



A G E N D A

Meeting of the Scotts Valley City Council

Date: September 16, 2015

Time: 6:00 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 9-11-15 at City Hall, SV Senior Center, SV Library and on the Internet at www.scottsvally.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.scottsvally.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.scottsvally.org.

Televised Meetings:

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

CALL TO ORDER 6:00 p.m.

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.)

Interjurisdictional Committees:

✓	Criminal Justice Council	(Lind/Johnson)
✓	Transportation Commission	(Johnson/Lind)
✓	Metro Transit District Board	(Bustichi)
✓	County Integrated Waste Mgmt Local Task Force	(Lind/Hamby)
✓	City/School District Joint Committee	(Reed/Johnson)
✓	AMBAG	(Aguilar/Lind)
✓	LAFCO	(Lind)
✓	City Selection Committee	(Mayor)
✓	League of California Cities Delegate Program	(Aguilar)
✓	Hazardous Materials Advisory Commission	(Ron Whittle)
✓	Cultural Council	(Lind)
✓	Seniors Advisory Council	(Lind)
✓	Santa Margarita Ground Water Basin Advisory Committee	(Lind /Aguilar)
✓	Library Financing Authority/Joint Powers Boards	(Reed/Johnson)

Standing Local Committees:

✓	Traffic Safety Committee	(Lind/Aguilar)
✓	Economic Development	(Johnson/Bustichi)
✓	Affordable Housing	(Aguilar/Bustichi)
✓	Water Subcommittee	(Bustichi/Lind)
✓	Budget Subcommittee	(Mayor/Vice Mayor)
✓	Sign Subcommittee	(Aguilar/Lind)
✓	Green Building Permit Process Subcommittee	(Lind/Reed)
✓	ADA Accessibility Subcommittee	(Aguilar)

Project Specific Committees:

✓	Skypark Subcommittee	(Johnson/Bustichi)
✓	Gateway South Commercial	(Reed/Johnson)
✓	Library Construction Subcommittee	(Bustichi/Reed)
✓	Glenwood Trails Subcommittee	(Aguilar/Reed)

CITY MANAGER REPORT

PUBLIC COMMENT TIME

(This is the opportunity for individuals to make and/or submit written or 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.)

ALTERATIONS TO CONSENT AGENDA

(Council can remove or add items to the Consent Agenda.)

CONSENT AGENDA

(The Consent Agenda is comprised of items which appear to be non-controversial. Persons wishing to speak on any item may do so by raising their hand to be recognized by the Mayor.)

- A. Approve City Council meeting minutes of 9-2-15
- B. Approve check register – 9-8-15, 8-25-15
- C. Authorize Council Member Aguilar to vote as Scotts Valley's representative to the League of California Cities on the 2015 Annual Conference resolutions being considered at the League of California Cities Annual Conference September 30 to October 2, 2015
- D. Approve Resolution No. 1907.1 supporting the use of Transportation Development Act (TDA) funding for the City of Scotts Valley Crosswalk Safety Improvement project
- E. Approve second reading and adoption of Ordinance No. 190, adding Chapter 5.38 to Title 5 of the Scotts Valley Municipal Code requiring firearms dealers to meet certain requirements and to obtain a firearms dealers license, and approve Resolution No. 1908 establishing a one-time firearms dealer license fee of \$100, to locally regulate and enforce the sales of firearms

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.)

PUBLIC HEARING (To be heard at 6:30 p.m.)

- 1. Consider approval of Minor Land Division No. MLD 15-001 to create four parcels from one existing vacant 43,610 square foot parcel located on Meadow Way, APN 024-152-24 (Planning/Bateman)
 - Open public hearing
 - Close public hearing
 - Approve Resolution No. 1909

REGULAR AGENDA

(For Regular Agenda items following the public hearing. Regularly scheduled subjects of discussion on the Regular Agenda include:)

- 2. Future Council agenda items
(This portion of the Regular Agenda allows the Council to determine items to be placed on a future agenda and to choose a date, if so desired.)

CONVENE TO CLOSED SESSION

CLOSED SESSION

SUBJECT: Conference with labor negotiator re employee negotiations with Mid Management Group, Management Group.

Legal Authority: Govt Code section 54957.6

Name of Case: N/A

Staff Present: City Manager, City Attorney

RECONVENE TO OPEN SESSION

REPORT ON ACTION TAKEN DURING CLOSED SESSION

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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MINUTES

CONSENT AGENDA ITEM A

DATE: 9-16-2015

Meeting of the Scotts Valley City Council Date: September 2, 2015

POSTING:

The agenda was posted on 8-28-15
at City Hall, the SV Senior Center, and
the SV Library, by the City Clerk.

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

Mayor Bustichi
Council Member Aguilar
Council Member Johnson
Council Member Reed

City Manager Ando
City Attorney Powell
Comm Dev Dir/Deputy City Mgr Kates
Public Wks Director Hamby
Police Chief Weiss
Police Lieutenant Wilson
City Clerk Ferrara

Absent:

Vice Mayor Lind

SPECIAL SET MATTER Presentation of Mayor's Proclamation for Childhood Cancer Awareness Month

COMMITTEE REPORTS

CM Johnson reported that the Joint City/School Subcommittee met today to discuss a variety of topics including the Scotts Valley Middle School Restoration project. He also reported that the School Resource Officer will be at the local schools throughout the school year and stated that the schools and Police Department did an excellent job with back to school pedestrian and vehicle traffic.

Mayor Bustichi reported that the Santa Cruz Metropolitan Transit District met and discussed their structural deficit and their continued work on the plan to fix this deficit, which will include impacts throughout the County.

CITY MANAGER REPORT

- The City received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association, a national organization, for our financial statements for the year ended June 30, 2014. Our financial statements were judged to meet the high reporting standards including demonstrating a spirit of full disclosure to clearly communicate the City's financial information. I want to thank the City's Finance Department and Laurie Grundy in particular for their work on the financial statements.

- City crews are preparing to get an early start on cleaning storm drainage inlets and drainage ditches around the City in preparation for the upcoming El Nino rains that are being predicted by the weather service.
- Recreation Division Manager Kristin Ard and Parks & Recreation Commissioner David Sanguinetti attended the Regional Parks and Open Space Study Session at the County Board of Supervisors meeting two weeks ago. The Board voted unanimously to move forward with the Park and Open Space District. Staff will come to Council at a later date with more information.
- The City planted 18 trees out at Skypark along the edge of the soccer fields. These sycamore trees are fast growing and meant for parks. The trees will provide a wind break for the sprinklers and shade for people attending events at Skypark.

PUBLIC COMMENT

Gary Richard Arnold, expressed concerns about how policies are made in the cities and the tri-county area.

Wendy Brannan, SV resident, stated that she does not feel the Council is using their Commissions to their best advantage. She also expressed concerns regarding the proposed light project at Siltanen Park and funding for ADA compliance.

CM Aguilar stated that she attended a forum held in Scotts Valley on "Housing Now" with Assembly Member Mark Stone and Santa Cruz County Supervisor Bruce McPherson, regarding the need for affordable housing and transitional housing.

ALTERATIONS TO CONSENT AGENDA

M/S: Reed/Johnson

To approve the Consent Agenda.

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

Consent Agenda:

- Approve City Council meeting minutes of 8-19-15
- Approve check register – 8-21-15
- Approve response to Santa Cruz County Civil Grand Jury 2014-2015 Final Report and authorize staff to forward the responses to the Grand Jury and Presiding Judge
- Approve Memorandum of Understanding (MOU's) with the Scotts Valley Police Bargaining Unit and the Scotts Valley Police Supervisors Association, for the term July 1, 2015 through June 30, 2018

ALTERATIONS TO REGULAR AGENDA

M/S: Reed/Johnson

To approve the Regular Agenda.

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

REGULAR AGENDA

1. **Oral Presentation on Designation of Cotoni-Coast Dairies as National Monument and Request for City Endorsement**

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

Steve Reed and Amanda Robinson, representing the campaign for Cotoni-Coast Dairies National Monument, gave a PowerPoint presentation, asked the Council for their endorsement of the designation of Cotoni-Coast Dairies as a national monument, and responded to questions from Council.

Danny Reber, SV resident and the Executive Director of the Scotts Valley Chamber of Commerce, spoke in favor of the City Council endorsing the designation of Cotoni-Coast Dairies as a national monument and stated that the Chamber Board unanimously endorsed the designation.

Gary Richard Arnold, spoke in opposition of the City Council endorsing the designation of Cotoni-Coast Dairies as a national monument.

Mark Davidson, SV resident and Past President of Mountain Bikers of Santa Cruz County, spoke in favor of the City Council endorsing the designation of Cotoni-Coast Dairies as a national monument.

Jessica Klodnicki, General Manager of Bell Helmets in Scotts Valley, spoke in favor of the City Council endorsing the designation of Cotoni-Coast Dairies as a national monument.

Jack Dilles, SV resident, spoke in favor of the City Council endorsing the designation of Cotoni-Coast Dairies as a national monument.

M/S: Reed/Aguilar

To authorize a letter endorsing the designation of Cotoni-Coast Dairies as a national monument.

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

2. **Consider introduction and adopt Ordinance No. 189, an Urgency Ordinance of the City of Scotts Valley imposing a temporary moratorium on the establishment of commercial operations engaged in the sale of firearms, ammunition, and/or explosive devices within the City of Scotts Valley and declaring the urgency thereof**

CDD Kates presented the written staff report and responded to questions from Council. He also stated that a modified version of the ordinance was provided to the Council on their dais.

The following spoke in opposition to this ordinance:

Dennis Judd, Scotts Valley resident
Robert Kovets, Santa Cruz resident
Matt Snow, Santa Cruz resident
Ray Chapman, Santa Cruz resident
Samantha Olden, Santa Cruz resident
Perry Ralston, Perry's Sporting Goods, Scotts Valley
Bob Rodd, SV resident and Manager of Santa Cruz Armory
Ruben Lopez, Scotts Valley resident
Brannon Schell, owner of NorCal MedTac and employee of Santa Cruz Armory
Richard Veil, Santa Cruz resident
David Ralston, Scotts Valley resident
Ken Lewis, San Lorenzo Valley resident
Annette Mello, San Lorenzo Valley resident
John Crites, Scotts Valley resident
Robert DeForge, owner of Santa Cruz Armory

The following spoke in support of this ordinance:

Gary Richard Arnold, Santa Cruz resident
Jack Dilles, Scotts Valley resident
Kendall Sullivan, Scotts Valley resident
Joy Hems, Scotts Valley resident
Paul Krause, Scotts Valley resident and physician
Nazia Choudhry, Scotts Valley resident and physician
Martin Spierings, Scotts Valley resident
Robert Aldana, Scotts Valley resident
Kurt Pipal, Scotts Valley resident
Laura Rokow, Scotts Valley resident
Kathrin Sidell, Scotts Valley resident and physician
Alexander Sher, SV resident
Casey Schirmer, Scotts Valley physician
Josh Deutsch, Scotts Valley resident

M/S: Aguilar/Reed

To adopt Ordinance No. 189, an urgency ordinance of the City of Scotts Valley imposing a temporary moratorium on the establishment of commercial operations engaged in the sale of firearms, ammunition, and/or explosive devices within the City of Scotts Valley and declaring the urgency thereof, and waive the reading thereof.

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

3. **Consider approval of first reading and introduction of the Ordinance No. 190, adding Chapter 5.38 to Title 5 of the Scotts Valley Municipal Code requiring firearms dealers to meet certain requirements and to obtain a firearms dealers license, and approve Resolution No. 1908 establishing a one-time firearms dealer license fee of \$100, to locally regulate and enforce the sales of firearms**

Mayor Busitchi recused himself from voting on this item due to a conflict of interest.

PL Wilson presented the written staff report and responded to questions from Council.

The following spoke in opposition to this ordinance:

Dennis Judd, Scotts Valley resident
David Ralston, Scotts Valley resident, due to the \$100 licensing fee
Robert Kovets, Santa Cruz resident
Nathan Taylor, Scotts Valley resident
Brannon Schell, owner of NorCal MedTac and employee of Santa Cruz Armory
Perry Ralston, Perry's Sporting Goods, Scotts Valley
Robert DeForge, owner of Santa Cruz Armory, due to the \$100 licensing fee
Matt Snow, Santa Cruz resident

The following spoke in support of this ordinance:

Jack Dilles, Scotts Valley resident
Kurt Pipal, Scotts Valley resident
Joy Hems, Scotts Valley resident
Robert Aldana, Scotts Valley resident
Laura Rokow, Scotts Valley resident

Ken Lewis, SLV resident, recommended waiting to consider this ordinance with the other potential regulations that may come out after the moratorium.

Alexander Sher, Scotts Valley resident, recommended waiting to consider this ordinance with the other potential regulations that may come out after the moratorium.

CM Aguilar questioned whether it was true that dealers could not obtain their state and federal licenses without valid proof that they have a license to operate within the City.

PC Weiss responded that the dealer would either need to show proof of their City license or provide a letter from the Police Department in order to obtain their state and federal licenses.

CM Aguilar and requested that if this was the case, wording in Section 5.38.040 be amended so that applicants do not have a problem obtaining their state and federal licenses if they do not have a City license.

CA Powell stated that if necessary, Section 5.38.040 could be amended to require that applicant's be issued a City license, and upon receipt of their federal firearms license and their valid seller's permit from the State Board of Equalization, copies would have to be provided to the City before they could open their business.

CM Aguilar recommended that the \$100 fee be eliminated or reduced. Council did not agree to reduce or eliminate the fee.

M/S: Aguilar/Reed

To approve first reading and introduction of Ordinance No. 190 adding Chapter 5.38 to Title 5 of the Scotts Valley Municipal Code requiring firearms dealers to meet certain requirements and to obtain a firearms dealer license, as amended above, and waive the reading.

Carried 3/0/2 (AYES: Aguilar, Johnson, Reed; ABSENT: Bustichi, Lind)

M/S: Reed/Johnson

To approve Resolution No. 1908 establishing a firearms dealer license fee of \$100.

Carried 3/0/2 (AYES: Aguilar, Johnson, Reed; ABSENT: Bustichi, Lind)

4. Consideration of Siltanen Park improvements

PW Hamby presented the written staff report and responded to questions from Council.

Wendy Brannan, SV resident, provided her critique of the proposed changes and urged the Council to consider all future expenses for the park before making a final decision on any improvements.

Mayor Bustichi recommended that staff work with the ADA accessibility expert that the City has a contract with in order to determine exactly what can be done and what needs to be done at Siltanen Park.

M/S: Bustichi/Johnson

- To:**
- 1. Fix any decayed or warping materials on both the trellis and the building structure, including trim, siding, or renailing plywood, both cosmetic and structural, and repaint.**
 - 2. Resurface countertops and lower portion for ADA, with something that can be sealed, including around barbecue area.**
 - 3. Fix, clean-up, and make repairs to barbecue and grates in the barbecue area.**
 - 4. Work with Arts Commission on repainting mural with approval by the Parks & Recreation Commission.**
 - 5. On Girls softball snack shack, place some type of awning or other bird deterrent above counter.**

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

5. Future Council agenda items

CM Aguilar requested a future agenda item regarding a program through the League of California Cities that would provide discount coupons for prescription drugs.

