AGENDA

Meeting of the
Scotts Valley City Council
In-Person and Remote Access
Date: August 7, 2024
Time: 6:00 PM

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066 OR Zoom Video Conference https://us02web.zoom.us/j/83295730901	Agenda posted on 8-2-2024 at City Hall, SV Senior Center, SV Public Works Building, and on the Internet at: www.scottsvalley.gov

ELECTED OFFICIALS	CITY STAFF MEMBERS
Randy Johnson, Mayor Derek Timm, Vice Mayor Jack Dilles, Council Member Donna Lind, Council Member Allan Timms, Council Member	Mali LaGoe, City Manager Kirsten Powell, City Attorney Stephanie Hill, Administrative Services Director Rodolfo Onchi, Public Works Director Cathie Simonovich, City Clerk

MEETING NOTICE AND AGENDA PACKET MATERIALS

Notice regarding City Council Meetings:
The City Council meets regularly on the 1st and 3rd Wednesday of each month at 6:00 PM in the City Hall Council Chambers located at 1 Civic Center Drive, Scotts Valley, CA 95066, and via Zoom Webinar remote access.

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

Public Participation:
The meeting will be available on Zoom and livestreamed to the City of Scotts Valley's YouTube channel: https://www.youtube.com/channel/UCLNTBScelB4wTfidYHrocWA
For those wishing to participate via Zoom you can join the following ways:
Zoom Webinar meeting link: https://us02web.zoom.us/j/83295730901

Or dial one of these numbers: (669) 900-9128 or (669) 444-9171
Webinar ID: 832 9573 0901

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

How to comment via in-person attendance:
Please proceed to the public comment podium when the Mayor opens the item for public comment.

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

CALL TO ORDER 6:00 PM

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

SPECIAL SET MATTER

1. Central Coast Community Energy (3CE) annual member agency presentation

COMMITTEE REPORTS

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

CITY MANAGER REPORT

PUBLIC COMMENT TIME

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

ALTERATIONS TO CONSENT AGENDA

Council can remove or add items to the Consent Agenda.

CONSENT AGENDA

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

1. Approve City Council special meeting minutes of 06-12-2024 and 07-10-2024
2. Approve check register dated 07-03-2024 through 08-02-2024
3. Approve 2024 Local Agency Biennial Report
4. Approve Designation of Voting Delegate for 2024 League of California Cities Annual Conference
5. Approve Second Amendment to the Good City Company Agreement for Town Center development project
6. Approve Professional Services Agreement with Environmental Innovations
7. Lot Line Adjustment Between APN 024-182-04 (317 Sherman Drive), and APN 024-182-05 (411 Sherman Drive)
8. Lot Line Adjustment Between APN 021-132-06 (235 Twin Pines Drive), and APN 021-132-07 (255 Twin Pines Drive)

ALTERATIONS TO REGULAR AGENDA

Council can remove or add items to the Regular Agenda.

REGULAR AGENDA

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

1. Resolution 2047.2 calling a Municipal Election for November 5, 2024, requesting that the County consolidate the election with the General Election and submitting to the qualified electors of the City of Scotts Valley a measure to modernize the Business License Tax

2. Future Council Agenda Items

ADJOURNMENT

ADA NOTICE

The City of Scotts Valley does not discriminate against persons with disabilities. The City Council Chambers is an accessible facility. If you wish to attend a City Council meeting and require assistance such as sign language, a translator, or other special assistance or devices in order to attend and participate at the meeting, please call the City Clerk's office at (831) 440-5600 five to seven days in advance of the meeting to make arrangements for assistance. If you require the agenda of a City Council meeting be available in an alternative format consistent with a specific disability, please call the City Clerk’s Office. The California State Relay Service (TTY/VCO/HCO to Voice: English 1-800-735-2929, Spanish 1-800-855-3000; or, Voice to TTY/VCO/HCO: English 1-800-735-2922, Spanish 1-800-855-3000), provides Telecommunications Devices for the Deaf and Disabled and will provide a link between the TDD caller and users of telephone equipment.

PROCEDURAL INFORMATION FOR THE PUBLIC

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

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

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

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

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

Unless otherwise determined by the presiding officer of the meeting:

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

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MINUTES

Special Meeting of the
Scotts Valley City Council
Date: June 12, 2024
Time: 6:00 PM

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066 OR Zoom Video Conference https://us02web.zoom.us/j/83295730901	The agenda was posted on 6-7-2024 at City Hall, SV Senior Center, SV Public Works Building, and on the Internet at www.scottsvalley.gov.

CALL TO ORDER 6:00 PM

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

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

ELECTED OFFICIALS PRESENT:	CITY STAFF MEMBERS PRESENT:
Randy Johnson, Mayor Derek Timm, Vice Mayor Jack Dilles, Council Member Donna Lind, Council Member Allan Timms, Council Member	Mali LaGoe, City Manager Kirsten Powell, City Attorney Taylor Bateman, Community Development Director Stephanie Hill, Administrative Services Director Rodolfo Onchi, Public Works Director Steve Walpole, Police Chief Cathie Simonovich, City Clerk

COMMITTEE REPORTS

CM Dilles traveled on City business to the Netherlands along with Recreation Division Manager Allison Pfefferkorn and Senior Planner Sarah Wikle. This trip was organized by Ecology Action and included 30 people from various organizations in Santa Cruz County. They learned about how to meet various transportation needs by using the following guidelines: allowing cars and cyclists to share the road without barriers only if the speed limit is 20 miles per hour, separating cars and cyclists if the speed limit is

30 miles per hour, keeping cyclists off of the road if the speed limit is 50 miles per hour, using different materials on different types of roads in order to control speed and using red asphalt for the bike lanes. The key concepts they use when developing transportation networks are coherence, directness, attractiveness, safety, and comfort. CM Dilles would like to see the City incorporate some of these guidelines and concepts when completing the work on Scotts Valley Drive and Mount Hermon Road, and while developing the Town Center.

VM Timm reported that the meeting of the Association for Monterey Bay Area Governments is also this evening so the City of Scotts Valley will not have a representative in attendance.

CM Lind attended the Santa Cruz Arts Commission’s annual celebration.

Mayor Johnson attended a meeting of the Regional Transportation Commission (RTC) where they discussed Ecology Action's bike incentive plan, the request from CalTrans for additional funding, and the status of the Rail-Trail project.

CITY MANAGER REPORT

Wastewater Treatment Plant (WWTP): The WWTP has been experiencing equipment failures resulting in not being able to provide recycled water. The City is working diligently to address these issues but in the meantime, we are unable to water the parks.

MBASIA Board Meeting: City Manager LaGoe participated in the MBASIA board meeting where the budget was adopted for the next fiscal year, and they discussed risk management and cybersecurity. The trend of escalating costs in the insurance market continues, however Scotts Valley's total budgeted costs for the upcoming fiscal year remain flat. All members of the group have done a great job in addressing cybersecurity, which has helped in keeping those rates low.

Housing for Health Policy Board Meeting: This meeting focused on HUD regulations and program monitoring. They also reviewed the preliminary point-in-time count data results. The point-in-time count happens every January where volunteers speak to individuals who are experiencing homelessness. The data shows an increase in homelessness for seniors and a decrease in homelessness for families, youth and veterans. Overall, the count increased by about 2%, for a total of approximately 1,800 individuals.

Candidate Info Night: Last night, the City Clerk, County Clerk and City Manager hosted a candidate information night in-person, on Zoom, and streamed live to the City's YouTube channel. For anyone who was unable to attend, the video can be viewed on the City's YouTube channel.

Town Center Meetings: There have several Town Center meetings recently to review the design concepts and the City looks forward to engaging with the public later this summer.

Next Regular City Council Meeting: The next regularly scheduled meeting will be August 7th.

Upcoming City Hall Holiday Closures: City offices will be closed on June 19th and July 4th. There will not be a fireworks show on July 4th, but the City will host the parade at noon on Scotts Valley Drive between Civic Center Drive and El Pueblo Road.

PUBLIC COMMENT TIME

None.

ALTERATIONS TO CONSENT AGENDA

M/S: Lind/Timms
To approve the Consent Agenda with no alterations.
Carried 5/0 (AYES: Johnson, Timm, Dilles, Lind, Timms)

CONSENT AGENDA

1. Approve City Council minutes of 06-05-2024

2. Approve check register dated 05-24-2024 through 06-06-2024

3. Adopt November 5, 2024 Election Resolutions

4. Approve 2024 Memorandum of Agreement for the Santa Cruz Integrated Regional Water Management Plan

5. Adopt resolution establishing the FY 2024-25 Appropriations Limit

6. Adopt resolution approving the annual review of the City of Scotts Valley Investment Policy

7. Adopt Resolution No. 1596.48 authorizing the levy of annual special tax roll for Scotts Valley Drive for Community Facilities District 97-1 for Fiscal Year 2024-25

8. Approve the Fiscal Year 2024-25 Annual Budget Items

9. Approve the ratified terms for the FY 2024/25 – 2026/27 Memoranda of Understandings between the City and PBU, PSA, Mid-Management, SEIU, and approve the Management and Confidential Summary of Compensation, and to authorize the City Manager and Administrative Services Director to implement the terms July 1, 2024.

PUBLIC HEARINGS

The following items were heard in the order listed below:

1st: Regular Agenda Item 2 - Consideration to proceed with a ballot measure for changes to the City's business license tax ordinance (SVMC Title 5, Chapter 5.04) for the November 2024 General Election
2nd: Public Hearing Item 1 - Pinewood Estates Maintenance Assessment District
3rd: Public Hearing Item 2 - Skypark Open Space Maintenance Assessment District
4th: Regular Item 1 - Regional Transportation Commission presentation regarding the Zero Emission Passenger Rail and Trail Project Initial Conceptual Alignment and Conceptual Rail Transit Vehicle Type Analysis
5th: Public Hearing Item 3 - Consider approval of proposed FY2024/25 User Fees and Charges

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1. Public Hearing for Pinewood Estates Maintenance Assessment District (heard 2nd – see ordered list above)

Rodolfo Onchi, Public Works Director, presented this item.

Mayor Johnson opened the public hearing at 7:21 PM. No members of the public came forward to provide public comment, and Mayor Johnson closed the public hearing at 7:21 PM.

VM Timm requested that staff begin the process of utilizing the Proposition 218 procedure and work with the residents to potentially increase the amount of the assessment.

M/S: Timm/Timms
To approve the Fiscal Year 2024/25 Annual Engineer's Report and to adopt Resolution No. 1213.38 ordering and authorizing the levy and collection of assessments therein pursuant to the Landscaping and Lighting Act of 1972 for the Pinewood Estates Landscaping Maintenance District, and to direct City staff to undertake the Proposition 218 procedure and work with the residents to update the assessment for this maintenance district.
Carried 5/0 (AYES: Johnson, Timm, Dilles, Lind, Timms)

2. Public Hearing for Skypark Open Space Maintenance Assessment District (heard 3rd – see ordered list above)

Rodolfo Onchi, Public Works Director, presented this item. City staff recently met with K&D Landscaping Company to look at the condition of the trail, and they discussed the scope of the contract. Staff will be providing more direction to the contractor to improve the level of service within the original scope of work.

Mayor Johnson opened the public hearing at 7:29 PM.

Gillian McGlaze, a resident of Skypark, requested that the Fire Marshall visit the slope area again, and requested that the Council look at the three items on the benefits assessment, particularly the breakdown of the City Administration category.

Mayor Johnson closed the public hearing at 7:32 PM.

VM Timm requested that staff begin the process of utilizing the Proposition 218 procedure and work with the residents to potentially increase the amount of the assessment.

M/S: Timm/Lind
To approve the Fiscal Year 2024-25 Annual Engineer's Report, to adopt Resolution No. 1555-SP-36 ordering and authorizing the levy and collection of assessments therein pursuant to the Landscaping and Lighting Act of 1972 for the Skypark Landscaping Maintenance District, and to direct City staff to undertake the Proposition 218 procedure and work with the residents to update the assessment for this maintenance district.
Carried 5/0 (AYES: Johnson, Timm, Dilles, Lind, Timms)

3. Consider approval of proposed FY2024/25 User Fees and Charges
   (heard 5th – see ordered list above)

Stephanie Hill, Administrative Services Director, and Nicole Kissam the City's consultant from NBS, presented this item and responded to questions from the Council.

Mayor Johnson opened the public hearing at 8:36 PM. No members of the public came forward, and Mayor Johnson closed the public hearing at 8:36 PM.

M/S: Timm/Timms
To adopt Resolution No. 1198.75 approving the user fees and charges schedule for 2024-25.
Carried 5/0 (AYES: Johnson, Timm, Dilles, Lind, Timms)

ALTERATIONS TO REGULAR AGENDA

M/S: Timm/Timms
To approve the Regular Agenda with the alteration of changing the order as noted above.
Carried 5/0 (AYES: Johnson, Timm, Dilles, Lind, Timms)

REGULAR AGENDA

1. Regional Transportation Commission presentation regarding the Zero Emission Passenger Rail and Trail Project Initial Conceptual Alignment and Conceptual Rail Transit Vehicle Type Analysis
   (heard 4th – see ordered list above)

Grace Blakeslee from the Regional Transportation Commission presented this item and responded to questions and comments from the Council.

2. Consideration to proceed with a ballot measure for changes to the City's business license tax ordinance (SVMC Title 5, Chapter 5.04) for the November 2024 General Election
(heard 1st – see ordered list above)

Mali LaGoe, City Manager, and Steve Toler, the City's consultant from Baker Tilly presented this item and responded to questions from the Council Members.

David Alreck, a resident of Scotts Valley, recommended that the City Council look at a hybrid approach using both the revenue-based and the employee-based approaches, depending on the type of business.

M/S: Timm/Dilles
To direct staff to prepare the ordinance, amendment and accompanying resolution for Option B to be brought back for City Council review and final decision on August 7, 2024.
Carried 5/0 (AYES: Johnson, Timm, Dilles, Lind, Timms)

3. Future Council Agenda Items

Council Member Dilles proposed a future agenda item to explore adopting a fee for applications to sell tobacco in Scotts Valley.

ADJOURNMENT

The meeting adjourned at 8:41 PM.

Approved: ___________________________
Randy Johnson, Mayor

Attest: ______________________________
Cathie Simonovich, City Clerk

MINUTES

Special Meeting of the
Scotts Valley City Council
Date: July 10, 2024
Time: 10:00 AM

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066 OR Zoom Video Conference https://us02web.zoom.us/j/83295730901	The agenda was posted on 7-5-2024 at City Hall, SV Senior Center, SV Public Works Building, and on the Internet at www.scottsvalley.gov.

CALL TO ORDER 10:00 AM

The City Council special meeting was called to order at 10:00 AM.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

ELECTED OFFICIALS PRESENT: Randy Johnson, Mayor Derek Timm, Vice Mayor Jack Dilles, Council Member Allan Timms, Council Member **ABSENT:** Donna Lind, Council Member	**CITY STAFF MEMBERS PRESENT**: Kirsten Powell, City Attorney Stephanie Hill, Administrative Services Director Cathie Simonovich, City Clerk

PUBLIC COMMENT TIME

None.

ALTERATIONS TO CONSENT AGENDA

M/S: Timms/Timm
To approve the Consent Agenda with no alterations.
Carried 5/0/1 (AYES: Johnson, Timm, Dilles, Timms; NOES: None; ABSENT: Lind)

CONSENT AGENDA

1. Approve check register dated 6-7-2024 through 7-2-2024
2. Approve Settlement Agreement with employees regarding payroll items
3. Approve National Opioid Settlement participation

ALTERATIONS TO REGULAR AGENDA

M/S: Dilles/Timm
To approve the Regular Agenda with no alterations.
Carried 5/0/1 (AYES: Johnson, Timm, Dilles, Timms; NOES: None; ABSENT: Lind)

REGULAR AGENDA

1. Introduction of Ordinance No. 73.3 amending Scotts Valley Municipal Code Section 2.24.020 regarding City Council Member benefits

City Attorney Powell presented this item.

M/S: Timm/Dilles
To introduce Ordinance No. 73.3 amending the Scotts Valley Municipal Code 2.24.020 for Council Members' medical and health insurance coverage and waive the reading thereof.
Carried 5/0/1 (AYES: Johnson, Timm, Dilles, Timms; NOES: None; ABSENT: Lind)

ADJOURNMENT

The meeting adjourned at 10:07 AM.

