



A G E N D A

Meeting of the Scotts Valley City Council

Date: August 17, 2016

Time: 6:00 p.m.

CITY OF SCOTTS VALLEY 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5602	MEETING LOCATION City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066	POSTING: The agenda was posted 8-12-16 at City Hall, SV Senior Center, SV Library and on the Internet at www.scottsvalley.org .
---	---	---

Elected Officials Donna Lind, Mayor Randy Johnson, Vice Mayor Stephany E. Aguilar, Council Member Dene Bustichi, Council Member Jim Reed, Council Member	City Staff Members Jenny Haruyama, City Manager Kirsten Powell, City Attorney Taylor Bateman, Acting Community Development Dir Scott Hamby, Public Works Director John Weiss, 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 Introduction of new City employees

COMMITTEE REPORTS

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

Interjurisdictional Committees:

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

Standing Local Committees:

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

Project Specific Committees:

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

CITY MANAGER REPORT

PUBLIC COMMENT TIME

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

ALTERATIONS TO CONSENT AGENDA

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

CONSENT AGENDA

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

- A. Approve City Council meeting minutes of 7-20-16
- B. Approve check register – 7-21-16, 7-25-16, 7-26-16, 7-29-16, 8-8-16, 8-9-16
- C. Approve revised salary schedule for City Manager
- D. Approve Exclusive License Agreement between the City of Scotts Valley and the Scotts Valley Water District for Use of City Property as a Temporary Parking Lot During the Construction of the Stormwater System at the Transit Center and authorize the City Manager to execute the agreement
- E. Approve the purchase of a new Wastewater Treatment Plant (WWTP) replacement pump in the amount of \$18,010 to be paid from WWTP Equipment Reserves, Fund 14
- F. Approve the agreement between the City of Scotts Valley and Northwest Demolition, Inc., for the construction of the Granite Creek Road Storm Damage Repair Project and authorize the Mayor to execute the agreement
- G. Approve the Agreement for Professional Services between the City of Scotts Valley and Ken D. Anderson for City Engineer services and authorize the City Manager to execute the agreement

ALTERATIONS TO REGULAR AGENDA

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

REGULAR AGENDA

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

- 1. Presentation by Monterey Bay Community Power (CityManager/Haruyama)

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

- 2. Consider approval of Planned Development Permit Amendment No. PD07-006.2 and Land Division Amendment No. LD07-004.1 allowing the expansion of the development envelope for 101 Falcon Ridge Road, APN 024-211-18 (Gandrup)
(Attorney/Powell)
 - ➔ Open public hearing
 - ➔ Close public hearing
 - ➔ Approve Resolution No. 1749.7
- 3. Conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 to receive comments relating to the issuance by the California Enterprise Development Authority of not to exceed \$12,000,000 of the Authority's Revenue Bonds for the benefit of Sammie Rae Abitbol, LLC, a California limited liability company, and Bay Photo, Inc., a California corporation (CityManager/Haruyama)

- Open public hearing
- Close public hearing
- Approve Resolution No. 1921
- Approve Resolution No. 1921.1

REGULAR AGENDA

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

4. Consider approval of Resolution No. 1922 opposing Proposition 64, known as the Adult Use of Marijuana Act (AUMA)
(Police/Weiss)
5. Future Council agenda items
(This portion of the Regular Agenda allows the Council to determine items to be placed on a future agenda and to choose a date, if so desired.)

CONVENE TO CLOSED SESSION

CLOSED SESSION

SUBJECT: Conference with legal counsel regarding real property negotiations.
Legal Authority: Govt Code Section 54956.8
APN: 022-231-03
Staff Present: City Manager, City Attorney

RECONVENE TO OPEN SESSION

REPORT ON ACTION TAKEN DURING CLOSED SESSION

ADJOURNMENT

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

PROCEDURAL INFORMATION FOR THE PUBLIC

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

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

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

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

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

Unless otherwise determined by the presiding officer of the meeting:

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



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.

MINUTES

Meeting of the Scotts Valley City Council

Date: July 20, 2016

POSTING:

The agenda was posted on 7-15-16
at City Hall, the SV Senior Center, and
the SV Library, by the City Clerk.

Mayor Lind introduced the two special Mayors for the Day, Madi and Ava Aldana, who called the meeting to order and lead everyone in a pledge of allegiance and moment of silence. She announced that she had spent some time during the day with the girls, giving them a tour of City Hall and the Police Department.

CALL TO ORDER 6:08 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

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

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

Arrived 6:21 pm

COMMITTEE REPORTS

None.

CITY MANAGER REPORT

CM Haruyama announced that the Public Works Department hired a new Civil Engineer, Jessica Kahn, who will be starting August 1, 2016.

PWD Hamby announced that a bid opening is scheduled for Friday, July 22, 2016 for the Granite Creek Storm Repair project.

PC Weiss announced that Sergeant Mike Dean just graduated from the Sherman Block Supervisory Leadership Institute, a several months long intensive educational program, which provides training in management, planning, organizing, directing, leadership, etc.

PUBLIC COMMENT

Debbie Muth, Scotts Valley Historical Society, announced that her book, Images of Scotts Valley, has been published by Arcadia Press, and stated her profits will go to the Scotts Valley Historical Society. She stated that she will be selling them for \$22 and they will also be for sale from Arcadia Press for \$22 plus shipping, and the Scotts Valley Chamber of Commerce.

Mayor Lind announced that the community event to recognize the City of Scotts Valley's 50th Anniversary is being held on August 2nd at MacDorsa Park and City Hall. She stated that the celebration will include a barbecue, tours of the Scott House, historical pictures, and many people who have been part of Scotts Valley's history are expected to attend.

ALTERATIONS TO CONSENT AGENDA

M/S: Bustichi/Aguilar

To approve the Consent Agenda.