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 9:55 p.m. to discuss the following items:

- (1) Pursuant to Government Code Section 54956.8, the City Council met in closed session to confer with their legal counsel regarding real property negotiations, APN 022-212-22.

- (2) Pursuant to Government Code Section 54956.8, the City Council met in closed session to confer with their legal counsel regarding real property negotiations, APN's 024-301-01 and 024-301-02.
- (3) Pursuant to Government Code Section 54956.9a, the City Council met in closed session to confer with their legal counsel regarding existing litigation. Name of Case: City of Scotts Valley vs. County of Santa Cruz, et al, Case No. CIV467230 San Mateo County Superior Court and Case No. A126357 Court of Appeal, First District.
- (4) Pursuant to Government Code Section 54957.6, the City Council met in closed session to confer with their labor negotiator re employee negotiations with Mid Management Group and Management Group.
- (5) Pursuant to Government Code Section 54957, the City Council met in closed session for City Manager Performance Evaluation.

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 11:01 p.m.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

Mayor Bustichi announced that there was nothing to report.

ADJOURNMENT The meeting adjourned at 11:02 p.m.

Approved: _____
Dene Bustichi, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA	GENERAL CHECKING ACCOUNT				
	003123 A T & T	105328	09/08/15	372.31	
	000620 ALVAREZ/TONY	105329	09/08/15	20.00	
	000447 AMERICAN PUBLIC WORKS AS	105330	09/08/15	174.00	
	001670 AT & T	105331	09/08/15	358.68	
	001278 AVERA DDS MS/JOHN B	105332	09/08/15	375.00	
	001600 BARON DDS/JOHN E	105333	09/08/15	1,100.00	
	001822 BC LABORATORIES INC.	105334	09/08/15	384.00	
	000021 BOWMAN & WILLIAMS	105335	09/08/15	4,762.50	
	000021 BOWMAN & WILLIAMS	105336	09/08/15	21.74	
	001633 CAL-WEST LIGHTING & SIGN	105337	09/08/15	1,546.96	
	003174 CAPITAL ONE COMMERCIAL	105338	09/08/15	1,843.17	
	000435 CATTERA/MARK F.	105339	09/08/15	450.00	
	003464 DANIELS/JASON	105340	09/08/15	331.17	
	003160 DIXON & SON TIRE	105341	09/08/15	513.48	
	003035 FELTON DENTAL CENTER	105342	09/08/15	468.00	
	000375 FIRST ALARM SECURITY & P	105343	09/08/15	75.00	
	000375 FIRST ALARM SECURITY & P	105344	09/08/15	1,987.50	
	000615 HOHMANN/PATRICK J.	105345	09/08/15	327.40	
	001903 JONES/KIMARIE	105346	09/08/15	20.00	
	003321 LOPEZ/RENE	105347	09/08/15	91.00	
	003171 MICHALAK/GENE	105348	09/08/15	110.00	
	000218 MID VALLEY SUPPLY	105349	09/08/15	1,076.21	
	000463 NOB HILL FOODS	105350	09/08/15	742.58	
	001974 NORTH AMERICAN UV INC	105351	09/08/15	2,214.58	
	001982 PEAVEY COMPANY/LYNN	105352	09/08/15	295.18	
	003152 PETERSON POWER SYSTEMS,	105353	09/08/15	1,118.28	
	001233 PORTER DDS MS/BRENT J	105354	09/08/15	423.80	
	003303 RAABE/KAMI	105355	09/08/15	31.50	
	001894 S.V. WATER DISTRICT - BU	105356	09/08/15	215.07	
	000111 SCOTTS VALLEY CHAMBER OF	105357	09/08/15	25,000.00	
	002053 STEPFORD	105358	09/08/15	483.06	
	001933 THURINGER/JOE	105359	09/08/15	20.00	
	001831 USA BLUE BOOK	105360	09/08/15	1,134.08	
	000443 WALPOLE/STEVE	105361	09/08/15	10.50	
	001342 WELCH/JAMES	105362	09/08/15	20.00	
	003008 WILLIAMS/JESSE	105363	09/08/15	20.00	
	000952 WILSON/JOHN	105364	09/08/15	10.50	
	001625 YOSHIDA DDS/NOREEN	105365	09/08/15	492.16	
	002021 ZOOM	105366	09/08/15	412.19	
	GENERAL CHECKING ACCOUNT			49,051.60	***

SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
09/08/2015 12:49:09
GL540R-V07.27 PAGE 2

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				49,051.60

RECORDS PRINTED - 000065

SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
09/08/2015 12:49:09
GL060S-V07.27 RECAPPAGE

Check Register

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
001	GENERAL	8,522.19
004	RECREATION	1,973.71
010	WASTEWATER OPERATIONS	3,268.60
011	TERTIARY TREATMENT PLANT	2,598.58
023	SVRDA SUCCESSOR AGENCY	25,000.00
025	GENERAL TRUST	3,765.00
028	SENIOR CENTER	714.94
112	DENTAL INS INTERNAL SERV	3,166.36
123	COMMUNITY FACILITY CENTER	42.22
TOTAL ALL FUNDS		49,051.60

BANK RECAP:

BANK	NAME	DISBURSEMENTS
BA	GENERAL CHECKING ACCOUNT	49,051.60
TOTAL ALL BANKS		49,051.60

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
	001097 ACORN COURT APARTMENTS	105225	08/28/15	3,523.52
	001405 AFLAC-FLEX ONE	105226	08/28/15	2,879.44
	003408 ALANIZ/LUPITA	105227	08/28/15	672.00
	002059 ALCOPRO, INC	105228	08/28/15	209.00
	001219 ALHAMBRA	105229	08/28/15	82.83
	001219 ALHAMBRA	105230	08/28/15	107.89
	000789 ALLEN & ASSOCIATES/JAMES	105231	08/28/15	150.00
	003436 APPLIED CONCEPTS, INC	105232	08/28/15	17,902.66
	001009 ARD/KRISTIN	105233	08/28/15	30.00
	001670 AT &T	105234	08/28/15	725.64
	000097 AT&T	105235	08/28/15	562.13
	000614 BATTERIES PLUS	105236	08/28/15	260.99
	001373 BAY TREE, LLC	105237	08/28/15	3,620.38
	001066 BEHAVIORAL HEALTH CARE I	105238	08/28/15	126.00
	003462 BEN MEADOWS	105239	08/28/15	286.84
	001260 BLENDERMAN/ROD	105240	08/28/15	365.00
	001477 BLISS/MARCIA	105241	08/28/15	561.00
	000500 BOLANOS/DORENE	105242	08/28/15	20.00
	000559 BOOTH/JIM	105243	08/28/15	280.00
	003237 BOWEN/TIMOTHY D	105244	08/28/15	1,753.50
	000021 BOWMAN & WILLIAMS	105245	08/28/15	29,233.97
	000437 BRASS KEY LOCKSMITH	105246	08/28/15	145.78
	001216 C & N TRACTORS	105247	08/28/15	234.51
	001385 CALIFORNIA PUBLIC EMPLOY	105248	08/28/15	119,965.48
	.14941 CARO/EDUARDO	105249	08/28/15	77.00
	000773 CENTRAL COAST LANDSCAPE	105250	08/28/15	383.00
	001051 COASTAL EVERGREEN CORP	105251	08/28/15	850.00
	002091 COMCAST	105252	08/28/15	42.52
	002091 COMCAST	105253	08/28/15	133.98
	.14945 CONE/JAMES	105254	08/28/15	100.00
	003043 CSG CONSULTANTS, INC	105255	08/28/15	1,190.00
	003398 CYPRESS ENVIRONMENTAL	105256	08/28/15	1,237.50
	001084 DAPPER TIRE CO	105257	08/28/15	656.30
	003160 DIXON & SON TIRE	105258	08/28/15	281.52
	001537 DYNAMIC PRESS	105259	08/28/15	48.45
	003293 EATON ELECTRICAL CORPORA	105260	08/28/15	1,908.00
	000072 ECOLOGY ACTION OF SC	105261	08/28/15	2,075.00
	000703 FAMILY SERVICE AGENCY	105262	08/28/15	990.75
	000051 FISHER SCIENTIFIC	105263	08/28/15	33.24
	001597 FLEMING/JOSEPHINE	105264	08/28/15	2,587.50
	001967 FLO-LINE TECHNOLOGY INC	105265	08/28/15	38.86
	001828 GONZALES/GABE	105266	08/28/15	20.00
	000338 GRAHAM CONTRACTORS INC	105267	08/28/15	24,625.00
	.14943 HAR- TRU SPORTS	105268	08/28/15	247.64
	000801 HINDERLITER, DE LLAMAS &	105269	08/28/15	1,302.21
	001805 HOOVER DDS/REX W.	105270	08/28/15	108.50
	000283 HOSE SHOP	105271	08/28/15	190.83
	000835 INTERSTATE SALES	105272	08/28/15	915.32

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
	003105 LAFCO	105273	08/28/15	5,291.67
	001333 LARA/ JESUS D	105274	08/28/15	92.01
	001486 LEWIS/OWEN	105275	08/28/15	548.00
	001673 LINCOLN FINANCIAL GROUP	105276	08/28/15	1,029.72
	.14942 MAGANA/MARIA	105277	08/28/15	1,857.38
	003403 MAR-KEN INTERNATIONAL PO	105278	08/28/15	260.00
	001591 MARKELL/ROD	105279	08/28/15	1,974.00
	.14944 MARTINEZ/EDDIE	105280	08/28/15	200.00
	000967 MONTEREY BAY SYSTEMS	105281	08/28/15	80.33
	003368 MT HERMON VETERINARY CLI	105282	08/28/15	26.05
	003212 MUNICIPAL MAINTENANCE EQ	105283	08/28/15	90.53
	000939 NATIONAL COMTEL NETWORK	105284	08/28/15	13.46
	003463 NEALL/ALEXIE	105285	08/28/15	672.00
	002079 NOR CAL ASA	105286	08/28/15	358.00
	000088 NORTH BAY FORD-LINCOLN-	105287	08/28/15	27.82
	001872 NORTH CENTRAL LABORATORI	105288	08/28/15	272.83
	001988 O'REILLY AUTOMOTIVE, INC	105289	08/28/15	16.88
	000089 OLIVE SPRINGS QUARRY INC	105290	08/28/15	304.96
	000101 PACIFIC GAS & ELECTRIC C	105291	08/28/15	39,404.83
	000100 PETTY CASH - R. LIEB	105292	08/28/15	233.35
	003268 PHILLIPS/WENDY	105293	08/28/15	420.00
	003204 PHONE SUPPLEMENTS INC.	105294	08/28/15	3,266.28
	000102 PITNEY BOWES	105295	08/28/15	147.44
	003323 POMPETTE/NICOLE	105296	08/28/15	20.00
	001039 POSTON/ED	105297	08/28/15	380.00
	001503 PRUDENTIAL INSURANCE CO/	105298	08/28/15	602.55
	003461 RAY ALLEN	105299	08/28/15	81.48
	003230 REDWOOD TOXICOLOGY LAB	105300	08/28/15	32.00
	003418 ROSS/HEATHER	105301	08/28/15	812.00
	002043 ROYAL WHOLESALE ELECTRIC	105302	08/28/15	214.50
	001893 S.V. WATER DISTRICT - RE	105303	08/28/15	50.00
	000201 SAFETY-KLEEN CORP	105304	08/28/15	875.23
	000135 SAN LORENZO VALLEY WATER	105305	08/28/15	30.64
	000790 SANCRA	105306	08/28/15	80.00
	001885 SANTA CRUZ BIOTECHNOLOGY	105307	08/28/15	115.29
	001533 SANTA CRUZ COUNTY BANK	105308	08/28/15	644.08
	001887 SANTA CRUZ ROLLER PALLAD	105309	08/28/15	280.00
	000129 SCOTTS VALLEY BANNER	105310	08/28/15	117.00
	000319 SCOTTS VALLEY CAR WASH	105311	08/28/15	231.65
	000133 SCOTTS VALLEY SPRINKLER	105312	08/28/15	100.74
	003085 SHRED-IT USA INC	105313	08/28/15	69.79
	000405 SILVERSTEIN/THOMAS	105314	08/28/15	3,518.90
	003287 SLV ELECTRIC, INC	105315	08/28/15	3,780.00
	002053 STEPFORD	105316	08/28/15	5,703.00
	003039 SUPERIOR SIGNALS INC	105317	08/28/15	3,192.55
	001085 SYCAL ENGINEERING INC	105318	08/28/15	10,957.67
	001831 USA BLUE BOOK	105319	08/28/15	1,333.05
	001803 VARGAS ACADEMY OF	105320	08/28/15	1,079.92

SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
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GL540R-V07.27 PAGE 3

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA	GENERAL CHECKING ACCOUNT				
	000151 VISION SERVICE PLAN	105321	08/28/15	1,184.40	
	003145 WAGE WORKS	105322	08/28/15	110.00	
	003392 WENGER PAVING INC	105323	08/28/15	7,495.00	
	000154 WINCHESTER AUTO STORES	105324	08/28/15	789.70	
	003166 WISDOM/ANGIE	105325	08/28/15	470.00	
	GENERAL CHECKING ACCOUNT			324,680.36	***

SCOTTS VALLEY ACCOUNTS PAYABLE
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GL540R-V07.27 PAGE 4

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BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				324,680.36

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GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
001	GENERAL	155,192.21
003	GAS TAX - SPECIAL STATE TRST	32,120.00
004	RECREATION	21,158.09
010	WASTEWATER OPERATIONS	56,872.82
014	WASTEWATER EQMT REPLACE RES	2,950.00
019	AFFORDABLE HOUSING	1,974.00
023	SVRDA SUCCESSOR AGENCY	7,143.90
025	GENERAL TRUST	22,756.89
028	SENIOR CENTER	1,909.23
033	TREE REPLACEMENT FUND	150.00
050	PINEWOOD EST LNDSCP MAINT DT	423.52
077	SKYPARK MAINT ASSESS DIST	32.67
112	DENTAL INS INTERNAL SERV	473.50
123	COMMUNITY FACILITY CENTER	1,545.87
150	GENERAL CAPITAL IMPROVEMENTS	2,075.00
306	SUPPL LAW ENFORCEMENT SRVS	17,902.66
TOTAL ALL FUNDS		324,680.36

BANK RECAP:

BANK	NAME	DISBURSEMENTS
BA	GENERAL CHECKING ACCOUNT	324,680.36
TOTAL ALL BANKS		324,680.36

City of Scotts Valley
INTEROFFICE MEMORANDUM

DATE: September 16, 2015
TO: Honorable Mayor and City Council
FROM: Steve Ando, City Manager
SUBJECT: League of California Cities Annual Conference Resolutions

SUMMARY OF ISSUE

The League of California Cities annual conference is September 30 to October 2, 2015. At the annual conference the League will be considering four resolutions that will be voted on by the representatives of the member cities. Council Member Stephany Aguilar is Scotts Valley's representative and is requesting from the Council the authority to vote on these resolutions.

