A G E N D A

Meeting of the
Scotts Valley City Council

Date: October 4, 2017
Time: 6:00 pm

CITY OF SCOTTS VALLEY	**MEETING LOCATION**	**POSTING**: The agenda was posted 9-29-17 at City Hall, SV Senior Center, SV Library and on the Internet at www.scottsvalley.org.
1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5602	City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066	

Elected Officials	**City Staff Members**
Randy Johnson, Mayor	Jenny Haruyama, City Manager
Jim Reed, Vice Mayor	Kirsten Powell, City Attorney
Stephany E. Aguilar, Council Member	Taylor Bateman, Acting Community Development Dir
Jack Dilles, Council Member	Scott Hamby, Public Works Director
Donna Lind, Council Member	Steve Walpole, Chief of Police
	Tracy Ferrara, City Clerk

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 Swear-In and introduction of new Police Explorers

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 9-20-17

B. Approve check register – 9-25-17

C. Approve second reading and adoption of Ordinance No. 175.5 modifying Section 7.10.050 of Chapter 7.10 of Title 7 of the Scotts Valley Municipal Code regarding the closure of the Skate Park under certain circumstances

D. Approve the Operation & Maintenance Plan Agreement for private stormwater management facilities for Goodwill Scotts Valley, 224 Mt. Hermon Road, Scotts Valley, APN 022-601-18

E. Approve the Operation & Maintenance Plan Agreement for private stormwater management facilities for Granite Creek Business Center, 5615-5619 Scotts Valley Drive, Scotts Valley, APN 022-011-17

F. Authorize a budget expenditure appropriation for Task Order No. 3 under the General Professional Engineering Services Agreement with Kennedy/Jenks for the MBR Analysis for Secondary Process Upgrade and authorize the City Manager to execute the Agreement

G. Authorize participation on the Housing Authority of Santa Cruz County Landlord Incentive Program

H. Approve Resolution No. 1934 approving the Road Repair and Accountability Act of 2017 project list and amending the Capital Improvement Program (CIP) of the Fiscal Year 2017/18 Operating Budget to accept and appropriate Road Maintenance and Rehabilitation Account (RMRA) funds in the amount of $68,609 for CIP #17, Pavement Rehabilitation of Green Hills Road

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. Consideration of Polo Ranch Park Design (Recreation Div Mgr Ard)

2. Policy direction regarding firearms dealer requirements (Police Chief Walpole)

3. 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.

❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖

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; Voice to TTY/VCO/HCO: English 1-800-735-2922, Spanish 1-800-855-3000; or, from or to Speech-to-Speech, English & Spanish 1-800-854-7787), provides Telecommunications Devices for the Deaf and Disabled and will provide a link between the TDD caller and users of telephone equipment.

M I N U T E S

Meeting of the
Scotts Valley City Council

Date: September 20, 2017

POSTING:
The agenda was posted on 9-15-17
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	City Manager Haruyama
	Vice Mayor Reed	City Attorney Powell
	Council Member Aguilar	Police Chief Walpole
	Council Member Dilles	Public Wks Director Hamby
	Council Member Lind	Acting Community Development Director Bateman
		Civil Engineer Kahn
		City Clerk Ferrara

COMMITTEE REPORTS

CM Dilles reported that he attended the Seniors Council meeting where they discussed funding difficulties that have impacted the Seniors Council, some of which are due to the County and City of Santa Cruz changes to their funding approach. He also reported that the Seniors Council is working on designing more formal administrative and financial procedure policies.

CM Aguilar reported that she attended the League of California Cities Annual Conference where she presented 12 cities with awards for energy conservation and announced that the City of Scotts Valley received the highest award from the Institute for Local Government, which is the Silver Level Beacon Award in Sustainability Best Practices for 17% community greenhouse gas reductions, 10% agency greenhouse gas reductions, 7% energy savings, 5% natural gas savings. She reported that she also served as the Chair of the Nominating Committee for the League of California Cities and announced that the Board appointed South San Francisco City Council Member Rich Garbarino as President, San Diego City Council Member Mark Kersey to serve as First Vice President, and Grass Valley Council Member Jan Arbuckle as Second Vice President.

CITY MANAGER REPORT

Suburban Propane Site: The former RDA property, the Suburban Propane site, was recently sold and a grading/demolition permit was issued. The building on the site was demolished last week and grading (removal of dirt) is scheduled to occur over the next several weeks. It is anticipated that an application from the developer is forthcoming.

Park and Recreation Commission Meeting: This Thursday, September 21, a Parks and Recreation Commission meeting will be held in the Council Chambers at 6:00 pm to hear a status update about the Skate Park, including recent changes to the Scotts Valley Municipal Code regarding park closures, and provide the community an opportunity share feedback about how best to address park concerns.

General Plan Advisory Committee: The GPAC meeting was held on Monday, September 18, where the committee discussed a draft vision statement, the results of the workshop and general plan update survey, and began the process of evaluating land designations throughout the city. The next meeting is scheduled for Monday, October 16 at 6:00 pm.

Bocce Anyone?: Save the date! On Saturday, September 30 at 9:00 am, we will be celebrating the 10 year anniversary of the Bocce Courts. Be sure to join us for some fun on the court.

SVPD Inspection Ceremony: Just a reminder that next Wednesday, September 27 is the Scotts Valley Police Department Annual Inspection.

MMANC Event: This Friday, September 22, I will be speaking on a panel at the Municipal Management Association of Northern California's regional event Achieving Your Leadership Potential with Strategy & Purpose at Mills College in Oakland.

PUBLIC COMMENT

Sylvia Lee, President of the Friends of the Scotts Valley Library, thanked the City for their support of the Friends and for all of the work that has occurred at the Scotts Valley Library.

Denise Elerick, Citizens for a Better Santa Cruz, invited the Council to "Safe Rx - Talk About It: Prescription Drug Community Options" from noon to 4:00 pm on October 1 at Garfield Park Community Church and spoke regarding substance abuse.

ALTERATIONS TO CONSENT AGENDA

M/S: Lind/Reed
To approve the Consent Agenda.
Carried 5/0 (AYES: Aguilar, Dilles, Johnson, Lind, Reed)

<u>Consent Agenda</u>:

A. Approve City Council meeting minutes 9-6-17
B. Approve check register – 9-1-17, 9-8-17
C. Approve the amendment to the Agreement between the City of Scotts Valley and Jenny Haruyama for employment as City Manager for a 5% step increase from Step 5 to Step 6
D. Approve the estimated year-end FY 2016/17 and projected FY 2017/18 State Supplemental Law Enforcement Services (SLESF) / Citizens Option for Public Safety (COPS) funds

ALTERATIONS TO
REGULAR AGENDA

M/S: Lind/Aguilar
To approve the Regular Agenda.
Carried 5/0 (AYES: Aguilar, Dilles, Johnson, Lind, Reed)

REGULAR AGENDA

1. **Oral presentation: Housing Authority of the County of Santa Cruz – Agency Report Update**

   CM Haruyama introduced Jenny Panetta, Executive Director of the Housing Authority of the County of Santa Cruz.

   Jenny Panetta, Executive Director of the Housing Authority of the County of Santa Cruz, gave a PowerPoint Presentation regarding the Housing Authority and responded to questions from Council.

2. **Discussion and policy direction regarding Pavement Management Report, Pavement Condition Index Goals, and future scenarios**

   CE Kahn presented the written staff report and responded to questions from Council. She introduced Margot Yapp, Principal Engineer and Vice President of NCE Engineering and Environmental Services.

   Margot Yapp, Principal Engineer and Vice President of NCE Engineering and Environmental Services, gave a PowerPoint presentation on the City of Scotts Valley 2017 Pavement Management Program Update, and responded to questions from Council.

M/S: Lind/Dilles
Establish a PCI target of 70 as part of the FY 2018/19 budget development process and provide cost information to maintain a PCI of 66.
Carried 5/0 (AYES: Aguilar, Dilles, Johnson, Lind, Reed)

3. **Future Council agenda items**

Mayor Johnson requested a future agenda item regarding cost comparisons for the use of contract work for building compared to hiring a Building Inspector or Building Official.

CM Aguilar requested a future agenda item for consideration of a Code Enforcement Officer or a Senior Planner.

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 7:30 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 the legal counsel regarding real property negotiations, APN 022-861-21.

(2) Pursuant to Government Code Section 54956.8, the City Council met in closed session to confer with the legal counsel regarding real property negotiations, APN's 021-231-02, 021-231-04, 021-231-07, 021-221-02, 021-231-08.

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 8:00 p.m.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

Mayor Johnson announced that there was nothing to report.

ADJOURNMENT The meeting adjourned at 8:00 p.m.

Approved: ______________________________
Randy Johnson, Mayor

Attest:_________________________________
Tracy A. Ferrara, City Clerk

CONSENT AGENDA ITEM B
DATE: 10-4-2017

```
SCOTTS VALLEY ACCOUNTS PAYABLE                          CITY OF SCOTTS VALLEY
09/25/2017  12:46:04          Check Register        GL050S-V08.05 COVERPAGE
                                                    GL540R


Report Selection:


  RUN GROUP... 092517   COMMENT...  A/P AS OF SEPT 25 2017

 DATA-JE-ID     DATA COMMENT
 -------------- ------------------------

 W-09252017-606 A/P AS OF SEPT 25 2017


Run Instructions:
  Jobq Banner   Copies Form  Printer      Hold Space  LPI  Lines CPI  CP SP RT
    L             01         CASCPRT01     Y     S     6    066   10
```

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
003457	ADAMS/TROY	111433	09/25/17	51.27
001405	AFLAC-FLEX ONE	111434	09/25/17	3,419.25
001626	AGUILAR/STEPHANY	111435	09/25/17	199.65
001219	ALHAMBRA	111436	09/25/17	61.09
003497	ALVAREZ INDUSTRIES, INC	111437	09/25/17	1,276.00
001670	AT &T	111438	09/25/17	3,497.10
001822	BC LABORATORIES INC.	111439	09/25/17	288.00
000021	BOWMAN & WILLIAMS	111440	09/25/17	7,097.50
000437	BRASS KEY LOCKSMITH	111441	09/25/17	39.17
000018	BRINK'S TROPHY SHOPPE	111442	09/25/17	21.80
001385	CALIFORNIA PUBLIC EMPLOY	111443	09/25/17	136,072.17
000773	CENTRAL COAST LANDSCAPE	111444	09/25/17	383.00
000037	CRYSTAL SPRINGS WATER CO	111445	09/25/17	25.85
001084	DAPPER TIRE CO	111446	09/25/17	1,650.79
000975	DEAN/MICHAEL R.	111447	09/25/17	23.00
003632	DIAMOND STEEL CO, INC	111448	09/25/17	163.63
001627	DITTRICH DDS/RUDOLPH	111449	09/25/17	184.00
.15225	DKF SOLUTIONS GROUP, LLC	111450	09/25/17	100.00
001362	DUNCAN AUTO TECH	111451	09/25/17	1,346.15
000098	ESCALON SERVICES	111452	09/25/17	3,806.94
000054	EWING IRRIGATION PRODUCT	111453	09/25/17	275.73
000375	FIRST ALARM SECURITY & P	111454	09/25/17	49.89
003387	HEIDARI DDS/ALI	111455	09/25/17	55.40
000615	HOHMANN/PATRICK J.	111456	09/25/17	202.39
003592	KAHN/JESSICA	111457	09/25/17	993.14
001673	LINCOLN FINANCIAL GROUP	111458	09/25/17	1,405.68
003403	MAR-KEN INTERNATIONAL PO	111459	09/25/17	260.00
002078	METRO MOBILE COMMUNICATI	111460	09/25/17	354.99
003171	MICHALAK/GENE	111461	09/25/17	110.00
000218	MID VALLEY SUPPLY	111462	09/25/17	1,266.04
000083	MISSION UNIFORM SERVICE	111463	09/25/17	1,029.15
000967	MONTEREY BAY SYSTEMS	111464	09/25/17	974.33
001418	MONTEREY REGIONAL	111465	09/25/17	2,597.10
000323	NBS GOVERNMENT FINANCE G	111466	09/25/17	2,595.49
000918	PETTY CASH-JEANETTE ROLA	111467	09/25/17	192.86
001857	PHOENIX GROUP	111468	09/25/17	111.90
000102	PITNEY BOWES	111469	09/25/17	147.44
001917	PURE VALLEY WATER, INC	111470	09/25/17	180.31
001894	S.V. WATER DISTRICT - BU	111471	09/25/17	11.45
003346	SAN LORENZO	111472	09/25/17	149.77
003055	SANTA CRUZ CHILDREN'S	111473	09/25/17	373.30
001533	SANTA CRUZ COUNTY BANK	111474	09/25/17	4,237.44
000122	SANTA CRUZ/CITY OF	111475	09/25/17	300.00
000122	SANTA CRUZ/CITY OF	111476	09/25/17	1,565.62
000122	SANTA CRUZ/CITY OF	111477	09/25/17	140.00
003624	SERVPRO OF SANTA CRUZ	111478	09/25/17	164.75
001270	SHIVELY DDS/MARTIN H	111479	09/25/17	93.60
001535	SKIP'S TIRE & AUTO CENTE	111480	09/25/17	724.64

