

MINUTES

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

Date: November 7, 2007

POSTING:

The agenda was posted on 11-2-07
at City Hall, the SV Library, and the
SV Senior Center by the City Clerk.

CALL TO ORDER 6:03 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

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

City Manager Comstock
City Attorney Powell
Deputy City Mgr/Admin Svs Dir Ando
Police Chief Weiss
Public Wks Director Anderson
Interim Community Development Dir Westman
City Clerk Ferrara

COMMITTEE REPORTS VM Johnson reported that the Santa Cruz County Regional Transportation Commission met and discussed general business including the viability of a sales tax measure for Highway 1, state allocations, and priorities.

VM Johnson reported that the Library Joint Powers Authority met and discussed the continuation of the library sales tax that has a sunset in 2013. He stated that the Board discussed when and if to place this on the ballot.

Mayor Bustichi reported that the Santa Cruz Metropolitan Transit District met to discuss general business. He also reported that they will be starting labor negotiations soon.

Mayor Bustichi reported that the Skypark Subcommittee is continuing to meet with interested developers who have a variety of ideas and concepts for the Town Center. He reported that the Subcommittee will be narrowing down the field and making a recommendation to the City Council within the next month. CM Aguilar questioned why we have not done an official request for proposals. She stated that she would like to see a competitive process with a broad base of interested developers being reviewed by the entire City Council. Mayor Bustichi stated that the Skypark Subcommittee will be sharing all of the information received from developers, and the entire City Council will be making the final decision.

VM Johnson reported that he attended the Chamber of Commerce dinner and that it was a fantastic success. He stated that the Man, Woman, Business, Youth, and Beautification Project of the year were presented with proclamations by the Mayor.

VM Johnson reported that he attended a symposium put on by the Silicon Valley Group where they discussed whether housing pays for itself. He stated that it was an interesting discussion and overall it appears that housing does pay for itself by a very small margin. He stated that most of the cities present receive 8% to 9% of the property taxes paid as opposed to Scotts Valley who only receives 4%.

Mayor Bustichi reported that the City Selection Committee met and discussed the Light Brown Apple Moth (LBAM) spraying and subsequent lawsuits, housing allocation numbers from AMBAG, and an upcoming green building/sustainable housing expo coming up in Watsonville that is being headed up by Dale Skillicorn.

PUBLIC COMMENT

Charlie Eadie, Hamilton Swift, addressed the City Council regarding Central Home Supply and Bruce Canepa. He stated that the issues have been resolved between the concerned participants and thanked the Council for giving them the time to work things out. He stated that the appeal from Mr. Canepa had been withdrawn and read the attached letter (Attachment A) from Bruce Canepa.

CM Aguilar stated that the Senior Center will be holding its Annual Holiday Craft Faire on November 10 and 11 from 9:00 am to 4:00 pm at the Scotts Valley Senior Center and Community Center.

CM Reed thanked the Scotts Valley Police Department for their response to the problems at UCSC, their work at Scotts Valley High School, and on Halloween.

Frank Kertai, Monte Fiore resident, thanked the Council for their support this past week. For the record, he stated that virtually all of the residents in Monte Fiore are very concerned with any retail development that may transpire on the property next to the Hilton on La Madrona Drive.

ALTERATIONS TO CONSENT AGENDA

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

Consent Agenda:

- A. Approve check register – 10-19-07
- B. Ratify the Scotts Valley Fire Protection District Fire Code, adopted by the Scotts Valley Fire Protection District Board of Directors by Ordinance No. 2007-1 at their October 10, 2007 Board meeting
- C. Approve the City of Scotts Valley Sewer System Management Plan (SSMP) Development Plan and Schedule as required under Statewide General Waste Discharge Requirements for Sanitary Sewer Systems Order No. 2006-0003

- D. Approve resolutions regarding Community Facilities District 2007-1 (Bean Creek Estates) as follows:
- (1) Resolution No. 1807 establishing Community Facilities District No. 2007-1, to authorize the levy of a special tax to pay the cost of acquiring, construction, and/or maintaining certain improvements and expenses of the District and to pay debt service on bonded indebtedness;
 - (2) Resolution No. 1807.1 to incur bonded indebtedness in an amount not to exceed \$745,000 within Community Facilities District No. 2007-1;
 - (3) Resolution No. 1807.2 appointing consultants for the formation and implementation of the City of Scotts Valley Community Facilities District No. 2007-1. Robert Haight as Special Counsel, Robert DeWitt & Associates as special tax consultant, and Wulff, Hansen & Company as municipal bond underwriter.
- E. Approve contracts for professional services (peer review) with Bauldry Engineering and Nolan Associates for a debris wall located at 903 Whispering Pines Drive // APN 021-291-01

**ALTERATIONS TO
REGULAR AGENDA**

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

REGULAR AGENDA

1. Request for Redevelopment Agency funding - Shop Local First Campaign

DCM/ASD Ando presented the written staff report and responded to questions from Council. He stated that the Scotts Valley Chamber of Commerce Executive Director, Sharolynn Ullestad, was present at the meeting to present the "Shop Local First Campaign".

