



A G E N D A

Meeting of the Scotts Valley City Council

Date: January 20, 2016

Time: 6:00 p.m.

CITY OF SCOTTS VALLEY 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5602	MEETING LOCATION City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066	POSTING: The agenda was posted 1-15-16 at City Hall, SV Senior Center, SV Library and on the Internet at www.scottsvalley.org .
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Elected Officials Donna Lind, Mayor Randy Johnson, Vice Mayor Stephany E. Aguilar, Council Member Dene Bustichi, Council Member Jim Reed, Council Member	City Staff Members Chuck Comstock, Interim City Manager Kirsten Powell, City Attorney Corrie Kates, Community Dev Dir/Deputy City Mgr Scott Hamby, Public Works Director John Weiss, Chief of Police Tracy Ferrara, City Clerk
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Notice regarding City Council Meetings:

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

Agenda and Agenda Packet Materials:

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

Televised Meetings:

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

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

SPECIAL SET MATTER Presentation of Patriot Award Certificates of Appreciation

COMMITTEE REPORTS

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

Interjurisdictional Committees:

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

Standing Local Committees:

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

Project Specific Committees:

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

CITY MANAGER REPORT

PUBLIC COMMENT TIME

(This is the opportunity for individuals to make and/or submit written or oral comments to the Council on any items within the purview of the Council, which are **NOT** part of the Agenda. No action on the item may be taken, but the Council may request the matter be placed on a future agenda.)

ALTERATIONS TO CONSENT AGENDA

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

CONSENT AGENDA

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

- A. Approve City Council meeting minutes of 1-6-16, 12-16-15, 12-2-15
- B. Approve check register – 1-14-15, 12-18-15
- C. Approve second reading and adoption of Ordinance No. 16.128.4 adding Chapter 17.60 to the Scotts Valley Municipal Code prohibiting all commercial marijuana uses in the City and repealing Chapter 17.58 relating to medical marijuana dispensaries
- D. Approve Resolution No. 1915 authorizing submittal of application for payment and related authorizations for state beverage container grants.
- E. Approve recruitment for Senior Building Inspector/Code Enforcement Officer position in the Building Division
- F. Approve recruitment for Administrative Secretary I position in the Recreation Division
- G. Approve letter of support for the Quiet Communities Act, H.R. 3384, and the FAA Community Accountability Act, H.R. 3965
- H. Approve third amendment to the City Attorney Professional Services Agreement

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. Appointments to interjurisdictional, standing local, and project specific committees (Mayor/Lind)
- 2. Future Council agenda items
(This portion of the Regular Agenda allows the Council to determine items to be placed on a future agenda and to choose a date, if so desired.)

CONVENE TO CLOSED SESSION

CLOSED SESSION

SUBJECT:

- (1) Conference with legal counsel regarding real property negotiations.
 - Legal Authority: Govt Code section 54956.8
 - Location/APN's: The City of Scotts Valley ocean outfall pipeline starting at the City's wastewater facility, APN 021-061-25 and through Hocus Pocus Park, APN 021-061-45 which runs along Whispering Pines Drive, to Estrella Drive, to Lockewood Lane to Graham Hill Road with turnouts located off of Sims Road and Deer Path Road onto APN 060-011-02, the Pasatiempo Golf Club

	Staff Present:	Interim City Manager, City Attorney, Community Development Director/Deputy City Manager, Public Works Director
(2)		City Manager Employment
	Legal Authority:	54957
	Staff Present:	Interim City Manager, City Attorney

RECONVENE TO OPEN SESSION

REPORT ON ACTION TAKEN DURING CLOSED SESSION

ADJOURNMENT

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

PROCEDURAL INFORMATION FOR THE PUBLIC

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

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

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

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

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

Unless otherwise determined by the presiding officer of the meeting:

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



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Office of the Secretary of Defense
EMPLOYER SUPPORT OF THE GUARD AND RESERVE

RECOGNIZES

Chief John Weiss
Scotts Valley
Police Department

AS A

PATRIOTIC EMPLOYER

FOR CONTRIBUTING TO NATIONAL SECURITY AND PROTECTING
LIBERTY AND FREEDOM BY SUPPORTING EMPLOYEE PARTICIPATION
IN AMERICA'S NATIONAL GUARD AND RESERVE FORCE



A handwritten signature in black ink, likely belonging to the Executive Director, is positioned above the title.

EXECUTIVE DIRECTOR
EMPLOYER SUPPORT OF THE GUARD AND RESERVE

A handwritten signature in black ink, likely belonging to the National Chair, is positioned above the title.

NATIONAL CHAIR
EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Office of the Secretary of Defense
EMPLOYER SUPPORT OF THE GUARD AND RESERVE

RECOGNIZES

Lieutenant Steve Walpole
Scotts Valley
Police Department

AS A

PATRIOTIC EMPLOYER

FOR CONTRIBUTING TO NATIONAL SECURITY AND PROTECTING
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EMPLOYER SUPPORT OF THE GUARD AND RESERVE

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NATIONAL CHAIR
EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Office of the Secretary of Defense
EMPLOYER SUPPORT OF THE GUARD AND RESERVE

RECOGNIZES

Sergeant Wayne Bellville
Scotts Valley
Police Department



AS A

PATRIOTIC EMPLOYER

FOR CONTRIBUTING TO NATIONAL SECURITY AND PROTECTING
LIBERTY AND FREEDOM BY SUPPORTING EMPLOYEE PARTICIPATION
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EXECUTIVE DIRECTOR
EMPLOYER SUPPORT OF THE GUARD AND RESERVE

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NATIONAL CHAIR
EMPLOYER SUPPORT OF THE GUARD AND RESERVE

MINUTES

CONSENT AGENDA ITEM A
DATE: 1-20-2016

Meeting of the Scotts Valley City Council

Date: January 6, 2016

POSTING:

The agenda was posted on 1-1-16
at City Hall, the SV Senior Center, and
the SV Library, by the City Clerk.

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

Mayor Lind
Vice Mayor Johnson
Council Member Aguilar
Council Member Bustichi
Council Member Reed

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

Arrived 6:25 pm

COMMITTEE REPORTS

Mayor Lind reported that LAFCO met and a public meeting with a water panel is scheduled on January 28, 2016 from 7-9 pm at New Brighton Middle School auditorium to discuss local collaborative efforts to protect and manage water resources.

PUBLIC COMMENT

None.

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 6:09 p.m. to discuss the following items:

- (1) Pursuant to Government Code Section 54956.8, the City Council met in closed session to confer with their legal counsel regarding real property negotiations. Location/APN's: The City of Scotts Valley ocean outfall pipeline starting at the City's wastewater facility, APN 021-061-25 and through Hocus Pocus Park, APN 021-061-45 which runs along Whispering Pines Drive, to Estrella Drive, to Lockwood Lane to Graham Hill Road with turnouts located off of Sims Road and Deer Path Road onto APN 060-011-02, the Pasatiempo Golf Club.
- (2) Pursuant to Government Code Section 54957, the City Council met in closed session to confer with their legal counsel regarding City Manager Employment.

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 6:49 p.m.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

Mayor Lind announced that there was nothing to report.

ALTERATIONS TO CONSENT AGENDA

M/S: Aguilar/Johnson

To approve the Consent Agenda.

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

Consent Agenda:

- A. Approve check register – 12-11-15
- B. Approve first amendment to Memorandum of Understanding between the City of Scotts Valley and the Scotts Valley Municipal Service Employees, SEIU Local 521 for the period July 1, 2015 to June 30, 2017

ALTERATIONS TO REGULAR AGENDA

M/S: Aguilar/Johnson

To approve the Regular Agenda.

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

PUBLIC HEARINGS

1. **Consider approval of ordinance of the City Council of the City of Scotts Valley adding Chapter 17.60 to the Scotts Valley Municipal Code prohibiting all commercial marijuana uses in the City and prohibiting cultivation for medical use by a qualified patient or primary caregiver and repealing Chapter 17.58 relating to medical marijuana dispensaries**

CDD Kates presented the written staff report and responded to questions from Council.

PUBLIC HEARING OPENED - 6:54 PM

Jason Mathis, Santa Cruz County resident, spoke in opposition to the ordinance.

Trevor Luxon, Attorney in Santa Cruz, spoke in opposition to the ordinance.

Josie Roberto, Board Member of Responsible Cultivation Santa Cruz, spoke in opposition to the ordinance.

D'Angelo Roberto, Board Member of Responsible Cultivation Santa Cruz, spoke in opposition to the ordinance.

Colin Disheroon, Co-Founder, Association for Standardized Cannabis (ASC), Founder/CEO Santa Cruz Mountain Naturals, Inc., spoke in opposition to the ordinance.

Patrick Malo, Board Member of Responsible Cultivation Santa Cruz, spoke in opposition to the ordinance.

Joy Hems, Scotts Valley resident, spoke in opposition to the ordinance.

Mike Boyd, Santa Cruz County resident, spoke in opposition to the ordinance.

Gordon Drew, Scotts Valley resident, spoke in opposition to the ordinance.

Bryce Berryessa, Santa Cruz County resident, representing American Association for Standardized Cannabis, spoke in opposition to the ordinance.

PUBLIC HEARING CLOSED - 7:26 PM

M/S: Bustichi/Aguilar

To approve first reading and introduction of Ordinance No. 16.128.4, adding Chapter 17.60 to the Scotts Valley Municipal Code prohibiting all commercial marijuana uses in the City and repealing Chapter 17.58 relating to medical marijuana dispensaries, amending Section 17.60.020B to read as follows: "To the extent not already covered by subsection A above, all deliveries of cannabis and/or medical cannabis are expressly prohibited within the City of Scotts Valley with the exception of discreet delivery of medical marijuana to a residence or business of a Qualified Patient or a primary caregiver from a medical marijuana dispensary located outside the City of Scotts Valley.", and waive the reading thereof.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

REGULAR AGENDA

2. Future Council agenda items

CM Bustichi requested a future agenda item to review the City's green building ordinance.

