



A G E N D A

Meeting of the Scotts Valley City Council

Date: November 15, 2017

Time: 6:00 pm

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 11-9-17 at City Hall, SV Senior Center, SV Library and on the Internet at www.scottsvalley.org .
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Elected Officials Randy Johnson, Mayor Jim Reed, Vice Mayor Stephany E. Aguilar, Council Member Jack Dilles, Council Member Donna Lind, Council Member	City Staff Members Jenny Haruyama, City Manager Kirsten Powell, City Attorney Taylor Bateman, Acting Community Development Dir Scott Hamby, Public Works Director Steve Walpole, 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

COMMITTEE REPORTS

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

CITY MANAGER REPORT

PUBLIC COMMENT TIME

(This is the opportunity for individuals 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 items may do so raising their hand to be recognized by the Mayor.)

- A. Approve City Council meeting minutes 11-1-17, 11-8-17
- B. Approve check register – 10-27-17, 11-1-17
- C. Approve second reading and adoption of Ordinance No. 16-128.5, an Ordinance of the City Council of the City of Scotts Valley amending Section 17.64.020 of Chapter 17.64 of Title 17 to allow indoor cannabis cultivation of up to six (6) plants for personal use
- D. Authorize the closure of non-essential city facilities, including City Hall and Recreation administrative offices Wednesday, December 27, 2017 through Friday, December 29, 2017 and the Senior Center Monday, December 18, 2017 through Friday, December 22, 2017 and Monday, December 25, 2017 through Tuesday, January 2, 2018
- E. Approve the Operations & Maintenance Plan and Maintenance Agreement for the Timber Ridge Subdivision, APN No. 024-021-26

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. Oral Presentation from Melanie Sobel, General Manager of the Santa Cruz County Animal Shelter regarding microchipping and rabies (Police Chief Walpole)
2. Consider first reading and adoption of Ordinance No. 159.1, an ordinance of the City Council of the City of Scotts Valley modifying Sections 5.06.020, 5.06.030, 5.06.040, and 5.06.080 of Chapter 5.06 of Title 5 of the Scotts Valley Municipal Code regarding Bingo (Police Chief Walpole)
3. Consider approval for the recruitment of a Wastewater Operator-in-Training (OIT) position for the Wastewater Treatment Plant and authorization for a budget appropriation in the amount of \$39,000 (Public Works Director Hamby)
4. 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.)

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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DATE: 11-15-2017



MINUTES

Meeting of the Scotts Valley City Council

Date: November 1, 2017

POSTING:

The agenda was posted on 10-27-17 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 Johnson
Vice Mayor Reed
Council Member Aguilar
Council Member Dilles
Council Member Lind

City Manager Haruyama
City Attorney Powell
Police Chief Walpole
Public Works Director Hamby
Acting Community Development Director Bateman
Civil Engineer Kahn
City Clerk Ferrara

COMMITTEE REPORTS

CM Dilles reported that he attended the Santa Margarita Groundwater Agency meeting where they reviewed by-laws, adopted protocols, appointed a general counsel attorney, and approved applying for a one million dollar planning grant with the State of California, which will require a one million dollar match.

CM Aguilar reported that the Homelessness Task Force met to establish a governance structure, which would include local elected officials and staff members who deal with housing.

CM Lind reported that she attended the Criminal Justice Council Executive Committee meeting where they discussed their participation in a Project Thrive conference relating to trauma and working with youth.

CM Lind reported that she attended the Santa Cruz Metropolitan Transit District Board meeting where they discussed the inclusion of a pilot program for the use of articulated buses at UCSC. She stated that the Board is also working on an update of the Cabrillo bus program.

CM Lind reported that she attended a conference last week for LAFCO where they attended workshops and discussed the mutual challenges that are faced by many jurisdictions, specifically related to budget health. She reported that she also attended a panel on accountability, consolidation, local control, transparency, and communicating with the public, where one of the key things discussed was the importance of social media.

Mayor Johnson reported that he participated in a State of the City address that was organized by the Scotts Valley Chamber of Commerce.

Mayor Johnson reported that he attended a Santa Cruz County Regional Transportation Commission workshop where they discussed a request to conduct a peer review of the Great Santa Cruz Trail 2016 Report.

CITY MANAGER REPORT

Dinner and Movie in the Park: Last Friday's Dinner and Movie in the Park event helped to raise almost \$2,000 in cash and 81 pounds of food for Valley Churches. Thank you those who participated.

Bethany Drive: Repairs to Bethany Road due to prior construction truck travel were made last week. Due to expected weather changes, the slurry seal will be completed tomorrow. Bethany Drive will be closed Thursday from SV Drive to Tabor Way. All traffic will be rerouted using Tabor Drive.

ADA Improvements: The ADA curb ramp work on the four corners of Mount Hermon - 7-11 and Mc Donald's was completed last week. The renovation of both of the Siltanen bathrooms is also complete. Work has begun on ADA improvements at Hocus Pocus and should be completed by then end of next week.

State of the City at Monteville: The Mayor will be speaking at Monteville Mobile Home Park annual State of the City on Saturday, November 4 at 10 am. The event is open to the general public.

Monterey Bay Area Self-Insurance Authority:

- I will be attending the Monterey Bay Area Self-Insurance Authority Long Range Planning and Strategic Planning Session this Thursday and Friday.
- The City is a member of a self- insured pooled with other municipalities to provide broad risk and claims management services.

PUBLIC COMMENT

Darshana Croskrey, Scotts Valley Senior Center Coordinator, announced that the annual Senior Center Craft Faire is being held this Saturday, November 4 from 10:00 am to 4:00 pm at the Senior Center and the Community Center.

ALTERATIONS TO CONSENT AGENDA

M/S: Lind/Aguilar

To approve the Consent Agenda.

