

MINUTES REGULAR CITY COUNCIL MEETING

February 28, 2017

City of Watsonville
Council Chambers
275 Main Street, 4th Floor

4:40 P.M.

1. CLOSED SESSION

(City Council Conference Room, 275 Main Street, 4th Floor)

- (a) Public Comments regarding the Closed Session agenda were only accepted by the City Council at that time.
- (b) Closed Session Announcement
The City Council recessed the regular Council Meeting to discuss those items listed on the Closed Session Statement attached to the Agenda.

1.A. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Government Code Section 54956.9)

- 1. Pending litigation pursuant to subdivision (d)(1):
 - a) Name of case: Watsonville Pilots Association, Friends of Buena Vista v. City of Watsonville [filed 2006 re: 2030 GP] — Santa Cruz County Superior Court (Case Nos. CV154571 & CV154572) 6th District Court of Appeal (Case Nos. HO33097, HO34164)
 - b) Name of case: Watsonville Pilots Association, Friends of Buena Vista v. City of Watsonville et al [filed 2013 re: amended 2030 GP] — Santa Cruz County Superior Court (Case No. CV176416)

5:07 P.M.

2. ROLL CALL

Mayor Rios, Mayor Pro Tempore Hurst and Council Members Bilicich, Coffman-Gomez, Dutra, Garcia, and Hernandez were present.

Staff members present were City Manager Montoya, City Attorney Smith, City Clerk Vázquez Flores, Assistant City Manager Huffaker, Public Works & Utilities Director Palmisano, Police Chief Honda, Fire Chief Barreto, Parks & Community Services Director Espinoza, Library Director Heitzig, Acting Administrative Services Director Hays, Acting Community Development Director Merriam, Airport Manager Williams, Assistant Public Works & Utilities Director Rodriguez, Assistant Public Works & Utilities Director Gordo, Deputy City Manager Manning, Assistant Parks & Community Services Director Blachly, Project Manager Vides, Principal Planner Meek, Financial Analyst Diaz, Assistant City Clerk Ortiz, and Interpreters Vázquez-Quintero and Esqueda.

3. PLEDGE OF ALLEGIANCE

4. INFORMATION ITEMS—Written Report(s) Only

- A. Report of Disbursements
- B. Council Update

5. PRESENTATIONS & ORAL COMMUNICATIONS

5.A. ORAL COMMUNICATIONS FROM THE PUBLIC & CITY COUNCIL

5076

Marilynn Garret, Retired Pájaro Valley Unified School District (PVUSD) Teacher, spoke about the negative effects of microwave radiation.

Maria Elena de la Garza, Executive Director of Community Action Board, stated a local contractor bid on the construction of President Trump’s border security wall at the border with Mexico and asked that the City engage the businesses community in the conversation about the importance of immigration rights.

5074

Member Garcia listed events she attended over the previous weeks. She thanked Police for being sympathetic towards the passing of her cat. She spoke about her attendance at the Mardi Gras event in New Orleans and encouraged the public to visit.

Member Hernandez spoke about events he attended over the previous weeks and invited the public to future events.

Member Dutra spoke about his attendance at several community events and invited the public to future events. He announced that he had been appointed as Chair of the Santa Cruz Metropolitan Transit District.

Member Coffman-Gomez invited the public to upcoming community events. She stated there was an accident at the intersection of Airport Boulevard and Holm Road and would work with Public Works to make sure safety improvements were implemented in that area.

Member Bilicich invited local businesses to attend the Lunch in the Park event. She spoke about safety concerns at Airport Boulevard, Green Valley Road, and Main Street. She gave an update on the Capital Corridor Train.

Mayor Pro Tempore Hurst thanked staff who helped families affected by the heavy rain and flooding.

Mayor Rios thanked those who attended the 75th Anniversary event of the Japanese Incarcerations. He informed the public about upcoming immigration rights workshops. He spoke about issues arising from the election of Donald Trump as President.

5069

5.B. PRESENTATION REGARDING TOYS FOR TOTS CAMPAIGN 2016

Capt Matt Ryan (WFD)—Toys For Tots, Santa Cruz County Chairperson
Delilah Valadez, Toys For Tots Program Coordinator

Mayor Oscar Rios—City of Watsonville
Chief Pablo Barreto—City of Watsonville
Capt. Rick Pettigrew—City of Watsonville

Berman Properties/Statewide Enterprises
Lakeside Organic Gardens
Watsonville Community Hospital

5.C. MAYOR'S PROCLAMATION DECLARING MARCH 2017 AS AMERICAN RED CROSS MONTH & ENCOURAGING ALL AMERICANS TO SUPPORT ITS NOBLE HUMANITARIAN MISSION

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5.D. REPORT OUT OF CLOSED SESSION

City Attorney Smith reported that Council received a report on the items on Closed Session, but took no action.