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

Consent Agenda:

- A. Approve City Council meeting minutes of 7-6-15
- B. Approve check register – 7-5-16, 7-1-16, 6-30-16
- C. Approve the City of Scotts Valley's participation in the County's Multi-Disciplinary Interview Center (MDIC) and contribution of \$6,711 for FY 2016/17 and authorize the City Manager to sign the MDIC Contribution Agreement

ALTERATIONS TO REGULAR AGENDA

M/S: Bustichi/Aguilar

To approve the Regular Agenda.

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

REGULAR AGENDA

1. Consider approval of acceptance of transfer of the former Scotts Valley Redevelopment Agency's Partial Interest of the Transit Center Property, APN 022-212-16, to the City of Scotts Valley and authorize the City Manager to execute the grant deed and certificate of acceptance of grant deed

CA Powell presented the written staff report and responded to questions from Council.

M/S: Aguilar/Bustichi

To approve the acceptance of transfer of the former Scotts Valley Redevelopment Agency's Partial Interest of the Transit Center Property, APN 022-212-16, to the City of Scotts Valley and authorize the City Manager to execute the grant deed and certificate of acceptance of grant deed.

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

2. **Consider approval of Easement Agreement between the Santa Cruz Metropolitan Transit District, the City of Scotts Valley and the Scotts Valley Water District, APN 022-212-16, and authorize the City Manager to enter into the Easement Agreement with the Scotts Valley Water District**

CA Powell presented the written staff report and responded to questions from Council.

M/S: Bustichi/Aguilar

To approve the Easement Agreement between the Santa Cruz Metropolitan Transit District, the City of Scotts Valley and the Scotts Valley Water District, APN 022-212-16, and authorize the City Manager to enter into the Easement Agreement with the Scotts Valley Water District

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

3. **Future Council agenda items**

CM Bustichi requested a future agenda to discuss the green energy program that the 5th District Supervisor Bruce McPherson is working on.

CM Aguilar see how this works with AMBAG Energy Watch.

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 6:24 p.m. to discuss the following items:

1. Pursuant to Government Code Section 54956.8, the City Council met in closed session to confer with their legal counsel regarding real property negotiations, APN 022-231-03.

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 7:20 p.m.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

Mayor Lind announced that there was nothing to report.

ADJOURNMENT

The meeting adjourned at 7:20 p.m.

Approved: _____

Donna Lind, Mayor

Attest: _____

Tracy A. Ferrara, City Clerk

AGENDA ITEM B

DATE: 8-17-16

SCOTTS VALLEY ACCOUNTS PAYABLE
07/21/2016 10:39:52 Check Register

CITY OF SCOTTS VALLEY
GL050S-V08.02 COVERPAGE
GL540R

Report Selection:

RUN GROUP... 072116 COMMENT... A/P AS OF JULY 21 2016

DATA-JE-ID DATA COMMENT

W-07212016-882 A/P AS OF JULY 21 2016

Run Instructions:

Jobq	Banner	Copies	Form	Printer	Hold	Space	LPI	Lines	CPI	CP	SP	RT
L		01			N	S	6	066	10			

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
000447	AMERICAN PUBLIC WORKS AS	107980	07/21/16	184.00
000097	AT&T	107981	07/21/16	159.15
002010	ATCO INTERNATIONAL	107982	07/21/16	138.40
000565	BANK OF NEW YORK MELLON/	107983	07/21/16	1,500.00
.15081	BARBER/JUDY	107984	07/21/16	9.00
.15086	BAY QUALITY CONSTRUCTION	107985	07/21/16	45.00
001822	BC LABORATORIES INC.	107986	07/21/16	192.00
001066	BEHAVIORAL HEALTH CARE I	107987	07/21/16	116.00
.15084	BRUCE MECHANICAL INC	107988	07/21/16	131.00
000053	BSN SPORTS	107989	07/21/16	1,608.03
001216	C & N TRACTORS	107990	07/21/16	364.70
001385	CALIFORNIA PUBLIC EMPLOY	107991	07/21/16	123,124.57
000453	COLE-PARMER INSTRUMENT C	107992	07/21/16	244.70
002091	COMCAST	107993	07/21/16	273.44
002091	COMCAST	107994	07/21/16	158.68
003334	DOGHERRA'S TOWING	107995	07/21/16	204.00
001362	DUNCAN AUTO TECH	107996	07/21/16	1,145.77
003248	EARTHWORKS	107997	07/21/16	6,162.50
003637	ENVIRONMENTAL INVESTIGAT	107998	07/21/16	3,884.00
.15080	GONZALEZ/ROSARIO	107999	07/21/16	200.00
003444	HART/CYNTHIA S	108000	07/21/16	1,050.00
001841	IDEXX LABORATORIES, INC.	108001	07/21/16	1,352.37
001673	LINCOLN FINANCIAL GROUP	108002	07/21/16	957.53
.15079	MAGANA/MARISOL	108003	07/21/16	250.00
000618	MANDEGO, INC.	108004	07/21/16	200.99
003403	MAR-KEN INTERNATIONAL PO	108005	07/21/16	390.00
000291	MBASIA	108006	07/21/16	200,430.50
001234	MC GRAW DDS/BERNARD	108007	07/21/16	92.00
003496	MCDONALD/AUDREY	108008	07/21/16	206.50
003171	MICHALAK/GENE	108009	07/21/16	220.00
000494	MONTEREY BAY AIR	108010	07/21/16	4,250.05
.15082	NOR CAL MED TAC LLC	108011	07/21/16	9.10
001872	NORTH CENTRAL LABORATORI	108012	07/21/16	233.44
001615	OLIN CORP-CHLOR ALKALI	108013	07/21/16	1,785.04
003524	ONE LIFE PRINTS	108014	07/21/16	465.00
003268	PHILLIPS/WENDY	108015	07/21/16	448.00
001503	PRUDENTIAL INSURANCE CO/	108016	07/21/16	551.05
003503	PURETEC INDUSTRIAL WATER	108017	07/21/16	265.00
002043	ROYAL WHOLESALE ELECTRIC	108018	07/21/16	54.38
001823	SANTA CRUZ CO ENVIRONMEN	108019	07/21/16	937.00
001887	SANTA CRUZ ROLLER PALLAD	108020	07/21/16	330.00
000985	SANTA CRUZ/COUNTY OF	108021	07/21/16	8,003.00
000133	SCOTTS VALLEY SPRINKLER	108022	07/21/16	26.31
003085	SHRED-IT US JV LLC	108023	07/21/16	78.23
001535	SKIP'S TIRE & AUTO CENTE	108024	07/21/16	734.15
000138	SPORT ABOUT	108025	07/21/16	317.17
.15085	THRESHOLD ENTERPRISES LT	108026	07/21/16	5.00
001831	USA BLUE BOOK	108027	07/21/16	996.84