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

Consent Agenda:

- A. Approve City Council meeting minutes 10-18-17
- B. Approve check register – 10-20-17, 10-16-17
- C. Approve 2018 City Council meeting schedule

**ALTERATIONS TO
REGULAR AGENDA**

M/S: Lind/Dilles

To approve the Regular Agenda.

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

REGULAR AGENDA

1. Oral Presentation from Bud Colligan regarding Greenway Santa Cruz County

Bud Colligan, Greenway Santa Cruz County, gave a PowerPoint presentation to the City Council regarding “Developing Transit Solutions That Make Sense,” responded to questions from Council, and requested support from the Council.

2. Consideration of amendment to the PG&E On-Bill Energy Efficient LED Lights Financing Program Agreement

CE Kahn presented the written staff report and responded to questions from Council.

M/S: Aguilar/Lind

To move forward with the amended PG&E On-Bill Financing Loan Agreement, to include the Siltanen ball field lighting, and authorize the City Manager to execute the agreement on behalf of the City.

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

3. Future Council agenda items

CM Aguilar requested a future agenda item regarding developer impact fees in relation to affordable housing units.

CM Dilles requested a future agenda item of a resolution to protect the ocean and coast from offshore drilling.

ADJOURNMENT

The meeting adjourned at 7:25 p.m.

Approved: _____

Randy Johnson, Mayor

Attest: _____

Tracy A. Ferrara, City Clerk



MINUTES

Special Meeting of the Scotts Valley City Council

Date: November 8, 2017

POSTING:

The agenda was posted on 11-3-17 at City Hall, the SV Senior Center, the SV Library, and on the Internet at www.scottsvally.org by the City Clerk.

CALL TO ORDER 8:02 p.m.

ROLL CALL

Present:

Mayor Johnson
Council Member Dilles
Council Member Lind

City Manager Haruyama
City Attorney Powell
Police Chief Walpole
Public Works Director Hamby
Acting Community Development Director Bateman
City Clerk Ferrara

Absent:

Vice Mayor Reed
Council Member Aguilar

SPECIAL SET MATTER

PUBLIC HEARING

1. Consider first reading and introduction of Ordinance No. 16-128.5, an ordinance of the City Council of the City of Scotts Valley amending Section 17.64.020 of Chapter 17.64 of Title 17 to allow indoor cannabis cultivation of up to six (6) plants for personal use

PC Walpole presented the written staff report and responded to questions from Council.

PUBLIC HEARING OPENED – 8:05 PM

No one came forward.

PUBLIC HEARING CLOSED – 8:05 PM

M/S: Lind/Dilles

To approve first reading and introduction of Ordinance No. 16-128.5, an ordinance of the City Council of the City of Scotts Valley amending Section 17.64.020 of Chapter 17.64 of Title 17 to allow indoor cannabis cultivation of up to six (6) plants for personal use, and waive the reading thereof.

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

ADJOURNMENT

The meeting adjourned at 8:06 p.m.

Approved: _____

Randy Johnson, Mayor

Attest: _____

Tracy A. Ferrara, City Clerk

CONSENT AGENDA ITEM B

DATE: 11-15-2017

SCOTTS VALLEY ACCOUNTS PAYABLE
10/27/2017 13:25:06 Check Register

CITY OF SCOTTS VALLEY
GL050S-V08.05 COVERPAGE
GL540R

Report Selection:

RUN GROUP... 102717 COMMENT... A/P AS OF OCT 27 2017

DATA-JE-ID DATA COMMENT

W-10272017-665 A/P AS OF OCT 27 2017

Run Instructions:

Jobq	Banner	Copies	Form	Printer	Hold	Space	LPI	Lines	CPI	CP	SP	RT
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Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
	003457 ADAMS/TROY	111738	10/27/17	30.00
	000620 ALVAREZ/TONY	111739	10/27/17	20.00
	001009 ARD/KRISTIN	111740	10/27/17	30.00
	001373 BAY TREE, LLC	111741	10/27/17	3,620.38
	001822 BC LABORATORIES INC.	111742	10/27/17	432.00
	003573 BEN'S MOTORCYCLE WORKS	111743	10/27/17	3,949.20
	001593 BENEDICT DDS/NANETTE	111744	10/27/17	251.20
	000107 BIRT/DUSTIN	111745	10/27/17	20.00
	000500 BOLANOS/DORENE	111746	10/27/17	20.00
	000437 BRASS KEY LOCKSMITH	111747	10/27/17	7.06
	001017 C.W.E.A.	111748	10/27/17	120.00
	001051 COASTAL EVERGREEN CORP	111749	10/27/17	1,675.00
	002091 COMCAST	111750	10/27/17	136.20
	003588 CONDUENT BUSINESS SVCS,	111751	10/27/17	1,734.47
	000975 DEAN/MICHAEL R.	111752	10/27/17	53.38
	001362 DUNCAN AUTO TECH	111753	10/27/17	1,229.20
	000098 ESCALON SERVICES	111754	10/27/17	2,067.27
	000054 EWING IRRIGATION PRODUCT	111755	10/27/17	108.13
	000202 FEDERAL EXPRESS	111756	10/27/17	143.25
	000202 FEDERAL EXPRESS	111757	10/27/17	23.34
	001657 GOLDEN GATE TRUCK CENTER	111758	10/27/17	43.26
	001828 GONZALES/GABE	111759	10/27/17	20.00
	000057 HACH COMPANY	111760	10/27/17	274.93
	003387 HEIDARI DDS/ALI	111761	10/27/17	131.20
	000615 HOHMANN/PATRICK J.	111762	10/27/17	20.00
	003271 HOME DEPOT CREDIT SERVIC	111763	10/27/17	937.20
	000283 HOSE SHOP	111764	10/27/17	149.21
	001902 INDEPENDENT ELECTRIC SUP	111765	10/27/17	39.06
	001903 JONES/KIMARIE	111766	10/27/17	20.00
	003592 KAHN/JESSICA	111767	10/27/17	30.00
	003321 LOPEZ/RENE	111768	10/27/17	20.00
	003565 MANAGEMENT PARTNERS	111769	10/27/17	3,212.50
	001648 MARCELLO & COMPANY	111770	10/27/17	11,000.00
	001591 MARKELL/ROD	111771	10/27/17	1,974.00
	001815 MC GRATH/TRISH	111772	10/27/17	20.00
	001234 MC GRAW DDS/BERNARD	111773	10/27/17	223.20
	001988 O'REILLY AUTOMOTIVE, INC	111774	10/27/17	265.08
	000089 OLIVE SPRINGS QUARRY INC	111775	10/27/17	1,123.68
	000785 PITNEY BOWES INC	111776	10/27/17	180.98
	003323 POMPETTE/NICOLE	111777	10/27/17	20.00
	003117 PRIORITY 1 PUBLIC SAFETY	111778	10/27/17	850.00
	001097 PRODESSE PROPERTY GROUP	111779	10/27/17	3,523.52
	003503 PURETEC INDUSTRIAL WATER	111780	10/27/17	75.00
	003052 RJL ENTERPRISES	111781	10/27/17	336.35
	003012 ROBBINS/AMANDA	111782	10/27/17	155.00
	000135 SAN LORENZO VALLEY WATER	111783	10/27/17	34.00
	001885 SANTA CRUZ BIOTECHNOLOGY	111784	10/27/17	115.54
	001875 SANTA CRUZ MOSQUITO	111785	10/27/17	657.60

