

MINUTES

Meeting of the Scotts Valley City Council Date: September 2, 2015

POSTING:

The agenda was posted on 8-28-15 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 Bustichi
Council Member Aguilar
Council Member Johnson
Council Member Reed

City Manager Ando
City Attorney Powell
Comm Dev Dir/Deputy City Mgr Kates
Public Wks Director Hamby
Police Chief Weiss
Police Lieutenant Wilson
City Clerk Ferrara

Absent:

Vice Mayor Lind

SPECIAL SET MATTER Presentation of Mayor's Proclamation for Childhood Cancer Awareness Month

COMMITTEE REPORTS

CM Johnson reported that the Joint City/School Subcommittee met today to discuss a variety of topics including the Scotts Valley Middle School Restoration project. He also reported that the School Resource Officer will be at the local schools throughout the school year and stated that the schools and Police Department did an excellent job with back to school pedestrian and vehicle traffic.

Mayor Bustichi reported that the Santa Cruz Metropolitan Transit District met and discussed their structural deficit and their continued work on the plan to fix this deficit, which will include impacts throughout the County.

CITY MANAGER REPORT

- The City received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association, a national organization, for our financial statements for the year ended June 30, 2014. Our financial statements were judged to meet the high reporting standards including demonstrating a spirit of full disclosure to clearly communicate the City's financial information. I want to thank the City's Finance Department and Laurie Grundy in particular for their work on the financial statements.

- City crews are preparing to get an early start on cleaning storm drainage inlets and drainage ditches around the City in preparation for the upcoming El Nino rains that are being predicted by the weather service.
- Recreation Division Manager Kristin Ard and Parks & Recreation Commissioner David Sanguinetti attended the Regional Parks and Open Space Study Session at the County Board of Supervisors meeting two weeks ago. The Board voted unanimously to move forward with the Park and Open Space District. Staff will come to Council at a later date with more information.
- The City planted 18 trees out at Skypark along the edge of the soccer fields. These sycamore trees are fast growing and meant for parks. The trees will provide a wind break for the sprinklers and shade for people attending events at Skypark.

PUBLIC COMMENT

Gary Richard Arnold, expressed concerns about how policies are made in the cities and the tri-county area.

Wendy Brannan, SV resident, stated that she does not feel the Council is using their Commissions to their best advantage. She also expressed concerns regarding the proposed light project at Siltanen Park and funding for ADA compliance.

CM Aguilar stated that she attended a forum held in Scotts Valley on "Housing Now" with Assembly Member Mark Stone and Santa Cruz County Supervisor Bruce McPherson, regarding the need for affordable housing and transitional housing.

ALTERATIONS TO CONSENT AGENDA

M/S: Reed/Johnson

To approve the Consent Agenda.

Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Reed; ABSENT: Lind)

Consent Agenda:

- A. Approve City Council meeting minutes of 8-19-15
- B. Approve check register – 8-21-15
- C. Approve response to Santa Cruz County Civil Grand Jury 2014-2015 Final Report and authorize staff to forward the responses to the Grand Jury and Presiding Judge
- D. Approve Memorandum of Understanding (MOU's) with the Scotts Valley Police Bargaining Unit and the Scotts Valley Police Supervisors Association, for the term July 1, 2015 through June 30, 2018

ALTERATIONS TO REGULAR AGENDA

M/S: Reed/Johnson

To approve the Regular Agenda.

Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Reed; ABSENT: Lind)

REGULAR AGENDA

1. **Oral Presentation on Designation of Cotoni-Coast Dairies as National Monument and Request for City Endorsement**

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

Steve Reed and Amanda Robinson, representing the campaign for Cotoni-Coast Dairies National Monument, gave a PowerPoint presentation, asked the Council for their endorsement of the designation of Cotoni-Coast Dairies as a national monument, and responded to questions from Council.

Danny Reber, SV resident and the Executive Director of the Scotts Valley Chamber of Commerce, spoke in favor of the City Council endorsing the designation of Cotoni-Coast Dairies as a national monument and stated that the Chamber Board unanimously endorsed the designation.

Gary Richard Arnold, spoke in opposition of the City Council endorsing the designation of Cotoni-Coast Dairies as a national monument.

Mark Davidson, SV resident and Past President of Mountain Bikers of Santa Cruz County, spoke in favor of the City Council endorsing the designation of Cotoni-Coast Dairies as a national monument.