Approved: ___________________________
Randy Johnson, Mayor

Attest: ______________________________
Cathie Simonovich, City Clerk

Cash Account: 999-10100-000-000-000000

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
132050	07/12/24	ACC BUSINESS	1,817.59	O	Regular
132051	07/12/24	ACCENT CLEAN & SWEEP INC	2,739.00	O	Regular
132052	07/12/24	ALHAMBRA	214.83	O	Regular
132053	07/12/24	ALLISON PFEFFERKORN	43.84	O	Regular
132054	07/12/24	AMAZON CAPITAL SERVICES	499.23	O	Regular
132055	07/12/24	ASSOCIATED SERVICES CO.	293.72	O	Regular
132056	07/12/24	AT&T	1,583.16	O	Regular
132057	07/12/24	AT&T	166.75	O	Regular
132058	07/12/24	BAKER TILLY US, LLP	1,190.00	O	Regular
132059	07/12/24	BATTERIES + BULBS #314	11.50	O	Regular
132060	07/12/24	BRINK'S AWARDS & SIGNS	204.84	O	Regular
132061	07/12/24	BURKE, WILLIAMS & SORENSEN,LLP	11,382.25	O	Regular
132062	07/12/24	CITY OF SANTA CRUZ	534.79	O	Regular
132063	07/12/24	COMCAST	675.06	O	Regular
132064	07/12/24	COMPUTERSMITHS LLC	30.00	O	Regular
132065	07/12/24	COUNTY OF SANTA CRUZ	41.00	O	Regular
132066	07/12/24	CRYSTAL SPRINGS WATER CO	56.00	O	Regular
132067	07/12/24	EDWARD WILSON, D.D.S., INC	145.00	O	Regular
132068	07/12/24	FERNANDO MENDOZA	667.28	O	Regular
132069	07/12/24	HINDERLITER, DE LLAMAS & ASSOC	2,011.42	O	Regular
132070	07/12/24	KJRB	3,275.00	O	Regular
132071	07/12/24	KOFFLER ELECTRICAL MECHANICAL	2,160.73	O	Payment Manager
132072	07/12/24	LIEBERT CASSIDY WHITMORE	24,939.00	O	Regular
132073	07/12/24	LINCOLN FINANCIAL GROUP	1,481.46	O	Regular
132074	07/12/24	LINDA KAEMPFER BAKER	105.00	O	Regular
132075	07/12/24	LOGAN & POWELL, LLP	22,295.48	O	Regular
132076	07/12/24	M-GROUP	3,062.50	O	Regular
132077	07/12/24	Martha Macambridge	1,799.84	O	Regular
132078	07/12/24	MEREDITH ROBERTS	107.20	O	Regular
132079	07/12/24	MISSION UNIFORM SERVICE	694.51	O	Payment Manager
132080	07/12/24	NANNETTE BENEDICT DDS	471.00	O	Regular
132081	07/12/24	NATIONAL COMTEL NETWORK INC.	17.51	O	Regular
132082	07/12/24	NICHOLAS STOEBERL	501.60	O	Regular
132083	07/12/24	NORTH CENTRAL LABORATORIES	311.94	O	Payment Manager
132084	07/12/24	O'DELL ENGINEERING	7,005.60	O	Regular
132085	07/12/24	PACIFIC GAS & ELECTRIC CO	591.25	O	Regular
132086	07/12/24	PALACE BUSINESS SOLUTIONS	433.14	O	Regular
132087	07/12/24	PATHENS, INC.	6,980.10	O	Regular
132088	07/12/24	PETERSON POWER SYSTEMS, INC.	47.62	O	Regular
132089	07/12/24	PHILLIP D NEUMAN	2,608.66	O	Regular
132090	07/12/24	PHOENIX GROUP	23.08	O	Regular
132091	07/12/24	RALEY'S	41.92	O	Regular
132092	07/12/24	RANDALL KRUSEE	412.97	O	Regular
132093	07/12/24	REED K KURATOMI DDS	509.20	O	Regular

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
132094	07/12/24	S.V. WATER DISTRICT - BULK	11.65	O	Regular
132095	07/12/24	SAN LORENZO VALLEY WATER DISTR	517.56	O	Regular
132096	07/12/24	SANTA CRUZ CHILDREN'S	209.60	O	Regular
132097	07/12/24	SANTA CRUZ COUNTY	966.00	O	Regular
132098	07/12/24	SANTA CRUZ LIVE SCAN, INC.	150.00	O	Regular
132099	07/12/24	SCARBOROUGH LUMBER	187.08	O	Regular
132100	07/12/24	SCOTTS VALLEY CAR WASH	194.83	O	Regular
132101	07/12/24	SCOTTS VALLEY HOTEL LP	20,285.05	O	Regular
132102	07/12/24	SCOTTS VALLEY SPRINKLER	59.82	O	Regular
132103	07/12/24	SOUTH BAY REGIONAL PUBLIC	1,727.00	O	Regular
132104	07/12/24	STEPHANIE HILL	64.00	O	Regular
132105	07/12/24	STERICYCLE INC	576.54	O	Regular
132106	07/12/24	SUMMIT UNIFORMS	3,753.75	O	Regular
132107	07/12/24	SUN RIDGE SYSTEMS INC	29,251.00	O	Regular
132108	07/12/24	SYCAL ENGINEERING INC	2,115.00	O	Regular
132109	07/12/24	THE BANK OF NEW YORK MELLON	1,500.00	O	Regular
132110	07/12/24	THE PIED PIPER INC.	66.50	O	Payment Manager
132111	07/12/24	THOMSON REUTERS-WEST	396.48	O	Payment Manager
132112	07/12/24	URBAN FIELD STUDIO OAKLAND	11,345.50	O	Regular
132113	07/12/24	VU LE DDS	342.74	O	Regular
132114	07/12/24	WAGE WORKS	125.00	O	Regular
132115	07/12/24	WALD RUHNKE & DOST ARCHITECTS	5,320.00	O	Regular
132116	07/12/24	WEX BANK	6,903.75	O	Regular
132117	07/19/24	ACE PORTABLE SERVICES	510.97	O	Payment Manager
132118	07/19/24	AGILE OCCUPATIONAL MEDICINE	1,464.00	O	Regular
132119	07/19/24	ALLISON PFEFFERKORN	175.91	O	Regular
132120	07/19/24	ALVAREZ IND INC CLEAN BLDG	820.00	O	Regular
132121	07/19/24	AMBAG	3,681.46	O	Regular
132122	07/19/24	B & B SMALL ENGINE	60.73	O	Regular
132123	07/19/24	BOWMAN & WILLIAMS	4,151.25	O	Regular
132124	07/19/24	CERINA LOCKE	35.00	O	Regular
132125	07/19/24	COASTAL EVERGREEN CORP	1,885.00	O	Regular
132126	07/19/24	COMCAST	323.23	O	Regular
132127	07/19/24	COMMUNITY PRINTERS INC.	1,073.47	O	Payment Manager
132128	07/19/24	CORIE L. ASCANI, PSY.D.	250.00	O	Regular
132129	07/19/24	CRYSTAL SPRINGS WATER CO	28.50	O	Regular
132130	07/19/24	DAWN BANKS	102.00	O	Regular
132131	07/19/24	DU-ALL SAFETY, LLC	1,275.00	O	Payment Manager
132132	07/19/24	ENTERPRISE FM TRUST	14,736.92	O	Regular
132133	07/19/24	GRAINGER	116.59	O	Regular
132134	07/19/24	GUARD PRODUCTS INC	2,396.91	O	Regular
132135	07/19/24	INTRADO LIFE & SAFETY	12,476.48	O	Regular
132136	07/19/24	JOHN A STEVENS DDS	130.00	O	Regular
132137	07/19/24	LAUREN LAMBERT	150.00	O	Regular
132138	07/19/24	MARY LOUISE DEFALCO	16.00	O	Regular

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
132139	07/19/24	MONTEREY REGIONAL	3,361.26	O	Payment Manager
132140	07/19/24	NBS GOVERNMENT FINANCE GROUP	13,701.25	O	Regular
132141	07/19/24	NOREEN YOSHIDA DDS	464.00	O	Regular
132142	07/19/24	NORTHERN CALIFORNIA EMERGENCY	3,309.01	O	Regular
132143	07/19/24	PACIFIC GAS & ELECTRIC CO	69,658.53	O	Regular
132144	07/19/24	PALACE BUSINESS SOLUTIONS	292.02	O	Regular
132145	07/19/24	PHILLIP D NEUMAN	1,004.31	O	Regular
132146	07/19/24	PLACEWORKS, INC.	4,230.45	O	Regular
132147	07/19/24	PRESS BANNER	185.30	O	Regular
132148	07/19/24	PRINICPAL LIFE INSURANCE CO	7,652.03	O	Regular
132149	07/19/24	ROSS RECREATION EQUIPMENT INC.	9,809.09	O	Regular
132150	07/19/24	S.V. WATER DISTRICT	8,411.17	O	Regular
132151	07/19/24	SAN LORENZO VALLEY SCHOOL DIST	243.75	O	Regular
132152	07/19/24	SARAH WIKLE	50.00	O	Regular
132153	07/19/24	SCARBOROUGH LUMBER	2,118.22	O	Regular
132154	07/19/24	SCOTTS VALLEY CAR WASH	12.99	O	Regular
132155	07/19/24	SCOTTS VALLEY PERFORMING ARTS	5,268.60	O	Regular
132156	07/19/24	SCOTTS VALLEY SPRINKLER	32.83	O	Regular
132157	07/19/24	SHARRON BARTH	28.00	O	Regular
132158	07/19/24	STANDARD INSURANCE COMPANY	975.88	O	Regular
132159	07/19/24	SUMMIT UNIFORMS	161.88	O	Regular
132160	07/19/24	TAMARA CUCCHIARA-SITKA	9.00	O	Regular
132161	07/19/24	TARA SHAMBAUGH	33.60	O	Regular
132162	07/19/24	THE BANK OF NEW YORK MELLON	1,950.00	O	Regular
132163	07/19/24	URETSKY SECURITY	1,656.28	O	Regular
132164	07/23/24	M-GROUP	15,137.50	O	Regular
132165	07/23/24	MBASIA	842,431.21	O	Regular
132166	07/26/24	ACE PORTABLE SERVICES	2,870.33	O	Payment Manager
132167	07/26/24	ADVANCED FLOW MEASUREMENT	4,681.52	O	Regular
132168	07/26/24	ALHAMBRA	106.71	O	Regular
132169	07/26/24	ALLIANT	16,062.00	O	Regular
132170	07/26/24	ALVAREZ IND INC CLEAN BLDG	256.00	O	Regular
132171	07/26/24	AT&T	119.05	O	Regular
132172	07/26/24	AT&T	1,694.17	O	Regular
132173	07/26/24	AT&T MOBILITY	1,464.98	O	Regular
132174	07/26/24	AUTOLIFT SERVICES, INC.	1,640.00	O	Regular
132175	07/26/24	BATTERIES + BULBS #314	168.21	O	Regular
132176	07/26/24	BRISHAN INC.	1,975.10	O	Regular
132177	07/26/24	CALIFORNIA DEPARTMENT OF	242.00	O	Regular
132178	07/26/24	COUNTY OF SANTA CLARA	850.11	O	Regular
132179	07/26/24	CRIMINAL JUSTICE COUNCIL	3,000.00	O	Regular
132180	07/26/24	DEPT OF JUSTICE	224.00	O	Regular
132181	07/26/24	FEDERAL EXPRESS	406.31	O	Regular
132182	07/26/24	FIRST ALARM	305.19	O	Regular
132183	07/26/24	GRAINGER	368.20	O	Regular

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
132184	07/26/24	IDEXX LABORATORIES, INC.	1,549.00	O	Payment Manager
132185	07/26/24	JOHN'S ELECTRIC MOTOR SERVICE	1,679.15	O	Regular
132186	07/26/24	KOFFLER ELECTRICAL MECHANICAL	4,321.46	O	Payment Manager
132187	07/26/24	LLOYD'S TIRE SERVICE INC.	1,010.46	O	Payment Manager
132188	07/26/24	MID VALLEY SUPPLY	1,114.54	O	Payment Manager
132189	07/26/24	MISSION UNIFORM SERVICE	280.77	O	Payment Manager
132190	07/26/24	O'REILLY AUTOMOTIVE,INC	87.76	O	Regular
132191	07/26/24	PITNEY BOWES INC	145.74	O	Payment Manager
132192	07/26/24	PURETEC INDUSTRIAL WATER	170.46	O	Regular
132193	07/26/24	REGIONAL GOVERNMENT SERVICES	1,624.50	O	Regular
132194	07/26/24	ROSS RECREATION EQUIPMENT INC.	490.34	O	Regular
132195	07/26/24	SANTA CRUZ LIVE SCAN, INC.	60.00	O	Regular
132196	07/26/24	SCARBOROUGH LUMBER	144.63	O	Regular
132197	07/26/24	SCOTTS VALLEY HOTEL LP	10,612.05	O	Regular
132198	07/26/24	SILKE COMMUNICATIONS SOLUTIONS	10,454.08	O	Regular
132199	07/26/24	SOIL CONTROL LAB	816.00	O	Regular
132200	07/26/24	SUMMIT UNIFORMS	176.09	O	Regular
132201	07/26/24	SWEDBERG ELECTRIC INC.	8,923.08	O	Regular
132202	07/26/24	SYCAL ENGINEERING INC	8,089.29	O	Regular
132203	07/26/24	THE PIED PIPER INC.	224.00	O	Payment Manager
132204	07/26/24	U.S. BANK CORPORATE	9,622.08	O	Regular
132205	07/26/24	USA BLUE BOOK	198.09	O	Payment Manager
132206	07/26/24	VERIZON WIRELESS	178.33	O	Regular
132207	08/02/24	ABSOLUTE SOFTWARE, INC.	5,427.00	O	Regular
132208	08/02/24	ACC BUSINESS	1,218.93	O	Regular
132209	08/02/24	AFLAC-FLEX ONE	411.86	O	Regular
132210	08/02/24	AMANDA ARMSTRONG	400.00	O	Regular
132211	08/02/24	AMANDA LONG	600.00	O	Regular
132212	08/02/24	ANNA-KATE BRAJKOVICH	5.00	O	Regular
132213	08/02/24	AT&T	1,575.30	O	Regular
132214	08/02/24	AT&T	166.75	O	Regular
132215	08/02/24	BEAUJO GERA	200.00	O	Regular
132216	08/02/24	BOWMAN & WILLIAMS	12,888.82	O	Regular
132217	08/02/24	BRINK'S AWARDS & SIGNS	39.51	O	Regular
132218	08/02/24	BURKE, WILLIAMS & SORENSEN,LLP	6,454.25	O	Regular
132219	08/02/24	BUSINESS WITH PLEASURE	63.18	O	Regular
132220	08/02/24	CATHIE SIMONOVICH	200.00	O	Regular
132221	08/02/24	COMCAST	675.07	O	Payment Manager
132222	08/02/24	COMCAST	1,050.55	O	Regular
132223	08/02/24	CRYSTAL SPRINGS WATER CO	173.75	O	Regular
132224	08/02/24	DYNAMIC PRESS	148.16	O	Regular
132225	08/02/24	GIBBS PLANNING GROUP, INC.	7,700.00	O	Regular
132226	08/02/24	GUARD PRODUCTS INC	1,651.44	O	Regular
132227	08/02/24	KUCIC GROUP LLC	50.00	O	Regular
132228	08/02/24	LAUREN LAMBERT	400.00	O	Regular

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
132229	08/02/24	MALI LAGOE	200.00	O	Regular
132230	08/02/24	NICOLAS LIPARI	70.00	O	Regular
132231	08/02/24	OPENGOV, INC.	112,296.00	O	Regular
132232	08/02/24	PALACE BUSINESS SOLUTIONS	342.43	O	Regular
132233	08/02/24	PATRICK AHRENS	90.00	O	Regular
132234	08/02/24	PHILLIP D NEUMAN	31,642.04	O	Payment Manager
132235	08/02/24	PHILLIP LINARTE	200.00	O	Regular
132236	08/02/24	RALEY'S	91.57	O	Regular
132237	08/02/24	RANDALL KRUSEE	200.00	O	Regular
132238	08/02/24	SANTA CRUZ COUNTY	55,871.60	O	Regular
132239	08/02/24	SYMBOL ARTS	2,423.25	O	Regular
132240	08/02/24	THE CARD SHARK INC	606.15	O	Payment Manager
132241	08/02/24	TYLER HEBARD	825.00	O	Regular
132242	08/02/24	TYLER THOMAS	600.00	O	Regular
132243	08/02/24	U.S. BANCORP OFFICE	1,404.37	O	Regular
132244	08/02/24	WAGE WORKS	125.00	O	Regular
132245	08/02/24	WIZIX TECHNOLOGY GROUP, INC	657.40	O	Payment Manager

apadatecr2 City of Scotts Valley llambert 08/02/2024 10:44 Page 5
A/P Check Register
Checks from 07/03/2024 to 08/02/2024

174	Checks total:	1,520,704.25
0	ACH total:	
0	EFTPS total:	
0	Wire transfer total:	
22	Payment Manager total:	55,145.91
196	GRAND TOTALS	1,575,850.16

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: 8/7/2024

TO: Honorable Mayor and City Council

FROM: Cathie Simonovich, City Clerk

APPROVED: Mali LaGoe, City Manager

SUBJECT: **Approve 2024 Local Agency Biennial Report**

SUMMARY OF ISSUE

The Political Reform Act requires every local government agency to review its conflict of interest code at least biennially. A conflict of interest code tells public officials, governmental employees, and consultants what financial interests they must disclose on their Statement of Economic Interests (Form 700).

The conflict of interest code for the City of Scotts Valley was updated on August 2, 2023, and therefore does not need to be updated at this time.

FISCAL IMPACT

There is no financial impact associated with approving the 2024 Local Agency Biennial Notice.

STAFF RECOMMENDATION

It is recommended that the City Council approve the 2024 Local Agency Biennial Notice which states that no amendment is required.

TABLE OF CONTENTS

2024 Local Agency Biennial Notice

Name of Agency: City of Scotts Valley

Mailing Address: 1 Civic Center Drive

Contact Person: Cathie Simonovich Phone No. 831-440-5608

Email: csminovich@scottsvalley.gov Alternate Email: cityhall@scottsvalley.gov

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that *(check one):*

_____An amendment is required. The following amendments are necessary:

(Check all that apply)
____Include new positions
____Revise disclosure categories
____Revise the titles of existing positions
____Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
____Other (describe) ______________________________

_____The code is currently under review by the code reviewing body.
__X__No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification **(to be completed if no amendment is required)**

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

DocuSigned by: Mali LaGoe 2B09397A0219400... 7/5/2024 | 15:31 PDT

Signature of Chief Executive Officer *Date*

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2024**, or by the date specified by your agency, if earlier, to:

City of Scotts Valley City Council
c/o City Clerk
1 Civic Center Drive
Scotts Valley, CA 95066

PLEASE DO NOT RETURN THIS FORM TO THE FPPC

www.fppc.ca.gov
FPPC Advice: advice@fppc.ca.gov (866.275.3772)

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: 8/7/2024

TO: Honorable Mayor and City Council

FROM: Cathie Simonovich, City Clerk

APPROVED: Mali LaGoe, City Manager

SUBJECT: **Approve Designation of Voting Delegate for 2024 League of California Cities Annual Conference**

SUMMARY OF ISSUE

The League's 2024 Annual Conference is scheduled for October 16-18 and will be held at the Long Beach Convention Center. The annual General Assembly meeting, where membership takes action on conference resolutions, will be held on October 18. Each city is requested by the League to designate a voting representative who will be present at the General Assembly meeting.

Following Council action, the City Clerk will submit the City's delegate through the new online submission portal.

FISCAL IMPACT

Applicable registration costs for the League of California Cities Annual Conference have been included in the FY 2024-2025 budget.

STAFF RECOMMENDATION

By approval on the consent agenda, the City Council will appoint Councilmember Allan Timms as the Voting Delegate to represent the City of Scotts Valley at the League of California Cities General Assembly Meeting on October 18 at the Long Beach Convention Center.