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA	GENERAL CHECKING ACCOUNT				
003533	WATSON MARLOW, INC	108028	07/21/16	5,761.87	
000155	XEROX CORPORATION	108029	07/21/16	1,472.88	
	GENERAL CHECKING ACCOUNT			371,718.34	***

SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
07/21/2016 10:39:53
GL540R-V08.02 PAGE 3

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				371,718.34

RECORDS PRINTED - 000144

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
----	-----	
001	GENERAL	246,112.01
004	RECREATION	28,079.90
010	WASTEWATER OPERATIONS	77,679.49
011	TERTIARY TREATMENT PLANT	8,487.62
014	WASTEWATER EQMT REPLACE RES	2,880.94
026	PERS TRUST	1,500.00
028	SENIOR CENTER	2,878.94
112	DENTAL INS INTERNAL SERV	92.00
123	COMMUNITY FACILITY CENTER	4,007.44
TOTAL ALL FUNDS		371,718.34

BANK RECAP:

BANK	NAME	DISBURSEMENTS
----	-----	
BA	GENERAL CHECKING ACCOUNT	371,718.34
TOTAL ALL BANKS		371,718.34

SCOTTS VALLEY ACCOUNTS PAYABLE
07/25/2016 11:53:00 Check Register

CITY OF SCOTTS VALLEY
GL050S-V08.02 COVERPAGE
GL540R

Report Selection:

RUN GROUP... 072516 COMMENT... A/P JUNE 30 2016

DATA-JE-ID DATA COMMENT

W-07252016-886 A/P JUNE 30 2016

Run Instructions:

Jobq	Banner	Copies	Form	Printer	Hold	Space	LPI	Lines	CPI	CP	SP	RT
L		01			N	S	6	066	10			

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA	GENERAL CHECKING ACCOUNT				
	000182 A SIGN ASAP	108030	07/25/16	644.08	
	003342 ACCENT CLEAN & SWEEP INC	108031	07/25/16	1,355.75	
	003457 ADAMS/TROY	108032	07/25/16	114.68	
	000745 AMERICAN RED CROSS	108033	07/25/16	213.00	
	000205 BACK TO EDEN INC	108034	07/25/16	950.00	
	001822 BC LABORATORIES INC.	108035	07/25/16	192.00	
	001593 BENEDICT DDS/NANETTE	108036	07/25/16	356.80	
	000021 BOWMAN & WILLIAMS	108037	07/25/16	17,745.00	
	001633 CAL-WEST LIGHTING & SIGN	108038	07/25/16	2,359.90	
	000037 CRYSTAL SPRINGS WATER CO	108039	07/25/16	13.95	
	003043 CSG CONSULTANTS, INC	108040	07/25/16	30,461.06	
	000318 DEPT OF TRANSPORTATION	108041	07/25/16	1,068.74	
	001362 DUNCAN AUTO TECH	108042	07/25/16	111.38	
	001597 FLEMING/JOSEPHINE	108043	07/25/16	6,000.00	
	003502 FREITAS & FREITAS	108044	07/25/16	6,350.00	
	001871 GALETON	108045	07/25/16	141.19	
	001657 GOLDEN GATE TRUCK CENTER	108046	07/25/16	81.11	
	003387 HEIDARI DDS/ALI	108047	07/25/16	524.00	
	000835 INTERSTATE SALES	108048	07/25/16	3,872.50	
	001992 KOSMONT COMPANIES, INC	108049	07/25/16	2,023.01	
	001333 LARA/ JESUS D	108050	07/25/16	622.43	
	000195 MESITI-MILLER ENGINEERIN	108051	07/25/16	6,945.09	
	001615 OLIN CORP-CHLOR ALKALI	108052	07/25/16	2,161.86	
	001802 ONTRAC	108053	07/25/16	54.23	
	000102 PITNEY BOWES	108054	07/25/16	147.44	
	003503 PURETEC INDUSTRIAL WATER	108055	07/25/16	95.94	
	001894 S.V. WATER DISTRICT - BU	108056	07/25/16	210.45	
	000782 SALINAS VALLEY FORD SALE	108057	07/25/16	3,191.98	
	000109 SAN LORENZO LUMBER CO.	108058	07/25/16	29.25	
	000135 SAN LORENZO VALLEY WATER	108059	07/25/16	34.00	
	001533 SANTA CRUZ COUNTY BANK	108060	07/25/16	3,165.09	
	001533 SANTA CRUZ COUNTY BANK	108061	07/25/16	3,260.80	
	000122 SANTA CRUZ/CITY OF	108062	07/25/16	211.17	
	000122 SANTA CRUZ/CITY OF	108063	07/25/16	3,884.00	
	000123 SANTA CRUZ/COUNTY OF	108064	07/25/16	28,616.00	
	000131 SCOTTS VALLEY MEDICAL	108065	07/25/16	802.00	
	GENERAL CHECKING ACCOUNT			128,009.88	***

SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
07/25/2016 11:53:01
GL540R-V08.02 PAGE 2