6. CONSENT AGENDA

Public Input on any Consent Agenda Item

Marilynn Garret, Retired PVUSD Teacher, spoke in opposition to Item 6.H. She listed her concerns with microwave radiation and asked that wireless devices be replaced with wired electronics.

Olga Diaz, Ohlone Parkway resident, asked Council to help mitigate any impacts resulting from the installation of a Verizon Cell Tower in the Ohlone Parkway area.

Maria Elena de la Garza, Community Action Board, thanked Council for considering Item 6.G. and spoke about the importance of protecting local immigrants.

At Member Bilicich's request, Assistant Public Works & Utilities Director Rodriguez gave a brief report regarding Item 6.B.

Member Dutra stressed the importance of supporting Items 6.B. and 6.G.

Member Coffman-Gomez spoke in support of Item 6.G. and spoke about the importance of Item 6.D.

MOTION: It was moved by Mayor Pro Tempore Hurst, seconded by Member Coffman-Gomez and carried by the following vote to approve the Consent Agenda:

AYES:	MEMBERS:	Bilicich, Coffman-Gomez, Dutra, Garcia, Hernandez, Hurst, Rios
NOES:	MEMBERS:	Item 6.H. Only: Dutra, Garcia
ABSENT:	MEMBERS:	None

6.A. MOTION APPROVING MINUTES OF FEBRUARY 14, 2017

6.B. RESOLUTION NO. 27-17 (CM):

RESOLUTION APPROVING GRANT DEED OF 0.0023 ACRES & A RIGHT OF WAY CONTRACT FOR 0.004 ACRES ON BRIDGE STREET AT EAST LAKE AVENUE (SR 152) WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) NECESSARY FOR CONSTRUCTION OF IMPROVEMENTS ALONG SR 152

4923

6.C. RESOLUTION NO. 28-17 (CM):

- 5379 RESOLUTION APPROVING CONTRACT CHANGE ORDER NUM. 1 WITH F. D. THOMAS INC., FOR PHASE ONE INTERIOR PRIMARY SEDIMENTATION BASINS LINING REHABILITATION PROJECT NO. WW-16-01 AT THE WASTEWATER TREATMENT PLANT, INCREASING SCOPE OF WORK IN AN AMOUNT NOT TO EXCEED \$108,391; & AUTHORIZING A \$108,391 BUDGET APPROPRIATION FROM THE SEWER ENTERPRISE FUND
- 5347 6.D. RESOLUTION NO. 29-17 (CM):
RESOLUTION APPROVING CONTRACT WITH HDR ENGINEERING, INC. FOR DESIGN OF THE DIGESTER MIXING & FATS, OIL & GREASE (FOG) RECEIVING STATION IMPROVEMENT PROJECT, NO. WW-17-01, IN AN AMOUNT NOT TO EXCEED \$125,933
- 5631 6.E. RESOLUTION NO. 30-17 (CM):
RESOLUTION APPROVING 1ST AMENDMENT TO CONTRACT FOR CONSULTANT SERVICES WITH CSG CONSULTANTS, INC., IN AN AMOUNT NOT TO EXCEED \$150,000 AND IS IDENTIFIED AS A PASS THROUGH EXPENSE IN THE REMAINING 2016/2017 BUDGET
- 4888 6.F. RESOLUTION NO. 31-17 (CM):
RESOLUTION AUTHORIZING PURCHASE OF RADIO EQUIPMENT FROM SILKE COMMUNICATIONS INC., IN AN AMOUNT NOT TO EXCEED \$81,615.31, FOR CITY VEHICLES IN THE WATER SERVICES & SOLID WASTE DIVISIONS OF THE PUBLIC WORKS & UTILITIES DEPARTMENT FUNDED BY SOLID WASTE, VEHICLE MAINTENANCE, & FIELD/WATER SERVICES FUNDS
- 5799 6.G. RESOLUTION NO. 32-17 (CM):
RESOLUTION APPROVING REALLOCATION OF \$4,511.00 OF COMMUNITY & SOCIAL SERVICE GRANT AWARD FUNDS PREVIOUSLY ALLOCATED TO YOUTH CITY COUNCIL TO THE SANTA CRUZ COUNTY IMMIGRATION PROJECT, A PROGRAM OF THE COMMUNITY ACTION BOARD OF SANTA CRUZ COUNTY, INC., & AUTHORIZING & DIRECTING PAYMENT OF SAME FOR FISCAL YEAR 2016-2017
- 5720 6.H. RESOLUTION NO. 33-17 (CM):
RESOLUTION ACKNOWLEDGING RECEIPT OF ORDER OF THE UNITED STATES DISTRICT COURT, RESCINDING RESOLUTION 91-16 (CM), DENYING AN APPEAL FILED BY "OHLONE NEIGHBORS SAY: NO TO CELL TOWER", & SUSTAINING PLANNING COMMISSION'S DECISION TO APPROVE SPECIAL USE PERMIT WITH DESIGN REVIEW & ENVIRONMENTAL REVIEW (PP2014-207) FOR CONSTRUCTION OF A TELECOMMUNICATIONS FACILITY AT 545 OHLONE PARKWAY, WATSONVILLE (APN: 018-372-18)
- 5798 6.I. RESOLUTION NO. 34-17 (CM):
RESOLUTION STATING ITS INTENTION TO REIMBURSE STATE FROM WATER ENTERPRISE FUND, FOR BORROWING STATE FUNDS, THROUGH THE STATE REVOLVING FUND, FROM THE STATE WATER RESOURCES CONTROL BOARD TO FINANCE THE CONSTRUCTION OF THE HEXVALENT CHROMIUM WELL TREATMENT PROJECT

