

MINUTES

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

Date: December 6, 2006

POSTING:

The agenda was posted on 12-1-06
at City Hall by the City Clerk.

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

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

City Manager Comstock
City Attorney Powell
Deputy City Mgr/Admin Svs Dir Ando
Police Chief Weiss
Public Wks Director Anderson
Community Development Dir Russell
Senior Planner Fodge
City Clerk Ferrara

SPECIAL SET MATTER

- a) **Presentation of certificates of achievement for Scotts Valley Little League District 39 Champions, 8-9 year old all-stars, 10 year old all-stars, and 10-11 year old all-stars.**

Mayor Aguilar presented certificates of achievement for Scotts Valley Little League District 39 Champions, 8-9 year old all-stars, 10 year old all-stars, 10-11 year old all-stars, and their coaches and managers.

- b) **Swearing in of appointed City Council Members Stephany E. Aguilar and Paul Marigonda per Resolution No. 1788 adopted on 8-18-06**

City Clerk Ferrara administered the Oath of Office to appointed City Council Member incumbents Stephany E. Aguilar and Paul Marigonda for 4-year terms.

- c) **Nomination/Motion of Mayor/Chair for 2007**

***M/S: Marigonda/Aguilar
To appoint Vice Mayor Dene Bustichi as Mayor/Chair 2007.
Carried 5/0***

d) **Nomination/Motion of Vice Mayor/Vice Chair for 2007**

M/S: Marigonda/Barrett

To appoint Council Member Randy Johnson as Vice Mayor/Vice Chair for 2007.

Carried 5/0

Mayor Bustichi listed the following goals he has for 2007:

- Green building standards for Scotts Valley to create some sustainable buildings to protect our environment and natural resources.
- Economic development.
- Long term budget plan, because in May 2009 we lose 1/4% of our sales tax and in 2011 we lose the other 1/4% of our sales tax.
- Police personnel. Work with Chief on unfreezing positions as the budget allows, creating an explorer program, and improving our reserve program.
- Town Center.

e) The City Council took a recess until 6:45 p.m.

COMMITTEE REPORTS

CM Marigonda reported that the Local Agency Formation Commission met and the only topics of discussion were annexation to a county service area in Seascope for maintenance, and some planning ahead for next year's LAFCO Board.

CM Aguilar reported that she was installed to the League of California Cities Board of Directors. She stated that they approved their goals and objectives for the upcoming year, with the three major goals being: affordable housing, eminent domain, and the issue of infrastructure bonds and distribution of the bonds to the different communities in California.

VM Johnson reported that the Library Joint Powers Authority Board met and their main topic of discussion was the Felton branch library. He stated that they are currently evaluating a 3,100 square foot building that is for sale by a church to determine if it is adequate.

VM Johnson reported that the Skypark Subcommittee met to update a number of the pre-development clauses. He stated that the developer has attended green construction conventions so that they can incorporate as many attributes as possible, and they have also been viewing a large number of projects around the United States. He stated that it was a productive meeting and they are hopeful it will keep them on track.

PUBLIC COMMENT

Craig Warren, a Junior at Scotts Valley High School, stated that he was at the Council meeting to represent the blind and visually impaired community of Scotts Valley. He thanked the City for the audible signals currently installed in Scotts Valley at Scotts Valley Drive and Mt. Hermon Road, and Mt. Hermon Road and Kings Village Road. He stated that the signals are very helpful for safety. He requested that two more signals be installed on Mt Hermon Road, one at the K-Mart intersection and the other at the entrance to Nob Hill.

Robert Norris, introduced himself and stated that he had a very favorable impression of our City. He thanked the City for holding both of their Council

meetings in December, and stated that he was pleased that he had not heard of any proposed laws from our City regarding the criminalization of feeding poor people.

**ALTERATIONS TO
CONSENT AGENDA**

CM Barrett requested that Item A, City Council/RDA minutes, be moved to the regular agenda for correction.

M/S: Barrett/Aguilar

To approve the Consent Agenda as amended moving Item A, City Council/RDA minutes to the regular agenda for correction.

