



MINUTES

Meeting of the
Scotts Valley City Council
Date: October 18, 2023
Time: 6:00 PM

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066 OR Zoom Video Conference https://us02web.zoom.us/j/83295730901	The agenda was posted on 10-13-2023 at City Hall, SV Senior Center, SV Public Works Building, and on the Internet at www.scottsvally.gov .

CALL TO ORDER 6:00 PM

The City Council meeting was called to order at 6:00 PM.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

ELECTED OFFICIALS PRESENT: Jack Dilles, Mayor Randy Johnson, Vice Mayor Donna Lind, Council Member Derek Timm, Council Member Allan Timms, Council Member	CITY STAFF MEMBERS PRESENT: Mali LaGoe, City Manager Kirsten Powell, City Attorney Jayson Rutherford, Police Captain Stephanie Hill, Administrative Services Director Steve Jesberg, Interim Public Works Director Cathie Simonovich, City Clerk
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SPECIAL SET MATTER

1. Scotts Valley Community Theater Guild Presentation

Larry Smith from the Scotts Valley Theater Guild presented the Performance Report for the first operating year of the theater. Councilmember Timm asked the Theater Guild to focus more efforts on marketing the events at the theater and increasing usage of the space. Mr. Smith responded to feedback and

answered questions from the City Council.

COMMITTEE REPORTS

CM Lind attended a meeting of the Santa Cruz Metropolitan Transit District (METRO) where they discussed the rollout of the *METRO Reimagined* program. There will be an outreach focus on the 15-minute frequencies from UCSC to downtown Santa Cruz, and also the routes in Watsonville. METRO plans to offer free fares while customers get accustomed to the new routes and new transfers. METRO has a pending grant in the amount of \$83 million.

CM Timms noted that he will be attending the California Local Agency Formation Commission meeting, where he is the voting delegate for the County of Santa Cruz. He will report more on this item at the next meeting.

CM Johnson attended a meeting of the Regional Transportation Commission where the County gave a presentation that reflected the current challenges to transportation.

CM Timm attended a meeting of the Scotts Valley Chamber of Commerce's Economic Development Committee where they discussed the Halloween business event. Wednesday, 10/25 is the final day for businesses to sign up to participate in this event. The Chamber is also bringing back Holiday Bingo this year. This committee will be working on a survey to find out how the Chamber and the City can work together to assist businesses in this post-COVID era.

Mayor Dilles attended a meeting of the Association of Monterey Bay Area Governments (AMBAG) on behalf of CM Timm. The members were presented a draft of the 2026 Regional Growth Forecast showing projected changes in population, jobs, and housing between 2020 and 2050. They also received an update on the 2050 Metropolitan Communities Strategy which is in the development phase.

Mayor Dilles attended a meeting of the Santa Cruz County Consolidated Redevelopment Oversight Board where he sits as Vice Chair. This board oversees redevelopment agency debts that were incurred prior to 2012. The City of Scotts Valley is waiting for a loan repayment from the State of California, and this could potentially be the final step in this process.

Mayor Dilles was invited to attend an advisory committee meeting of the non-profit organization, Semillitas. This organization assists with the set-up of college tuition accounts for newborns, and they also leverage state funds to add to the accounts. Approximately 139 infants in the Scotts Valley zip code have benefited from this organization.

CITY MANAGER REPORT

Town Center Site Soil Remediation: The soil remediation at the site of the future Town Center has been completed. This project took a little over a week and tons of contaminated soil was removed and replaced with clean soil. The completion of this remediation project has removed a major barrier to developing the Town Center.

New Playground Equipment at Skypark: The demolition of the Tot Lot playground at Skypark has begun. The playground equipment is gone, and the sand is currently being removed. It will take about one month for the project to be completed.

Housing Element Responses: The City posted the response to the Department of Housing and Community Development's (HCD's) comments on our Housing Element on the City's website for public review and the City will be sending these responses to HCD at the end of this week. The public is encouraged to check out the Housing Element pages of the City's website.

