



AGENDA

Meeting of the
Scotts Valley City Council
In-Person and Remote Access
Date: April 17, 2024
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	Agenda posted on 4-12-2024 at City Hall, SV Senior Center, SV Public Works Building, and on the Internet at: www.scottsvally.gov

ELECTED OFFICIALS	CITY STAFF MEMBERS
Randy Johnson, Mayor Derek Timm, Vice Mayor Jack Dilles, Council Member Donna Lind, Council Member Allan Timms, Council Member	Mali LaGoe, City Manager Kirsten Powell, City Attorney Cathie Simonovich, City Clerk

MEETING NOTICE AND AGENDA PACKET MATERIALS
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, and via Zoom Webinar remote access. 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.scottsvally.gov 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.scottsvally.gov. Public Participation: The meeting will be available on Zoom and livestreamed to the City of Scotts Valley's YouTube channel: https://www.youtube.com/channel/UCLNTBScelB4wTfidYHrocWA. For those wishing to participate via Zoom you can join the following ways: Zoom Webinar meeting link: https://us02web.zoom.us/j/83295730901 Or dial one of these numbers: (669) 900-9128 or (669) 444-9171

Webinar ID: 832 9573 0901

Whether attendance is in-person or remote, you will be given opportunities to provide public comment at the appropriate times throughout the meeting. The time limit is up to 3 minutes for an individual, or 5 minutes for someone who is representing a group of three or more, at the discretion of the Mayor. Please note that this is not a question-and-answer time, but simply a time to provide comments to the Council. At the appropriate times during the meeting for public comment, on items not on the agenda, and on specific agenda items, the Mayor will announce that public comment will be accepted.

How to comment via in-person attendance:

Please proceed to the public comment podium when the Mayor opens the item for public comment.

How to comment via Zoom Webinar:

Use the webinar attendee option to “raise hand” when the Mayor opens the item for public comment. The Clerk will unmute you when it is your turn. If you have joined via Zoom phone call, dial *9 or your phone to “raise your hand”, and the Clerk will unmute you when it is your turn.

CALL TO ORDER 6:00 PM

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

COMMITTEE REPORTS

Council members are appointed to committees which are either City committees or committees dealing with other jurisdictions. This portion of the agenda allows the committee member to present oral or written reports to the Council regarding their committee assignments. It also allows the Council to make comments and give the committee member direction, as required.

CITY MANAGER REPORT

PUBLIC COMMENT TIME

This is the opportunity for individuals attending in person to make oral comments to the Council on any items within the purview of the Council, which are NOT part of the Agenda. No action on the item may be taken, but the Council may request the matter be placed on a future agenda. Written public comment may be emailed to the City Clerk by 5:00 PM on the day of the meeting at csimonovich@scottsvally.gov.

ALTERATIONS TO CONSENT AGENDA

Council can remove or add items to the Consent Agenda.

CONSENT AGENDA

The Consent Agenda is comprised of items which are intended to be non-controversial and are approved without discussion. Persons wishing to speak on any item may request the item be moved to the Regular Agenda by raising their hand to be recognized by the Mayor. An item will only be moved from the Consent Agenda to the Regular Agenda if a City Council Member requests it to be moved and a majority of the Council agrees.

1. Approve City Council minutes from the 04-03-2024 meeting
2. Approve check register dated 03-22-2024 through 04-11-2024
3. Public Works Facility Improvement Project – Building Construction. Project No. 24-002, Change Order No. 1
4. Amendment to the surface remediation agreement between the City of Scotts Valley and the City of Santa Cruz

PUBLIC HEARINGS

1. Discussion of City of Scotts Valley application for Community Development Block Grant Program Income (CDBG-PI) Funds

ALTERATIONS TO REGULAR AGENDA

Council can remove or add items to the Regular Agenda.

REGULAR AGENDA

Persons wishing to speak on any item may do so by raising their hand to be recognized by the Mayor.

1. Consider request to display the Pride flag to commemorate Pride Month from June 1st to June 30th, 2024
2. Future Council Agenda Items

CONVENE TO CLOSED SESSION

CLOSED SESSION SUBJECT(S)

1. Conference with legal counsel regarding real property negotiations
Legal Authority: Government Code Section 54956.8
Location: APNS: 022-721-07, 022-721-08, 022-721-09 (Town Center)
Staff Present: City Manager, City Attorney, Administrative Services Director
2. Conference with legal counsel regarding liability claim
Legal Authority: Government Code Section 54956.9
Name of Case: Clark Claim
Staff Present: City Manager, City Attorney
3. Public Employee Annual Performance Evaluation
Legal Authority: Government Code Section 54957(b)(1)
Position: City Manager
Staff Present: City Manager, City Attorney

RECONVENE TO OPEN SESSION

REPORT ON ACTION TAKE DURING CLOSED SESSION

ADJOURNMENT

ADA NOTICE

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) 440-5600 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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MINUTES

Meeting of the
Scotts Valley City Council
Date: April 3, 2024
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 3-29-2024 at City Hall, SV Senior Center, SV Public Works Building, and on the Internet at www.scottsvalley.gov .

CALL TO ORDER 6:00 PM

The City Council meeting was called to order at 6:01 PM.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

ELECTED OFFICIALS PRESENT:

Randy Johnson, Mayor
Jack Dilles, Council Member
Donna Lind, Council Member
Allan Timms, Council Member

ELECTED OFFICIALS ABSENT:

Derek Timm, Vice Mayor

CITY STAFF MEMBERS PRESENT:

Mali LaGoe, City Manager
Kirsten Powell, City Attorney
Steve Walpole, Police Chief
Cathie Simonovich, City Clerk

SPECIAL SET MATTER

1. Mayor's proclamation for Child Abuse Awareness Month

Mayor Johnson presented the proclamation for Child Abuse Prevention Awareness Month.

Lis DuBois, a long-time board member of Positive Discipline Community Resources (PDCR), accepted the proclamation on behalf of the Executive Director of PDCR, Stephanie Barron Lu. Ms. DuBois invited the community to the activities scheduled this month to honor Child Abuse Prevention Awareness Month. On April 26th there will be a flag raising ceremony in front of the County Courthouse (701 Ocean Street, Santa Cruz) which will be paired with a moment of silence. There will be prevention tipsheet packets from First Five Santa Cruz which will be made available both digitally and as physical resources across the county. A four-episode podcast series will be debuting this weekend and will highlight 15 of the local community resources available to youth and families in our community. These podcasts will be hosted by Stephanie Barron Lu and Robert Aldana, and will be available on the MyScottsValley platform, the Childrens Network Facebook page and the PDCR YouTube channel.