TABLE OF CONTENTS

None

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: 8/7/2024

TO: Honorable Mayor and City Council

FROM: Mali LaGoe, City Manager

APPROVED: Mali LaGoe, City Manager

SUBJECT: **Approve Second Amendment to the Good City Company Agreement for Town Center development project**

SUMMARY OF ISSUE

In 2022, the City entered into a contract with Good City Company for planning and project management related services to prepare the Town Center for future development. Since then, Good City staff have assisted with the Town Center Specific Plan update by meeting regularly with staff and the Town Center Subcommittee, reviewing and inventorying items that need to be reevaluated in the 2008 Specific Plan, assisted with applying for grant funds for pre-development work which resulted in a $175,000 award from the REAP 2.0 competitive grant program, assisted with the selection of architectural consultants, assisted with interviewing environmental consultants, developed a community outreach plan, coordinated meetings with various stakeholders, and presenting updates to the City Council. The contract amendment allows for this work to continue including executing the community outreach plan, and further work to update the specific plan and coordinate pre-development activities.

FISCAL IMPACT

The contract amendment includes up to $85,000 for additional services. This contract is currently being funded by the general fund; however as grant funds become available, the City will leverage grant funds to minimize the impact on the general fund.

STAFF RECOMMENDATION

Staff recommends approval of Amendment #2 of the Professional Services Agreement between the City of Scotts Valley and Good City Company for continued Town Center pre-development work.

TABLE OF CONTENTS

**SECOND AMENDMENT TO THE
GOOD CITY COMPANY AGREEMENT FOR PROFESSIONAL SERVICES**

This Second Amendment to the Good City Company Agreement for Professional Services (the "Second Amendment") is entered into by and between the City of Scotts Valley, a municipal corporation, hereinafter referred to as "CITY" and Good City Company, hereinafter referred to as "CONSULTANT".

RECITALS

WHEREAS, on June 28, 2022, the CITY and CONSULTANT entered into that certain Agreement for Professional Services under which CONSULTANT would provide certain professional services related to the Town Center development project (the "Agreement"); and

WHEREAS, on March 28, 2023, the CITY and CONSULTANT amended the Agreement to authorize an update to Section 5. Compensation ("First Amendment").

WHEREAS, the parties desire to authorize an additional amendment to the Agreement to update Section 5. Compensation.

WHEREAS, Section 14 of the Agreement authorizes the Agreement to be amended, modified, or changed by the parties, provided that modifications or changes are in writing and approved by authorized representatives of the parties.

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

AGREEMENT

1. The following section of the Agreement is hereby amended to read as follows:

"5. Compensation: CONSULTANT shall accept compensation for services performed as set forth in Section 3 in an amount not to exceed $185,000. Periodic payments to CONSULTANT shall be made upon submittal of invoices by CONSULTANT to CITY for review and approval by the City Manager. Invoices will be paid by CITY within a reasonable time after the invoices are received and approved."

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

IN WITNESS WHEREOF, this Second Amendment is executed by the CITY and by the CONSULTANT on the 7th day of August, 2024, at Scotts Valley, California.

CONSULTANT: GOOD CITY COMPANY	CITY: CITY OF SCOTTS VALLEY
______________________________ By: Aaron Aknin, AICP Principal	______________________________ Mali LaGoe, City Manager
APPROVED AS TO FORM:	ATTEST:
______________________________ Kirsten M. Powell, City Attorney	______________________________ Cathie Simonovich, City Clerk

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: 8/7/2024

TO: Honorable Mayor and City Council

FROM: Rodolfo Onchi, Public Works Director

APPROVED: Mali LaGoe, City Manager

SUBJECT: **Approve Professional Services Agreement with Environmental Innovations**

SUMMARY OF ISSUE

The Public Works Department is responsible for a number of environmental compliance activities across multiple disciplines including: stormwater; wastewater; solid waste;recycling and organics associated with AB341, AB1826 and SB1383; and the City's wastewater and stormwater discharge permits. Compliance activities include inspection, outreach and education, training, reporting and enforcement when necessary.

In support of City staff, Environmental Innovations has provided environmental compliance services for the City since 2007. With expertise in the various compliance categories and with local offices enabling quick response when called upon, they are uniquely qualified to support the City in the activities proposed.

Tasks are divided into 3 categories: Source Control and Environmental Compliance, Stormwater Environmental Compliance with an MS4 NPDES (Stormwater) Compliance, Solid Waste and Recycling Compliance with AB 341, and AB1826/SB1383 Organic Waste Diversion Program Compliance as follows: Source Control and Environmental Compliance

- Assess all business and industry in Scotts Valley for potential to impact wastewater and/or stormwater. Maintain a database of sites to monitor, sites to inspect, and sites considered “dry” or not a potential impact.
- Inspect 100 businesses per year that may pose an adverse impact on storm or wastewater and inspect and regulate by permit 3-4 significant industrial users. Enact enforcement response wastewater compliance, estimating 10 cases of enforcement/year.
- Review plans for new construction pertaining to environmental compliance on an as-needed basis.

MS4 NPDES (Stormwater) Permit Compliance FY 2024/25

- Program Management
- Education and Outreach
- Staff and Site Operator Training and Education Public Involvement and Participation Program
- Illicit Discharge and Elimination
- Illicit Discharge Source/Facility Inventory
- Field Sampling to Detect Illicit Discharges
- Pollution Prevention/Good Housekeeping
- Maintenance of Storm Drain System
- Post-construction Operations & Maintenance Verification
- Program Effectiveness Assessment and Implementation
- Total Maximum Daily Loads Compliance Requirements
- Annual Reporting Program

AB1826/SB1383 Organic Waste Diversion Program Compliance

- Participation and Compliance
- Education and Outreach
- Record Keeping & Reporting
- Enforcement

Tasks are provided by appropriately qualified personnel such as Senior Scientist/Program Manager, Compliance Inspector, and Interns. The attached proposal from Environmental Innovations includes details of the scope and rates for personnel. The total value of the proposal for all tasks is $110,942.00.

FISCAL IMPACT

The scope of services and the fee of $110,942.00 associated with the services provided are currently budgeted as contract services in the FY2024/25 operating budget. Services benefitting wastewater operations compliance are funded through the Wastewater Enterprise Fund. Stormwater and solid waste compliance efforts are funded through Public Works Operating Budget (General Fund).

STAFF RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute the Professional Services Agreement with Environmental Innovations for environmental compliance services.

TABLE OF CONTENTS

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement for Professional Services ("Agreement") is made and entered into as of August 7, 2024, by and between the City of Scotts Valley, a municipal corporation, hereinafter referred to as "CITY", and Environmental Innovations, hereinafter referred to as "CONSULTANT".

RECITALS

A. CITY desires to retain Consultant for certain professional services as set forth in this Agreement.

B. CONSULTANT is specially trained, experienced, and competent to perform the special services which will be required by this Agreement.

C. CONSULTANT possesses the skill, ability, background, certification, and knowledge to provide the services described in this Agreement on the terms and conditions described herein.

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

AGREEMENT

1. **Employment of CONSULTANT**: CITY agrees to, and hereby does, retain and employ CONSULTANT to perform the professional services as outlined in the Scope of Work attached hereto and incorporated herein as Exhibit "A". CONSULTANT'S work product shall be performed pursuant to generally accepted standards of practice in effect at the time of performance.

2. **Responsible Personnel**: CITY has relied upon the professional training and ability of CONSULTANT to perform the services hereunder as a material inducement to enter into this Agreement. Primary personnel responsible for the completion of the work described in this Agreement shall be: Josephine Fleming, Owner, Environmental Innovations whose address is 307 Laguna Street, Santa Cruz, CA 95060; telephone: (831) 706-7384; Email: jofleming@environmentalin.com.

3. **Scope of Work:** CONSULTANT shall perform the services as specified in Exhibit A in a professional manner.

4. **Time of Performance:** The services of CONSULTANT are to commence upon execution of this Agreement and shall continue until all authorized work is approved by the CITY. All such work shall be completed no later than June 30, 2025. Time is of the essence in the performance of this Agreement. No waiver by either party hereto of the nonperformance or any breach of any term, provision, or condition of this Agreement, or any default hereunder shall be considered to be or operate as a waiver of any subsequent nonperformance, breach, or default.

5. **Compensation:** CONSULTANT shall accept compensation for services performed as set forth in Section 3 in an amount not to exceed $110,942.00. Periodic payments to CONSULTANT shall be made upon submittal of invoices by CONSULTANT to CITY for review and approval by the City Manager. Invoices will be paid by CITY within a reasonable time after the invoices are received and approved.

6. **Insurance:** CONSULTANT agrees to have and maintain, for the duration of the contract, the following:

i. General Liability insurance policies insuring him/her and his/her firm to an amount not less than One Million Dollars ($1,000,000) combined single limit per occurrence for bodily injury, personal injury, and property damage.

ii. Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than One Million Dollars ($1,000,000) combined single limit per accident for bodily injury and property damage.

iii. CONSULTANT agrees to have and maintain, for the duration of the contract, professional liability insurance in amounts not less than $1,000,000 which is sufficient to insure CONSULTANT for professional errors or omissions in the performance of the particular scope of work under this agreement.

iv. CONSULTANT shall provide to the CITY all certificates of insurance, with original endorsements effecting coverage. CONSULTANT agrees that all certificates and endorsements are to be received and approved by the CITY before work commences.

v. The CONSULTANT'S insurance coverage shall be primary insurance as respects the CITY, its officers, officials, employees, and volunteers. Any insurance or self -insurances maintained by the CITY, its officers, officials, employees, or volunteers shall be excess of the CONSULTANT'S insurance and shall not contribute with it.

7. **Indemnity:** CONSULTANT shall hold harmless, indemnify and defend CITY, its elective and appointive boards, commissions, officers, agents, servants, volunteers, and employees from and against any and all claims, costs, damages, liability, losses, or suits (including court costs and attorney fees) for personal injury (including death), property damage and any other damages of any sort whatsoever, arising out of, or alleged to have arisen out of, the willful or negligent acts, errors, or omissions of CONSULTANT or CONSULTANT'S contractors, subcontractors, agents, or employees in the performance of this Agreement. This indemnity shall not apply to any claims brought by CONSULTANT for default of this Agreement, or for claims brought by CITY or any third party where the

underlying injury or damage is finally determined by a court of competent jurisdiction to arise solely from the negligent or willful misconduct of CITY.

8. **Termination:** This Agreement may be terminated by the CITY immediately for cause or by either party without cause upon fifteen days' written notice of termination. Upon termination, CONSULTANT shall be entitled to compensation for services performed up to the effective date of termination.

CONSULTANT shall accept, for itself, as full payment for services rendered and all work to be done and performed hereunder and in complete satisfaction of all claims against CITY by reason of voluntary abandonment or suspension of work or termination of the Agreement, the sum determined on an hourly basis in accordance with the provisions of this Agreement, or any modification of amendment thereto, plus all direct expenses incurred, including those expenses incurred which are directly attributable to the incomplete portion of the work which could not be canceled.

In the event of termination, CONSULTANT shall deliver as a condition to the payment of the compensation provided for above, or otherwise make available to CITY, all research data, reports, estimates, summaries, and other such information and materials as may have been accumulated by CONSULTANT in performing this Agreement, whether completed or in process in accordance with Section 9 of this Agreement.

9. **Documents:** Notes, studies, chain, computations, electronic files, and other data and information obtained by CONSULTANT for this project shall, upon receipt of payment for services rendered, be made available to CITY by CONSULTANT at CITY'S request and shall become the property of CITY. In the event CITY alters the document, CITY agrees CONSULTANT shall have no responsibility whatsoever for any claim arising out of, or alleged to have risen out of, use of the altered document.

All plans, studies, documents, charts, computations, and electronic files prepared by and for CONSULTANT, its officers, employees and agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of the CITY upon payment to CONSULTANT for such work, and the CITY shall have the sole right to use such materials in its discretion without further compensation to CONSULTANT or to any other party. CONSULTANT shall, at CONSULTANT'S expense, provide such reports, plans, studies, documents, and other writings to CITY upon written request.

10. **Independent Contractor:** CONTRACTOR is an independent contractor retained by CITY to perform the work described herein. ALL personnel employed by CONSULTANT are not and shall not be deemed to be employees of CITY. CONSULTANT shall obtain no rights to retirement benefits or other benefits that accrue

to CITY'S employees, and CONSULTANT hereby expressly waives any claim it may have to such rights. CONSULTANT shall comply with all state and federal laws pertaining to employment and compensation of its employees and its agents, including the provision of Workers' Compensation.

11. **Licenses:** CONSULTANT represents and warrants to CITY that it has all licenses, permits, qualifications, insurance, and approvals of whatsoever nature which are legally required of CONSULTANT to practice its profession. CONSULTANT represents and warrants to CITY that CONSULTANT shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance and approvals which are legally required of CONSULTANT to practice its profession. Consultant shall maintain a City of Scotts Valley business license.

12. **Assignment:** The parties recognize that a substantial inducement to CITY for entering into this Agreement is the professional reputation, experience, and competence of CONSULTANT. Assignments of any or all rights, duties, or obligations of the CONSULTANT under this Agreement will be permitted only with the express consent of the CITY. CONSULTANT shall not subcontract any portion of the work to be performed under this Agreement without the written authorization of the CITY. If the CITY consents to such subcontract, CONSULTANT shall be fully responsible to CITY for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between CITY and subcontractor nor shall it create any obligation on the part of the CITY to pay or to see to the payment of any monies due to any such contractor other than as otherwise required by law.

13. **Binding on Successors:** This Agreement is binding on the heirs, successors and assigns of the parties hereto.

14. **Amendment:** This Agreement may be amended, modified, or changed by the parties, provided that said Agreement, modification or change is in writing and approved by the authorized representative of the parties.

15. **Applicable Law and Attorney's Fees:** This Agreement shall be construed and enforced in accordance with the laws of the State of California, and any action brought relating to this Agreement shall be held exclusively in a state court in the County of Santa Cruz. Should any legal action be brought by a party for breach of this Agreement or to enforce any provision of the Agreement, the prevailing party of such action shall be entitled to recover its reasonable litigation expenses, including attorney fees.

16. **Entire Agreement:** This Agreement contains the entire understanding between the parties with respect to the subject matter herein. There are no representations, agreements, or understandings. Whether oral or written, between or among the parties relating to the subject matter of this Agreement which are not fully expressed herein. The

drafting and negotiation of this Agreement have been participated in by each of the parties and/or their counsel, and for all purposes this Agreement shall be deemed to have been drafted jointly by all parties.

17. **Waiver:** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision under this agreement.

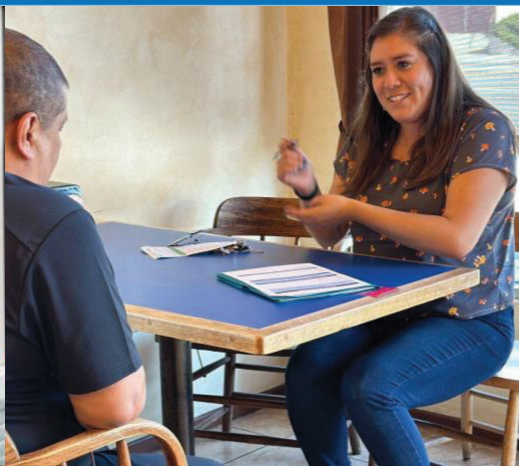
18. **Severability:** If any term or portion of this Agreement shall be held by a court of competent jurisdiction to be invalid, illegal, or otherwise unenforceable, the remaining provisions of this Agreement shall continue in full force and effect.

WITNESS WHEREOF this Agreement is executed by CITY and by CONSULTANT on this 7th day of August 2023, at Scotts Valley, California.

CONSULTANT: ENVIRONMENTAL INNOVATIONS	CITY: CITY OF SCOTTS VALLEY
________________________ By: Josephine Fleming, Owner	________________________ Mali LaGoe, City Manager
APPROVED AS TO FORM:	ATTEST:
________________________ Kirsten M. Powell, City Attorney	________________________ Cathie Simonovich, City Clerk

EXHIBIT "A"

SCOPE OF WORK



2024/25 Scope of Work

Services included:

Wastewater Source Control,

NPDES / MS4 Stormwater,

Solid Waste Compliance,

Edible Food Recovery,

and Transportation Consulting

Submitted by:

ENVIRONMENTAL
INNOVATIONS

Environmental Innovations, Inc.

June 4th, 2024

June 4th, 2024

City of Scotts Valley
Attn: Rodolfo Onchi Public Works Director

RE: 2024/25 Proposal and Scope of Work

Dear Mr. Onchi:
Thank you for the opportunity to continue offering services to the City of Scotts Valley and giving us this opportunity to propose work for the 2024/2025 fiscal year. As you know, Environmental Innovations (EI) has been conducting the following services for the City of Scotts Valley:

- Environmental compliance and source control since 2007;
- Stormwater/NPDES Permit compliance since 2009;
- Transportation grant services since 2015, and;
- Implementation of AB341/AB1826/SB1383 recycling and organic waste diversion requirements and Edible Food Recovery since 2019

EI is uniquely qualified to perform this work. We are a local, sustainability consulting firm working with several municipalities in the region, across California, and in partnership with nine other states. EI provides environmental consulting services to businesses, non-profits, institutions, local, state, and the federal government in the areas of Green Business, environmental awareness, public outreach, environmental compliance, wastewater pretreatment, and sustainability planning and management.

This past year we obtained a $75,000 grant from CalRecycle to help offset the costs of implementing SB1383 requirements. In 2017, we obtained over $700,000 in grant funding for the City to do road improvements and active transportation outreach. We also implemented a grant for the safe disposal of sharps (needles) and pharmaceutical waste regionally in the County of Santa Cruz in 2010. We have also been the key drivers behind the Monterey Bay Green Business Program as well as the California Green Business Network. We were the catalyst for fryer oil from Scotts Valley being used to make biodiesel as part of an EPA grant.

We are happy to modify this proposal to suit your needs. EI looks forward to the opportunity to do this inspiring work. Please do not hesitate to contact us with questions.