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA	GENERAL CHECKING ACCOUNT				
000143	SUMMIT UNIFORMS	111481	09/25/17	2,709.41	
001085	SYCAL ENGINEERING INC	111482	09/25/17	1,040.00	
000153	THOMSON REUTERS-WEST	111483	09/25/17	286.30	
003145	WAGE WORKS	111484	09/25/17	1,313.00	
.15224	WEISS/JOHN	111485	09/25/17	10.00	
000952	WILSON/JOHN	111486	09/25/17	23.00	
000154	WINCHESTER AUTO STORES	111487	09/25/17	1,325.33	
001625	YOSHIDA DDS/NOREEN	111488	09/25/17	57.50	
	GENERAL CHECKING ACCOUNT			187,033.31	***

BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				187,033.31

RECORDS PRINTED - 000165

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
001	GENERAL	147,467.28
004	RECREATION	8,907.63
010	WASTEWATER OPERATIONS	20,210.20
011	TERTIARY TREATMENT PLANT	288.00
028	SENIOR CENTER	1,499.95
050	PINEWOOD EST LNDSCP MAINT DT	383.00
090	SV DRIVE A REDEMPTION	2,595.49
112	DENTAL INS INTERNAL SERV	891.80
123	COMMUNITY FACILITY CENTER	804.37
150	GENERAL CAPITAL IMPROVEMENTS	3,887.50
312	POLICE - BUDGET ACT OF 2016	98.09
TOTAL ALL FUNDS		187,033.31

BANK RECAP:

BANK	NAME	DISBURSEMENTS
BA	GENERAL CHECKING ACCOUNT	187,033.31
TOTAL ALL BANKS		187,033.31

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: October 4, 2017

TO: Honorable Mayor and City Council

FROM: Wayne Bellville, Police Sergeant

APPROVED: Jenny D. Haruyama, City Manager

SUBJECT: **SECOND READING AND ADOPTION OF ORDINANCE NO. 175.5 MODIFYING SECTION 7.10.050 OF CHAPTER 7.10 OF TITLE 7 OF THE SCOTTS VALLEY MUNICIPAL CODE (SVMC) REGARDING THE CLOSURE OF THE SKATE PARK UNDER CERTAIN CIRCUMSTANCES**

SUMMARY OF ISSUE

At their Council meeting of September 6, 2017, the City Council approved first reading and introduction of Ordinance No. 175.5. Scotts Valley Municipal Code (SVMC) Section 7.10.050 currently states that the Skate Park may be closed for 72 hours "in the event of an incident of vandalism or graffiti to the skateboard park." This change amends the SVMC to allow the City additional options and discretion when responding to a wide variety of incidents at the Skate Park. Making this change would also provide the City more flexibility regarding the timing of the closure by eliminating the existing 72 hour requirement. The City could close the Park for the amount of time deemed necessary to remove/repair the graffiti or vandalism or restore the public health, safety, and welfare.

If the second reading and adoption of Ordinance No. 175.5 is approved, the following language will take effect 30 days from October 4, 2017: "In the event of an incident of vandalism or graffiti to the skate park, failure to comply with park rules or in order to protect or maintain the public health, safety and welfare, in its sole discretion, the City Council, the Recreation Division Manager, the City Manager or the Chief of Police, or their authorized representatives, may close the skateboard park for 72 hours or for such amount of time as necessary to remove or repair the vandalism or graffiti or to preserve the public health, safety and welfare. The closure and the reason for such closure shall be posted at the entrance of the Park."

FISCAL IMPACT

There is no fiscal impact associated with the proposed amendment to the SVMC.

AGENDA ITEM C
DATE: 10-4-2017

RECOMMENDATION

It is recommended that City Council approve second reading and adoption of Ordinance No. 175.5, modifying Section 7.10.050 of Title 7 of the Scotts Valley Municipal Code (SVMC).

TABLE OF CONTENTS **PAGE**

ORDINANCE NO. 175.5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY MODIFYING SECTION 7.10.050 OF CHAPTER 7.10 OF TITLE 7 OF THE SCOTTS VALLEY MUNICIPAL CODE REGARDING THE CLOSURE OF THE SKATE PARK UNDER CERTAIN CIRCUMSTANCES

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

SECTION 1. Section 7.10.050 of Chapter 7.10 of Title 7 of the Scotts Valley Municipal Code is hereby amended to read as follows:

7.10.050 – Skateboard park closure.

In the event of an incident of vandalism or graffiti to the skateboard park, failure to comply with park rules or in order to protect or maintain the public health, safety and welfare, in its sole discretion, the City Council, the Recreation Division Manager, the City Manager or the Chief of Police, or their authorized representatives, may close the skateboard park for 72 hours or for such amount of time as necessary to remove or repair the vandalism or graffiti or to preserve the public health, safety and welfare. The closure and the reason for such closure shall be posted at the entrance of the Park."

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

SECTION 3. REPEALS CONFLICTING ORDINANCES. All other ordinances of the City of Scotts Valley or provisions of the Scotts Valley Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. CEQA 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 5. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after the date of its adoption. Prior to the expiration of fifteen (15) days from the date of adoption, this Ordinance shall be published in at least three (3) public places.

This Ordinance was introduced on the 6th day of September, 2017, and passed and adopted by the City Council of the City of Scotts Valley on the 4th day of October, 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: October 4, 2017

TO: Honorable Mayor and City Council

FROM: Jessica Kahn, City Engineer

APPROVED: Jenny D. Haruyama, City Manager

SUBJECT: **MAINTENANCE AGREEMENT FOR PRIVATE STORMWATER MANAGEMENT FACILITY, GOODWILL SCOTTS VALLEY, 224 MT. HERMON ROAD, APN 022-601-18**

SUMMARY OF ISSUE

Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region require the Permittee (City) to require Operation & Maintenance (O&M) Plans that clearly establish responsibility for all structural Water Quality Treatment, Runoff Retention, and/or Peak Management controls on private and public Regulated Projects. The Permittee must also maintain a structural Storm Control Measures tracking database to monitor long-term performance and maintenance of structural Storm Control Measures.

The loading dock area modification at the Goodwill location at 224 Mt Hermon Road, Kings Village Shopping Center is considered a Tier 2 Regulated Project, which requires the property owner to have an ongoing O&M Agreement with the City.

FISCAL IMPACT

There is no fiscal impact to the General Fund. Approximately $191.00 will be collected each year and will increase with the yearly CPI to cover City's cost of any additional City inspection, oversight, and reporting requirements to the Regional Water Quality Control Board.

STAFF RECOMMENDATION

It is recommended that Council approve the Operation & Maintenance Plan Agreement for private stormwater management facilities for Goodwill Scotts Valley, 224 Mt. Hermon Road, APN 022-601-18. The attached agreement complies with the Regional Water Quality Control Board requirements for storm control measures and will be recorded at the Santa Cruz County Recorder's Office.

TABLE OF CONTENTS **PAGE**

EXHIBIT A

Maintenance Agreement for Private Stormwater Management Facilities for Tier 2, 3 and 4 Projects

Return to:
City of Scotts Valley Public Works
701 Lundy Lane
Scotts Valley, CA 95066

Prior to issuing approval for final occupancy, the project applicant shall submit the final field verification letter from the project Registered Civil Engineer and this agreement to the City of Scotts Valley Public Works along with the project LID Facilities Operation and Maintenance Plan.

Owner Information

Owner Name: OW FAMILY TRUSTS

Owner Address: 230 MT. HERMON ROAD #200
SCOTTS VALLEY, CA 95066

Phone Number: 831.439.2810

Project Information

Project Name: Goodwill Scotts Valley

APN: 022-601-18

Address: 224 Mt. Hermon Road

Performance Tier: Tier 1

I, CHRISTOPHER OW, being the owner of the real property, APN No. 022-601-18, which is located at 224 Mt. Hermon Road, Scotts Valley, California, consent and agree to inspect and maintain any and all structural or treatment control Best Management Practices (BMPs) as outlined in the project's LID Facilities Operation and Maintenance Plan on the subject property. The structural or treatment control BMPs on the subject property include(s):

One Oldcastle Perk Filter MFS Unit
.

I agree to send a letter that provides proof of inspection and maintenance to the City of Scotts Valley Public Works prior to October 15 of each year. Proof of inspection and maintenance shall include a log of inspection, maintenance, and repairs made for the past year. I understand that failure to comply with the provisions of this Maintenance Agreement may result in enforcement actions and penalties. In addition the of inspection and maintenance information may require the City staff conduct inspections to verify the performance of drainage facilities, and that as the property owner I may be assessed service charge and/or re-inspection to cover the costs of inspection and oversight.

This agreement shall be binding on all and shall inure to the benefit of the heirs, executors, administrators, and assigns of owners. The transfer of this information shall also be required with any subsequent sale of the property.

I have read the above agreement and understand it.

Owner Name: CHRISTOPHER OW

Signature: [signature]

Date: 2/14/2017

(Note: the signature on this form must be notarized)

Notary Public
See Attach

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

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

State of California)
County of Santa Cruz)

On 2/14/2017 before me, Sean P. Musser Notary Public,
Date *Here Insert Name and Title of the Officer*

personally appeared Christopher Orr
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.

SEAN P. MUSSER
Commission # 2044045
Notary Public - California
Santa Cruz County
My Comm. Expires Oct 4, 2017

Signature
Signature of Notary Public

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: Maintenance Agreement
Document Date: 2/14/2017 Number of Pages:
Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name:
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other:
Signer Is Representing:

Signer's Name:
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other:
Signer Is Representing:

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: October 4, 2017

TO: Honorable Mayor and City Council

FROM: Jessica Kahn, City Engineer

APPROVED: Jenny D. Haruyama, City Manager

SUBJECT: **MAINTENANCE AGREEMENT FOR PRIVATE STORMWATER MANAGEMENT FACILITY, GRANITE CREEK BUSINESS CENTER, 5615-5619 SCOTTS VALLEY DRIVE, APN 022-011-17**

SUMMARY OF ISSUE

Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region require the Permittee (City) to require Operation & Maintenance (O&M) Plans that clearly establish responsibility for all structural Water Quality Treatment, Runoff Retention, and/or Peak Management controls on private and public Regulated Projects. The Permittee must also maintain a structural Storm Control Measures tracking database to monitor long-term performance and maintenance of structural Storm Control Measures.