Rhonda Reyna thanked the Mayor for the proclamation and highlighted her deep ties to the subject matter.

James Ewing Whitman spoke regarding the education system and indicated a need to correct certain issues in the community.

The Council Members discussed the need to talk about the uncomfortable subject of child abuse in order to make strides in solving it.

COMMITTEE REPORTS

CM Lind attended a meeting of the Santa Cruz Metropolitan Transit District (METRO) where they received a state legislative budget update. They are waiting for the final state budget to find out if there will be cuts to transportation.

CM Lind, along with other Council Members, participated in the presentation of the annual chamber awards. The gala to celebrate the recipients will be on May 10th.

CM Timms attended a meeting of the Local Area Formation Commission (LAFCO) where they interviewed seven candidates in order to select one public member and one public member alternate. After a thorough and transparent process, John Hunt and Roger Anderson were reappointed.

CM Dilles attended a meeting of the statewide League of California Cities Revenue and Taxation Committee where they received a presentation about the state budget. Key takeaways were that the state unemployment rate has increased, and the Initial Public Offerings (IPO) receipts have decreased substantially. They also heard about a potential plan that would shift money from cities to school districts, a ballot initiative that Cal Cities opposes (Taxpayer Protection and Accountability Initiative), a bill that would require cities to be transparent about sales taxes sharing agreements, and they heard a presentation from Caltrans regarding federal grant opportunities.

CM Dilles along with VM Timm and City Manager LaGoe attended the Joint City/Schools subcommittee meeting and heard about the Vine Hill School project (see Regular Agenda Item 1), and they discussed future facilities needs and opportunities by looking broadly at ways that the City and School District could help each other by providing recreation programs and facilities to the public.

Mayor Johnson attended the International Council of Shopping Centers (ICSC) conference along with VM Timm and City Manager LaGoe, and they learned about retail opportunities and development opportunities.

CITY MANAGER REPORT

City of Scotts Valley Housing Element: The City of Scotts Valley is proud to announce that the Housing Element has been certified. Scotts Valley is the second jurisdiction in Santa Cruz County to receive this certification. City Manager LaGoe gave a huge shout-out to the staff and consultants who worked tirelessly on the Housing Element. We are now entering the implementation phase, which will also be a lot of work.

Public Works Project: The Public Works Department is currently working on updating the bike lanes on Glenwood Drive from Scotts Valley Drive up to Scotts Valley High School (SVHS). An SVHS student raised \$1600 towards this project as her senior project.

Fiscal Year 2022-2023 Financial Audit: The audit is 100% complete – many thanks to the Finance staff for their hard work on this.

Police Department Canine Officer: The Police Department is anticipating the retirement of Canine Officer Xena as she has been experiencing some health challenges.

Drug and Alcohol Resistance Education (DARE) Graduation: The Police Department will be hosting three DARE graduations next week at Vine Hill Elementary, Brook Knoll Elementary and Baymont Christian School.

Recreation Department: The Recreation Department is hosting a Volunteer Day on May 11th and is advertising this event through their newsletter and social media accounts.

PUBLIC COMMENT TIME

James Ewing Whitman spoke regarding his opinions on recent events in the country that he feels could affect our city.

Rhonda Reyna spoke regarding her experience with domestic violence, and her experience taking a domestic violence counselor training course.

ALTERATIONS TO CONSENT AGENDA

M/S: Timms/Dilles

To approve the Consent Agenda with no alterations.

Carried 4/0/1 (AYES: Johnson, Dilles, Lind, Timms; NOES: None; ABSENT: Timm)

CONSENT AGENDA

1. Approve City Council Special Study Session Minutes from 02-28-2024 through 02-29-2024, and City Council Regular Meeting Minutes from 03-20-2024
2. Approve check register dated 03-15-2024 through 03-21-2024

ALTERATIONS TO REGULAR AGENDA

M/S: Timms/Dilles

To approve the Regular Agenda with no alterations.

Carried 4/0/1 (AYES: Johnson, Dilles, Lind, Timms; NOES: None; ABSENT: Timm)

REGULAR AGENDA

1. Vine Hill School Project Update and Award Contract for Playground Equipment

City Manager LaGoe presented this item. The Council noted that they are happy to see that the City and School District continue to work together collaboratively.

M/S: Timms/Lind

To authorize the City Manager to sign the purchase agreement with Ross Recreation in a form approved by the City Attorney, and to authorize the City Manager to expend additional grant funding available for improvement to the Vine Hill School project.

Carried 4/0/1 (AYES: Johnson, Dilles, Lind, Timms; NOES: None; ABSENT: Timm)

2. Resolution Recognizing Tobacco Waste as a Public Health and Environmental Threat

City Manager LaGoe introduced this item and thanked Council Member Timms for bringing this item forward. Council Member Timms participates in a countywide work group that looks at tobacco waste and coordinates awareness and reduction efforts across the county.

City Manager LaGoe introduced Tara Leonard, Project Director of the Tobacco Education and Prevention Program; and Rachel Kippen, Co-Chair of the Santa Cruz County Tobacco Education Coalition, who presented this item in tandem.

Charlotte Smith and Tessa Sanders, both seniors at Scotts Valley High School, spoke on this topic which they are very passionate about. They are members of Scotts Valley High School's Green Team, the Surfrider Foundation SVHS Chapter and the Sustainable Clothing Club. They see tobacco waste firsthand, and they understand the dangers to the environment. They urged the Council to adopt the resolution to take steps towards a brighter, more environmentally cautious Scotts Valley.

Rhonda Reyna spoke regarding her opinion on the United Nations and the World Health Organization, and she urged Council to look at what is really poisoning our community.

James Ewing Whitman spoke regarding his opinion on toxins, and he feels people should call other people out when they litter. He is glad there is participation from the youth in the community.

The Council thanked the high school students for attending and participating in the meeting.

M/S: Timms/Lind

To adopt Resolution No. 2045 recognizing tobacco waste as a public health and environmental threat.

Carried 4/0/1 (AYES: Johnson, Dilles, Lind, Timms; NOES: None; ABSENT: Timm)

3. Future Council Agenda Items

None.

ADJOURNMENT

The meeting adjourned at 7:23 PM.