Citizens Academy: The fourth session of the Citizens Academy was last night and the focus was Community Development, including Planning and Building. This was presented by the Community Development Director and the Senior Planner, and also included a local developer's perspective.

Senior Center Annual Membership Meeting: City Manager LaGoe and Mayor Dilles attended the annual membership meeting for the Senior Center today, and two members were nominated as at-large members of the Senior Center Board. This recommendation will come to the City Council at the next meeting.

Annual Financial Audit: The annual audit was kicked off this week and this project, which entails reviewing the books from the 2022-2023 fiscal year, is on track.

Meeting with Little League and Softball: City Manager LaGoe, along with the Recreation and Maintenance Managers, met at Siltanen Park with representatives from the Scotts Valley Little League and Scotts Valley Girls Softball organizations. They reviewed the coordination and planning for upgrades and improvements to the facilities in preparation for the upcoming season.

New Staff: Four new staff started this week. We welcomed two new Police Officer Trainees, Kevin King and Derek Welsh; a new Recreation Coordinator, Jennifer Dunmar; and a new Finance Manager, Kendra Reed. City Manager LaGoe introduced Kendra Reed, our newest member of the City's Management Team, as she was in attendance at the meeting.

PUBLIC COMMENT TIME

CM Lind reported that there will be a Ribbon Cutting Ceremony for Beautiful Life Estate Planning located at 5274 Scotts Valley Drive on 10/19 at 5:30 PM.

ALTERATIONS TO CONSENT AGENDA

M/S: Timms/Timm

To approve the Consent Agenda with no alterations. See attached Resolution No. 2034 and Resolution No. 2035.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Timm, Timms)

CONSENT AGENDA

1. Approve City Council minutes of 10-04-2023
2. Approve check register dated 09-30-2023 through 10-12-2023
3. Approve Resolution Declaring an Emergency Related to the Bean Creek Road Slide and Authorizing the City Manager to Enter into Agreements to Repair the Slide in Accordance with Public Contract Code section 22035.
3. Approve Resolution Declaring an Emergency Related to the Green Hills Road Slide and Authorizing the City Manager to Enter into Agreements to Repair the Slide in Accordance with Public Contract Code section 22035.

ALTERATIONS TO REGULAR AGENDA

M/S: Lind/Timms

To approve the Regular Agenda with no alterations.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Timm, Timms)

REGULAR AGENDA

1. Fiscal Year 2023-2024 Community Grant Program Recommendations

City Manager LaGoe presented this item and answered questions from the City Council Members. Public comment was received from the following individuals who represent organizations that were recommended for funding through this year's Community Grant Program:

- Jody Cramer, Vista Center for the Blind and Visually Impaired
- Jeff Park, Conflict Resolution Center
- John Williams, Conflict Resolution Center
- Miguel Jarequi, Dientes Community Dental
- Andy Cunningham, Boys and Girls Club of Santa Cruz County
- Bob Geyer, Vista Center for the Blind and Visually Impaired
- Dave Hodgin, Senior Life Association

- Arne Croce, Cabrillo College Local Government Fellows Program

The City Council Members thanked the organizations for their service to the community, and thanked City staff for their work on this program.

M/S: Timm/Lind

To approve the recommendation to fund 8 organizations through the Community Grant Program totaling \$50,000 and authorize the City Manager to execute contracts with the grant awardees in a form acceptable to the City Attorney. Carried 5/0 (AYES: Dilles, Johnson, Lind, Timm, Timms)

2. Adopt Resolution Authorizing Grant Submission to the Santa Cruz County Regional Transportation Commission

Steve Jesberg, Interim Public Works Director, presented this item and responded to questions and comments from the City Council Members.

M/S: Lind/Timms

To adopt Resolution No. 2033 authorizing and directing the Public Works Department to submit two grant applications for roadway improvements on Scotts Valley Drive and Mount Hermon Road to the Santa Cruz County Regional Transportation Commission.