Sincerely,

Josephine Fleming
Environmental Scientist and Owner jofleming@environmentalin.com

Scope of Environmental Compliance Services in the City of Scotts Valley

Environmental Innovations (environmentalin.com, EI) provides environmental consulting services to businesses, non-profits, institutions, and local governments in the areas of Green Business, environmental awareness, public outreach, Environmental Compliance/Wastewater Pretreatment, and Sustainability Planning and Management. Our strengths lie in the following:

- Excellent Facilitation and Communication: EI coordinates many multi-stakeholder groups that frequently have competing interests. We can recognize individual strengths and highlight them in group settings. We are also able to leverage sharing costs for work with neighboring Cities and Counties that have the same mandates. We maintain strong relationships with neighbors and higher state regulatory agencies, such as the Regional Water Quality Control Board.

- Data and Technology Strong: We are the architects and ongoing developers of the software used to track green businesses in California through the certification program while simultaneously measuring environmental outcomes. Our system, GreenBizTracker, is leased by nine other states. We research the best and most cost-effective solutions to meeting regulatory mandates and tracking of the data necessary to comply. We can tie in Scotts Valley work with other work we do in the region, making the City's contribution to public outreach and partnership stronger.

- Experienced Wastewater and Stormwater Experts: Jo has been working in wastewater and stormwater environmental compliance for over 15 years with significant experience in gaining compliance from business and industry with the least amount of conflict possible. Julianne has a Masters in Applied Marine and Watershed Science from CSU Monterey Bay and Steve has over 30 years of experience in Environmental Compliance in the cities of Santa Cruz and San Jose. Claudia brings expertise in bilingual outreach and assisting businesses achieve sustainable practices. The team can dovetail the three programs through public outreach, technical assistance, and incentives to make the programs more educational than they are regulatory. Julianne also has significant knowledge in watershed modeling and complying with the MS4 NPDES permit.

- Sustainable Results: We are proud to have long-term clients. Many of the environmental programs we implemented from scratch continue to run independently. We design our work to have lasting effects, and to benefit our clients. There's nothing we enjoy more than seeing municipal clients get long-term credit for our work.

Project Description: The City of Scotts Valley requested a proposal to provide the following:

- Source Control and Environmental Compliance
- Stormwater Environmental Compliance with an MS4 NPDES Permit.
- Solid Waste and Recycling Compliance with AB 341, AB 1826, and SB 1383
- Edible Food Recovery as mandated in SB 1383
- Transportation Funding Development as needed
- Plan review as needed

Source Control and Environmental Compliance Workplan

Assess all business and industry in Scotts Valley for potential adverse impact to wastewater and/or stormwater and maintain a database of sites to monitor, sites to inspect, and sites considered “dry” or not a potential impact.

Inspect 100 businesses per year that may pose an adverse impact on storm or wastewater and inspect and regulate by permit 3-4 significant industrial users. Enact enforcement response wastewater compliance, estimating 10 cases of enforcement/year.

Review plans for new construction pertaining to environmental compliance on an as-needed basis.

National Pollution Discharge Elimination System (NPDES) Permit for Small Municipal Stormwater Systems Workplan

The original NPDES permit expired in 2018. The updated permit with new requirements is expected to be issued in 2025. Until then, jurisdictions must continue to carry out the requirements of the prior permit which include:

E.6 – Program Management
Use Enforcement Response Plan developed in Permit Year 3 (PY3), to enforce procedures and actions and identify the Permittee’s responses to violations and describe how the Permittee will address repeat and continuing violations by implementing progressively stricter responses as needed to achieve compliance.

E.7 – Education and Outreach
The Public Education and Outreach Program increases the knowledge and awareness of a targeted audience about the impacts of urban runoff and non-storm water discharges on receiving waters, and potential BMP solutions for the target audiences, thereby reducing pollutant releases to the MS4 and the environment. It is a combination of jurisdictional and regional programs consisting of the following:

- Schools - Watershed education targeting middle-school children.
- Outreach and Workshops - These are aimed at specific sectors. This year, we propose doing a Facebook and Instagram campaign with posts featuring stormwater pollution prevention tips and BMPs.

F.7.b. Staff and Site Operator Training and Education
This biennial training shall include a general stormwater education component, any new technologies, operations, or responsibilities that arise during the year, and the permit requirements that apply to the staff being trained. Employees shall receive clear guidance on appropriate stormwater BMPs to use at municipal facilities and during typical O&M activities.

E.8 – Public Involvement and Participation Program

Create opportunities for citizens to participate in the implementation of BMPs through sponsoring activities (e.g., stream/beach/lake clean-ups, storm drain stenciling, volunteer monitoring and educational activities). Ensure the public can easily find information about the Permittee's storm water program. Actively engage in the Permittee's IRWMP or other watershed-level planning effort.

- Snapshot Day - Annual event that involves the public directly in water quality monitoring in local creeks.
- Storm Water Resource Plan – developed with the IRWM group in PY3 and PY4
- Property Owners and Managers - specific outreach as it relates to maintaining outdoor areas.

F.9 – Illicit Discharge and Elimination

Maintain existing up-to-date outfall map, develop and enforce a program to detect, investigate, and eliminate illicit discharges, including illegal dumping into its system from outfalls and other sources, to the extent allowable under law. Priority outfall list is updated annually. This year we are working with the CA Department of Fish and Wildlife to obtain a permit to clear vegetation from the creeks to improve outfall access.

E.9.b. Illicit Discharge Source/Facility Inventory

The Permittee shall maintain an inventory of all industrial/commercial facilities/sources within the Permittee's jurisdiction (regardless of ownership) that could discharge pollutants in storm water to the MS4. We utilize the inventory to identify facilities for inspections of potential illicit discharges and determine if the facilities that are required to be covered under the Statewide Industrial General Permit have done so. We also update the inventory annually and assess priority areas for the presence of illicit discharges at least once over the length of the permit term. Methods include field observations, field screening, inspections, and any other appropriate and effective survey methods.

E.9.c. Field Sampling to Detect Illicit Discharges

The Permittee shall sample any outfalls that are flowing or ponding more than 72 hours after the last rain event. The Permittee shall also conduct dry weather sampling (more than 72 hours since the last rain event) of outfalls annually identified as priority areas. Permittee shall verify that indicator parameter Action Level Concentrations are not exceeded and conduct follow up investigations per Section E.9.d. if the action level concentrations are exceeded. Any remaining outfalls with dry weather flow will be targeted for pathogen reduction efforts.

E.11 – Pollution Prevention/Good Housekeeping

The Permittee shall use SWPPP developed in PY4 to assess pollutant hotspots. At least once per year, the Permittee shall conduct a comprehensive inspection of each hotspot facility, including all stormwater BMPs, in accordance with the facility-specific inspection procedures and inspection checklist. At least once per quarter visually observe discharge locations from hotspot facilities. Visual observations shall be documented, and records kept with the SWPPP. This inspection shall be done in accordance with the developed standard operating procedures. The inspection report shall also include any identified deficiencies and the corrective actions taken to correct the deficiencies.

E.11.g. Maintenance of Storm Drain System

We inspect storm drain systems all high priority, catch basins and systems annually and ensure the following is done:

- Identify high priority catch basins and other systems for cleaning.
- Label catch basins to ensure that each catch basin in high foot traffic areas includes a legible storm water awareness message.
- Identify surface drainage structures in need of maintenance. Removal of trash and debris from high priority areas shall occur annually prior to the rainy season.

E.12. Post-construction Operations & Maintenance Verification

Maintain a spreadsheet of all Regulated Projects (public and private projects that create or replace 5,000 square ft or more of impervious surface) that have installed treatment systems.

- This document shall include the information outlined in E.12.h of the Small MS4 Permit for each Regulated Project.
- Maintenance Approvals: contact the responsible party for each Regulated Project annually to request a maintenance report.
- Maintenance and condition of structural post-construction BMPs shall be determined through a self-certification program where Permittees require annual reports from authorized parties demonstrating proper maintenance and operations.
- If the self-report is not sufficient to determine proper maintenance operations, follow up inspections and enforcement may be carried out to ensure full compliance with E.12.i

E.14 – Program Effectiveness Assessment and Implementation

The Program Effectiveness Assessment and Improvement Plan assesses BMP and program effectiveness in terms of the following Outcome Levels:

- Storm water program activities
- Awareness
- Behavior
- Pollutant load reductions
- MS4 discharge quality (where assessment is supported by MS4 discharge quality data)
- Receiving water conditions

E.15 – Total Maximum Daily Loads Compliance Requirements

Several watersheds within Santa Cruz County have been identified by the State of California as impaired waterbodies pursuant to Section 303(d) of the Federal Clean Water Act (CWA). The overarching goal of each TMDL is to identify sources of contamination and develop strategies to meet specific targets within a 20 to 25-year timeframe. Carbonera Creek has TMDLs for sediment and bacteria. Extensive stakeholder collaboration between the regional stakeholders to identify MS4 pollution sources and implement best management practices (BMPs), monitoring programs, and modeling tools to aid in achieving each TMDL is carried out each year and documented in an annual report.

E.16 – Annual Reporting Program

Permittees shall prepare and submit an annual report by October 15th, with documentation supporting required activities from the previous permit year beginning July 1st and ending June 30th. The Permittee is responsible for maintaining documentation as necessary to demonstrate fulfillment of all NPDES MS4 Permit requirements.

AB1826/SB1383 Organic Waste Diversion Program Compliance

Participation and Compliance

Ensure that all business, multi-family dwellings, and residential waste accounts subscribe to organic waste collection service or apply for an exemption.
Issue limited exemption waivers for de minimis volumes and physical space constraints and maintain records:

- Maintain online form for waiver request
- Evaluate waiver requests on case-by-case basis and grant waiver when criteria have been met
- Track waivers for reporting purposes

Education and Outreach

Maintain a list of and annually provide Tier 1 generators utilizing the three-container system with information on properly separating materials, organic waste prevention, on-site recycling, methane reduction benefits, how to recycle organic waste, a list of approved haulers, and information related to food recovery.
Maintain a list of and annually provide Tier2 generators utilizing the three-container system with information on properly separating materials, organic waste prevention, on-site recycling, methane reduction benefits, how to recycle organic waste, a list of approved haulers, and information related to food recovery.
Annually provide self-haulers with information regarding their requirements (outlined in Section 70.3)

Annually provide businesses that generate edible food waste with information regarding the jurisdiction's edible food recovery program, generator requirements, and food recovery organizations.

Record Keeping & Reporting

Submit an annual report to CalRecycle by the August 1st due date.

Maintain all implementation records in a central location (physical or electronic) that can be made available to or accessed by CalRecycle within one business day.

Enforcement

As of January 1st, 2024, jurisdictions may receive notices of violation from CalRecycle for noncompliance with the requirements of SB1383. It may be necessary to demonstrate compliance by serving a notice of violation (NOV) to any waste account holder refusing to comply.

The waste hauler may ask jurisdiction representatives to issue warnings and NOVs to account holders refusing to curb contamination of the waste stream.

Project Tasks and Estimated Costs			
Source Control and Environmental Compliance	Timeline	Estimated Hours	Estimated Cost
Assess all business and industry in Scotts Valley for potential to impact wastewater and/or stormwater. Maintain a database of sites to monitor, sites to inspect, and sites considered "dry" or not a potential impact.	FY 24/25	10	1,100
Inspect 100 businesses per year considered potential impact. Inspect and regulate by permit 2-3 significant industrial users.	FY 24/25	300	27,500
Enforcement Response of wastewater compliance, estimating 10 cases of enforcement/year	FY 24/25	30	3,750
Plan reviews for new construction pertaining to environmental compliance	As needed	20	2,200
		Total	**$34,550**
Solid Waste and Recycling Compliance	Timeline	Estimated Hours	Estimated Cost
Ensure the requirements and record keeping of organic material and recycling are met in accordance with SB1383, AB341, and SB1826	FY 24/25	200	22,000
Enforcement response: serve notices of violation to noncompliant businesses	FY 24/25	40	5,000
Submit Electronic Annual Report (EAR) to CalRecycle	Due Aug 1st	40	5,000
		Total	**$32,000**
MS4 NPDES Permit Compliance FY 2024/25	Timeline	Estimated Hours	Estimated Cost
E.6 Program Management: Implement the enforcement response plan for stormwater violations, estimating 10 cases of enforcement/year.	FY 24/25	20	2,500
E.7 Education and Outreach: oversee school outreach conducted by CWC, Property Managers outreach, and outreach to businesses adjacent to the creeks.	FY 24/25	36	4,500
E.8 Public Involvement and Participation. Trash TMDL and CBSM may have a heavier aspect this FY.	FY 24/25	40	5,000
E.9 Illicit Discharge Elimination (E.9b inventory and inspections included above in Environmental Compliance.	FY 24/25	25	3,125
E.9c Field Sampling to detect illicit discharges	Annually	20	2,500
E.11 Pollution prevention/good housekeeping inspection	Quarterly	20	2,500
E.12 Maintain a spreadsheet of all Regulated Projects (public and private projects that create or replace 5,000 square ft or more of impervious surface) that have installed treatment systems. Annually contact responsible party re maintenance and follow up as necessary to ensure full compliance	FY 24/25	55	6,875

E.14 Program Effectiveness Assessment and Implementation: Include the BMP effectiveness assessment and trash capture implementation and reporting	FY 24/25	45	5,625
E.15 Total Maximum Daily Load (TMDL) reporting requirements	FY 24/25	20	2,500
Annual Reporting: Answer SMARTS questions (10), generate and provide backup documents where required (10), ensure that paper files are Audit ready, an ongoing task (20).	Due 10/16/24	40	5,000
		Total	**$40,125**
Tracking, reporting, client requests, and administration	FY 24/25	4%	4,267
		Total	**$110,942**

Assurances: EI services are done with Professional and General Liability insurance up to 2,000,000. Workers' Compensation and automobile insurances of up to $1,000,000. Although EI maintains the extensive insurances often required by government and institutional clients, EI has never been involved in any lawsuit or litigation for any of its work. EI will provide a Certificate of Insurance, naming the City of Scotts Valley as additional insured upon request.

Rates: It is expected that this project will be completed by the Senior Scientist and Compliance Inspector.

Hourly Rate Sheet

Senior Scientist / Program Manager	**$125**
Compliance Inspector	**$110**

References

EI delivers programs successfully within the budget and schedule indicated on the contract. Following is a table detailing most recent and relative clients. Any client may be contacted for references for verifying the quality of work provided.

Project Name	Client/Contact	Description of Work Performed
Compliance Management, Outreach and SB1383 Organics Recycling Program Implementation	City of Capitola Jessica Kahn Public Works Director jkahn@ci.capitola.ca.us	Worked with waste hauler to ensure that all business and residential waste accounts are compliant with the latest organic material recycling laws
Single-use Plastics and Foodware Ordinance Technical Assistance and Outreach	City of Seaside Beth Rocha 831-899-6728 BRocha@ci.seaside.ca.us	Foodware Ordinance Technical Assistance and Outreach - Created “Turn the Tide on Plastic” campaign and outreach materials, direct technical assistance and outreach to 150 businesses and food facilities, emphasis on switching to reusables. Partnered with ReThink Disposable.
Outreach & Engagement Services for San Mateo County: Foodware Aware and Edible Food Recovery Programs	County of San Mateo Chris Slafter, Senior Sustainability Specialist cslafter@smcgov.org	Performed detailed Scopes of Work for Custodial and Landscaping Services to ensure sustainable operations. Assisted with STARs reporting for recognition and stormwater compliance. Drafted a Materials Management and Conservation Plan to reach required diversion goals.
Disposable Foodware & Waste Reduction Program Implementation	City of Watsonville Cristy Cassel 831-768-3166 cristy.cassel@cityofwatsonville.org	Assess impact of the City of Watsonville’s Disposable FoodWare & Waste Reduction Ordinance, provide technical assistance and resources and connect businesses with Plastic Free Restaurant rebates.

Resumes

Josephine (Jo) Fleming

Executive Director, California Green Business Network President, Environmental Innovations

Jo has 30 years experience in the environmental realm in a wide breadth of scientific research, environmental remediation, commercial/industrial pollution prevention, environmental outcome data and community-based social marketing programs to address some of the most pressing environmental problems of our time. Jo was integral to establishing over twenty regional Green Business Programs, a statewide Green Business Network, a groundbreaking fryer to fuel program, and one of the first comprehensive pharmacy collections of used sharps and unwanted medicine waste for safe disposal. She has been involved in implementation of municipal foodware ordinances, organic recycling and edible food recovery, and stormwater and wastewater compliance. Jo enjoys designing methods to measure success before implementing programs and has environmental outcome data for every project. She has a Bachelor of Science in Environmental Science and a Minor in Spanish. She has helped green hundreds of businesses, and serves as the Executive Director of the California Green Business Network and is the founder of Environmental Innovations, Inc.. Jo led the company to grow ethically as a certified B Corp, attracting and retaining top talent and a diverse team.

Julianne Rhodes

Senior Scientist and Senior Program Manager

Julianne has worked in both the public and private sectors developing specifications for on-site regulatory compliance of projects involving the assessment and removal of hazardous materials from 1987 to 1996. She gained extensive project, personnel, technology and contract management experience during her 12 years as engineering manager at Cruzio.com and subsequently earned a Masters in Applied Marine and Watershed Science at CSU Monterey Bay. Her focus on water quality and conservation efforts has led to projects working for the Monterey Peninsula Water Management District, Ventana Wilderness Alliance, Coastal Watershed Council, Farmers for Water Quality, the Watershed Institute at CSUMB, the Greater Monterey Integrated Regional Water Management Group, City of Scotts Valley, and the City of Salinas. She has developed Storm Water Pollution Prevention Plans (SWPPPs) for both the municipal and industrial NPDES permit program.

Claudia Villalta-Mejia

Bilingual Sustainability Consultant

Claudia Villalta-Mejia comes to EI with experience in both corporate and university campus sustainability programs. Claudia graduated with honors from California State University, Long Beach and majored in Film and Electronic Arts, with a minor in Environmental Science and Policy. She pioneered sustainability initiatives in student films, which at the time was a new topic for many student filmmakers. She spent nearly 4 years working on corporate sustainability programs including eliminating single use-plastics, implementing programs for television shows and feature films, and strategizing carbon mitigation. As a Santa Cruz County local who was raised to value and appreciate the people, animals and habitat around her, Claudia is thrilled to reconnect and give back to her community.