Approved: _____
Randy Johnson, Mayor

Attest: _____
Cathie Simonovich, City Clerk

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
Cash Account: 999-10100-000-000-000000					
131353	03/29/24	A SIGN ASAP	83.96	0	Regular
131354	03/29/24	A TOOL SHED, INC.	515.00	0	Regular
131355	03/29/24	ACC BUSINESS	1,237.21	0	Regular
131356	03/29/24	ACE PORTABLE SERVICES	805.12	0	Regular
131357	03/29/24	ADOBE ANIMAL HOSPITAL SOQUEL	83.19	0	Regular
131358	03/29/24	AFLAC-FLEX ONE	411.86	0	Regular
131359	03/29/24	ALHAMBRA	175.86	0	Regular
131360	03/29/24	ALVAREZ IND INC CLEAN BLDG	150.00	0	Regular
131361	03/29/24	ANDERSON PACIFIC ENG INC.	117,994.94	0	Regular
131362	03/29/24	APPLIED CONCEPTS, INC	2,327.14	0	Regular
131363	03/29/24	AQUATIC BIOASSAY &	5,290.00	0	Regular
131364	03/29/24	AT&T	150.62	0	Regular
131365	03/29/24	AT&T	3,526.62	0	Regular
131366	03/29/24	AT&T MOBILITY	1,228.70	0	Regular
131367	03/29/24	BENJAMIN NOBLE	8,485.00	0	Regular
131368	03/29/24	BRIGHTVIEW LANDSCAPE	4,166.50	0	Regular
131369	03/29/24	BRINK'S AWARDS & SIGNS	27.31	0	Regular
131370	03/29/24	BRISHAN INC.	1,975.10	0	Regular
131371	03/29/24	BUREAU VERITAS TECHNICAL ASSMT	9,986.07	0	Regular
131372	03/29/24	CARA WILCOX	250.00	0	Regular
131373	03/29/24	CITY OF SANTA CRUZ	240.00	0	Regular
131374	03/29/24	COMCAST	374.34	0	Regular
131375	03/29/24	COMMUNITY TREE SERVICE, INC.	12,511.76	0	Regular
131376	03/29/24	CRYSTAL SPRINGS WATER CO	129.25	0	Regular
131377	03/29/24	CSG CONSULTANTS, INC	1,634.00	0	Regular
131378	03/29/24	CUMMING MANGEMENT GROUP, INC	14,181.25	0	Regular
131379	03/29/24	DEPARTMENT OF JUSTICE	93.00	0	Regular
131380	03/29/24	DREW DENTAL CORP	699.50	0	Regular
131381	03/29/24	DU-ALL SAFETY, LLC	412.50	0	Regular
131382	03/29/24	ECOLOGICAL CONCERNS	810.00	0	Regular
131383	03/29/24	ENVIRONMENTAL INNOVATIONS	9,909.44	0	Regular
131384	03/29/24	EWING IRRIGATION PRODUCTS	1,345.98	0	Regular
131385	03/29/24	FEDERAL EXPRESS	45.48	0	Regular
131386	03/29/24	GRANITE ROCK COMPANY	661,426.21	0	Regular
131387	03/29/24	HINDERLITER, DE LLAMAS & ASSOC	300.00	0	Regular
131388	03/29/24	INTERGRITY PLUMBING & WATER	1,250.00	0	Regular
131389	03/29/24	INTERSTATE SALES	194.87	0	Regular
131390	03/29/24	INTERWEST CONSULTING GROUP	5,461.25	0	Regular
131391	03/29/24	K & D LANDSCAPING, INC.	3,627.00	0	Regular
131392	03/29/24	KEVIN C. MCWILLIAMS DDS	111.20	0	Regular
131393	03/29/24	KIMLEY-HORN & ASSOCIATES INC	1,000.00	0	Regular
131394	03/29/24	KOFFLER ELECTRICAL MECHANICAL	13,289.40	0	Regular
131395	03/29/24	LC ACTION POLICE SUPPLY	3,456.95	0	Regular
131396	03/29/24	LINDA KAEMPFER BAKER	320.00	0	Regular

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
131397	03/29/24	M-GROUP	13,300.00	0	Regular
131398	03/29/24	MAR-KEN INTERNATIONAL POLICE	260.00	0	Regular
131399	03/29/24	MBASIA	659.00	0	Regular
131400	03/29/24	MIRACLE PLAYSYSTEMS, INC	163,239.63	0	Regular
131401	03/29/24	NANNETTE BENEDICT DDS	115.50	0	Regular
131402	03/29/24	NBS GOVERNMENT FINANCE GROUP	7,262.71	0	Regular
131403	03/29/24	NORTH CENTRAL LABORATORIES	118.89	0	Regular
131404	03/29/24	PACIFIC GAS & ELECTRIC CO	413.61	0	Regular
131405	03/29/24	PARK ASSOCIATES INC.	714.00	0	Regular
131406	03/29/24	PETERSON POWER SYSTEMS, INC.	3,866.31	0	Regular
131407	03/29/24	PHILLIP D NEUMAN	3,234.34	0	Regular
131408	03/29/24	PHOENIX GROUP	310.08	0	Regular
131409	03/29/24	REGIONAL GOVERNMENT SERVICES	190.14	0	Regular
131410	03/29/24	RUTH WERNER DIMARZIO	100.00	0	Regular
131411	03/29/24	S.V. WATER DISTRICT	6,468.75	0	Regular
131412	03/29/24	S.V. WATER DISTRICT - BULK	37.29	0	Regular
131413	03/29/24	SANTA CRUZ COUNTY	11,695.90	0	Regular
131414	03/29/24	SCOTTS VALLEY SPRINKLER	75.95	0	Regular
131415	03/29/24	SHAPE INC.	867.07	0	Regular
131416	03/29/24	SOIL CONTROL LAB	703.00	0	Regular
131417	03/29/24	SOUTH BAY REGIONAL PUBLIC	7,480.00	0	Regular
131418	03/29/24	STATE WATER RESOURCES CONTROL	150.00	0	Regular
131419	03/29/24	SUMMIT UNIFORMS	1,137.50	0	Regular
131420	03/29/24	SWEDBERG ELECTRIC INC.	6,040.00	0	Regular
131421	03/29/24	SYCAL ENGINEERING INC	9,577.76	0	Regular
131422	03/29/24	URBAN FIELD STUDIO OAKLAND	19,745.00	0	Regular
131423	03/29/24	VERIZON WIRELESS	178.52	0	Regular
131424	03/29/24	WIZIX TECHNOLOGY GROUP, INC	797.35	0	Regular

72	Checks total:	1,150,431.88
0	ACH total:	
0	EFTPS total:	
0	Wire transfer total:	
0	Payment Manager total:	
72	GRAND TOTALS	1,150,431.88