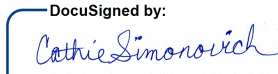
Carried 5/0 (AYES: Dilles, Johnson, Lind, Timm, Timms)

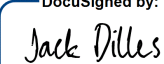
3. Future Council Agenda Items

CM Lind suggested a future agenda item regarding an Artificial Intelligence (AI) policy. CM Timms agreed to assist with research regarding whether or not the City of Scotts Valley needs an AI policy and if so, what content should be included in the policy. The majority of the Council noted support for this future agenda item.

ADJOURNMENT

The meeting adjourned at 7:42 PM.

Attest: 
00BDB2B26C07422
Cathie Simonovich, City Clerk

DocuSigned by:

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Approved: _____
Jack Dilles, Mayor

RESOLUTION NO. 2034

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY DECLARING AN EMERGENCY REGARDING THE BEAN CREEK ROAD SLIDE AND AUTHORIZING THE CITY TO PROCEED IN ACCORDANCE WITH PUBLIC CONTRACT CODE SECTION 22035 TO REPAIR THE SLIDE

WHEREAS, on December 30 and 31, 2022, the City of Scotts Valley experienced a major rain event (the “December 2022 Atmospheric River Winter Storm”); and

WHEREAS, as a result of the December 2022 Atmospheric River Winter Storm, flooding, debris from trees, and mud impacted the City of Scotts Valley; and

WHEREAS, soil conditions in the City of Scotts Valley remained saturated as a result of the December 2022 Atmospheric River Winter Storm; and

WHEREAS, on January 4 and 5, 2023, and January 8 and 9, 2023 major rain events (the “January 2023 Atmospheric River Winter Storms”) occurred which caused additional flooding and other storm impacts, including downed trees, power outages, retaining wall failures and mudslides; and

WHEREAS, the December 2022 and January 2023 Atmospheric River Winter Storms resulted in rainfall exceeding 16 inches over a 14-day period and wind in excess of 60 MPH is impacting the City; and

WHEREAS, a fourth winter storm hit Scotts Valley on January 13 and 14, 2023, which brought 3 inches of rainfall and resulted in additional damage to the City; and

WHEREAS, the County of Santa Cruz proclaimed the existence of a local emergency in the County on January 3, 2023; and

WHEREAS, the Governor of California declared a state of emergency on January 4, 2023; and

WHEREAS, on January 14, 2023, the President of the United States issued a Presidential Major Disaster Declaration to support the California’s emergency response to the ongoing storm impacts including flooding, mudslides and landslides in communities across the state; and

WHEREAS, on January 18, 2023, the City Council ratified the decision of the City Manager to declare an emergency due to the January 2023 Atmospheric River Winter Storms; and

WHEREAS, on March 9, 2023, the City and the County experienced yet another major rain event (the “March 2023 Atmospheric River Winter Storm”) which caused a mudslide on Bean Creek Road that downed power lines and closed the roadway (“Bean Creek Slide”); and

WHEREAS, the March 2023 Atmospheric River Winter Storms resulted in rainfall exceeding 3.8 inches. At that point, the total rainfall this was 51.71 inches, with 27.2” since January 1, 2023; and

WHEREAS, the County proclaimed the existence of a local emergency in the County on March 6, 2023; and

WHEREAS, the Governor of California declared a state of emergency on March 8, 2023; and

WHEREAS, on March 10, 2023, the President of the United States issued a Presidential Major Disaster Declaration to support the California’s emergency response to the ongoing storm impacts including flooding, mudslides and landslides in communities across the state beginning March 9, 2023; and

WHEREAS, on March 15, 2023, the City Council ratified the decision of the City Manager to declare an emergency due to the March 2023 Atmospheric River Winter Storms; and

WHEREAS, Bean Creek Road was closed for 26 days following the Bean Creek Slide; and