CM Aguilar requested a future agenda item regarding a request of support from Congress Member Eshoo on two bills related to the FAA.

ADJOURNMENT

The meeting adjourned at 7:45 p.m.

Approved: _____

Donna Lind, Mayor

Attest: _____

Tracy A. Ferrara, City Clerk

MINUTES

Meeting of the Scotts Valley City Council

Date: December 16, 2015

POSTING:

The agenda was posted on 12-11-15
at City Hall, the SV Senior Center, and
the SV Library, by the City Clerk.

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

Mayor Bustichi
Vice Mayor Lind
Council Member Aguilar
Council Member Johnson
Council Member Reed

City Manager Ando
City Attorney Powell
Comm Dev Dir/Deputy City Mgr Kates
Public Wks Director Hamby
Police Chief Weiss
Senior Planner Fodge
Recreation Division Manager Ard
City Clerk Ferrara

Arrived 6:29 pm

SPECIAL SET MATTERS

- a) **Nomination/Motion of Mayor/Chair for 2015**

M: Johnson

To appoint Vice Mayor Lind as Mayor/Chair for 2015.

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

- b) **Nomination/Motion of Vice Mayor/Vice Chair for 2015**

M: Bustichi

To appoint Council Member Johnson as Vice Mayor/Vice Chair for 2015.

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

- c) **The City Council took a recess until 6:27 pm.**

COMMITTEE REPORTS

CM Bustichi reported that the Water Subcommittee will be meeting with Scott Hoyt from Pasatiempo to discuss terms for a draft agreement for the use of treated tertiary water on the golf course.

CM Aguilar reported that the League of California Cities joined the California State Association of Counties and the Association of California Water Agencies in filing a proposed constitutional amendment with the Attorney General's Office. She reported that the measure would create a new optimal funding system that local agencies can use to finance stormwater management, flood control, sewer, and water supply projects and set rates for customers to encourage conservation and reduce water and sewer bills for low income customers.

VM Johnson reported that the Santa Cruz County Regional Transportation Commission met and discussed the expenditure plan for a tax measure that is scheduled to come forward on the November 2016 ballot.

CITY MANAGER REPORT

- Received the sales tax numbers for the quarter ended September 30, 2015. Sales tax increased over the same quarter from the previous year by 3%.
- Following the approval by City Council and the Regional Transportation Commission for the change in scope of work for the Scotts Valley Drive/Mt. Hermon Road/Whispering Pines Drive Intersection Project, staff is now in the process of issuing a RFP for the design of the improvement project. The estimated timeline for the project calls for the completion of the design this coming summer with construction to begin in November of 2016 and estimated construction completion March of 2017.
- PG&E has staged some equipment from last weekend in the empty lot near the skatepark. It is fenced and has 24 hour security. They will be returning this weekend most likely on Saturday for the predicted rains.
- Lieutenant John Wilson has graduated from the FBI National Academy, which trains management level police personnel with the latest approaches to law enforcement and police technologies.
- This will be my last City Manager report before retiring. I'd like to thank Council for their support the past seven and a half years as the City Manager and Finance Director. It's been an honor serving the City of Scotts Valley for the past 15 years.

PUBLIC COMMENT

Lynn Cordova, Lockhart Gulch resident, stated that she felt she had witnessed the inappropriate use of a taser in an arrest.

Bruce Holloway, Boulder Creek resident, spoke regarding some concerns he had related to the City of Capitola and the Library Board.

Wendy Brannan, representing the Scotts Valley Historical Society, spoke regarding the open house at the Scott House and the event on the Golden Age of Women's Polo in Santa Cruz County that was held on December 7th in the Scotts Valley City Council Chambers. She stated that approximately 25 people attended the event.

Wendy Brannan, SV Resident, stated that she attended the Emergency Preparedness Workshop and that she felt this should have been a City sponsored event and it could have been better.

CM Bustichi read a letter that he had received from a woman regarding her positive list of top 20 items she saw in one afternoon on Saturday, November 7, 2015 in Scotts Valley.

ALTERATIONS TO CONSENT AGENDA

M/S: Bustichi/Aguilar

To approve the Consent Agenda.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

Consent Agenda:

- A. Approve City Council meeting minutes of 12-4-15
- B. Approve check register – 12-4-15
- C. Approve First Amendment to At Will Employment Agreement between the City of Scotts Valley and Charles Comstock for Interim City Manager services beginning December 31, 2015
- D. Second reading and approval of Ordinance No. 188 adding Chapter 5.22 of Title 5 of the Scotts Valley Municipal Code requiring tobacco retailer licenses and amending Chapter 8.25 of the Scotts Valley Municipal Code to regulate the sale of tobacco products
- E. Approve first amendment to Memorandum of Understanding between the City of Scotts Valley and the Scotts Valley Mid-Management Association for the period July 1, 2015 to June 30, 2017

ALTERATIONS TO REGULAR AGENDA

M/S: Aguilar/Bustichi

To approve the Regular Agenda.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

REGULAR AGENDA

1. **Oral presentation from Alex Clifford, General Manager of the Santa Cruz Metropolitan Transit District**

Alex Clifford, General Manager of the Santa Cruz Metropolitan Transit District (SCMTD), spoke regarding the SCMTD structural deficit, provided updates on SCMTD projects in Scotts Valley, provided updates on SCMTD goals and projects, and responded to questions from Council.

Wendy Brannan, SV resident, encouraged the City Council to work with the SCMTD on parking.

2. **Consideration of membership in the Monterey Bay Economic Partnership**

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

Bud Colligan, MBEP Board Member, gave a Powerpoint presentation regarding MBEP and responded to questions from Council.

M/S: Aguilar/Johnson

To approve membership in the Monterey Bay Economic Partnership (MBEP) and authorize the expenditure of \$5,000 to join the MBEP.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

PUBLIC HEARINGS

3. **APPEAL HEARING: Consideration of an appeal of the Planning Commission's failed motion to extend variance and design review permits to build a debris flow wall (and other property improvements) at 903 Whispering Pines Drive & 100 Blueberry Court, APN's 021-291-27 and 021-291-28 (Planning Files V05-002.3 and DR05-022.3)**

SP Fodge presented the written staff report and responded to questions from Council.

PUBLIC HEARING OPENED - 7:40 PM

Frank Harbaugh, owner of 901 Whispering Pines Drive, spoke in opposition to the City Council approving the appeal and responded to questions from Council.

Emily Finn, owner of 100 Blueberry Court, spoke in opposition to the City Council approving the appeal and responded to questions from Council.

Richard Clarke, owner of 699 Whispering Pines Drive, spoke in opposition to the City Council approving the appeal and responded to questions from Council.

Jason Ashton, owner of 903 Whispering Pines Drive, requested that the City Council approve the appeal and responded to questions from Council.

Wendy Brannan, SV resident, spoke regarding the appeal and expressed concerns regarding potential problems with the severe weather that is scheduled for this winter.

Michelle Spencer, Attorney for Jason Ashton, stated that Mr. Ashton is willing to put erosion control measures in place to protect the hillside throughout the winter until the wall can be constructed in the spring. She also spoke regarding comments made regarding the court orders and responded to questions from Council.

Becky Dees, spoke regarding the appeal and responded to questions from Council.

PUBLIC HEARING CLOSED - 8:50 PM

M/S: Bustichi/Reed

To deny the appeal without prejudice and have Mr. Ashton reapply.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

REGULAR AGENDA

(Resumed)

4. Consideration of amendments to agreements regarding the Santa Cruz County Library System

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

Bruce Holloway, Boulder Creek resident, recommended changes to the dollar amounts allotted to the branches and jurisdictions.

Bruce McPherson, 5th District Supervisors and Library Board Member, spoke in support of the Council approving these agreements.

M/S: Reed/Johnson

To approve the fourth amendment to the Joint Powers agreement between the City of Santa Cruz and the County of Santa Cruz and the cities of Capitola and Scotts Valley, relating to library services and authorize the City Manager to execute the agreements.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

M/S: Reed/Johnson

To approve the second amendment to the Joint Exercise of Powers agreement establishing the Santa Cruz County Library Financing Authority and authorize the City Manager to execute the agreements.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

M/S: Reed/Johnson

To approve amendment to the Santa Cruz Libraries Facilities Financing Authority Joint Exercise of Powers Agreement and authorize the City Manager to execute the agreements.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

5. Consideration of installation of memorial rock at Siltanen Park

RDM Ard presented the written staff report and responded to questions from Council.

Wendy Brannan, SV resident, recommended that the Council familiarize themselves with the current memorial program.

M/S: Aguilar/Johnson

To approve the memorial rock and wording as currently installed at Siltanen Park for Mike Shaffer.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

6. Review and consideration of continuation of rebate program for water efficient fixtures

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

7. Future Council agenda items

CM Bustichi/CM Aguilar recommended a future agenda item regarding procedures for park memorials and standardization.

CM Aguilar requested a presentation from Eileen Lowe, Caltrans, regarding the Highway 17 access project.

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 9:33 p.m. to discuss the following items:

- (1) Pursuant to Government Code Section 54956.8, the City Council met in closed session to confer with their legal counsel regarding real property negotiations. Location/APN's: The City of Scotts Valley ocean outfall pipeline starting at the City's wastewater facility, APN 021-061-25 and through Hocus Pocus Park, APN 021-061-45 which runs along Whispering Pines Drive, to Estrella Drive, to Lockwood Lane to Graham Hill Road with turnouts located off of Sims Road and Deer Path Road onto APN 060-011-02, the Pasatiempo Golf Club.
- (2) Pursuant to Government Code Section 54957.6, the City Council met in closed session to confer with their labor negotiator regarding employee negotiations with SEIU.
- (3) Pursuant to Government Code Section 54957, the City Council met in closed session to confer regarding City Attorney performance evaluation.