Jessica Klodnicki, General Manager of Bell Helmets in Scotts Valley, spoke in favor of the City Council endorsing the designation of Cotoni-Coast Dairies as a national monument.

Jack Dilles, SV resident, spoke in favor of the City Council endorsing the designation of Cotoni-Coast Dairies as a national monument.

M/S: Reed/Aguilar

To authorize a letter endorsing the designation of Cotoni-Coast Dairies as a national monument.

Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Reed; ABSENT: Lind)

2. **Consider introduction and adopt Ordinance No. 189, an Urgency Ordinance of the City of Scotts Valley imposing a temporary moratorium on the establishment of commercial operations engaged in the sale of firearms, ammunition, and/or explosive devices within the City of Scotts Valley and declaring the urgency thereof**

CDD Kates presented the written staff report and responded to questions from Council. He also stated that a modified version of the ordinance was provided to the Council on their dais.

The following spoke in opposition to this ordinance:

Dennis Judd, Scotts Valley resident
Robert Kovets, Santa Cruz resident
Matt Snow, Santa Cruz resident
Ray Chapman, Santa Cruz resident
Samantha Olden, Santa Cruz resident
Perry Ralston, Perry's Sporting Goods, Scotts Valley
Bob Rodd, SV resident and Manager of Santa Cruz Armory
Ruben Lopez, Scotts Valley resident
Brannon Schell, owner of NorCal MedTac and employee of Santa Cruz Armory
Richard Veil, Santa Cruz resident
David Ralston, Scotts Valley resident
Ken Lewis, San Lorenzo Valley resident
Annette Mello, San Lorenzo Valley resident
John Crites, Scotts Valley resident
Robert DeForge, owner of Santa Cruz Armory

The following spoke in support of this ordinance:

Gary Richard Arnold, Santa Cruz resident
Jack Dilles, Scotts Valley resident
Kendall Sullivan, Scotts Valley resident
Joy Hems, Scotts Valley resident
Paul Krause, Scotts Valley resident and physician
Nazia Choudhry, Scotts Valley resident and physician
Martin Spierings, Scotts Valley resident
Robert Aldana, Scotts Valley resident
Kurt Pipal, Scotts Valley resident
Laura Rokow, Scotts Valley resident
Kathrin Sidell, Scotts Valley resident and physician
Alexander Sher, SV resident
Casey Schirmer, Scotts Valley physician
Josh Deutsch, Scotts Valley resident

M/S: Aguilar/Reed

To adopt Ordinance No. 189, an urgency ordinance of the City of Scotts Valley imposing a temporary moratorium on the establishment of commercial operations engaged in the sale of firearms, ammunition, and/or explosive devices within the City of Scotts Valley and declaring the urgency thereof, and waive the reading thereof.

Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Reed; ABSENT: Lind)

3. **Consider approval of first reading and introduction of the Ordinance No. 190, adding Chapter 5.38 to Title 5 of the Scotts Valley Municipal Code requiring firearms dealers to meet certain requirements and to obtain a firearms dealers license, and approve Resolution No. 1908 establishing a one-time firearms dealer license fee of \$100, to locally regulate and enforce the sales of firearms**

Mayor Busitchi recused himself from voting on this item due to a conflict of interest.

PL Wilson presented the written staff report and responded to questions from Council.

The following spoke in opposition to this ordinance:

Dennis Judd, Scotts Valley resident
David Ralston, Scotts Valley resident, due to the \$100 licensing fee
Robert Kovets, Santa Cruz resident
Nathan Taylor, Scotts Valley resident
Brannon Schell, owner of NorCal MedTac and employee of Santa Cruz Armory
Perry Ralston, Perry's Sporting Goods, Scotts Valley
Robert DeForge, owner of Santa Cruz Armory, due to the \$100 licensing fee
Matt Snow, Santa Cruz resident

The following spoke in support of this ordinance:

Jack Dilles, Scotts Valley resident
Kurt Pipal, Scotts Valley resident
Joy Hems, Scotts Valley resident
Robert Aldana, Scotts Valley resident
Laura Rokow, Scotts Valley resident

Ken Lewis, SLV resident, recommended waiting to consider this ordinance with the other potential regulations that may come out after the moratorium.

Alexander Sher, Scotts Valley resident, recommended waiting to consider this ordinance with the other potential regulations that may come out after the moratorium.