6.J. **RESOLUTION NO. 35-17 (CM):
RESOLUTION APPOINTING MAYOR RIOS TO THE SANTA CRUZ COUNTY
REGIONAL TRANSPORTATION COMMISSION [Amends Resolution No. 2-17 (CM)]**

4878

7. **ITEMS REMOVED FROM CONSENT AGENDA (None)**

8. **PUBLIC HEARINGS, ORDINANCES, & APPEALS**

Mayor Rios announced that Item 8.D. would be considered before Item 8.C.

A. **CONSIDERATION OF MEDICAL CANNABIS MANUFACTURING USES—Postponed &
Continued to March 14, 2017**

B. **JOINT EXERCISE OF POWERS AGREEMENT RELATING TO & CREATING THE
MONTEREY BAY COMMUNITY POWER AUTHORITY OF MONTEREY, SANTA CRUZ,
& SAN BENITO COUNTIES**

5801

Mayor Bilicich announced that she had a potential conflict of interest with Item 8.B. and left the Council Chambers.

1) **Staff Report**

The report was given by Project Manager Vides and Mark Landman, Sonoma Clean Power.

2) **City Council Questions**

Mr. Landman answered questions from Member Dutra regarding potential revenue from the formation of the Monterey Bay Community Power (MBCP) Authority.

In answering Member Coffman-Gomez, Mr. Landman explained uses for excess energy.

In answering Member Garcia, City Manager Montoya explained process to request amendments to the Joint Powers Agreement after joining MBCP.

Mr. Landman, in answering Member Hernandez, stated the transition from PG&E to MBCP should be seamless for customers.

3) **Public Hearing**

Mayor Rios opened the public hearing.

The following speakers spoke in support of MBCP:

Takashi Mizuno, Pájaro Valley Climate Justice Action
Margaret Rebecchi, Romero Institute (Submitted support documents to Council)
Matthew Renda
Emelyn Bustich
George Feldman
Tatanka Bricca
Mary Hsia-Coron
Michael Saint
Andy Hsia-Coron
Lynda Marin

Santa Cruz County Supervisor Bruce McPherson
Larry Rebecchi, Retired Teacher
Karen Osmundson
Hugo Castro, Assumption Church
Andy Hartman, International Brotherhood of Electrical Workers Local 234
Jack Carroll, Pájaro Valley Federation of Teachers
Mike Johnston

Seeing no one else approach the podium, Mayor Rios closed the public hearing.