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA	GENERAL CHECKING ACCOUNT				
	000820 SANTA CRUZ/COUNTY OF	111786	10/27/17	22.00	
	002053 STEPFORD	111787	10/27/17	5,240.00	
	001560 TRITON CONSTRUCTION	111788	10/27/17	900.00	
	000151 VISION SERVICE PLAN	111789	10/27/17	1,193.16	
	000443 WALPOLE/STEVE	111790	10/27/17	84.00	
	001342 WELCH/JAMES	111791	10/27/17	20.00	
	003008 WILLIAMS/JESSE	111792	10/27/17	20.00	
	003641 YEE DDS MS/CYNTHIA	111793	10/27/17	522.40	
	002021 ZOOM	111794	10/27/17	10.99	
	GENERAL CHECKING ACCOUNT			49,133.94	***

SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
10/27/2017 13:25:06
GL540R-V08.05 PAGE 3

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				49,133.94

RECORDS PRINTED - 000104

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
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001	GENERAL	31,955.71
004	RECREATION	604.06
010	WASTEWATER OPERATIONS	3,304.39
011	TERTIARY TREATMENT PLANT	432.00
019	AFFORDABLE HOUSING	1,974.00
023	SVRDA SUCCESSOR AGENCY	7,143.90
028	SENIOR CENTER	69.09
050	PINEWOOD EST LNDSCP MAINT DT	34.00
077	SKYPARK MAINT ASSESS DIST	825.00
088	LIBRARY FACILITIES-MEAS "S"	761.32
112	DENTAL INS INTERNAL SERV	1,367.00
123	COMMUNITY FACILITY CENTER	663.47
TOTAL ALL FUNDS		49,133.94

BANK RECAP:

BANK	NAME	DISBURSEMENTS
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BA	GENERAL CHECKING ACCOUNT	49,133.94
TOTAL ALL BANKS		49,133.94

SCOTTS VALLEY ACCOUNTS PAYABLE
11/01/2017 13:36:53 Check Register

CITY OF SCOTTS VALLEY
GL050S-V08.05 COVERPAGE
GL540R

Report Selection:

RUN GROUP... 110117 COMMENT... A/P AS OF NOV 1 2017

DATA-JE-ID DATA COMMENT

W-11012017-681 A/P AS OF NOV 1 2017

Run Instructions:

Jobq	Banner	Copies	Form	Printer	Hold	Space	LPI	Lines	CPI	CP	SP	RT
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Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA	GENERAL CHECKING ACCOUNT				
	003123 A T &T	111796	11/01/17	374.44	
	000041 ACC BUSINESS	111797	11/01/17	393.54	
	002066 AC3	111798	11/01/17	1,200.00	
	000097 AT&T	111799	11/01/17	170.21	
	003260 BILES DDS MA/DAVID	111800	11/01/17	515.00	
	001633 CAL-WEST LIGHTING & SIGN	111801	11/01/17	1,841.15	
	003248 EARTHWORKS	111802	11/01/17	5,660.00	
	000426 ENTENMANN-ROVIN CO	111803	11/01/17	335.56	
	003206 ERNIE'S AUTO CENTER	111804	11/01/17	126.24	
	000054 EWING IRRIGATION PRODUCT	111805	11/01/17	54.07	
	001881 GRAINGER	111806	11/01/17	223.36	
	001308 JOHNSON DDS/BRETT	111807	11/01/17	89.60	
	001372 KURATOMI DDS/REED K	111808	11/01/17	100.80	
	000086 MOTION INDUSTRIES INC.	111809	11/01/17	164.52	
	001615 OLIN CORP-CHLOR ALKALI	111810	11/01/17	1,806.96	
	001802 ONTRAC	111811	11/01/17	55.85	
	000918 PETTY CASH-JEANETTE ROLA	111812	11/01/17	330.00	
	001857 PHOENIX GROUP	111813	11/01/17	92.60	
	000463 RALEY'S	111814	11/01/17	163.24	
	000171 RIVERSIDE LIGHTING INC	111815	11/01/17	487.49	
	003055 SANTA CRUZ CHILDREN'S	111816	11/01/17	120.80	
	001544 SANTA CRUZ COUNTY CONFER	111817	11/01/17	57,519.99	
	003555 SANTA CRUZ COUNTY DA OFF	111818	11/01/17	7,039.00	
	000128 SCARBOROUGH LUMBER	111819	11/01/17	1,310.53	
	001959 TESSENDERLO KERLEY, INC	111820	11/01/17	861.95	
	001560 TRITON CONSTRUCTION	111821	11/01/17	375.00	
	003392 WENGER PAVING INC	111822	11/01/17	76,775.00	
	GENERAL CHECKING ACCOUNT			158,186.90	***

SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
11/01/2017 13:36:53
GL540R-V08.05 PAGE 2

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				158,186.90

RECORDS PRINTED - 000059

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
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001	GENERAL	76,069.55
003	GAS TAX - SPECIAL STATE TRST	76,775.00
004	RECREATION	32.79
010	WASTEWATER OPERATIONS	3,141.33
011	TERTIARY TREATMENT PLANT	1,249.83
028	SENIOR CENTER	92.20
112	DENTAL INS INTERNAL SERV	826.20
TOTAL ALL FUNDS		158,186.90

BANK RECAP:

BANK	NAME	DISBURSEMENTS
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BA	GENERAL CHECKING ACCOUNT	158,186.90
TOTAL ALL BANKS		158,186.90

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: November 15, 2017

TO: Honorable Mayor and City Council

FROM: Steve Walpole, Chief of Police

APPROVED: Jenny D. Haruyama, City Manager

SUBJECT: CONSIDER SECOND READING AND ADOPTION OF ORDINANCE NO. 16-128.5, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY AMENDING SECTION 17.64.020 OF CHAPTER 17.64 OF TITLE 17 TO ALLOW INDOOR CANNABIS CULTIVATION OF UP TO SIX (6) PLANTS FOR PERSONAL USE

SUMMARY OF ISSUE

In August 2016, the Scotts Valley City Council adopted Ordinance No. 16-128.4, prohibiting the cultivation, distribution and use of medicinal and recreational marijuana. The ordinance prohibits medical marijuana dispensaries in the City, but allows for the discrete delivery of medicinal marijuana to qualified patients from legally existing dispensaries located outside the City.

On November 8, 2016, Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act ('AUMA') passed with 57% voter approval in California and became law on November 9, 2016, which permitted recreational marijuana. This proposition legalizes recreational marijuana under state law, for use and personal cultivation by adults 21 or older. It also specifically provides that local jurisdictions may still adopt and enforce ordinances to regulate non-medical cannabis activities/businesses through local zoning, land use, and police powers. However, the City must allow for indoor cultivation of up to six (6) plants.

On June 27, 2017, Governor Jerry Brown signed Senate Bill 94, the Medicinal and Adult Use Cannabis Regulation and Safety Act ("SB 94" or the 'MAUCRSA'). This law reconciled the Medical Cannabis Regulation and Safety Act ("MCRSA") and the AUMA. SB 94 merges medical and non-medical cannabis regulations into a single regulatory scheme. The City is now required to provide the newly created Bureau of Cannabis Control (the Bureau") with a copy of any ordinance related to commercial cannabis activity and the contact information for the person designated by the City to serve as the contact person regarding commercial cannabis activity within the jurisdiction. Additionally, SB 94 requires the Bureau to first notify the contact person for the City that it has received an

application from a prospective cannabis business to operate in the City. The City must then notify the Bureau if the applicant is compliant with local ordinance(s). If the applicant is not compliant with local ordinances, the Bureau will not issue a license.

Although the City has previously prohibited the cultivation, use, and distribution of marijuana, as well as medical marijuana dispensaries, Chapter 17.64 must be amended to allow the indoor cultivation of up to six (6) plants to be consistent with State law. The proposed ordinance includes standards for the indoor cultivation, including security measures and location restrictions. As proposed, the ordinance still allows for the discrete delivery of medicinal marijuana.

On October 12, 2017, the Planning Commission reviewed Ordinance No. 16-128.5 and recommended adoption of the Ordinance as proposed to the City Council.

On November 8, 2017, the City Council held a public hearing and approved the first reading and introduction of Ordinance No. 16-128.5, an Ordinance of the City Council of the City of Scotts Valley amending Section 17.64.020 of Chapter 17.64 of Title 17 to allow indoor cannabis cultivation of up to six (6) plants for personal use.

FISCAL IMPACT

There is no fiscal impact to the City.

RECOMMENDATION

It is recommended that the City Council approve the second reading and adoption of Ordinance No. 16-128.5, an Ordinance of the City Council of the City of Scotts Valley amending Section 17.64.020 of Chapter 17.64 of Title 17 to allow indoor cannabis cultivation of up to six (6) plants for personal use.

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ORDINANCE NO. 16.128.5

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SCOTTS VALLEY AMENDING SECTION 17.64.020
OF CHAPTER 17.64 OF TITLE 17 OF THE SCOTTS VALLEY
MUNICIPAL CODE TO ALLOW INDOOR CANNABIS
CULTIVATION OF UP TO SIX (6) PLANTS FOR PERSONAL USE**

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. Pursuant to its police powers, and as authorized by the California Compassionate Use Act, the California Medical Cannabis Regulation and Safety Act ("MCRSA"), the Adult Use of Marijuana Act ("AUMA"), SB 94 and the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"), the City may enact laws or regulations pertaining to cannabis cultivation, dispensing, manufacturing, distribution, transporting, and testing within its jurisdiction.

B. The City has previously adopted ordinances governing medical cannabis dispensaries and prohibiting cultivation, distribution and use within the City.

C. Under the AUMA and MAUCRSA, the City cannot prohibit the indoor cultivation of up to six (6) for personal use.

D. The City desires to amend Chapter 17.64 to allow the indoor cultivation of up to six (6) for personal use.

E. The Planning Commission held a duly noticed public hearing on October 12, 2017, at which time it considered all evidence presented, both written and oral, and at the end of the hearing voted to recommend that the City Council adopt this Ordinance.