Steve Hildebrand

Compliance Inspector

Steven has worked in the environmental field in both the public and private sector for more than 30 years. In the private sector, he has worked on hazardous waste site cleanup, remediation, and monitoring as well as Phase 1 site

assessments and Storm Water Pollution Prevention Plans (SWPPPs). In the public sector, Steven worked for the City of Santa Cruz and currently works for the City of San Jose as an Environmental Inspector. In these roles he is or has been responsible for Illicit Discharge Detection and Elimination (IDDE), Sanitary Sewer Overflow (SSO), Fats Oils and Grease (FOG), and stormwater inspections.

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: 8/7/2024

TO: Honorable Mayor and City Council

FROM: Rodolfo Onchi, Public Works Director

APPROVED: Mali LaGoe, City Manager

SUBJECT: **Lot Line Adjustment Between APN 024-182-04 (317 Sherman Drive), and APN 024-182-05 (411 Sherman Drive)**

SUMMARY OF ISSUE

A Lot Line Adjustment application was submitted for APN 024-182-04 (317 Sherman Drive), and APN 24-182-05 (411 Sherman Drive). The adjustment transfers 784 square feet from APN 024-182-05 to APN 024-182-04, resulting in an increase of square footage for APN 024-182-04. The lot line adjustment will enable the grantee to increase the size of their existing lot.

As required by State law, the adjusted parcels comply with the applicable zoning regulations.

FISCAL IMPACT

There is no fiscal impact on the General Fund. Approximately $2,100.00 was collected from the applicant to cover the intake process and applicable City costs for the Planning and Public Works Department.

STAFF RECOMMENDATION

It is recommended City Council approve Resolution No. 2048 approving the Lot Line Adjustments between APN 024-182-04 (317 Sherman Drive), and APN 24-182-05 (411 Sherman Drive).

TABLE OF CONTENTS

WHEN RECORDED RETURN TO:

City of Scotts Valley
One Civic Center
Drive Scotts Valley,
CA 95066 (831) 438-
5854

NOTICE OF APPROVAL OF LOT LINE ADJUSTMENT
(OWNER INITIATED)

PUBLIC WORKS DEPARTMENT
One Civic Center Drive Scotts Valley, California 95066
Phone 831.438.5854 Facsimile 831.439.9748

This is to certify that the undersigned, as the authorized officials of the City of Scotts Valley, have approved the lot line adjustment between those two certain contiguous parcels of real property described herein below as follows:

1. That certain portion of real property as described in Exhibit "A" is hereby disjoined and detached from that certain parcel of real property (of which it is currently a part) described in Exhibit "B" and shall be merged with and become a part of that certain parcel of real property described more particularly in Exhibit "C". All exhibits being hereto attached and incorporated herein by reference.
2. The name(s) of the record owner(s) of said parcels is as follows:

GRANTOR
Name: John A. Andrich, Trustee of the Trust of John A. Aldrich U/A/D 4/1/2020

GRANTEE
Name: Creighton Mendivil and Jill Glassman, husband and wife as community property with right of survivorship

3. This notice shall be recorded at the office of the Santa Cruz County Recorder's Office, together with that certain Grant Deed, dated ________________________________, 2024, whereby that certain portion of real property described in the attached exhibits are conveyed from the grantor(s) to the grantee(s) therein specified.
4. This approval is based on the application of the aforesaid record owners for a lot line adjustment and the supporting documentation presented by them. This approval is given in accordance with the provisions of California Government Code Section 66412(d) and Resolution no. 1214 of City of Scotts Valley.
5. The lot line adjustment approved herein shall not be effective until all documents have been recorded at the office of the Santa Cruz County Recorder, as required herein.

Date:

____

Rodolfo Onchi
Public Works Director/City Engineer

____

Taylor Bateman
Community Development Director

On _______________________ , 2024 before me, the undersigned, City Clerk for the City of Scotts Valley, in the County of Santa Cruz, State of California, personally appeared Rodolfo Onchi and Taylor Bateman, known to me to be the Public Works Director/City Engineer and the Planning Director of the City of Scotts Valley, the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

____

Cathie Simonovich, City Clerk
City of Scotts Valley

LLA23-001

Exhibit "A"

LICENSED LAND SURVEYOR
OLIN S. EDMUNDSON
No. 8307
STATE OF CALIFORNIA

APN 024-182-04 (317 Sherman Dr.)
APN 024-182-05 (411 Sherman Dr.)
April 29, 2024

OLIN S. EDMUNDSON   PLS 8307

LOT LINE ADJUSTMENT

ANDRICH TO MENDIVIL & GLASSMAN

SITUATE in the City of Scotts Valley, County of Santa Cruz, State of California and being a portion of the lands described in the Quitclaim Deed to *John A. Andrich, Trustee of the Trust of John A. Andrich U/A/D 4/1/2020* recorded on July 28, 2020 as Document Number 2020-0028049, Official Records of Santa Cruz County; said lands are a portion of Lot 7 as shown on that certain map entitled *"Tract No. 169, Santa Hacienda Woods"* filed in book 34 of Maps, at page 6, Santa Cruz County Records, being more particularly described as follows;

BEGINNING at the most Westerly corner of said above mentioned lands of Andrich on the Northeasterly line of Sherman Drive from which an old ¾ inch pipe at an angle point on the Northerly line of Sherman Drive bears S71°05'00"E, 252.58 feet distant. Thence from said POINT OF BEGINNING, the following courses:

1) Leaving Sherman Drive, along the Northwesterly line of Andrich, NORTH 46°38'23" EAST, 85.73 feet to a point;
2) Leaving said lands of Andrich, SOUTH, 14.49 feet to a point;
3) SOUTH 46°38'23" WEST, 53.95 feet to a point;
4) SOUTH 72°24'05" WEST, 24.24 feet to the POINT OF BEGINNING.

Note: Basis of Bearings based on monuments found at Point 'A' and Point 'B' NORTH 41°46'59" WEST, 464.89' (See Page 2)

Enclosing an area of 736 square feet, more or less.
Based on a field survey by Edmundson & Associates Land Survey Job#22071

Exhibit "B"

RECORDING REQUESTED BY
AND MAIL TO:
JOHN A. ANDRICH
411 Sherman Drive
Scotts Valley, CA 95066

2020-0028049 07/28/2020 09:17:22 AM
OFFICIAL RECORDS OF Santa Cruz County
Sean Saldavia Recorder
RECORDING FEE: $23.00
COUNTY TAX: $0.00
CITY TAX: $0.00
DEED
3 PGS
RCD174

APN: 024-182-05 **QUITCLAIM DEED**

Documentary Transfer Tax: 0
Exemption(R&T Code): 11930
Explanation: Transfer into revocable living trust.

This document is exempt from the $75 fee per California Government Code Section 27388.1 because:

- ☒ Document is a transfer of real property that is a residential dwelling to an owner-occupier

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

JOHN A. ANDRICH, a widower

HEREBY GRANT(S) to

JOHN A. ANDRICH, Trustee of the Trust of John A. Aldrich U/A/D 4/1/2020

the real property in the County of Santa Cruz, State of California,; described as;

See Attached Exhibit A.

Dated: 4/1/2020

JOHN A. ANDRICH

Mail Tax Statements as directed above.

ACKNOWLEDGMENT OF NOTARY PUBLIC

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF SANTA CRUZ

On 4/1/2020 before me, LORIE LEIGH ROBERTSON, NOTARY PUBLIC personally appeared JOHN A. ANDRICH who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

LORIE LEIGH ROBERTSON
COMM. # 2148108
NOTARY PUBLIC - CALIFORNIA
SANTA CRUZ COUNTY
MY COMM. EXP. APR. 1, 2020

Signature ______________________

LORIE LEIGH ROBERTSON, NOTARY PUBLIC

Exhibit A

APN: 024-182-05

Address: 411 Sherman Drive, Scotts Valley, CA 95066

SITUATE in the city of Scotts Valley, county of Santa Cruz, State of California and described as follows:

Being a part of Lot 7 in Block 3 as shown upon the map entitled "Tract No. 169, Santa Hacienda Woods, being a part of the San Augustine Rancho, Santa Cruz County, California", filed for record in the office of the County Recorder November 7, 1957 in Map Book 34, Page 6, Santa Cruz County Records, described as follows to wit:

> Beginning at the common corner of Lot 7 and 6 on the Northeasterly line of Sherman Drive as shown on the above mentioned Map; thence along the Northeasterly line of said drive, North 71° 05' West 169.60 feet to a 3/4 inch iron pipe; thence leaving said drive, northeasterly in a straight line 270 feet, more or less, to the common corner of Lots 7 and 6; thence Southwesterly along the Southeasterly line of Lot 7, south 32° 23' West 168.88 feet; thence south 28° 27' East, 111.79 feet to the point of beginning.

Exhibit "C"

2022-0016341 5/25/2022 1:13 PM
OFFICIAL RECORDS OF Santa Cruz County
Sean Saldavia Recorder
RECORDING FEE: $30.00
COUNTY TAX: $1,080.75
CITY TAX: $1,080.75
1017 ER FIRST AMERICAN TIT DEED
Electronically Recorded 3 PGS
RCD160

RECORDING REQUESTED BY
First America Title Company

WHEN RECORDED MAIL TO:
Creighton Mendivil + Jill Glassman
317 Sherman Dr
Scotts Valley Ca 95066

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

Grant Deed

DOCUMENTARY TRANSFER TAX $ 2,161.50

X COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR

☐ COMPUTED ON FULL VALUE LESS LIENS & ENCUMBRANCES REMAINING AT TIME OF SALE

☐ EXEMPT FROM DOCUMENTARY TRANSFER TAX PURSUANT TO:

X M. Macdonald

Signature of declarant or agent determining tax

Pursuant to Senate Bill 2 – Building Homes and Jobs Act (GC Code Section 27388.1), effective January 1, 2018, a fee of seventy-five dollars ($75.00) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, except those expressly exempted from payment of recording fees, per each single transaction per parcel of real property. The fee imposed by this section shall not exceed two hundred twenty-five dollars ($225.00).

X Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

☐ Exempt from fee per GC 27388.1 (a)(2); Transfer of Real Property that is a residential dwelling to an owner-occupier.

☐ Exempt from fee per GC 27388.1 (a)(2); recorded concurrently "in connection with" a transfer subject to the imposition of documentary transfer tax (DTT).

☐ Exempt from fee per GC 27388.1 (a)(2); recorded concurrently "in connection with" a transfer of real property that is a residential dwelling to an owner-occupier.

☐ Exempt from fee per GC 27388.1 (a) (1); fee cap of $225.00 reached.

☐ Exempt from the fee per GC 27388.1 (a) (1); not related to real property.

MAIL TAX STATEMENTS TO THE RETURN ADDRESS NOTED ABOVE

RECORDING REQUESTED BY:
First American Title Company

MAIL TAX STATEMENT
AND WHEN RECORDED MAIL DOCUMENT TO:
Creighton Mendivil and Jill Glassman
317 Sherman Dr.
Scotts Valley, CA 95066

Space Above This Line for Recorder's Use Only

A.P.N.: 024-182-04 File No.: 4402-6815904 (BK)

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX $**2,161.50**; CITY TRANSFER TAX $;
SURVEY MONUMENT FEE $

[x] computed on the consideration or full value of property conveyed, OR
[ ] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
[ ] unincorporated area; [x] City of **Scotts Valley**, and

EXEMPT FROM BUILDING HOMES AND JOBS ACTS FEE PER GOVERNMENT CODE 27388.1(a)(2)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **JAMES BRUCE AND LOUISE MARY BRUCE, TRUSTEES OF THE BRUCE FAMILY TRUST DATED JANUARY 24, 2019**

hereby GRANTS to **Creighton Mendivil and Jill Glassman, husband and wife as community property with right of survivorship**

the following described property in the City of **Scotts Valley**, County of **Santa Cruz**, State of **California**:

BEING A PART OF LOT 7 IN BLOCK 3 AS SHOWN UPON THE MAP ENTITLED, "TRACT NO. 169, SANTA HACIENDA WOODS, BEING A PART OF THE SAN AGUSTINE RANCHO, SANTA CRUZ COUNTY, CALIFORNIA", FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER NOVEMBER 7, 1957 IN MAP BOOK 34, PAGE 6, SANTA CRUZ COUNTY RECORDS, DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT THE COMMON CORNER OF LOTS 7 AND 8, IN BLOCK 3, ON THE NORTHEASTERLY LINE OF SHERMAN DRIVE AS SHOWN ON THE ABOVE MENTIONED MAP; THENCE ALONG SAID DRIVE, SOUTH 32° 32' EAST 69.97 FEET TO A ¾ INCH IRON PIPE; THENCE CURVING TO THE LEFT THROUGH AN ANGLE OF 38° 33' HAVING A RADIUS OF 50 FEET, A DISTANCE OF 33.64 FEET; THENCE LEAVING SAID DRIVE, NORTHEASTERLY IN A STRAIGHT LINE 270 FEET, MORE OR LESS, TO THE COMMON CORNER OF LOT 6 AND 7; THENCE NORTH 38° 57' WEST 47.0 FEET TO THE COMMON CORNER OF LOTS 7, 9 AND 10; THENCE ALONG THE NORTHWESTERLY BOUNDARY OF LOT 7, SOUTH 58° 17' WEST 272.25 FEET TO THE PLACE OF BEGINNING.

Mail Tax Statements To: **SAME AS ABOVE**

Grant Deed - continued

Date: **05/23/2022**

A.P.N.: 024-182-04

File No.: 4402-6815904 (BK)

Dated: May 23, 2022

James Bruce and Louise Mary Bruce, Trustees of the Bruce Family Trust Dated January 24 2019

James Bruce, Trustee

Louise Mary Bruce, Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)SS

COUNTY OF SANTA CRUZ)

On 5-23-2022 before me, WILLIAM J. BREDL, Notary Public, personally appeared JAMES BRUCE AND LOUISE MARY BRUCE

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

This area for official notarial seal.

Notary Signature

WILLIAM J. BREDL
COMM. # 2307630
NOTARY PUBLIC - CALIFORNIA
SANTA CRUZ COUNTY
COMM. EXPIRES OCT. 29, 2023

RESOLUTION NO. 2048

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY APPROVING LOT LINE ADJUSTMENT BETWEEN TWO CERTAIN CONTIGUOUS PARCELS OF REAL PROPERTY SITUATED AT APN 024-182-04 (317 SHERMAN DRIVE), AND APN 024-182-05 (411 SHERMAN DRIVE)

WHEREAS, an application has been filed by the property owner of APN 024-182-04 and 024-182-05 requesting approval of a Lot Line Adjustment in accordance with the provisions of the California Subdivision Map Act and the City of Scotts Valley Municipal Code; and

WHEREAS, the owner desires to adjust the lot lines between those parcels to more appropriately site the structures on the parcels; and

WHEREAS, the resulting lots conform to the City's General Plan, zoning, and building ordinances.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.

2. The City Council hereby determines that the Project is exempt from the requirements of CEQA pursuant to Section 15332 of the CEQA Guidelines (Categorical Exemptions; Class 32), which exempts in-fill development projects Section 3.

3. Each of the proposed lots meets all the requirements of the General Plan and building and zoning ordinances

The above and foregoing resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a regular meeting held on the 7th day of August, 2024 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Approved: ______________________________

Randy Johnson, Mayor

Attest: ______________________________
Cathie Simonovich, City

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: 8/7/2024

TO: Honorable Mayor and City Council

FROM: Rodolfo Onchi, Public Works Director

APPROVED: Mali LaGoe, City Manager

SUBJECT: **Lot Line Adjustment Between APN 021-132-06 (235 Twin Pines Drive), and APN 021-132-07 (255 Twin Pines Drive)**

SUMMARY OF ISSUE

A Lot Line Adjustment application was submitted for APN 021-132-06 (235 Twin Pines Drive), and APN 021-132-07 (255 Twin Pines Drive). The adjustment transfers approximately 3579 square feet from APN 021-132-07 to APN 021-132-06, increasing the square footage for APN 021-132-06. The lot line adjustment will enable the grantee to increase the size of their existing lot.

As required by State law, the adjusted parcels comply with the applicable zoning regulations.

FISCAL IMPACT

There is no fiscal impact on the General Fund. Approximately $2,100.00 was collected from the applicant to cover the intake process and applicable City costs for the Planning and Public Works Department.

STAFF RECOMMENDATION

It is recommended City Council approve Resolution No. 2049 approving the Lot Line Adjustments between APN 021-132-06 (235 Twin Pines Drive), and APN 021-132-07 (255 Twin Pines Drive).

TABLE OF CONTENTS

WHEN RECORDED RETURN TO:

City of Scotts Valley
One Civic Center
Drive Scotts Valley,
CA 95066 (831) 438-
5854

NOTICE OF APPROVAL OF LOT LINE ADJUSTMENT
(OWNER INITIATED)

PUBLIC WORKS DEPARTMENT

One Civic Center Drive Scotts Valley, California 95066
Phone 831.438.5854 Facsimile 831.439.9748

This is to certify that the undersigned, as the authorized officials of the City of Scotts Valley, have approved the lot line adjustment between those two certain contiguous parcels of real property described herein below as follows:

1. That certain portion of real property as described in Exhibit "A" is hereby disjoined and detached from that certain parcel of real property (of which it is currently a part) described in Exhibit "B" and shall be merged with and become a part of that certain parcel of real property described more particularly in Exhibit "C". All exhibits being hereto attached and incorporated herein by reference.
2. The name(s) of the record owner(s) of said parcels is as follows:

GRANTOR
Name: Karen A. Perry, undivided 50% interest, and
Joseph J. Perry, undivided 50% interest

GRANTEE
Name: Joesph J. Perry and Karen A. Perry, his wife.

3. This notice shall be recorded at the office of the Santa Cruz County Recorder's Office, together with that certain Grant Deed, dated May 30, 2024, whereby that certain portion of real property described in the attached exhibits are conveyed from the grantor(s) to the grantee(s) therein specified.
4. This approval is based on the application of the aforesaid record owners for a lot line adjustment and the supporting documentation presented by them. This approval is given in accordance with the provisions of California Government Code Section 66412(d) and Resolution no. 1214 of City of Scotts Valley.
5. The lot line adjustment approved herein shall not be effective until all documents have been recorded at the office of the Santa Cruz County Recorder, as required herein.