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				128,009.88

RECORDS PRINTED - 000086

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
----	-----	
001	GENERAL	100,889.41
002	RECYCLING/ENVIRONMENTAL	1,355.75
004	RECREATION	839.00
010	WASTEWATER OPERATIONS	10,493.58
011	TERTIARY TREATMENT PLANT	192.00
014	WASTEWATER EQMT REPLACE RES	3,191.98
023	SVRDA SUCCESSOR AGENCY	2,023.01
025	GENERAL TRUST	140.26
050	PINEWOOD EST LNDSCP MAINT DT	34.00
077	SKYPARK MAINT ASSESS DIST	950.00
112	DENTAL INS INTERNAL SERV	880.80
150	GENERAL CAPITAL IMPROVEMENTS	7,020.09
TOTAL ALL FUNDS		128,009.88

BANK RECAP:

BANK	NAME	DISBURSEMENTS
----	-----	
BA	GENERAL CHECKING ACCOUNT	128,009.88
TOTAL ALL BANKS		128,009.88

SCOTTS VALLEY FINANCE DEPT.
07/26/2016 13:59:22

Check Register

CITY OF SCOTTS VALLEY
GL050S-V08.02 COVERPAGE
GL540R

Report Selection:

RUN GROUP... 072616 COMMENT... CALPERS FEES FOR GASB68

DATA-JE-ID DATA COMMENT

D-06302016-890 CALPERS GASB-68 REPORTS

Run Instructions:

Jobq	Banner	Copies	Form	Printer	Hold	Space	LPI	Lines	CPI	CP	SP	RT
L		01			N	S	6	066	10			

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA	GENERAL CHECKING ACCOUNT				
.15087	CALPERS	108066	07/26/16	2,600.00	
	GENERAL CHECKING ACCOUNT			2,600.00	***

SCOTTS VALLEY FINANCE DEPT.
CITY OF SCOTTS VALLEY
07/26/2016 13:59:22
GL540R-V08.02 PAGE 2

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				2,600.00

RECORDS PRINTED - 000001

Check Register

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
----	-----	
001	GENERAL	2,600.00
TOTAL ALL FUNDS		2,600.00

BANK RECAP:

BANK	NAME	DISBURSEMENTS
----	-----	
BA	GENERAL CHECKING ACCOUNT	2,600.00
TOTAL ALL BANKS		2,600.00

SCOTTS VALLEY ACCOUNTS PAYABLE
07/29/2016 11:00:08 Check Register

CITY OF SCOTTS VALLEY
GL050S-V08.02 COVERPAGE
GL540R

Report Selection:

RUN GROUP... 072916 COMMENT... A/P AS OF JULY 29 2016

DATA-JE-ID DATA COMMENT

W-07292016-893 A/P AS OF JULY 29 2016

Run Instructions:

Jobq	Banner	Copies	Form	Printer	Hold	Space	LPI	Lines	CPI	CP	SP	RT
L		01			N	S	6	066	10			

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
003123	A T & T	108067	07/29/16	378.42
003457	ADAMS/TROY	108068	07/29/16	30.00
001405	AFLAC-FLEX ONE	108069	07/29/16	2,845.46
001219	ALHAMBRA	108070	07/29/16	73.87
001219	ALHAMBRA	108071	07/29/16	88.77
000620	ALVAREZ/TONY	108072	07/29/16	20.00
001009	ARD/KRISTIN	108073	07/29/16	30.00
001670	AT & T	108074	07/29/16	218.15
001373	BAY TREE, LLC	108075	07/29/16	3,620.38
001822	BC LABORATORIES INC.	108076	07/29/16	96.00
003054	BIRLEY/MICHAEL	108077	07/29/16	21.00
001040	BOGNER SHEET METAL	108078	07/29/16	368.68
000500	BOLANOS/DORENE	108079	07/29/16	20.00
000437	BRASS KEY LOCKSMITH	108080	07/29/16	199.87
003537	CASTERSON/TYLER	108081	07/29/16	116.50
000773	CENTRAL COAST LANDSCAPE	108082	07/29/16	383.00
000773	CENTRAL COAST LANDSCAPE	108083	07/29/16	75.00
001051	COASTAL EVERGREEN CORP	108084	07/29/16	850.00
002091	COMCAST	108085	07/29/16	238.56
002091	COMCAST	108086	07/29/16	136.16
001537	DYNAMIC PRESS	108087	07/29/16	91.31
003500	ECOFERT, INC	108088	07/29/16	850.00
003253	FIRST ALARM	108089	07/29/16	129.60
001782	FLORES/CARLOS	108090	07/29/16	45.21
001042	GOLDEN GATE PETROLEUM	108091	07/29/16	6,710.72
001828	GONZALES/GABE	108092	07/29/16	20.00
001881	GRAINGER	108093	07/29/16	155.69
003006	GRIFFIN DDS/PHILIP T	108094	07/29/16	152.00
000057	HACH COMPANY	108095	07/29/16	146.00
000615	HOHMANN/PATRICK J.	108096	07/29/16	20.00
003271	HOME DEPOT/THE	108097	07/29/16	152.35
001903	JONES/KIMARIE	108098	07/29/16	66.96
003321	LOPEZ/RENE	108099	07/29/16	20.00
001591	MARKELL/ROD	108100	07/29/16	1,974.00
003428	MEIER/PAUL	108101	07/29/16	21.00
000967	MONTEREY BAY SYSTEMS	108102	07/29/16	1,319.49
001965	MURRAY/DON	108103	07/29/16	116.50
003199	NEW PIG CORPORATION	108104	07/29/16	383.98
001540	NORTHERN DESIGN INC	108105	07/29/16	3,350.00
000098	PALACE ART & OFFICE	108106	07/29/16	3,476.03
002063	PATEL-CROSKREY/DARSHANA	108107	07/29/16	50.88
001787	PETRINI'S GARDENING SERV	108108	07/29/16	75.00
003539	PHELPS/MICKEY	108109	07/29/16	1,061.40
000723	PIED PIPER INC./THE	108110	07/29/16	57.50
003323	POMPETTE/NICOLE	108111	07/29/16	20.00
003538	PONDEROSA HOMES II INC	108112	07/29/16	287,342.00
001097	PRODESSE PROPERTY GROUP	108113	07/29/16	3,523.52
001503	PRUDENTIAL INSURANCE CO/	108114	07/29/16	571.65

