



A G E N D A

Special Meeting of the Scotts Valley City Council

Date: October 14, 2015

Time: 6:30 p.m.

CITY OF SCOTTS VALLEY 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5602	MEETING LOCATION City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066	POSTING: The agenda was posted 10-9-15 at City Hall, SV Senior Center, SV Library and on the Internet at www.scottsvalley.org .
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Elected Officials Dene Bustichi, Mayor Donna Lind, Vice Mayor Stephany E. Aguilar, Council Member Randy Johnson, Council Member Jim Reed, Council Member	City Staff Members Steve Ando, City Manager Kirsten Powell, City Attorney Corrie Kates, Community Dev Dir/Deputy City Mgr Scott Hamby, Public Works Director John Weiss, Chief of Police Tracy Ferrara, City Clerk
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Notice regarding City Council Meetings:

The City Council meets regularly on the 1st and 3rd Wednesday of each month at 6:00 pm in the City Hall Council Chambers located at 1 Civic Center Drive, Scotts Valley, CA 95066.

Agenda and Agenda Packet Materials:

The City Council agenda and the complete agenda packet are available for review by 5:00 pm the Friday before the Wednesday meeting on the Internet at the City's website: www.scottsvalley.org and in the lobby of City Hall at 1 Civic Center Drive, Scotts Valley, CA. Pursuant to Government Code §54957.5, materials related to an agenda item, submitted after distribution of the agenda packet, are available for public inspection in the lobby of City Hall during normal business hours, Monday-Friday, 8am-12 pm and 1-5 pm. In accordance with AB 1344, such documents will be posted on the City's website at www.scottsvalley.org.

Televised Meetings:

City Council meetings are cablecast "Live" on Community Television of Santa Cruz County on Comcast Channel 25.

CALL TO ORDER 6:30 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

PUBLIC HEARING

1. Consideration of Urgency Ordinance No. 189.1 to extend a moratorium on the establishment of new commercial operations engaged in the sale of firearms, ammunition, and/or explosive devices within the City of Scotts Valley
 - Open public hearing
 - Close public hearing
 - Approve Urgency Ordinance No. 189.1

ADJOURNMENT

The City of Scotts Valley does not discriminate against persons with disabilities. The City Council Chambers is an accessible facility. If you wish to attend a City Council meeting and require assistance such as sign language, a translator, or other special assistance or devices in order to attend and participate at the meeting, please call the City Clerk's office at (831) 440-5602 five to seven days in advance of the meeting to make arrangements for assistance. If you require the agenda of a City Council meeting be available in an alternative format consistent with a specific disability, please call the City Clerk's Office. The California State Relay Service (TTY/VCO/HCO to Voice: English 1-800-735-2929, Spanish 1-800-855-3000; or, Voice to TTY/VCO/HCO: English 1-800-735-2922, Spanish 1-800-855-3000), provides Telecommunications Devices for the Deaf and Disabled and will provide a link between the TDD caller and users of telephone equipment.

PROCEDURAL INFORMATION FOR THE PUBLIC

THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN APPROVAL OF A RESOLUTION:

1. Move the Resolution number for approval.
2. Second the motion.
3. Vote by body, a roll call vote is not required.

THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN INTRODUCTION/ADOPTION OF AN ORDINANCE:

1. Move the Ordinance number for introduction (or adoption).
2. Move the Ordinance be introduced by title only and waive the reading of the text.
3. Read the Ordinance title.
4. Second the motion.
5. Vote by body, a roll call vote is not required.

THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN PUBLIC COMMENT/PUBLIC HEARINGS:

Unless otherwise determined by the presiding officer of the meeting:

1. Three minutes allowed per individual to speak.
2. Five minutes allowed per individual representing a group of three or more.



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**City of Scotts Valley
City Council
STAFF REPORT**

DATE: October 14, 2015

TO: Honorable Mayor Bustichi and City Council Members

FROM: Corrie D. Kates, Community Development Director/Deputy City Mgr

SUBJECT: URGENCY ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF NEW COMMERCIAL OPERATIONS ENGAGED IN THE SALE OF FIREARMS, AMMUNITION, AND /OR EXPLOSIVE DEVICES WITHIN THE CITY OF SCOTTS VALLEY FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS

SUMMARY OF ISSUE:

On September 2, 2015, the City Council approved Ordinance No. 189, an urgency ordinance establishing a temporary (45-days) moratorium on the establishment of new commercial operations engaged in the sale of firearms, ammunition, and /or explosive devices within the City of Scotts Valley, in accordance with Government Code Section 65858, which will expire on October 17, 2015, if not extended.

If adopted, the attached Urgency Ordinance No. 189.1 will extend the moratorium for ten (10) months and fifteen (15) days from October 17, 2015. This extended time period is needed for City staff to complete an adequate study into appropriate land use regulations for these types of uses. Approval of this extension requires a four-fifths (4/5) vote of the City Council.

Government Code Section 65858 also requires that 10 days prior to the expiration of the ordinance, the City Council shall issue a written report describing the measures taken to alleviate the conditions which led to the adoption of the ordinance. The attached report describes the steps already undertaken by City staff and was available at City Hall for public inspection.

