGULAR AGENDA

A. Approve Joint City Council/RDA meeting minutes of 10-7-09, 8-5-09

Paul Bach, SVRLDPAC, stated that the City was in violation of Scotts Valley Municipal Code Section 2.28.080 by not placing the 8/5/09 City Council minutes on the agenda until now, and stated that he would like the City to put into place measures to be sure this does not occur again.

CM Bustichi requested that a future agenda item be placed on the agenda to re-evaluate the time requirements in Section 2.28.080 of the Scotts Valley Municipal Code regarding the reading of the minutes.

M/S: Aguilar/Reed

To approve the Joint City Council/RDA meeting minutes of 10-7-09.

Carried 4/0/1 (ABSTAIN: Bustichi)

M/S: Bustichi/Lind

***To approve the Joint City Council/RDA meeting minutes of 8-5-09.
Carried 5/0***

1. Consideration of ADA Subcommittee improvement project recommendations

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

Mayor Johnson recused himself due to the proximity of his residence to this project.

Ellen Buckingham, care provider, spoke in favor of the City Council approving these two projects.

M/S: Aguilar/Bustichi

***To move forward with getting actual cost estimates for both items and bring it back to Council for final consideration.
Carried 4/0/1 (ABSENT: Johnson)***

CM Aguilar requested that the ADA Subcommittee send a letter to the real estate agencies notifying/reminding them that A-frame signs cannot be placed on the sidewalks and medians.

2. Consideration of first reading and introduction of Ordinance No. 183 approving the entering into a lease agreement with the Scotts Valley Redevelopment Agency in connection with financing the acquisition and improvement of the Scotts Valley Public Library

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

M/S: Aguilar/Reed

***To approve first reading and introduction of Ordinance No. 183 approving the entering into by the City of Scotts Valley with the Redevelopment Agency of the City of Scotts Valley of a lease agreement in connection with financing the acquisition and improvement of a public library, and waive the reading thereof.
Carried 5/0***

3. Consideration of approval of Resolution No. 1834 approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith

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

M/S: Aguilar/Reed

To approve Resolution No. 1834 approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith.

Carried 5/0

4. Consideration of approval of Third Amendment to the Redevelopment Agency Pre-Development with Stanbery Development for the Town Center Project

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

Paul Bach, SVRLDPAC, asked that the City reflect the current status of the Town Center on its website.

CM Bustichi requested that the City website link his Op Ed that was published in the Banner a month or two ago, regarding the status of the Town Center.

M/S: Aguilar/Bustichi

To approve the Third Amendment to the Redevelopment Agency Pre-Development with Stanbery Development for the Town Center Project as amended, changing the due dates in Section 6 of the PDA regarding concept design drawings and preliminary budgets from September 1, 2010 to July 1, 2010.

Carried 5/0

5. Future Council/RDA agenda items

CM Bustichi requested that a future agenda item be placed on the agenda to re-evaluate the time requirements in Section 2.28.080 of the Scotts Valley Municipal Code regarding the reading of the minutes.

ADJOURNMENT

The meeting adjourned at 7:18 p.m.

Approved: _____

Randy Johnson, Mayor / Chair

Attest: _____

Tracy A. Ferrara, City Clerk / Secretary

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

The SEIR for the 143k sq ft. retail project at Gateway South has been released for public review. All comments regarding this EIR must be submitted to the city by **Wednesday, November 4th, 2009.**

The final traffic report for this project is fatally flawed. It fails to follow the city's own Guidelines for preparing Traffic Impact Studies. The Target TIS traffic counts are more than two years old and completely ignores the Mt. Hermon Rd/Spring Lakes intersection from its' analysis. Traffic impacts from the Target project are comparable to the Town Center project. That project's traffic study evaluated traffic impacts on the entire city. Target is the single largest stand alone retail project ever proposed in the city's history. And yet, only eight intersections were evaluated, even though this project has regional impacts. The additional car trips per day are equivalent to the entire adult population of Scotts Valley travelling on La Madrona Drive, a two lane country road.

The EIR report concludes that this project would not physically divide an established community. While it may not do so physically, the traffic impacts effectively do so, separating the southern most portion of the city from the rest of Scotts Valley. Significantly, the planned parking would be over 200 spaces short during the holiday season – a 40% deficit. And Target's own development guide recommends 572 spaces for this size retail development, not the 517 parking spaces planned.

Notably, the project requires an amendment to the Gateway South Specific Plan to accommodate the proposed building coverage. City approvals would be required to permit an increase in building coverage from 151,000 sq. ft. to 262,650 sq. ft. – a variance of nearly **75%**! And how is this to be achieved? Building plans skirt the city's "**responsible hillside development**" policy by cutting and blasting into the hillside, inserting 32 foot high retaining walls, front filling the parcel on concrete pads 26 feet above La Madrona resulting in a 100 foot tall Target logo visible for miles.

The EIR states the proposed project is consistent with city's land use policies. I disagree. Here are just a few sections of the City's Land Use Plan this project is inconsistent with:

LP-25 The City shall prohibit new land use activities within and in close proximity to residential zones that generate undesirable impacts which cannot be mitigated.

LA-26 Through the environmental and permit review process, the City shall identify projects which could impact residential zones in a negative manner, and if such impacts cannot be mitigated, the City shall deny the project.

LP-45 Commercial land uses should be concentrated along the urban core of the City.

Aesthetically, the proposed Target "Arts and Crafts Movement" Big-Box style is totally inconsistent with the Chalet look and feel of other commercial development at Gateway South, including the Hilton Scotts Valley and Scotts Valley Corners. And this, the single largest retail development ever proposed in the city's history, is at the edge and entrance to our city – not at its' center. Finally, the EIR report concludes that there are eight significant, unavoidable impacts even after mitigation.

I question the reports' conclusion that the project would not significantly impact public services, specifically police and fire. A grant to build a fire station has been applied for on the tear-drop parcel across from the Hilton Scotts Valley. The estimated seven to eleven thousand additional car trips per day on La Madrona will have a significant impact on any fire response from this location. Also, a retail project this size and level of traffic will require significant additional policing.

Target's questionable environmental record should also be of concern to this city council. California Attorney General Brown and twenty local district attorneys recently 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.

Additionally, Target Corporation recently agreed to pay \$600k in civil penalties for importing and selling a variety of toys with high levels of lead paint on the surface. The Consumer Product Safety Commission alleged that Target **knowingly** imported and sold the illegal toys between May 2006 and August 2007.

All of Target's talk about "social responsibility" and "giving back to the community" is disingenuous when its' ongoing business practices flaunt the law, have such a negative impact on our local environment and result in endangering to children. Not only is this a highly inappropriate development proposal environmentally – it is simply wrong for this city and community.

I encourage the public to review the Target SEIR and to provide feedback to this city council. After the EIR is certified and approved, it will be too late for public comment. Imagine a Big-Box store ¼ the size of Capitola Mall at the gateway to our city. If certified and approved, this Target will put a bulls-eye on the face of Scotts Valley.

Respectfully,

Frank Z. Kertai