

MINUTES

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

Date: December 5, 2007

POSTING:

The agenda was posted on 11-30-07
at City Hall, the SV Library, and the
SV Senior Center by the City Clerk.

CALL TO ORDER 6:02 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

SPECIAL SET MATTERS a) Nomination/Motion of Mayor/Chair for 2008

M/S: Barrett/Aguilar

***To appoint Vice Mayor Johnson as Mayor/Chair for 2008.
Carried 5/0***

b) Nomination/Motion of Vice Mayor/Vice Chair for 2008

M/S: Aguilar/Reed

***To appoint Vice Mayor/Vice Chair for 2008.
Carried 5/0***

c) The City Council took a recess until 6:25 p.m.

COMMITTEE REPORTS CM Aguilar reported that the League of California Cities held their Legislative Action Days in San Jose on November 29 to go over legislation that was passed in 2007 (copies of the written report distributed to the City Council). She stated that there is proposed legislation that would require local government agencies to make any part-time employees full-time after three months. She stated that the League is opposed to this legislation because of the negative impact it would have on cities, especially recreation departments. She also stated that the State budget has a \$10 billion deficit and the League is watching closely to see what kind of negative impact this could have on cities and counties.

CM Barrett reported that the Local Agency Formation Commission (LAFCO) met to discuss routine items. He stated that there is nothing to report, however, they will be dealing with the Bonny Doon Fire District situation in the next few months.

CM Barrett, Water Subcommittee, stated that he had received a letter from the Scotts Valley Water District General Manager, Charlie McNiesh, requesting a letter of support from the City for grants.

Mayor Johnson reported that the Library Joint Powers Board met and their main topic of discussion was making the 1/4 cent sales tax for libraries permanent. He stated that this sales tax was originally passed in 1996 with a sunset clause in 2013. He stated that the majority of the Board voted to place this on the June 2008 ballot, however, he voted against placing it on this ballot because it will cost \$200,000 more in June than it would in November and he feels it is too soon to place it on the ballot.

PUBLIC COMMENT

Paul Bock, Scotts Valley resident and CEO of a Scotts Valley software company, spoke in opposition to Target being constructed on La Madrona Drive.

Daryl Tempesta, Monte Fiore resident, spoke in opposition to Target being constructed on La Madrona Drive and asked for more creative development across Scotts Valley.

Mark Gransler, spoke in opposition to Target being constructed on La Madrona Drive.

Jerry Weingard, spoke in opposition to Target being constructed on La Madrona Drive.

Frank Kertai, President of the Heritage Parks Homeowners Association (Monte Fiore), spoke in opposition to Target being constructed on La Madrona Drive and submitted a letter to the City Council.

Wayne Blue, Scotts Valley resident, spoke in opposition to Target being constructed in Scotts Valley.

Rick Debir, spoke in opposition to Target being constructed on La Madrona Drive.

Les Deiter, Scotts Valley resident, spoke in opposition to Target being constructed on La Madrona Drive.

ALTERATIONS TO CONSENT AGENDA

M/S: Aguilar/Barrett

To approve the Consent Agenda as amended with a no vote on item E from Council Member Aguilar.

Carried 5/0 (No on Item E from Council Member Aguilar)

Consent Agenda:

- A. Approve Joint City Council/RDA meeting minutes of 11-21-07
- B. Approve check register – 11-19-07

- C. Approve second agreement regarding easement for use of parking lots between the City of Scotts Valley and Seagate Technology LLC
- D. Approve cancellation of January 2, 2008 City Council meeting
- E. Second reading and adoption of Ordinance No. 102.10, adopting uniform codes by reference by amending Section 15.04.060 of the Scotts Valley Municipal Code relating to building code standards
- F. Second reading and adoption of Ordinance No. 16.125 approving the zoning map amendments (Zoning Ordinance Amendments AZO07-005 and ND007-04)

**ALTERATIONS TO
REGULAR AGENDA**

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

REGULAR AGENDA

1. Presentation of Town Center final vision plan by RRM Design Group

Debbie Rudd and Dave Javid, RRM Design Group, gave an overview on the Vision Plan and Specific Plan, gave an update of what has been completed to date on the Town Center project, provided an update on what happened at the last two workshops, gave a presentation of the proposed Vision Plan, and responded to questions from Council.