The parking lot modification and new ADA ramp at the Kaiser location at 5615 Scotts Valley Drive is considered a Tier 2 Regulated Project, which requires the property owner to have an ongoing O&M Agreement with the City.

FISCAL IMPACT

There is no fiscal impact to the General Fund. Approximately $191.00 will be collected each year and will increase with the yearly CPI to cover City's cost of any additional City inspection, oversight, and reporting requirements to the Regional Water Quality Control Board.

STAFF RECOMMENDATION

It is recommended that Council approve the Operation & Maintenance Plan Agreement for private stormwater management facilities for Granite Creek Business Center, 5615-5619 Scotts Valley Drive, APN 022-011-17. The attached agreement complies with the Regional Water Quality Control Board requirements for storm control measures and will be recorded at the Santa Cruz County Recorders Office.

TABLE OF CONTENTS — PAGE

EXHIBIT A

Maintenance Agreement for Private Stormwater Management Facilities for Tier 2, 3 and 4 Projects

Return to:
City of Scotts Valley Public Works
701 Lundy Lane
Scotts Valley, CA 95066

Prior to issuing approval for final occupancy, the project applicant shall submit the final field verification letter from the project Registered Civil Engineer and this agreement to the City of Scotts Valley Public Works along with the project LID Facilities Operation and Maintenance Plan.

Owner Information

Owner Name: Granite Creek Business Center

Owner Address: 1960 The Alameda #20
SAN JOSE, CA 95126

Phone Number: (408) 246-7500

Project Information

Project Name: Granite Creek Business Center

APN: 022-011-17

Address: 5615 Scotts Valley Drive Scotts Valley, CA

Performance Tier: 2

I, ______________________, being the owner of the real property, APN No. 022-011-17, which is located at 5615-5619 Scotts Valley Drive, Scotts Valley, California, consent and agree to inspect and maintain any and all structural or treatment control Best Management Practices (BMPs) as outlined in the project's LID Facilities Operation and Maintenance Plan on the subject property. The structural or treatment control BMPs on the subject property include(s):

Bio Retention Planter adjacent to Ramp.

I agree to send a letter that provides proof of inspection and maintenance to the City of Scotts Valley Public Works prior to October 15 of each year. Proof of inspection and maintenance shall include a log of inspection, maintenance, and repairs made for the past year. I understand that failure to comply with the provisions of this Maintenance Agreement may result in enforcement actions and penalties. In addition the of inspection and maintenance information may require the City staff conduct inspections to verify the performance of drainage facilities, and that as the property owner I may be assessed service charge and/or re-inspection to cover the costs of inspection and oversight.

This agreement shall be binding on all and shall inure to the benefit of the heirs, executors, administrators, and assigns of owners. The transfer of this information shall also be required with any subsequent sale of the property.

I have read the above agreement and understand it.
Granite Creek Business Center;

Owner Name: Brad W. Krouskup

Date: 1/19/17

Signature: ______________
TBI SVIII
Managing Member,
Granite Creek Business Center, LLC

(Note: the signature on this form must be notarized)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

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

State of California)
County of SANTA CLARA)

On 1/19/17 before me, LISA W. LEMOIN, NOTARY PUBLIC,
Date — Here Insert Name and Title of the Officer

personally appeared BRAD W. KROUSKUP
Name(s) of Signer(s)

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

LISA W. LEMOIN
Commission # 2070633
Notary Public - California
Santa Clara County
My Comm. Expires Jun 7, 2018

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

WITNESS my hand and official seal.

Signature ______________________
Signature of Notary Public

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: MAINT. AGREEMNT Document Date: 1/19/17
Number of Pages: 1 Signer(s) Other Than Named Above: ______

Capacity(ies) Claimed by Signer(s)

Signer's Name: ______
☐ Corporate Officer — Title(s): ______
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: ______
Signer Is Representing: ______

Signer's Name: ______
☐ Corporate Officer — Title(s): ______
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: ______
Signer Is Representing: ______

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: October 4, 2017

TO: Honorable Mayor and City Council

FROM: Troy Adams Wastewater Division Manager

APPROVED: Jenny D. Haruyama, City Manager

SUBJECT: **AUTHORIZE BUDGET EXPENDITURE APPROPRIATION FOR PROFESSIONAL ENGINEERING SERVICES AGREEMENTTASK ORDER NO. 3**

SUMMARY OF ISSUE

Over the past several years, the Wastewater Reclamation Facility (WRF) has experienced several treatment processing upset events, impacting the Facility's ability to meet recycled water permit requirements. In April 2016, Kennedy/Jenks Consultants was selected to evaluate the WRF secondary treatment process and recommend operational adjustments to mitigate reoccurring upsets. The evaluation determined that the required nitrogen removal from the wastewater needed to meet recycled water production permit requirements significantly impacts the WRF to the point where the WRF would be operating near its biological loading capacity. As a result, it was concluded that the City should explore treatment process optimization opportunities, WRF facility planning, and capital improvements at the WRF to accommodate current and future growth in the WRF service area.

To further explore these options, it is recommended that K/J conduct a Membrane Bioreactor (MBR) analysis to identify feasible alternatives that would increase treatment capacity and improve recycled water production. More specifically, the current general professional engineering services agreement with K/J would be amended to include a task order to develop an MBR biological process conceptual design, hydraulic model, opinion of probable construction cost and implementation schedule, site plan, and MBR components and process flow diagram.

FISCAL IMPACT

Approval of the agreement task order would require a budget expenditure appropriation in the amount of $133,955. There are sufficient funds in Wastewater Fund 10 to cover this expense.

STAFF RECOMMENDATION

It is recommended that the City Council authorize a budget expenditure appropriation for Task Order No. 3 under the General Professional Engineering Services Agreement with Kennedy/Jenks for the MBR Analysis for Secondary Process Upgrade and authorize the City Manager to execute the Agreement.

TABLE OF CONTENTS **PAGE**

City of Scotts Valley

Kennedy/Jenks Consultants
General Professional Engineering Services Agreement
Dated 28 April 2016

Task Order Authorization
Task Order No. 3

Date: 21 July 2017

Task Name: MBR Analysis for Secondary Process Upgrade

Authorized Budget: $133,955 (not to exceed without prior written authorization)

Completion Date: 18 Weeks after NTP

Kennedy/Jenks Consultants Acceptance:

Name: Peter C. Talbot

Signature & Date: Peter C. Talbot 7/21/17

City Authorization:

Name: ______________________________

Signature & Date: ______________________________

Section 1: Background

The City of Scotts Valley (City) has experienced five or more treatment process upset events at its Wastewater Reclamation Facility (WRF) over the past twelve to eighteen months which have impacted recycled water production. In April 2016, the City selected Kennedy/Jenks Consultants (Kennedy/Jenks) to evaluate the WRF secondary treatment process and recommend operational adjustments to help mitigate the recurring upsets. The evaluation concluded that the WRF cannot operate within recommended treatment ranges and remove nitrogen if the City tries to accommodate waste loading beyond the average levels seen in 2016. Through the evaluation, it was observed that the required nitrogen removal from the wastewater needed to meet recycled water production permit requirements significantly impacts the WRF to the point that the WRF is operating near its biological loading capacity. As a result of the evaluation, it was recommended that the City explore treatment process optimization opportunities, WRF facility planning, and capital improvements at the WRF to accommodate growth within the WRF's service area.

Since the process evaluation was completed in the fall of 2016, additional treatment process upsets have occurred and during these times the City has struggled with the WRF to consistently achieve the levels of treatment required for the production of recycled water. As a result, the City requested that Kennedy/Jenks evaluate a secondary process upgrade to increase the secondary process treatment capacity and improve recycled water production reliability. Based on discussions between the City and Kennedy/Jenks, the use of a membrane bioreactor (MBR) was preliminarily identified as the most viable and preferred technology for upgrading the secondary treatment process capacity (considering primarily the current solids treatment and disposal methods used and the limited space available at the WRF for expansion).

The scope of work for this task order will expand on the previous secondary process evaluation completed in 2016 to evaluate alternatives that address the estimated secondary process deficiencies. The evaluation will initially focus on the use of MBR technology to increase secondary process treatment capacity.

Section 2: Scope of Work

We propose to provide our services in one phase divided into several tasks as described herein.

Phase 1: MBR Analysis for Secondary Process Upgrade

This phase of work involves the following tasks:

Task 1.1 – Data/Information Request, Review, and Development of Design Flow/Load

Kennedy/Jenks will coordinate with City staff to gather available wastewater characterization and process operating data needed to support the process upgrade evaluation. This task involves preparing and submitting a data request for routinely collected operating data, similar to the data requested for the secondary process evaluation completed in 2016. The data request may also include drawing records and other information not in Kennedy/Jenks' possession if determined to be necessary to complete the evaluation. The process data will be used to develop estimates of influent loads for use in evaluating treatment process alternatives in subsequent tasks.

Task 1.1 Deliverables:

- Data request (electronic, Adobe format)

Task 1.1 Assumptions:

- The basis of design for influent flows will be the permitted average dry weather flow (ADWF) discharge capacity of 1.5 MGD and peak wet weather flow (PWWF) capacity of 5 MGD. Peak hour flows will be assumed to be equalized to the peak day flow within the Flow Equalization Structure (FES). Maximum month flows will be estimated based on typical municipal wastewater flow patterns.

- The basis of design for influent load will be generated by scaling the average and maximum month 5-day carbonaceous biochemical oxygen demand ($cBOD_5$) and total suspended solids (TSS) concentrations from the last 3 years of historical influent data to the permitted plant flowrates. Peak day load will be estimated based on typical municipal wastewater loading patterns.

- The City will furnish influent, effluent, and plant operating data in Excel format for 2016 and 2017 with units included and all data labeled.

Task 1.2 – Additional Sampling & Analysis

It is anticipated that additional sampling and analysis will be beneficial in determining the requirements of an upgraded secondary process. Kennedy/Jenks will prepare and submit a request for the City to sample and analyze for influent and effluent parameters that are not routinely collected by the City. The analytical results will be used to establish ratios between normally monitored influent and effluent parameters, such as $cBOD_5$, and parameters that are not routinely monitored, such as chemical oxygen demand (COD). Once the sampling and analysis request is submitted and reviewed by the City, the City may elect to collect the samples and provide the analytical results, or ask Kennedy/Jenks to make assumptions in lieu of the additional sampling and analysis. The request will identify sample locations, type of sample to be taken, analyses to be run on each sample, and frequency and duration of sampling at each location. Kennedy/Jenks will analyze the analytical data provided by the City and request that the City provide clarification of any ambiguities that are observed in the data.

Based on past experience, it is anticipated that ten days of sampling over a two-week period will be requested. Wastewater sampling may include COD, BOD_5, TSS, volatile suspended solids (VSS), total Kjeldahl nitrogen (TKN), ammonia-nitrogen, alkalinity, pH, temperature, nitrate and nitrite, total and ortho-phosphorus (TP and OP), conductivity, salinity, TDS, calcium, magnesium, iron, and other wastewater parameters that could impact the performance of the improved WWTP.

Task 1.2 Deliverables:

- Written request for additional wastewater sampling and analyses (electronic, Adobe format).

Task 1.2 Assumptions:

- All sampling and analysis will be conducted and coordinated by, arranged for, and paid by the City, including lab costs.

- The City will furnish the analytical results compiled and organized in an Excel spreadsheet.

Task 1.3 – Kickoff Meeting and Site Visit

This task involves Kennedy/Jenks' attendance at a project kickoff meeting to discuss flow and load projections and approaches for upgrading the secondary process and a City-guided walkthrough of the WRF to discuss available spaces for the possible upgrades, retrofit options, City preferences on layout, and to confirm information on existing unit processes. Level of service (LOS) goals/requirements for the future facility will also be discussed during the meeting.