The four resolutions to be considered are:

1. Resolution relating to League bylaws amendments regarding succession of League offices to fill vacancies.
2. Resolution calling for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods.
3. Resolution supporting SB 593 (McGuire) and continued local flexibility for cities as they address neighborhood and fiscal impacts of temporary rentals of residential units.
4. Resolution calling upon the Governor and the legislature to work with the League of California Cities to enact legislation or to otherwise compel Southern California Edison to create a program to automatically provide direct compensation to its customers affected by prolonged electrical power outages under specified circumstances.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

That Council authorizes Council Member Stephany Aguilar to vote as Scotts Valley's representative to the League of California Cities on the four resolutions listed above being considered at the annual conference September 30 to October 2, 2015.

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2015 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTION REFERRED TO ADMINISTRATIVE SERVICES POLICY COMMITTEE

1. RESOLUTION RELATING TO LEAGUE BYLAWS AMENDMENTS REGARDING SUCCESSION OF LEAGUE OFFICES TO FILL VACANCIES

Source: League Board of Directors

Referred to: Administrative Services Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, the League of California Cities® is a nonprofit mutual benefit corporation under California law and, as such, is governed by corporate bylaws; and

WHEREAS, the League's Board of Directors periodically reviews the League's bylaws for issues of clarity, practicality, compliance with current laws, and responsiveness to membership interests; and

WHEREAS, on two occasions in recent years when vacancies arose in office of President of the Board of Directors after disappointing reelection results, the vacancy was filled in accordance with the League Bylaws by the First Vice President becoming President at the next Board meeting. This left a vacancy in the office of First Vice President that was filled by the Board by advancing the Second Vice President. This required recruiting a new Second Vice President that the Board chose, as provided in the Bylaws, from the ranks of the Board itself; and

WHEREAS, in September 2014 the Board chose a new Second Vice President as usual and also a new First Vice President who had not previously served as Second Vice President because the prior Second Vice President was elected to county office and was no longer eligible. When the President was not reelected in November 2014, the First Vice President advanced to the office of President with only two months of experience as a League officer. Additionally, the Second Vice President was advanced to First Vice President; and

WHEREAS, the Board of Directors believe this confluence of events twice in recent years demonstrates a weakness in the succession of League offices required by the League Bylaws because the accelerated advancement of officers in the event of a vacancy in the office of President may deprive the junior officers and the League of adequate time to serve and develop expertise and relationships in the offices of Second and First Vice President; and

WHEREAS, it is the unanimous recommendation of the League Board that the League membership amend article VIII, section 4, of the League bylaws to allow the Immediate Past President to fill an unexpected vacancy in the office of President for the unexpired term if the Immediate Past President agrees. If not, the current succession process would occur; and now, therefore, be it,

RESOLVED, by the General Assembly of the League of California Cities assembled in Annual Conference in San Jose, October 2, 2015, that article VIII, section 4 of the League bylaws be amended to read as follows:

Article VIII: Officers

Section 1: Identity.

The officers of the League are a President, a First Vice-President, a Second Vice-President/Treasurer, an Immediate Past President, and an Executive Director.

Section 2: Duties of League Officers.

- (a) **President.** The President presides at all League Board meetings and all General Assemblies. The President has such other powers and duties as may be prescribed by these bylaws or the League Board.
- (b) **First Vice-President.** The First Vice-President carries on the duties of the President in the President's temporary absence or incapacity. The First Vice-President has such other powers and duties as may be prescribed by these bylaws or the League Board.
- (c) **Second Vice-President/Treasurer.** The Second Vice-President/Treasurer carries on the duties of the President in the President's and First Vice-President's temporary absence or incapacity. The Second Vice-President/Treasurer has such other powers and duties as may be prescribed by these bylaws or the League Board.

Section 3: Election.

The League Board elects the League's President, First Vice-President and Second Vice-President for terms of one year. The election occurs at the League Board's meeting at the Annual Conference.

Section 4: Vacancies.

A vacancy in the office of President is filled ~~at the next meeting of the League Board~~ by the Immediate Past President who shall serve for the unexpired term of office and, upon election of a new President at the next Annual Conference, shall subsequently serve a full term as Immediate Past President. In the event the Immediate Past President is not available to fill the vacancy in the office of the President, or declines in writing, it shall be filled by the succession of the First Vice-President to that office. A vacancy in the office of First Vice-President, or Second Vice-President/Treasurer, is filled for the un-expired term by appointment by the League Board of a member of the League Board. A vacancy in the office of the Immediate Past President is filled for the un-expired term by the last Past President continuing to hold a city office.

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Background Information on Resolution No. 1

Source: League Board of Directors

Background:

In 2010 and again recently in 2014 the city official elected League President at the Annual Conference in September was not returned to office by the voters of their city. This development triggered a series of steps laid out in the order of succession in the League Bylaws that mandates that the First Vice President advance to the office of President at the next Board meeting and that the Board fill the vacancy in the office of First Vice President for the remainder of the term.

When the Board filled the League offices in September 2014, the Second Vice President could not advance to First Vice President since she had been elected to the office of county supervisor and was ineligible to serve. Consequently the Board selected two directors to fill both the offices of First Vice President and Second Vice President. Neither had previously served as a League officer.

When the vacancy in the office of President occurred after the November general election, the First Vice President advanced to the office of President after having served only two months as a League officer in contrast to the normal advancement process of twenty-four months. The Second Vice President was advanced to the office of First Vice President after having served only two months as a League officer. The Board also chose a new Second Vice President.

At the February, 2015 meeting of the League Board of Directors, the Executive Committee recommended unanimously an amendment to the order of succession in Art. VIII, Sec. 4 of the League Bylaws. The proposed amendment would allow the most experienced member of the Executive Committee, the Immediate Past President, to fill out the remainder of the term of office of a President who leaves the office before its term is completed if the Immediate Past President is willing and able to do so. This arrangement would allow the First Vice President to continue serving and to advance to the office of President on the schedule envisioned by the League Bylaws. If the Immediate Past President were unable or unwilling to serve, the existing order of succession would occur.

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League of California Cities Staff Analysis on Resolution No. 1

Staff: Alicia Lewis
Committee: Administrative Services Policy Committee

Summary:

This resolution seeks to streamline the succession process when filling a vacancy for the office of President of the Board of Directors. It would allow for the League bylaws to be amended, allowing the Immediate Past President to fill an unexpected vacancy in the office of President for the remainder of the vacating President's term. Changes to League bylaws require a 2/3 vote of the General Assembly.

Background:

The past few years have yielded several occasions where the succession line for Board of Directors leadership was disrupted due to disappointing election results and officers taking office outside of city government.

In September 2014 the Board chose a new First and Second Vice President. The First Vice President had not previously served as Second Vice President because the prior member was elected to county office and therefore no longer eligible. When the President was not reelected in the November 2014, the First Vice President advanced to the office of President with only two months of experience as a League officer. Additionally, the Second Vice President was advanced to First Vice President. This transition far outpaced the normal process for advancing as an officer on the Board of Directors.

Fiscal Impact:

This impact of this resolution would have no fiscal impact.

Comments:

The nature of this resolution is to ensure that there is a smooth succession process in place and that current Vice-Presidents (First and Second) have ample time to prepare for their role as President. By

allowing the Immediate Past President to finish out the term of a vacated presidency the Board would ensure there is minimal disruption to the workflow and goals of the association.

**RESOLUTION REFERRED TO HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT
POLICY COMMITTEE**

**2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR
LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES
AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE
RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS**

Source: City of Malibu

Concurrence of five or more cities/city officials: Cities: Artesia; Duarte; La Canada Flintridge; Lakewood; Lomita; and Pico Rivera. City Officials: Los Angeles Council Member Mitchell Englander

Referred to: Housing, Community and Economic Development Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, residential group home facilities provide valuable rehabilitation and support services for those who live in them, which benefits the greater society; and

WHEREAS, state departments license these facilities through several state agencies, and operators are required to meet various state statutory requirements; and

WHEREAS, in addition to residents, these facilities often include live-in managers and other staff, who provide a variety of services to residents which may include meals, workshops, training, counseling and other services. These uses and services may also require frequent deliveries to be made to the facility, shuttle van service provided to residents, and additional automobile traffic due to shift changes, visiting hours, and other activities. Collectively, these uses often generate more noise and activity than expected from a traditional single-family home; and

WHEREAS, the overconcentration of residential group homes changes the character of neighborhoods as they become centers for the delivery of various services. This environment not only creates a disruption to long-time residents, it can also diminish the quality of the residential treatment experience for group home residents as the neighborhood assumes a more institutional setting; and

WHEREAS, the State and local governments operate in partnership regarding the location of these residential care facilities in residential neighborhoods in order to carry out the policy of the State to prevent overconcentration of such facilities in these neighborhoods; and

WHEREAS, the state has adopted a 300 foot separation requirement between facilities licensed by the Department of Social Services,¹ but these siting standards have not been extended to apply to facilities licensed by other state agencies such as the Department of Health Care Services or other licensed or unlicensed facilities; and

WHEREAS, it is the policy of the State that each county and city permit and encourage development of sufficient numbers and types of alcoholism or drug abuse recovery or treatment facilities as are commensurate with local need;² and

¹ Health & Safety Code Section 1520.5

² Health & Safety Code Section 11834.20

WHEREAS, the California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law;³ and

WHEREAS, the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability;⁴ and

WHEREAS, there is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities; and

WHEREAS, many community concerns could be addressed if State agencies communicated and collaborated more with local governments; and

WHEREAS, the League of California Cities is committed to working in partnership with the Legislature and Administration to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations established by State and federal law.

RESOLVED, at the League of California Cities General Assembly, assembled at the League Annual Conference on October 2, 2015 in San Jose, that the League calls for the Governor and the Legislature to work with the League and other stakeholders to address the following issues:

1. Explore options to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities.
2. Avoid the creation of institutional settings when multiple facilities are concentrated in a single location, while also reducing noise, congestion and other concerns often raised by residents in residential neighborhoods.
3. Determine the appropriate balance between not-for-profit (including county) facilities and for-profit facilities in residential neighborhoods.

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Background Information on Resolution No. 2

Source: City of Malibu

Background:

State law preempts local zoning regulation for licensed drug and alcohol treatment facilities. State and federal anti-discrimination laws require cities to treat facilities that function as single housekeeping units the same as any other "family." In many areas of the state, these facilities are impacting residential neighborhoods because their concentration in certain neighborhoods tends to change the character of the area from a residential neighborhood to more like a hospital and institutional zone in terms of the land use impacts.

In order to avoid overconcentration in residential neighborhoods, most state-licensed group homes are required by state law to meet certain distancing requirements from other licensed group homes. Alcohol

³ Government Code 12955(l)

⁴ 42 U.S.C. Section 12134

and drug programs are treated differently under state law in this respect and no distancing requirements apply. In fact, the state licensing agency does not impose any restrictions on the number of facilities in the vicinity of one another and have been allowing licensees to obtain two licenses on one lot and to operate integrated multi-structure facilities under the guise of multiple single-family residential licenses. Similarly, state law currently requires private foster family agencies operating in residential zones to be organized and operated on a nonprofit basis, while drug and alcohol programs and sober living homes are permitted to operate as a for-profit business in residential zones. The addiction recovery industry has become big business. There are now thousands of treatment facilities and sober living homes in California and the number is rapidly increasing.

State policy sought integration of group homes into residential neighborhoods, not disintegration of the residential character of the neighborhoods. A course correction is required to advance state policy. Through zoning authority, cities can preserve the very neighborhoods that the community-care model depends on to provide the therapeutic environment of a residential neighborhood. Distancing requirements both respond to the biggest concern of local government (over concentration that impairs neighborhood character) and advances state policy. In addition, limiting the zoning preemption to non-profit programs will also assist in preserving the integrity of residential neighborhoods.

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League of California Cities Staff Analysis on Resolution No. 2

Staff: Dan Carrigg
Committee: Housing, Community and Economic Development

Summary:

This Resolution calls for the Governor and the Legislature to work with the League and other stakeholders to explore options to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities, avoid the creation of institutional settings when multiple facilities are concentrated in a single location, and determine the appropriate balance between not-for-profit (including county) facilities and for-profit facilities in residential neighborhoods.

Background:

The City of Malibu is sponsoring this resolution as a way of highlighting an issue that continues to create zoning and land use problems in single-family neighborhoods. While this is not a new issue for the League and its cities, and the League has existing policy in this area, the sponsors view the passage of this resolution as helpful in restarting conversations with the Legislature and the Governor's Administration that can hopefully lead to productive solutions.

HCED Committee member and Malibu Council Member Lou La Monte raised this issue at the Committee's June meeting, where he presented a resolution that had recently been adopted by the California Contract Cities Association on May 15. The Committee encouraged him to work with League staff in his effort to draft a measure to be presented at the League's annual conference. League staff worked with Mr. La Monte in this regard, mostly in helping ensure that the various "whereas clauses" appropriately reflect the important legal rights of patients and obligations of public entities that Legislators will expect to be balanced in any solutions to local land use issues.

Resolved Clauses from Recent CCCA Resolution:

NOW THEREFORE, the Members of the California Contract Cities Association hereby re-affirms its commitment to cooperation among units of government that serve the people of California and urges the

California state legislature to enact legislation that empowers local government to preserve the residential character of neighborhoods necessary to effect state policy regarding group homes as follows:

- 1. Amend the state law to provide the same distancing and notice requirements for ADP facilities as it does for Community Care Act facilities;*
- 2. Enact legislation providing standards that prevent overconcentration of unlicensed sober living homes to maintain residential character of neighborhoods which has therapeutic benefit for the occupants; and*
- 3. Restrict the zoning preemption for licensed ADP facilities to those owned and operated by non-profit organizations.*

Fiscal Impact:

Minor, if any.

Comment:

- 1) The League has significant existing policy in this area. In the past the League has had internal task forces and sponsored and supported various legislative proposals.
- 2) Making significant progress in this area has been difficult in the Capitol. Federal and state fair housing and anti-discrimination laws and various court decisions have bearing on local authority in this area. Patient advocacy groups and sympathetic legislators have been suspicious of any solutions that they see as limiting patient access. Thus, any effort to develop solutions to address local land use concerns must also remain sensitive to these issues and the perspective of legislators that sit on committees with jurisdiction in these areas.