Ms. Rudd stated that Stanbery is focusing on creating something that will not compete with the local economy and local businesses that are already here. She also stated that the document will have architecture and design guidelines.

VM Barrett questioned whether the residential construction would affect the soccer fields and the dog park. Ms. Rudd responded that the soccer fields would not be affected, but the dog park would have to be relocated.

CM Bustichi questioned sustainable building techniques for the project. Ms. Rudd responded that the document will include a section regarding sustainable building techniques as it relates to green building, landscaping, irrigation, water conservation, and looking at raising the bar for sustainability on this project. Ms. Rudd stated that Stanbery recently developed a green shopping center on the East Coast, so they are very open minded and willing to incorporate green concepts.

Mayor Johnson stated that he feels Stanbery is very willing to work with the community and the City to meet our needs.

CM Reed stated that he feels Stanbery is an excellent fit for this project. He emphasized that this is a community driven plan, not a developer driven plan. He stated that he would like to see a more open and stronger connection to the park as stated by CM Aguilar at the November 21, 2007 City Council meeting. Ms. Rudd responded that they are planning on having 360 degree architecture, and stated that they will include the importance of a strong connection to the park in the plan.

CM Aguilar reiterated her comments from the November 21, 2007 City Council meeting where she stated that she would like to see more access to the soccer fields and park at the rear of the project next to the proposed library, to allow for more open access and better flow between the park and the Town Center.

Rick Debir, complimented the look, feel, and architecture of the Vision Plan. He stated that he feels the Town Center is a better location for Target. CM Bustichi responded that Target has looked at a number of locations in Scotts Valley, including the K-Mart shopping center. He also stated that public input from town hall meetings is that the Town Center is not the appropriate place for a big box store.

Paul Bock, spoke in favor of the Town Center and stated that he agrees that this is not the place for a big box store. He stated that he does not feel it is appropriate to build both Target and the Town Center.

John Hopper, Scotts Valley resident, spoke in favor of the Town Center and stated that he would like to see better access from the Post Office to the Town Center.

M/S: Aguilar/Barrett

To approve the Skypark Town Center Vision Plan subject to modification to the entrance/connection to the park at the approval of the Skypark Subcommittee.

Carried 5/0

2. Discussion: Acquisition of vacant parcel of land at the corner of Green Hills Road and Glen Canyon Road // APN 24-221-01

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

CM Bustichi stated that he had received a letter from Jack Elzer (included in the agenda packet) who lives next to this property, requesting that the City consider sending a letter to the County requesting clean-up of the site. CM Bustichi stated that he would also like the Council to consider acquiring this property for park land and possible relocation of the dog park.

CM Aguilar stated that she would like to have this eyesore cleaned-up and eliminated; however, she does not feel it is the best location for a dog park because it is not a central location.

VM Barrett stated that there is a lot of debris on the site and probably only an acre of usable space. He stated that he would not like to see the City spend a lot of money on this site and recommended looking at a possible trade. He feels that it could possibly hold a small dog park or be used as a bike stop; however, parking could be an issue.

Mayor Johnson stated that he would like to see the site cleaned up. He would only consider purchase if there is a tangible use and if it was cheap.

CA Powell stated that staff could contact the County to see if there is any interest in selling. She stated that the site would have to be tested for contamination.

Council reached consensus to direct staff to communicate with the County to request clean-up of the site and to determine if there is any interest on the County's part to sell the property.

PUBLIC HEARINGS

3. Consideration of ordinance establishing a water mitigation program including retrofitting to high efficiency plumbing fixtures at the time of property transfers // AZO007-06

Interim CDD Westman presented the written staff report and responded to questions from Council.

CM Bustichi questioned the language regarding the recycled water at the property line: If we were to change that to within 50 feet from the property line, would that have to go back to Planning Commission? ICDD Westman responded that a change that significant would have to go back to the Planning Commission.