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
Cash Account: 999-10100-000-000-000000					
131425	04/04/24	A SIGN ASAP	216.21	0	Regular
131426	04/04/24	ADOBE ANIMAL HOSPITAL SOQUEL	683.00	0	Regular
131427	04/04/24	AMANDA ARMSTRONG	23.35	0	Regular
131428	04/04/24	AT&T	1,542.84	0	Regular
131429	04/04/24	AT&T	166.75	0	Regular
131430	04/04/24	AXON ENTERPRISE, INC	19.74	0	Regular
131431	04/04/24	BAY TREE, LLC	3,620.38	0	Regular
131432	04/04/24	BRASS KEY LOCKSMITH	7.22	0	Regular
131433	04/04/24	BURKE, WILLIAMS & SORENSEN,LLP	1,239.00	0	Regular
131434	04/04/24	COMCAST	1,018.28	0	Regular
131435	04/04/24	COMCAST	1,050.55	0	Regular
131436	04/04/24	CSG CONSULTANTS, INC	16,486.00	0	Regular
131437	04/04/24	DREW DENTAL CORP	144.00	0	Regular
131438	04/04/24	FIRST ALARM	422.19	0	Regular
131439	04/04/24	INTERWEST CONSULTING GROUP	1,870.00	0	Regular
131440	04/04/24	JACK DILLES	250.69	0	Regular
131441	04/04/24	KENDRA REED	209.04	0	Regular
131442	04/04/24	M-GROUP	11,302.50	0	Regular
131443	04/04/24	MID VALLEY SUPPLY	1,196.16	0	Regular
131444	04/04/24	NANNETTE BENEDICT DDS	880.60	0	Regular
131445	04/04/24	Patti R. Malone	701.72	0	Regular
131446	04/04/24	PALACE BUSINESS SOLUTIONS	1,811.76	0	Regular
131447	04/04/24	PRODESSE PROPERTY GROUP	3,523.52	0	Regular
131448	04/04/24	RDO EQUIPMENT CO.	2,420.48	0	Regular
131449	04/04/24	REED K KURATOMI DDS	125.00	0	Regular
131450	04/04/24	REGIONAL GOVERNMENT SERVICES	3,562.50	0	Regular
131451	04/04/24	ROD MARKELL	1,974.00	0	Regular
131452	04/04/24	S.V. WATER DISTRICT	1,000.00	0	Regular
131454	04/04/24	SCARBOROUGH LUMBER	1,589.89	0	Regular
131455	04/04/24	SCOTTS VALLEY SPRINKLER	203.92	0	Regular
131456	04/04/24	SUPERIOR ALARM COMPANY	87.00	0	Regular
131457	04/04/24	THE ACTIVE NETWORK	2,400.00	0	Regular
131458	04/04/24	THE PIED PIPER INC.	66.50	0	Regular

33	Checks total:	61,814.79
0	ACH total:	
0	EFTPS total:	
0	Wire transfer total:	
0	Payment Manager total:	
33	GRAND TOTALS	61,814.79

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
Cash Account: 999-10100-000-000-000000					
131459	04/11/24	ACCO ENGINEERED SYSTEMS	7,265.18	0	Regular
131460	04/11/24	ALHAMBRA	140.60	0	Regular
131461	04/11/24	ALLISON PFEFFERKORN	37.40	0	Regular
131462	04/11/24	AMAZON CAPITAL SERVICES	561.18	0	Regular
131463	04/11/24	ANNA-KATE BRAJKOVICH	376.00	0	Regular
131464	04/11/24	APPI	400.24	0	Regular
131465	04/11/24	AXON ENTERPRISE, INC	22,305.41	0	Regular
131466	04/11/24	BATTERIES + BULBS #314	141.11	0	Regular
131467	04/11/24	BENJAMIN STANDEN	170.00	0	Regular
131468	04/11/24	BRASS KEY LOCKSMITH	98.97	0	Regular
131469	04/11/24	CENTRAL HOME SUPPLY	379.44	0	Regular
131470	04/11/24	CITY OF SANTA CRUZ	213.91	0	Regular
131471	04/11/24	CUMMING MANGEMENT GROUP, INC	262.50	0	Regular
131472	04/11/24	DAWN BANKS	24.00	0	Regular
131473	04/11/24	DEREK WELSH	1,080.00	0	Regular
131474	04/11/24	DYNAMIC PRESS	62.56	0	Regular
131475	04/11/24	ENVIRONMENTAL INNOVATIONS	6,167.82	0	Regular
131476	04/11/24	GRAINGER	217.59	0	Regular
131477	04/11/24	IVAN GARCIA	1,080.00	0	Regular
131478	04/11/24	JAYSON RUTHERFORD	207.00	0	Regular
131479	04/11/24	KEVIN KING	1,080.00	0	Regular
131480	04/11/24	KIMLEY-HORN & ASSOCIATES INC	27,538.93	0	Regular
131481	04/11/24	LIEBERT CASSIDY WHITMORE	584.00	0	Regular
131482	04/11/24	LOGAN & POWELL, LLP	18,052.08	0	Regular
131483	04/11/24	M-GROUP	13,300.00	0	Regular
131484	04/11/24	MARY LOUISE DEFALCO	20.00	0	Regular
131485	04/11/24	MEREDITH ROBERTS	276.00	0	Regular
131486	04/11/24	MICHAEL BANKE	1,080.00	0	Regular
131487	04/11/24	MISSION UNIFORM SERVICE	1,497.15	0	Regular
131488	04/11/24	MONTEREY BAY ANALYTICAL SVCS	146.00	0	Regular
131489	04/11/24	NAPA AUTO PARTS	274.11	0	Regular
131490	04/11/24	NETMOTION	1,447.03	0	Regular
131491	04/11/24	NOREEN YOSHIDA DDS	672.00	0	Regular
131492	04/11/24	PACIFIC GAS & ELECTRIC CO	175.08	0	Regular
131493	04/11/24	PALACE BUSINESS SOLUTIONS	261.40	0	Regular
131494	04/11/24	PURE VALLEY WATER, INC	281.17	0	Regular
131495	04/11/24	SANTA CRUZ COUNTY CONFERENCE	43,475.20	0	Regular
131496	04/11/24	SANTA CRUZ FIRE EQUIPMENT	859.20	0	Regular
131497	04/11/24	SANTA CRUZ LIVE SCAN, INC.	30.00	0	Regular
131498	04/11/24	SCARBOROUGH LUMBER	233.84	0	Regular
131499	04/11/24	SCOTT GARNER	966.00	0	Regular
131500	04/11/24	SCOTTS VALLEY HOTEL LP	14,779.00	0	Regular
131501	04/11/24	SEAVANA PATZKE	219.20	0	Regular
131502	04/11/24	SONSRAY MACHINERY	3,473.46	0	Regular