F. The City Council held a duly noticed public hearing on this Ordinance on November 8, 2017, at which time it considered all evidence presented, both written and oral.

Section 2. Section 17.64.020 of Chapter 17.64 of Title 17 of the Scotts Valley Municipal Code is hereby amended to read as follows:

"17.64.020 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 cannabis 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.
- C. To the extent not already covered in subsection A above, all cannabis 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. 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 California Medical Cannabis Regulation and Safety Act ("MCRSA"), the Adult Use of Marijuana Act ("AUMA"), Senate Bill 94 and/or the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA").
- F. 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 except as provided below:
 - 1. An individual may cultivate cannabis indoors on the parcel where the individual resides for personal medical or nonmedical purposes. Outdoor cultivation is prohibited.
 - 2. A primary caregiver may cultivate medical cannabis indoors at the primary caregiver's residence for a qualified patient for whom he/she is the primary caregiver. Outdoor cultivation is prohibited.
 - 3. Cannabis cultivation is permitted only on parcels with residential units. Cannabis cultivation is permitted only within a legally permitted residential unit, a garage (provided required parking is maintained), or a self-contained outside accessory building that is secured, locked, and fully enclosed.
 - 4. The cannabis cultivation area shall not exceed a total of six (6) plants per residence or property (for example, a property owner/resident may not grow six (6) plants indoors and grow additional plants in a separate self-contained building on the property).
 - 5. The use of gas products, volatile solvents or dangerous poisons, toxins or carcinogens (including, but not limited to, CO₂, butane, gasoline,

kerosene) or generators for marijuana cultivation or processing is prohibited.

6. Cannabis cultivation for sale is prohibited. Notwithstanding this prohibition, a primary caregiver may recover from his or her qualified patient the actual costs incurred by the primary caregiver in cultivating the medical marijuana he or she delivers to the qualified patient.
7. From the public right-of-way, there shall be no exterior evidence of cannabis cultivation.
8. Any accessory structure used for cultivation shall be located in the rear half of the lot and must maintain minimum yard requirements as specified in the development standards of the subject zoning district. The accessory structure shall not be entitled to any exceptions or modifications that allow for reduced side and rear yard setbacks. The yard in which the accessory structure is located must be fully enclosed by a solid six (6) foot high fence.
9. The residence shall maintain the kitchen, bathrooms, and primary bedrooms for their intended use and these rooms shall not be used for cannabis cultivation.
10. Written consent of the property owner to cultivate cannabis shall be obtained and kept on the premises at all times.
11. Any cannabis cultivation area located within a residence shall not create humidity, mold, or other nuisance condition.
12. The cannabis cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, excessive light, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products or wastes.”

Section 3. 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 in 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 4. 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 5. 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 6. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of adoption and shall post a certified copy of this Ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

This Ordinance was introduced on the 8th day of November, 2017, and passed and adopted by the City Council of the City of Scotts Valley on the 15th day of November, 2017, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Randy Johnson, Mayor

ATTEST:

Tracy A. Ferrara, City Clerk

APPROVED AS TO FORM:

Kirsten Powell, City Attorney

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: November 15, 2017

TO: Honorable Mayor and City Council

FROM: Jenny Haruyama, City Manager

SUBJECT: HOLIDAY CLOSURE OF NON-ESSENTIAL CITY FACILITIES

SUMMARY OF ISSUE

Customer activity at city facilities during the holiday season in December and January has been historically slow. In prior years, the Council authorized the closure of non-essential city facilities during a holiday week. City staff recommends Council continue with past practice and consider a holiday closure for 2017.

A holiday closure would impact City Hall, the Recreation Offices, and the Senior Center. The Senior Center has traditionally been closed for a slightly longer period of time during the holiday season. However, the Public Works administration and maintenance, Wastewater Treatment Plant, and Recreation school-age winter camp would be staffed. Police would maintain their regular staffing levels.

Building inspection services will be provided if needed during the closure. Staff will also proactively connect with developers and residents that have construction projects underway to ensure the necessary inspections are scheduled.

Should Council authorize the closure, affected City employees have voluntarily agreed to take time off using their accrued leave. Below is the current proposed city facilities closure (including holidays) for the month of December 2017 and January 2018:

City Hall/Recreation Offices:

<i>Monday, December 25</i>	<i>Tuesday, December 26</i>	<i>Wednesday, December 27</i>	<i>Thursday, December 28</i>	<i>Friday, December 29</i>	<i>Monday, January 1</i>	<i>Tuesday, January 2</i>
Holiday	Holiday	City Offices Closed	City Offices Closed	City Offices Closed	Holiday	Holiday

Senior Center:

<i>Monday, December 18</i>	<i>Tuesday, December 19</i>	<i>Wednesday, December 20</i>	<i>Thursday, December 21</i>	<i>Friday, December 22</i>
Senior Center Closed	Senior Center Closed	Senior Center Closed	Senior Center Closed	Senior Center Closed

<i>Monday, December 25</i>	<i>Tuesday, December 26</i>	<i>Wednesday, December 27</i>	<i>Thursday, December 28</i>	<i>Friday, December 29</i>	<i>Monday, January 1</i>	<i>Tuesday, January 2</i>
Holiday	Holiday	Senior Center Closed	Senior Center Closed	Senior Center Closed	Holiday	Holiday

FISCAL IMPACT

Minor savings would be generated from lower heating and other operating costs. Employee accrued leave balances would also be reduced.

RECOMMENDATION

It is recommended that Council authorize the closure of non-essential city facilities, including City Hall and Recreation administrative offices Wednesday, December 27 through Friday, December 29, 2017 and the Senior Center Monday, December 18 through Friday, December 22 and Monday, December 25 through Tuesday, January 2.