CM Aguilar stated that she was also concerned about the language as it relates to hooking up to recycled water.

ICDD Westman responded that the Planning Commission would like to see an ordinance that is not vague so that it cannot be interpreted differently for individual projects. She stated that they would prefer language that specifies within 50 feet or 100 feet of the recycled water line, or possibly a "not to exceed" dollar amount.

CM Aguilar stated that she would like more information regarding where stub-outs exist for the recycled water line, because she is not sure what adequate parameters would be based on the information she currently has.

CM Bustichi stated that the exact location of stub-outs on Scotts Valley Drive doesn't really apply because he does not feel that the recycled water line was adequately stubbed-out. He feels that a 50 foot margin is adequate because he feels it gives each property owner the ability to tap into the line, even if a stub-out does not exist at that location.

Mayor Johnson questioned whether this would only be for substantial new development. ICDD Westman responded that was correct.

PUBLIC HEARING OPENED - 8:10 PM

Charlie McNiesh, Scotts Valley Water District (SVWD) General Manager, stated that the SVWD is in favor of this ordinance; however, they do have some concerns about being specific regarding new – small and large– projects as it relates to connecting to recycled water. He stated that projects such as the Town Center and Gateway South are located far from existing

recycled water facilities and specific language would limit the SVWD's ability to have them hook-up to recycled water. He stated that the way the SVWD gets recycled water to those projects is to require the developer to extend the main line to get to that point, so the SVWD would not like to see specific language regarding this requirement. He stated that both the City and the SVWD have language in place that may be in conflict with the language as proposed, or any other specific language. He stated that there is existing City language that provides guidelines and criteria as it relates to requiring recycled water hook-ups such as, "*when it is economically reasonable to do so*", and the SVWD would help in that analysis and determining what the costs would be, which is consistent with SVWD policy. He feels the proposed ordinance should be consistent with what is currently in place and he does not see the need for the ordinance to address when to hook-up because those rules are already in existence. He recommends changing the wording as follows on page 8 of the staff report, Section 17.49.045, Item A1, the first sentence: *All new commercial construction shall install high efficiency fixtures and will be required to rough plumb dual piping to use recycled water when it becomes available in toilet fixtures for potential recycled water use and for landscaping*. He stated that the City and SVWD could work together on defining specific language/criteria as it relates to *economic feasibility* in the existing criteria. He stated that he is also concerned about introducing the landscaping concept because it doesn't appear anywhere else in this proposed ordinance and he feels this is also covered in existing City and SVWD regulations.

CM Reed questioned if staff felt it was appropriate to remove the language regarding landscaping. ICDD Westman stated that she felt it was appropriate.

CM Reed questioned whether staff felt GM McNiesh's recycled water comments as it relates to hook-ups were appropriate. ICDD Westman stated that the City's existing ordinance regarding recycled water is very vague as to when specific conditions apply or not. She stated that this was also one of the Planning Commission's concerns and that this is why they would like to see an ordinance that is cleaner and more specific. CM Reed questioned if staff had a recommendation regarding language. ICDD Westman that she was comfortable with CM Bustichi's recommendation to put language in that specified 50 feet or 100 feet. She stated that the Planning Commission believes the intent of the ordinance should be that individual developers should not bear the burden of putting in the recycled water lines, but only pay a portion of the cost.

CA Powell clarified that the ordinance the City currently has deals only with subdivisions for commercial and industrial projects, as well as major industrial and commercial projects that use a large amount of water. We don't have anything that deals with smaller remodel projects or additions and that is what this ordinance would also cover. The proposed ordinance is more specific than what we currently have on the books in terms of the projects it applies to and the requirements.

CM Aguilar suggested that we have a better dialogue between the SVWD Board and the Planning Commission or the City Council Subcommittee, to discuss what would work for and benefit both agencies, so that we can work

collaboratively to accomplish a specific goal of making sure that we are hooking up more people to recycled water. She feels it would be more appropriate to delay this issue to get a better consensus of what will work for the City, the community, and the SVWD to help preserve the aquifer.