Ms. Ullestad stated that they have developed a logo and bumper stickers. She also showed the commercial that they prepared for the Shop Local First Campaign and responded to questions from Council. She stated that they will also be going on the radio to promote this program, launching a website to help people find specific products, using newspaper media, and educating the public. She stated that they plan to continue and expand this program. She stated that they are requesting \$6,000 from the Scotts Valley Redevelopment Agency to help with the campaign: \$3,000 would go towards the overall campaign and \$3,000 would be used locally to produce Shop Local First street banners that would be placed on Scotts Valley Drive and Mt. Hermon Road.

CM Aguilar recommended placing the ad in the theaters.

CM Barrett asked if the Chamber could use some of the \$15,000 that the City already gives the Chamber annually and asked how much the County had funded. Ms. Ullestad responded that those funds are already allocated. She stated that the County of Santa Cruz approved \$10,000, not the \$30,000 requested.

Josh Breeden, President of the Scotts Valley Chamber of Commerce, spoke in support of the Shop Local First Campaign, and asked the Council for their support. He stated that he feels it is an investment in a stronger economy and community.

CM Barrett stated that he feels \$6,000 is too much money. He feels that businesses are private enterprise and he does not feel it is appropriate to spend redevelopment funds on this campaign.

VM Johnson stated that he feels this is an appropriate use of redevelopment agency funds because it promotes economic development, and the campaign will have an impact on shopping behavior that will come back to the City in increased sales tax.

CM Reed stated that he agrees that direct funding of private business is inappropriate; however, this does not provide direct funding for specific businesses, and he feels it will have a direct benefit to the City and the entire community through sales tax funds.

CM Aguilar stated that she feels there is a public benefit because we are not helping a specific business.

CM Barrett questioned if there is a plan on how to make up the difference of the \$30,000 that was requested from the County, and the \$10,000 they received. Ms. Ullestad responded that they are continuing to request funding from other cities and will be looking at sponsorship from foundations. She stated that if necessary they will be narrowing the number of ads and advertising, and they will rearrange their campaign as necessary.

M/S: Johnson/Reed

To approve the expenditure of \$6000 from the Redevelopment Agency for the Shop Local First campaign, half of which will go the overall campaign and half of which will be used for Shop Local First banners to be placed on the poles on Scotts Valley Drive and Mt. Hermon Road. Carried 4/1 (NOES: Barrett)

2. Discussion: Herbicide use in Skypark Linear Park

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

CM Aguilar stated that she had requested this item because she does not feel that the linear park is being maintained appropriately. She distributed pictures to the Council that showed, in her opinion, that herbicide and its overspray is harmful and kills bees, worms, and the natural bacteria in the soil needed to grow plants.

Tom Houso, owns property just outside the Linear Park (between the Linear Park and Lockhart Gulch), stated that he was not aware of a problem with the herbicides, however, he is concerned that it could cause problems with erosion for his home.

Sheryl McEwan, Skypark resident, Certified Master Gardener and Certified Green Gardener, presented a written proposal to the City Council for an integrated pest management policy (on file in the Office of the City Clerk). She requested that Council consider the following:

- (1) Stop the use of herbicides at the Linear Park and train the staff in other methods of weed control, possibly using Ecology Action's Green Gardener Program;
- (2) Consider an integrated pest management policy for the City of Scotts Valley. She stated that she feels the use of herbicide has destroyed a number of native plants in addition to the weeds they were targeting.

Tom Karwin, Santa Cruz resident and Master Gardener, spoke in opposition to the use of Round-up and the issues they have had with it. He stated that Roundup is a systemic wide spectrum herbicide that is widely used because many people think it is harmless. He stated that he is concerned about the validity of studies on safety because they have been carried out by the manufacturers of Roundup. He read warnings from the Roundup label and stated that it is not an innocuous material. He stated that there is a strain of super weeds that are immune to Roundup, and will require stronger and more dangerous herbicides to kill them, if herbicides are used. Roundup destroys the natural balance of the soil and has negative impacts on the plants. He stated that several local governments prohibit or limit the use of Roundup: the City of Santa Cruz, the County of Santa Cruz., the City of Santa Barbara, City of San Francisco, and Seattle. Mr. Karwin requested that the City of Scotts Valley limit sharply the use of Roundup and similar pesticides on City property.

