

MINUTES

Meeting of the Scotts Valley City Council

Date: December 16, 2015

POSTING:

The agenda was posted on 12-11-15 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
Vice Mayor Lind
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
Senior Planner Fodge
Recreation Division Manager Ard
City Clerk Ferrara

Arrived 6:29 pm

SPECIAL SET MATTERS

- a) **Nomination/Motion of Mayor/Chair for 2015**

M: Johnson

To appoint Vice Mayor Lind as Mayor/Chair for 2015.

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

- b) **Nomination/Motion of Vice Mayor/Vice Chair for 2015**

M: Bustichi

To appoint Council Member Johnson as Vice Mayor/Vice Chair for 2015.

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

- c) **The City Council took a recess until 6:27 pm.**

COMMITTEE REPORTS

CM Bustichi reported that the Water Subcommittee will be meeting with Scott Hoyt from Pasatiempo to discuss terms for a draft agreement for the use of treated tertiary water on the golf course.

CM Aguilar reported that the League of California Cities joined the California State Association of Counties and the Association of California Water Agencies in filing a proposed constitutional amendment with the Attorney General's Office. She reported that the measure would create a new optimal funding system that local agencies can use to finance stormwater management, flood control, sewer, and water supply projects and set rates for customers to encourage conservation and reduce water and sewer bills for low income customers.

VM Johnson reported that the Santa Cruz County Regional Transportation Commission met and discussed the expenditure plan for a tax measure that is scheduled to come forward on the November 2016 ballot.

CITY MANAGER REPORT

- Received the sales tax numbers for the quarter ended September 30, 2015. Sales tax increased over the same quarter from the previous year by 3%.
- Following the approval by City Council and the Regional Transportation Commission for the change in scope of work for the Scotts Valley Drive/Mt. Hermon Road/Whispering Pines Drive Intersection Project, staff is now in the process of issuing a RFP for the design of the improvement project. The estimated timeline for the project calls for the completion of the design this coming summer with construction to begin in November of 2016 and estimated construction completion March of 2017.
- PG&E has staged some equipment from last weekend in the empty lot near the skatepark. It is fenced and has 24 hour security. They will be returning this weekend most likely on Saturday for the predicted rains.
- Lieutenant John Wilson has graduated from the FBI National Academy, which trains management level police personnel with the latest approaches to law enforcement and police technologies.
- This will be my last City Manager report before retiring. I'd like to thank Council for their support the past seven and a half years as the City Manager and Finance Director. It's been an honor serving the City of Scotts Valley for the past 15 years.

PUBLIC COMMENT

Lynn Cordova, Lockhart Gulch resident, stated that she felt she had witnessed the inappropriate use of a taser in an arrest.

Bruce Holloway, Boulder Creek resident, spoke regarding some concerns he had related to the City of Capitola and the Library Board.

Wendy Brannan, representing the Scotts Valley Historical Society, spoke regarding the open house at the Scott House and the event on the Golden Age of Women's Polo in Santa Cruz County that was held on December 7th in the Scotts Valley City Council Chambers. She stated that approximately 25 people attended the event.

Wendy Brannan, SV Resident, stated that she attended the Emergency Preparedness Workshop and that she felt this should have been a City sponsored event and it could have been better.

CM Bustichi read a letter that he had received from a woman regarding her positive list of top 20 items she saw in one afternoon on Saturday, November 7, 2015 in Scotts Valley.

ALTERATIONS TO CONSENT AGENDA

M/S: Bustichi/Aguilar

To approve the Consent Agenda.

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

Consent Agenda:

- A. Approve City Council meeting minutes of 12-4-15
- B. Approve check register – 12-4-15
- C. Approve First Amendment to At Will Employment Agreement between the City of Scotts Valley and Charles Comstock for Interim City Manager services beginning December 31, 2015
- D. Second reading and approval of Ordinance No. 188 adding Chapter 5.22 of Title 5 of the Scotts Valley Municipal Code requiring tobacco retailer licenses and amending Chapter 8.25 of the Scotts Valley Municipal Code to regulate the sale of tobacco products
- E. Approve first amendment to Memorandum of Understanding between the City of Scotts Valley and the Scotts Valley Mid-Management Association for the period July 1, 2015 to June 30, 2017

ALTERATIONS TO REGULAR AGENDA

M/S: Aguilar/Bustichi

To approve the Regular Agenda.

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

REGULAR AGENDA

1. **Oral presentation from Alex Clifford, General Manager of the Santa Cruz Metropolitan Transit District**

Alex Clifford, General Manager of the Santa Cruz Metropolitan Transit District (SCMTD), spoke regarding the SCMTD structural deficit, provided updates on SCMTD projects in Scotts Valley, provided updates on SCMTD goals and projects, and responded to questions from Council.

Wendy Brannan, SV resident, encouraged the City Council to work with the SCMTD on parking.

2. **Consideration of membership in the Monterey Bay Economic Partnership**

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

Bud Colligan, MBEP Board Member, gave a Powerpoint presentation regarding MBEP and responded to questions from Council.