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None.

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: November 15, 2017

TO: Honorable Mayor and City Council

FROM: Jessica Kahn, Civil Engineer

APPROVED: Jenny Haruyama, City Manager

SUBJECT: **MAINTENANCE AGREEMENT FOR PRIVATE STORMWATER
MANAGEMENT FACILITY, TIMBER RIDGE SUBDIVISION, APN
024-021-26**

SUMMARY OF ISSUE

The Timber Ridge Subdivision was approved by the City Council on January 21, 2015 (the "Project"). The Project created four (4) new parcels. Part of the infrastructure required for the Project included improving an existing roadway and creating a storm drain system.

Pursuant to State law, the Project requires a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP is a document that outlines how a construction project will minimize stormwater pollution. Now that the subdivision map has been recorded and a majority of the homes in the Project have been built, post-construction stormwater management requirements for development projects require the City to enter into an Operations & Maintenance Plan and Maintenance Agreement (O&M) with the developer that clearly establishes responsibility for all structural Water Quality Treatment, Runoff Retention, and/or Peak Management controls in the Project. The attached agreement meets that requirement. Under the agreement, the developer and future owners of properties in the Project are responsible for ongoing maintenance of the stormwater system and reporting maintenance records to the City.

FISCAL IMPACT

There is no fiscal impact to the General Fund. Approximately \$573.00 will be collected each year from Timber Ridge Lane Road Maintenance Association and will increase with the yearly CPI to cover City's cost of inspection, oversight, and reporting requirements to the Regional Water Quality Control Board.

STAFF RECOMMENDATION

It is recommended that the Council approve the Operations & Maintenance Plan and Maintenance Agreement for the Timber Ridge Subdivision, APN 024-021-26.

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Exhibit A, Stormwater Maintenance Agreement for APN 024-021-26 2

Upon recording return to:

City of Scotts Valley
Public Work Department
One Civic Center Drive, Scotts Valley 95066

(Space above this line for Recorder's use)

**City of Scotts Valley
Storm Water
Maintenance Agreement Regarding Maintenance of
Structural or Treatment Control
Best Management Practices (BMPs)**

For: Address: Timber Ridge Road

I, Chris Perri _____, being the owner of the real property, APN No. 021-024-26 _____, which is located at Timber Ridge Road _____, Scotts Valley, California, consents and agrees to inspect and maintain any and all structural or treatment control Best Management Practices (BMPs) as outlined in the approved project Storm Water Operation and Maintenance Plan on the subject property dated: 06/20/2016. The structural or treatment control BMPs on the subject property includes(s): bio-treatment basins, underground storage and infiltration chambers, storm drain inlets, velocity dissipaters, and swales.

I agree to send a letter that provides proof of inspection and maintenance to the City of Scotts Valley Department of Public Works prior to October 15 of each year. Proof of inspection and maintenance shall include a log of inspection and maintenance dates for the past year, and receipts if conducted by a hired service. The log should also indicate any significant observations or repairs made. ***The proof of inspection and maintenance should be sent to: Storm Water Maintenance, Department of Public Works, City of Scotts Valley, 701 Lundy Lane, Scotts Valley, CA 95066.***

You are required herein to pay an annual service charge of \$573.00 to cover the City's cost of inspection, oversight, and reporting requirements to the Regional Water Quality Control Board. The annual service charge is subject to change based on annual inflation adjustments.

As part of this agreement you agree to allow City staff to enter the subject property to inspect the stormwater facility. In the event that you fail to provide satisfactory inspection and maintenance reporting by October 15th and/or the stormwater facility on the subject property is not functioning satisfactorily, you will be charged for re-inspection.

In the event that the property is sold, transferred, or leased, the obligations hereby imposed on the property owner shall be assumed by subsequent property owners and lessees. To this end, property owner, in any deed transferring an ownership interest in the property or in any lease agreement for the property, shall include a term by which the subsequent property owner or lessee acknowledges his or her understanding of the obligations imposed by this agreement and expressly agrees to accept the assume responsibility for complying with all said obligations imposed by this agreement.

In addition, I will provide printed information to the new property owner or lessee regarding proper BMP inspection and maintenance frequency and methods. The information shall accompany the first deed transfer. This information shall include the following:

1. a description of any and all storm water structural or treatment control BMPs;
2. a map of the property indicating the BMP locations; and
3. a description of how inspections and necessary maintenance can be performed.

The transfer of this information shall also be required with any subsequent sale of property.

Failure to comply with the provisions of the Maintenance Agreement may result in enforcement actions including assessment of civil penalties as allowed by the City's Municipal Code, Chapter 12.14.060 Storm Water Conveyance Systems.

I have read the above agreement and understand it.

This agreement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, and assigns of owner.

Owner name: Chris Perri for Apple Homes Development
Owner signature: Chris Perri INC
Date this Sept day of 28, 2017
Owners address: 15 Sherman Ct SU 95066
Phone: 831 239 9269
Email: applehomesdevelopment@gmail.com

(Note: All signatures on this form must be notarized.)

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- ☐ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], not Notary)

*I have read and accepted the
storm water treatment measures for
the Timber Ridge Lane road maintenance
Association*

[Signature]

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

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

State of California

County of Santa Cruz

Subscribed and sworn to (or affirmed) before me

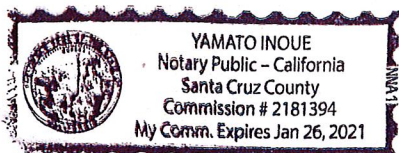
on this 28th day of September, 2017,
by Date Month Year

(1) Christopher Petri

(and (2) _____),

Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.