Existing League Policy:

Related to this Resolution, existing policy provides:

- The League supports permitting cities to exercise review and land use regulation of group home facilities and residential care facilities in residential neighborhoods including the application of zoning, building and safety standards. State and county licensing agencies should be required to confer with the city's planning agency in determining whether to grant a license to a community care facility. The League recognizes that better review and regulation of residential care facilities will protect both the community surrounding a facility and the residents within a facility from a poorly managed facility or the absence of state oversight.
- The League supports state legislation to require a minimum distance of 300 feet between all new and existing residential care facilities. The League supports notification of cities about conditional release participants residing in group homes.

RESOLUTION REFERRED TO HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT AND REVENUE & TAXATION POLICY COMMITTEES

3. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS

Source: City of West Hollywood

Concurrence of five or more cities/city officials: Cities of Healdsburg, Mammoth Lakes, Napa, Piedmont, Santa Cruz, Santa Monica, Sonoma

Referred to: Housing, Community & Economic Development; Revenue & Taxation Policy Committees

Recommendation to General Resolutions Committee:

WHEREAS, the temporary rental of residential houses, condominiums, rooms, and apartments for tourist or transient use is a developing part of the sharing economy; and

WHEREAS, while these rentals provide additional options to the traveling public, and income to affected property owners or tenants, it is also important that such rentals comply with local laws, regulations and ordinances; and

WHEREAS, the temporary rental of residential houses, condominiums, rooms, and apartments for tourist or transient use can present numerous challenges to neighborhoods and adjacent property owners and create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows; and

WHEREAS, where temporary rental of residential units for tourist or transient use is allowed in conformance with local laws, regulations and ordinances, the applicable transient occupancy tax (TOT) should also be collected. The temporary rental of residential units for tourist or transient use is in direct competition with hotels, motels and other accommodations where guests pay the local TOT, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor; and

WHEREAS, the Thriving Communities and Sharing Economy Act, introduced as SB 593 by Senator Mike McGuire (D-2, Healdsburg), prohibits the operators of transient residential hosting platforms from advertising residential units for tourist or transient use if such use will violate any ordinance, regulation, or law within the applicable city or county that opts into its provisions, and requires the confidential quarterly reporting to the city or county of the following information (if the City or County adopts an ordinance requiring the reporting of the data):

1. The address of each residential unit that was occupied for tourist or transient use during the quarterly period.
2. The total number of nights the residential unit was occupied for tourist or transient use.
3. The amounts paid for the occupancy of the residential unit for tourist or transient use.

WHEREAS, the provisions of SB 593 bolster existing local authority to enforce local ordinances and collect revenue associated with the temporary rental of residential units by allowing local agencies access to the data necessary to enforce their ordinances and requiring short-term rental hosting platforms to collect local TOT and remit it to the appropriate jurisdiction if short-term rentals are allowed in that jurisdiction; and

WHEREAS, the provisions of SB 593 provide a helpful regulatory framework that cities and counties may choose in lieu of exercising their existing authority; and

WHEREAS, the League of California Cities supports SB 593 because it recognizes and preserves local flexibility to address the temporary rental of residential units in the manner that best fits with the unique issues and conditions found in each local jurisdiction; and

WHEREAS, SB 593 provides local jurisdictions with the data and framework necessary to collect TOT revenues from short-term rentals, to pay for vital local services; and

WHEREAS, SB 593 provides local jurisdictions with the data and framework necessary to enforce local regulations designed to ensure the safety of the public and residents living adjacent to short-term rentals; and

WHEREAS, despite any existing challenges faced by cities in regulating or collecting revenue from the temporary rental of residential units, cities would oppose any effort to undermine their existing local authority to regulate land use or collect local TOT revenue.

RESOLVED, at the League of California Cities General Assembly, assembled at the League Annual Conference on October 2, 2015 in San Jose, as follows:

1. Land use regulation and local tax collection are best overseen and implemented locally.
2. While temporary rental of residential units can offer innovative opportunities for travelers and property owners within the developing sharing economy, cities must retain flexibility to address any problems raised by such uses in a manner that reflects the unique issues and conditions in their communities.
3. Cities have existing legal authority and tools to regulate and collect revenue from the temporary rental of residential units, and SB 593 provides the data and framework that supports and bolsters such local efforts.
4. The League encourages cities to support SB 593.

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Background Information on Resolution No. 3

Source: City of West Hollywood

Background:

The sharing economy has quickly become common place in the everyday life of many individuals, whether they participate in ride-sharing, have rented a short-term residential unit, or live in a community where either is prevalent. The sharing economy has provided benefits to many, but also includes many issues that must be addressed in order to allow these sharing practices to effectively incorporate into our communities. Specifically, the short-term rental of residential units has grown exponentially within the last several years throughout the State, and its impacts need to be addressed.

Presently, many cities and counties prohibit the renting of residences for less than 30 days. However, these prohibitions are frequently ignored by Online Vacation Rental Businesses ("OVRBs"), causing unwanted burdens on cities while reducing TOT collection from sanctioned hotels. The short-term rental of residential properties presents numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows. The rentals facilitated by OVRB's in these cities and counties go against the expressed wishes of the residents.

For the cities and counties that do allow short-term residential rentals, most require hosts to register and that transient occupancy taxes be paid. However, registration and payment of TOT in these cities and counties are based on the owners of the short terms residential units voluntarily reporting their rental activity. However, there has been a severe under-registration of hosts and underpayment of TOT. Only 10% of hosts in San Francisco have followed the city ordinance to register. Sonoma County has had to spend in excess of \$200,000 in an attempt to track down those rentals that are not paying the required TOT under the ordinance. And Los Angeles is currently experiencing a rental housing shortage due in part to the recent popularity of OVRBs.

Cities and counties have been unable to obtain this information due to the fact that OVRB's pass their responsibility to individual homeowners. This lack of oversight and enforcement presents a gap in accountability, and as a result, local laws and regulations are not being followed.

Sen. Mike McGuire's Thriving Communities and Sharing Economy Act (SB 593) will provide local jurisdictions with the data and framework necessary to collect TOT revenues from short-term rentals, to pay for vital local services; or conversely, the data necessary to help cities enforce local regulations designed to ensure the safety of the public and residents living adjacent to short-term rentals, if those rental are not allowed.

Specifically, SB 593 would: 1) Prohibit the operators of short-term residential hosting platforms from advertising residential units for tourist or transient use if such use will violate any ordinance, regulation, or law, within the applicable city that opts into the bill's provisions; 2) Require short-term rental housing platforms to collect and remit applicable transient occupancy tax (if short-term rentals are allowed in the city and the collection of TOT is required by the city); and 3) Require the confidential quarterly reporting of the address of each residential unit that was occupied for tourist or transient use during the quarterly period, the total number of nights the residential unit was occupied for tourist or transient use, and the amounts paid for the occupancy of the residential unit for tourist or transient use.

The premise of SB 593 is simple: reinforce local laws already on the books. Where vacation rentals are legal, the bill will assist local jurisdictions in their regulation and collection of Transient Occupancy Taxes, (TOT) as more than 430 cities and 56 counties impose a TOT. Where vacation rentals are illegal by local ordinance, the bill will prohibit online vacation rental businesses from making a rental.

The Thriving Communities and Sharing Economies Act will empower local control, provide desperately needed funding for parks, local roads, fire and police services, and promote safe neighborhoods. SB 593 will require online vacation rental businesses to disclose information to cities and counties and/or collect and disperse Transient Occupancy Tax dollars – projected to be in the hundreds of millions of dollars statewide.

The emerging short term rental industry is an important segment of the state economic fabric and an issue of statewide importance. SB 593 would assist in facilitating a shared economy that will be beneficial to California's cities and their residents.

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League of California Cities Staff Analysis on Resolution No. 3

Staff: Dan Carrigg
Committees: Housing, Community & Economic Development; Revenue & Taxation

Summary:

This Resolution seeks to highlight and increase support for SB 593 (McGuire), which is pending in the Legislature. SB 593, titled the Thriving Communities and Sharing Economy Act, seeks to bolster local efforts to regulate and collect transient occupancy taxes from the temporary rental of residential houses, condominiums, rooms, and apartments for tourists and transient use. The League is currently in support of this legislation.

Background:

The City of West Hollywood and other cities are sponsoring the resolution in an effort to expand awareness of the issue among cities and encourage additional support for SB 593. They view the

legislation as helpful in bolstering local efforts to appropriately regulate a growing vacation rental industry.

The author introduced SB 593 based upon his past experience as both former Mayor of Healdsburg and a Sonoma County Supervisor. These areas are popular with tourists, and the affected communities are facing increasing land use and revenue collection issues. SB 593 is currently on the Senate Floor and is considered a "two-year bill," meaning that it cannot move until January 2016.

In addition to the League, SB 593 has a broad range of support:

Support: American Federation of State, County, and Municipal Employees, AFL-CIO; American Hotel and Lodging Association; Asian American Hotel Owners Association; American Insurance Association; Association of California Insurance Companies; Andaz West Hollywood General Manager Lin Schatz; Association for Los Angeles Deputy Sheriffs; City of Big Bear Lake; Borrego Springs Chamber of Commerce & Visitors Bureau; California Apartment Association; California Association of Boutique and Breakfast Inns; California Association of County Treasurers and Tax Collectors; California Apartment Association; California Association of Code Enforcement Officers; California College and University Police Chiefs Association; California Narcotics Officers Association; California Police Chiefs Association; California Hotel and Lodging Association; California Labor Federation; California Professional Firefighters; California State Association of Counties; California Teamsters Public Affairs Council; Contra Cost County Treasurer-Tax Collector Russell Watts; Paul Desterman, Mindy Desterman; El Dorado County Treasurer-Tax Collector C.L. Raffety; Douglas Engmann; Fairmont San Jose General Manager Kelley Cosgrove; Hilton Los Angeles/Universal City General Manager Mark Davis; Hotel Association of Los Angeles; Hotel Council of San Francisco; Humboldt County Convention and Visitors Bureau; International Faith Based Coalition; League of California Cities; Long Beach Firefighter Association; Los Angeles Alliance for a New Economy; Los Angeles Police Protective League; Town of Mammoth Lakes; Marin County Council of Mayors and Councilmembers; Marriot Courtyard in Larkspur General Manager Sam Pahlavan; Denise McNicol; Mendocino County Board of Supervisors; Mendocino County Treasurer-Tax Collector Shari Schapmire; Mono County Board of Supervisors; Ashok Mukherje; National Association of Mutual Insurance Companies; Neighbors for Overnight Oversight; Jenny Oaks; Pacific Association of Domestic Insurance Companies; Riverside Sheriffs Association; Rural County Representatives of California; Sacramento Hotel Association; San Diego County Hotel-Motel Association; San Franciscans for Reasonable Growth; San Luis Obispo County Auditor-Controller-Treasurer-Tax Collector James Erb; San Mateo County Central Labor Council; Santa Cruz County Convention and Visitors Council; Service Employees International Union; ShareBetter San Francisco; Sierra County Auditor-Treasurer-Tax Collector Van Maddox; Siskiyou County Treasurer-Tax Collector Wayne Hammar; Sonoma County Auditor-Controller-Tax Collector David Sundstrom; Sonoma County Board of Supervisors; City of Thousand Oaks; Tulare County Auditor-Controller-Treasurer-Tax Collector Rita Woodard; Tuolumne County Treasurer-Tax Collector Shelley Piech; UNITE-HERE, AFL-CIO; United Firefighter of Los Angeles City, Local #112; Natasha Yankoffski.

Opposition: Airbnb; Consumer Watchdog; Internet Association, TechNet.

Fiscal Impact:

Transient Occupancy Taxes are a significant source of local revenue. Many cities and counties are encountering challenges identifying units in their community that are being used as vacation rentals and collecting associated revenue. Where vacation rentals are permitted by local ordinance, the passage of SB 593 can assist local efforts, thereby increasing local revenues to support local services.

Comment:

- 3) Earlier this year the League's Housing Community and Economic Development Committee and Revenue and Taxation Committee reviewed an earlier version of SB 593 and initially adopted a

Support, If Amended position, which was concurred with by the League board. The author later incorporated the League's amendments into the bill and the League issued a support letter on the current version of the bill.

- 4) Local governments already have extensive authority to regulate land use and collect local taxes. While vacation rentals may be an increasingly popular option for the traveling public, local ordinances are beginning to adjust. The League supports SB 593 because it is crafted in a way that supports local authority in dealing with this emerging issue. Local agencies can either opt in to its provisions or continue to address issues differently under their existing local authority.

Existing League Policy:

Related to this Resolution, existing policy provides:

HCED Policy: The League believes that local zoning is a primary function of cities and is an essential component of home rule.

Rev. & Tax Policy: Additional revenue is required in the state/local revenue structure. There is not enough money generated by the current system or allocated to the local level by the current system to meet the requirements of a growing population and deteriorating services and facilities.

RESOLUTION REFERRED TO ENVIRONMENTAL QUALITY POLICY COMMITTEE

4. **RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO WORK WITH THE LEAGUE OF CALIFORNIA CITIES TO ENACT LEGISLATION OR TO OTHERWISE COMPEL SOUTHERN CALIFORNIA EDISON TO CREATE A PROGRAM TO AUTOMATICALLY PROVIDE DIRECT COMPENSATION TO ITS CUSTOMERS AFFECTED BY PROLONGED ELECTRICAL POWER OUTAGES UNDER SPECIFIED CIRCUMSTANCES.**

Source: City of Rancho Palos Verdes

Concurrence of five or more cities/city officials: Cities of Hermosa Beach, Lomita, Palos Verdes Estates, Rolling Hills and Rolling Hills Estates

Referred to: Environmental Quality Policy Committee

Recommendations to General Resolutions Committee:

WHEREAS, local governments in California are often reliant upon investor-owned private utility companies for the provision of electrical power to their citizens, businesses and institutions; and,

WHEREAS, the reliability and consistency of electrical supply and transmission is critically important to local governments to ensure the protection of the public safety, health and general welfare of communities; and,

WHEREAS, prolonged disruptions in electrical service can jeopardize the health of citizens who have a variety of physical challenges and rely on a constant source of power for medical devices; the safety of senior citizens who are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and the financial well-being of citizens, businesses and institutions that suffer from the loss of food, medication and other perishable items during prolonged power outages; and,

WHEREAS, Southern California Edison (SCE), an investor-owned utility serving 15 million customers in Southern and Central California, experiences frequent and prolonged service disruptions due to both planned and unplanned outages, equipment failures and weather-related events, which adversely affect local governments within its service area; and,

WHEREAS, SCE has been fined by the California Public Utilities Commission in the past due to prolonged service disruptions, most recently being levied a \$24.5 million penalty as a result of a prolonged outage that resulted from a wind storm in 2011; and,

WHEREAS, although SCE provides a claim process by which its customers may seek compensation for financial losses incurred as a result of prolonged service disruptions, SCE appears to reject most such claims; which places an unreasonable burden upon its customers and creates a false impression that customers will be compensated for their losses; and,

WHEREAS, at least one other investor-owned utility in California, Pacific Gas and Electric (PG&E) in Northern and Central California, has existing programs and procedures in place ("Safety Net" and "Service Guarantee") that automatically and directly compensate its customers when they are affected by prolonged service disruptions, including disruptions due to weather events and other causes, without the need for customers to seek compensation through a claim process; and,

WHEREAS, these PG&E programs provide for "Storm Inconvenience Payments" of \$25 to \$100 for weather-related service disruptions of forty-eight (48) hours or more; as well as \$30 service credits in instances of where the customer's electrical service is not restored within four (4) hours, or the customer is not provided with a time for service restoration within four (4) hours; the customer is without electrical service for twenty-four (24) hours or more in the event of unplanned service disruptions (unless the cause of the disruption is completely beyond the utility's control); and the customer is without electrical service as a result of a planned service interruption where less than seventy-two (72) hours' notice is provided to the customer; and,

WHEREAS, local governments within SCE's service area believe that requiring SCE to implement automatic and direct compensation programs for prolonged service disruptions, similar to those implemented by PG&E, will provide tangible relief to citizens, businesses and institutions that are adversely affected by prolonged outages, and will incentivize SCE to improve the reliability of its equipment and service; and now therefore let it be,

RESOLVED by the General Assembly of the League of California Cities, assembled in San Jose on October 2, 2015, that the League calls for the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel SCE to create a program to automatically provide direct compensation to its customers affected by prolonged electrical power outages under specified circumstances; and let it be,

FURTHER RESOLVED that such program shall be modeled upon PG&E's "Safety Net" and "Service Guarantee" programs, and shall cover weather-related events and planned and unplanned service disruptions.