WHEREAS, the City’s geologist determined that Bean Creek Slide left a narrowed roadbed with a steep escarpment supported by weak soil on the outside edge of the road which will continue to fail if not repaired; and

WHEREAS, due to the significant damage caused by the atmospheric river events throughout Santa Cruz County, testing and design work to repair and secure the Bean Creek Slide was significantly delayed; and

WHEREAS, borings of the hillside were not completed until August 15, 2023; the Geotechnical report was just received on September 30, 2023; and the final design of the repair work has yet to be completed; and

WHEREAS, the geologists have determined that without immediate repair work, the hillside will slide again and possibly cause the complete closure of Bean Creek Road; and

WHEREAS, the condition of the slide area and the additional delay caused by following the competitive bidding process poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services; and

WHEREAS, the City Council desires to proceed with the Bean Creek Slide repairs at once without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts in accordance with Public Contract Code section 22035 in order to prevent the imminent danger.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Scotts Valley hereby declares as follows:

1. The Bean Creek Slide is a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services; and
2. Based on substantial evidence, the current state of the Bean Creek Slide will not permit a delay resulting from a competitive solicitation for bids because the roadbed will continue to fail and result in additional sliding and the possible closure of the roadway; and
3. Based on the existence of the emergency posed by the Bean Creek Slide, the City may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to take all actions and enter into any agreements necessary to complete the Bean Creek Slide repair.

The above and foregoing Resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a special meeting held on the 18th day of October, 2023, by the following vote:

AYES: DILLES, JOHNSON, LIND, TIMM, TIMMS

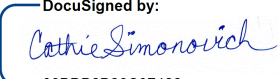
NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Approved: 
D5514C37479F46E...
Jack Dilles, Mayor

Attest:


00BDB2B26C07422...
Cathie Simonovich, City Clerk

RESOLUTION NO. 2035

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY DECLARING AN EMERGENCY REGARDING THE GREEN HILLS ROAD SLIDE AND AUTHORIZING THE CITY TO PROCEED IN ACCORDANCE WITH PUBLIC CONTRACT CODE SECTION 22035 TO REPAIR THE SLIDE

WHEREAS, on December 30 and 31, 2022, the City of Scotts Valley experienced a major rain event (the “December 2022 Atmospheric River Winter Storm”); and

WHEREAS, as a result of the December 2022 Atmospheric River Winter Storm, flooding, debris from trees, and mud impacted the City of Scotts Valley; and

WHEREAS, soil conditions in the City of Scotts Valley remained saturated as a result of the December 2022 Atmospheric River Winter Storm; and

WHEREAS, on January 4 and 5, 2023, and January 8 and 9, 2023 major rain events (the “January 2023 Atmospheric River Winter Storms”) occurred which caused additional flooding and other storm impacts, including downed trees, power outages, retaining wall failures and mudslides; and

WHEREAS, the December 2022 and January 2023 Atmospheric River Winter Storms resulted in rainfall exceeding 16 inches over a 14-day period and wind in excess of 60 MPH is impacting the City; and

WHEREAS, a fourth winter storm hit Scotts Valley on January 13 and 14, 2023, which brought 3 inches of rainfall and resulted in additional damage to the City, including a landslide on Green Hills Road which closed the roadway; and

WHEREAS, the County of Santa Cruz proclaimed the existence of a local emergency in the County on January 3, 2023; and

WHEREAS, the Governor of California declared a state of emergency on January 4, 2023; and

WHEREAS, on January 14, 2023, the President of the United States issued a Presidential Major Disaster Declaration to support the California’s emergency response to the ongoing storm impacts including flooding, mudslides and landslides in communities across the state; and

WHEREAS, on January 18, 2023, the City Council ratified the decision of the City Manager to declare an emergency due to the January 2023 Atmospheric River Winter Storms; and