The LOS goals/requirements to be considered will include those related to technical, managerial, operational, political, budgetary, schedule, and regulatory compliance that can affect how the facility upgrades are designed, built, and operated in the future. The LOS goals/requirements should define, for example, objectives for effluent quality, staffing and operational constraints, process complexity constraints, automation goals, redundancy requirements, and the political climate and will for enforcing pretreatment standards, amongst other things. The LOS goals/requirements will be combined with the loading estimates to form the basis for the evaluation of improvements that will be performed within this scope of work.

Task 1.3 Deliverables:

- Kickoff Meeting agenda, PowerPoint slides, and a summary of meeting highlights and action items (electronic, Adobe format).

Task 1.3 Assumptions:

- Up to three (3) Kennedy/Jenks staff will attend the four (4) hour combined kickoff meeting and site visit.

<u>Task 1.4 – MBR Biological Process Conceptual Design</u>

This task will involve the development of a computer-based simulation of a new MBR treatment process at the WRF. The objective of the process simulation will be to determine the required sizing of the secondary process and support facilities. The simulator will be used to evaluate MBR treatment performance under average annual, maximum month, and peak day loading conditions. Maximum month loading typically represents the critical design basis for the secondary process because effluent quality objectives are often based on monthly averages. Simulations will be conducted with treatment units offline to evaluate plant performance during maintenance and repair activities. Evaluating treatment performance under a range of conditions provides greater confidence that the processes are designed to reliably produce effluent that will meet the water quality goals under the foreseeable operating scenarios. The results of each simulation will be confirmed using hand calculations. Diurnal load variations and the resulting required aeration system adjustments will not be modeled, but will be estimated by hand. Simulation outputs and hand calculations will be presented in tabular format and included in the MBR Analysis Report.

Task 1.4 Deliverables:

- Treatment process simulation outputs and hand calculations in tabular format, to be included in the MBR Analysis Report.

Task 1.4 Assumptions:

- Up to six (6) steady-state process simulations will be conducted; dynamic modeling is not included in the scope of work.

Task 1.5 – MBR Hydraulic Conceptual Design

This task will involve the development of a computer-based hydraulic model of the existing liquid stream at the WRF (from the FES to the chlorine contact tanks (CCTs)) that will serve as a basis for evaluating the plant hydraulics after the addition of an MBR. The hydraulic model will be used to identify piping and pump station upgrades needed to support the improvements. The model will be used to evaluate MBR hydraulic performance under a range of conditions including average dry weather, average annual, and peak day flow conditions. Peak hour and peak day flow conditions represent the critical design basis for the hydraulic evaluation because the available freeboard within tanks is determined at peak hour or peak day flow conditions depending on influent equalization capabilities. Model results will be presented in tabular format and included in the MBR Analysis Report.

Task 1.5 Deliverables:

- Hydraulic model outputs and hand calculations in tabular format, to be included in the MBR Analysis Report.

Task 1.5 Assumptions:

- Up to three (3) steady-state hydraulic simulations will be conducted; dynamic modeling is not included in the scope of work.
- The FES is assumed to be sufficient to equalize peak hour flows to the peak day flow of 5.0 MGD.

Task 1.6 – MBR Concepts Development, Alternatives Workshop, & Site Visit

Following the process and hydraulic analyses and conceptual design tasks, the magnitude of the required improvements will be better understood. This task will involve the development of alternative concepts for implementing an MBR at the WRF. This will involve the development of conceptual site layouts using existing base maps/plans of the existing facilities. The repurposing of existing structures and process facilities will be considered along with the construction of new structures and process facilities. Development of the alternatives will include the consideration of design criteria, typical performance, potential locations for the required improvements, integration of the improvements with the existing WRF, and other qualitative assessments the results of which the City can use to identify one preferred alternative. Up to three (3) alternatives will be developed. The concepts for each developed alternative, including a conceptual layout of the associated improvements at the WRF, will be presented at an Alternatives Workshop. It is expected that the City will select a single preferred alternative during the workshop for the purposes of completing the MBR Analysis.

Following the Alternatives Workshop, a walkthrough of the WRF will be conducted with the City to investigate structural, electrical, and constructability issues for the preferred alternative selected during the Workshop. The results of these investigations will be considered during the preparation of opinions of probable construction cost in subsequent tasks.

Task 1.6 Deliverables:

- Alternatives Workshop agenda, alternative concept presentation materials, and a summary of meeting highlights and action items (electronic, Adobe format).

Task 1.6 Assumptions:

- Up to four (4) Kennedy/Jenks staff will attend the four (4) hour combined workshop and site visit.

- One preferred alternative will be selected during the workshop.

Task 1.7 – Opinion of Probable Construction Cost (OPCC) and Implementation Schedule

Following the site investigations performed subsequent to the Alternatives Workshop, Kennedy/Jenks will develop an OPCC and overall project cost for the selected alternative as well as an alternative implementation schedule for the City's use in capital planning. The schedule will show timelines for design procurement, pre-selection of an MBR manufacturer, detailed design, construction procurement, construction, and commissioning of the new MBR system. The OPCC, project cost, and schedule will be included in the MBR Analysis Report.

Task 1.7 Deliverables:

- OPCC, project cost, and schedule presented in tabular format, to be included in the MBR Analysis Report.

Task 1.7Assumptions:

- OPCC will be prepared in accordance with an Association for Advancement of Cost Engineering (AACE) Class 4 Preliminary Estimate.

- City staff will provide input on procurement timelines for the schedule.

Task 1.8 – MBR Analysis Report This task will involve the preparation and submittal of a report that documents the basis of design for an MBR upgrade at the WRF, and discussion of the report during a meeting with City staff. The report will include documentation of:

- Influent flow and load estimates,

- Level of service goals,

- Process simulations and design,

- Hydraulic modeling and design,

- Identification of major MBR components and a process flow diagram,

- Site plan showing the MBR layout, integration with other facilities, and schematic yard piping,
- Integration and constructability considerations,
- OPCC and project cost for the upgrades, and
- An implementation schedule for an MBR system.

A draft version of the report will be submitted to the City for review and comment. Kennedy/Jenks staff will meet with City staff to solicit and discuss feedback on the draft report and collect the City's written comments. Kennedy/Jenks will then prepare a final version of the report that incorporates comments on the draft version.

Task 1.8 Deliverables:

- Draft MBR Analysis Report (electronic, Adobe format)
- Final MBR Analysis Report (electronic, Adobe format; hardcopies, five (5) total).

Task 1.8 Assumptions:

- Up to three (3) Kennedy/Jenks staff will attend the two (2) hour Draft MBR Analysis Report review meeting, with one of the Kennedy/Jenks staff attending by phone.
- The City will provide Kennedy/Jenks with comments on the draft MBR Analysis Report either in the form of a typewritten list or legible markups on a copy of the report. The City will consolidate its comments onto one review set and reconcile any conflicting comments.

Task 1.9 – Phase 1 Project Coordination & Management

Kennedy/Jenks will provide management and oversight of in-house project personnel. In addition, it will coordinate with City staff throughout the project duration under this phase.

Services will involve reviewing and monitoring project budget and progress and managing in-house activities. This task will also involve engaging Kennedy/Jenks' administrative staff, as necessary, to support the project. In addition, the Kennedy/Jenks will coordinate directly with the City's designated project manager regarding miscellaneous aspects of the project under this task.

Kennedy/Jenks will establish and maintain a project account in its accounting system to help organize and track project costs. Kennedy/Jenks' Project Manager will prepare and submit monthly invoices electronically to the City. A status report will be submitted with each invoice that includes narrative summaries of the work performed through the invoice period, planned activities for the upcoming invoice period, items requiring resolution or decisions by the City, and issues/concerns.

Task 1.9 Deliverables:

- Monthly invoices (electronic, Adobe format; hardcopy, one (1))
- Monthly Progress Status Reports to accompany monthly invoices (electronic, Adobe format; hardcopy, one (1))

Task 1.9 Assumptions:

- Project duration is 18 weeks.

Additional assumptions and clarifications related to the Scope of Services

In addition to the assumptions identified above, the proposed scope of services is based on the following:

- Environmental and permitting considerations will not be evaluated in this preliminary effort.
- Geotechnical investigations and surveying will not be performed in this preliminary effort. Site plans will be prepared using existing basemaps.

Section 3: Schedule

The anticipated schedule for Phase 1 – MBR Analysis for Secondary Process Upgrade is:

1. ***Information & Additional Sampling/Analysis Request*** – Submitted within 1 week of the receipt of the Notice to Proceed (NTP)
2. ***Site Visit and Kickoff Meeting*** – Held within 2 weeks of the receipt of the requested data
3. ***Alternatives Workshop*** – Held within 4 weeks of the Kickoff Meeting
4. ***Draft Predesign Report*** – Submitted within 4 weeks of the Alternatives Workshop
5. ***Final Predesign Report*** - Submitted within 2 weeks of the receipt of the City's comments on the Draft Predesign Report

Completion of Phase 1 is estimated at 18 weeks from NTP assuming a 3-week turnaround on the information and additional sampling/analysis request and a 2-week review period of the Draft Preliminary Design Report by the City.

Section 4: Budget

The total budget for Task Order No. 3 is $133,955 as shown below and detailed in the attached Proposal Fee Estimate.

Phase 1 MBR Analysis for Secondary Process Upgrade		Budget	
Task 1.1:	Data/Info Request, Review, & Devel of Design Flow/Load	$	9,700
Task 1.2:	Additional Sampling and Analysis	$	4,835
Task 1.3:	Kickoff Meeting and Site Visit	$	11,005
Task 1.4:	MBR Biological Process Conceptual Design	$	14,720
Task 1.5:	MBR Hydraulic Conceptual Design	$	19,330
Task 1.6:	MBR Concepts Devel, Alternatives Workshop, and Site Visit	$	19,700
Task 1.7:	OPCC and Implementation Schedule	$	10,920
Task 1.8:	MBR Analysis Report	$	33,165
Task 1.9:	Project Coordination and Management	$	10,580
TOTAL		$	133,955