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 10:15 p.m.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

Mayor Lind announced that there was nothing to report.

ADJOURNMENT The meeting adjourned at 10:15 p.m.

Approved: _____
Donna Lind, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk

MINUTES

Meeting of the Scotts Valley City Council

Date: December 2, 2015

POSTING:

The agenda was posted on 11-25-15
at City Hall, the SV Senior Center, and
the SV Library, by the City Clerk.

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

Mayor Bustichi
Vice Mayor Lind
Council Member Aguilar
Council Member Johnson
Council Member Reed

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

COMMITTEE REPORTS

CM Johnson reported that the Santa Cruz County Regional Transportation Commission met and discussed the expenditure plan that is being discussed for the ½ cent sales tax that is being proposed for the November 2016 ballot. He also reported that a meeting is being held tomorrow, December 3, at the County Board of Supervisors meeting room to discuss expenditure plan further.

CM Aguilar reported that the League of California Cities Board of Directors met to discuss transportation funding.

Mayor Bustichi reported that the Santa Cruz Metropolitan Transit District (SCMTD) Board met and discussed concerns the Board has with verbage in the proposed ½ cent sales tax expenditure plan and the control that the Santa Cruz County Regional Transportation Commission would have over those funds. He also reported that he attended a conference in Pasadena last week with SCMTD General Manager Alex Clifford and SCMTD staff.

CITY MANAGER REPORT

- The contractor has completed the improvements at the Bocce Ball courts at Skypark. New sidewalks have been installed and the grading and drainage work is complete. City crews will now finish the project by replacing the grass next week in areas that were re-graded.

- City crews continue to work in the creeks with Cal Fire crews. Work was postponed this week due to a shortage of City staff, however, will continue and most likely finish next week. City crews are also pruning trees and keeping storm drains clear in preparation for winter rains.
- We have received the prescription discount cards. This is the program offered by the League of California Cities. I've provided Council with a card. Even though it says "City of Scotts Valley" on it, you do not have to be a resident of Scotts Valley to have a card. They are accepted in over 65,000 pharmacies nationwide, including all major pharmacy chains. They can be used for all members of the family. We will be placing the cards at the City Hall, Senior Center, Recreation Office, and the library. I used the pharmacy locator on the website provided. I searched zip code 95066 with a 10-mile radius. It brought up CVS and Walgreens in Scotts Valley, CVS and Rite Aid in Felton, Horsnyder, Costco and Safeway in Santa Cruz, just to name a few.

PUBLIC COMMENT

Wendy Brannan, Scotts Valley Historical Society (SVHS), spoke regarding current improvements to the Scott House and invited everyone to attend the SVHS Open House of the Scott House this Saturday, December 5th at 2:00 pm, after their event on the Golden Age of Women's Polo in Santa Cruz County being held in the Scotts Valley City Council Chambers.

John Weiss, Chief of Police, invited everyone to attend the annual Christmas Tree Lighting ceremony on Saturday, December 5 from 4:00 pm to 8:00 pm at the Scotts Valley Community Center, hosted by the Scotts Valley Chamber of Commerce and Gateway Bible Church and sponsored by Scarborough Lumber.

Frank Kertai, SV resident, thanked the Scotts Valley Police Department and their staff for their quick response times.

VM Lind announced that next Tuesday, December 8th a Community Emergency Preparedness Workshop is being held at the Scotts Valley Community Center from 5:00 to 6:30 pm.

ALTERATIONS TO CONSENT AGENDA

CM Aguilar requested that Item C be moved to the regular agenda for discussion.

Wendy Brannan, SV resident, requested that Item F be moved to the regular agenda for discussion.

M/S: Lind/Aguilar

To approve the Consent Agenda as amended moving Item C and Item F to the regular agenda for discussion.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

Consent Agenda:

- A. Approve City Council meeting minutes of 11-18-15
- B. Approve check register – 11-20-15, 11-13-15
- D. Approve Resolution No. 1911 approving the agreement to prefund other post-employment benefits and other related forms with the California Employers' Retirement Benefit Trust Fund through the California Public Employees Retirement System
- E. Approve new salary schedule for Recreation temporary employees, effective January 1, 2016
- G. Approve Resolution No. 1914 urging the State of California to provide new funding for public transportation infrastructure

ALTERATIONS TO REGULAR AGENDA

M/S: Aguilar/Lind

To approve the Regular Agenda as amended moving consent agenda Item C and Item F to the regular agenda for discussion.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

REGULAR AGENDA

- 1. **Oral presentation on legislative update from Assembly Member Mark Stone**

Assembly Member Mark Stone provided a legislative update and responded to questions from the Council.

- C. **Approve the 2014/2015 annual report of Development Impact Fees**

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

Wendy Brannan, SV resident, questioned the appropriate use of development impact fees by the City.

M/S: Aguilar/Lind

To approve the 2014/2015 annual report of Development Impact Fees.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

- F. **Authorize recruitment of Building Inspector**

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

Wendy Brannan, SV resident, recommended hiring someone who is a certified access specialist in order to deal with ADA compliance in-house instead of having to hire outside specialists.

M/S: Aguilar/Lind

To authorize the recruitment of a Building Inspector.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

2. Oral presentation of annual report for the Santa Cruz City/County Library System

Janis O'Driscoll, Interim Library Director, gave an oral presentation of the Santa Cruz City/County Library System 2015 Annual Report, talked about how the library fits into the community, discussed the new library governance that is being proposed, and responded to questions from Council. She also announced that the new Library Director will be starting on December 10, 2015.

3. Consideration of first reading and introduction of Ordinance No. 188 adding Chapter 5.22 of Title 5 of the Scotts Valley Municipal Code requiring tobacco retailer licenses and amending Chapter 8.25 of the Scotts Valley Municipal Code to regulate the sale of tobacco products

Sgt Milroy presented the written staff report and responded to questions from Council.

Jim Murphy, Legislative Ambassador with the Cancer Action Network, spoke in favor of the Tobacco Retailer License (TRL) ordinance.

Christy Cole, Santa Clara resident and American Cancer Society representative, spoke in favor of the Tobacco Retailer License (TRL) ordinance.

Gina Cole, Chair of Santa Cruz County Tobacco Education Coalition, spoke in favor of the Tobacco Retailer License (TRL) ordinance.

M/S: Aguilar/Lind

To approve first reading and introduction of Ordinance No. 188, adding Chapter 5.22 of Title 5 of the Scotts Valley Municipal Code requiring tobacco retailer licenses and amending Chapter 8.25 of the Scotts Valley Municipal Code to regulate the sale of tobacco products, and waive the reading thereof.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

4. Consider authorizing City staff to work with Local Agency Formation Commission (LAFCO) on updating the sphere of influence boundaries

CDD Kates presented the written staff report and responded to questions from Council. He stated that Patrick McCormick, Executive Officer of Santa Cruz LAFCO, was present at the meeting for questions.

Frank Kertai, Board Member of the Heritage Parks Association (Monte Fiore), spoke in support of this project so that the Gateway South area will be included in the Scotts Valley Water District.

M/S: Aguilar/Lind

To authorize City staff to work with Santa Cruz LAFCO to begin the process of updating the Sphere of Influence boundaries.

Carried 5/0 (AYES: Aguilar, Bustichi, Johnson, Lind, Reed)

5. Future Council agenda items

None.

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 7:50 p.m. to discuss the following items:

1. Pursuant to Government Code Section 54956.8, the City Council met in closed session to confer with their legal counsel regarding real property negotiations. Location/APN's: The City of Scotts Valley ocean outfall pipeline starting at the City's wastewater facility, APN 021-061-25 and through Hocus Pocus Park, APN 021-061-45 which runs along Whispering Pines Drive, to Estrella Drive, to Lockwood Lane to Graham Hill Road with turnouts located off of Sims Road and Deer Path Road onto APN 060-011-02, the Pasatiempo Golf Club

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 8:15 p.m.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

Mayor Bustichi announced that there was nothing to report.

ADJOURNMENT The meeting adjourned at 8:15 p.m.