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Background Information on Resolution No. 4

Source: City of Rancho Palos Verdes

Background:

The City of Rancho Palos Verdes and other cities in the South Bay region of Los Angeles County have longstanding concerns regarding the ineffective process by which Southern California Edison (SCE) addresses residents' claims, and desires to obtain the League's assistance in correcting that process. On the Palos Verdes Peninsula, SCE's aged infrastructure has caused fires and repeated, prolonged power

outages. The prolonged power outages are the focus of this request, because they adversely affect residents in a variety of ways, particularly:

- Residents who have a variety of physical challenges and rely on a constant source of power for medical devices;
- Residents who are senior citizens and are particularly susceptible to injury if power outages persist for a long period of time into the evening hours; and,
- Residents who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

The California Public Utilities Commission (CPUC) has the authority to impose penalties on utilities, including for prolonged power outages, and did so in connection with an extreme wind event that occurred in the Los Angeles area in 2011. However, the CPUC is not authorized to award claims to residents for prolonged electrical power outages. If a resident has a claim he or she wishes to pursue, the resident must file a claim with SCE, along with documentation of the financial loss that was incurred. If the claim is rejected, the resident then must file a lawsuit against SCE (probably in small claims court). Most residents will not want to spend the time and effort to pursue small claims for monetary damages arising from extended power outages.

SCE only awards claims for damages caused by its own negligence. This means that if an extended power outage is caused by a weather-related event, the claim will be denied. The SCE website also states that it will not cover claims for power surges. Since SCE often moves power from one line to another to enable repairs and maintenance, SCE can be the cause of the power surge, but residents still will not receive compensation for those claims.

Proposed Legislation

The proposed resolution calls upon the Governor and Legislature to enact legislation (or take other action) that will provide rebates in flat amounts to SCE customers for extended power outages under specified conditions. The proposed legislation could be modeled on the "Safety Net" and "Service Guarantee" programs offered by Pacific Gas and Electric (PG&E), another California-based investor-owned utility, which provides specific rebates to its customers based upon the type, cause and duration of service interruptions. These penalties are designed to provide direct compensation to SCE's customers who are adversely affected by prolonged power outages, and to incentivize SCE to restore the power as quickly as possible. They also will eliminate the frustration that SCE's customers experience as a result of SCE's existing claim process.

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League of California Cities Staff Analysis on Resolution No. 4

Staff: Jason Rhine
Committee: Environmental Quality

Summary:

Resolution No. 4 calls upon the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel Southern California Edison (SCE) to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage under specified circumstances.

Background:

City of Rancho Palos Verdes asserts that the South Bay region of Los Angeles County has longstanding concern regarding the ineffective process by which SCE addresses residents' claims associated with

prolonged electrical power outages. The City believes that SCE's aged infrastructure has caused fires and repeated, prolonged electrical power outages. Prolonged electrical power outages can adversely affect residents who have physical challenges and rely on a constant source of power for medical devices; residents who are senior citizens and are particularly susceptible to injury if electrical power outages persist for a long period of time into the evening hours; and, residents who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged electrical power outages.

According to information provided by SCE, SCE has the following customer compensation program:

Service Guarantee Program

SCE shall provide the following four service guarantees to its electric customers and provide a \$30 credit when these service guarantees are not met. Unless otherwise stated below, the four service standards apply only to active service accounts served under the Residential, General Service and Industrial, or Agricultural and Pumping rate schedules.

- **Restoration of Service Within 24 Hours:** SCE will restore electrical service within 24 hours of when SCE first becomes aware of a power outage. The first credit will be applied if the outage exceeds 24 hours. Additional credits will be applied for each succeeding 24-hour period that the customer is without service. Partial credits will not be paid for outage periods less than a full 24-hour increment. *Power outages associated with a moderate, severe, or catastrophic storm condition are exempt from the program.*
- **Missed Appointments:** When an appointment for a field service visit is made with a customer for a specific appointment time, and the customer's presence is required for establishing new service, a billing inquiry, or meter installation, SCE will arrive at the agreed upon appointment within 30 minutes before or after the scheduled time.
- **Notification of Planned Outages:** SCE will provide customers with notification of a planned outage at least three calendar days prior to the event. SCE will notify customers either by US Postal Service mail, by phone, in-person or door-to-door through door hangers, or by e-mail if SCE has the customer's e-mail address on file. If a planned outage is rescheduled to a new date not specified in the original notice to the customer, SCE will provide a new notice at least three calendar days in advance of the rescheduled planned outage.
- **Timely and Accurate First Bill:** SCE will issue an accurate first bill to a new customer of record within 60 days of establishing service. The bill and bill accuracy is defined according to the terms and conditions of SCE's Rule 9 (Rendering and Payment of Bills) and Rule 17 Section A (Adjustment of Bills and Meter Tests Usage) and Section D (Adjustment of Bills for Billing Error). The service guarantee credit process will be initiated once SCE is aware that the first bill was either inaccurate or issued beyond sixty days of establishing service. The first bill for any given customer account is eligible for only one service guarantee credit regardless of whether the bill is late, inaccurate, or both.

According to PG&E's website, PG&E offers the following customer compensation programs:

Compensation for Extended Outages

STORMS MESSAGE: If you are a residential customer and have gone without power for at least 48 hours due to severe storm conditions, you may qualify for a payment under PG&E's Safety Net Program. This program provides for the automatic payment of \$25 - \$100, which is paid about 60 days following the storm outage. In some cases, processing may take 90-120 days (heavy storm season).

Safety Net Program

We understand how inconvenient it is for customers who go without power for 48 hours or longer due to severe events, such as a storm. That is why PG&E created the following:

- PG&E will provide payments to residential customers we determine were without power for more than 48 hours due to a severe storm.
- The payments will range from \$25 up to \$100, depending on the length of the outage.

Eligibility

- The Storm Inconvenience Payment provision of the Safety Net Program applies to residential customers only (rate schedules E-1, E-6, E-7, E-8, E-9, EM, ES, ESR, ET, and EV); customers also may be enrolled in programs such as CARE and medical baseline.
- Businesses, agricultural accounts, multi-family building common areas, streetlights, and all other customers other than residential customers are ineligible for Storm Inconvenience Payments.
- Storm Inconvenience Payments will not be issued to customers in areas where access to PG&E's electric facilities was blocked (mud slides, road closures or other access issues). Also, if customer equipment prevented restoral or extended customer outage (ex. weatherhead, service drop, etc.).
- The outage must have occurred during a major weather-related event that caused significant damage to PG&E's electric distribution system.
- The outage must have lasted more than 48 hours.
- Storm Inconvenience Payments are in increments of \$25 (\$100 maximum per event). Payment levels are based on the length of the customer's outage:
 - 48 to 72 hours \$25
 - 72 to 96 hours \$50
 - 96 to 120 hours \$75
 - 120 hours or more \$100
- Both bundled-service and direct-access residential customers qualify for Storm Inconvenience Payments.
- Storm Inconvenience Payments will be issued to the customer of record.
- A customer with multiple residential services such as a primary residence and a vacation home is eligible for Storm Inconvenience Payments at each location where there was a storm-related outage of more than 48 hours.
- Customers must have an open account (service agreement) in good standing at the time of the outage and at the time payment is issued (generally 45 to 60 days after the event).
- For master-metered accounts such as mobile home parks, the customer of record will receive the Storm Inconvenience Payment for the master meter only.

Service Guarantee Program

Gas and electricity are essential to keep your life running smoothly, safely and efficiently. When your service is interrupted or in need of repair, you expect a reasonable and timely response. To ensure that we provide this to you, PG&E has implemented service guarantees, which spell out our commitment to prompt customer service for our customers:

- **Guarantee 1: Missed Appointments:** PG&E will meet the agreed upon appointment time set with our customer during contact with our Call Center or automatically credit your account \$30.
- **Guarantee 2: Non-Emergency Investigations:** PG&E will investigate non-emergency situations (check meter) and communicate results to a customer within seven days of a customer's request. Check-meter appointments between October 15 and December 15 of each year will be scheduled within 10 workdays. If an off-site meter test is required, PG&E will communicate the results to the customer within 30 days. If access is required to the customer's premises, then an appointment is necessary. Failure to meet the service guarantee will result in a \$30 credit to the customer's account. An automatic credit to the customer's account would apply only if PG&E misses a scheduled appointment date. If

the appointment is scheduled beyond five workdays, the customer must notify PG&E to receive the credit. If PG&E's records show that such scheduling was at the customer's request, the credit does not apply.

- **Guarantee 3: Emergency:** The Emergency Service Guarantee is not currently in effect.
- **Guarantee 4: Complaint Resolution:** PG&E will decide on a course of action to resolve a complaint and communicate it to the customer within three working days. PG&E will communicate the complaints resolution to the customer within 10 working days, or 30 working days when an off-site meter test is required or an on-site home audit is requested. Failure to meet the service guarantee will result in a \$30 credit to the customer's account.
- **Guarantee 5: New Meter Installations:** PG&E will meet the agreed upon date for new service meter installations and service turn-ons or automatically credit your account \$50.
- **Guarantee 6: Electric Service Disruptions:** PG&E will respond to customer calls reporting electric service interruptions within four hours by restoring service; or by informing the customer, upon request, when service restoration is expected; or automatically credit your account \$30.
- **Guarantee 7: Electric Service Restoration:** PG&E will restore electric service within 24 hours, unless the cause is absolutely beyond our control, or we will automatically credit your account \$30 for each 24-hour period you are without service.
- **Guarantee 8: Commencing Bills:** PG&E will issue an accurate commencing bill to a new customer account within 60 days of service initiation, or we will automatically credit your account \$30.
- **Guarantee 9: Planned Interruptions:** PG&E shall provide at least three days' notice of a planned interruption in service. Failure to meet the service guarantee will result in a \$30 credit to the customer's account. This guarantee will require a customer call and PG&E investigation to determine if PG&E's commitment to notify customers 72 hours in advance of planned interruptions was missed. Customers notified of planned service interruptions 72 hours in advance may have their service interrupted on multiple occasions on the date(s).
- **Guarantee 10: Service Termination in Error:** Impacted customers will be eligible for a \$100 credit adjustment if PG&E terminates service in error.

Fiscal Impact:

No Impact on City Funds. Compelling SCE to create automatic direct compensation programs modeled on PG&E's "Safety Net" and "Service Guarantee" programs would have no direct fiscal impact on cities because the "Safety Net" program is limited to residential customers and the "Service Guarantee" program is very similar to SCE's existing program. However, residential customers would receive direct payments in specified circumstances for prolonged electrical power outages.

Comment:

- The City of Rancho Palos Verdes, in sponsoring this resolution, does not believe that SCE has an effective process to address customer damage claims associated with prolonged electrical power outages. According to the resolution, the City of Rancho Palos Verdes would like to compel SCE to create a program to automatically provide direct compensation to its customers affected by prolonged electrical power outages under specified circumstances. Additionally, the program would be modeled upon PG&E "Safety Net" and "Service Guarantee" programs, and shall cover weather-related events and planned and unplanned service disruptions.
- *What is SCE's process to provide relief to customers that have experienced a prolonged electrical power outage?* As part of SCE's four point service guarantee program, customers experiencing an electrical power outages exceeding 24 hours, may qualify for a \$30 credit under specific conditions. However, prolonged electrical power outages

caused by a moderate, severe, or catastrophic storm condition are exempt from the program.

- *How does PG&E provide relief to customers that have experienced a prolonged electrical power outage?* Like SCE, PG&E has a multi-point service guarantee program that provides customer credits that range from \$30 -\$100 for a wide range of activities. In addition, PG&E has a specific, weather related program, the "Safety Net" program, which provides automatic, direct payment to customers experiencing electrical power outages, in excess of 48 hours.
- *What type of customer compensation program does the Resolution call for?* The Resolution calls for a customer compensation program that expands beyond PG&E's two existing programs. Under the Resolution, the City of Rancho Palos Verdes would like to compel SCE to adopt a program based on PG&E's "Safety Net" and "Service Guarantee" programs, and also cover weather-related events and planned and unplanned service disruptions.
- *Do these programs really provide funds to residential customers?* While the Resolution holds PG&E's programs in high esteem, after hearing from a number of city officials in PG&E's service territory, it seems that there is a great deal of skepticism around the effectiveness and utilization of their residential compensation programs. Is PG&E's program really working as described?
- *What about California's other Investor Owned Utilities (IOU) and municipal utilities?* The Resolution is directed at SCE. However, the committee may want to consider the implications of the Resolution on the other investor owned utilities and municipal utilities.
- *Is legislation the best approach?* The Resolution calls upon the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel SCE to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage. Given that the California Public Utilities Commission regulates all of the investor owned utilities, it may be more appropriate to seek a regulatory change rather than a legislative proposal.
- *More information to come.* The Resolution could have broader implications beyond SCE and PG&E. Prior to the Environmental Quality Policy Committee and General Resolutions Committee meeting at Annual Conference, League staff will provide additional background information on the following:
 - Other IOU electrical power outage compensation programs.
 - Municipal utility electrical power outage compensation programs.
 - Role of the California Public Utilities Commission.

Existing League Policy:

In response to the energy crisis of 2001, the League of California Cities established extensive policy and guiding principles related to the electric industry. However, there is no existing policy that pertains to prolonged power outages or compensating customers for damages incurred during a prolonged power outage.