Date:

____

Rodolfo Onchi
Public Works Director/City Engineer

____

Taylor Bateman
Community Development Director

On ______________________ , 2024 before me, the undersigned, City Clerk for the City of Scotts Valley, in the County of Santa Cruz, State of California, personally appeared Rodolfo Onchi and Taylor Bateman, known to me to be the Public Works Director/City Engineer and the Planning Director of the City of Scotts Valley, the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

____

Cathie Simonovich, City Clerk
City of Scotts Valley

LLA23-001

EXHIBIT A

TRANSFER AREA

SITUATE in the Rancho San Augustin, City of Scotts Valley, County of Santa Cruz, State of California.

Being a portion of the lands granted to Karen A. Perry, as her sole and separate property, an undivided 50% interest, and Joseph J. Perry, as his sole and separate property an undivided 50% interest, by grant deed recorded June 25, 2019, at Document Number 2019-0017425, Official Records of Santa Cruz County, and described as follows:

Being a portion of Lot 12, as the same is shown on that certain map entitled, “Tract No. 418, Manzanita Knolls”, filed for record in the office of the County Recorder of Santa Cruz County on August 12, 1964, in Map Book 42, at Page 9, Santa Cruz County Records, more particularly described as follows:

COMMECING at a 1/2” iron pipe tagged “LS 2678” at the Southeast corner of said Lot 12; thence North 11°52’00” East, along the Easterly line of said Lot 12, a distance of 28.32 feet; thence North 01°49’00” West, continuing along the Easterly line of said Lot 12, a distance of 63.10 feet to the **POINT OF BEGINNING**, from which a 1-1/2” iron pipe tagged “LS 2678” at the Northeast corner of Lot 13 bears North 01°49’00” West, a distance of 128.74 feet.

thence North 80°20’53” West, departing said Easterly line of Lot 12, a distance of 131.87 feet to the Easterly right-of-way of Twin Pines Drive, same being a point on a curve to the left having a radius of 175.00 feet; thence Northerly along said curve from a tangent line bearing North 11°42’49” East, through a central angle of 9°21’17”, a distance of 28.57 feet to the Northerly line of said Lot 12; thence South 79°36’00” East, departing said Easterly right-of-way line and along said Northerly line of Lot 12, a distance of 127.74 feet to the Easterly line of said Lot 12; thence South 01°49’00” East, along said Easterly line of Lot 12, a distance of 27.39 feet to the **POINT OF BEGINNINING.** and

CONTAINING 3,579 square feet, more or less.

See EXHIBIT A, attached hereto, and by this reference made a part hereof.

END OF DESCRIPTION.

Vernon C. Little, PLS
GV Land Surveying

GV Land Surveying

4113 Scotts Valley Drive, Suite 102
Scotts Valley, CA 95066
gvlandsurveying.com

JOB NO.	V24027		
SHEET NO.	1	OF	1
CALCULATED BY	VCL	DATE	04/23/24
SCALE:	1"=30'		

EXHIBIT A

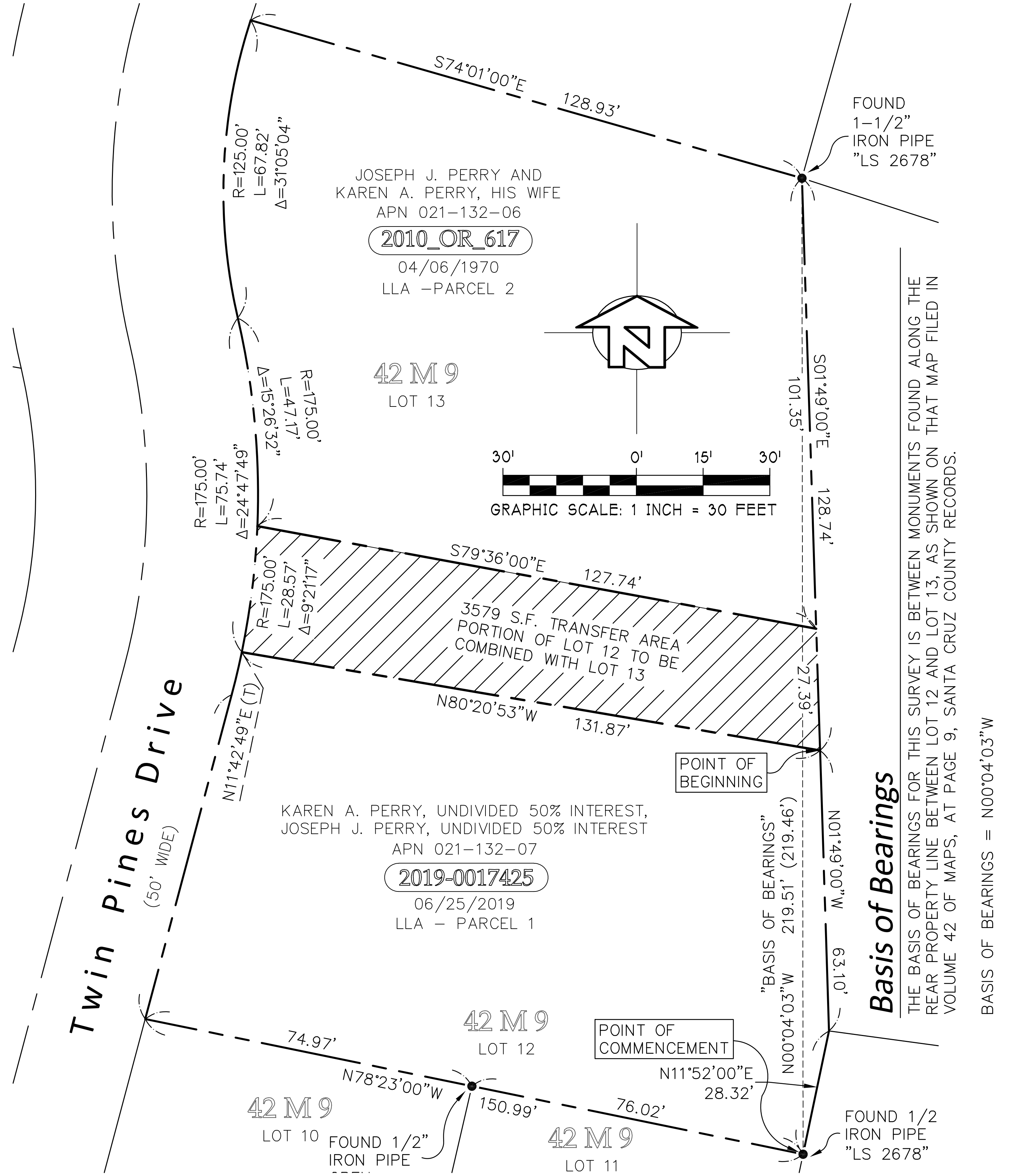


EXHIBIT B

RECORDING REQUESTED BY:
William P. George, Esq.
HALES & GEORGE

AND WHEN RECORDED MAIL TO:

William P. George, Esq.
HALES & GEORGE
19040 COX AVENUE, SUITE 3
SARATOGA, CA 95070

2019-0017425 06/25/2019 01:46:12 PM
OFFICIAL RECORDS OF Santa Cruz County
Sean Saldavia Recorder
RECORDING FEE: $92.00
COUNTY TAX: $0.00
CITY TAX: $0.00
DEED
2 PGS
RCD152

SPACE ABOVE THIS LINE FOR RECORDER'S USE

REF: 255 Twin Pines Drive, Scotts Valley, CA 95066 APN: 021-132-07

GRANT DEED

The undersigned Grantor declares under penalty of perjury that the following is true and correct:
THERE IS NO CONSIDERATION FOR THIS TRANSFER. Documentary transfer tax is **$ -0- Realty not sold**
[ ] computed on full value of property conveyed, or
[ ] computed on full value less value of liens and encumbrances remaining at time of sale.
[ ] Unincorporated area: and
[x] Other: INHERITANCE - Distribution of Trust Estate/DEATH RT&C 11930

Karen A. Perry, Trustee
declarant or agent determining tax

GRANTOR: **KAREN A. PERRY AS TRUSTEE OF THE ELANA M. ANDERSEN LIVING TRUST DATED DECEMBER 29, 1976,**

hereby GRANTS to: **KAREN A. PERRY, as her sole and separate property, an undivided 50% interest, and**

JOSEPH J. PERRY, as his sole and separate property, an undivided 50% interest,

in and to the following described real property in the County of Santa Cruz, State of California:

BEING Lot 12, as the same is shown upon that certain map entitled, "Tract No. 418, Manzanita Knolls, being a part of the Rancho San Augustine, Santa Cruz County, California", filed for record in the office of the County Recorder of Santa Cruz County on August 12, 1964 in Map Book 42, at Page 9, Santa Cruz County Records.

The Elana M. Andersen Living Trust dated Dec 29, 1976

Dated: June 10, 2019

Karen A. Perry, Trustee
KAREN A. PERRY, Trustee

Mail Tax Statements to: Karen A. Perry, 235 Twin Pines Drive, Scotts Valley, CA 95066

EXHBIT B

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF SANTA CLARA)

On June 10, 2019 before me, WILLIAM P. GEORGE, Notary Public, personally appeared KAREN A. PERRY who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

WILLIAM P. GEORGE
COMM. # 2229868
NOTARY PUBLIC - CALIFORNIA
SANTA CLARA COUNTY
COMM. EXPIRES FEB. 26, 2022
MGC1

(Signature) (Seal)

Mail Tax Statements to: Karen A. Perry, 235 Twin Pines Drive, Scotts Valley, CA 95066

EXHIBIT C

TAX DUE $

BOOK 2010 PAGE 617

GRANT DEED (JOINT TENANCY)

8317

Recorded at the request of

Return to

Mr. and Mrs. Joseph J. Perry

620 26 th Avenue

Santa Cruz, California 95060

0083317

BOOK 2010 PAGE 617

OFFICIAL RECORDS
SANTA CRUZ COUNTY
TOM M. KELLEY
RECORDER

APR 6 10 43 AM '70

RECORDED AT REQUEST OF

SANTA CRUZ LAND TITLE CO.

COMPARED

By cb & [illegible]

Documentary Transfer Tax $ 2.80
☑ Computed on full value.
☐ Computed on full value less liens.
Santa Cruz Land Title Co., Agent
By [signature]

112442-DM S.C.

For value received MANFORD L. SAMUELSEN and PATRICIA W. SAMUELSEN, his wife

GRANT ______ to JOSEPH J. PERRY and KAREN A. PERRY, his wife

as JOINT TENANTS all that real property situate in the

County of Santa Cruz, State of California, described as follows:

BEING Lot 13, as the same is shown and designated on that certain map entitled, "Tract No. 418, Manzanita Knolls, being a part of the Rancho San Augustine Santa Cruz County, California," filed for record in the office of the County Recorder on August 12, 1964, in Map Book 42, Page 9, Santa Cruz County Records.

SC-6-70-5587-000218 • 6 **0,008.80

Assessor's Parcel No.: 67-032-6

X [signature]
Manford L. Samuelsen

Dated March 13, 1970

[signature]
Patricia W. Samuelsen

STATE OF ~~CALIFORNIA~~ Oregon
County of Lane } ss.

On March 28th, 19 70 before me, the undersigned, a Notary Public in and for said Lane County and State, personally appeared Manford L. Samuelsen and Patricia W. Samuelsen known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

My commission expires March 3, 1973

[signature]
Notary Public

Mail Tax Statements to:
Name Grantee Address as noted above Zip

Form 23—2M-2-69

RESOLUTION NO. 2049

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY APPROVING LOT LINE ADJUSTMENT BETWEEN TWO CERTAIN CONTIGUOUS PARCELS OF REAL PROPERTY SITUATED AT APN 021-132-06 (235 TWIN PINES DRIVE) AND APN 021-132-07 (255 TWIN PINES DRIVE)

WHEREAS, an application has been filed by the property owner of APN 021-132-06 and 021-132-07 requesting approval of a Lot Line Adjustment in accordance with the provisions of the California Subdivision Map Act and the City of Scotts Valley Municipal Code; and

WHEREAS, the owner desires to adjust the lot lines between those parcels to more appropriately site the structures on the parcels; and

WHEREAS, the resulting lots conform to the City’s General Plan, zoning, and building ordinances.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.

2. The City Council hereby determines that the Project is exempt from the requirements of CEQA pursuant to Section 15332 of the CEQA Guidelines (Categorical Exemptions; Class 32), which exempts in-fill development projects Section 3.

3. Each of the proposed lots meets all the requirements of the General Plan and building and zoning ordinances

The above and foregoing resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a regular meeting held on the 7th day of August, 2024 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Approved: ______________________________
Randy Johnson, Mayor

Attest: ______________________________

Cathie Simonovich, City

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: 8/7/2024

TO: Honorable Mayor and City Council

FROM: Mali LaGoe, City Manager

APPROVED: Mali LaGoe, City Manager

SUBJECT: **Resolution 2047.2 calling a Municipal Election for November 5, 2024, requesting that the County consolidate the election with the General Election and submitting to the qualified electors of the City of Scotts Valley a measure to modernize the Business License Tax**

SUMMARY OF ISSUE

Like many California and Bay Area communities, the economic fallout from the COVID-19 pandemic has exacerbated the challenge to fund the City of Scotts Valley's critical community services. Without increased revenue, deep budget reductions will be required starting in FY 25/26. These reductions would further degrade services prioritized by the community, including street repairs, park maintenance, wildfire preparedness and public safety.

Although Scotts Valley is not alone in facing financial challenges, our situation is unique. Historical circumstances related to property tax apportionment and redevelopment were addressed by a decade of cutting city services and deferring maintenance. Now, catching up is going to cost the City more than the revenue generated by Measure Z in 2020. The City is on a path of modernization and renewal, but there's a long road ahead to bring back our streets, parks and services to a level that our community and our staff can be proud of. Our team at the City is up to this task, but the community will need to meet us with a willingness to fund this important work for current and future generations.

To address the ongoing fiscal gap, the City has considered several options. Ultimately, modernizing the City's business license tax was prioritized because when it was originally implemented in 1992, no inflation adjustment was included. This means that businesses are paying the same dollar amount as they were 32 years ago, while business revenues and the cost to deliver City services have increased. The Consumer Price Index from 1992 to 2024 would suggest an increase of 250% would be required to adjust to today's dollars.

The City Council provided direction at its June 12, 2024 meeting for staff to develop a resolution and ordinance for consideration in placing a tiered-rate, gross receipts-based business license tax (BLT) measure on the November 2024 General Election ballot. The proposed BLT structures considered by the Council were based on independent analysis conducted by the City’s financial consultant, Baker Tilly, as well as community meetings with businesses and the Scotts Valley Chamber of Commerce to inform potential models for consideration.

City staff has conducted continued engagement with the business community after Council's direction and in preparation of the proposed ordinance. The common themes of this additional engagement include:

- A tiered rate structure is fair to businesses of all sizes, with small businesses paying a lower rate than large businesses;
- The City needs to update its BLT ordinance which has not been updated for over 30 years;
- Businesses want to ensure that critical city services are continued and funded by the variety of tax and fee revenues that the City collects; and
- The BLT model should consider the impact of a tiered structure on the largest businesses that generate well in excess of the $5 million + tier and consider a cap on taxable gross receipts.

Staff directed Baker Tilley to conduct further research in cities with large technology-based businesses with recently modernized business license taxes, or modernized tax measures being placed on the November 2024 ballot. Results of that research showed that Los Gatos (2022) has a gross receipts model with no max, Palo Alto (2022) has a square-foot-based model with a $500,000 max tax and Santa Clara has an employee-based tax with a max tax of $350,000. Foster City and Redwood City are both proposing tax measures for November, both with a maximum tax of $250,000 while Belmont is proposing a gross receipts based tax with no maximum tax. The table below summarizes these examples:

City	Last Update	Model Type	Applicable Rate	Min Tax	Max Tax
Los Gatos	2022	Gross Receipts	Tiered rate structure that increases from $330 for gross receipts less than $200,000 to $10,462 plus $165 for each $550,000 in excess of $12 million	$330	none
Palo Alto	2022	Square Footage	$0.90 per square foot	N/A	$500,000
Santa Clara	2022	Employee	$45 per employee	$450	$350,000
Foster City (proposed 2024)	2013	Gross Receipts	$0.75 - $3 per $1000	$100/ $200	$250,000
Belmont (proposed 2024)	1990	Gross Receipts	$.40 - $1 per $1000 and $100 per $1000 for cannabis activities	$25	none
Redwood City (proposed 2024)	2011	Employee	$10 - $250/employee depending on business category	$90	$250,000
Scotts Valley (Proposed 2024)	1992	Gross Receipts	$.50 -$1.80 per $1000 and $5 per $1000 for self-storage facilities	$150	$87,350*

* Based on a max of $50 million taxable gross receipts

Based on input from the business community and comparative research conducted above, staff recommends that the BLT model be modified from what the Council considered in June in two ways: First, adding a cap of $50 million of taxable gross receipts that is adjusted by CPI annually after the second year; and second, implementing a two-year phase-in, with a 50% rate effective May 1, 2025 and a 100% rate effective March 1, 2026 for any business owing an increased license tax amount. Staff believes that this approach brings the proposed tax structure inline with other comparable communities, therefore addressing potential concerns of the larger businesses in Scotts Valley.

The proposed structure as outlined in the revised ordinance is summarized below. It raises the minimum tax from $90 to $150. It also establishes 4 tiers based on gross receipts where small businesses pay lower rates than larger businesses.

Business Type	Annual Gross Receipts Tier	Base Amount	Tax Rate per $1,000	Minimum Tax
Storage facilities	N/A	N/A	$5	$150
All other businesses	Up to $500,000	$ -	$0.50	$150
	$500,001 to $1 million	$250	$1	N/A
	>$1 million to $5 million	$750	$1.40	N/A
	>$5 million	$6,350	$1.80	N/A

Ballot Initiative Process
A ballot measure to modernize the BLT requires a 4/5 vote of the City Council to place it on the ballot. A General Tax can be expended on any program, service, or capital need at the discretion of the local government's governing body. A simple majority vote (50% plus one) of those voting on the measure is required for approval of a general tax.

A resolution with corresponding ballot language and its draft ordinance have been prepared based on the proposed structure and are attached to this staff report. If the Council decides to move forward with the proposed BLT model, the Council would need to adopt the resolution authorizing the City Clerk to submit the Council's ballot measure to the County Registrar of Voters for voter consideration at the November 5, 2024 regular municipal election.

The proposed ballot language for the measure is as follows, which complies with Government Code Section 53724 and Elections Code 9222.

