

MINUTES

Meeting of the Scotts Valley City Council

Date: September 24, 2014

POSTING:

The agenda was posted on 9-19-14
at City Hall, the SV Senior Center, and
the SV Library, by the City Clerk.

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
Comm Dev Dir/Deputy City Mgr Kates
Public Wks Director Hamby
Police Chief Weiss
Senior Planner Fodge
City Clerk Ferrara

COMMITTEE REPORTS

VM Bustichi reported that the Santa Cruz Metropolitan Transit District Board (SCMTD) met. He stated that the Santa Cruz County Regional Transportation Commission (SCCRTC) is doing a passenger rail line study, and the SCMTD is currently looking at doing a bus and pedestrian trail study.

VM Bustichi reported that the Water Subcommittee met with Scott Hoyt from Pasatiempo to discuss their possible use of tertiary treated water.

CM Aguilar reported that the League of California Cities Board of Directors met. She reported that the League is in opposition to Proposition 47, which is the early release of prisoners, also opposed by the California Sheriff's Association and the California Police Chief's Association. She also reported that the League discussed the cap and trade legislation.

CM Lind reported that the Sign Subcommittee met and reviewed some designs for streets signs and community signs.

CM Lind reported that the Seniors Advisory Council met and reviewed their community needs assessment for seniors.

CITY MANAGER REPORT

- (1) The City's 50th anniversary is only a short 2 years away. We need to start planning now for that event. If any Council Members are interested in being on the planning committee, let me know.
- (2) The Open Counter program should be up and running by the end of next week. This is the program that people will be able to access through our website and will provide 24/7 access to a lot of information on starting a business in Scotts Valley.
- (3) The sidewalks on Taber Drive are being poured this week. The sidewalk portion of the project should be complete next week with paving to follow.
- (4) For the Shugart Park Pathway and Bridges Project, the bridge abutments are complete and rough grading is taking place now. The actual bridges are being constructed offsite and will be installed in November.
- (5) City maintenance crews have done a great job completing the pool retaining wall to shore up the hillside. They continued the existing block wall that will have the mural painted on it so that it blends in nicely. The backfill behind the wall was added today.
- (6) As part of the City's Storm Water Management Plan requirements, staff is in the process of locating all stormwater outfall locations in Carbonero and Camp Evers Creeks. Staff is also identifying sample locations and possible illicit discharges.
- (7) Scotts Valley Recreation children will be performing during the half-time show for the Santa Cruz Warriors on Saturday, December 13, when they take on the Erie BayHawks.
- (8) The Community Garden is very close to completion. CM Bustichi gave an update on the Community Garden construction process.

PUBLIC COMMENT

CM Lind announced that the Scotts Valley Police Department annual inspection was held today and went very well.

PWD Hamby announced that the City held its annual e-waste recycling event last Saturday. He also announced that on Saturday, October 18 the City will hold its annual appliance and tire recycling event.

Willy Greene, Greene Jewelers in the Scotts Village Shopping Center, expressed concerns about the potential vacancy of the Safeway Store in their shopping center, and the news that a grocery store will not be allowed to fill that vacant space, which they feel will negatively impact their business.

ALTERATIONS TO CONSENT AGENDA

M/S: Bustichi/Lind

To approve the Consent Agenda.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

Consent Agenda:

- A. Approve City Council meeting minutes of 8-20-14
- B. Approve check register – 9-12-14, 9-4-14
- C. Approve new class specification and compensation range for part-time temporary Emergency Dispatcher
- D. Approve new class specification and salary range for Services Supervisor/Information Technology and Project Manager

**ALTERATIONS TO
REGULAR AGENDA**

M/S: Aguilar/Johnson

To approve the Regular Agenda.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

REGULAR AGENDA

1. **Appeal Hearing: Consider appeal of Entertainment Permit for Malone's restaurant allowing outdoor and indoor live entertainment and amplified sound at 4402 Scotts Valley Drive, APN 022-491-01**

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

Patti Malone, owner of Malone's at 4402 Scotts Valley Drive, stated that she had not heard from any of the residents of Kelly Court during the year regarding concerns related to music. She also stated that she recently reached out to the Kelly Court residents, and had received letters from a few of the residents, in support of her business and the entertainment permit and amplified music permit.