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA	GENERAL CHECKING ACCOUNT				
	001917 PURE VALLEY WATER, INC	108115	07/29/16	395.33	
	000463 RALEY'S	108116	07/29/16	725.07	
	002043 ROYAL WHOLESALE ELECTRIC	108117	07/29/16	318.08	
	001118 RUTHERFORD/JAYSON	108118	07/29/16	1,008.00	
	000820 SANTA CRUZ/COUNTY OF	108119	07/29/16	45.00	
	000129 SCOTTS VALLEY BANNER	108120	07/29/16	407.00	
	002053 STEPFORD	108121	07/29/16	5,313.00	
	001933 THURINGER/JOE	108122	07/29/16	20.00	
	000151 VISION SERVICE PLAN	108123	07/29/16	1,134.48	
	003372 VLAHANDREAS/NICK	108124	07/29/16	21.00	
	003145 WAGE WORKS	108125	07/29/16	149.00	
	001342 WELCH/JAMES	108126	07/29/16	20.00	
	003008 WILLIAMS/JESSE	108127	07/29/16	20.00	
	001625 YOSHIDA DDS/NOREEN	108128	07/29/16	41.00	
	002021 ZOOM	108129	07/29/16	167.43	
	GENERAL CHECKING ACCOUNT			331,497.00	***

SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
07/29/2016 11:00:08
GL540R-V08.02 PAGE 3

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				331,497.00

RECORDS PRINTED - 000114

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
----	-----	
001	GENERAL	17,044.65
002	RECYCLING/ENVIRONMENTAL	45.00
004	RECREATION	1,910.81
010	WASTEWATER OPERATIONS	10,245.23
011	TERTIARY TREATMENT PLANT	3,649.05
019	AFFORDABLE HOUSING	1,974.00
023	SVRDA SUCCESSOR AGENCY	7,143.90
025	GENERAL TRUST	287,342.00
028	SENIOR CENTER	225.40
050	PINEWOOD EST LNDSCP MAINT DT	458.00
077	SKYPARK MAINT ASSESS DIST	850.00
112	DENTAL INS INTERNAL SERV	193.00
123	COMMUNITY FACILITY CENTER	5.87
150	GENERAL CAPITAL IMPROVEMENTS	407.00
306	SUPPL LAW ENFORCEMENT SRVS	3.09
TOTAL ALL FUNDS		331,497.00

BANK RECAP:

BANK	NAME	DISBURSEMENTS
----	-----	
BA	GENERAL CHECKING ACCOUNT	331,497.00
TOTAL ALL BANKS		331,497.00

SCOTTS VALLEY ACCOUNTS PAYABLE
08/08/2016 10:08:28 Check Register

CITY OF SCOTTS VALLEY
GL050S-V08.02 COVERPAGE
GL540R

Report Selection:

RUN GROUP... 080816 COMMENT... A/P AS OF AUGUST 8 2016

DATA-JE-ID DATA COMMENT

W-08082016-902 A/P AS OF AUGUST 8 2016

Run Instructions:

Jobq	Banner	Copies	Form	Printer	Hold	Space	LPI	Lines	CPI	CP	SP	RT
L		01			N	S	6	066	10			

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
003457	ADAMS/TROY	108130	08/08/16	300.00
003497	ALVAREZ INDUSTRIES, INC	108131	08/08/16	1,946.00
000627	ALVAREZ/JOSE F.	108132	08/08/16	80.85
000097	AT&T	108133	08/08/16	154.40
001822	BC LABORATORIES INC.	108134	08/08/16	110.00
003174	CAPITAL ONE COMMERCIAL	108135	08/08/16	479.81
001956	CENTRAL COAST CISM TEAM	108136	08/08/16	250.00
015008	CENTRAL HOME SUPPLY	108137	08/08/16	423.53
.15090	CLD SERVICES INC	108138	08/08/16	18.81
001051	COASTAL EVERGREEN CORP	108139	08/08/16	825.00
000037	CRYSTAL SPRINGS WATER CO	108140	08/08/16	78.25
003160	DIXON & SON TIRE	108141	08/08/16	112.50
001362	DUNCAN AUTO TECH	108142	08/08/16	1,506.25
000054	EWING IRRIGATION PRODUCT	108143	08/08/16	37.67
003502	FREITAS & FREITAS	108144	08/08/16	7,100.00
001657	GOLDEN GATE TRUCK CENTER	108145	08/08/16	74.14
.15089	HETTIGER/CARL	108146	08/08/16	9.10
003277	IMPERIAL SPRINKLER SUPPL	108147	08/08/16	617.01
000835	INTERSTATE SALES	108148	08/08/16	832.03
000066	KING'S PAINT & PAPER	108149	08/08/16	34.52
001372	KURATOMI DDS/REED K	108150	08/08/16	107.20
000218	MID VALLEY SUPPLY	108151	08/08/16	1,269.10
000494	MONTEREY BAY AIR	108152	08/08/16	2,948.00
001418	MONTEREY REGIONAL	108153	08/08/16	2,514.90
000939	NATIONAL COMTEL NETWORK	108154	08/08/16	15.04
001988	O'REILLY AUTOMOTIVE, INC	108155	08/08/16	372.39
001615	OLIN CORP-CHLOR ALKALI	108156	08/08/16	2,159.71
000101	PACIFIC GAS & ELECTRIC C	108157	08/08/16	48,552.83
000102	PITNEY BOWES	108158	08/08/16	147.44
000171	RIVERSIDE LIGHTING INC	108159	08/08/16	255.87
001364	SANTA CRUZ COUNTY	108160	08/08/16	47,254.40
000820	SANTA CRUZ/COUNTY OF	108161	08/08/16	15.00
000128	SCARBOROUGH LUMBER	108162	08/08/16	2,524.82
001535	SKIP'S TIRE & AUTO CENTE	108163	08/08/16	163.13
003221	SKYLIGHT PLACE INC./THE	108164	08/08/16	58.73
001366	U.S. BANCORP OFFICE	108165	08/08/16	1,257.46
000646	UNDERGROUND SERVICE ALER	108166	08/08/16	730.39
.15088	VOLOCK/KIMMIE	108167	08/08/16	9.10
001877	WATER ENVIRONMENT FEDERA	108168	08/08/16	235.00
000154	WINCHESTER AUTO STORES	108169	08/08/16	229.30
GENERAL CHECKING ACCOUNT				125,809.68 ***

SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
08/08/2016 10:08:28
GL540R-V08.02 PAGE 2

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				125,809.68

RECORDS PRINTED - 000093

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
----	-----	
001	GENERAL	73,131.97
002	RECYCLING/ENVIRONMENTAL	15.00
004	RECREATION	1,832.97
010	WASTEWATER OPERATIONS	47,427.62
011	TERTIARY TREATMENT PLANT	6.58
028	SENIOR CENTER	1,191.68
050	PINEWOOD EST LNDSCP MAINT DT	9.93
077	SKYPARK MAINT ASSESS DIST	868.04
112	DENTAL INS INTERNAL SERV	107.20
123	COMMUNITY FACILITY CENTER	1,218.69
TOTAL ALL FUNDS		125,809.68

BANK RECAP:

BANK	NAME	DISBURSEMENTS
----	-----	
BA	GENERAL CHECKING ACCOUNT	125,809.68
TOTAL ALL BANKS		125,809.68

SCOTTS VALLEY ACCOUNTS PAYABLE
08/09/2016 11:56:49 Check Register

CITY OF SCOTTS VALLEY
GL050S-V08.02 COVERPAGE
GL540R

Report Selection:

RUN GROUP... 080916 COMMENT... A/P JUNE 2016

DATA-JE-ID DATA COMMENT

W-08092016-904 A/P JUNE 2016

Run Instructions:

Jobq	Banner	Copies	Form	Printer	Hold	Space	LPI	Lines	CPI	CP	SP	RT
L		01			N	S	6	066	10			

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA	GENERAL CHECKING ACCOUNT				
	001057 CABRILLO COLLEGE	108170	08/09/16	1,380.00	
	000191 EMPLOYMENT DEV. DEPT.	108171	08/09/16	1,863.67	
	003286 ENCOMPASS YOUTH SERVICES	108172	08/09/16	271.00	
	003286 ENCOMPASS YOUTH SERVICES	108173	08/09/16	396.00	
	003387 HEIDARI DDS/ALI	108174	08/09/16	219.20	
	001333 LARA/ JESUS D	108175	08/09/16	530.32	
	000899 VISTA CENTER FOR THE BLI	108176	08/09/16	503.50	
	000714 VOLUNTEER CENTER	108177	08/09/16	634.75	
	GENERAL CHECKING ACCOUNT			5,798.44	***

SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
08/09/2016 11:56:49
GL540R-V08.02 PAGE 2

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				5,798.44

RECORDS PRINTED - 000009

SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
08/09/2016 11:56:49
GL060S-V08.02 RECAPPAGE

Check Register

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
----	-----	
001	GENERAL	5,579.24
112	DENTAL INS INTERNAL SERV	219.20
TOTAL ALL FUNDS		5,798.44

BANK RECAP:

BANK	NAME	DISBURSEMENTS
----	-----	
BA	GENERAL CHECKING ACCOUNT	5,798.44
TOTAL ALL BANKS		5,798.44

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: August 17, 2016
TO: Honorable Mayor and City Council Members
FROM: Kirsten Powell, City Attorney
SUBJECT: Approval of Revised Salary Schedule for City Manager

SUMMARY OF ISSUE

On July 18, 2016, the City of Scotts Valley hired Jenny Haruyama as the new City Manager. As an at-will employee, the terms of her employment are set by contract. The salary approved in the employment contract does not match the existing City Manager salary schedule. PERS requires that all employees in the PERS system must be paid within the approved salary range for their position. Therefore, the City Council must amend the salary schedule to be consistent with the City Manager's contract.

FISCAL IMPACT

None. The amended salary schedule is consistent with the current salary paid to the City Manager.

STAFF RECOMMENDATION

Approve the new salary schedule for the position of City Manager effective July 18, 2016.

TABLE OF CONTENTS

PAGE

New Salary Schedule	2
---------------------------	---

CITY OF SCOTTS VALLEY
CITY MANAGER SALARY SCHEDULE

07/01/2016 - 6/30/2017

Position Classification	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
City Manager	13,638	14,320	15,036	15,788	16,577	17,405	18,276

City of Scotts Valley

CITY COUNCIL STAFF REPORT

DATE: August 17, 2016

TO: Honorable Mayor and Council Members

FROM: Kirsten Powell, City Attorney

SUBJECT: **Approval of Exclusive License Agreement between the City and the Scotts Valley Water District for Use of City Property as a Temporary Parking Lot During the Construction of the Stormwater System at the Transit Center**

SUMMARY OF ISSUE

The Scotts Valley Water District ("District") is in the process of constructing a stormwater system and related facilities along Kings Village Road at the Transit Center. The City and the Scotts Valley Metropolitan Transit District ("Metro") granted an easement to the District to construct the improvements. The construction of the improvements will temporarily reduce the amount of parking available at the Transit Center. The District has asked to construct a temporary parking lot on the vacant property between the Post Office and the Library. The proposed License Agreement will enable the District to construct the temporary parking lot and open it to the public during construction of the stormwater system.