The extension of this moratorium is necessary to protect the public health, safety and welfare while staff completes its study of this issue. This extension will give the City time to complete a review of this issue and to evaluate concerns regarding the establishment of new commercial operations engaged in the sale of firearms, ammunition, and /or explosive devices within the City of Scotts Valley. Additionally to further understand potential impacts such uses may have on the public health, safety and welfare, the zoning applicable to such uses, and if additional regulation is necessary.

FISCAL IMPACT:

Researching appropriate land use regulations, drafting ordinances and preparing the appropriate environmental review for the proposed ordinances will require a significant commitment of staff time.

STAFF RECOMMENDATION:

Introduce and adopt Ordinance No. 189.1, an Urgency Ordinance of the City Council of the City of Scotts Valley Extending a Moratorium on the establishment of new commercial operations engaged in the sale of firearms, ammunition, and /or explosive devices within the City of Scotts Valley, in order to provide the City with more time to determine whether to adopt an ordinance further regulating such uses.

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ORDINANCE NO. 189.1

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY EXTENDING A MORATORIUM ON THE ESTABLISHMENT OF NEW COMMERCIAL OPERATIONS ENGAGED IN THE SALE OF FIREARMS, AMMUNITION, AND /OR EXPLOSIVE DEVICES WITHIN THE CITY OF SCOTTS VALLEY

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
SCOTTS VALLEY:**

WHEREAS, at the City Council meeting on August 19, 2015, the City Council received extensive public comments for approximately two hours on the issue of whether the City of Scotts Valley should consider adopting regulations concerning the business operations and sales of firearms and ammunition. At the conclusion of that meeting, the City Council directed staff to study the issues involved and meeting with existing firearms dealers; and

WHEREAS, on September 2, 2015 the City Council of the City of Scotts Valley adopted Ordinance No. 189 as an urgency ordinance imposing a forty-five (45) day moratorium on the establishment of new commercial operations engaged in the sale of firearms, ammunition, and /or explosive devices within the City of Scotts Valley; and,

WHEREAS, Ordinance No. 189 will, unless extended, expire by operation of law on October 17, 2015; and,

WHEREAS, Government Code section 65858 authorizes an extension of an urgency ordinance, after a noticed public hearing, to protect the public health, safety and welfare through adoption of an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time; and,

WHEREAS, pursuant to Government Code section 65858(d), the City Council has accepted a report prepared by City staff describing the study and measures that have been taken to date to alleviate the condition which led to the adoption of the initial emergency ordinance; and,

WHEREAS, Government at all levels has a substantial interest in protecting the people from those who acquire guns lawfully or illegally and then use them to commit crimes resulting in injury or death of their victims or who use them in the commission of other coercive crimes such as robbery and sexual assault; and

WHEREAS, the sales of firearms and ammunition are not currently regulated under the Scotts Valley Municipal Code; and

WHEREAS, the sale of firearms, ammunition and /or explosive devices has raised the following public health, safety and welfare concerns: school safety; parks, school routes, and residences in close proximity to such sales; and potential negative influences of such sales on children; and

WHEREAS, while the City studies the issues requested by the City Council on August 19, 2015, concerning potential land use regulations of the sale of firearms, ammunition and explosive devices, considerable uncertainty exists as to whether future sales of firearms, ammunition, and/or explosive devices within the City of Scotts Valley will be subject to new land use regulations (zoning, conditional use permit, etc.) and ultimately be in conflict with the existing Scotts Valley Municipal Code. Without an immediate moratorium, a new retail establishment selling firearms could obtain a business license in the City of Scotts Valley within a matter of a few business days; and

WHEREAS, other California cities have adopted zoning ordinances and business regulations that govern the sales of firearms and ammunition; and

WHEREAS, the City Council has conducted a noticed public hearing pursuant to Government Code section 65090 and has complied with Government Code section 65858 which provide for the extension of an urgency measure of an interim ordinance to protect public health, safety and welfare, by a four-fifths (4/5) vote of the City Council. Adopting this extension to the interim ordinance as an urgency measure to prohibit the establishment of new commercial operations engaged in the sale of firearms, ammunition, and /or explosive devices within the City of Scotts Valley is consistent with the stated requirements.

NOW THEREFORE, BASED UPON THE FOREGOING AND ALL EVIDENCE SUBMITTED TO IT, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY AS FOLLOWS:

SECTION 1: PURPOSE AND FINDINGS.

A. The above recitals are incorporated herein and each relied upon independently by the City Council as findings for its adoption of this urgency interim ordinance.

B. The City of Scotts Valley Zoning Ordinance does not currently include regulation concerning the sale of firearms, ammunition or explosive devices.

C. The City Council recently conducted approximately two hours of community discussions during a City Council meetings on August 19, 2015, and received concerned comments, written and oral, urging the City Council to regulate the sale of firearms, ammunition, and /or explosive devices.

D. Additional time is necessary for the City to study the issues raised by the community and the City Council concerning the sales of firearms, ammunition, and explosive devices.