- 4) **City Manager Comments**
City Manager Montoya spoke in support of MBCP.
- 5) **City Council Discussion**
- 6) **RESOLUTION NO. 36-17 (CM):
RESOLUTION APPROVING JOINT EXERCISE OF POWERS AGREEMENT
ESTABLISHING THE MONTEREY BAY COMMUNITY POWER (MBCP)
AUTHORITY; & ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA) EXEMPTION FINDINGS**
- 7) **RESOLUTION NO. 37-17 (CM):
RESOLUTION APPOINTING COUNCIL MEMBER COFFMAN-GOMEZ AS
DIRECTOR & COUNCIL MEMBER GARCIA AS ALTERNATE TO THE
MONTEREY BAY COMMUNITY POWER JOINT POWERS AUTHORITY POLICY
BOARD OF DIRECTORS**
- 8) **INTRODUCTION OF UNCODIFIED ORDINANCE AUTHORIZING
IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION (CCA)
PROGRAM**
- 9) **MOTION DIRECTING STAFF TO MOVE FORWARD ON DISCUSSIONS AND
PARTICIPATION FOR THE CITY OF WATSONVILLE'S SHARE OF THE
CREDIT GUARANTEE**
- 10) **MOTION AUTHORIZING STAFF TO ATTACH THE FINAL EXHIBIT B TO THE
JPA AGREEMENT ONCE ALL PARTIES HAVE ADOPTED THE ORDINANCE
AS REQUIRED BY THE PUBLIC UTILITIES CODE SECTION 366.2(C)(12).**

5801

- D. **CONSIDERATION OF AN APPLICATION FOR AN AMENDMENT TO THE COASTAL
DEVELOPMENT PERMIT NO. 00-28 & SPECIAL USE PERMIT NO. PP2016-192 FOR
THE PÁJARO VALLEY HIGH SCHOOL AUDITORIUM PROJECT, FILED BY ADAM
LINT, APPLICANT, ON BEHALF OF PÁJARO VALLEY UNIFIED SCHOOL DISTRICT,
PROPERTY OWNER**

5653

Member Bilicich announced that she had conflict of interest with Item 8.D. because she worked for the PVUSD and left the room.

- 1) **Staff Report**
The report was given by Principal Planner Meek and City Manager Montoya.

Michelle Rodriguez, PVUSD Superintendent, gave background information on the challenges of moving forward with construction of an auditorium at Pájaro Valley High School (PVHS) and asked the Council to approve the amendment to the Coastal Development Permit and Special Use Permit in order to construct the auditorium.

Bill Beecher, Chair of Measure L Citizen's Oversight Committee, spoke about the challenges PVHS students face because of the lack of facilities. He asked Council to approve the amendment to the Coastal Development Permit and Special Use Permit in order to construct the auditorium.

2) City Council Questions

City Manager Montoya answered questions from Member Garcia regarding inability to use the 2005 General Plan to approve the permit, potential settlement between the Watsonville Pilots Association and PVUSD, and involvement by the California Department of Education on the issue.

City Manager Montoya answered questions from Member Hernandez regarding communication between the City and PVUSD in regards to approval of the auditorium.

Principal Planner Meek, City Manager Montoya, and City Attorney Smith answered questions from Member Dutra regarding the restrictions of the 2030 General Plan, original construction plans for the school, steps the school could take if Council denied the permits, and questions regarding zoning requirements.

Principal Planner Meek and City Attorney Smith answered questions from Member Coffman-Gomez regarding communication between staff and PVUSD about the PVHS auditorium.

Mayor Pro Tempore Hurst gave historical information on why the school's original plan did not include an auditorium

Superintendent Rodriguez spoke about challenges in communicating with the City in regards to the auditorium.

3) Public Hearing

Mayor Rios opened the public hearing.

The following speakers asked Council to approve the amendment to Coastal Development Permit No. 00-28 & Special Use Permit (PP2016-192) for construction of the Pájaro Valley High School Auditorium:

Leslie DeRose, PVUSD Board Trustee

Willie Yahiro, PVUSD Board Trustee

Karen Osmundson, PVUSD Board Trustee

Kimberly De Serpa, PVUSD Board President

Allison Niizawa, Pájaro Valley High School Principal

Adam Lint, Supervisor of Planning & Construction for PVUSD, gave background information on why the school's original construction plan did not include an auditorium.

Natalie Kirkish, Wittwer & Parkin LLP., asked Council to support staff recommendation.