CITY OF SCOTTS VALLEY
STAFF REPORT

DATE: September 16, 2015
TO: Honorable Mayor and City Council
FROM: Scott Hamby, Public Works Director
**SUBJECT: CROSSWALK SAFETY IMPROVEMENT PROJECT
TRANSPORTATION DEVELOPMENT ACT - LOCAL FUNDS CLAIM**

SUMMARY OF ISSUE

At your August 5, 2015 regular meeting, Council approved Resolution 1907 supporting the use of TDA funds in the amount of \$25,000 for three Rapid Rectangular Flashing Beacons (RRFB's) to be installed at three locations. Two of those RRFB's were not recommended to have the audible component. After that meeting staff presented the project to the Santa Cruz Regional Transportation Commission's (SCCRTC) Elderly and Disabled Committee as required for TDA funding. The Committee informed staff that they would not support the project unless all locations are equipped with the audible notification. Adding visual aids to crosswalks without audible notification actually makes the crosswalk more dangerous for the visually impaired as they are not aware of what happens when the button is pushed to cross the street. The audible notification addresses this problem.

The audible notification's volume is controlled based on ambient noise levels at the time of use; loud enough to hear in busy/loud areas and low enough so that only the user can hear in more quiet areas.

Therefore, staff is recommending that the City submit a claim form to the SCCRTC for \$33,800 of Transportation Development Act (TDA) Local Transportation Funds for the increased cost of the additional two audible RRFB's. All locations will be equipped with the audible notification to alert pedestrians that the lights are flashing.

If the claim is approved the City will purchase three solar powered Rapid Rectangular Flashing Beacons (RRFBs) to be installed at the following three heavily used crosswalk locations.

1. 241 Kings Village Road (Post Office) – 8107 vehicles per day:
2. 8 Bean Creek Road – 5,400 vehicles per day:
3. 151 Vine Hill School Road – 1,458 vehicles per day:

In addition to the \$33,800 TDA funds the City will contribute an additional \$5,000 in labor for installation, hardware and signage.

TDA funds can be used for transit and non-transit related purposes that comply with regional transportation plans. The TDA is a funding source for the Local Transportation Fund (LTF). The LTF is derived from a ¼ cent of the general sales tax collected statewide. The sales tax collected in each county is returned to the county from where the tax was generated.

FISCAL IMPACT

\$33,800 in TDA Funds through the SCCRTC

\$5,000 of available City budgeted funds from Department 72 - Maintenance

STAFF RECOMMENDATION

Approve Resolution No. 1907.1 a resolution of the City Council of the City of Scotts Valley Supporting the use of Transportation Development Act (TDA) funding for the City of Scotts Valley Crosswalk Safety Improvement Project

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RESOLUTION NO. 1907.1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY SUPPORTING THE USE OF TRANSPORTATION DEVELOPMENT ACT (TDA) FUNDING FOR THE CITY OF SCOTTS VALLEY CROSSWALK SAFETY IMPROVEMENT PROJECT

WHEREAS, The Installation of Rectangular Rapid Flashing Beacons (RRFBs) at unprotected crosswalks have a proven track record; and

WHEREAS, Installations of RRFBs systems have shown to increase vehicle yielding compliance from 18 to 81%; and,

WHEREAS, The percentage of drivers yielding at more than 100ft doubled over the baseline condition, many drivers yield at distances much greater than 100ft after the RRFB system was installed; and,

WHEREAS, This outcome reduced the chance that a pedestrian may have been struck by drivers due to the inability to see the pedestrian when a yielding vehicle blocked the view of the driver in the passing vehicle; and,

WHEREAS, The effects of the RRFB on drivers have persisted for two years with no tendency for them to decrease in effectiveness; and,

WHEREAS, The City of Scotts Valley has identified three unprotected crosswalks with high traffic and heavy pedestrian use as ideal locations for RRFBs.

NOW, THEREFORE, BE IT RESOLVED, that at the following three unprotected crosswalk locations the City of Scotts Valley will install RRFBs with audible notification to further increase pedestrian safety;

1. 241 Kings Village Road (Post Office) – 8107 vehicles per day: This cross walk location connects the Post Office with Kings Village Shopping Center.
2. 8 Bean Creek Road – 5,400 vehicles per day: This location connects the Scotts Valley Middle School to the west side of Bean Creek Road.
3. 151 Vine Hill School Road – 1,458 vehicles per day: This location connects Vine Hill Elementary School and Siltanen Park to the parking lot to the south side of Vine Hill School Road; and,

BE IT FURTHER RESOLVED, that for the protection of school children and all pedestrians using unprotected crosswalks, the City of Scotts Valley supports the use of TDA funds for the installation of RRFBs at the aforementioned locations and hereby urges the Santa Cruz Regional Transportation Commission to approve the City of Scotts Valley's TDA Local Transportation Funds Claim Request of \$33,800.

This resolution was adopted on the 16th day of September, 2015, at a duly held regular meeting of the City Council of the City of Scotts Valley, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____
Dene Bustichi, Mayor

Attest: _____
Tracy Ferrara, City Clerk



MODEL

SC315 GEN III

RECTANGULAR RAPID FLASHING BEACON

Pedestrian-actuated warning system for uncontrolled marked crosswalks

RRFBs have been found to provide vehicle yielding rates between 72 and 96 percent for crosswalk applications, including 4 lane roadways with average daily traffic (ADT) exceeding 12,000*.

Advanced User-Interface

The SC315 Gen III features an on-board user interface and display for quick configuration and status monitoring. It allows for simple in-the-field set-up adjustment to flash duration, ambient settings, and night intensity. Settings are broadcasted automatically to all units in the system.

Simplified Installation

All components, including the battery or AC power supply, Energy Management System (EMS) and optional audible push button controller are housed in one compact, purpose-built enclosure. The system also incorporates a wire routing and termination system for clean and efficient installation.

Compatibility

Compatible with the Carmanah R920 RRFB. Interchange solar and AC power models within the same application.

Trusted

With thousands of installations in the field, Carmanah solar beacons and solar LED lights have become the benchmark in traffic applications and other transportation applications worldwide.

Expand your possibilities:

Available in both AC and solar power models, the SC315 Gen III brings new capabilities to the Carmanah RRFB product line:

- Audible push button support
- Solar-power performance even in partial-shaded applications
- Use both solar and AC power models in the same application



Carmanah is backed by a worldwide network of distribution partners.

REPRESENTED IN YOUR REGION BY:

* U.S. Department of Transportation Federal Highways Administration, Publication No. FHWA-HRT-10-043 - "Effects of Yellow Rectangular Rapid-Flashing Beacons on Yielding at Multilane Uncontrolled Crosswalks"

ORDINANCE NO. 190

**AN ORDINANCE OF THE CITY OF SCOTTS VALLEY ADDING CHAPTER 5.38 TO
TITLE 5 OF THE SCOTTS VALLEY MUNICIPAL CODE REQUIRING FIREARMS
DEALERS TO MEET CERTAIN REQUIREMENTS AND TO OBTAIN A
FIREARMS DEALER LICENSE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY AS
FOLLOWS:**

SECTION 1. Title 5 of the Scotts Valley Municipal Code is hereby amended by adding a new Chapter 5.38 entitled "Firearms Dealers" to read as follows:

"Chapter 5.38

Firearms Dealers

- 5.38.010 Purpose.
- 5.38.020 Definitions.
- 5.38.030 City license.
- 5.38.040 Application for City license.
- 5.38.050 Approval by Licensing Officer.
- 5.38.060 Denial of application.
- 5.38.070 Appeal from denial.
- 5.38.080 Requirements.
- 5.38.090 Suspension and revocation.
- 5.38.100 Notification of suspension or revocation.
- 5.38.110 Hearing on revocation or suspension.
- 5.38.120 Violations.
- 5.38.130 Penalties.

5.38.010 Purpose.

This chapter is enacted pursuant to State law, as set forth in Article 1, Chapter 2, Division 6, Title 4, Part 6 of the California Penal Code beginning with Section 26700 et seq.

5.38.020 Definitions.

As used in this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(A) "Firearm" means a device as defined by California Penal Code Section [16520](#).

(B) "City license" means a license issued by the local licensing authority pursuant to this chapter authorizing a person to engage in the sale, lease, transfer, delivery, advertisement or offer for sale, lease, or transfer of firearms.

(D) "Local Licensing Authority" or "Licensing Officer" means the City Manager of the City of Scotts Valley, or his or her designee.

5.38.030 City license.

On and after the effective date of this ordinance, no person required to obtain a Federal Firearms License and a State Department of Justice License to sell firearms shall establish a business that engages in the sale, lease, transfer, delivery, advertisement or offer for sale, lease, or transfer any firearm without first also obtaining and keeping a one-time City license issued pursuant to this chapter by the Local Licensing Authority. Existing firearms dealers at the effective date of this ordinance have 12 months to comply with the conditions and obtain a city license.

5.38.040 Application for City license.

(A) Each person applying for a City license under this chapter shall submit an application to the Local Licensing Authority.

(B) In order to obtain a City license, the applicant must first provide the following to the Licensing Officer:

- (1) A valid Federal firearms license;
- (2) A valid seller's permit issued by the State Board of Equalization;
- (3) A valid certificate of eligibility issued by the Department of Justice;
- (4) Payment of a nonrefundable administrative fee, in an amount to be established by resolution of the City Council.

(C) Where the applicant is a corporation, each of the requirements contained in this chapter must be completed and/or adhered to by a legally recognized corporate officer of said corporation. Where the applicant is a partnership, each of the requirements contained in this chapter must be completed and/or adhered to by a legally recognized general partner of said partnership. Both the individual and the corporation or partnership shall be liable for any violation of the provisions of this chapter.

(D) Each application shall specify only one location at which the sale or transfer of firearms shall take place. If any firearms dealer licensed under either Federal, State or local law changes his or her place of business, an application for the new location shall be submitted, accompanied by a nonrefundable fee (in the form of a check or cash) as set forth in the schedule of fees. That application shall be considered an initial application and not an application for renewal.

5.38.050 Approval by Licensing Officer.

The Licensing Officer shall have the authority to approve or disapprove the issuance of the City license. For the purpose of considering requests for a City license, the Licensing Officer shall apply the minimum standards set forth in this chapter. Factors to be considered by the Licensing Officer in approval or denial of the application for a City license include, but are not limited to:

- (A) Evidence of the applicant's compliance with all applicable City, State and Federal laws;
- (B) Whether applicant has violated any provisions of this chapter;
- (C) Whether the applicant has made any false statements as to any material fact in applying for the City license;
- (D) Whether the applicant has done or caused or permitted to be done any act which if done by an authorized firearms dealer would be grounds for suspension or revocation of the City license;

5.38.060 Denial of application.

If the applicant does not meet all of the written standards, hereinabove set forth, the Licensing Officer shall not issue a City license to such applicant.

It shall be the duty of the Licensing Officer to notify an applicant that his or her application has been denied by serving such person, either personally or by first class United States mail, with a letter setting forth the reason(s) for such denial. The notice, if served by mail, shall be deemed to have been served on the date of its deposit in the United States mail, postage prepaid, to the applicant's address of record. The notice shall also inform the applicant of his or her right to a hearing before the City Council at which time the applicant may appear, with a representative if so desired, and be heard on the matter. The applicant shall also be given notice that any request for a hearing before the City Council must be made in writing to the City Clerk within 10 calendar days after the date on which such notice is served on the applicant.

5.38.070 Appeal from denial.

An applicant whose application has been denied by the Licensing Officer shall have the right to appeal such decision to the City Council. The City Council shall hold a hearing thereon pursuant to the procedures set forth in Section 5.38.110.

5.38.080 Requirements.

(A) The permitted business location shall be secured by a third party monitored alarm system. The alarm system shall be of sufficient quality to thwart the bypassing of the alarm (E.G., wireless, hardened security of the wire system, etc.).

(B) The permitted business location shall be monitored by a video surveillance system.

(C) Any person licensed under this chapter shall obey all applicable City, State and Federal laws; and in addition, comply with the following requirements:

(1) The business shall be carried on only in the building designated in the City license;

(2) The City license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.

5.38.090 Suspension and revocation.

Every City license issued under this chapter shall be subject to summary suspension and revocation by the Licensing Officer if he or she determines that:

(A) The City license holder has failed to meet any of the requirements specified under this chapter;

(B) The City license holder and/or any employee(s) has violated any of the conditions or provisions of this chapter;

(C) The City license holder and/or any employee(s) has violated any provision of Federal or State firearms sales laws;

(D) The City license holder's Federal firearms sales license has been revoked; or

(E) The City license holder has committed any act which could have resulted in the denial of issuance of a firearms license.

5.38.100 Notification of suspension or revocation.

It shall be the duty of the Licensing Officer or his or her designee to notify any City license holder charged with any violation or misconduct, as described above, by serving such person, either personally or by first class United States mail, with a letter setting forth the particular written standard or condition which has been violated. The letter shall inform such City license holder of the right to a hearing before the City Council, at which time the City license holder may appear with a representative if so desired and be heard in defense of the charges. The City license holder shall also be given notice that any request for a hearing before the City Council must be made in writing to the City Clerk

within 10 calendar days after the date on which notice is served on the City license holder. The suspension or revocation shall be effective on the date the notice is served on the City license holder. Such notice, if served by United States mail, shall be deemed to have been served on the date of its deposit in the United States mail, postage prepaid, to the City license holder's address of record.

5.38.110 Hearing on revocation or suspension.

(A) Any applicant or licensee who is aggrieved by any action taken in regard to a City license may request an appeal hearing before the City Council. Request for such hearing shall be in writing and filed with the City Clerk, and a copy filed with the Licensing Officer on or before 10 calendar days after the action appealed from was taken, and shall state the grounds upon which the aggrieved party claims there was improper denial, suspension or revocation of his or her license.

(B) Upon receipt of such request for hearing, the City Council shall set the matter for hearing not later than 20 calendar days thereafter unless the Council is not in session in which case the Council shall set the matter for hearing at the next available regular meeting date. The Council may also determine whether to stay the denial, suspension or revocation pending decision on the appeal. Written notice of the time and place of hearing on the matter shall be given by the City Clerk to the aggrieved party and to the Licensing Officer, and upon receipt of the notice of hearing the Licensing Officer shall forward to the City Council and provide to the appellant a report on this action with respect to the matter, attaching all relevant notices and any other materials relied upon by the Licensing Officer in making the decision.

(C) Upon hearing of the matter, the City Council may take such action or make such orders as the Council deems just and proper in the disposition of the matter.

5.38.120 Violations.

It shall be unlawful and a violation of this chapter for any person, corporation, partnership or other entity to operate a firearms business within the City of Scotts Valley without a valid City license issued pursuant to this chapter.