City of Scotts Valley Business License Modernization. To maintain city services, such as repairing potholes/streets; wildfire prevention programs, maintaining parks/playfields; and other critical governmental services, shall a measure modernizing Scotts Valley's 1992 business license ordinance be adopted, until ended by voters, raising the base rate from $90 to $150 per	YES NO

business and with rates increasing incrementally for larger businesses based on gross receipts as provided in the ordinance, generating approximately $1,100,000 annually, and all funds controlled locally?	

Should the City Council choose to pursue a ballot measure, final approval including the ballot measure language will need to be submitted to the Santa Cruz County Registrar of Voters by August 9, 2024. Provided below are ballot measure milestone dates:

- August 9, 2024 – Last day for Resolutions calling a measure
- August 13, 2024 – Deadline for filing arguments for or against local ballot measure
- August 13, 2024 – Deadline for filing analysis of local ballot measure
- August 20, 2024 – Deadline for filing rebuttals
- September 6, 2024 – First day to mail ballots to military and overseas voters
- September 26, 2024 – First day to mail County Voter Information Guides
- October 7, 2024 – First day to mail ballots to all registered voters; in-person voting begins
- November 5, 2024 – Election day – polls close at 8 p.m.
- December 3, 2024 – Last day for County elections office to certify the election results

In regard to arguments and rebuttals, the proposed resolution authorizes the Mayor or his designee(s) to prepare a written argument in favor of, and rebuttals to arguments opposing, the proposed measure on behalf of the City Council. At the Mayor's discretion, the argument may also be signed by bona fide associations or by individual voters eligible to vote in Scotts Valley.

FISCAL IMPACT

Placing a revenue measure on the November 5, 2024 General Election ballot would cost an estimated $44,500. If approved by voters this measure would generate approximately $1,100,000 per year which represents 3% of the CIty's overall annual budget. This increase of $750,000 over our current business license tax revenue per year will help to address the $2 million structural budget deficit the City is facing on an annual basis as projected in the Long-Term Financial Forecast.

STAFF RECOMMENDATION

Staff recommends the City Council adopt Resolution No. 2047.2 calling for a Municipal Election for November 5, 2024, requesting that the County consolidate the Municipal Election with the General Election on November 5, 2024, and submitting to the qualified electors of the City of Scotts Valley, at the November 5, 2024 consolidated General Election, a measure to modernize the business license tax.

TABLE OF CONTENTS

1. Resolution No. 2047.2 Consolidate Election and Amend Business License Tax Ordinance
2. Attachment A: Ordinance No. 15.13 Amend Business License Tax

RESOLUTION NO. 2047.2

RESOLUTION CALLING A MUNICIPAL ELECTION FOR NOVEMBER 5, 2024, REQUESTING THAT THE COUNTY CONSOLIDATE THE MUNICIPAL ELECTION WITH THE GENERAL ELECTION ON NOVEMBER 5, 2024 AND SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF SCOTTS VALLEY AT THE NOVEMBER 5, 2024 CONSOLIDATED GENERAL ELECTION A MEASURE TO MODERNIZE THE BUSINESS LICENSE TAX

WHEREAS, the City's business license tax ordinance was adopted in 1992 and the amount of the tax has not increased since its adoption; and

WHEREAS, the City Council desires to modernize the business license tax to increase revenue to fund critical City services and needs; and

WHEREAS, the proposed ordinance attached hereto and incorporated herein by reference as Attachment "A" ("the ordinance") would amend Chapter 5.04 of Title 5 of the Scotts Valley Municipal Code regarding the business license tax on businesses operating in the City of Scotts Valley; and

WHEREAS, a statewide general election is scheduled for November 5, 2024 and the City Council wishes to call a municipal election for the City to be held on November 5, 2024 and to request the County of Santa Cruz to consolidate the municipal election with the statewide general election and conduct the election to include a ballot measure to modernize the City's business license tax.

NOW, THEREFORE IT IS HEREBY RESOLVED AND ORDERED by the City Council of the City of Scotts Valley, as follows:

Section 1. Findings. The City Council finds and determines that each of the findings set forth above are true and correct.

Section 2. Calling the Election. The City Council calls for a municipal election to be held on November 5, 2024 ("the Election").

Section 3. Measure. Pursuant to Government Code Section 53724 and Elections Code 9222, the City Council hereby submits the Ordinance attached hereto as Attachment A to the voters at the Election and orders the following question to be submitted to the voters at the Election:

City of Scotts Valley Business License Modernization. To maintain city services, such as repairing potholes/streets; wildfire prevention programs, maintaining parks/playfields; and other critical governmental services, shall a measure modernizing Scotts Valley's 1992 business license ordinance be adopted, until ended by voters, raising the base rate from $90 to $150 per business and with rates increasing incrementally for larger businesses based on gross receipts as provided in the ordinance, generating approximately $1,100,000 annually, and all funds controlled locally?	YES	NO

This question requires the approval of a majority of those casting votes.

Section 4. Notice of Election. Notice of the time and place of holding the election is hereby given, and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.

Section 5. Impartial Analysis. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk on or before 4:00 p.m. on August 13, 2024.

Section 6. Ballot Arguments. Pursuant to Elections Code Section 9286 et. seq., August 13, 2024, at 4:00 p.m. shall be the deadline for submission of arguments in favor of, and arguments against, this measure. Arguments in favor or against the measure shall not exceed 300 words in length. The Mayor, or his designee(s), is hereby authorized to prepare a written argument in favor of the proposed measure on behalf of the City Council. At the Mayor's discretion, the Argument may also be signed by bona fide associations or by individual voters who are eligible to vote in the City of Scotts Valley. Each argument shall be signed, filed with the City Clerk, and include the printed name(s) and signature(s) of the author(s) submitting the argument. If more than one argument for or against is received, the priorities established by Elections Code Section 9287 shall control.

Section 7. Rebuttal Arguments. Subdivision (a) of section 9285 of the Elections Code shall apply to the Election and shall control the submission of any rebuttal arguments for this measure. If an argument in favor and an argument against the measure have been selected to be printed in the voter information guide, the Clerk shall send a copy of the argument in favor of the measure to the authors of the argument against the measure and a copy of an argument against the measure to the authors of the argument in favor of the measure. The rebuttal authors or persons designated by them may prepare and submit rebuttal arguments not to exceed 250 words in length. Rebuttal arguments must be submitted not later than August 20, 2024, by 4:00 p.m.

Section 8. Consolidation Request. The City Council of the City of Scotts Valley requests that the Board of Supervisors of Santa Cruz County consolidate the municipal election and the election on this measure with the November 5, 2024, statewide general election. The Council further requests that the Board of Supervisors of Santa Cruz County include on the ballots and sample ballots all qualified measures submitted by the City Council to be submitted to the qualified electors of the City of Scotts Valley. The City Council acknowledges that the election will be held and conducted according to procedures in the Elections Code, including Section 10418.

Section 9. Request for County Services. Pursuant to Section 10002 of the California Elections Code, the City Council of the City of Scotts Valley hereby requests the Board of Supervisors of Santa Cruz County to permit the Registrar of Voters to render services to the City of Scotts Valley relating to the conduct of the City's Municipal and Special Elections which are called to be held on Tuesday, November 5, 2024. The services shall be of the type normally performed by the Registrar of Voters in assisting the clerks of municipalities in the conduct of elections including, but not limited to, checking registrations, mailing ballots, hiring election officers, and arranging for polling places, receiving absentee voter ballot applications, mailing and receiving absent voter ballots, and opening and counting ballots, providing and distributing election supplies, and furnishing voting machines.

Section 10. Transmittal of Resolution. The City Clerk is hereby directed to submit forthwith an original copy of this resolution including the measure attached hereto as Attachment "A" to the Santa Cruz County Board of Supervisors and a certified copy to the Registrar of Voters.

Section 11. Placement on the Ballot. The City Clerk is hereby authorized and directed to take all steps necessary to place the measure on the ballot and to mail with the sample ballots to the electors printed copies of the full text of the Ordinance, together with the primary arguments and supporters for and against the measure, and to provide absent voter ballots for the election for use by qualified electors of the City who are entitled thereto in the manner provided by law.

The above and foregoing resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a regular meeting held on the 7th day of August, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Approved: ______________________________
Randy Johnson, Mayor

Attest: ______________________________

Cathie Simonovich, City Clerk

ORDINANCE NO. 15.13

AN ORDINANCE OF THE CITY OF SCOTTS VALLEY AMENDING CHAPTER 5.04 OF TITLE 5 MODERNIZING THE CITY'S BUSINESS LICENSE PROGRAM

BE IT ORDAINED by the People of the City of Scotts Valley as follows:

SECTION 1. Chapter 5.04 of Title 5 of the Scotts Valley Municipal Code is amended in its entirety to read as follows:

"**Chapter 5.04 Business Licenses**

Sections:

5.04.010 – General Provisions – Revenue Measure.

This chapter is enacted solely to raise revenue for municipal purposes and is not intended for regulation.

5.04.020 – General Provisions – Chapter Not Exclusive.

Persons required to pay a license tax for transacting and carrying on any business under this chapter shall not be relieved from the payment of any license tax for the privilege of doing such business required under any other ordinance or provision of this code, and shall remain subject to the regulatory provisions of other ordinances and code provisions.

5.04.030 – General Provisions – License and Tax Requirements.

A. There are imposed upon the businesses, trades, professions, callings and occupations specified in this chapter license taxes in the amounts hereinafter prescribed. It is unlawful for any person to transact or carry on any business, profession, show, exhibition, or game of any type whatsoever in the City without first procuring a license from the City and paying the tax hereinafter prescribed or without complying with any and all applicable provisions of this chapter.
B. This section shall not be construed to require any person to obtain a license prior to doing business within the City if such requirement conflicts with applicable statutes of the United States or of the State of California. Persons not so required to obtain a license prior to doing business within the City nevertheless shall be liable for payment of the tax imposed by this chapter.

5.04.040 – General Provisions – License – Separate for Branch Establishments or Multiple Legal Entities.

A separate license must be obtained for each legal entity, branch establishment or location of the business transacted and carried on and for each separate type of business at the same location. Each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in such license. Warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed separate places of business or branch establishments. Any person conducting multiple businesses, but for which those businesses use a single set or integrated set of books and records, shall pay only one tax calculated on all gross receipts of the businesses.

5.04.050 – General Provisions – Evidence of Doing Business.

When any person, by use of signs, circulars, cards, telephone books or newspapers, advertises, holds out or represents that they are conducting business in the City, or when any person holds an active license or permit issued by a governmental agency indicating that they are conducting business in the City, and such person fails to declare by a sworn statement given to the Collector that they are not conducting a business in the City, after being requested to do so by the Collector, then these facts shall be considered prima facie evidence that they are conducting a business in the City.

5.04.060 – General Provisions – Issuance of Licenses.

A. The Collector may refuse to issue a license to any person if, in the opinion of the City Attorney, the business for which a license is being requested is in violation of any law, code, or ordinance of the City or of any law of the State of California or the United States of America.
B. The Collector may refuse to issue a license to any person who knowingly makes a false statement of fact required to be revealed in an application for a license.

5.04.070 – General Provisions – Constitutional Apportionment.

A. No Undue Burden. None of the license taxes provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce or to violate the equal protection and due process clauses of the Constitutions of the United States and the State of California.
B. Apportionment Appeal Rights. In any case where a license tax is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce or to violate constitutional nexus requirements or other applicable law, the licensee or applicant may apply to the Collector for an adjustment of the tax. Such application may be made before, at or within six months after payment of the prescribed license tax. The applicant shall, by sworn statement and supporting testimony, show the method of business and the gross volume or estimated gross volume of business and such other information as the Collector may deem necessary to determine the extent, if any, of such undue burden or violation. The Collector shall then conduct an investigation, and, upon the written approval of the City attorney, shall fix as the license tax for the applicant an amount that is reasonable and nondiscriminatory, or, if the license tax has already been paid, shall order a refund of the amount over and above the license tax so fixed. In fixing

the license tax to be charged, the Collector shall have the power to base the license tax upon a percentage of gross receipts or any other measure which will ensure that the license tax assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the license tax as prescribed by this chapter. Should the Collector determine the gross receipts measure of license tax to be the proper basis, they may require the applicant to submit, either at the time of termination of applicant's business in the City or at the end of each three-month period, a sworn statement of the gross receipts and pay the amount of license tax therefor; provided, that no additional license tax during any one calendar year shall be required after the licensee has paid an amount equal to the annual license tax as prescribed in this chapter.

5.04.080 – General Provisions – Exemptions.

A. Exemptions as Matter of Law. Nothing in this chapter shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the State of California from the payment of such taxes as are prescribed in this chapter.
B. Charitable (Nonprofit) Organizations. No business license tax imposed under this chapter shall be deemed or construed to apply to any person transacting and carrying on any business, which business is conducted, managed or carried on wholly as an organization exempt from federal income taxes as defined under Section 501(c) of the United States Internal Revenue Code.
C. Exhibition/Show/Performance/Arts & Crafts Exhibits Benefitting Charitable Organizations. The provisions of this chapter shall not be applied to any exhibition, show or performance given for the exclusive benefit of any church, school, benevolent or social organization, or for any charitable purpose by any association or society of the City.
D. Farmers Markets. Nothing in this chapter shall be deemed or construed to apply to any person transacting and carrying on any business, which business is conducted, managed or carried on exclusively in participation with a farmers market approved by the City, whether held on public or private property.
E. Claiming an Exemption. Any person claiming an exemption pursuant to this section shall file a sworn statement with the Collector stating the facts upon which exemption is claimed, and in the absence of such statement substantiating the claim, such person shall be liable for the payment of the taxes imposed by this Chapter. Businesses claiming an exemption under subsection B of this section shall be required to provide a copy of the Internal Revenue Service determination letter or similar document that certifies the exempt status granted under Section 501(c) of the Internal Revenue Code.
F. Non-Fee License Issuance. The Collector shall, upon a proper showing contained in the sworn statement, issue a license to such person claiming exemption under

this section without payment to the City of the business license tax required by this Chapter.

G. Revocation of Exemption. The Collector, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke any license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided in this section.

5.04.090 – General Provisions – Effect of Chapter on Past Actions and Unexpired Licenses.

A. Neither the adoption of the ordinance codified in this chapter nor its superseding of any portion of any other ordinance of the City shall in any manner be construed to affect prosecution for violation of any other ordinance committed prior to the effective date of the ordinance codified herein, nor be construed to waive any tax or license requirement or any penal provision applicable to any such violation, nor be construed to affect the validity of any bond or cash deposit required by any ordinance to be posted, filed or deposited, and all rights and obligations pertaining thereto shall continue in full force and effect.
B. Where a license for revenue purposes has been issued to any person by the City and the tax paid for the business for which the license has been issued under the provisions of any ordinance heretofore enacted and the term of such license has not expired, then the license tax prescribed for the business by this Chapter shall not be payable until the expiration of the term of such unexpired license.

5.04.100 - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Business" as used in this chapter includes professions, trades and occupations and all and every kind of calling whether or not carried on for profit.
B. “City” means the City of Scotts Valley, a municipal corporation of the State of California, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.
C. “Collector” means the Finance Director, the Administrative Services Director or his/her designee.
D. "Employee" means any person working in Scotts Valley for any person, business, trade, profession, vocation, calling, exhibition, or game or other endeavor subject to a business license.
E. "Finance Director" and “Administrative Services Director” means the finance director of the City of Scotts Valley, or an authorized agent or representative as defined in Title 2 “Administration and Personnel”, Chapter 2.08 “Director of Finance”.

F. “General contractor” means (1) a general engineering contractor, or (b) a general building contractor, as those terms are defined in Sections 7056 and 7057, respectively, of the Business and Professions Code of the State of California as they now exist or may hereafter be amended.

G. “Gross receipts” as used in this chapter includes the total actually received or receivable from sales of goods, materials, wares or merchandise, and the total actually received or receivable for the performance of any act or service, of whatever nature, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares or merchandise. Included in “gross receipts” shall be all receipts, cash, credits, investment income, rental income, and proceeds from the sale of property of any kind or nature, without any deduction on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever. The following are excluded from “gross receipts”:

  1. Cash discounts allowed and taken on sales;
  2. Credit allowed on property accepted as part of a purchase price and which property may later be sold;
  3. Any tax required by law to be and is included in or added to the purchase price and collected from the consumer or purchaser;
  4. Such part of the sale price of property returned by purchasers upon rescission of a contract of sale as is refunded either in cash or by credit;
  5. Amounts collected for others as an agent or trustee to the extent such amounts are paid to those for whom collected, provided the agent or trustee has furnished the Collector with the names and addresses of the others and the amounts paid to them;
  6. That portion of the receipts of a business related to sales of goods or services to the City of Scotts Valley;
  7. That portion of the receipts of a general contractor which represents payments to subcontractors; provided, that such subcontractors are licensed under this Chapter and provided the general contractor furnishes the Collector with the names and addresses of the subcontractors and the amounts paid each;
  8. Receipts of refundable deposits, except that refundable deposits forfeited and taken into income shall not be excluded;
  9. As to a real estate agent or broker, the sales price of real estate sold for the account of others except that portion which represents commission or other income to the agent or broker

H. "Peddler" means:

  1. Any person who goes from house to house, or from place to place, within the City, selling and making immediate deliveries or offering for sale and immediate delivery to persons other than manufacturers, jobbers, or retailers of such commodities, any goods, wares, merchandise or any other

thing of value in possession of such person, or who offers services to be performed immediately; and shall also include any itinerant vendor who sells merchandise or property from any vehicle by traveling from house to house or place to place within the City; and

2. Peddler excludes any persons who conduct the above-referenced activities from a fixed place of business within the City.

I. "Person" as used in this chapter includes all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, Massachusetts, business or common law trusts, societies and individuals transacting and carrying on any business in the City, other than as an employee.

J. “Self-service storage facility” means real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the space for the purpose of storing and removing personal property or for storing individual storage containers provided to occupants who have exclusive use of the container for the purpose of storing and removing personal property, whether or not the individual storage containers are transported pursuant to California Business and Professions Code Section 21701.1. Self-service storage facility does not include a garage or other storage area in a private residence. No occupant may use a self-service storage facility for residential purposes. A self-service storage facility is not a warehouse, nor a public utility, as defined in Section 216 of the Public Utilities Code. If an owner issues a warehouse receipt, bill of lading, or other document of title for the personal property stored, the owner and the occupant are subject to the provisions of other businesses as defined in this chapter.