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
131503	04/11/24	STEVE WALPOLE	276.00	0	Regular
131504	04/11/24	SUMMIT UNIFORMS	2,525.47	0	Regular
131505	04/11/24	TUBULAR FLOW, INC	546.00	0	Regular
131506	04/11/24	WAGE WORKS	125.00	0	Regular
131507	04/11/24	WEX BANK	8,203.93	0	Regular

49	Checks total:	183,588.16
0	ACH total:	
0	EFTPS total:	
0	Wire transfer total:	
0	Payment Manager total:	
49	GRAND TOTALS	183,588.16

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: 4/17/2024
TO: Honorable Mayor and City Council
FROM: Scott Hamby, Interim Public Works Director
APPROVED: Mali LaGoe, City Manager
SUBJECT: **Public Works Facility Improvement Project – Building Construction.**
Project No. 24-002, Change Order No. 1

SUMMARY OF ISSUE

The Public Works Facility Improvement Project will construct and provide a new office building for staff and complete site improvements for parking, storm water control, and related facilities. The project has been divided into two contracts. One for the construction, delivery, and installation of a modular building. The second portion is site improvements, including the construction of a new foundation for the building. This change represents additional work necessary for the final construction of the modular building. These changes, itemized below, are needed due to design revisions determined necessary for the foundation of the building that were discovered after the contract was awarded.

1. Mechanical, electrical, and plumbing engineering (to meet Title 24 compliance energy efficiency standards)	\$10,580
2. Provide perimeter steel frame foundation. (it was found during design that the outrigger frame as proposed was not appropriate for use with concrete foundation installation)	\$54,522
3. Provide two, Title 24 dark sky compliant exterior lights (in lieu of factory LED porch lights)	\$ 2,776
4. Upgrade to three Merv 13 filter for HVAC (and add SDD Audio Visual sensors as required by Title 24)	\$ 1,190
5. Provide crane to lift and spot building on concrete foundation	\$29,880
6. Credit for foundation piers and pads	(\$ 6,330)
7. Credit for tie downs	(\$ 6,480)
Total	\$85,838

Change Order No. 1 will increase the contract amount for the City of Scotts Valley DPW Improvement Project - Building Construction by \$85,838.00.

FISCAL IMPACT

The total cost for Change Order No. 1 is \$85,838.00, which will be paid from General Facilities

Capital Improvement Funds. There is no impact to the General Fund.

STAFF RECOMMENDATION

It is recommended the Council approve Change Order No. 1, increasing the contract amount with Mobile Modular for the City of Scotts Valley DPW Improvement Project - Building Construction. The contract amount will increase from \$796,220.90 to \$882,058.90. There are adequate funds in the General Facilities Capital Improvement Fund to cover this adjustment.

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1. Change Order No. 1



Phone: (707) 678-6100
Fax: (707) 678-6111

PROPOSED CHANGE ORDER

To: Joel Ricca
From: Alex Sufi
Date: March 26, 2024

CHANGE ORDER #: 1 PROJECT REF / AGREEMENT #: 210049428

This serves as authorization for the following work to be performed by Mobile Modular. The description of the work to be completed is as follows:

	Item	Time Impact (Days)	Amount
1	Mechanical, electrical, plumbing engineering due to full Title 24 compliance		10,580.00
2	Provide perimeter frame, steel floor joists 16" o.c. in lieu of outrigger frame with 2x8 wood joists		54,522.00
3	Provide 2 Title 24 dark sky compliant exterior lights in lieu of factory std. LED porch lights		2,776.00
4	Upgrade to 3 Merv 13 filter and add SDD A/V Sensors		1,190.00
5	Provide crane to lift and spot the building on the concrete foundation (foundation by others)		29,880.00
6	Credit foundation piers and pads		-6,630.00
7	Credit tie downs		-6,480.00
	Total For Change Order		85,838.00

Amounts stated above exclude applicable taxes and use fees.

It is agreed that **City of Scotts Vally** (Customer) will pay Mobile Modular at the time of completion of the work for the above-mentioned services. **Please acknowledge this work authorization, scan and email back to the attention of Alex Sufi.**

Thank You.

Acceptance

Date

Customer PO # (If Applicable)

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: 4/17/2024
TO: Honorable Mayor and City Council
FROM: Mali LaGoe, City Manager
APPROVED: Mali LaGoe, City Manager
SUBJECT: **Amendment to the surface remediation agreement between the City of Scotts Valley and the City of Santa Cruz**

SUMMARY OF ISSUE

In 2021, the City of Scotts Valley and the City of Santa Cruz entered into parallel agreements with Weber Hayes and Associates, an environmental testing and remediation firm, to fully characterize the surface level contamination on our collectively adjoining parcels known as the Town Center Core. In the last two years, through extensive testing, Weber Hayes has completed the site characterization, submitted reports detailing their findings to the Santa Cruz County Department of Environmental Health, obtained approval to develop a remediation plan, completed the remediation plan and the remediation work. This scope of work fully addressed the surface level environmental contamination which has, among other challenges, prevented the development of the City's Town Center.

In September 2023, the City of Scotts Valley and the City of Santa Cruz extended this collaborative effort to complete the final step in the removal of the contaminated soil and receipt of a No Further Action Letter from County Environmental Health, clearing the surface level contamination issue from the collective properties. The remediation cost associated with the Scotts Valley's parcels was estimated at \$74,820. The remediation cost associated with the Santa Cruz owned parcels was \$234,813. At the time, a Surface Remediation Agreement was entered into to allow for Scotts Valley to fund the cleanup on Santa Cruz's parcels, with Scotts Valley's cost to be deducted from a future purchase of these parcels or to be refunded by Santa Cruz if a purchase does not occur, up to \$250,000.

The work for this project is nearly complete. However, the cost of the remediation on the Santa Cruz owned parcels has exceeded the original estimate. The new cost estimate is \$270,885. The amended agreement increases the amount in the original agreement from \$250,000 to \$275,000 to cover the increased cost.

FISCAL IMPACT

The revised total cost for environmental clean up on the Santa Cruz owned parcels is \$270,885, which would be credited back to the City in a future purchase agreement for the

Santa Cruz owned parcels per the revised agreement or to be refunded by Santa Cruz if a purchase does not occur.

STAFF RECOMMENDATION

Staff recommends the City Council approve the First Amendment to the surface remediation agreement between the City of Scotts Valley and the City of Santa Cruz.

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1. Remediation Agreement SIGNED SV-SC Final
2. SV and SC Surface Remediation First Amendment KP

Reimbursement Agreement for Surface Remediation

AGREEMENT FOR PAYMENT OF SURFACE REMEDIATION BETWEEN CITY OF SCOTTS VALLEY AND CITY OF SANTA CRUZ

THIS AGREEMENT FOR PAYMENT OF SURFACE REMEDIATION, ("Agreement") is made and entered into this 20th day of September, 2023 ("Effective Date") by and between the CITY OF SCOTTS VALLEY, ("SV") and CITY OF SANTA CRUZ ("SC"). SV and SC may be referred to individually as a "Party" and collectively, as the "Parties."