Signature

[Signature]

Signature of Notary Public

Seal
Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Personal Statement Document Date: 09/28/2017

Number of Pages: 3 Signer(s) Other Than Named Above: N/A

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: November 15, 2017

TO: Honorable Mayor and City Council

FROM: Jenny D. Haruyama, City Manager

SUBJECT: **ORAL PRESENTATION FROM MELANIE SOBEL, GENERAL
MANAGER OF THE SANTA CRUZ COUNTY ANIMAL SHELTER
REGARDING MICROCHIPPING AND RABIES**

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: November 15, 2017

TO: The Honorable Mayor and City Council

FROM: Steve Walpole, Chief of Police

APPROVED: Jenny D. Haruyama, City Manager

SUBJECT: **UPDATE OF SCOTTS VALLEY MUNICIPAL CODE SECTIONS 5.06.020, 5.06.030, 5.06.040, AND 5.06.080 WHICH REGULATES BINGO GAMES IN THE CITY**

SUMMARY OF ISSUES

The Scotts Valley Municipal Code Chapter 5.06 was adopted in 1994 and regulates bingo games played in the City of Scotts Valley. At the time of adoption, the Chapter 5.06 mirrored State of California Penal Code Section 326.5 which regulates all bingo games in California. Due to changes in State law, the City must amend Chapter 5.06 to comply with Penal Code Section 326.5.

To comply with State law, the following modifications to Chapter 5.06 are proposed:

Section 5.06.020

The definition of bingo must be modified.

Section 5.06.030

This section must be modified to increase the bingo game prize value from \$250 to \$500.

Sections 5.06.040 and 5.06.080

Only certain organizations are permitted to conduct bingo games in California. Currently, Scotts Valley Municipal Code Section 5.06.030 lists organizations permitted to conduct bingo games which include those who have a tax exempt status and “mobile home park associations and senior citizens organizations.” However, California Penal Code 326.5(a) lists the same organizations permitted to conduct bingo games, however it also includes a few more tax exempt organizations under the California Revenue and Taxation Code (specifically 23701d, 23701k, and 23701w) and “charitable organizations affiliated with a

school district; and if the receipts of those games are used only for charitable purposes.” The proposed ordinance includes these other organizations. Similarly, Section 5.06.080 needed to be updated to include these additional organizations.

FISCAL IMPACT

There is no fiscal impact to the City.

RECOMMENDATION

It is recommended that the City Council introduce and waive the first reading of Ordinance No. 159.1, modifying Sections 5.06.020, 5.06.030, 5.06.040 and 5.06.080 to Title 5 of the Scotts Valley Municipal Code.

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ORDINANCE NO. 159.1

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS
MODIFYING SECTIONS 5.06.020, 5.06.030, 5.06.040 AND 5.06.080
OF CHAPTER 5.06 OF TITLE 5 OF THE
SCOTTS VALLEY MUNICIPAL CODE REGARDING BINGO**

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

SECTION 1. Section 5.06.020 of Chapter 5.06 of Title 5 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“5.06.020 – Bingo defined.

As used in this chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbol that are marked or covered by the player on a tangible card in the player's possession and that conform to numbers or symbols, selected at random and announced by a live caller. The game of bingo shall include tangible cards having numbers or symbols that are concealed and preprinted in a manner providing for distribution of prizes. Electronics or video displays shall not be used in connection with the game of bingo, except in connection with the caller's drawing of numbers or symbols and the public display of that drawing. The winning cards shall not be known prior to the game by any person participating in the playing or operation of the bingo game. All preprinted cards shall bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance." Only a covered or marked tangible card possessed by a player and presented to an attendant may be used to claim a prize.”

SECTION 2. Section 5.06.030 of Chapter 5.06 of Title 5 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“5.06.030 – Organizations permitted to conduct bingo games.

No person, organization or other legal entity shall be permitted to conduct bingo games in the incorporated area of the city unless such persons, organizations or other legal entities possess a valid certificate or letter from the Franchise Tax Board and the Internal Revenue Service stating that they are exempted from the payment of the bank and corporate tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701w, and 23701l of the Revenue and Taxation Code and by mobilehome park associations, ~~and~~ senior citizens organizations, and charitable organizations affiliated with a school district ("authorized organizations"); provided that such authorized organization holds a valid license and pays a license fee pursuant to the provisions of this chapter; and provided that the authorized organization has been in continual existence within the city for a period of three years prior to the date application is made for bingo license; and provided that the receipts of those games are used only for charitable purposes.”

SECTION 3. Section 5.06.040 of Chapter 5.06 of Title 5 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“5.06.040 – Rules and regulations.

J. Total Value of Prizes. The total value of prizes awarded during the conduct of any bingo games shall not exceed five hundred dollars (\$500) in cash or kind, or both, for each separate game which is held.

SECTION 4. Section 5.06.080 of Chapter 5.06 of Title 5 of the Scotts Valley Municipal Code is hereby amended to read as follows:

“5.06.080 – Application for license required— Contents of license.

C. Attached copies of certificates or letters evidencing exempt status under Section 170 c2 of the Internal Revenue Code of 1954, received from the Franchise Tax Board and the Internal Revenue Service or proof that the organization is a validly existing mobile home park association, senior citizens' organizations, or charitable organization affiliated with a school district.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

SECTION 6. REPEALS CONFLICTING ORDINANCES. All other ordinances of the City of Scotts Valley or provisions of the Scotts Valley Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. CEQA COMPLIANCE. The City Council finds and determines that the enactment of this Ordinance is not a “project” as that term is used in the California Environmental Quality Act (“CEQA,” Cal. Pub. Resources Code Section 21000 et seq.) or the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.). Therefore, no environmental assessment is required or necessary.