Proposal Fee Estimate

Kennedy/Jenks Consultants

CLIENT Name: City of Scotts Valley

PROJECT Description: WRF - MBR Analysis for Secondary Process Upgrade

Proposal/Job Number: 1668023*00-TO3 **Date:** 7/21/17

January 1, 2016 Rates Classification:	John Wyckoff E8	Don Ervin E7	David Seymour E7	Janet Hoffman E5	Eun Kim E4	Robyn Wilmouth E3	Michael Goymerac E3	Rebecca Xu E2	Designer	Project Administrator	Total	KJ Labor	KJ ODCs	KJ ODCs Markup	Total Labor	Total Subs	Total Expenses	Total Labor + Subs + Expenses
Hourly Rate:	$260	$245	$245	$195	$180	$165	$165	$150	$155	$115	Hours	Fees	Fees	10%				Fees
Phase 1-MBR Analysis for Secondary Process Upgrade																		
1.1 - Data/Info Request, Review, & Devel of Design Flow/Load																		
Data Request		1	6								7	$1,715			$1,715			$1,715
Data Review & Devel of Design Flow/Load		1	12		12	16					41	$7,985			$7,985			$7,985
1.2 - Additonal Sampling & Analysis																		
Develop Sampling & Analysis Protocol		1	2		6						9	$1,815			$1,815			$1,815
Data Analysis			4		4	8					16	$3,020			$3,020			$3,020
1.3 - Kickoff Mtg & Site Visit																		
Flow, Load, LOS, and Presentation Development	4	4	4			8					20	$4,320			$4,320			$4,320
Meeting & Site Visit	6	6	6								18	$4,500	$650	$65	$4,500		$715	$5,215
Documentation		4	2								6	$1,470			$1,470			$1,470
1.4 - MBR Biological Process Conceptual Design																		
Model Development			4		24						28	$5,300			$5,300			$5,300
Simulation Runs			4		24						28	$5,300			$5,300			$5,300
Output Tabulation, Hand Calculations, Review			8		12						20	$4,120			$4,120			$4,120
1.5 - MBR Hydraulic Conceptual Design																		
Model Development		2					24	15			41	$6,700			$6,700			$6,700
Model Runs		4					24	15			43	$7,190			$7,190			$7,190
Output Tabulation, Review		8					12	10			30	$5,440			$5,440			$5,440
1.6 - MBR Implementation Alterntives Workshop																		
MBR Concepts and Presentation Development	4	6	10		24	12					56	$11,260			$11,260			$11,260
Workshop & Site Visit	6	6	6		6						24	$5,580	$1,500	$150	$5,580		$1,650	$7,230
Documentation			2		4						6	$1,210			$1,210			$1,210
1.7 - OPCC & Implementation Schedule																		
OPCC		4	4	16		8	4	6			42	$7,960			$7,960			$7,960
Schedule		4					12				16	$2,960			$2,960			$2,960
1.8 - MBR Design TM																		
Draft	12	20	12				60		18	8	130	$24,570			$24,570			$24,570
TM Review Meeting	4	4	2								10	$2,510	$50	$5	$2,510		$55	$2,565
Documentation		4	2								6	$1,470			$1,470			$1,470
Final		4	4				12		4		24	$4,560			$4,560			$4,560
1.9 - Project Management																		
PSR & Invoicing Prep		10								10	20	$3,600			$3,600			$3,600
General Management & Coordination	8	20									28	$6,980			$6,980			$6,980
Phase 1 - Subtotal	44	113	94	16	116	52	148	46	22	18	669	$131,535	$2,200	$220	$131,535		$2,420	$133,955
All Phases Total	**44**	**113**	**94**	**16**	**116**	**52**	**148**	**46**	**22**	**18**	**669**	**$131,535**	**$2,200**	**$220**	**$131,535**		**$2,420**	**$133,955**

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: October 4, 2017

TO: Honorable Mayor and City Council

FROM: Jenny D. Haruyama, City Manager

SUBJECT: **AUTHORIZE PARTICIPATION IN THE HOUSING AUTHORITY OF SANTA CRUZ COUNTY LANDLORD INCENTIVE PROGRAM**

SUMMARY OF ISSUE

At the September 20, 2017 City Council meeting, Jenny Panetta, Executive Director of the Housing Authority of Santa Cruz County made a presentation about the Authority's services, emphasizing the challenges associated with securing housing for those with a Section 8 Housing Choice Voucher in one of the most expensive and competitive rental markets in the nation. According to Panetta, many landlords and property managers will not consider renting to tenants with a subsidy because they see them as higher risk, and in a tight rental market they see no reason to take that risk.

To increase landlord participation in the voucher program, the Housing Authority established a Landlord Incentive Program. The Landlord Incentive program offers landlords and property managers a risk mitigation fund that would cover up to $2,500 for unpaid rent or damages that exceed the security deposit, as well as vacancy loss and legal fees, if something goes wrong in the first year of tenancy. The program is available to all landlords in Santa Cruz County and cities within the County, and could help hundreds of families and bring millions of additional federal dollars into the Santa Cruz area. To date, Santa Cruz County, and the cities of Santa Cruz, Capitola, and Watsonville are expected to participate in the program.

To encourage landlord participation within their respective communities, agencies are being asked to set aside funds as an incentive in the event of unpaid rent or damages the first year of tenancy. The total set aside for all jurisdictions combined is $100,000. Each agency's contribution is reflected in the chart below and is based on a formula used to determine Homeless Action Partnership (HAP) program expenses.

Proposed Jurisdictional Share of Cost for Landlord Incentive Program		
Jurisdiction	**Shared Percentage***	**Share of Costs**
County of Santa Cruz	53.54%	$ 53,540
City of Santa Cruz	21.21%	$ 21,210
City of Watsonville	17.17%	$ 17,170
City of Capitola	4.04%	$ 4,040
City of Scotts Valley	4.04%	$ 4,040
TOTAL	**100%**	**$100,000**
*based on share of cost used for HAP expenses		

Funds used by participating jurisdictions will not be used unless there are eligible claims within that jurisdiction, and all claims will be subject to the availability of funds. Further, while the funds obligated by participating jurisdictions represent the maximum financial cost to the jurisdiction, those funds may not need to be expended. In this way, a small investment from the County and cities can provide a major benefit to low-income families. In Scotts Valley, there are approximately 70 families (144 persons) that are assisted by vouchers; nearly 40% are those with families with a minor child.

The Housing Authority proposes to administer the program in much the same way as the long standing Security Deposit Program which tracks expenditures for the whole program and by jurisdiction. Landlords will be required to provide documentation supporting claims. If the claim is eligible, and if there is funding available in the Landlord Incentive Program for the jurisdiction in which the assisted unit is located, the Housing Authority will pay the claim to the landlord. Each jurisdiction will establish a primary contact person as a program liaison. The Housing Authority will contact the program liaison in the event of any questions. On a quarterly basis, the Housing Authority will provide a report and invoice to each jurisdiction in which there have been claims. Participating jurisdictions would receive quarterly reports of the activity in the jurisdiction.

FISCAL IMPACT

If the City Council authorizes participation in the Landlord Incentive Program, funds will be used from the City's Affordable Housing Fund. There would be no impact to the General Fund. The projected ending fund balance (as of June 30, 2018) of the Affordable Housing Fund is approximately $89,440. Participation in the program would require the City to make a maximum of $4,040 available for any potential rental-related claims.

STAFF RECOMMENDATION

It is recommended that the City Council consider participating in the Landlord Incentive Program.

TABLE OF CONTENTS — PAGE

HOUSING AUTHORITY
OF THE COUNTY OF SANTA CRUZ

Program Overview

Jennifer Panetta, Executive Director

SEPTEMBER 20, 2017

Summary of Programs

- Housing Authority Programs

Program	Households Assisted
Housing Choice Voucher Program (Section 8)	**4,566**
Low Income Public Housing	234
HCD Migrant Farmworker Housing	103
USDA-RD Year Round Farmworker Housing	70
Tax Credit Units	15
Moderate Rehabilitation	51
Total	5,082

The need for rental assistance is far greater than the amount of assistance available. An estimated 31,138 households in Santa Cruz County (32.8% of all households) are income eligible for assistance.

Housing Choice Voucher Program

- How the Voucher Program Works
  - Low-income families wait years on a waiting list.
  - Eligible households eventually receive a “voucher”.
  - Families lease a unit in the private rental market, paying about 30% of their income towards rent, Housing Authority pays the rest directly to landlord.

Who Benefits from Rental Assistance?

- Low-income families
  - Approximately 70 families (144 persons) in Scotts Valley:
    - 46% disabled households
    - 15% elderly households
    - 38% families with minor children
      - 52 children in Scotts Valley live in households assisted by vouchers
    - Of the non-disabled, non-elderly families, most (60%) have wages
      - Scotts Valley voucher holders have occupations ranging from food service and clerical workers, to nurses, medical assistants, and plumbers.

Who Else Benefits from Rental Assistance?

- Landlords
  - The voucher program provides income to landlords.
  - 85 Scotts Valley landlords received over $1,000,000 last FY in rental income from the voucher program.
- Local Economy
  - When landlords receive rental income from the voucher program, this is freeing up over $1,000,000 that low-income families would otherwise spend in rent, much of which will be spent on goods and services in our local economy.

Challenges and Opportunities

Challenges

- Decreasing federal funding
- Increasing rental costs
- Difficulty finding units and landlords

Solutions & Opportunities

- Inflation factor adjustment
- FMR Study → Increases in $
- New leasing specialist
- Landlord Incentive Program
  - Risk Mitigation Program for "landlord guarantees".
  - Would cover up to $2,500 in unpaid rent, damages, vacancy loss or legal fees.

Thank you!

HOUSING AUTHORITY

OF THE COUNTY OF SANTA CRUZ

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: October 4, 2017

TO: Honorable Mayor and City Council

FROM: Jessica Kahn, Civil Engineer

APPROVED: Jenny D. Haruyama, City Manager

SUBJECT: APPROVE RESOLUTION NO. 1934ADOPTING A PROJECT LIST REQUIRED FOR THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 AND AMENDING THE FY 2017/18 OPERATING BUDGET CAPITAL IMPROVEMENT PROGRAM (CIP) TO ACCEPT AND APPROPRIATE ROAD MAINTENANCE AND REHABILITATION ACCOUNT (RMRA) FUNDS IN THE AMOUNT OF $68,609 FOR CIP #17, PAVEMENT REHABILITATION ON GREEN HILLS ROAD

SUMMARY OF ISSUE

On April 28, 2017, the Governor signed Senate Bill 1 (SB 1), known as the Road Repair and Accountability Act of 2017. SB 1 increases gasoline and diesel taxes and vehicle registration fees to address basic road maintenance and rehabilitation needs on both state highways and local streets and roads.

Beginning November 1, 2017, the State Controller will deposit various portions of this new funding into the newly created Road Maintenance and Rehabilitation Account (RMRA). A percentage of this new RMRA funding will be apportioned by a formula to eligible cities pursuant to Streets and Highways Code (SHC) Section 2032(h) for basic road maintenance, rehabilitation, and critical safety projects on local streets and roads. RMRA funding will be continuously apportioned and will not be provided on a reimbursement basis.

In order to receive RMRA funds, the City shall annually expend for street, road, and highway purposes an amount not less than the annual average of its expenditures from its General Fund during the 2009-10 ($338,260), 2010-11 ($265,213), and 2011-12 ($273,147) fiscal years. The average of this three-year period was $292,207 and is the minimum maintenance of effort (MOE) required to receive SB 1 funding. This amount was calculated by the State Controller's Office.

Since SB 1 emphasizes accountability and transparency in transportation funding, programming and use of the new funds is contingent on recipient cities and counties providing annual project reporting. Per SHC 2034 (a) (1), prior to receiving any RMRA funding, cities and counties must submit an approved list of projects to be funded with the RMRA funds adopted via Council resolution. It is estimated that the City will receive funding in the amount of $68,609 for FY 17/18.

On August 2, 2017, the City Council authorized a budget expenditure appropriation in the amount of $160,615 from Fund 155, Measure D Sales Tax for Transportation to fund the construction costs of the Mt. Hermon Road/Scotts Valley Drive/Whispering Pines Drive Intersection Operations Improvement Project. These funds were originally budgeted for Capital Improvement Program (CIP) project #17: Pavement Rehabilitation - Green Hills Road (CIP #17). To supplement this project, staff proposes to amend the FY 2017/18 CIP to include FY 2017/18 RMRA funds in the amount of $68,609. The project is currently funded with $711,000 in a Santa Cruz County Regional Transportation Commission grant and $31,391 in Measure D Funds. The RMRA funding was not included in the project at time the FY 2017/18 Operating Budget was adopted, therefore a budget appropriation is required.

FISCAL IMPACT

In order to receive RMRA funds, the City must meet a MOE requirement using discretionary funding from the General Fund in the amount of $292,207. The FY 2017/18 budget includes $801,385 in street repair and operations expenditures. The attached resolution adopts the RMRA project list, appropriates RMRA funds and authorizes a budget expenditure appropriation in the amount of $68,609.