Approved: _____
Dene Bustichi, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
	003123 A T & T	106303	01/14/16	378.26
	003457 ADAMS/TROY	106304	01/14/16	245.60
	000705 ADVOCACY, INC	106305	01/14/16	372.75
	002059 ALCOPRO, INC	106306	01/14/16	106.00
	001219 ALHAMBRA	106307	01/14/16	46.13
	000881 ALVAREZ INDUSTRIES INC.	106308	01/14/16	1,945.00
	000563 APPI	106309	01/14/16	490.77
	001670 AT & T	106310	01/14/16	1,856.30
	000097 AT&T	106311	01/14/16	398.32
	000205 BACK TO EDEN INC	106312	01/14/16	950.00
	000565 BANK OF NEW YORK MELLON/	106313	01/14/16	1,590.00
	001600 BARON DDS/JOHN E	106314	01/14/16	112.00
	001518 BAY AREA POLYGRAPH	106315	01/14/16	250.00
	001822 BC LABORATORIES INC.	106316	01/14/16	205.00
	001017 C.W.E.A.	106317	01/14/16	164.00
	000435 CATTERA/MARK F.	106318	01/14/16	150.00
	003345 COASTAL TRACTOR	106319	01/14/16	2,120.48
	002091 COMCAST	106320	01/14/16	273.34
	002091 COMCAST	106321	01/14/16	158.61
	002091 COMCAST	106322	01/14/16	133.98
	000761 COMMUNITY BRIDGES	106323	01/14/16	2,226.75
	003476 CORIX	106324	01/14/16	2,936.25
	001546 CRAIG/ROBERT J	106325	01/14/16	1,000.00
	003465 CREECH DDS/CYNTHIA	106326	01/14/16	314.00
	000037 CRYSTAL SPRINGS WATER CO	106327	01/14/16	28.90
	002076 CYCLE REVOLUTION	106328	01/14/16	2,602.53
	001896 D & G SANITATION	106329	01/14/16	270.80
	000389 DASSEL'S PETROLEUM INC	106330	01/14/16	3,305.17
	000207 DEPARTMENT OF JUSTICE	106331	01/14/16	224.00
	000488 DIENTES COMMUNITY DENTAL	106332	01/14/16	323.75
	003298 DISCOVERY DOOR	106333	01/14/16	79.62
	003160 DIXON & SON TIRE	106334	01/14/16	110.03
	.15001 DRESBACH/JESSE	106335	01/14/16	363.00
	001537 DYNAMIC PRESS	106336	01/14/16	646.91
	000072 ECOLOGY ACTION OF SC	106337	01/14/16	5,043.90
	000054 EWING IRRIGATION PRODUCT	106338	01/14/16	323.56
	000703 FAMILY SERVICE AGENCY	106339	01/14/16	990.75
	001597 FLEMING/JOSEPHINE	106340	01/14/16	1,687.50
	001392 FONG/MICHAEL DDS	106341	01/14/16	952.50
	000057 HACH COMPANY	106342	01/14/16	926.35
	001239 HAYASHI DDS/ARTHUR K	106343	01/14/16	825.00
	001856 HUB INTERNATIONAL	106344	01/14/16	256.08
	001841 IDEXX LABORATORIES, INC.	106345	01/14/16	1,914.25
	001075 J.A.M. SERVICES INC.	106346	01/14/16	31,842.00
	003430 LAURIE/JERMEL	106347	01/14/16	346.88
	001673 LINCOLN FINANCIAL GROUP	106348	01/14/16	1,072.84
	003479 LIPS DDS/ PHILIP J	106349	01/14/16	501.00
	003403 MAR-KEN INTERNATIONAL PO	106350	01/14/16	260.00

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
001815	MC GRATH/TRISH	106351	01/14/16	129.38
001234	MC GRAW DDS/BERNARD	106352	01/14/16	238.40
000195	MESITI-MILLER ENGINEERIN	106353	01/14/16	3,957.27
003171	MICHALAK/GENE	106354	01/14/16	110.00
000218	MID VALLEY SUPPLY	106355	01/14/16	813.50
003218	MITCHELL/SCOTT	106356	01/14/16	375.98
001418	MONTEREY REGIONAL	106357	01/14/16	6,515.70
000328	MONTEREY REGIONAL COMPLI	106358	01/14/16	1,040.00
000939	NATIONAL COMTEL NETWORK	106359	01/14/16	24.05
000323	NBS GOVERNMENT FINANCE G	106360	01/14/16	2,500.30
001872	NORTH CENTRAL LABORATORI	106361	01/14/16	283.89
001988	O'REILLY AUTOMOTIVE, INC	106362	01/14/16	795.31
003099	OZONIA NORTH AMERICA	106363	01/14/16	528.14
000101	PACIFIC GAS & ELECTRIC C	106364	01/14/16	134.65
000101	PACIFIC GAS & ELECTRIC C	106365	01/14/16	173.70
000101	PACIFIC GAS & ELECTRIC C	106366	01/14/16	28,445.30
000098	PALACE ART & OFFICE	106367	01/14/16	1,155.83
001982	PEAVEY COMPANY/LYNN	106368	01/14/16	111.70
000723	PIED PIPER INC./THE	106369	01/14/16	55.50
001233	PORTER DDS MS/BRENT J	106370	01/14/16	992.30
001503	PRUDENTIAL INSURANCE CO/	106371	01/14/16	571.65
000879	QUEST DIAGNOSTICS	106372	01/14/16	32.37
003469	RECREATION ACCESSIBILITY	106373	01/14/16	23,440.00
000134	S.V. WATER DISTRICT	106374	01/14/16	7,386.77
001894	S.V. WATER DISTRICT - BU	106375	01/14/16	207.57
000135	SAN LORENZO VALLEY WATER	106376	01/14/16	30.64
001823	SANTA CRUZ CO ENVIRONMEN	106377	01/14/16	364.00
001364	SANTA CRUZ COUNTY	106378	01/14/16	22,234.40
003367	SANTA CRUZ LIVE SCAN	106379	01/14/16	60.00
000127	SANTA CRUZ SENTINEL	106380	01/14/16	330.33
000128	SCARBOROUGH LUMBER	106381	01/14/16	2,681.14
001586	SCOTTS VALLEY CLEANERS	106382	01/14/16	196.00
000131	SCOTTS VALLEY MEDICAL	106383	01/14/16	190.00
000916	SECOND HARVEST FOOD BANK	106384	01/14/16	960.00
003085	SHRED-IT US JV LLC	106385	01/14/16	71.45
001923	SIRCHIE	106386	01/14/16	111.54
001535	SKIP'S TIRE & AUTO CENTE	106387	01/14/16	292.70
003287	SLV ELECTRIC, INC	106388	01/14/16	270.00
001555	STATE BOARD OF EQUALIZAT	106389	01/14/16	62.00
002053	STEPFORD	106390	01/14/16	5,313.00
000882	SUPERIOR ALARM COMPANY	106391	01/14/16	1,044.00
003363	SUSCO/JOSEPH	106392	01/14/16	108.00
.15002	TANGUAY/ELIZABETH	106393	01/14/16	200.00
001589	TELECOMMUNICATIONS	106394	01/14/16	4,440.00
000153	THOMSON REUTERS-WEST	106395	01/14/16	269.86
001560	TRITON CONSTRUCTION	106396	01/14/16	75.00
001687	TYNDALL/KEITH	106397	01/14/16	69.72
001366	U.S. BANCORP OFFICE	106398	01/14/16	1,257.46

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA	GENERAL CHECKING ACCOUNT				
001366	U.S. BANCORP OFFICE	106399	01/14/16	342.03	
001046	UNION BANK OF CA-CORPORA	106400	01/14/16	2,300.00	
001831	USA BLUE BOOK	106401	01/14/16	1,372.29	
.15000	VIOLATION PROCESSING DEP	106402	01/14/16	30.00	
000151	VISION SERVICE PLAN	106403	01/14/16	1,203.20	
003008	WILLIAMS/JESSE	106404	01/14/16	642.38	
000154	WINCHESTER AUTO STORES	106405	01/14/16	691.13	
003055	WITTWER DDS/RYAN A	106406	01/14/16	263.00	
	GENERAL CHECKING ACCOUNT			200,815.39	***

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
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001	GENERAL	119,892.05
002	RECYCLING/ENVIRONMENTAL	1,162.50
004	RECREATION	3,038.46
010	WASTEWATER OPERATIONS	40,456.27
011	TERTIARY TREATMENT PLANT	2,917.39
023	SVRDA SUCCESSOR AGENCY	1,590.00
028	SENIOR CENTER	3,532.11
050	PINEWOOD EST LNDSCP MAINT DT	40.82
077	SKYPARK MAINT ASSESS DIST	1,662.99
090	SV DRIVE A REDEMPTION	2,500.30
112	DENTAL INS INTERNAL SERV	4,551.80
123	COMMUNITY FACILITY CENTER	2,706.80
150	GENERAL CAPITAL IMPROVEMENTS	16,763.90
TOTAL ALL FUNDS		200,815.39

BANK RECAP:

BANK	NAME	DISBURSEMENTS
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BA	GENERAL CHECKING ACCOUNT	200,815.39
TOTAL ALL BANKS		200,815.39

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
	000182 A SIGN ASAP	106216	12/18/15	57.19
	003123 A T & T	106217	12/18/15	378.26
	003457 ADAMS/TROY	106218	12/18/15	30.00
	003258 ADEPT MOBILE MECHANIC	106219	12/18/15	2,362.70
	000213 AFFILIATED PSYCHOLOGISTS	106220	12/18/15	200.00
	001405 AFLAC-FLEX ONE	106221	12/18/15	2,901.94
	000620 ALVAREZ/TONY	106222	12/18/15	20.00
	001009 ARD/KRISTIN	106223	12/18/15	30.00
	001670 AT & T	106224	12/18/15	7,222.10
	000097 AT&T	106225	12/18/15	159.10
	003416 BALBOA CAPITAL	106226	12/18/15	225.12
	001066 BEHAVIORAL HEALTH CARE I	106227	12/18/15	252.00
	001593 BENEDICT DDS/NANETTE	106228	12/18/15	231.20
	003203 BLUETARP FINANCIAL	106229	12/18/15	329.91
	001040 BOGNER SHEET METAL	106230	12/18/15	454.53
	000500 BOLANOS/DORENE	106231	12/18/15	20.00
	000021 BOWMAN & WILLIAMS	106232	12/18/15	27,698.51
	000437 BRASS KEY LOCKSMITH	106233	12/18/15	13.67
	000676 BREWER/MARK	106234	12/18/15	233.60
	000018 BRINK'S TROPHY SHOPPE	106235	12/18/15	324.08
	001566 BUSINESS WITH PLEASURE	106236	12/18/15	351.85
	001385 CALIFORNIA PUBLIC EMPLOY	106237	12/18/15	129,847.38
	000773 CENTRAL COAST LANDSCAPE	106238	12/18/15	383.00
	001051 COASTAL EVERGREEN CORP	106239	12/18/15	850.00
	002091 COMCAST	106240	12/18/15	236.29
	003476 CORIX	106241	12/18/15	585.83
	001935 CRITICAL REACH	106242	12/18/15	285.00
	003322 CROWNE CAFE CATERING/	106243	12/18/15	2,100.00
	003043 CSG CONSULTANTS, INC	106244	12/18/15	2,696.38
	000389 DASSEL'S PETROLEUM INC	106245	12/18/15	3,319.55
	000207 DEPARTMENT OF JUSTICE	106246	12/18/15	32.00
	003160 DIXON & SON TIRE	106247	12/18/15	3,481.67
	001362 DUNCAN AUTO TECH	106248	12/18/15	1,903.89
	003354 ELITE MARTIAL ARTS, INC	106249	12/18/15	73.50
	003181 ESRI	106250	12/18/15	417.69
	003290 EVOQUA WATER TECHNOLOGIE	106251	12/18/15	372.35
	003484 FERNANDEZ DDS/PABLO D	106252	12/18/15	747.20
	003253 FIRST ALARM	106253	12/18/15	710.67
	000375 FIRST ALARM SECURITY & P	106254	12/18/15	330.00
	001042 GOLDEN GATE PETROLEUM	106255	12/18/15	3,247.18
	001828 GONZALES/GABE	106256	12/18/15	20.00
	000057 HACH COMPANY	106257	12/18/15	31.29
	000801 HINDERLITER, DE LLAMAS &	106258	12/18/15	1,142.85
	000615 HOHMANN/PATRICK J.	106259	12/18/15	20.00
	.14998 HULA SCHOOL OF SANTA CRU	106260	12/18/15	100.00
	001308 JOHNSON DDS/BRETT	106261	12/18/15	172.00
	001903 JONES/KIMARIE	106262	12/18/15	20.00
	000284 LOGAN & POWELL, LLP	106263	12/18/15	10,000.00