E. Adoption of the urgency interim ordinance imposing a temporary moratorium on the establishment of commercial operations engaged in the sale of firearms, ammunition, and /or explosive devices is necessary to avoid the previously identified current and immediate threat to the public health, safety, and welfare.

SECTION 2: INTERIM SUSPENSION OF PERMITS, APPROVAL OR OTHER ENTITLEMENTS.

There shall be an interim moratorium on land use approvals and building permits in all zoning districts for the establishment of new commercial operations engaged in the sale of firearms, ammunition, and /or explosive devices within the City of Scotts Valley, which include any site, facility, or location of such uses. Based on the findings set forth herein, no permits, licenses, zoning ordinance interpretation of amendment or other applicable entitlements for use, which has as its result the final approval or allowance of the establishment of new commercial operations engaged in the sale of firearms, ammunition, and /or explosive devices within the City of Scotts Valley, shall be granted or approved by any employee, department or commission of the City as defined above for a period of ten (10) months and fifteen (15) days immediately following the effective date of this ordinance, unless appealed or extended by a later enacted ordinance.

SECTION 3: IMMEDIATE THREAT TO HEALTH, SAFETY AND WELFARE.

Based on the findings set forth herein, this ordinance is adopted pursuant to California Government Code section 65858 and is required to address a current and immediate threat to public health, safety and welfare. The City Council has determined that granting land use approvals or building permits for the establishment of new commercial operations engaged in the sale of firearms, ammunition, and/or explosive devices within the City of Scotts Valley could result in a threat to public health, safety and welfare.

SECTION 4: URGENCY PERIOD.

This ordinance is declared to be an urgency ordinance for preserving the public health, safety and welfare and to take effect and be enforced on and after October 17, 2015, the day that Ordinance No. 189 expires. The City intends there to be no gap in the moratorium period so that the moratorium is in effect continuously through the end of the extension granted by this Ordinance.

SECTION 5: AMENDMENTS TO ORDINANCE.

The City Council by ordinance after notice of public hearing, by the affirmative vote of at least four-fifths (4/5) of the City Council Members, may modify, amend, delete or add to this ordinance upon a finding that such action will implement and enforce the goals, policies and purpose of this ordinance.

SECTION 6: SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

SECTION 7: REPEALS CONFLICTING ORDINANCES.

All other ordinances of the City of Scotts Valley or provisions of the Scotts Valley Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8: COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The City Council finds and determines that the enactment of this Ordinance is not a "project" as that term is used in the California Environmental Quality Act ("CEQA;" Cal. Pub. Resources Code Section 21000 et seq.) or the State CEQA Guidelines (Cal. Code of Regs. Title 14, Section 15000 et seq.). Therefore, no environmental assessment is required or necessary.

SECTION 9: EFFECTIVE DATE.

In accordance with California Government Code section 65858, this ordinance shall be in full force and effect for a period of ten (10) months and fifteen (15) days from October 17, 2015. This period may be extended by the City Council in accordance with the provisions of California Government Code Section 65858. Passed for the purpose of adoption on this 14th day of October, 2015, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Dene Bustichi, Mayor

ATTEST:

Tracy A. Ferrara, City Clerk

APPROVED AS TO FORM:

Kirsten Powell, City Attorney

**City of Scotts Valley
City Council
INTEROFFICE MEMORANDUM**

DATE: October 14, 2015

TO: Mayor Bustichi and City Council Members

FROM: Corrie D. Kates, Community Development Director/Deputy City Manager

SUBJECT: WRITTEN REPORT PURSUANT TO GOVERNMENT CODE SECTION 65858 REGARDING MEASURES TAKEN TO ALLEVIATE CONDITIONS RESULTING IN THE ADOPTION OF AN URGENCY ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF NEW COMMERCIAL OPERATIONS ENGAGED IN THE SALE OF FIREARMS, AMMUNITION, AND /OR EXPLOSIVE DEVICES WITHIN THE CITY OF SCOTTS VALLEY

On September 2, 2015, the City Council approved Ordinance No. 189, an urgency ordinance establishing a temporary (45-days) moratorium on the establishment of new commercial operations engaged in the sale of firearms, ammunition, and /or explosive devices within the City of Scotts Valley, in accordance with Government Code Section 65858, which will expire on October 17, 2015, if not extended

Since then, City staff has begun the following measures to alleviate the conditions that led to the adoption of the interim ordinance, which are ongoing:

- Collect data from cities on how they regulate firearm sales and whether they are processed as a retail use or home occupation.
- Conduct field visits to inventory existing uses in the City.
- Meet with existing operators to understand their land use needs.
- Collect and analyze data of existing uses and the demand for such uses.
- Prepare recommendations and related ordinances, staff reports and other documentation, as necessary, for consideration by the City Council.
- Contacted approximately 20 city and county agencies to date and there is a mix of cities that regulate these uses away from sensitive areas such as schools and others, require a use permit and others that process as a normal business in a retail zone and the primary licensing process is handled by State and local Police Department.
- Research other firearms ordinances

It is anticipated that completion of the above measures may take the full amount of the ten (10) months and fifteen (15) day ordinance extension, and possibly longer, depending, in part, on other project commitments.