STAFF RECOMMENDATION

It is recommended that the City Council adopt the attached resolution adopting the a project list for CIP #17 to be funded with funds generated by the Road Repair and Accountability Act of 2017 (SB 1), amending the Capital Improvement Program (CIP) of the FY 2017/18 Operating Budget to include RMRA funding in the amount of $68,609 and authorizing a budget expenditure appropriation in the amount of $68,609 for CIP #17.

TABLE OF CONTENTS — PAGE

RESOLUTION NO.1934

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY APPROVING THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 PROJECT LIST AND AMENDING THE CAPITAL IMPROVEMENT PROGRAM (CIP) OF THE FISCAL YEAR 2017/18 OPERATING BUDGET TO ACCEPT AND APPROPRIATE ROAD MAINTENANCE AND REHABILITATION ACCOUNT (RMRA) FUNDS IN THE AMOUNT OF $68,609 FOR CIP #17, PAVEMENT REHABILITATION ON GREEN HILLS ROAD

WHEREAS, on June 21, 2017 the City adopted the Fiscal Year 2017/18 Capital Improvement Program (CIP);

WHEREAS, Pavement Rehabilitation of Green Hills Road is included in the CIP with Measure D and Gas Tax funding; and,

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of City of Scotts Valley are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of Scotts Valley must include a list of all projects (Exhibit A) proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, in the City of Scotts Valley budget, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City of Scotts Valley will receive and estimated $68,609 in RMRA funding in Fiscal Year 2017-18 from SB 1; and

WHEREAS, the full amount of the anticipated 2017/18 RMRA disbursement shall be allocated to Pavement Rehabilitation of Green Hills Road; and,

WHEREAS, a budget amendment is required to amend the adopted FY 2017/18 CIP to add the funds to the project.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the City of Scotts Valley adopts the attached project list (Exhibit A) and amends the FY 2017/18 Operating Budget Capital Improvement Program (CIP) to accept and appropriate RMRA funds in the amount of $68,609 for CIP #17 – Pavement Rehabilitation on Green Hills Road.

The above and foregoing resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a regular meeting held on the 4th day of October, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: ______________________________
Randy Johnson, Mayor

Attest: ______________________________
Tracy A. Ferrara, City Clerk

EXHIBIT A

Local Streets and Roads Funding Annual Reporting Program (Proposed Project List Form)

This is the standard form that cities and counties are required to use when submitting a list of projects to the California Transportation Commission (Commission) for funding with Road Maintenance and Rehabilitation Account (RMRA) funds pursuant to Streets and Highways Code Section 2034.

The Proposed Project List Form consists of 3 worksheets:

- **Part 1 – General Information** (Input required)
- **Part 2 – Project Information** (Input required)
- **Part 3 – Summary** (Review only)

Parts 1 & 2 are input pages. Both Required and Optional fields are provided for entering information:

- Required input fields (*) are highlighted in yellow and must be filled out completely.
- Optional input fields are not highlighted and should be completed as thoroughly as possible.
- Input field titles with (**?**) include comments with explanations and examples which can be viewed by hovering the cursor over the title.

Part 3 is a review page. Grayed-out fields are self-populated by information entered in Parts 1 & 2. No input is needed in this page.

Steps to complete & submit Form

1. **Save and rename this Excel workbook file with your Agency name (i.e. LSR_Project List_Agency name)**
2. **Complete "Part 1_General Information" and save worksheet**
3. **Complete "Part 2_ Project Information" and save worksheet**
4. **Review "Part 3_Summary" for completeness**
5. **Email the completed Excel file along with the required Budget Support Documentation to the Commission (LSR@dot.ca.gov) by October 16, 2017**

Questions regarding the form can be emailed to: LSR@dot.ca.gov

Part 1: General Information

Local Streets and Roads Program

*Agency Name: (Select from dropdown list)	LoCode:
Scotts Valley	5400

*Agency Address:	*City:		*ZIP Code:
One Civic Center Drive	Scotts Valley	CA	95066

*Agency Contact:	*Agency Contact Title:
Scott Hamby	Public Works Director

*Agency Contact Phone No.: (i.e. 1234567890)	*Agency Contact Email Address:
(831) 438-5854	shamby@scottsvalley.org

Funding for Fiscal Year: FY 17/18

***Budget Support Documentation:?**

Please briefly describe the budget support documentation being provided.

Amending budget resolution

Average Network PCI: 66

Measurement Date: (Month) 05 (Year) 2017

Additional Information: ?

Project Flexibility:

Pursuant to SHC Section 2034(a)(1), this project list shall not limit the flexibility of an eligible city or county to fund projects in accordance with local needs and priorities, so long as the projects are consistent with SHC Section 2030(b). After submittal of the project list to the Commission, in the event a city or county elects to make changes to the project list pursuant to the statutory provision noted above, formal notification of the Commission is not required. However, the Project Expenditure Report form that is due to the Commission by October 1st each year, will provide an opportunity for jurisdictions to annually communicate such changes to the Commission as part of the regular reporting process.

* Required information

Part 2: Project Information

Local Streets and Roads Program

* Required

Proposed Project (PP#)	LoCode	* Project Title	Project ID (if any)	Project Type ?		* Project Description ?	* Project Location ?	* Estimated Completion Date		* Estimated Useful Life (# of Yr)		Legislative District(s)						Additional Project Elements (Does the project include element(s) as described in SHC 2030 (c)-(f)? (Select Y/N from dropdown list) ?				
				Type (Select from dropdown list)	Explanation (if "Other" is selected, please explain) ?			Pre-Construction (mm/yyyy)	Construction (mm/yyyy)	Min.	Max.	State Senate			State Assembly			Sustainability ?	Technologies ?	Climate Change ?	Complete Streets Elements ?	Description of Elements
PP01	5400	Pavement Rehabilitation on Green Hills Road	CIP #17	Road Maintenance & Rehabilitation		This project will rehabilitate Green Hills Road from Glen Canyon Road to its terminus. The project will include bike lanes, road widening, new curb and gutter, restriping on Glen Canyon Road from Vern Hart Fish Park to Green Hills Road. The project will also include signage and sharrows on South Navarra Drive from Green Hills Road to Grant Creek Road.	The project location is in Scotts Valley, CA, and includes Glen Canyon Road from Flora Lane to Green Hills Road, Green Hills Road from Glen Canyon Road to the northern end at S. Navarra Drive, and S. Navarra Drive from the southern end to Granite Creek Road.	01/2018	07/2018	15	20	17			29			Yes	No	No	Yes	CCP milling and recycling, addition of bicycle lane and green lane treatments
PP02	5400																					
PP03	5400																					
PP04	5400																					
PP05	5400																					
PP06	5400																					
PP07	5400																					
PP08	5400																					
PP09	5400																					
PP10	5400																					
PP11	5400																					
PP12	5400																					
PP13	5400																					
PP14	5400																					
PP15	5400																					
PP16	5400																					
PP17	5400																					
PP18	5400																					
PP19	5400																					
PP20	5400																					
PP21	5400																					
PP22	5400																					
PP23	5400																					
PP24	5400																					
PP25	5400																					
PP26	5400																					
PP27	5400																					
PP28	5400																					
PP29	5400																					
PP30	5400																					
PP31	5400																					
PP32	5400																					
PP33	5400																					
PP34	5400																					
PP35	5400																					
PP36	5400																					
PP37	5400																					
PP38	5400																					
PP39	5400																					
PP40	5400																					
PP41	5400																					
PP42	5400																					
PP43	5400																					
PP44	5400																					
PP45	5400																					
PP46	5400																					
PP47	5400																					
PP48	5400																					
PP49	5400																					
PP50	5400																					

Local Streets and Roads Program

Agency Name:		Agency Contact:
Scotts Valley		Scott Hamby
		(831) 438-5854
LoCode:	5400	shamby@scottsvalley.org

FY
17/18

Summary of Proposed Project List

Project No.	Project Title	Project Description	Project Location	Estimated Completion Date (mm/dd/yyyy)		Estimated Useful Life (# of yrs)	
				Pre-Construction	Construction	Min.	Max.
PP01	Pavement Rehabilitation on	This project will rehabilitate Green Hills Road from Glen	The project location is in Scotts Valley, CA,	01/2018	07/2018	15	20
PP02							
PP03							
PP04							
PP05							
PP06							
PP07							
PP08							
PP09							
PP10							
PP11							
PP12							
PP13							
PP14							
PP15							
PP16							
PP17							
PP18							
PP19							
PP20							
PP21							
PP22							
PP23							
PP24							
PP25							

008

Local Streets and Roads Program

Agency Name:		Agency Contact:
Scotts Valley		Scott Hamby
		(831) 438-5854
LoCode:	5400	shamby@scottsvalley.org

FY
17/18

Summary of Proposed Project List

Project No.	Project Title	Project Description	Project Location	Estimated Completion Date (mm/dd/yyyy)		Estimated Useful Life (# of yrs)	
				Pre-Construction	Construction	Min.	Max.
PP26							
PP27							
PP28							
PP29							
PP30							
PP31							
PP32							
PP33							
PP34							
PP35							
PP36							
PP37							
PP38							
PP39							
PP40							
PP41							
PP42							
PP43							
PP44							
PP45							
PP46							
PP47							
PP48							
PP49							
PP50							

009

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: October 4, 2017

TO: Honorable Mayor and City Council

FROM: Scott Hamby, Public Works Director
Kristin Ard, Recreation Division Manager

APPROVED: Jenny D. Haruyama, City Manager

SUBJECT: **PARKS AND RECREATION COMMISSION REVIEW OF POLO RANCH PARK WITH RECOMMENDATIONS**

SUMMARY OF ISSUE

On August 19, 2009, the City Council approved a 40-lot subdivision at the former Santa's Village site. Part of the project required the relocation of the Polo Barn and caretaker's quarters to a separate parcel to be owned by the City and operated as a community facility. Parking for the facility and a bioretention basin for stormwater management was also proposed on that parcel. In March 2014, due to the significant deterioration of the barn, the developer, Lennar Homes of California, Inc., asked the City Council to consider a park in the same location and eliminate the requirement to relocate the barn. The City Council approved the proposed modification and amended the Development Agreement (DA) between the City and the developer to reflect the approved change. The DA also included preliminary park plans for the design of the Polo Ranch Park. Pursuant to the DA, the developer was required to prepare a park plan consistent with the preliminary park plans and submit it to the Parks and Recreation Commission (PRC) and subsequently to the City Council for approval.

On June 4, 2015, the developer's landscape architect, HLD Group Landscape Architecture (HLD), presented draft park plans to the PRC. The PRC reviewed the plans and provided recommendations for further amenities and improvements to HLD. The draft plan included a half court basketball court, gazebo structure on northeast lawn area, one unisex restroom, 2 turf areas, 1 picnic table with BBQ, and 5 parking spaces, one of which is ADA, a bioretention basin, and a continuous decomposed granite walking path around lawn and playground area. The proposed park will be privately owned, operated, and maintained by the Homeowner's Association (HOA), but open to the public.

The PRC made the following recommendations to the plan; increase parking to 7 standard spaces and 1 ADA stall (8 total), add more picnic tables w/ BBQ stands, include two playgrounds (tot lot and 5-12 year old) with poured in place safety surfacing under play structures, change out drinking fountain (3 tiered preferred: standard, ADA, and dogs) and have two unisex restrooms. PRC requested that the developer return with a final design for the park consistent with draft plans and the recommendations.

On August 17, 2017, the developer presented a revised plan for Polo Ranch Park to the PRC. The plan was generally consistent with the 2015 draft plans and included a majority of the recommendations of the PRC. The proposed plan included a half court basketball court, 5-12 year old playground, two restrooms, and an open grass space with a gazebo. Throughout the park, individual BBQs, park benches, fence and a pathway lighting system were added. These additional items are to be supplied by vendors the City currently uses and are consistent with existing City parks. The bioretention area included in the revised plan increased in size compared to the 2015 draft plan to satisfy state-mandated stormwater requirements.