I. RECITALS

WHEREAS, SV is the owner of those certain parcels located on Mount Hermon Road in the City of Scotts Valley, County of Santa Cruz, California, commonly referred to as Assessor's Parcel Numbers 022-72-106 and 022-60-101 ("SV Parcels"); and

WHEREAS, SC is the owner of those certain parcels located at northwest corner of Mount Hermon Road and Kings Village Road in the City of Scotts Valley, County of Santa Cruz, California, commonly referred to as Assessor's Parcel Numbers 022-721-07, 022-721-08, and 022-721-09 ("SC Parcels"); and

WHEREAS, the SV Parcels and SC Parcels require surface-level environmental remediation that includes limited non-hazardous soil removal, off hauling and import of clean, quarry sourced fill ("Surface Remediation"); and

WHEREAS, for purposes of efficiency, SV and SC intend to perform the Surface Remediation together; and

WHEREAS, SV and SC have hired Weber Hayes to perform the Surface Remediation; and

WHEREAS, SV and SC are currently negotiating for SV to purchase the SC Parcels; and

WHEREAS, as part of the purchase agreement, the parties have agreed that SV shall pay for the Surface Remediation on the SC Parcels and the amount paid shall be deducted from the purchase price; and

WHEREAS, the Parties desire to enter into an agreement whereby SV shall pay for the Surface Remediation.

NOW, THEREFORE, incorporating the above-stated Recitals, in consideration of the conditions herein contained, and for other good and valuable consideration, SV and SC agree as follows:

I. AGREEMENT

1. PAYMENT FOR SURFACE REMEDIATION

Reimbursement Agreement for Surface Remediation

SV shall pay Weber Hayes directly for the Surface Remediation on the SC Parcels up to Two Hundred Fifty Thousand Dollars (\$250,000.00) on behalf of SC for the Surface Remediation performed on the SC Parcels. Such payments will be made to Weber Hayes within 15 days of receipt of invoice for such work from Weber Hayes. For purposes of this Agreement, neither party shall be responsible for any payments to Weber Hayes in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00).

2. TERM.

This Agreement shall terminate upon completion of the Surface Remediation and SV's payment of the amount outlined in Section 1 above.

3. WEBER HAYES AGREEMENTS

With the exception of the payment of fees by SV for the work performed on the SC Parcels, each Party is responsible for complying with the terms of their individual agreements with Weber Hayes.

4. REFUND

In the event SC does not sell the SC Parcels to SV, SC shall repay SV for the total amount paid in accordance with Section 1 above. Such payment shall be made no later than one year from later to occur of: (1) the date either Party notifies the other in writing that it is no longer interested in pursuing the purchase/sale; or (2) if the Parties have already entered into a Purchase and Sale Agreement ("PSA"), the date that either Party terminates the PSA in accordance with the terms thereof.

5. MISCELLANEOUS.

- a. This Agreement, along with any attachments, is the full and complete integration of the Parties' agreement with respect to the matters addressed herein, and this Agreement supersedes any previous written or oral agreements between the Parties with respect to the matters addressed herein.
- b. The covenants and agreements contained in this Agreement shall be binding upon SV and SC, and upon their respective heirs, executors, and successors.
- c. This Agreement shall be construed and interpreted in accordance with the laws of the State of California.
- d. The unenforceability, invalidity, or illegality of any provision(s) of this Agreement shall not render the other provisions unenforceable, invalid, or illegal.
- e. Waiver by any Party of any portion of this Agreement shall not constitute a waiver of the same or any other portion hereof.
- f. This Agreement may only be amended in writing as agreed to by both Parties.

Reimbursement Agreement for Surface Remediation

- g. Each Party acknowledges that it has reviewed this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting Party shall not be employed in the interpretation of this Agreement.
- h. The Parties may execute this Agreement in two or more counterparts, which shall, in the aggregate, be deemed an original but all of which, together, shall constitute one and the same instrument. Electronic signatures and fully executed copies of this Agreement are deemed valid as originals.
- i. The signatories to this Agreement warrant and represent that each is authorized to execute this Agreement and that their respective signatures serve to legally obligate their respective representatives, agents, successors and assigns to comply with the provisions of this Agreement.
6. **NOTICES.** If either Party shall desire or is required to give notice to the other such notice shall be given in writing, via email and concurrently delivered by overnight Federal Express or by priority U.S. Mail, addressed to recipient as follows:

To SV:

City of Scotts Valley
Mali LaGoe
1 Civic Center Drive
Scotts Valley, CA 95066
(831) 440-5600
mlagoe@scottsvally.gov

To SC:

City of Santa Cruz
Bonnie Lipscomb
337 Locust Street
Santa Cruz, CA 95060
(831) 420-5150
blipscomb@santacruzca.gov

Changes to the above information shall be given to the other Party in writing ten (10) business days before the change is effective.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first herein written.

SV:

CITY OF SCOTTS VALLEY

DocuSigned by:
Mali LaGoe
1E012CC0E6B4CE

Mali LaGoe, City Manager

SC:

CITY OF SANTA CRUZ

DocuSigned by:
Matt Huffaker
1B93C0D6E6A8DAE

Matt Huffaker, City Manager

APPROVED AS TO FORM

DocuSigned by:
Kirsten Powell
33D3E00924F847F...

By:

Kirsten Powell
City Attorney

APPROVED AS TO FORM

DocuSigned by:
Tony Condotti
0454C2D2392940C...

By:

Tony Condotti
City Attorney

**FIRST AMENDMENT TO
AGREEMENT FOR PAYMENT OF SURFACE REMEDIATION
BETWEEN CITY OF SCOTTS VALLEY AND CITY OF SANTA CRUZ**

This First Amendment (the “Amendment”) is entered into by and between the CITY OF SCOTTS VALLEY (“SV”) and the CITY OF SANTA CRUZ (“SC”). SV and SC may be referred to individually as a “Party” and collectively, as the “Parties.”

RECITALS

WHEREAS, On September 20, 2023, SV and SC entered into that certain Agreement for Payment of Surface Remediation between City of Scotts Valley and City of Santa Cruz (“Agreement”); and

WHEREAS, the parties desire to amend the Agreement to increase the amount of the payment by SV for surface remediation; and

WHEREAS, Section 5.f. of the said Agreement authorizes the Agreement to be amended in writing as agreed to by both Parties.