The following speakers asked Council to approve the amendment to Coastal Development Permit No. 00-28 & Special Use Permit (PP2016-192) for construction of the Pájaro Valley High School Auditorium:

- Maria Hernandez, PVHS Student
- Jack Carroll, Pájaro Valley Federation of Teachers
- Juanita Aguilera, PVUSD Teacher
- Phoenix Artemisia, PVUSD Staff
- Joe Gregorio, PVUSD Teacher
- Osiris Ortiz, PVHS Employee
- Lorena Gonzalez, PVHS Parent
- Maria-Elena Valenzuela, PVHS Assistant Principal
- Estela Rodriguez, PVHS Parent
- Kevin Cordova, PVHS Teacher
- Maria Emilia Cortez, PVHS Student
- Alex Movar, PVHS Student
- Sofia Avalos, PVHS Student

Jim Bacon listed the reasons PVHS would continue to face challenges in pursuing an auditorium and spoke about the school’s lack of emergency exits.

Seeing no one else approach the podium, Mayor Rios closed the public hearing.

4) City Manager Comments

City Manager Montoya explained the reasons for staff recommendation.

5) City Council Discussion

Member Garcia listed the reasons she would be voting against staff recommendation and stated she would support students in their pursuit of an auditorium at PVHS.

Member Hernandez stated he would support students in their pursuit of an auditorium at PVHS but would like PVUSD to contribute their share of legal costs.

Member Dutra pledged his support to PVUSD students in their pursuit of an auditorium at PVHS. He stated he would not support staff recommendation.

Mayor Pro Tempore Hurst spoke about the challenges in approving a permit for the auditorium at PVHS. He added that litigation was very likely if Council approved the permit.

Member Coffman-Gomez spoke about lack of communication between the City and PVUSD, challenges in approving a permit for an auditorium, potential litigation, and options for PVUSD.

Mayor Rios spoke about all the work the City did to help PVUSD get the permits approved by the various agencies to build PVHS. He added that there were issues with approving a permit for construction of an auditorium and if the Council approved the permit, then the school should pay for any legal costs.

Member Hernandez stated PVUSD should pay for legal costs arising from approval of the permit to construct an auditorium at PVHS.

- 6) **RESOLUTION DENYING APPROVAL OF AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 00-28 & SPECIAL USE PERMIT (PP2016-192) FOR PÁJARO VALLEY HIGH SCHOOL AUDITORIUM PROJECT LOCATED AT 500 HARKINS SLOUGH (APN: 018-281-63) FILED BY THE PÁJARO VALLEY UNIFIED SCHOOL DISTRICT (PROPERTY OWNER)**—Council did not move the recommended resolution by staff.

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MOTION: It was moved by Member Dutra and seconded by Member Hernandez to approve the amendment to Coastal Development Permit No. 00-28 and Special Use Permit (PP2016-192) for Pájaro Valley High School Auditorium Project.

Mayor Rios requested an amendment to the motion requiring PVUSD to defend and indemnify the City for all legal fees, expenses, and staff time arising out of the City approving the permit and that the agreement should be in a form satisfactory to the City Manager and City Attorney.

Member Dutra and Member Hernandez accepted Mayor Rios' amendment.

RESOLUTION NO. 38-17 (CM)
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING AMENDMENT TO COASTAL DEVELOPMENT PERMIT (CDP NO. 00-28) AND APPROVAL OF SPECIAL USE PERMIT (PP2016-192) FOR THE PÁJARO VALLEY HIGH SCHOOL (PVHS) AUDITORIUM PROJECT LOCATED AT 500 HARKINS SLOUGH (APN: 018-281-63) FILED BY THE PÁJARO VALLEY UNIFIED SCHOOL DISTRICT (PROPERTY OWNER)

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The above motion and resolution carried by the following vote:

AYES:	MEMBERS:	Dutra, Hernandez, Hurst, Rios
NOES:	MEMBERS:	Coffman-Gomez, Garcia
ABSENT:	MEMBERS:	None
ABSTAIN:	MEMBERS:	Bilicich

- C. **CONSIDERATION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT & IMPACT FEES REPORT; 2016-17 MID-YEAR FINANCIAL REPORT; & RESOLUTIONS AUTHORIZING BUDGETARY CHANGES FOR 2016-17 FISCAL YEAR**—Postponed and continued to March 14, 2017

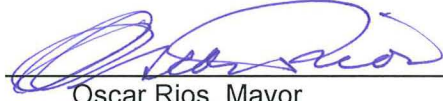
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10. REQUESTS & SCHEDULING FUTURE AGENDA ITEMS

11. EMERGENCY ITEMS ADDED TO AGENDA

12. ADJOURNMENT

The meeting adjourned at 9:56 P.M.



Oscar Rios, Mayor

ATTEST:



Beatriz Vázquez Flores, City Clerk