Pursuant to the terms of the agreement, the District will be responsible for constructing all improvements, maintaining the parking lot, and removing the improvements at the termination of the license if requested by the City. Pursuant to the agreement, the District will indemnify the City for any claims resulting from the easement. The District will also maintain insurance naming the City as an additional insured during the term of the license agreement. The term of the agreement shall be for six (6) months with an option for the City Manager to extend the agreement for an additional six (6) months if the improvements at the transit center are not completed. It is estimated that the work will be completed by the end of 2016.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

The City Council authorize the City Manager to execute the Exclusive License Agreement between the City of Scotts Valley and the Scotts Valley Water District for use of City property as a temporary parking lot during the construction of the stormwater system at the Transit Center.

TABLE OF CONTENTS

PAGE

Exclusive License Agreement	2
-----------------------------------	---

EXCLUSIVE LICENSE AGREEMENT

This Exclusive License Agreement ("Agreement") is made on this 17th day of August, 2016, by and between the CITY OF SCOTTS VALLEY ("Licensor"), and the SCOTTS VALLEY WATER DISTRICT ("Licensee").

RECITALS

- A. Licensor is the owner of that certain real property located in the City of Scotts Valley, County of Santa Cruz, State of California, more particularly described in Exhibit A, attached hereto and incorporated herein by reference ("Property").
- B. Licensee is in the process of installing stormwater improvements on the Transit Center property across the street from the Property (the "Improvements").
- C. The installation of the Improvements will temporarily reduce the number of parking spaces available at the Transit Center.
- D. Licensee desires to obtain an exclusive license to use and occupy a portion of the Property as depicted on Exhibit B ("License Area") for a temporary parking lot as more fully detailed in Exhibit C.
- E. Subject to the terms and conditions of this Agreement, Licensor is willing to grant an exclusive license to Licensee to use and occupy the License Area for the purposes described in Exhibit C.

NOW, THEREFORE, Licensor and Licensee do hereby agree as follows:

AGREEMENT

- 1. License.** Subject to the terms and conditions of this Agreement, Licensor hereby grants to Licensee an exclusive license to use and occupy the License Area for the purposes described in Exhibit C, and for no other purpose.
- 2. Term.** The term of this License Agreement shall commence upon execution of this Agreement and shall terminate six (6) months later. In the event the Improvements are not completed within six (6) months, the City Manager can extend the terms of this License Agreement for an additional six (6) months. Notwithstanding the foregoing, in the event of Licensee's material default under this Agreement, Licensor shall have the right to cancel this Agreement if, after providing written notice of the default, Licensee fails to cure the default within seven (7) days after the date of the notice.
- 3. Improvements.** Licensee or its contractors will construct the parking lot improvements described on Exhibit C at no cost to Licensor.

- 4. Restoration of Property.** Prior to termination of this License Agreement and at the request of Licenser, Licensee or its contractors shall remove any improvements installed or constructed by Licensee within the License Area, and shall restore the License Area to its original condition. Licensee shall repair any damage to Licenser's Property or any improvements located thereon due to Licensee's activities within the License Area.
- 5. Liens.** Licensee shall not place or permit to be placed against the Property, or any part thereof, any liens upon the Property. Licensee agrees to defend, indemnify and hold Licenser harmless from and against any claims, liability or cause of action, including reasonable attorney's fees and costs, arising from or relating to any liens placed against the Property resulting from Licensee's use or occupancy of the License Area.
- 6. Indemnification.** Licensee shall indemnify, defend, and hold harmless Licenser, its Council, officers, agents, and employees from and against any claims, liability or causes of action arising from or relating to Licensee's use and occupancy of the License Area or this Agreement. This paragraph shall survive termination of this Agreement.
- 7. Insurance.** Licensee shall maintain liability insurance in an amount not less than \$1,000,000 per occurrence for bodily injury and property damage. Licenser and its Council, officers, agents, and employees shall be named as additional insureds by separate endorsement. Licensee shall provide a certificate of insurance reflecting all of the above requirements prior to Licensee's use of the License Area.
- 8. Permits.** Licensee shall obtain any and all permits required for the use and occupancy of the License Area and the improvements located thereon.
- 9. Assignment.** Licensee shall not assign or transfer this Agreement or any right contained in this Agreement without the prior written consent of Licenser, which may be withheld in Licenser's sole discretion.
- 10. Right to Enter.** Licenser and its employees or representatives may enter and inspect the License Area or any portion thereof at any time to verify Licensee's compliance with the terms and conditions of this Agreement.
- 11. Default.** If Licensee violates any covenant, obligation, requirement, or condition set forth in this Agreement, so long as Licensee continues to occupy the License Area, in addition to any and all remedies available to Licenser, Licensee hereby agrees that Licenser shall have the right to file an unlawful detainer action to recover possession of the License Area pursuant to the California unlawful detainer statutory scheme, as amended from time to time, and Licensee hereby waives the right to object to Licenser's use of the unlawful detainer procedure.

12. General.

- a. The terms of this Agreement shall bind and inure to the benefit of Licensors and Licensee and each and all of their respective successors, assigns, and grantees.
- b. This instrument, its validity, construction and all rights hereunder, shall be governed by the laws of the State of California.
- c. The failure of either party to enforce any covenants herein for its benefit shall in no event be deemed to be a waiver of the right to do so thereafter, nor of the right to enforce any other covenant.
- d. Invalidity of any of the terms, covenants or conditions or other provisions herein contained by judgment or court order shall in no way effect any of the other terms, covenants or conditions or provisions hereof; the same shall remain in full force and effect.
- e. Whenever this Agreement creates or imposes an obligation, the obligated party shall be responsible for the timely and proper performance of the obligation, notwithstanding any delegation of such responsibility by lease, contract or otherwise, to another party.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first written above. This Agreement may be executed in one or more counterparts by the parties hereto. All counterparts shall be construed together and shall constitute one agreement. A signature reproduced electronically, by facsimile or .pdf shall be treated as an original signature.