K. "Solicitor" means any person who goes from house to house, or from place to place, or in or along the streets within the City, selling or taking orders for, or offering to sell or take orders for goods, wares, merchandise or other things of value for future delivery, or for services to be performed in the future.

L. “Specialty contractor” as used in this chapter is as defined in Section 7058 of the Business and Professions Code of the state as it now exists or may hereafter be amended.

M. “Sworn statement” means an affidavit sworn before a person authorized to take oaths, or a declaration or certification made under penalty of perjury.

5.04.110 - Unlawful business not authorized.

No license issued under the provisions of this chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business or any business in violation of any code, provisions or other ordinance of the City.

5.04.120 – Licenses – Application, fee, issuance and contents.

Every person required to have a license under the provisions of this Chapter shall apply to the Collector for a license as prescribed below. Upon payment of the required license application administrative fees as set forth by resolution of the City CouncilCity and the prescribed license tax, the Collector shall issue that person a license which shall contain the following information:

A. The name of the person to whom the license is issued;
B. The business licensed;
C. The place where such business is to be carried on;
D. The expiration date of such license; and
E. Such other information as may be necessary for the enforcement of this Chapter.

5.04.130 – Licenses – Term of license.

Except as hereinafter provided, all licenses shall be issued on a fiscal year basis from the first day of July to the thirtieth day of the succeeding June, inclusive.

5.04.140 – Licenses – Application of First License and Contents.

Upon application for the first license under this Chapter or for a newly established business, the applicant shall furnish a sworn statement, upon a form provided by the Collector, setting forth the following information:

A. The exact nature or kind of business for which a license is requested;
B. The place where such business is to be carried on, and if the same is not to be carried on at any permanent place of business, the places of residences of the owners of same;
C. If application is made for a license to a person doing business under a fictitious name, the application shall set forth the names and places of residences of those owning the business;
D. In the event an application is for issuance of a license to a corporation or a partnership, the application shall set forth the names and places of residences of the officers or partners thereof;
E. If the amount of license tax to be paid is measured by gross receipts, the application shall set forth such information the Collector determines necessary to determine the amount of the license tax to be paid;
F. Any further information which the Collector may require to enforce this Chapter.

5.04.150 – Licenses – Gross receipts estimate for first license application.

If the amount of the license tax to be paid by a person applying for the first license under this Chapter or for a newly established business is measured by gross receipts, the applicant shall estimate the gross receipts for the period to be covered by the license. Such estimate, if the Collector accepts it as reasonable, shall be used in determining the amount of license tax to be paid; provided, however, the amount so determined shall be tentative only and such person shall, within thirty days after the expiration of the period for which such license was issued, furnish the Collector with a sworn statement, upon a form furnished by the Collector, showing the gross receipts during the period of such license, and the license tax for such period shall be finally ascertained and paid as provided by this Chapter for the ascertaining and paying of renewal license taxes for other businesses, after deducting from the payment due the amount paid when the first license was issued.

5.04.160 – Licenses – Sworn statement and tax payment prerequisite to renewal.

The Collector shall not renew a license to any person or issue him or her another license for the same or any other business until such person has furnished the sworn statement and paid the license tax required by this Chapter.

5.04.170 – Licenses – Renewal application.

In all cases, the applicant for renewal of a license shall submit to the Collector, for guidance in ascertaining the license tax to be paid, a sworn statement upon a form to be provided by the Collector setting forth such information concerning the applicant's business during the preceding year as the Collector deems necessary to ascertain the license tax to be paid by the applicant pursuant to the provisions of this chapter.

5.04.180 – Licenses – License transferability.

No license issued under the provisions of this chapter shall be transferable; provided, that where a license is issued authorizing a person to transact and carry on a business at a particular place, such licensee may, upon application therefor and payment of the fee established by resolution of the City Council in effect at the time of filing, have the license amended to authorize the transacting and carrying on of such business under the license at some other location; provided further, that transfer, whether by sale or otherwise, to another person under such circumstances that the real or ultimate ownership after the transfer is substantially similar to the ownership existing before the transfer shall not be prohibited by this section. For the purpose of this section, stockholders, bondholders, partnerships or other persons holding an interest in a legal entity are regarded as having the real or ultimate ownership of such entity.

5.04.190 – Licenses – Duplicate licenses.

The Collector may issue a duplicate license to replace any license that has been lost or destroyed upon the licensee filing a statement of such fact and paying a duplicate license fee established by resolution of the City Council in effect at the time of filing.

5.04.200 – Licenses – Conspicuous posting of license.

A. Every person to whom a license is issued under the provisions of this chapter shall keep it conspicuously posted in or about the place where the licensed business is conducted, exhibited or carried on and shall, upon demand, exhibit it to the Collector or to any police officer.

B. Any licensee transacting and carrying on business but not operating at a fixed place of business in the City shall keep the license upon his or her person when transacting and carrying on the business for which it is issued.

5.04.210 – Statement; Limitations; Verification.

No statement shall be conclusive as to the matters set forth therein, nor shall its filing preclude the City from collecting by appropriate action such sum as is actually due and payable under this Chapter. Such statement shall be subject to audit and verification by the Collector, his or her deputies, authorized employees or agents of the City, who are authorized to examine, audit and inspect such books and records of any licensee or applicant for license, as may be necessary in their judgment to verify or ascertain the license fee due.

5.04.220 – Records - Requirements.

All persons subject to this Chapter shall keep complete records of business transactions, including sales, receipts, purchases and other expenditures, and shall retain all such records for examination by the Collector for at least three years. Alternatively, persons may maintain copies of their annual federal income tax returns in lieu of maintaining the aforementioned records. No such person shall refuse to allow authorized representatives of the Collector to examine the records at reasonable times and places.

5.04.230 – Information Confidential.

It is unlawful for the Collector or any employee or agent of the City to make known in any manner whatsoever the business affairs, operations or information obtained by an investigation of records and equipment of any person required to obtain a license or to pay a license tax, or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof, to be seen or examined by any person; provided, that nothing in this section shall be construed to prevent:

A. The disclosure to, or the examination of records and equipment by, another City official, employee or agent for collection of taxes for the sole purpose of administering or enforcing this Chapter or collecting taxes imposed under it;
B. The disclosure of information to, or the examination of records by, federal or state officials, or the tax officials of another public agency, if a reciprocal arrangement exists, or to a grand jury or court of law, upon subpoena;
C. The disclosure of information and results of examination of records of particular taxpayers, or relating to particular taxpayers, to a court of law in a proceeding

brought to determine the existence or amount of any license tax liability to the City of those taxpayers;

D. The disclosure, after the filing of a written request to that effect, to the taxpayer, or to the taxpayer's successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to the items included in the measure of any paid tax, any unpaid tax or amounts of tax required to be collected, interest and penalties; further provided, however, that the City attorney approves each such disclosure and that the Collector may refuse to make any disclosure referred to in this subsection when in his or her opinion the public interest would suffer thereby;
E. The disclosure of the names and business addresses of persons to whom licenses have been issued, and the general type or nature of their business;
F. The disclosure by way of public meeting or otherwise of such information as may be necessary to permit the decision maker to be fully advised as to the facts when a taxpayer files a claim for refund of license taxes, or submits an offer of compromise with regard to a claim asserted against him by the City for license taxes, or when acting upon any other matter;
G. The disclosure of general statistics regarding taxes collected or business done in the City;
H. Any other disclosure required by applicable law.

5.04.240 – Failure to File Statement or Corrected Statement.

A. If any person fails to timely file any required statement, or if after demand therefor made by the Collector any person fails to timely file a corrected statement, or if any person subject to the tax imposed by this Chapter fails to apply for a license, the Collector may determine the amount of license tax due using such information as is available to the Collector.
B. If the Collector is not satisfied with information supplied in statements or applications filed, they may determine any license tax due using such information as is available to the Collector.
C. If the Collector makes such a determination, they shall give a notice of the amount assessed by serving it personally or by depositing it with the United States Postal Service or any other carrier or delivery service offering prompt delivery, addressed to the person so assessed at his or her last-known address. Such person may, within fifteen days after the mailing or serving of such notice, apply in writing to the Collector for a hearing. If such application is made, the Collector shall set the matter for hearing within fifteen days. The Collector shall give at least ten days' notice to such person of the time and place of hearing in the manner prescribed above for serving notices of assessment. The City Manager or a hearing officer designated by the City Manager shall consider all evidence produced and shall make findings thereon, which shall be final as to the City, but subject to judicial review pursuant to Code of Civil Procedure Section 1094.5. Notice of such findings

shall be served upon the applicant in the manner prescribed above for serving notices of assessment.

5.04.250 – Additional Power of Collector.

In addition to all other power conferred upon him or her, the Collector shall have the power, for good cause shown, to extend the time for filing any required sworn statement or application for up to thirty days, and in such case to waive any penalty that would otherwise have accrued, except that six percent (6%) simple interest shall be added to any tax determined to be payable.

5.04.260 – License Tax Payment – How and When Payable.

A. Unless otherwise specifically provided in this Chapter, all annual license taxes shall be due and payable in advance on the first day of July of each year based on gross receipts during the prior calendar year ending December 31; provided, that license taxes covering new operations commenced in the City thereafter may be prorated for the balance of the license period based upon an estimate of the anticipated gross receipts for that year.
B. Except as otherwise herein provided, license taxes, other than annual, required under this Chapter shall be due and payable as follows: Flat-rate license taxes are payable in advance of the first day of business and thereafter on the first day of any applicable period.

5.04.270 – License Tax Payment – Delinquency; Penalty.

For failure to pay a license tax when due, the Collector shall add a penalty of ten percent (10%) of the license tax at 5:00 p.m. on the sixtieth (60^{th}) day after the due date thereof, and an additional ten percent (10%) at 5:00 p.m. on the last day of each month thereafter. The amount of such cumulative penalty to be added shall in no event exceed one hundred percent (100%) of the license tax due.

5.04.280 – License Tax Payment – Delinquency; Issuance Prohibited.

No license shall be issued, nor one which has been suspended or revoked shall be reinstated or reissued, to any person who, at the time of applying therefor, is indebted to the City for any delinquent license taxes, unless such person, with the consent of the Collector, enters into a written agreement with the City, through the Collector, to pay such delinquent taxes, plus ten percent (10%) annual interest upon the unpaid balance, in monthly installments, or more often, extending over a period of up to a year.

5.04.290 – License Tax Payment – Delinquency; Installment Payment Agreement.

In any agreement entered into under Section 5.04.280, the licensee shall acknowledge the obligation owed to the City and agree that, in the event of failure to timely pay any installment, the whole amount unpaid shall become immediately due and payable and that the current license shall be revocable by the Collector upon thirty days' notice. In the event legal action is brought by the City to collect any amount included in the agreement, such person shall pay all costs of suit incurred by the City or its assignee, including reasonable attorneys fees. The execution of such an agreement shall not prevent the prior accrual of penalties on unpaid balances at the rate provided in this Chapter, but no penalties shall accrue on account of taxes included in the agreement after the execution of the agreement and the payment of the first installment and during such time as such person is not in breach of the agreement

5.04.300 – License Tax Payment – Refunds of Overpayments.

No refund of an overpayment of taxes imposed by this Chapter shall be allowed in whole or in part unless a claim for refund is filed with the Collector within a period of one year from the last day of the calendar month following the period for which the overpayment was made, and all such claims for refund of the amount of the overpayment must be filed with the Collector on forms furnished by him or her and in the manner prescribed by him or her. Upon the filing of such a claim and a determination that an overpayment has been made, the Collector may refund the amount overpaid. No interest shall be paid on overpayment amounts refunded.

5.04.310 – Gross Receipts Tax – Rates.

Every person who engages in business within the City shall pay a license tax based on annual gross receipts, subject to the following:

A. Minimum Tax. The minimum tax shall be $150 subject to the calculation of the tax amount calculated using the Tax Rate table in section B herein.

B. Tax Rate. The tax rate applicable to annual gross receipts shall be as follows:

Business Type	**Annual Gross Receipts Tier**	**Base Tax Amount**	**Tax Rate**
Self-service storage facility	N/A	N/A	$5.00 per $1,000
All other businesses	Less than or equal to $500,000	$-	$0.50 per $1,000
	Above $500,000 to $1 million	$250	$1.00 per $1,000
	Above $1 million to $5 million	$750	$1.40 per $1,000
	Above $5 million	$6,350	$1.80 per $1,000

C. Gross Receipts Limit.

1. The maximum taxable gross receipts for purposes this Chapter shall be $50,000,000.00 annually.

2. Effective March 1, 2027 and every March 1st thereafter, the gross receipts limit shall be increased annually based on the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-Hayward (or any successor to that index) for the month of December immediately preceding and published by the US Bureau of Labor Statistics or any such federal agency as may publish the CPI-U in the future. The limit shall be rounded to the nearest ten thousand dollars.

3. Gross Receipts for Corporate/Administrative Headquarters and Research & Development Businesses. For purposes of businesses that are corporate or administrative headquarters or research and development companies that generate no apportionable sales in the City, the business shall pay a license tax based upon gross receipts specifically defined herein equal to the costs of operations of such corporate/administrative headquarter or research and development activities. Costs of operations shall be equal to the total of the following items:

a. Annual payroll of all employees based in the City;
b. The annual non-payroll or facility operating costs associated with all activities conducted in the City, including the cost of all utilities related to the operation of all activities;
c. Annual fair rental value of all real property located in the City and used for such purposes, if applicable.

5.04.320 - Right of Appeal.

Any person aggrieved by any final decision of the Collector with respect to the issuance or refusal to issue a business license, the classification of a business, or any other matter under this Chapter may appeal by submitting a letter and the basis upon which an appeal should be granted with the City Clerk. The City Manager or a hearing officer designated by the City Manager shall thereupon fix a time and place for hearing such appeal. The City Clerk shall give notice to such person of the time and place of hearing in the manner specified in Section 5.04.430. The City Manager or hearing officer shall have authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provision of this Chapter or other applicable law. The written decision of the City Manager or hearing officer shall be final as to the City and subject to judicial review pursuant to Code of Civil Procedure Section 1094.5.

5.04.330 – Enforcement – Rules and Regulations.

The Collector may make rules and regulations not inconsistent with the provisions of this Chapter as may be necessary or desirable to aid in the enforcement of the provisions of this Chapter.

5.04.340 – Enforcement – Officials.

The Collector shall enforce this Chapter, and the Chief of Police shall render such assistance in the enforcement of this Chapter as may be required by the Collector or the City Manager or a hearing officer.

5.04.350 – Enforcement – Business Premises Inspection Authorization.

The Collector, in the exercise of the duties imposed upon him or her under this Chapter and acting through his or her deputies or duly authorized assistants, may examine or cause to be examined all places of business in the City to ensure compliance with this Chapter.

5.04.360 – Enforcement – Business Premises Inspection Entry Right.

The Collector and his/her assistants and any police or code enforcement officer of the City shall have the power and authority (upon obtaining an inspection warrant therefor if required by law) to enter, free of charge and at any reasonable time, any place of business required to be licensed under this Chapter, and demand an exhibition of the license. Any licensee who willfully fails to exhibit the same on demand is guilty of a misdemeanor and shall be punished to the maximum extent permissible.

5.04.370 – Enforcement - License Tax a Debt.

The license fee imposed by the provisions of this chapter shall be due and payable and shall constitute a debt owing to the City immediately upon the commencement of any kind of business or game engaged in or carried on, or of any show or exhibitions. An action may be commenced in the name of the City, in any court of competent jurisdiction, for the amount of any delinquent license tax and penalties.

5.04.380 – Enforcement – Remedies Cumulative.

All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy to enforce this Chapter.

5.04.390 - Writ of Attachment.

In all suits instituted by the City as provided in this chapter, for the collection or recovery of any license fee imposed, the Collector or the City attorney may make the necessary affidavit for a writ of attachment against the property of the defendant therein, and such writ shall thereupon be issued without any undertaking or other security being given by or on behalf of the City.

5.04.400 - Civil Action Not a Bar to Criminal Action.

No action for a recovery of judgement in any civil action for the collection or recovery of any license fee imposed shall be a bar to any criminal prosecution under the provisions of this chapter, nor shall any such prosecution or conviction be a bar to any such civil action.

5.04.410 - Serving of Notice.

Any notice herein required shall be deemed to have been served when the same is posted in the United States mail enclosed in a sealed envelope, postage prepaid, addressed to the addresses at the addressee's place of business as the address of the same appears on the records of the Collector."

SECTION 2. AMENDMENTS. The City Council may amend this Ordinance without voter approval consistent with its purposes provided that such amendments do not impose, extend, or increase a tax.

SECTION 3. SEVERABILITY, If any section, subsection, sentence, clause, phrase, portion of the application thereof, to any person or circumstance 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 4. REPEALS AND 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 5. CEQA COMPLIANCE. The City Council finds and determines that the enactment of this Ordinance is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines"), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities 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. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines Section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects that may be funded using sales tax revenue received from the referenced special transactions and use tax resulting from this action will be assessed for CEQA applicability. Lastly, CEQA Guidelines Section 15378 (b) (4) specifically states that the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project as 'not a project.'

SECTION 6. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City business license tax and will be in full force and effect 10 days after the certification by the City Council of the election returns indicating passage of the ordinance in the election of November 5, 2024, by the margin of votes required by California Constitution Article XIIIC, Section 2(b) for general tax measures.

SECTION 7. OPERATIVE DATE. The operative date of this ordinance shall be July 1, 2025.

SECTION 8. CODIFICATION. Upon adoption of this Ordinance pursuant to voter approval, the City Clerk, in consultation with the City Attorney, is hereby authorized and directed to codify this Ordinance in the Scotts Valley Municipal Code.

SECTION 9. CITY COUNCIL APPROVAL. The City Council of the City of Scotts Valley approved this ordinance for placement on the November 5, 2024 ballot by Resolution No. 2047.2 adopted by a two-thirds vote of all members.

This ordinance was submitted to the People of the City of Scotts Valley at the November 5, 2024 election and was adopted by the following vote of the People:

YES:

NO:

Approved: ______________________________
Randy Johnson, Mayor

Attest: ______________________________
Cathie Simonovich, City Clerk