CM Aguilar questioned whether it was true that dealers could not obtain their state and federal licenses without valid proof that they have a license to operate within the City.

PC Weiss responded that the dealer would either need to show proof of their City license or provide a letter from the Police Department in order to obtain their state and federal licenses.

CM Aguilar and requested that if this was the case, wording in Section 5.38.040 be amended so that applicants do not have a problem obtaining their state and federal licenses if they do not have a City license.

CA Powell stated that if necessary, Section 5.38.040 could be amended to require that applicant's be issued a City license, and upon receipt of their federal firearms license and their valid seller's permit from the State Board of Equalization, copies would have to be provided to the City before they could open their business.

CM Aguilar recommended that the \$100 fee be eliminated or reduced. Council did not agree to reduce or eliminate the fee.

M/S: Aguilar/Reed

To approve first reading and introduction of Ordinance No. 190 adding Chapter 5.38 to Title 5 of the Scotts Valley Municipal Code requiring firearms dealers to meet certain requirements and to obtain a firearms dealer license, as amended above, and waive the reading.

Carried 3/0/2 (AYES: Aguilar, Johnson, Reed; ABSENT: Bustichi, Lind)

M/S: Reed/Johnson

To approve Resolution No. 1908 establishing a firearms dealer license fee of \$100.

Carried 3/0/2 (AYES: Aguilar, Johnson, Reed; ABSENT: Bustichi, Lind)

4. Consideration of Siltanen Park improvements

PW Hamby presented the written staff report and responded to questions from Council.

Wendy Brannan, SV resident, provided her critique of the proposed changes and urged the Council to consider all future expenses for the park before making a final decision on any improvements.

Mayor Bustichi recommended that staff work with the ADA accessibility expert that the City has a contract with in order to determine exactly what can be done and what needs to be done at Siltanen Park.

M/S: Bustichi/Johnson

- To:**
- 1. Fix any decayed or warping materials on both the trellis and the building structure, including trim, siding, or reailing plywood, both cosmetic and structural, and repaint.**
 - 2. Resurface countertops and lower portion for ADA, with something that can be sealed, including around barbecue area.**
 - 3. Fix, clean-up, and make repairs to barbecue and grates in the barbecue area.**
 - 4. Work with Arts Commission on repainting mural with approval by the Parks & Recreation Commission.**
 - 5. On Girls softball snack shack, place some type of awning or other bird deterrent above counter.**

Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Reed; ABSENT: Lind)

5. Future Council agenda items

CM Aguilar requested a future agenda item regarding a program through the League of California Cities that would provide discount coupons for prescription drugs.

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 9:55 p.m. to discuss the following items:

- (1) Pursuant to Government Code Section 54956.8, the City Council met in closed session to confer with their legal counsel regarding real property negotiations, APN 022-212-22.**

- (2) Pursuant to Government Code Section 54956.8, the City Council met in closed session to confer with their legal counsel regarding real property negotiations, APN's 024-301-01 and 024-301-02.
- (3) Pursuant to Government Code Section 54956.9a, the City Council met in closed session to confer with their legal counsel regarding existing litigation. Name of Case: City of Scotts Valley vs. County of Santa Cruz, et al, Case No. CIV467230 San Mateo County Superior Court and Case No. A126357 Court of Appeal, First District.
- (4) Pursuant to Government Code Section 54957.6, the City Council met in closed session to confer with their labor negotiator re employee negotiations with Mid Management Group and Management Group.
- (5) Pursuant to Government Code Section 54957, the City Council met in closed session for City Manager Performance Evaluation.

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 11:01 p.m.

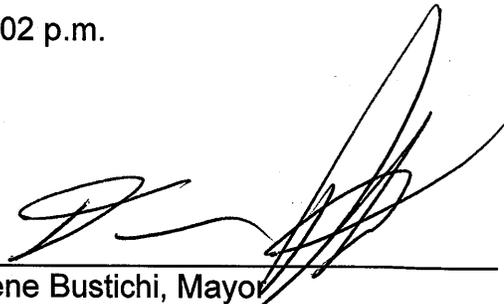
REPORT ON ACTION TAKEN DURING CLOSED SESSION

Mayor Bustichi announced that there was nothing to report.

ADJOURNMENT

The meeting adjourned at 11:02 p.m.

Approved:


Dene Bustichi, Mayor

Attest:


Tracy A. Ferrara, City Clerk