Ron Jensen, President of Back to Eden Landscaping and Maintenance Inc., stated that he is not a proponent of Roundup, but it is used as a means to an end. He stated that they have used Roundup for twenty years, and almost every commercial landscape maintenance company does, because it is cost effective, and effective. His understanding of Roundup is that it is a post emergent herbicide that is selective, in that it only targets what it is sprayed on. His understanding is that Roundup is nonvolatile, which means that once it hits the soil it is not active on the soil, it is only active on the live plant that it is applied to. He stated that in regard to the Linear Park, after the initial cleanup, they have only used backpack sprayers, which use a wand next to the ground. He stated that they have not sprayed from the walkway to the houses in the past year, they have only applied Roundup from the walkway to the fenceline, just above the bluff. He stated that even though they sprayed along the fenceline, nothing on the other side of the fence from where they sprayed was affected. He stated that they use it selectively based on the request of the City. He stated that they will abide by whatever the Public Works Department requests that they do.

CM Barrett questioned what the increased cost would be if we stopped the use of Roundup. Mr. Jensen responded that he was not sure, but it would be extensively higher.

CM Aguilar stated that she feels there a variety of different mechanisms that can be used to cut costs. She also clarified that integrated pest management included weeds and pests.

CM Reed questioned if Mr. Jensen felt his company had killed any plants that they were not supposed to. Mr. Jensen responded stated that they have not sprayed where all of the heavy plant material was planted. He stated that they try to be selective in the area between the walkway and fence, i.e. California poppies, etc. and they don't believe they are getting drift from the spraying. He stated that this account is always scheduled as a morning job, because if the winds are 10-15 miles per hour they will not spray. CM Reed questioned if staff has an opinion on what may have caused the plants to die. PWD Anderson stated that he had walked the entire length of the linear park with Mr. Jensen and they could not come up with a specific reason for the problems. PWD Anderson stated that they saw plants of a certain species that were dead, next to juvenile plants of the same species that were doing well.

Roxanne Evans, State Coordinator of Ecological Landscaping Association, owner of Eco-Centric Design (local landscape design company), went through the Cabrillo Horticulture program, and has been certified in various degrees, stated that Skypark has been an important community resource and a teaching tool. She stated that Skypark Linear Park is the largest California native demonstration garden in the county, which was established over twelve years ago. She stated that many people have donated their time over the years to make this park what it is. She stated that this year a number of the plants that were there last year are not there this year (a 25% to 35% reduction), and she feels many of the plants were killed by chemicals. She stated that she feels it is a terrible loss of a teaching garden, and read from a book titled *Bay Friendly Landscape Guidelines*, which states that to continue working with standard landscape practices is to continue to poison the earth. She stated that we need to develop and adopt ecologically friendly techniques and emphasized that we need to learn how to properly manage our landscapes as a community. She feels that the proper care of public lands can teach private citizens how to better manage their property without chemicals, and stated that she feels the increased cost of approximately \$5,000 is a small price to pay for public health and to be a good role model.

Mayor Bustichi questioned if native plants cycle. Ms. Evans responded that they do cycle, and stated that many of the plants in Linear Park go through a dormancy period in the summer. Mayor Bustichi questioned if one of the problems was the lack of water we had this year, and stated that when he walked the Linear Park he saw many instances of plants that looked like dry sticks, with fresh green buds coming from underneath and around it. He asked if that would be an example of a plant that went dormant, because of lack of water, and then started growing again. He asked if the plant would come back if it had been sprayed with Roundup. Ms. Evans stated that when a plant goes dormant it does not usually dry to a stick, but she is not sure what type of plant he is referring to. She stated that if it had been sprayed with Roundup the plant would not come back.

Ms. Evans stated that one of the best practices for this type of landscape for controlling weed suppression, erosion control, and limiting supplemental irrigation, is mulching. She stated that it is best to have 3 inches of mulch at all times that is re-applied at least annually, if not twice per year. She stated that sheet mulching also exists and is very effective.

Janet Fogel, SV resident and Chair of Parks & Recreation Commission, stated that she is an organic gardener, which is a challenge, and takes a lot of education and time. She stated that she is concerned about the safety of children in an area that may have been sprayed with Roundup. She stated that she believes the City has acted in a responsible way and has been accountable, but with the additional knowledge, she feels we need to be a role model, look at the best interests of Scotts Valley in the future, and take the lead in the county to develop a strong integrated pest management policy.

CM Aguilar stated that she would like to have the Parks & Recreation Commission look at the integrated pest management policy and research it. She stated that she would like to eliminate the use of Roundup in the Linear Park at this time, and she feels it is time to look at a new method of taking care of the Linear Park.