5.38.130 Penalties.

Any person or entity, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter, shall be guilty of an infraction for the first offense, or of a misdemeanor for any subsequent offense(s) occurring within the one year after the first offense. Upon conviction, the person convicted shall be punished in accordance with Chapter 4.04 of the Scotts Valley Municipal Code.

SECTION 2. 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 3. 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 4. CEQA. The City Council finds and determines that the enactment of this Ordinance is statutorily exempt from environmental review pursuant to the State CEQA Guideline Section 15061(b)(3) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after the date of its adoption. Prior to the expiration of fifteen (15) days from the date of adoption, this Ordinance shall be published in at least three (3) public places.

This Ordinance was introduced on the 2nd day of September, 2015, and passed and adopted by the City Council of the City of Scotts Valley on the 16th day of September, 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
INTEROFFICE MEMORANDUM**

DATE: September 16, 2015

TO: Mayor Dene Bustichi and Members of the City Council

FROM: Taylor Bateman, Principal Planner

APPROVED: Corrie Kates, Community Development Director

SUBJECT: A PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION OF APPROVAL FOR THE SUBDIVISION OF AN EXISTING 43,610 SQUARE FOOT VACANT LOT INTO FOUR LOTS IN THE R-1-10 ZONING DISTRICT.

SUMMARY OF ISSUE

The project site is an existing 43,610 square foot vacant parcel located on Meadow Way (Attachment 1 - Location Map). The applicant is proposing to subdivide the existing lot into four lots as follows:

Lot 1: 10,344 sf	Lot 2: 10,347 sf	Lot 3: 11,915 sf	Lot 4: 11,004 sf
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Each of the proposed lots meets the minimum required lot size (10,000 sf) for the R-1-10 zoning district (Attachment 2 - Tentative Map). Each new lot will allow for one single family dwelling in compliance with the R-1-10 zoning regulations. No dwellings are proposed at this time.

PLANNING COMMISSION REVIEW

On July 9, 2015, the Planning Commission reviewed the proposed project plans and recommended approval of the project to the City Council. A full discussion of the project is attached in the Planning Commission meeting minutes, resolution and staff report (Attachments 3, 4 & 5 - Planning Commission Minutes, Resolution, and Staff Report).

PUBLIC NOTICE & COMMENT

A public notice was posted and mailed to surrounding property owners within 300 feet pursuant to State law and the site was posted. There was no public testimony at the Planning Commission hearing and no letters were received from the public.

FISCAL IMPACT

None.

RECOMMENDATION

The Planning Commission recommends approval of Minor Land Division No. MLD15-001 by adoption of Resolution No. 1909.

ATTACHMENTS

PAGE No.

Resolution No. 1909 Approving Minor Land Division No. MLD15-001	3
1. Location Map	9
2. Tentative Map (received 05/27/15)	Attached
3. Planning Commission Minutes (07/09/15)	10
4. Planning Commission Resolution No. 1690 (07/09/15)	12
5. Planning Commission Staff Report (07/09/15)	18

RESOLUTION NO. 1909

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY APPROVING MINOR LAND DIVISION NO. MLD15-001 TO CREATE FOUR PARCELS FROM ONE EXISTING VACANT 43,610 SQUARE FOOT PARCEL LOCATED ON MEADOW WAY (APN 024-152-24).

WHEREAS, the Planning Department of the City of Scotts Valley has received the application filed by Marlyn Bergman, for a Minor Land Division (MLD15-001) to create four parcels from one existing 43,610 square foot parcel located on Meadow Way (APN 024-152-24; and,

WHEREAS, Marlyn Bergman, (referred to as “applicant”) has presented substantial evidence which describes and supports the application; and

WHEREAS, the application was reviewed for completeness and is determined to be a “project” as defined by the California Environmental Quality Act (CEQA); and,

WHEREAS, the project is determined to have a Class 15 exemption (Minor Land Division) pursuant to Section 15315 of CEQA; and,

WHEREAS, the Planning Commission held a public hearing on July 9, 2015, to consider the application and, after consideration of public testimony, the staff report, and evidence submitted to support the application, the Planning Commission recommended approval of the application to the City Council; and

WHEREAS, a public hearing on the proposed project was held by the City Council on September 16, 2015, and such hearing was noticed pursuant to the requirements of the Scotts Valley Municipal Code and State Law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scotts Valley as follows:

SECTION 1: The City Council of the City of Scotts Valley does hereby make the following findings, as further clarified in the staff report dated September 16, 2015:

1. *The Minor Land Division will meet the design standards for the City of Scotts Valley, because the design was developed considering the City's General Plan and related zoning ordinances. The land division will create four parcels, each conforming to the General Plan designation of Medium Density, and the development standards of the R-1-10 zoning district.*
2. *The Minor Land Division will be carried out in a manner which is not detrimental to the surrounding uses and will be consistent with the overall planning goals of the City. The new parcels will be similar in size and use of the surrounding parcels. The density of development will remain consistent with the General Plan.*
3. *The design of the subdivision will not cause substantial environmental damage or*

substantially and unavoidably injure fish or wildlife or their habitat. The project site is not within any known critical fish or wildlife habitat. The surrounding parcels have been developed, therefore, the project site is not expanding the boundaries of urban development.

4. *The design of the subdivision will not cause serious public health problems.* The use proposed for the new lots is single family residential, which would not have adverse health effects on the surrounding residential uses.
5. *The design of the subdivision will not conflict with easements, acquired by the public at large, for access through or use of property within the subdivision.* All necessary easements shall be obtained prior to issuance of a Final Map.
6. *The proposed road is adequate for the use of the subdivision.* The existing road is adequate.

NOW THEREFORE, BE IT FURTHER RESOLVED that, after careful consideration of the application and related materials, plans, maps, facts, exhibits, staff report, testimony and other evidence submitted in this matter, and incorporated herein by this reference, the City Council approves Minor Land Division No. MLD15-001 to create four parcels from one existing 43,610 square foot parcel located on Meadow Way (APN 024-152-24), pursuant to the conditions set forth in the attached Exhibit A, which are incorporated herein by this reference.

THE ABOVE AND FOREGOING RESOLUTION was duly and regularly passed by the City Council of the City of Scotts Valley at a meeting held on the 16th day of September, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dene Bustichi, Mayor

Tracy Ferrara, City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL (Nos. 1-x)

STANDARD

1. Developer has agreed to and shall defend, indemnify and hold harmless the City of Scotts Valley, its officers, agents and employees from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void or annul any action of the City in connection with approvals under the California Environmental Quality Act or with respect to approval of the project, which action is brought within the time period(s) prescribed by law. The City shall promptly notify the developer of any such claim, action or proceeding and shall fully cooperate in defense.
2. After City Council approval, the property owner shall sign the Conditions of Approval (Exhibit A) agreeing to the Conditions of Approval prior to the issuance of any building permits, transfer of title, or within 30 days of approval of this application, whichever occurs first.
3. After City Council approval, the property owner shall have a signed and notarized copy of the Notice of Conditions of Approval recognizing this application (provided by the City) recorded at the County Recorder's Office prior to the issuance of any building permits, transfer of title, or recording of the Final Map, whichever occurs first.
4. All required building permits shall be obtained and the applicant shall pay all appropriate fees prior to commencement of any construction on the property.

PLANNING DEPARTMENT

5. The design of the improvements shall match the approved plans. Modifications to the approved project may require approval by the Planning Commission or City Council at the discretion of the Community Development Director.
6. The newly created lots shall be included in the existing Road Maintenance Agreement for Meadow Way (Santa Cruz County Official Records 2010-0017962).

Archaeology

7. The project is located in an area of sensitivity for archaeological resources and monitoring by a qualified archaeologist shall be conducted during all grading activities of four cubic yards or more.

Trees

8. All required permits shall be obtained prior to the removal of any protected trees.

BUILDING DEPARTMENT

9. A soils/civil engineer shall approve site grading, drainage, erosion control and foundation plans.
10. All recommendations in the geotechnical investigation prepared by Dees Associates, Inc., dated April, 2014, are incorporated as conditions of project approval.

DEPARTMENT OF PUBLIC WORKS

Site Specific

11. Existing and new driveways shall be to City of Scotts Valley Standards and Specifications.

Standard

12. A final subdivision or parcel map in conformance with the California Government Code, Section 66410 *et seq*, and with the City Subdivision Ordinance, and including the conditions of the tentative subdivision map, shall be filed to the satisfaction of the Public Works Director/City Engineer.
13. All required documents, final or parcel map sheets, covenants, developer and city improvement agreements and bonds, shall be provided to the satisfaction of the Public Works Director/City Engineer prior to the recordation of any final map or application for any building permit. (Applicant should be advised that officials of Santa Cruz County, such as the Auditor-Controller, Recorder and Clerk of the Board have requirements, such as payment of taxes and present title guarantee, which precede recordation of the map.)
14. Engineered Improvement Plans shall be submitted for all on site and off site work and will be approved by the Public Works Director/City Engineer. On-site and off-site (encroachment) civil engineering permits must be issued by the City prior to commencing any work. Improvement Plans shall include any necessary

grading, drainage, masonry retaining walls, driveway, utilities, utility pole relocation, frontage improvement and/or repair of sidewalk, curb and gutter or similar facilities required to satisfy tentative map conditions to the satisfaction of the Public Works Director/City Engineer. All improvements shall conform to the design standards contained in text and illustration in the "City of Scotts Valley Standard Details", latest revision adopted by the City Council.

15. Applicant shall construct street improvements for the full parcel frontage in accordance with the City of Scotts Valley Standard Details, latest revision, adopted by the City Council.
16. Engineered improvement plans for all work, signed and prepared under the direction of a registered civil engineer, shall be approved by the Public Works Director/City Engineer prior to commencing work.
17. All work in the public right-of-way will require an encroachment permit application made to the satisfaction of the Public Works Director/City Engineer. The civil on-site work, as plan reviewed by the Public Works Department, will require an on-site civil engineering permit and inspection.
18. All public improvements shall be guaranteed by written Agreement with the city, Faithful Performance Bond, and Labor and Material men's Bond, to the satisfaction of the Public Works Director/City Engineer.
19. All signing and striping shall be approved and completed as required by the Public Works Department, and shall be in conformance with current editions of Transportation and Traffic Engineering Handbook, by the Institute of Transportation Engineers, and the State Department of Transportation "Standard Specifications".
20. The project shall connect to the sanitary sewer system and existing septic systems, if any, shall be properly abandoned.
21. Applicant shall construct storm drain facilities in conformance with data and analysis in the adopted City of Scotts Valley Storm Drain Master Plan, December 1989 and in accordance with the city's SWMP Ordinance No. 184.1.
22. A registered civil engineer shall provide storm (hydrologic and hydraulic) calculations for appropriate storm drain facilities to control on-site drainage and mitigate off-site impacts. The design shall follow the criteria contained in the City of Scotts Valley Standard Details and the data and analysis contained in the latest adopted City of Scotts Valley Storm Drainage Master Plan. Development shall not increase the rate of flow (cubic feet per second) or velocity (feet per second) of site run-off water to any off-site drainage areas beyond the measured or calculated pre-project rate and velocity.

23. Applicant shall pay the cost to accomplish the utility design and construction to underground the telephone, electric power, and television cables in each project contained easement, private or public road frontage. This under grounding of utilities to remove utility poles comes in addition to the state required under grounding of transmission for the project and any new service connections.
24. The final map shall be submitted to the City's Public Works Department on an Auto CAD drawing up to version 2004 electronic version prior to recording.
25. Applicant shall submit a completed "segregation of assessment" form for each assessment district in which the subdivision participates.
26. Prior to the filing of the final/parcel map, applicant shall contact the Santa Cruz County Assessor's Office or the Local Agency Formation Commission (LAFCO) to ensure that the subdivided property is within a single tax code.

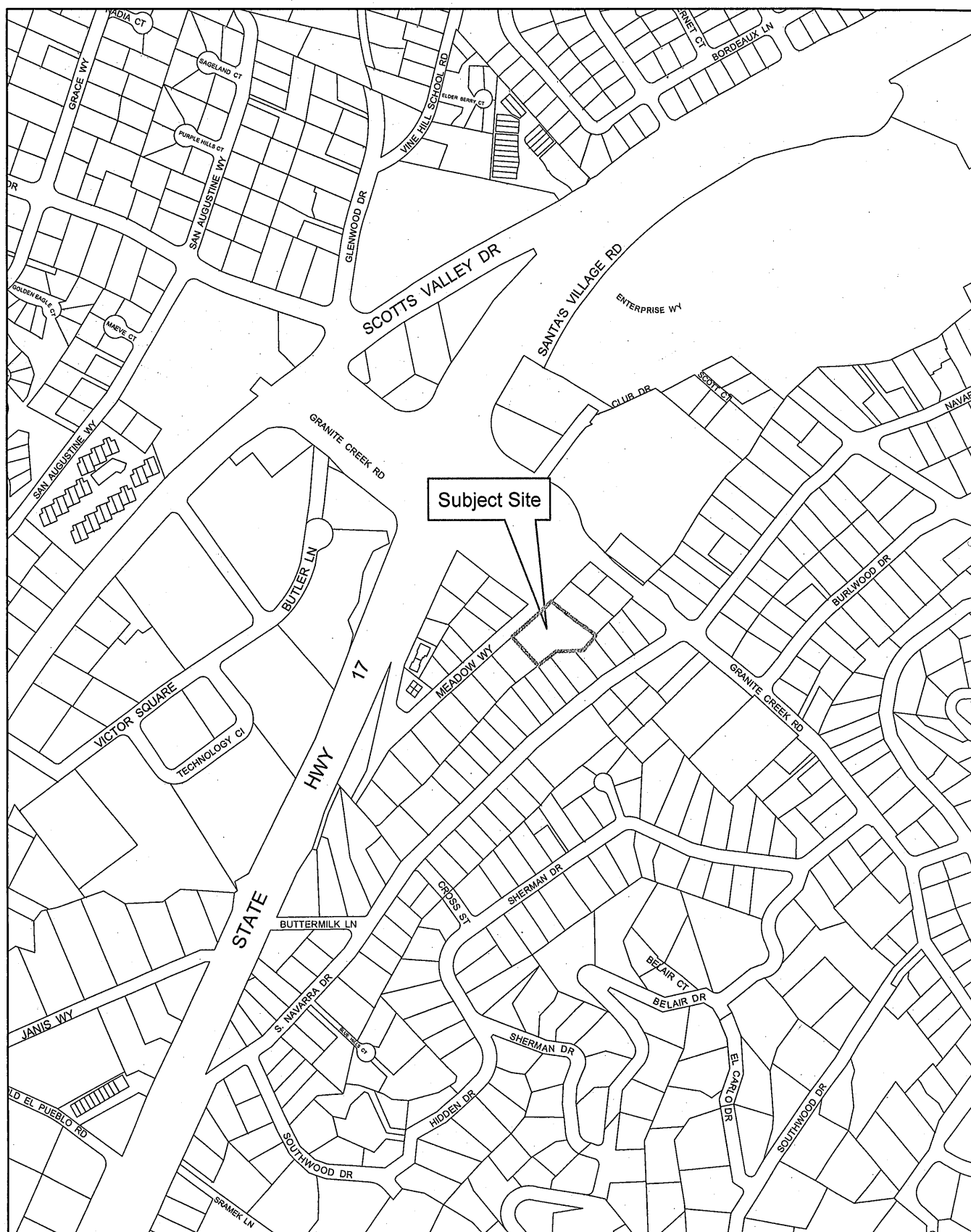
FIRE DISTRICT

27. Project shall comply with all SVFPD code requirements.
28. The non-conforming fire hydrant south of the project shall be upgraded to a fire hydrant with a minimum 4.5 inch and 2.5 inch discharge valves.