M/S: Aguilar/Reed

To deny the appeal and approve the entertainment permit and sound amplification permit applications for Malone's Grill at 4402 Scotts Valley Drive, APN 022-491-01.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

2. **Appeal Hearing: Consider appeal of Planning Commission denial of a beekeeping permit application for one (1) beehive box (one drawer approximately 19.5 inches long x 16.5 inches wide x 9.5 inches tall) located 45 feet from the right side and rear yard property lines at 8 Casa Way, APN 023-132-25**

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

Debbie Muth, applicant, provided background information on the process she has gone through, described her plan for beekeeping if this application is approved, and responded to questions from Council.

John Stevens, neighbor of Debbie Muth, spoke in opposition to the approval of the beekeeping permit application. He stated that he would consider supporting this application if the proposed location of the hive is moved.

Ms. Stone, Grace Way, spoke in opposition to the approval of the beekeeping permit application.

Debbie Muth, stated that she would be willing to compromise by moving the box 10 feet back and to construct a bamboo barrier. She also stated that she will remove the hive if it has a negative impact on the neighborhood.

M/S: Bustichi/Aguilar

To approve the beekeeping permit application for 8 Casa Way with the following conditions: Locate the bee colony/hive box 55 feet from the rear property line, and at least 25 feet from a side property line; install a barrier to facilitate hive retention on site; and, within 12 months from the date the bee colony/hive box is located and "activated" on the property, the Community Development Director shall review the permit and approved bee colony/bee hive box location and operations and shall determine if there is a need to place this matter on a Planning Commission agenda for reconsideration with notification to the five (5) closest property owners.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

PUBLIC HEARINGS

3. **Consideration of sale of properties located at the northwest intersection of Kings Village Road and Mt. Hermon Road in Scotts Valley, California, bearing assessor's parcel numbers 022-211-36, 022-601-01, and APN 022-721-06 to Property Development Centers, LLC**

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

PUBLIC HEARING OPENED - 7:53 PM

Manfre, owner of Coffee Cat in the Scotts Village Shopping Center, expressed concerns regarding the potential limitations with Safeway moving and a grocery store not being allowed into the vacant Safeway space. He also recommended that a new EIR be required due to this potential impact.

PUBLIC HEARING CLOSED - 7:55 PM

Tom Fitzpatrick, Property Development Centers, introduced his development team to the Council and the community. His team then gave a PowerPoint presentation on their vision for the Town Center and their objective to work with the community.

M/S: Johnson/Lind

To approve Resolution No. 1894 authorizing the City Manager of the City of Scotts Valley to sign those certain sale and purchase agreements between the City of Scotts Valley and Property Development Centers, LLC, for the sale of certain real property located along Mt. Hermon Road and King's Village Road, APN's 022-211-36, 022-721-06, and 022-601-01 with the following amendments to Section 4.4 the agreements: First sentence: No later than ~~sixty (60)~~ ninety (90) days prior to the expiration of the 180 calendar day Inspection Period...Purchaser's environmental consultant shall determine, and deliver in writing to Seller, an anticipated scope and estimated costs (the "Estimated Environmental Work Costs") of the work (the "Environmental Work") of any applicable remediation and/or removal of environmental contamination and/or Hazardous Materials (as defined in Section 8.1.6) ...; and, Fifth Sentence: Within ~~thirty (30)~~ sixty (60) days after receipt of Purchaser's Estimated Environmental Work Costs, Seller shall notify Purchaser in writing whether Seller will accept or reject Purchaser's Estimated Environmental Work Costs (but Seller shall have no right to terminate this Agreement therefor).

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

REGULAR AGENDA

(Resumed)

4. Future Council agenda items

CM Aguilar requested that the Planning Commission review the beekeeping ordinance with regards to the dimensions of the box, and provide a recommendation to Council to possibly amend the ordinance.

CM Aguilar requested a future agenda item to review the purchase of tables and chairs for the Community Center in order to provide the necessary funding.

ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Approved:



Jim Reed, Mayor

Attest:



Tracy A. Ferrara, City Clerk