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA	GENERAL CHECKING ACCOUNT				
003321	LOPEZ/RENE	106264	12/18/15	20.00	
000291	MBASIA	106265	12/18/15	189,387.00	
003486	MERCED HOSPITALITY	106266	12/18/15	550,000.00	
003171	MICHALAK/GENE	106267	12/18/15	110.00	
003487	MONTEREY BAY ECONOMIC	106268	12/18/15	5,000.00	
003368	MT HERMON VETERINARY CLI	106269	12/18/15	35.20	
000088	NORTH BAY FORD-LINCOLN-	106270	12/18/15	59.76	
001988	O'REILLY AUTOMOTIVE, INC	106271	12/18/15	314.93	
001802	ONTRAC	106272	12/18/15	33.28	
002063	PATEL-CROSKREY/DARSHANA	106273	12/18/15	306.57	
000102	PITNEY BOWES	106274	12/18/15	147.44	
003323	POMPETTE/NICOLE	106275	12/18/15	20.00	
001503	PRUDENTIAL INSURANCE CO/	106276	12/18/15	602.55	
003230	REDWOOD TOXICOLOGY LAB	106277	12/18/15	16.00	
000134	S.V. WATER DISTRICT	106278	12/18/15	3,150.00	
001894	S.V. WATER DISTRICT - BU	106279	12/18/15	213.78	
001533	SANTA CRUZ COUNTY BANK	106280	12/18/15	2,855.30	
001533	SANTA CRUZ COUNTY BANK	106281	12/18/15	927.76	
003485	SANTA CRUZ SAND BLASTING	106282	12/18/15	2,000.00	
000128	SCARBOROUGH LUMBER	106283	12/18/15	3,366.49	
000131	SCOTTS VALLEY MEDICAL	106284	12/18/15	191.00	
000405	SILVERSTEIN/THOMAS	106285	12/18/15	2,091.90	
001535	SKIP'S TIRE & AUTO CENTE	106286	12/18/15	317.58	
.14999	STEINHAUS/TOM	106287	12/18/15	78.14	
000143	SUMMIT UNIFORMS	106288	12/18/15	58.73	
001933	THURINGER/JOE	106289	12/18/15	20.00	
000754	UPS STORE/THE	106290	12/18/15	178.22	
001831	USA BLUE BOOK	106291	12/18/15	1,257.48	
001106	VERIZON WIRELESS	106292	12/18/15	1,083.81	
000151	VISION SERVICE PLAN	106293	12/18/15	1,203.20	
003145	WAGE WORKS	106294	12/18/15	110.00	
003488	WALKER/SAREE	106295	12/18/15	375.00	
001342	WELCH/JAMES	106296	12/18/15	20.00	
003008	WILLIAMS/JESSE	106297	12/18/15	20.00	
000154	WINCHESTER AUTO STORES	106298	12/18/15	912.10	
003166	WISDOM/ANGIE	106299	12/18/15	323.50	
002021	ZOOM	106300	12/18/15	287.67	
	GENERAL CHECKING ACCOUNT			973,715.87	***

SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
12/18/2015 13:33:47
GL060S-V07.27 RECAPPAGE

Check Register

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
001	GENERAL	324,465.72
004	RECREATION	22,567.04
010	WASTEWATER OPERATIONS	47,466.35
011	TERTIARY TREATMENT PLANT	5,123.77
023	SVRDA SUCCESSOR AGENCY	126.00
025	GENERAL TRUST	17,395.31
028	SENIOR CENTER	1,978.81
033	TREE REPLACEMENT FUND	856.25
050	PINEWOOD EST LNDSCP MAINT DT	383.00
077	SKYPARK MAINT ASSESS DIST	228.39
112	DENTAL INS INTERNAL SERV	1,384.00
123	COMMUNITY FACILITY CENTER	1,741.23
317	EDG-REVOLVING LOAN FUND	550,000.00
TOTAL ALL FUNDS		973,715.87

BANK RECAP:

BANK	NAME	DISBURSEMENTS
BA	GENERAL CHECKING ACCOUNT	973,715.87
TOTAL ALL BANKS		973,715.87

ORDINANCE NO. 16.128.4

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY
ADDING CHAPTER 17.60 TO THE SCOTTS VALLEY MUNICIPAL CODE
PROHIBITING ALL COMMERCIAL MARIJUANA USES IN THE CITY
AND REPEALING CHAPTER 17.58 RELATING TO
MEDICAL MARIJUANA DISPENSARIES**

The City Council of the City of Scotts Valley does hereby ordain as follows:

Section 1. Findings and Purpose. The City Council finds and declares as follows:

A. In 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code § 11362.5 and entitled “The Compassionate Use Act of 1996” or “CUA”).

B. The intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to use it without fear of criminal prosecution under limited, specified circumstances. The proposition further provides that “nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes.” The ballot arguments supporting Proposition 215 expressly acknowledged that “Proposition 215 does not allow unlimited quantities of marijuana to be grown anywhere.”

C. In 2004, the Legislature enacted Senate Bill 420 (codified as California Health & Safety Code § 11362.7 et seq. and referred to as the “Medical Marijuana Program” or “MMP”) to clarify the scope of Proposition 215 and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specified State criminal statutes. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to “[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective” and to civilly and criminally enforce such ordinances.

D. In City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. (2013) 56 Cal.4th 729, the California Supreme Court held that “[n]othing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land. . . .” Additionally, in Maral v. City of Live Oak (2013) 221 Cal.App.4th 975, the Court of Appeal held that “there is no right – and certainly no constitutional right – to cultivate medical marijuana. . . .” The Court in Maral affirmed the ability of a local governmental entity to prohibit the cultivation of marijuana under its land use authority.

E. The Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., classifies marijuana as a Schedule 1 Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United State, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for medical purposes, although there is recent case law that raises a question as to whether the Federal Government may enforce the Act where medical marijuana is allowed.

F. On October 9, 2015 Governor Brown signed 3 bills into law (AB 266, AB 243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act (hereafter “MMRSA”). The MMRSA set up a State licensing scheme for commercial medical marijuana uses while protecting local control by requiring that all such businesses must have a local license or permit to operate in addition to a State license. The MMRSA allows the City to completely prohibit commercial medical marijuana activities.

G. The City Council finds that commercial medical marijuana activities, as well as cultivation for personal medical use as allowed by the CUA and MMP can adversely affect the health, safety, and well-being of City residents. Citywide prohibition is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells and indoor electrical fire hazards that may result from such activities. Further, as recognized by the Attorney General’s August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, marijuana cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

H. The limited immunity from specified state marijuana laws provided by the Compassionate Use Act and Medical Marijuana Program does not confer a land use right or the right to create or maintain a public nuisance.

I. The MMRSA contains language that requires the city to prohibit cultivation uses by March 1, 2016 either expressly or otherwise under the principles of permissive zoning, or the State will become the sole licensing authority. The MMRSA also contains language that requires delivery services to be expressly prohibited by local ordinance, if the City wishes to do so. The MMRSA is silent as to how the City must prohibit other type of commercial medical marijuana activities.

J. Several California cities have reported negative impacts of marijuana cultivation, processing and distribution activities, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards, and problems associated with mold, fungus and pests.

K. Marijuana plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors.

L. The strong smell of marijuana creates an attractive nuisance, alerting persons to the location of valuable plants, and creating a risk of fire which presents a clear and present danger to the building and its occupants.

M. Based on the experiences of other cities, these negative effects on the public health, safety and welfare are likely to occur and to continue to occur in the City due to the establishment and operation of cannabis activity.

N. While the City Council believes that cultivation and all commercial medical and recreational marijuana uses are prohibited under the City's permissive zoning regulations, it desires to enact this ordinance to expressly make clear that all such uses are prohibited in all zones throughout the City.

O. The Planning Commission held a duly noticed public hearing on December 10, 2015 at which time it considered all evidence presented, both written and oral and at the end of the hearing voted to adopt a resolution recommending that the City Council adopt this Ordinance.

P. The City Council held a duly noticed public hearing on this Ordinance on January 6, 2016, at which time it considered all evidence presented, both written and oral.

Section 2. Authority. This ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including but not limited to Article XI, Section 7 of the California Constitution, the Compassionate Use Act, the Medical Marijuana Program, and The Medical Marijuana Regulation and Safety Act.