M/S: Aguilar/Johnson

To approve membership in the Monterey Bay Economic Partnership (MBEP) and authorize the expenditure of \$5,000 to join the MBEP.

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

PUBLIC HEARINGS

3. **APPEAL HEARING: Consideration of an appeal of the Planning Commission's failed motion to extend variance and design review permits to build a debris flow wall (and other property improvements) at 903 Whispering Pines Drive & 100 Blueberry Court, APN's 021-291-27 and 021-291-28 (Planning Files V05-002.3 and DR05-022.3)**

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

PUBLIC HEARING OPENED - 7:40 PM

Frank Harbaugh, owner of 901 Whispering Pines Drive, spoke in opposition to the City Council approving the appeal and responded to questions from Council.

Emily Finn, owner of 100 Blueberry Court, spoke in opposition to the City Council approving the appeal and responded to questions from Council.

Richard Clarke, owner of 699 Whispering Pines Drive, spoke in opposition to the City Council approving the appeal and responded to questions from Council.

Jason Ashton, owner of 903 Whispering Pines Drive, requested that the City Council approve the appeal and responded to questions from Council.

Wendy Brannan, SV resident, spoke regarding the appeal and expressed concerns regarding potential problems with the severe weather that is scheduled for this winter.

Michelle Spencer, Attorney for Jason Ashton, stated that Mr. Ashton is willing to put erosion control measures in place to protect the hillside throughout the winter until the wall can be constructed in the spring. She also spoke regarding comments made regarding the court orders and responded to questions from Council.

Becky Dees, spoke regarding the appeal and responded to questions from Council.

PUBLIC HEARING CLOSED - 8:50 PM

M/S: Bustichi/Reed

To deny the appeal without prejudice and have Mr. Ashton reapply.

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

REGULAR AGENDA

(Resumed)

4. Consideration of amendments to agreements regarding the Santa Cruz County Library System

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

Bruce Holloway, Boulder Creek resident, recommended changes to the dollar amounts allotted to the branches and jurisdictions.

Bruce McPherson, 5th District Supervisors and Library Board Member, spoke in support of the Council approving these agreements.

M/S: Reed/Johnson

To approve the fourth amendment to the Joint Powers agreement between the City of Santa Cruz and the County of Santa Cruz and the cities of Capitola and Scotts Valley, relating to library services and authorize the City Manager to execute the agreements.

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

M/S: Reed/Johnson

To approve the second amendment to the Joint Exercise of Powers agreement establishing the Santa Cruz County Library Financing Authority and authorize the City Manager to execute the agreements.

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

M/S: Reed/Johnson

To approve amendment to the Santa Cruz Libraries Facilities Financing Authority Joint Exercise of Powers Agreement and authorize the City Manager to execute the agreements.

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

5. Consideration of installation of memorial rock at Siltanen Park

RDM Ard presented the written staff report and responded to questions from Council.

Wendy Brannan, SV resident, recommended that the Council familiarize themselves with the current memorial program.

M/S: Aguilar/Johnson

To approve the memorial rock and wording as currently installed at Siltanen Park for Mike Shaffer.

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

6. Review and consideration of continuation of rebate program for water efficient fixtures

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

7. Future Council agenda items

CM Bustichi/CM Aguilar recommended a future agenda item regarding procedures for park memorials and standardization.

CM Aguilar requested a presentation from Eileen Lowe, Caltrans, regarding the Highway 17 access project.

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 9:33 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. Location/APN's: The City of Scotts Valley ocean outfall pipeline starting at the City's wastewater facility, APN 021-061-25 and through Hocus Pocus Park, APN 021-061-45 which runs along Whispering Pines Drive, to Estrella Drive, to Lockwood Lane to Graham Hill Road with turnouts located off of Sims Road and Deer Path Road onto APN 060-011-02, the Pasatiempo Golf Club.
- (2) Pursuant to Government Code Section 54957.6, the City Council met in closed session to confer with their labor negotiator regarding employee negotiations with SEIU.
- (3) Pursuant to Government Code Section 54957, the City Council met in closed session to confer regarding City Attorney performance evaluation.

RECONVENE TO OPEN SESSION

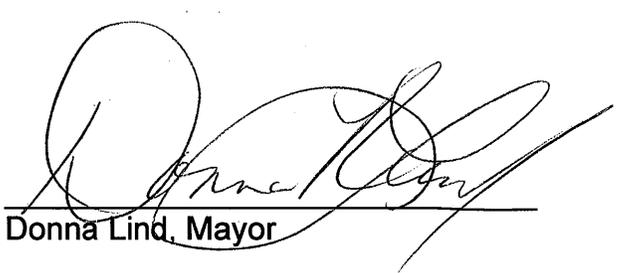
The City Council reconvened to open session at 10:15 p.m.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

Mayor Lind announced that there was nothing to report.

ADJOURNMENT The meeting adjourned at 10:15 p.m.

Approved:


Donna Lind, Mayor

Attest:


Tracy A. Ferrara, City Clerk