At this recent meeting, PRC expressed two concerns with the revised plan: 1) the elimination of the smaller tot lot and 2) the reduction in parking from the previous PRC recommendation. PRC questioned whether the proposed six (6) parking spaces, with one being ADA, are adequate. HLD stated that the tot lot could be located on the far end of the open lawn area. PRC was in favor of the proposed location and the tot lot with shaded sitting area in lieu of the gazebo, this is included in the attached plan. Staff considers seven (7) spaces along with seventeen (17) curbside spaces along a 250' stretch of the park adequate. The City's Hocus Pocus Park is comparable in size to the Polo Ranch Park. Hocus Pocus is a busy public park, with street side parking only and has several rentals each year, many of which have more than 30 people attending. Staff is not aware of any complaints about parking problems at Hocus Pocus Park. The PRC also recommend that the final park design be reviewed by a Certified Access Specialist (CASp) to ensure compliance with ADA requirements. Lennar agreed to this request.

NEXT STEPS

The developer is currently processing its Final Map through the Public Works and Planning Departments. The Final Map and associated documents will be presented to the City Council at a future date. Proposed trails in the development are still pending. The developer is currently finalizing the design and location of the trails. The City Council will have the opportunity to address the trails prior to Final Map approval.

FISCAL IMPACT

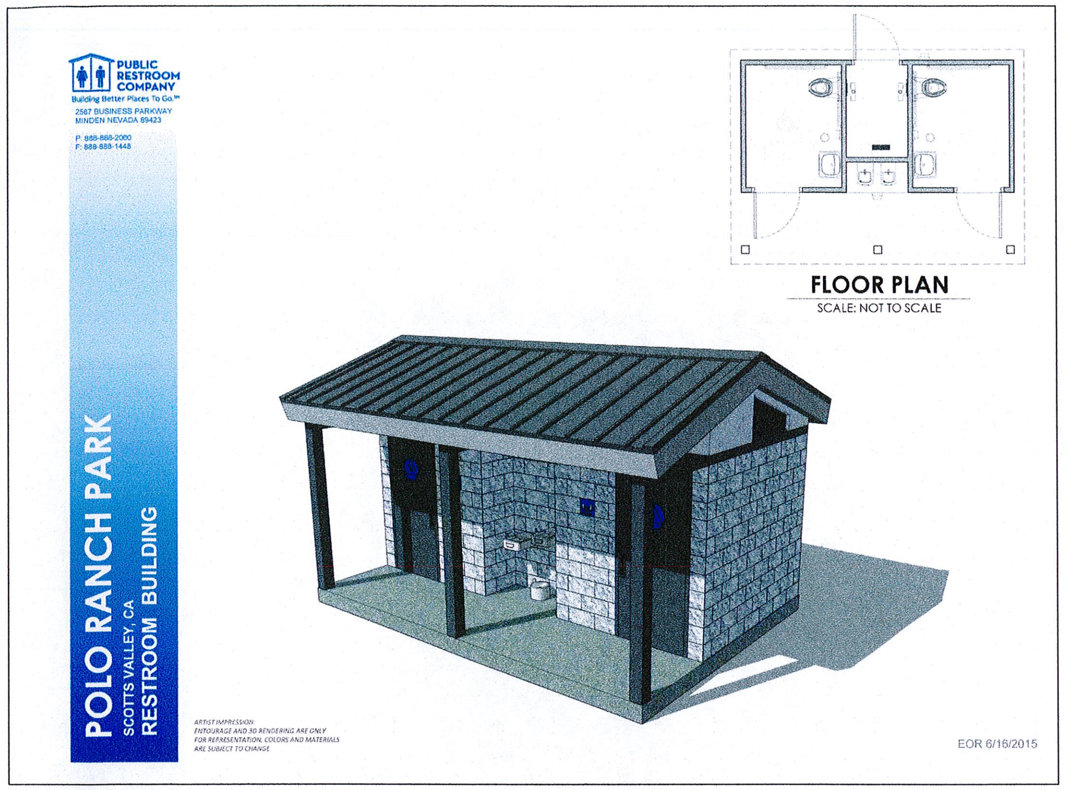
There is no fiscal impact associated with the approval of the Polo Ranch Park Design. The developer is paying for the construction of the park and the HOA is responsible for ongoing park maintenance.

STAFF RECOMMENDATION

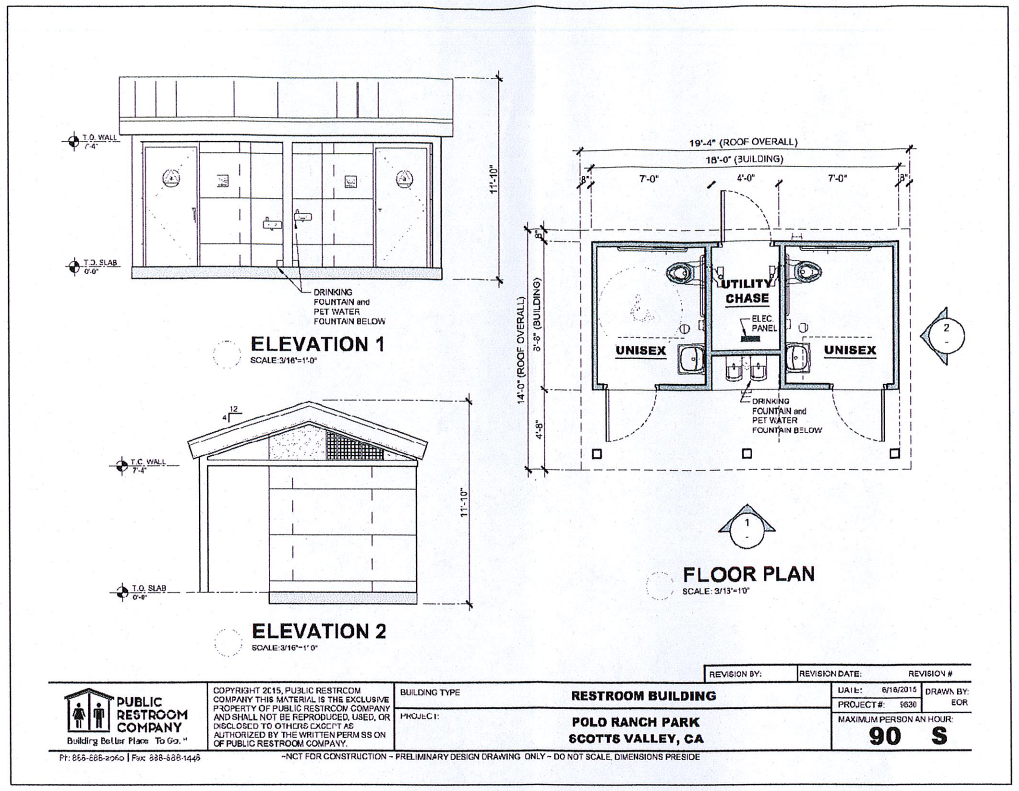
It is recommended that the City Council consider the recommendations of the Parks & Recreation Commission and provide direction and/or approval of the proposed park design.

TABLE OF CONTENTS — PAGE

Open Space
Parcel C
6' high 'Good Neighbor' fence per project Improvement plans, typ.
1 of 2 transplanted Oak Trees, typ.
Proposed planting or mulch areas, typ.
8' x 14' Redwood Pergola / Shade Structure (2 total - one each side).
Proposed trees, typ. Refer to project Improvement plans for proposed species.
Tot Lot play area (ages 2-5) with poured in place resilient surfacing. Play elements TBD.
700 sq. ft. clear space shown
4' high wood 'Split Rail' fence, typ.
Limit of Grading Line - refer to project improvement plans for detailed information.
Bioretention area - refer to project improvement plans for detailed information.
Asphalt paving for basketball half court with non moveable regulation hoop.
Park Playground Plaza to include the following featured elements:
- Mega Tower Play Structure with poured in place safety surfacing (Miracle Co.)
- Restroom Building with (2) Uni-Sex rooms and Utility Closet (Public Restroom Co.)
- Tables, Benches and BBQ accessory's (Miracle Co.)
- Colored / Scored concrete paving with DG paving at BBQ area
4' high wood 'Split Rail' fence, typ.
Lot 1
table
bbq
table
Rest Rooms
bench
drinking
Parcel D
BMP 6A
Play Structure
tree grate
Low Level Light Bollard or Path Light fixture, typ.
4' wide colored concrete walkway, typ.
4' high Good Neighbor fence, typ.
DG path to benches with Storm Water Management interpretive and educational signage,
(6) 9x18 standard parking stalls with concrete wheel stops and (1) Van Accessible Handicap Stall.
(2) parallel on street parking stalls.
Proposed utility's - Refer to project improvement plans for detailed information.
Proposed cross walk locations, typ.
Street A
0'
12'
36'
48'
SCALE: 1" = `12'-0"
003



Restroom Building - rendering
NTS

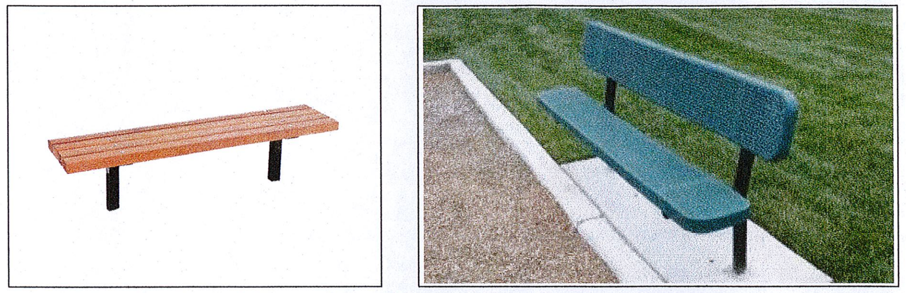


Restroom Building - floor plan / elevations
NTS

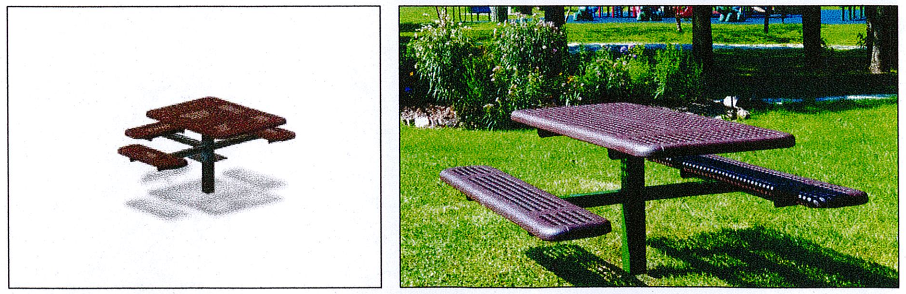
Pre-Cast Fence - split rail
NTS

Bollard Lights
NTS

Miracle Co. - Mega Play Structure
NTS



Miracle Co. 6' Long Benches - in ground
NTS



Miracle Co. Picnic Tables - in ground
NTS

Redwood Pergola - tot ot shade structure
NTS

Accessory Options - tables, benches
NTS

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: October 4, 2017

TO: Honorable Mayor and City Council

FROM: Steve Walpole, Chief of Police

APPROVED: Jenny D. Haruyama, City Manager

SUBJECT: **POLICY DIRECTION REGARDING FIREARMS DEALER REQUIREMENTS**

SUMMARY OF ISSUE

On August 19, 2015, the Police Department recommended that the City Council adopt an ordinance that regulated firearms dealers. At the time, Scotts Valley had seen a noticeable increase of gun shops. The proposed ordinance was a way to better regulate the security of these establishments. The ordinance also proposed regulating the location of gun shops (e.g. prohibiting them from being near schools and parks) and high risk alcohol outlets. The proposed ordinance was modeled after Santa Cruz County's ordinance. After receiving public testimony, the City Council directed staff conduct more research and modify the proposed ordinance.