Section 3. Chapter 17.60 is hereby added to the Scotts Valley Municipal Code to read as follows:

Chapter 17.60

MARIJUANA AND CULTIVATION

17.60.010 Definitions

"Cannabis" shall have the same meaning as set forth in Business & Professions Code § 19300.5(f) as the same may be amended from time to time.

"Caregiver" or "primary caregiver" shall have the same meaning as set forth in Health & Safety Code § 11362.7 as the same may be amended from time to time.

“Commercial cannabis activity” includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of cannabis or medical cannabis or a cannabis or medical cannabis product, except as set forth in Section 19319, related to qualifying patients and primary caregivers.

“Cooperative” shall mean two or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering or making available medical marijuana, with or without compensation.

“Cultivation” shall have the same meaning as set forth in Business & Professions Code § 19300.5(l) as the same may be amended from time to time.

“Cultivation site” means a facility where cannabis or medical cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, that holds a valid state license pursuant to this chapter, and that holds a valid local license or permit.

“Delivery” shall have the same meaning as set forth in Business & Professions Code § 19300.5(m) as the same may be amended from time to time.

“Dispensary” shall have the same meaning as set forth in Business & Professions Code § 19300.5(n) as the same may be amended from time to time. For purposes of this Chapter, “Dispensary” shall also include a cooperative. “Dispensary” shall not include the following uses: (1) a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code, (2) a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code, (3) a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code, (4) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code, (5) a residential hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.

“Dispensing” shall have the same meaning as set forth in Business & Professions Code § 19300.5(o) as the same may be amended from time to time.

“Distribution” shall have the same meaning as set forth in Business & Professions Code § 19300.5(p) as the same may be amended from time to time.

“Distributor” shall have the same meaning as set forth in Business & Professions Code § 19300.5(q) as the same may be amended from time to time.

“Manufacturer” shall have the same meaning as set forth in Business & Professions Code § 19300.5(y) as the same may be amended from time to time.

“Manufacturing site” shall have the same meaning as set forth in Business & Professions Code § 19300.5(af) as the same may be amended from time to time.

“Marijuana Processing” shall mean any method used to prepare cannabis or its byproducts for commercial, retail or wholesale use including, but not limited to, drying, cleaning, curing, packaging and extraction of active ingredients to create cannabis related products and concentrate.

“Medical cannabis,” “medical cannabis product,” or “cannabis product” shall have the same meanings as set forth in Business & Professions Code § 19300.5(ag) as the same may be amended from time to time.

“Medical Marijuana Regulation and Safety Act” or “MMRSA” shall mean the following bills signed into law on October 9, 2015 as the same may be amended from time to time: AB 243, AB 246, and SB 643.

“Nursery” shall have the same meaning as set forth in Business & Professions Code § 19300.5(ah) as the same may be amended from time to time.

“Qualifying patient” or “Qualified patient” shall have the same meaning as set forth in Health & Safety Code § 11362.7 as the same may be amended from time to time.

“Testing laboratory” shall have the same meaning as set forth in Business & Professions Code § 19300.5(z) as the same may be amended from time to time.

“Transport” shall have the same meaning as set forth in Business & Professions Code § 19300.5(am) as the same may be amended from time to time.

“Transporter” shall have the same meaning as set forth in Business & Professions Code § 19300.5(aa) as the same may be amended from time to time.

17.60.020 Prohibition.

- A. Commercial cannabis activities of all types are expressly prohibited in all zoning districts in the City of Scotts Valley. No person shall establish, operate, conduct or allow a commercial cannabis activity anywhere within the City.
- B. To the extent not already covered by subsection A above, all deliveries of cannabis and/or medical cannabis are expressly prohibited within the City of Scotts Valley with the exception of discreet delivery of medical marijuana to a residence or business of a Qualified Patient or a primary caregiver from a medical marijuana dispensary located outside the City of Scotts Valley. No person shall conduct any deliveries that either originate or terminate within the City.
- C. To the extent not already covered in subsection A above, all marijuana processing is expressly prohibited within the City of Scotts Valley.

- D. Dispensing cannabis is prohibited. No person shall dispense cannabis in the City. Cannabis dispensaries are prohibited. No person shall own, manage, operate or work in, whether as an employee or independent contractor, a cannabis dispensary in the City.
- E. Cultivation of cannabis for commercial or non-commercial purposes, including cultivation by a qualified patient or a primary caregiver, is expressly prohibited in all zoning districts in the City of Scotts Valley. No person, including a qualified patient or primary caregiver, shall cultivate any amount of cannabis in the City, even for medical purposes.
- F. This section is meant to prohibit all activities for which a State license is required. Accordingly, the City shall not issue any permit, license or other entitlement for any activity for which a State license is required under the MMRSA.

17.60.030 Public Nuisance.

Any use or condition caused, or permitted to exist, in violation of any provision of this Chapter 17.60 shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure Section 731 or any other remedy available to the City.

17.60.040 Civil Penalties.

In addition to any other enforcement permitted by this Chapter 17.60, the City Attorney may bring a civil action for injunctive relief and civil penalties pursuant to Title 4 of this Code against any person or entity that violates this Chapter. In any civil action brought pursuant to this Chapter, a court of competent jurisdiction may award reasonable attorneys fees and costs to the prevailing party."

Section 4. Chapter 17.58 of the Scotts Valley Municipal Code is hereby repealed.

Section 5. CEQA. This ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, this ordinance is not a project under CEQA Guideline section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The City's permissive zoning provisions already prohibits all uses that are being expressly prohibited by this ordinance. Therefore, this ordinance has no impact on the physical environment as it will not result in any changes.

Section 6. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 7. To the extent the provisions of the Scotts Valley Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 8. This Ordinance shall take effect thirty (30) days after the date of its adoption. Prior to the expiration of fifteen (15) days from the date of adoption, this Ordinance shall be published in at least three (3) public places.

This Ordinance was introduced on the 6th day of January, 2016, and passed and adopted by the City Council of the City of Scotts Valley on the 20th day of January, 2016, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Donna Lind, Mayor

ATTEST:

Tracy A. Ferrara, City Clerk

APPROVED AS TO FORM:

Kirsten Powell, City Attorney

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: January 20, 2016

TO: Honorable Mayor and City Council

FROM: Scott Hamby, Public Works Director

SUBJECT: **RESOLUTION AUTHORIZING CITY TO APPLY FOR STATE BEVERAGE CONTAINER GRANTS**

SUMMARY OF ISSUE

Each year the City applies for, and receives, \$5,000 in CalRecycle State Beverage Container grant money. The City uses this money to participate in the Central Coast Recycling Media Coalition (CCRMC). This radio and television advertising campaign is designed to increase the public's knowledge and participation in local recycling programs. The CCRMC works with a local media consultant to help the coalition continue to develop new television and radio advertisements.

Beginning with this fiscal year 2015-16 funding cycle, all jurisdictions are required to provide a Resolution to continue to apply for funding. The attached Resolution is taken from a template provided by CalRecycle and meets the requirements to allow the City to continue to apply for this grant funding.

FISCAL IMPACT

The City will be eligible to continue to receive up to 5,000 annually of State Beverage Container grant funding.

STAFF RECOMMENDATION

The City Council approve Resolution No. 1915 authorizing submittal of application for payment and related authorizations for state beverage container grants.

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RESOLUTION NO. 1915

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SCOTTS VALLEY AUTHORIZING
SUBMITTAL OF APPLICATION FOR PAYMENT PROGRAM
AND RELATED AUTHORIZATIONS**

WHEREAS, pursuant to Public Resources Code section 48000 et seq. the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the payment programs; and

WHEREAS, CalRecycle's procedures for administering payment programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment program.

NOW, THEREFORE, BE IT RESOLVED that the City of Scotts Valley is authorized to submit an application to CalRecycle for any and all payment programs offered; and

BE IT FURTHER RESOLVED that the Public Works Director, or his/her designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment; and

BE IT FURTHER RESOLVED that this authorization is effective until rescinded by the Signature Authority or this Governing Body.

PASSED AND ADOPTED by the Scotts Valley City Council, on this 20th day of January, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____
Donna Lind, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: January 20, 2016

TO: Honorable Mayor and City Council

FROM: Chuck Comstock, City Manager

**SUBJECT: APPROVAL TO RECRUIT FOR SENIOR BUILDING INSPECTOR/
CODE ENFORCEMENT OFFICER POSITION**

SUMMARY OF ISSUE

At the December 2, 2015 City Council meeting, the Council authorized the replacement of the departing Building Inspector. This is an entry level position and no recruitment has been started at this time. We are currently using a contract building inspector.

Mr. Kates and I believe it would be more beneficial to the City and development community to have a more skilled position on staff. With such a small staff and many projects ongoing, large and small, the higher position would be more responsive and require less supervision. This position would also be expected to do plan checking at the counter and provide more assistance in code enforcement.

FISCAL IMPACT

The salary range for the Building Inspector is \$4125 - \$5528 and for the Senior Building Inspector/Code Enforcement Officer it is \$4596 - \$6158, a monthly difference of \$630 at the top step.

STAFF RECOMMENDATION

The City Council authorize the hiring of a Senior Building Inspector/Code Enforcement Officer.

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CITY OF SCOTTS VALLEY CLASS SPECIFICATION

SENIOR BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

JOB PURPOSE

Under direction of the Community Development Director and Building Official, to advise and consult with other staff and perform a wide variety of technical inspections of structures to insure compliance with the City's building, electrical, plumbing, mechanical and zoning codes; including Code Enforcement duties that include such things as property maintenance, code violations, resident complaint resolution relative to municipal code violations, etc., and to do related work as required.