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

* * * * *

This Ordinance was introduced on the 15th day of November, 2017, and passed and adopted by the City Council of the City of Scotts Valley on the 6th day of December, 2017, by the following votes:

AYES:

NOES:

ABSTAIN:

ABSENT:

Randy Johnson, Mayor

ATTEST:

Tracy A. Ferrara, City Clerk

APPROVED AS TO FORM:

Kirsten Powell, City Attorney

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: November 15, 2017

TO: Honorable Mayor and City Council

FROM: Scott Hamby, Public Works Director

APPROVED: Jenny Haruyama, City Manager

SUBJECT: **AUTHORIZATION OF A BUDGET APPROPRIATION IN THE AMOUNT OF \$39,000 FOR THE RECRUITMENT OF WASTEWATER OPERATOR-IN-TRAINING (OIT) POSITION FOR THE WASTEWATER TREATMENT PLANT**

SUMMARY OF ISSUE

The City's Wastewater Treatment Plant (WWTP) processes and treats the community's residential and commercial wastewater and produces recycled water. The WWTP also maintains roughly forty-five (45) miles of collection pipe, a seven and a half mile outfall line to Santa Cruz, seven pump stations (Polo Ranch will make eight), a certified laboratory and a formal pretreatment program.

In 2013, when the Wastewater/Environmental Program Manager transitioned into the Public Works Director position, staffing was reduced from 7 FTEs (full time equivalents) to 6 FTEs. At that time, the Director maintained some of the management functions and continues to be responsible for state mandated reporting requirements. The WWTP's existing staffing level, coupled with increased protocols, have made it difficult to adequately maintain the facility and comply with all required regulations. While the plant performance continues to be positive, the current staffing level is not efficient. In particular, it does not allow for the proactive completion of weekly, monthly, semi-annual and annual plant maintenance and relies heavily on supervisory staff and division managers to perform operator level responsibilities. Additionally, existing staffing levels cannot address routine or unforeseen employee vacation, medical, or other types of personnel leaves which currently require employees to work alternative work schedules to ensure adequate Plant coverage. This operational issue has recently become more pronounced due to the temporary loss of an operator for medical reasons.

In August 2017, the City Council adopted new wastewater rates to set aside funding for the future equipment replacement, close an existing operating deficit, and establish an emergency reserve for catastrophic events. The rates were based on the City's 5-year financial plan, which did not assume increased staffing in the City's Enterprise Fund or General Fund.

Staff recommends that Council consider authorizing a budget adjustment to recruit one Wastewater Operator-In-Training (OIT), which would return the plant back to previous staffing levels. While hiring an OIT will help stabilize the staffing situation, an additional position may be warranted in the future. The cost of the position will be included with any other projected expenditure changes in future rate models. If authorized by Council, it is anticipated that the position would be filled as early as January 1, 2018.

FISCAL IMPACT

The OIT position carries an annual cost (including salary and benefits) of approximately \$78,000. Assuming the position is not filled until January 1, 2018, the fiscal impact for FY 17/18 will be \$39,000. These funds would be appropriated from existing available reserves in the Wastewater Operating Fund (Fund 10).

After discussing the long term impacts with City's financial consultant and Bartle Wells Associates, the City's wastewater rate consultant, it was determined that the additional costs will not impact the wastewater rates recently adopted by the City Council through FY 19/20. Operating reserves will reach the City Council's adopted policy of 67% of annual operating expenditures by FY 19/20. The set-aside for equipment and capital infrastructure reserves may be negatively impacted temporarily, but those impacts will be mitigated by any realized future operating or capital expenditure savings. The costs of the position will be included with any other projected expenditure changes in future rate models.

STAFF RECOMMENDATION

It is recommended that the City Council authorize the City Manager to recruit for a Wastewater Operator-in-Training (OIT) for the Wastewater Treatment Plant and authorize a budget appropriation in the amount of \$39,000.

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CITY OF SCOTTS VALLEY CLASS SPECIFICATION

WASTEWATER PLANT OPERATOR IN TRAINING

JOB PURPOSE

Under supervision, to learn and assist in the operation and maintenance of the wastewater treatment plant; and to do related work as required. This is the entry level class in the wastewater operations series.

EXAMPLES OF DUTIES

Essential Duties:

- Learns, assists, and operates and checks the operation and maintenance of (wastewater treatment plant equipment and machinery such as valves, motors, chlorinators, filters, chemical feeders, and clarifiers;
- Performs lift station and collection system maintenance;
- Checks and regulates pressures and flow of wastewater;
- Reads gauges, dials and other instruments and records data;
- Oils, greases, and cleans equipment;
- Cleans, adjusts, and repacks valves and pumps;
- Collects and assists in performing various laboratory tests;
- Assists with mechanical repairs;
- Operates sewer jet truck and ten wheel dump truck;
- Performs maintenance work such as sweeping, cleaning, sanding, painting, mowing, and watering lawns and caring for plants and shrubbery.

Marginal Duties:

- Performs related work as required.

EMPLOYMENT STANDARDS

Education, Experience and Licenses: Any combination equivalent to completion of high school and some experience in routine maintenance of electrical and motor driven equipment, and willingness to take the qualifying course for certification; possession of a valid California motor vehicle operator's Class B license. The operator-in-training must successfully complete the requirements for Grade I certificate within three years from the date of employment. This position may require the use of respiratory protection. The wearing of beards or other facial hair which intrudes on the face piece-face seal may be prohibited.

Ability to: Understand and follow oral and written instructions; lift heavy articles; learn wastewater treatment processes; operate a 10-wheel, 3-axle dump truck; learn to operate equipment used in a wastewater treatment plant; read and interpret gauges and recording devices reflecting plant operations; maintain effective working relationships with other employees; communicate in a courteous manner with the public; and be available for 24-hour on-call duty when assigned.

Knowledge of: The care and maintenance of mechanical equipment such as pumps, valves and electric motors; basic mechanical and mathematical principles; proper procedures for working safely; buildings and grounds maintenance practices.

CITY COUNCIL APPROVAL DATE: September 21, 1988