Name and Signature of Property Owner

Date

Location Map



Meadow Way
APN 024-152-24



CITY OF SCOTTS VALLEY

PLANNING DEPARTMENT

One Civic Center Drive • Scotts Valley • California • 95066
Phone (831) 440-5630 • Facsimile (831) 438-2793 • www.scottsvally.org

Planning Commission Action Meeting Minutes

DATE / TIME: Thursday, July 9, 2015 at 6:00PM

MEETING LOCATION: City Hall Council Chambers at One Civic Center Drive

POSTING: Agenda posted at the City of Scotts Valley City Hall and Senior Center, and the Public Library on June 5, 2015

Planning Commissioners Steve Horlock, Chair Russ Patterson, Vice-Chair Carlos Arcangeli, Commissioner Deborah Muth, Commissioner Derek Timm, Commissioner	City Staff Members Corrie Kates, Community Development Director/ Deputy City Manager Taylor Bateman, Principal Planner Michelle Fodge, Senior Planner
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CALL TO ORDER: *Planning Commission Chair called the meeting to order.*

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE: *The Planning Commission Chair lead the pledge of allegiance.*

ROLL CALL: All Present.

ORAL COMMUNICATIONS: *None*

ALTERATIONS TO CONSENT AGENDA: *None*

CONSENT AGENDA: *These items will be acted upon in one motion unless they are removed from the consent agenda for discussion by the Commission.*

Action: Approved Meeting Action Minutes from June 11, 2015 (with corrections).

ALTERATIONS TO REGULAR OR PUBLIC HEARING AGENDA: *None*

PUBLIC HEARING AGENDA:

2. **Project Address:** Meadow Way / APN 024-152-24
Planning Permit Application: Minor Land Division No. MLD15-001
Applicant / Property Owner: Marlyn Bergman
Project Description: Consideration of a recommendation to the City Council for a Minor Land Division application for the subdivision of an existing vacant lot into four lots in the R-1-10 Zoning District. Each new lot will allow for one new single family dwelling.
Staff Planner: Taylor Bateman, Principal Planner, (831) 440-5630 or tbateman@scottsvalley.org

Action: Planning Commission Approved Resolution No. 1690 (with corrections) by a 5/0 vote.

3. **Project Address:** Erba Lane
Planning Permit Application: GPA15-002, ZC15-002 & ND15-002
Applicant / Property Owner: City of Scotts Valley
Project Description: Consideration of a recommendation to the City Council for a General Plan Amendment and Zone Change from Public/Quasi Public (P/QP) to Residential High Density (RH) for a 12,096 square foot parcel along Erba Lane.
Staff Planner: Corrie Kates, Community Development Director, (831) 440-5630 or ckates@scottsvalley.org

Action: Planning Commission Approved Resolution No. 1691 with a 5/0 vote.

REGULAR AGENDA: None.

DISCUSSION ITEMS: None.

FUTURE AGENDA ITEMS: None.

WRITTEN COMMUNICATIONS - FOR INFORMATION ONLY: None

ADJOURNMENT: 6:45 pm

RESOLUTION NO. 1690

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SCOTTS VALLEY RECOMMENDING APPROVAL TO THE CITY COUNCIL OF MINOR LAND DIVISION NO. MLD15-001 TO CREATE FOUR PARCELS FROM ONE EXISTING VACANT 43,610 SQUARE FOOT PARCEL LOCATED ON MEADOW WAY (APN 024-152-24).

WHEREAS, the Planning Department of the City of Scotts Valley has received the application filed by Marlyn Bergman, for a Minor Land Division MLD15-001 to create four parcels from one existing 43,610 square foot parcel located on Meadow Way (APN 024-152-24); and,

WHEREAS, the application was reviewed for completeness and is determined to be a "project" as defined by the California Environmental Quality Act (CEQA); and,

WHEREAS, the project is determined to have a Class 15 exemption (Minor Land Division) pursuant to Section 15315 of CEQA; and,

WHEREAS, the project was reviewed by the Planning Commission at a duly noticed public hearing on July 9, 2015.

NOW THEREFORE, the Planning Commission of the City of Scotts Valley hereby resolves as follows:

SECTION 1: The environmental determination represents the independent judgement of the City.

SECTION 2: The categorical exemption is hereby recommended for approval to the City Council.

SECTION 3: The Planning Commission of the City of Scotts Valley does hereby specifically make the following findings, as further clarified in the staff report dated July 9, 2015:

1. *The Minor Land Division will meet the design standards for the City of Scotts Valley, because the design was developed considering the City's General Plan and related zoning ordinances. The land division will create four parcels, each conforming to the General Plan designation of Medium Density, and the development standards of the R-1-10 zoning district.*

2. *The Minor Land Division will be carried out in a manner which is not detrimental to the surrounding uses and will be consistent with the overall planning goals of the City.* The new parcels will be similar in size and use of the surrounding parcels. The density of development will remain consistent with the General Plan.
3. *The design of the subdivision will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.* The project site is not within any known critical fish or wildlife habitat. The surrounding parcels have been developed, therefore, the project site is not expanding the boundaries of urban development.
4. *The design of the subdivision will not cause serious public health problems.* The use proposed for the new lots is single family residential, which would not have adverse health effects on the surrounding residential uses.
5. *The design of the subdivision will not conflict with easements, acquired by the public at large, for access through or use of property within the subdivision.* All necessary easements shall be obtained prior to issuance of a Final Map.
6. *The proposed road is adequate for the use of the subdivision.* The existing road is adequate.

SECTION 4: After careful consideration of the application and related materials, plans, maps, facts, exhibits, staff report, testimony and other evidence submitted in this matter, and incorporated herein by this reference, the Planning Commission of the City of Scotts Valley does hereby recommend approval to the City Council of Minor Land Division No. MLD15-001 to create four parcels from one existing 43,610 square foot parcel located on Meadow Way (APN 024-152-24), subject to the conditions set forth in the attached Exhibit A, which are incorporated herein by this reference.

THE ABOVE AND FOREGOING RESOLUTION was duly adopted and passed by the Planning Commission of the City of Scotts Valley at a regularly scheduled meeting held on July 9, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair, Steve Horlock

Corrie Kates, Community Development Director

EXHIBIT A

CONDITIONS OF APPROVAL
(Nos. 1-28)

STANDARD

1. Developer has agreed to and shall defend, indemnify and hold harmless the City of Scotts Valley, its officers, agents and employees from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void or annul any action of the City in connection with approvals under the California Environmental Quality Act or with respect to approval of the project, which action is brought within the time period(s) prescribed by law. The City shall promptly notify the developer of any such claim, action or proceeding and shall fully cooperate in defense.
2. After City Council approval, the property owner shall sign the Conditions of Approval (Exhibit A) agreeing to the Conditions of Approval prior to the issuance of any building permits, transfer of title, or within 30 days of approval of this application, whichever occurs first.
3. After City Council approval, the property owner shall have a signed and notarized copy of the Notice of Conditions of Approval recognizing this application (provided by the City) recorded at the County Recorder's Office prior to the issuance of any building permits, transfer of title, or recording of the Final Map, whichever occurs first..
4. All required building permits shall be obtained and the applicant shall pay all appropriate fees prior to commencement of any construction on the property.

PLANNING DEPARTMENT

5. The design of the improvements shall match the approved plans. Modifications to the approved project may require approval by the Planning Commission or City Council at the discretion of the Community Development Director.
6. The newly created lots shall be included in the existing Road Maintenance Agreement for Meadow Way (Santa Cruz County Official Records 2010-0017962).

Archaeology

7. The project is located in an area of sensitivity for archaeological resources and monitoring by a qualified archaeologist shall be conducted during all grading activities of four cubic yards or more.

Trees

8. All required permits shall be obtained prior to the removal of any protected trees.

BUILDING DEPARTMENT

9. A soils/civil engineer shall approve site grading, drainage, erosion control and foundation plans.
10. All recommendations in the geotechnical investigation prepared by Dees Associates, Inc., dated April, 2014, are incorporated as conditions of project approval.

DEPARTMENT OF PUBLIC WORKS

Site Specific

11. Existing and new driveways shall be to City of Scotts Valley Standards and Specifications.

Standard

12. A final subdivision or parcel map in conformance with the California Government Code, Section 66410 *et seq*, and with the City Subdivision Ordinance, and including the conditions of the tentative subdivision map, shall be filed to the satisfaction of the Public Works Director/City Engineer.
13. All required documents, final or parcel map sheets, covenants, developer and city improvement agreements and bonds, shall be provided to the satisfaction of the Public Works Director/City Engineer prior to the recordation of any final map or application for any building permit. (Applicant should be advised that officials of Santa Cruz County, such as the Auditor-Controller, Recorder and Clerk of the Board have requirements, such as payment of taxes and present title guarantee, which precede recordation of the map.)

14. Engineered Improvement Plans shall be submitted for all on site and off site work and will be approved by the Public Works Director/City Engineer. On-site and off-site (encroachment) civil engineering permits must be issued by the City prior to commencing any work. Improvement Plans shall include any necessary grading, drainage, masonry retaining walls, driveway, utilities, utility pole relocation, frontage improvement and/or repair of sidewalk, curb and gutter or similar facilities required to satisfy tentative map conditions to the satisfaction of the Public Works Director/City Engineer. All improvements shall conform to the design standards contained in text and illustration in the "City of Scotts Valley Standard Details", latest revision adopted by the City Council.
15. Applicant shall construct street improvements for the full parcel frontage in accordance with the City of Scotts Valley Standard Details, latest revision, adopted by the City Council.
16. Engineered improvement plans for all work, signed and prepared under the direction of a registered civil engineer, shall be approved by the Public Works Director/City Engineer prior to commencing work.
17. All work in the public right-of-way will require an encroachment permit application made to the satisfaction of the Public Works Director/City Engineer. The civil on-site work, as plan reviewed by the Public Works Department, will require an on-site civil engineering permit and inspection.
18. All public improvements shall be guaranteed by written Agreement with the city, Faithful Performance Bond, and Labor and Material men's Bond, to the satisfaction of the Public Works Director/City Engineer.
19. All signing and striping shall be approved and completed as required by the Public Works Department, and shall be in conformance with current editions of Transportation and Traffic Engineering Handbook, by the Institute of Transportation Engineers, and the State Department of Transportation "Standard Specifications".
20. The project shall connect to the sanitary sewer system and existing septic systems, if any, shall be properly abandoned.
21. Applicant shall construct storm drain facilities in conformance with data and analysis in the adopted City of Scotts Valley Storm Drain Master Plan, December 1989 and in accordance with the city's SWMP Ordinance No. 184.1.

22. A registered civil engineer shall provide storm (hydrologic and hydraulic) calculations for appropriate storm drain facilities to control on-site drainage and mitigate off-site impacts. The design shall follow the criteria contained in the City of Scotts Valley Standard Details and the data and analysis contained in the latest adopted City of Scotts Valley Storm Drainage Master Plan. Development shall not increase the rate of flow (cubic feet per second) or velocity (feet per second) of site run-off water to any off-site drainage areas beyond the measured or calculated pre-project rate and velocity.
23. Applicant shall pay the cost to accomplish the utility design and construction to underground the telephone, electric power, and television cables in each project contained easement, private or public road frontage. This undergrounding of utilities to remove utility poles comes in addition to the state required undergrounding of transmission for the project and any new service connections.
24. The final map shall be submitted to the City's Public Works Department on an Auto CAD drawing up to version 2004 electronic version prior to recording.
25. Applicant shall submit a completed "segregation of assessment" form for each assessment district in which the subdivision participates.
26. Prior to the filing of the final/parcel map, applicant shall contact the Santa Cruz County Assessor's Office or the Local Agency Formation Commission (LAFCO) to ensure that the subdivided property is within a single tax code.

FIRE DISTRICT

27. Project shall comply with all SVFPD code requirements.
28. The non-conforming fire hydrant south of the project shall be upgraded to a fire hydrant with a minimum 4.5 inch and 2.5 inch discharge valves.

STAFF REPORT

Applicant / Owner: Marylyn Bergman

Application: Minor Land Division No. MLD15-001

Location: Meadow Way (no address) // APN 024-152-24

General Plan/Zoning: Medium Density (R-1-10)

Environmental Status: Categorically Exempt from CEQA (15315)

Request: Consideration for recommendation to the City Council for a Minor Land Division application for the subdivision of an existing 43,610 square foot vacant lot into four lots in the R-1-10 Zoning District. Each new lot will allow for one future single family dwelling. No dwellings are proposed at this time.

Staff Planner: Taylor Bateman, Principal Planner

RECOMMENDATION

It is recommended that the Planning Commission recommend approval of the Minor Land Division Application to the City Council.

PROJECT DESCRIPTION

The project site is an existing 43,610 square foot vacant parcel located on Meadow Way (Attachment 1 - Location Map). The applicant is proposing to subdivide the existing lot into four lots as follows:

Lot 1	10,344 sf
Lot 2	10,347 sf
Lot 3	11,915 sf
Lot 4	11,004 sf

Each of the proposed lots meets the minimum required lot size (10,000 sf) for the R-1-10 zoning district (Attachment 2 - Tentative Map). Each new lot will allow for one single family dwelling in compliance with the R-1-10 zoning regulations. No dwellings are proposed at this time.

PROJECT DISCUSSION

Below is a discussion of the project's compliance with the City's General Plan and Zoning Regulations.

Access

The site is accessed via Meadow Way which is a privately maintained road. The road was recently improved by the applicant with curb and gutter along the project frontage. Currently, most of the property owners on Meadow Way are party to a Road Maintenance Agreement that manages and maintains the roadway. The project has been conditioned to require that each of the new lot owners participate in the Road Maintenance Agreement.

Trees

The site contains several smaller trees that may or may not be impacted at the time of future development. Each of the homes will be subject to the City's Tree Protection Regulations at the time of development.

PUBLIC NOTICE & COMMENT

A public notice was posted and mailed to surrounding property owners within 300 feet pursuant to State law and the site was posted. No comments have been received.

ATTACHMENTS

PAGE No.

<i>Resolution to recommend approval of MLD15-001 (Action Item)</i>	3
1. Location Map	9
2. Tentative Parcel Map	Attached