Carried 5/0

Consent Agenda:

- B. Approve check register – 11-20-06
- C. Approve Resolution No. 680.9 amending Rule No. 17.08 of the Personnel Rules & Regulations regarding “Maternity Leave (Pregnancy Disability Leave)”
- D. Authorize execution of professional services agreement with Back to Eden in the amount of \$11,400 for annual maintenance of the Skypark linear park, subject to notifying the Service Employees International Union
- E. Approve Resolution No. 943-PP-67 to accept a sanitary sewer easement across 200 Estrella Drive (APN 21-073-01) and direct the City Clerk to record the Grant Deed

**ALTERATIONS TO
REGULAR AGENDA**

M/S: Aguilar/Barrett

To approve the Regular Agenda as amended moving Item A, City Council/RDA minutes to the regular agenda for correction.

Carried 5/0

REGULAR AGENDA

- A. **Approve Joint City Council/RDA meeting minutes of 11-1-06 and 11-15-06**

CM Barrett requested that the last sentence of his committee report regarding the Santa Margarita Groundwater Basin Subcommittee in the 11-1-06 City Council minutes be corrected as follows: *He stated that they are also discussing the possibility of having tie-ins with the different water districts in order to borrow from each other for emergency and disaster use only.*

M/S: Johnson/Aguilar

To approve the Joint City Council/RDA minutes of 11-1-06 as corrected and the 11-15-06 minutes as presented.

Carried 5/0

- 1. **First reading and introduction of Ordinance No. 147.3 repealing Chapter 10.24 of the Scotts Valley Municipal Code regarding Siltanen Park motor vehicle regulations**

CA Powell presented the written staff report and responded to questions from Council.

M/S: Johnson/Aguilar

To introduce Ordinance No. 147.3 repealing Chapter 10.24 regarding Siltanen Park motor vehicle regulations and waive the reading thereof. Carried 5/0

2. First reading and introduction of Ordinance No. 147.4 amending Title 7, Chapter 7.12, Section 7.12.140 of the Scotts Valley Municipal Code regarding overnight camping

PC Weiss presented the written staff report, gave a Power Point presentation of campsites located around the City, and responded to questions from Council. He also reviewed the handouts he distributed at the meeting as follows: summary of contacts and issues, and general information regarding camping ordinances in the county and all cities within the county.

Tim Rumford, Santa Cruz resident and representative of Humanity for the Homeless, spoke in opposition to Scotts Valley implementing the ordinance and recommended that the City provide shelter space in Scotts Valley. He stated that the City's ordinance would be unconstitutional and recommended that the City Council not rush into making a decision.

Robert Patton, Human Rights Organization of Santa Cruz, spoke in opposition to Scotts Valley implementing the ordinance. He stated that his group meets every Saturday at the Homeless Center in Santa Cruz and that they advocate for the homeless. He passed out some of their basic reading information and stated that the budget cuts in 2006 had a very negative effect on homeless services.

Robert Norris, HUFF (Homeless United for Friendship and Freedom), spoke in opposition to Scotts Valley implementing the ordinance. He stated that the shelter provided in Santa Cruz County is completely inadequate. He stated that this ordinance is not necessary because 647j of the State code allows the City to arrest someone for lodging on public property, and the majority of our problems appear to be on private property. He also stated that in Los Angeles they have suspended enforcement pending the outcome of the Jones decision. He stated that camping is survival sleeping and that there are no alternatives for the majority of homeless people. He recommended we consider a proactive approach to the problem and postpone the issue for a month or two to get input from all segments of the community.

Robert Olsen, Scotts Valley resident, spoke in favor of the City implementing this ordinance.

Natalie Benezio, small business owner in Scotts Valley, stated that one of the services her business provides is professional dog walking. She spoke in favor of the City implementing this ordinance. She stated that in recent months her sense of personal safety has been greatly reduced and that she has witnessed the accumulation of garbage and human waste. She stated that

she been met with aggressive outbursts and she has been verbally accosted. She stated that the need for safety applies to the homeless, the children in Scotts Valley, and the residents of Scotts Valley.

Matt Marks, stated that he feels this is a human rights issue. He spoke in opposition to Scotts Valley implementing this ordinance and stated that he does not feel that anyone has a right to establish where someone can sleep.