WHEREAS, on March 9, 2023, the City and the County experienced yet another major rain event (the “March 2023 Atmospheric River Winter Storm”) which caused another landslide on Green Hills Road and closed the roadway; and

WHEREAS, the March 2023 Atmospheric River Winter Storms resulted in rainfall exceeding 3.8 inches. At that point, the total rainfall this was 51.71 inches, with 27.2” since January 1, 2023; and

WHEREAS, the County proclaimed the existence of a local emergency in the County on March 6, 2023; and

WHEREAS, the Governor of California declared a state of emergency on March 8, 2023; and

WHEREAS, on March 10, 2023, the President of the United States issued a Presidential Major Disaster Declaration to support the California’s emergency response to the ongoing storm impacts including flooding, mudslides and landslides in communities across the state beginning March 9, 2023; and

WHEREAS, on March 15, 2023, the City Council ratified the decision of the City Manager to declare an emergency due to the March 2023 Atmospheric River Winter Storms; and

WHEREAS, the City’s geologist determined that the Green Hills landslides resulted in a landslide scar with oversteepened slopes underlain by weak soil which undermined a large concrete drainage ditch at the top of the landslide scar; and

WHEREAS, the concrete drainage structure is precipitously overhanging the landslide scar, has already been pulled apart by ongoing failure of the landslide scar and at this point the drainage structure now drains directly on to the landslide scar in the area where it is overhung and pulled apart; and

WHEREAS, due to the significant damage caused by the atmospheric river events throughout Santa Cruz County, testing and design work to repair and secure the hillside and drainage structure was significantly delayed; and

WHEREAS, borings of the hillside were not completed until late April 2023 and it was not until June 2023 that the geotechnical report was received that provided the project with soils engineering parameters and recommendations for mitigating the ongoing failure of the slope and drainage system above Green Hills Road; and

WHEREAS, based on the recommendations in the geotechnical report, a specialty design firm was needed to design a soil nail wall to secure the hillside; and

WHEREAS, the design engineer contacted several firms and met with one firm in late July and the design report was finally provided on September 7, 2023; and

WHEREAS, the geotechnical firm, Pacific Crest Engineering, has determined that the hillside poses a significant risk of additional sliding and a catastrophic failure of the drainage ditch which could result in large blocks of concrete falling into the roadway. In addition, if allowed to stay in its current condition, the ruptured drainage ditch will

continue to dump drainage directly onto the unstable soil exposed in the landslide scar;
and

WHEREAS, the geologists have determined that without immediate repair work, the hillside will slide again and possibly cause the closure of Green Hills Road and cause damage to the public; and

WHEREAS, the condition of the slide area and the additional delay caused by following the competitive bidding process poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services; and

WHEREAS, the City Council desires to proceed with the Green Hills Road repairs at once without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts in accordance with Public Contract Code section 22035 in order to prevent the imminent danger.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Scotts Valley hereby declares as follows:

1. The slide on Green Hills Road and the resulting damage to the drainage system is a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services; and
2. Based on substantial evidence, the current state of the Green Hills Road landslide and drainage system will not permit a delay resulting from a competitive solicitation for bids because the hillside poses a significant risk of additional sliding and a catastrophic failure of the drainage ditch which could result in large blocks of concrete falling into the roadway and the ruptured drainage ditch will continue to dump drainage directly onto the unstable soil exposed in the landslide scar; and
3. Based on the existence of the emergency posed by the Green Hills Road slide, the City may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to take all actions and enter into any agreements necessary to complete the Green Hills Road slide repair.

The above and foregoing Resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a special meeting held on the 18th day of October, 2023, by the following vote:

AYES: DILLES, JOHNSON, LIND, TIMM, TIMMS

NOES: NONE

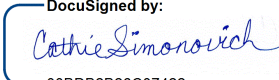
ABSENT: NONE

ABSTAIN: NONE

Approved: 
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Jack Dilles, Mayor

Attest:


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Cathie Simonovich, City Clerk