On September 2, 2015, staff returned to Council and introduced two ordinances for Council consideration. The first ordinance (Ordinance No. 190) required additional security measures. After meeting with local gun shop owners and conducting additional research, it was noted that while firearms dealers are regulated by federal and state laws, the regulations stop short of two crucial areas of premises security – (1) burglary alarm systems and (2) video surveillance systems. Additionally, federal and state agencies that monitor and audit firearms dealerships often do not have the time to sufficiently monitor whether requirements are being met. As a result, staff drafted an ordinance that focused on requiring firearms dealers to obey existing state and federal regulations and adhere to additional security measures, including burglar alarms and video surveillance. The adopted ordinance did not restrict locations.

The second ordinance (Ordinance No. 189) imposed a temporary moratorium on the establishment of commercial operations engaged in the sale of firearms, ammunition, and/or explosive devices within the City of Scott Valley. A moratorium was recommended to allow the City time to complete an adequate study into appropriate land use regulations for firearms dealers. The ordinance was approved, and later extended on two occasions and finally sunset on September 1, 2017. These extensions were necessitated by changes in key personnel. Since the sunset of the temporary moratorium, the following research was completed:

- Collected data from cities on how they regulated firearms sales.
- Conducted field visits of existing gun shops and discussed with the owner/operators of their existing land uses in the City and understand their land use needs. Each gun shop was situated in a commercial retail area and owners advised they would continue to seek out this area for their shops.
- Our current firearms dealer ordinance was created and approved by City Council. This ordinance enhances the safety and security of gun shops by requiring them to have alarms and video surveillance systems (both of which are not required by State or Federal regulations).
- Contacted over 20 city and county agencies to determine how they regulate gun shops, or whether they regulate them at all. There is a wide mix of regulation methods. Monterey County agencies predominately do not regulate locally, but instead rely on state and federal regulations. Santa Cruz and Santa Clara County agencies predominately have ordinances that further regulate firearms dealers. These ordinances vary in the amount and type of regulation.
- Completed research of other firearms ordinances.
- Noted the recent Ninth U.S. Circuit Court of Appeals ruling regarding zoning and gun shops in Alameda County (Teixeira v. County of Alameda). The Court of Appeals ruled in May 2016 that the zoning ordinance may not have been justified; however, in December 2016, the Ninth Circuit elected to rehear the case en banc and thus the May 2016 ruling is not considered precedent. The case was argued on March 22, 2017, but no holding has been decided yet.

Request for Policy Direction

Given that the City has exhausted the number of extensions allowed for a temporary moratorium and that the moratorium has sunset, staff has identified three policy options for Council consideration.

Option #1: Maintain Existing Ordinance (Ordinance No. 190), Enforcing Additional Firearm Dealer Security Measures

In addition to state and federal laws that regulate firearm dealers, the City's current ordinance requires existing and future firearm dealers to install burglar alarm and video surveillance systems to deter gun shop thefts. The ordinance does not address locations of gun shop given that zoning-based ordinances for gun shops are still under litigation.

Option #2: Amend Existing Ordinance (Ordinance No. 190) Requiring a Police Department Safety Inspection to Impose Recommended Safety Measures as Necessary

To allow for more individualized security measures for new firearms dealer shops, the existing ordinance can be amended to include a safety inspection by the Chief of Police or his designee, with recommended additional security measures, if needed. This option allows for a site inspection to ensure adequate security measures.

Option #3: Implement a Conditional Use Permit

Requiring firearms dealers to obtain a use permit would allow staff to place certain conditions on applicable businesses. Under the City's municipal code, the conditions could be revocable or valid for a certain duration. Use permits also have a noticing requirement, which would serve as a mechanism to advise the public about any future gun shops. Additionally, due to their unique characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and their effects on surrounding properties. To achieve these purposes, the planning commission is empowered to grant and to deny applications for use permits and to impose such reasonable conditions in connection with a use permit as it deems necessary to secure the purposes of the Scotts Valley Municipal Code (SVMC). Implementation of this option would require an amendment to the Zoning Ordinance and approval by the Planning Commission and City Council.

FISCAL IMPACT

There are no direct costs associated with this ordinance or required by the City. Any administrative or operational expenses related to licensing would be recovered through applicable fees.

STAFF RECOMMENDATION

It is recommended that the City Council provide policy direction regarding the three options.

TABLE OF CONTENTS PAGE

Santa Cruz County Firearms Dealer Regulation

City/County	Ordinance	License	Alarms	Video	Add. Security	Add. LE Background	Employee Background	Insurance	Security for Open Business
Santa Cruz City	Yes	*Yes	Yes	No	Yes	Yes	Yes	Yes	No
Santa Cruz Co.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Capitola	Yes	Yes	Yes	No	Yes	Yes	Yes	No	No
Scotts Valley	Yes	Yes	Yes	Yes	No	No	No	No	No

City/County	LE Inspection	Locations	Ammo
Santa Cruz City	Yes	Yes – Comply with zoning codes; 600’	No
Santa Cruz Co.	Yes	Yes – Comply with zoning codes; 600’ +	Yes
Capitola	Yes	Yes – Commercial zone only	No
Scotts Valley	No	No	No

* Letter of Authorization

? No ordinance on-line, and no response back from agency.

Santa Clara County Firearms Dealer Regulation

City/County	Ordinance	License	Alarms	Video	Add. Security	Add. LE Background	Employee Background	Insurance	Security for Open Business
San Jose	Yes	Yes	Yes	No	Yes	Yes	No	No	No
Los Gatos	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Campbell	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Santa Clara Co.	Yes	Yes	No	No	No	No	No	No	No
Sunnyvale	Yes * (ammo only)	--	--	--	--	--	--	--	--
Mountain View	No	--	--	--	--	--	--	--	--

City/County	LE Inspection	Locations	Ammo
San Jose	Yes	Yes – Comply with zoning codes	No
Los Gatos	Yes	Yes – Comply with zoning codes	No
Campbell	Yes	Yes – Non residential	Yes
Santa Clara Co.	No	Yes – Comply with zoning codes	No
Sunnyvale	Yes	No	Yes
Mountain View	No	No	No

*Sunnyvale has an ordinance regarding ammunition, but no ordinance or other procedures to regulate firearms dealers.

Monterey County Firearms Dealer Regulation

City/County	Ordinance	License	Alarms	Video	Add. Security	Add. LE Background	Employee Background	Insurance	Security for Open Business
Monterey Co.	No	--	--	--	--	--	--	--	--
Salinas	Yes	*Yes	No	No	No	Yes	Yes	Yes	No
Seaside	Yes	*Yes	**Yes	**Yes	**Yes	No	No	No	**Yes
Marina	No	--	--	--	--	--	--	--	--
Soledad	No	--	--	--	--	--	--	--	--
King City	No	--	--	--	--	--	--	--	--
Carmel	No	--	--	--	--	--	--	--	--
Gonzales	No	--	--	--	--	--	--	--	--
Sand City	No	--	--	--	--	--	--	--	--
Del Rey Oaks	No	--	--	--	--	--	--	--	--

City/County	LE Inspection	Locations	Ammo
Monterey Co.	--	--	--
Salinas	Yes	Yes – Zoning; 1000’ +	No
Seaside	Yes	No	No
Marina	--	--	--
Soledad	--	--	--
King City	--	--	--
Carmel	--	--	--
Gonzales	--	--	--
Sand City	--	--	--
Del Rey Oaks	--	--	--

* Permit

**Chief of police can require any structural conditions to building that will ensure safety of firearms form burglary or theft.

Teixeira v. County of Alameda

In order to qualify for a permit to operate a gun store, the Alameda County ordinance requires that "the subject premises is not within 500 feet of any of the following: residentially zoned district; elementary, middle or high school; preschool or day care center; other firearms sales business; or liquor stores or establishments in which liquor is served."

The three-judge Ninth Circuit panel had opined that the district court should have required the county to justify the ordinance by showing evidence that the presence of gun stores in neighborhoods leads to increased crimes and/or negatively impacts aesthetics.

Teixeira v. County of Alameda, 13-17132

Three-Judge Panel Opinion: 822 F.3d 1047 (9th Cir. 2016)

Order Taking Case En Banc: 2016 WL 7494873 (9th Cir. Dec. 27, 2016)

Date of Order Taking Case En Banc: December 27, 2016

Status: Argued and submitted on March 22, 2017, at 1:30 p.m., in San Francisco, California

Members of En Banc Court: Chief Judge Thomas, Judges Reinhardt, McKeown, Gould, Paez, Berzon, Tallman, Bybee, Bea, Watford, and Owens

Subject Matter: Appeal from the district court's dismissal for failure to state a claim of an action brought by individuals wishing to operate a gun shop in Alameda County, California, challenging a County ordinace that does not permit prospective gun shops to be located within 500 feet of a residentially-zoned district.

Holding: Not yet decided

ORDINANCE NO. 190

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

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

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

"Chapter 5.38

Firearms Dealers

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

5.38.010 Purpose.

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

5.38.020 Definitions.

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

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

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

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

5.38.030 City license.

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

5.38.040 Application for City license.

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

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

(1) A valid Federal firearms license;

(2) A valid seller’s permit issued by the State Board of Equalization;

(3) A valid certificate of eligibility issued by the Department of Justice;

(4) Payment of a nonrefundable administrative fee, in an amount to be established by resolution of the City Council.

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

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

5.38.050 Approval by Licensing Officer.

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

(A) Evidence of the applicant’s compliance with all applicable City, State and Federal laws;

(B) Whether applicant has violated any provisions of this chapter;

(C) Whether the applicant has made any false statements as to any material fact in applying for the City license;

(D) Whether the applicant has done or caused or permitted to be done any act which if done by an authorized firearms dealer would be grounds for suspension or revocation of the City license;

5.38.060 Denial of application.

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

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

5.38.070 Appeal from denial.

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

5.38.080 Requirements.

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

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

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

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

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

5.38.090 Suspension and revocation.

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

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

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

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

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

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

5.38.100 Notification of suspension or revocation.

It shall be the duty of the Licensing Officer or his or her designee to notify any City license holder charged with any violation or misconduct, as described above, by serving such person, either personally or by first class United States mail, with a letter setting forth the particular written standard or condition which has been violated. The letter shall inform such City license holder of the right to a hearing before the City Council, at which time the City license holder may appear with a representative if so desired and be heard in defense of the charges. The City license holder shall also be given notice that any request for a hearing before the City Council must be made in writing to the City Clerk within 10 calendar days after the date on which notice is served on the City license holder. The suspension or revocation shall be effective on the date the notice is served on the City license holder. Such notice, if served by United States mail, shall be deemed to have been served on the date of its deposit in the United States mail, postage prepaid, to the City license holder's address of record.

5.38.110 Hearing on revocation or suspension.

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

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

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

5.38.120 Violations.

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

5.38.130 Penalties.

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

<u>SECTION 2. SEVERABILITY</u>. 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.

<u>SECTION 3. REPEALS CONFLICTING ORDINANCES</u>. 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.

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

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

This Ordinance was introduced on the 2nd day of September, 2015, and passed and adopted by the City Council of the City of Scotts Valley on the 16th day of September, 2015, by the following votes:

AYES: AGUILAR, JOHNSON, LIND
NOES: NONE
ABSENT: BUSTICHI, REED
ABSTAIN: NONE

APPROVED:______________________________
Donna Lind, Vice Mayor

ATTEST:

____
Tracy A. Ferrara, City Clerk

APPROVED AS TO FORM:

____
Kirsten Powell, City Attorney