EXAMPLES OF ESSENTIAL DUTIES

The Senior Building Inspector/Code Enforcement Officer shall perform any of the duties set forth in the class specification for Building Inspector. In addition; the Senior Building Inspector/Code Enforcement Officer shall perform the following:

Essential Duties:

- Inspects building construction and repair activities at all stages to insure compliance with building, plumbing, mechanical, electrical, and zoning codes.
- Enforces codes by giving instructions, warnings, stop work orders or citations.
- Issues construction, repair, and subcontractor permits.
- Provides general Building Inspection services included but and not limited to Foundations, Plumbing, Electrical, Mechanical, Green Building Code, etc.
- Confers with builders, homeowners, architects, engineers, and the general public as to code requirements and answers office inquiries.
- Keeps records and make reports of inspections.
- Checks construction plans for compliance with applicable codes.
- Looks for construction alterations being performed without proper building permits.
- Examines building damaged by fire or to be moved or razed;
- Responds to citizen complaints as related to Building and general Code Enforcement;
- Assists in coordinating the building inspection functions of the City;
- Checks more complex plans of all types, including construction and development projects;
- Enforces various provisions of the City Municipal Code as City's Code Enforcement Officer;
- Seeks compliance, issues warnings and assists in providing information for citations relating to code enforcement;
- Prepares written reports on violations of the City's municipal code;
- Provides detailed investigations on activities which are in violation of the City's Municipal Codes;

Essential Duties (cont.):

- Meets with members of the public to describe code enforcement programs;
- Contacts violators of ordinances to seek compliance with regulations;
- Testifies in court if necessary as a result of code enforcement investigations;
- Issues citations to violators of the Municipal Code.

Marginal Duties:

- Performs related work as required.

EMPLOYMENT STANDARDS

Education, Experience and Licenses: Any combination equivalent to completion of high school and some college, and considerable experience at the journey level in a skilled building trade, plus experience as a building inspector. CALBO/ICC Certifications as Building Inspector and related Certificates and Training are required for the position. Also, training and knowledge in Code Enforcement, California Building, Energy, Fire, Green, Historical, and Residential Codes, International Property Maintenance Codes, National Electrical Codes, etc. A typical way to obtain the knowledge and abilities would be completion of high school, supplemental college experience, and completion of a building trade school curriculum and three years of continuing experience as a building inspector. Must abide by the Code of Ethics of the International Congress of Building Officials.

Ability to: Detect violations of building codes and to recommend corrective actions; read and interpret plans, specifications and blueprints accurately and to compare them with construction in process; exercise good and independent judgment; read, comprehend and apply complex building codes; follow oral and written instructions; establish and maintain effective working relationships with the public, City staff, building owners and contractors; plan own work independently and meet established deadlines.

Knowledge of: Principles and practices of one or more of the skilled building trades; building construction materials and practices; electrical, mechanical, heating and plumbing materials and practices; Uniform Building, Plumbing and Mechanical, and Electrical Codes, Green Building Code; City building codes and ordinances, and zoning laws related to building construction; accepted safety standards; principles and practices of local government administration; ordinance enforcement; and legal procedures.

City Council Approval: October 16, 2013

CITY OF SCOTTS VALLEY CLASS SPECIFICATION

BUILDING INSPECTOR

JOB PURPOSE

Under general direction, to perform a variety of technical inspections of structures to ensure compliance with the City's building, electrical, plumbing, mechanical and zoning codes; and to do related work as required.

EXAMPLES OF ESSENTIAL DUTIES

Essential Duties:

- Inspects building construction and repair activities at all stages to insure compliance with building, plumbing, mechanical, electrical, and zoning codes.
- Enforces codes by giving instructions, warnings, stop work orders or citations.
- Issues construction, repair, and subcontractor permits.
- Checks foundations and construction and building materials for deficiencies.
- Ascertains that electrical wiring and electrical systems meet prescribed standards.
- Inspects plumbing installations for compliance with codes.
- Inspects heating systems to insure proper installations and safe operation.
- Confers with builders, homeowners, architects, engineers, and the general public as to code requirements and answers office inquiries.
- Keeps records and make reports of inspections.
- Checks construction plans for compliance with applicable codes.
- Looks for construction alterations being performed without proper building permits.
-

Marginal Duties:

- Performs related work as required.

EMPLOYMENT STANDARDS

Education, Experience and Licenses: Any combination equivalent to completion of high school and considerable experience at the journey level in a skilled building trade, and a valid California motor vehicle operator's license. Must abide by the Code of Ethics of the International Code Council.

Ability to: Detect violations of building codes and to recommend corrective actions; read and interpret plans, specifications and blueprints accurately and to compare them with construction in process; ability to climb ladders and slopes; exercise good judgment and tact; read, comprehend and apply complex building codes; follow oral and written instructions; establish and maintain effective working relationships with the public, City staff, building owners and contractors; plan own work independently and meet established deadlines.

Knowledge of: Principles and practices of one or more of the skilled building trades; building construction materials and practices; electrical, heating and plumbing materials and practices; Uniform Building, Plumbing and Mechanical, and Electrical Codes; City building codes and ordinances and of zoning laws related to building construction; accepted safety standards, and modern construction methods.

Special requirements, conditions: Within two years of the date of hire, must obtain certification by the International Code Council (ICC) as a Building Inspector AND one of the following speciality certifications: Plumbing Inspector, Mechanical Inspector, Electrical Inspector, or Building Code Accessibility Usability Specialist.

CITY COUNCIL APPROVAL: December 2, 2009

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: January 20, 2016

TO: Honorable Mayor and City Council

FROM: Chuck Comstock, City Manager

SUBJECT: RECRUITMENT FOR ADMINISTRATIVE SECRETARY I AT THE RECREATION DIVISION

SUMMARY OF ISSUE

The current Administrative Secretary II at the Recreation Division plans to retire April 1, 2016. This will leave two part-time persons to absorb the many duties of the person leaving, which will be a negative impact to the community services provided. In discussions with Mr. Hamby and the Recreation Division Manager, we can fill this vacated position with the lower classification of Administrative Secretary I and function at the level expected by the Council and community.

FISCAL IMPACT

The current Administrative Secretary II is at top step, and the net difference at top step between an Administrative Secretary I and an Administrative Secretary II is \$215 per month. This savings could increase if the new person is hired at a lower step.

STAFF RECOMMENDATION

The City Council approve the hiring of an Administrative Secretary I at the Recreation Division.

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CITY OF SCOTTS VALLEY CLASS SPECIFICATION

ADMINISTRATIVE SECRETARY I

JOB PURPOSE

Under general supervision, provides administrative staff support to department staff for management of departmental operations; provides a wide variety of secretarial services which relieve management and supervisory staff of clerical administrative details, and performs related work as required.

EXAMPLES OF DUTIES

Administrative Secretary I positions may perform any of the duties set forth in the class specification for Secretary II. In addition, they:

Essential Duties:

- Provides administrative assistance to staff;
- Answers telephone and directs calls or takes messages for appropriate staff;
- Receives citizens and assists or obtains assistance as required;
- Files departmental records and correspondence;
- Makes arrangements for meetings and conferences and takes minutes at such if required;
- Types letters, memos, forms, staff reports, public hearing notices, agendas, etc. from handwritten copy or dictaphone;
- Composes rough draft of some correspondence;
- Operates office machines as required to perform duties of the position, including dictating, calculating, copying, typewriting, word processing and other office related machines;
- Compiles fees from each department's input;
- Assists in compilation of departmental budget as directed;
- Reviews and edits reports prepared by staff for proper grammar, style, form, and consistency;
- Acts as liaison with other City departments, public agencies and the public;
- Coordinates public relations efforts as assigned by preparing public information material;

Marginal Duties:

- Sorts and distributes incoming mail to appropriate department personnel;
- Makes copies as required by the public;
- Assist in preparation of agenda packets;
- Performs other related duties as assigned;
- May be required to attend night meetings.

EMPLOYMENT STANDARDS

Education and Experience: Any combination equivalent to completion of high school and at least three years secretarial experience, including at least one year in a responsible administrative support capacity. Supplemental college experience desirable; or any combination of education and experience which provides the skills, knowledge, and abilities listed. A typical way to obtain these qualifications would be through a degree from an accredited college or university in business, public administration or a related field, and two years of responsible administrative experience.

Ability to: Communicate courteously and effectively with the public and other staff; acquire knowledge quickly about City functions, policies and staff; compose correspondence when necessary; use good judgment and tact; type accurately at a minimum of 60 words per minute; and/or transcribe from dictaphone accurately at a reasonable rate of speed; reason and learn new techniques and equipment such as computer hardware and software; read, interpret, and apply policies, laws, rules and regulations; make mathematical calculations at a high school level; follow oral and written instructions; plan and organize own work and work space; take direction from several supervisors; ability to prioritize; remain calm under pressure; work independently with minimum supervision; meet established deadlines; establish and maintain effective working relationships with the public, department and Citywide staff, as well as City advisory bodies.

Knowledge of: Office practices and procedures; basic mathematics; correspondence forms and correct punctuation, spelling, grammar and vocabulary; and basic records retention systems; telephone techniques; letter and report writing, composition, and proofreading of reports, memos, and correspondence; standard office equipment; knowledge of the organization and operation of a municipal government; knowledge of effective work management and scheduling techniques; general knowledge of the function of the department.

Driver's License: Possession of a valid, appropriate State of California driver's license.

CITY COUNCIL APPROVAL DATE: 12-16-92
Amended by Council: 04-05-00
Amended by City Manager 06-08-01

CITY OF SCOTTS VALLEY CLASS SPECIFICATION

ADMINISTRATIVE SECRETARY II

JOB PURPOSE

Under general supervision, provides administrative staff support to department staff for management of departmental operations; provides a wide variety of secretarial services which relieve management and supervisory staff of clerical administrative details, and performs related work as required.

EXAMPLES OF DUTIES

Administrative Secretary II positions may perform any of the duties set forth in the class specification for Administrative Secretary I. In addition, they:

Essential Duties:

- Assists in development of reports and studies by researching, maintaining, and compiling data.