CM Bustichi stated that he would like to see specificity on this issue and that he is willing to make a recommendation and vote on this ordinance.

CM Aguilar asked if the SVWD's capital improvement program would cover the cost of connecting Gateway South to the recycled water system.

GM McNiesh stated that it is not economically reasonable to construct the recycled water line up Mt. Hermon Road to Gateway South. He stated that the SVWD has invested more than \$10 million in the recycled water system and they are continuing to invest more money into it. He stated that if the developer does not cover the costs, the costs would have to be passed on to the rate payers. He agreed with CM Aguilar's suggestion to hold a meeting to work out the details as it relates to recycled water.

Margaret Hober, SVWD Board Member, stated that she agrees with GM McNiesh's assessment. She stated that the reason that we do not have more use of recycled is that the cost of distribution is prohibitive. She feels that if a developer is going to establish a new project, he should pay for the cost to connect to recycled water, or at least help out. She feels that cooperation between the SVWD and City is important.

GM McNiesh addressed his additional items of concern: He agrees that changing out from 1.6 to 1.28 gallon toilets is not enough savings to make it worthwhile; He stated that he disagrees with the staff report regarding scrap toilets being a disposal problem because they are recycled; How much benefit will there be from a retrofit? Over the over the last 4-5 years there have been approximately 150-160 homes sold on average in the Scotts Valley area, and if the retrofit on resale ordinance had been in place, we would have saved approximately 800,000 gallons per year. This is based on the assumption of 1.5 toilets per house and 2.5 people, going from a 3.5 gallon to a 1.28 gallon toilet. Each household would save about \$50 per year on their water bill. The average household would save about \$50 per year on their water bill. In response to the question of how long and how detailed a process it would be for the SVWD distribution permit to be modified to supply recycled to dual plumbing commercial buildings, it would probably six months or less from the time they submit an application to the Regional Water Quality Control Board.

PUBLIC HEARING CLOSED - 8:35 PM

CM Barrett stated that he agreed with the Planning Commission recommendation regarding "habitable space"; however, he does not agree with their proposed language regarding the requirement to limit connections to the recycled water line only if recycled water is available at the property line. He stated that he feels with the many different variables and different sizes projects, this should be reviewed on an individual basis by the Council and the SVWD.

CM Bustichi stated that he understood the SVWD's concerns; however he would like to change the Planning Commission's proposed language to require connection to recycled water if it is available within 50 feet of the property line. PWD Anderson stated that Scotts Valley Drive is a 100 foot wide right of way, and he is not sure that the 50 foot requirement is adequate. CM Bustichi changed his recommendation from within 50 feet to within 100 feet of the property line.

CM Aguilar stated that she is concerned about the distance for major developments that may be farther than 100 feet. She would like to see this discussed more in depth.

ICDD Westman stated that a large project that had a significant impact on water could potentially mitigate that water impact by being required to hook-up to recycled water.

CA Powell stated that smaller projects that did not fall within the 100 feet could mitigate their water impact by installing low flush toilets, dual plumbing, drought tolerant landscaping, etc.

Council reached a consensus to defer this item to a future meeting after additional discussion with the SVWD and the City regarding the requirements for hooking-up to recycled water.

M/S: Aguilar/Barrett

To have the Water District Subcommittee meet again with the Scotts Valley Water District to discuss the recycled water issue and return to the City Council with a revised ordinance.

Carried 5/0

CM Aguilar requested a schematic of where recycled water lines are currently installed. GM McNiesh stated that he would provide this information to the City.

REGULAR AGENDA
(Resumed)

4. Future Council/RDA agenda items

CM Reed requested a future agenda item to consider using some of the wastewater treatment monies (1%) to match incentives from the Scotts Valley Water District.

ADJOURNMENT

The meeting adjourned at 8:54 p.m.

Approved: _____

Randy Johnson, Mayor / Chair

Attest: _____

Tracy A. Ferrara, City Clerk / Secretary