NOW, THEREFORE, in consideration of the recitals and the mutual promises contained herein, SV and SC agree as follows:

AGREEMENT

1. Section 1 of the Agreement is hereby amended to read as follows:

“SV shall pay Weber Hayes directly for the Surface Remediation on the SC Parcels up to Two Hundred Seventy-Five Thousand Dollars (\$275,000.00) on behalf of SC for the Surface Remediation performed on the SC Parcels. Such payments will be made to Weber Hayes within 15 days of receipt of invoice for such work from Weber Hayes. For purposes of this Agreement, neither party shall be responsible for any payments to Weber Hayes in excess of Two Hundred Seventy-Five Thousand Dollars (\$275,000.00).”

2. Except as specifically provided in this Amendment, all terms of the Agreement shall remain unchanged, in full force and effect. In the event of a conflict between the terms of the Agreement and the Amendment, the terms of the Amendment shall control.

IN WITNESS WHEREOF, this Amendment is executed by the CITY OF SCOTTS VALLEY and by the CITY OF SANTA CRUZ on the 17th day of April, 2024.

SV:
CITY OF SCOTTS VALLEY

SC:
CITY OF SANTA CRUZ

Mali LaGoe, City Manager

Matt Huffaker, City Manager

APPROVED AS TO FORM

APPROVED AS TO FORM

By:_____
Kirsten Powell
City Attorney

By:_____
Tony Condotti
City Attorney

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: 4/17/2024
TO: Honorable Mayor and City Council
FROM: Mali LaGoe, City Manager
APPROVED: Mali LaGoe, City Manager
SUBJECT: Discussion of City of Scotts Valley application for Community Development Block Grant Program Income (CDBG-PI) Funds

SUMMARY OF ISSUE

City staff held public hearings to announce the availability of CDBG Program Income (CDBG-PI) funds. The City has \$366,667.00 available to program under CDBG-PI across the years as follows:

- FY 2022-23 \$183,333
- FY 2023-24 \$183,334

Funds are provided as grants for a wide range of activities, including housing, public services, economic development, infrastructure and more. All CDBG funds must meet a national objective: benefit low/moderate income persons, aid in the prevention of slums and blight, or meet an urgent need. If the City does not operate eligible programs, it may contract with community-based organizations to provide services to the target population and for eligible, defined purposes.

In addition to the requirements for the use of CDBG Program Income funds, there is a substantial ongoing obligation on the part of the City and contracted program partners for monitoring and reporting to ensure that prescribed thresholds of low-to-moderate income community members are receiving the benefits of the CDBG funds.

To prepare for an application to the State for distribution of the CDBG-PI program, the City duly noticed and conducted two Public Hearings on March 5th and 6th to discuss the funding opportunity and receive input on possible programs. This process allowed the City to assess interest under the strict CDBG guidelines. At the Public Hearings, comments were made by Lis Dubois of the Boys and Girls Club, and she asked if the funds could be used for transportation. She also asked if the funds could be used for childcare as the County has an acute shortage of childcare, which could potentially meet the urgent community need requirement. One person asked if the funds could be used for the schools, but was told that the schools do not meet the low to moderate income requirements. Tracy Weiss of O'Neil Sea Odyssey asked about expanding services to other Scotts Valley schools and was told the

same issue, failing to meet the low-to-moderate income threshold. At the March 6th meeting, two community members came and asked about starting a daycare and improving pedestrian safety.

With CDBG's focus on aiding low-to-moderate income community members or achieving a National Objective, CDBG funds used for public infrastructure or programs must be carefully tested against area income or for a direct and exclusive nexus with a benefit group, for instance, individuals with disabilities. Scotts Valley's area income does not qualify the City as a low-to-moderate income area (LMA). Accordingly, any CDBG investment in public infrastructure, facilities or programs available for the public's use cannot be tailored enough to only support low-to-moderate income residents. Instead, any such investments would benefit the public generally and would fail the LMI test. This means that CDBG funds cannot be used for City facilities, infrastructure or programs. An exception would be if the City established a scholarship fund for its recreation programs that is only accessible for means-tested LMI residents.

The City conducted an income survey at the senior center and discovered that the membership there meets the low to moderate income requirement. The City proposes to use the funds to make ADA and other improvements to the senior center. Seniors in the community have been sharing their concerns and frustrations with City staff. Given that the strict income qualifications can be met with this project, the City Manager recommends that the Council approve the application process for this project.

Due to staffing constraints and existing workload, the City will require consultant services for the ongoing CDBG program maintenance, monitoring, and reporting for the 36-month period of the CDBG-PI program.

Next Steps

Staff requests that the City Council discuss the proposed options and any alternatives such as other eligible non-profits and activities, and provide direction on the program activities, recipients and amounts to include in the City's application. With that direction, City staff will return to the Council in August or September to adopt appropriate resolutions and formalize the application for submittal.

FISCAL IMPACT

Proceeding with the CDBG-PI application will allocate up to \$366,667.00 to community organizations for the next three fiscal years to Scotts Valley to support low-to-moderate income individuals. The City will solicit the services of a CDBG consultant for the required monitoring and reporting. The costs of this administration will be supported by a portion of the CDBG funds.

STAFF RECOMMENDATION

It is recommended that the City Council discuss the CDBG Program Income Proposal and alternatives and provide direction to staff on activities and funding amounts to include in the CDBG-PI applications.

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None

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: 4/17/2024
TO: Honorable Mayor and City Council
FROM: Mali LaGoe, City Manager
APPROVED: Mali LaGoe, City Manager
SUBJECT: **Consider request to display the Pride flag to commemorate Pride Month from June 1st to June 30th, 2024**

SUMMARY OF ISSUE

On June 1, 2022 the City Council adopted a Policy on Display of Flags to allow the display of government and commemorative flags. The policy prohibits third-party requests for commemorative flag displays and only allows for the display of commemorative flags when the request is brought forth by a member of the City Council to place the consideration of a specific commemorative flag on a future agenda. The decision to display the commemorative flag must then be authorized by a majority vote of the City Council at a duly noticed regular or special City Council meeting, as an expression of the City Council's official sentiments. Earlier this month, Councilmember Timms requested staff to place the consideration of flying the Pride flag during the month of June 2024, commonly known as Pride Month, on an upcoming City Council agenda.