Marginal Duties:

- Performs other related duties as assigned;
- May be required to attend night meetings.

EMPLOYMENT STANDARDS

Education and Experience: Any combination equivalent to completion of high school and at least three years secretarial experience, including at least one year in a responsible administrative support capacity. Supplemental college experience desirable; or any combination of education and experience which provides the skills, knowledge, and abilities listed. A typical way to obtain these qualifications would be through two years of continuous service with the City of Scotts Valley as an Administrative Secretary I OR a degree from an accredited college or university in business, public administration or a related field, and two years of responsible administrative experience.

Ability to: Communicate courteously and effectively with the public and other staff; acquire knowledge quickly about City functions, policies and staff; compose correspondence when necessary; use good judgment and tact; type accurately at a minimum of 60 words per minute; and/or transcribe from dictaphone accurately at a reasonable rate of speed; reason and learn new techniques and equipment such as computer hardware and software; read, interpret, and apply policies, laws, rules and regulations; make mathematical calculations at a high school level; follow oral and written instructions; plan and organize own work and

work space; take direction from several supervisors; ability to prioritize; remain calm under pressure; work independently with minimum supervision; meet established deadlines; establish and maintain effective working relationships with the public, department and Citywide staff, as well as City advisory bodies.

Knowledge of: Office practices and procedures; basic mathematics; correspondence forms and correct punctuation, spelling, grammar and vocabulary; and basic records retention systems; telephone techniques; letter and report writing, composition, and proofreading of reports, memos, and correspondence; standard office equipment; knowledge of the organization and operation of a municipal government; knowledge of effective work management and scheduling techniques; general knowledge of the function of the department.

Driver's License: Possession of a valid, appropriate State of California driver's license.

City Council Approval Date: 12-16-92
Amended by Council: 04-05-00
Amended by City Manager: 06-08-01

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: January 20, 2016

TO: Honorable Mayor and City Council

FROM: Chuck Comstock, City Manager

SUBJECT: **APPROVAL OF LETTER OF SUPPORT FOR H.R 3384 AND H.R. 3965**

SUMMARY OF ISSUE

Congress Member Eshoo has introduced two pieces of legislation to reform the FAA. They are the Quiet Communities Act, H.R. 3384, and the FAA Community Accountability Act, H.R. 3965. Council Member Aguilar has requested letters of support for this legislation.

The Quiet Communities Act would restore the EPA’s Office of Noise Abatement and Control, which was created by Congress in 1972, until it was defunded in 1981. The FAA Community Accountability Act would require the FAA to work with local communities and limit noise impacts when planning and implementing new flight paths.

The December 9, 2015 letter from Congress Member Eshoo provides more information on the Acts. House Resolutions 3384 and 3965 are also included.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

The Council authorize the mayor to sign the letter of support for H.R. 3384 and H.R. 3965.

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CITY OF SCOTTS VALLEY

OFFICE OF THE CITY MANAGER

1 Civic Center Drive • Scotts Valley • California • 95066
Phone (831) 440-5600 • Facsimile (831) 438-2793 • www.scottsvalley.org

The Honorable Anna G. Eshoo, 18th District
United States House of Representatives
241 Cannon Building
Washington, D.C. 20515

RE: H.R. 3384 and H.R. 3965

Dear Congress Member Eshoo:

On behalf of the Scotts Valley City Council, I am pleased to offer our support for the Quiet Communities Act (H.R. 3384) and the FAA Community Accountability Act (H.R. 3965)

H.R.3965 would require the FAA to reconsider existing routes that expose residents to unacceptably high levels of aviation noise. In March of this year, the FAA implemented a new flight plan over Santa Cruz County to San Francisco international airport. The significantly increased noise level over Scotts Valley is due to a new concentrated and narrow flight pattern, and a lowering of the flight altitude. We believe that our situation falls under the proposed legislation, and these new routes over Scotts Valley need to be reconsidered.

We also feel that H.R. 3384, by requiring the EPA administrator to conduct a study of airport noise and examine the effectiveness of the FAA's noise measurement methods, would help the City of Scotts Valley to meet our concerned citizens major objective. That is to have the FAA roll back the newly implemented Star arrival route SERFR One to the old route Star BIG SUR Two, until an EIR has been done, and the residents of Santa Cruz County have had a chance to review and comment on the Report.

Thank you for your consideration and your leadership on these important issues.

Sincerely,

Donna Lind
Mayor

Scotts Valley City Council INTEROFFICE MEMORANDUM

DATE: January 20, 2016
TO: Honorable Mayor and City Council Members
FROM: Charles Comstock, Interim City Manager
SUBJECT: Third Amendment to City Attorney Professional Services Agreement

SUMMARY OF ISSUE

Logan & Powell, LLP and its predecessor, Law Offices of Robert J. Logan, have served as the City Attorney since July 1991. A copy of the Professional Services Agreement is attached to this report. The compensation paid to the City Attorney has never been increased. This amendment would increase the monthly retainer by \$1,000.00 per month for a total of \$11,000.00. With the increase, this retainer is still lower than other similar cities. The City Attorney spends approximately 75-85 hours per month on work for the City of Scotts Valley. This calculates to be \$129 - \$144 per hour of work under the retainer. That rate is below the market rate for City Attorney services.

The amendment also clarifies extraordinary services provided by the City Attorney which are billed on an hourly rate. Under the retainer, the City Attorney is required to have on-site office hours four (4) Wednesdays per month. Due to the work load and staff changes, the City Attorney has been asked to provide additional office hours. Those additional office hours have been added to the extraordinary services.

Litigation and extraordinary services are provided at an hourly rate. The hourly rate has not been increased. That rate is \$140 per hour which is far below market. This amendment will increase that rate to \$200 per hour. This amount is at the low end of the range for contract city attorneys. Currently, the rate for the Capitola City Attorney is \$225 per hour.

FISCAL IMPACT

Execution of this amendment will increase the City Attorney budget by \$6,000 for fiscal year 2015-2016.

RECOMMENDATION

Staff recommends that the City Council authorize the Mayor to execute the Third Amendment to Professional Services Agreement with Logan & Powell, LLP.

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THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

This Third Amendment to Professional Services Agreement is entered into by and between the City of Scotts Valley ("City") and Logan & Powell, LLP ("Attorney") on this 20th day of January, 2016.

RECITALS

- A. Attorney and its predecessor, has acted as the City Attorney since 1991.
- B. Attorney and City entered into that certain Professional Services Agreement on July 1, 1991 (the "Agreement").
- C. The Agreement was amended on February 7, 2001 and May 1, 2004.
- D. The parties desire to amend the Agreement to further define legal services and adjust compensation.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants and promises contained herein, the parties agree as follows:

AGREEMENT

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

"II. Services Provided Outside of Retainer Services (Litigation and Extraordinary Services)

Attorney shall provide litigation and extraordinary services on an hourly basis. Litigation services include all services related to the prosecution or defense of any matter being heard before any administrative board or tribunal (except the council), federal or state court where the City is a party, as well as time expended for depositions court hearings, trials, conferences or other administrative or judicial appearances, preparation of any papers, briefs, documents and other matters related to any administrative or court proceeding, as well as preparation for any hearings before any public administrative agency, body or court.

Extraordinary services include review of annexation applications, development agreement, general or specific plans and zoning text amendments, environmental documents or any other matters for which the City receives refunds from the developer for purposes of reimbursement of legal expenses. In addition, extraordinary expenses includes any additional on-site office hours of Attorney beyond four Wednesdays per month.

It is the obligation of City to make payments directly to Attorney for Extraordinary Services in a timely manner after billing those services. City may direct Attorney not to proceed on Extraordinary Services until City is satisfied that sufficient funds have been deposited with City to cover the costs of the required extraordinary services. In addition, the City may order Attorney to cease any Extraordinary Services at any time to assure that sufficient funds will be available for completion of the services."

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

“III. Compensation and Reimbursement

City shall compensate Attorney for all services performed under the monthly retainer described in Section I herein in the amount of Eleven Thousand (\$11,000.00) per month. All attorney services rendered in addition to the Retainer Services shall be compensated for at the following rates:

Extraordinary Services and Litigation:

Attorney	\$200 per hour
Special Counsel	\$200 per hour
Paralegals/Law Clerk	\$85 per hour

City shall reimburse Attorney for all customary and reasonable out-of-pocket costs and expenses advances or pain on behalf of City in the performance of any legal services, whether retainer or otherwise, including all travel expenses incurred in the performance of the legal services described herein. Mileage shall be reimbursed at the IRS standard mileage rate.”

3. All other terms and conditions of the Agreement and the earlier amendments shall remain unchanged and in effect during the term of the Agreement.

IN WITNESS WHEREOF, this Third Amendment to Professional Services Agreement between the City of Scotts Valley and Logan & Powell, LLP is hereby executed on the date written above.

"CITY"
CITY OF SCOTTS VALLEY

"ATTORNEY"
LOGAN & POWELL, LLP

Donna Lind, Mayor

Kirsten M. Powell,
Managing Partner

ATTEST:

Tracy Ferrara, City Clerk

**City of Scotts Valley
INTEROFFICE MEMORANDUM**

DATE: January 20, 2016
TO: Honorable Mayor and City Council
FROM: Tracy A. Ferrara, City Clerk
SUBJECT: **APPOINTMENTS TO INTERJURISDICTIONAL, STANDING LOCAL,
AND PROJECT SPECIFIC COMMITTEES**

SUMMARY OF ISSUE

Annually the newly appointed Mayor will select individual Council members to serve on interjurisdictional, standing local, and project specific committees.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

The Mayor will provide his appointments at this meeting in order to maintain ongoing City representation at upcoming meetings on the various committees.

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COMMITTEES

Interjurisdictional Committees:

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

Standing Local Committees:

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

Project Specific Committees:

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