Andy Revino, Santa Cruz resident, stated that he is an advocate of helping people in need and that he has worked with the homeless and drug addicted in Santa Cruz for over thirty years. He stated that he has seen the increase in drug use and crime with increased camping. He stated that the behavior of some of the homeless people camping does spill over into the community and it does have an adverse effect on the community. He stated that he has personally seen a large influx of people arriving from all over the U.S. with no money, no resources, and with mental health issues. He stated that Santa Cruz does not have adequate resources to handle the large influx of people.

CM Marigonda stated that he is concerned about public safety and the increased pollution in the creeks. He stated that this is an infraction, not a misdemeanor or felony. He stated that he feels this would be a good first step, however, this is an issue that will take continued dialogue.

CM Aguilar stated that she served on the Winter Shelter Advisory Committee for several years, and she feels that this is the right step to take.

VM Johnson stated that he agrees there is no clear cut solution. He stated that all of speakers at the meeting had good points to make. He stated that he is concerned about health and safety in the City and feels that in this situation we need to react.

CM Barrett stated that 156 organizations in Santa Cruz County provide homeless services. He stated that he had participated in the survey of homeless people in Scotts Valley, and that from his experience people don't want to stay in the shelter because of the rules. He stated that he feels education is the answer, but everyone has to be on the same wave length.

Mayor Bustichi stated that he was in agreement with the majority of the comments made by the Council. He asked if Santa Cruz Ranch RV Park has tent sites and recommended checking with them to see if they would be interested in offering more tent spaces in the winter time. He stated that we are the stewards of our public land and that it is our responsibility to take care of it.

M/S: Aguilar/Barrett
To introduce Ordinance No. 147.4 amending Title 7, Chapter 7.12, Section 7.12.040 regarding no overnight camping on city property and waive the reading thereof.
Carried 5/0

PUBLIC HEARINGS

3. **Consideration of rezone and lot split to create three lots from two lots at 305 Hacienda Drive (APN 023-251-07) and 18 Nashua Drive (APN 023-251-02) // planning permit file numbers ND06-003, GPA06-001, ZC06-001, PD06-001, MLD06-001**

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

PUBLIC HEARING OPENED – 8:15 PM

Robert DeWitt, Civil Engineer for the project, stated that he was available to respond to any questions from the Council.

PUBLIC HEARING CLOSED – 8:16 PM

M/S: Marigonda/Aguilar

To approve Resolution No. 1793 certifying the Negative Declaration (ND06-003) for a General Plan Amendment (GPA06-001), Zone Change (ZC06-001), Planned Development Zoning Overlay and Permit (PD06-001), and Minor Land Division (MLD06-001), to create three medium-density lots from two existing lots located at 305 Hacienda Way (APN 023-251-02) and 18 Nashua Drive (APN 023-251-07).

Carried 5/0

M/S: Marigonda/Aguilar

To approve Resolution No. 1793.1 approving a General Plan Amendment (GPA06-001) to change the general plan land use designation from low-density residential to medium-density residential for two existing lots located at 305 Hacienda Way (APN 023-251-02) and 18 Nashua Drive (APN 023-251-07), to create a third lot between the two subject lots.

Carried 5/0

M/S: Marigonda/Aguilar

To introduce Ordinance No. 16-ZC-204 approving a Zone Change (ZC06-001) and Planned Development Zoning Overlay and Permit (PD06-001) to change the zoning from R-1-20 to R-1-10, and to allow reduced front yard setbacks (11 feet) for the existing residence at 305 Hacienda Drive (Parcel A), and reduced lot width (Parcel B), and reduced lot depth (Parcel C), to create a third lot between the two subject lots located at 305 Hacienda Way (APN 023-251-02) and 18 Nashua Drive (APN 023-251-07) and waive the reading thereof.

Carried 5/0

M/S: Marigonda/Aguilar

To approve Resolution No. 1793.2 approving a Minor Land Division (MLD06-001) to create a third lot between two lots located at 305 Hacienda Way (APN 023-251-02) and 18 Nashua Drive (APN 023-251-07).

Carried 5/0

REGULAR AGENDA
(Resumed)

4. Future Council/RDA agenda items

None.

ADJOURNMENT

The meeting adjourned at 8:22 p.m.

Approved:

Dene Bustichi
Mayor / Chair

Attest:

Tracy A. Ferrara
City Clerk / Secretary