Per the City's Policy, any commemorative flag being considered must be consistent with the current City Council recognized goals and priorities and City strategic plan. The Pride flag, in representing the diversity of the LGBTQ community, is consistent with Council's Strategic Goal of *Supporting cultural events, art, and projects that celebrate Scotts Valley.* Further, in February 2024, the City Council adopted its goals for Fiscal Year 24/25 which includes a goal to *Celebrate Scotts Valley by supporting cultural events, developing Scotts Valley's brand, and investing in brand recognition.*

The City was also recently notified that the City Council was nominated for a Queer Youth Leadership Award as an Organization Ally for the City Council's actions in support of queer youth. The City Council unanimously voted to fly the Pride flag in 2022 and 2023 during Pride Month. Councilmembers have participated in Pride month events, supported inclusion and diversity events and youth focused events, and recently adopted a Children's Bill of Rights, supporting the rights and importance of all youth in Scotts Valley.

FISCAL IMPACT

As the City already owns a Pride flag, there is no fiscal impact of approving flying the flag for the month of June 2024.

STAFF RECOMMENDATION

It is recommended that the Council consider approval to display the Pride flag from June 1st to June 30th, 2024 to commemorate Pride Month.

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1. Res2014.FlagPolicy-commemorative.06-01-22

RESOLUTION NO. 2014

ADOPTING A CITY OF SCOTTS VALLEY POLICY ON DISPLAY OF FLAGS

WHEREAS, the City of Scotts Valley currently displays, as required by existing law, the United States Flag and the State of California Flag; and

WHEREAS, the City of Scotts Valley does not have a formal policy regarding the display of flags; and

WHEREAS, the City Council desires to establish a policy that provides guidance and standards for the indoor and outdoor display of flags at City of Scotts Valley owned properties; and

WHEREAS, in adopting this Policy on Display of Flags, the City Council declares that flags and flagpoles owned or maintained by the City of Scotts Valley are not intended to serve as a forum for free expression by the public, but rather as a nonpublic forum for the display of flags outlined in the Policy on Display of Flags, as an expression of the City Council's official sentiments (government speech).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Scotts Valley approves the Policy on Display of Flags, attached and incorporated hereto as Exhibit A.

The above and foregoing resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a regular meeting held on the 1st day of June, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____

DocuSigned by:

Donna Lind

AB62A4DD878C47C...

Donna Lind, Mayor

DocuSigned by:

Cathie Simonovich

00BDB2B26C07422...

Attest: _____

Cathie Simonovich, City Clerk

EXHIBIT A

CITY OF SCOTTS VALLEY POLICY ON DISPLAY OF FLAGS

The Scotts Valley City Council (hereinafter “City Council”) desires to establish a “Policy on Display of Flags at City Facilities” (hereinafter “Policy”). In adopting this Policy, the City Council declares that the City of Scotts Valley’s flagpoles are not intended to serve as a forum for free expression of the public, but rather for the display of Federal, State, and City of Scotts Valley flags, and any “commemorative flag” as may be authorized by this Policy and the City Council as an expression of the City Council’s official sentiments.

I. **Purpose**

- A. The purpose of this Policy is to establish clear guidance from the City Council regarding the indoor and outdoor display of flags at City of Scotts Valley (hereinafter “City”) facilities.
- B. In adopting this Policy, the City Council declares that flagpoles owned or maintained by the City are not intended to serve as a forum for free expression by the public. Rather, such flagpoles are a non-public forum for the display of Federal, State, and City of Scotts Valley flags, and any commemorative flag (as defined by section II(C)(1) below), as authorized by the City Council and this Policy as an expression of the City Council's official sentiments (government speech).
- C. The City will not display a commemorative flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party.

II. **Policy**

- A. Conformance with Federal and State Regulations. Flags shall be displayed in accordance with all Federal and State statutes and regulations, including, but not limited to, United States Code, Title 4, Chapter 1, et seq., and California Government Code sections 430 et seq., as may be amended from time to time, and this Policy.
- B. For all City owned properties (including parks), other than the Civic Center, located at One Civic Center Drive, Scotts Valley. If there is an outside flagpole, the United States Flag may be displayed and the State of California Flag may be displayed, as described in section II(A) above. If flags are displayed indoors, those flags are limited to the United States Flag and State of California Flag. Commemorative flags may not be displayed.

If such City owned property is leased and/or licensed to a third party, that third party shall not be bound by this Policy, but must comply with any Federal, State, or local laws related to display of flags.

C. Civic Center, located at One Civic Center Drive, Scotts Valley. Regarding the flagpole outside of City Hall, the United States Flag shall be displayed and the State of California Flag shall be displayed, as described in section II(A) above, as well as a “commemorative flag” (as defined by section II(C)(1)). If flags are displayed indoors of the Civic Center, those flags are limited to the United States Flag and State of California Flag.

1. Commemorative Flag

- a. As expression of the City’s official government speech, the City Council may authorize the display of a “commemorative flag” to be displayed below any other flags on the Civic Center flagpole, located at City Hall. Only commemorative flags that comply with this Policy may be displayed.
- b. A commemorative flag is any flag that is consistent with this Policy and not the United States Flag or State of California Flag.
- c. The City Council shall only consider a request to display such a commemorative flag if the request is made by a member of the City Council to place the discussion on the agenda for a regular or special City Council meeting. Requests to display a commemorative flag by members of the public will not be considered.
- d. A majority of the City Council must agree to display the commemorative flag as part of an official City Council action at a duly noticed, Ralph M. Brown Act compliant, regular or special City Council meeting.
- e. Commemorative flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than thirty-one (31) continuous days.
- f. If any other flag is displayed at half-staff, the commemorative flag will also be displayed at half-staff, height limits permitting.
- g. A commemorative flag will only be considered by the City Council if it is commonly identified with, and consistent with, the current City Council recognized goals and priorities and City strategic plan. The following are not allowed as commemorative flags and will not be considered by the City Council:
 - i. Flags of a particular religious movement or creed, to avoid the

appearance of City government endorsing religion or a particular religious movement or creed;

ii. Flags of a political party, to avoid the appearance of City government endorsing a political party; and

iii. Flags advocating a certain outcome in an election.

h. Any approved commemorative flag will be obtained by the City.

III. **Procedures**

A. Consistent with section II(A), no other flag shall be placed above the United States Flag and no other flag shall be larger than the United States Flag.

B. Flags should be hoisted briskly and lowered ceremoniously. The United States Flag should be hoisted first and lowered last.

C. Flags shall be displayed during operating hours on all days on which the City is open for business, and on national and state holidays. Flags may be displayed twenty-four (24) hours a day as long as they are illuminated during darkness.

D. Flags shall not be displayed during inclement weather, unless all- weather flags are used and are illuminated during darkness.

E. When flags are displayed on a single pole, the order from top to bottom shall be: the United States Flag, the California State Flag, and if displayed and allowed by this Policy, the commemorative flag.