CM Reed thanked Sheryl McEwan for all of her hard work on the Linear Park. He stated that he was concerned when he heard about the safety concerns associated with Roundup. He stated that the Santa Cruz County Department of Agriculture approves the use of Roundup and so does the State of California. He stated that he feels this comes down to a dollar issue and recommended, in the future, obtaining bids from companies that break down the cost of maintaining the park with and without herbicides. He talked about the ability of Scotts Valley to raise funds for important needs in the community, and stated that he would be happy to contribute and volunteer at the Linear Park. He stated that he does not feel the City is in a position to fund this at this time, because he feels it would be much more than \$5,000.

VM Johnson recommended sectioning off a small portion of the park, 100 yards or so, to have an herbicide free zone to test some of the theories that have been presented.

CM Barrett stated that he feels the City should look into this and set up an integrated pest management program at some point.

Mayor Bustichi thanked CM Aguilar for bringing this item to the Council. He stated that the City had been asked to do something about the weeds in the Linear Park, which we did, and it looks much better than it did. He agreed that the City should look into an integrated pest management program and policy proposal, however, he stated that he would like to see some science regarding this issue.

The City Council unanimously agreed to refer review and consideration of an integrated pest management program/policy to the Green Building Subcommittee and City staff.

3. Discussion: Revisions to the massage ordinance

PC Weiss presented the written staff report and responded to questions from Council.

Suzy Hunt, massage therapist in SV for 15 years, thanked the Council for creating the opportunity to review this issue. She spoke in opposition to the massage ordinance and annual LiveScan fingerprinting.

Maria Rossi, resident of SV and massage therapist for 10 years, spoke in opposition to the LiveScan process and the massage ordinance. She stated that she wants to be sure that if the City is going to have the ordinance, it is enforced.

Leah Trespachin, massage therapist, spoke in opposition to fingerprinting and going through the LiveScan process annually.

Doug Worlow, SV resident for 11 years, client of massage therapy, and husband of massage therapist, spoke in opposition the LiveScan process through the massage ordinance.

CM Aguilar stated that she requested this ordinance be brought back to the Council because she feels that fingerprinting through the Livescan process annually is excessive, and that the process could be streamlined.

PC Weiss stated that the whole purpose of the Livescan fingerprint process is so that the Department of Justice would notify the City if there is any criminal activity.

The Council expressed their concerns about people who had already paid for fingerprinting this year, having to pay again under the proposed change to the ordinance.

The Council unanimously agreed that the proposed ordinance changes would streamline the process, and directed staff to bring a revised ordinance back for first reading and introduction after the Police Department receives approval from the State Department of Justice on their "subsequent arrest notification" application.

4. Request for Redevelopment Agency funding - Scotts Valley business advertorials

DCM/ASD Ando presented the written staff report and responded to questions from Council.

After discussion, Council unanimously agreed not to go forward with this program as they feel it would single out specific companies and would be redundant with the Choose Santa Cruz First campaign.

5. Consideration of deferral of impact fees for the Quarry Site on Scotts Valley Drive

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

The majority of the Council agreed that they would like to have some type of security or mechanism to guarantee that the deferred impact fees would be paid.

CA Powell questioned if the City would be entering into this agreement now, or would the Council just authorize the deferral, and the City would negotiate an agreement once the Mandarino family has a potential buyer. She stated that the City could put a provision into the agreement that interest would accrue at 5%, and so long as they pay by a date certain, the interest payment would be forgiven, and if not, the interest would accrue.

Mayor Bustichi responded that it was his understanding that this would be a tool to assist the Mandarino Trust in marketing the project, and the City would then be negotiating with the potential specific developer.

Mark Barber, Mandarino family employee, stated that he has worked for six months showing this proposed project to at least 15 different developers, and each developer has a different way of financing their projects. He stated that they are close to making a deal with a developer, and the Mandarino family would be sure that the necessary security or mechanism to guarantee that the deferred impact fees are paid, would be part of the deal.

The City Council unanimously agreed to allow for the deferral of impact fees for the Quarry Site on Scotts Valley Drive with a provision that there is some type of security or mechanism to guarantee that the deferred impact fees will be paid.

CM Comstock stated that staff will bring back an agreement to the City Council. He clarified that the Economic Development Subcommittee wanted to be sure that this type of deferral would be restricted for only mixed use projects or commercial projects at this time.

6. Future Council/RDA agenda items

CM Barrett requested a future agenda item for consideration of an integrated pest management program/policy.

ADJOURNMENT

The meeting adjourned at 9:40 p.m.

Approved: _____

Dene Bustichi, Mayor / Chair

Attest: _____

Tracy A. Ferrara, City Clerk / Secretary\