LICENSEE

LICENSOR

By: _____
Piret Harmon, General Manager
Scotts Valley Water District
2 Civic Center Drive
Scotts Valley, CA 95066

By: _____
Jenny Haruyama, City Manager
City of Scotts Valley
1 Civic Center Drive
Scotts Valley, CA 95066

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Robert E. Bosso, District Counsel

By: _____
Kirsten M. Powell, City Attorney

EXHIBIT A

DESCRIPTION OF THE PROPERTY

That portion of Parcel Four as shown upon that certain Parcel Map, which was recorded November 7, 1985, in Book 45 of Parcel Maps, Page 68, Santa Cruz County Records.

APN 022-212-17

EXHIBIT B

DESCRIPTION OF EXCLUSIVE LICENSE AREA

That portion of Parcel Four as shown upon that certain Parcel Map, which was recorded November 7, 1985, in Book 45 of Parcel Maps, Page 68, Santa Cruz County Records ("Parcel") consisting of the following property:

From the southwest corner of the Parcel, north 85 feet, then east 190.4 feet, then south 85 feet, then west 190.4 feet, to the point of beginning.

EXHIBIT C

LICENSE PURPOSES

1. Contractor will improve empty lot for temporary parking. Provide:

(a) A temporary asphalt ramp entry from Kings Village Road (30' min wide, 4' long extending from face of curb, provide continuous 4" and 3" (side by side) steel pipes extending full length in gutter to maintain drainage.

(b) Temporary signage identifying location as "Transit Center overflow parking" use 4" black lettering on a white background.

(c) 3" compacted aggregate base surfacing.

(d) Precast concrete parking blocks and striping to delineate stalls a 9 foot on center. Provide a total of 36 stalls minimum.

2. Grub and grade lot as necessary to construct temporary improvements.

3. Maintain temporary improvements throughout the duration of the project including but not limited to resetting precast concrete parking blocks. Touch-up striping, etc.

4. Remove all improvements after construction is complete and restore site to preconstruction conditions if requested by Licensor. Remove and replace damaged sidewalk in kind.

5. During the License Term, Licensee may use the License Area for temporary parking.

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: August 17, 2016
TO: Honorable Mayor and City Council
FROM: Troy Adams, Wastewater Division Manager
APPROVED: Scott Hamby, Public Works Director
SUBJECT: Wastewater Treatment Plant (WWTP) Pump Replacement

SUMMARY OF ISSUE

In June 2016, a 12-year old submersible pump at the City's Granite Creek Lift Station failed. Protocol for the plant is to have back-up pumps for all strategic pumping locations. The back-up pump was installed and placed into service. Staff returned the problem pump to the manufacturer for evaluation.

The cost to repair the pump is approximately \$15,000; however, purchase and installation of a new pump would be \$18,010. Given the age of the pump, staff recommends that it be replaced rather than repaired.

FISCAL IMPACT

There is no fiscal impact to the General Fund. The cost of the pump is \$18,010, which will be paid from WWTP Equipment Reserves, Fund 14.

STAFF RECOMMENDATION

Authorize the purchase of a new Wastewater Treatment Plant (WWTP) replacement pump.

TABLE OF CONTENTS

PAGE

Pump Quote

2



QUOTATION

PLEASANTON

6600 Koll Center Parkway, Ste. 220
Pleasanton, CA 94566-3107
Phone (925) 485-9720
Fax (925) 485-6085

STOCKTON

119-2 Val Dervin Parkway
Stockton, CA 95206
Phone (209) 234-5909
Fax (209) 234-5913

TO: City of Scotts Valley

BID DATE: 7/20/16

QUOTE #: 096020

JOB: 3152 Rebuild/Replacement

LOCATION: Scotts Valley, CA

ATTN: Troy Adams

PHONE: (831) 239-1482

Email: tadams@scottsvalley.org

FAX:

WE ARE PLEASED TO QUOTE
SUBJECT TO CONDITIONS PRINTED ON THE BACK HEREOF,
THESE CONDITIONS MAY BE CHANGED ONLY BY A WRITTEN
STATEMENT SIGNED BY AN OFFICER OF SHAPE, INCORPORATED.

- ☐ F.O.B. DESTINATION
☐ F.F.A.

QTY	ITEM	UNIT PRICE	TOTAL
	Rebuild 3152.091-1355 SN: 0270019 Inspection found hydraulic end is in poor condition, including oil housing and volute. Upper and lower seals leaking due to normal wear. Stator flooded and needs replacing (meggers bad).		
1	Parts needed: repair kit (includes seals, bearing and o-rings), grommet, 25ft sub cab cable, compression springs, hex screws, sliding bracket, washer, discharge pipe, stationary wear ring, volute, ring spacer, stator, impeller, lifting handle, bearing housing.		
1	Estimated Labor 8 hours @ \$97.00/hr		
	Parts Total:		\$14,442.30
	Labor, Haz Mat and Prep:		\$899.00
	Rebuild Total:		\$15,341.30
	-or-		Plus tax & freight
1	Replacement NP Pump NP3153.095 274-4 23HP-230-3-60 FM Motor, 4" Disch, Hardchrome Impeller & Insert, FLS Sensor, 50' Power Cable		\$18,010.00 Plus tax only
	NOTES: 1 Price does not include freight, unless otherwise noted. 2. Price does not include taxes. 3. Price does not include: installation, equipment unloading, guide bars, pipe, valves, conduit, anchor bolts, or any other items not listed.		

SHAPE INC.

Jessica Tabch jtabch@shapecal.com

QUOTATION DOES NOT INCLUDE ANY SALES OR USE TAX PAYABLE UNDER ANY STATE OR FEDERAL STATUTE. THIS QUOTATION PRICE IS FOR MATERIAL LISTED ABOVE. ANY ADDITIONS OR MODIFICATIONS THAT BECOME NECESSARY FOR APPROVED SUBMITTALS, UPON AWARDING OF THIS CONTRACT, MAY RESULT IN NECESSARY PRICE CHANGES.

NOTE: ITEMS NOT SPECIFIED ON THIS QUOTATION ARE NOT INCLUDED IN OUR PRICE AND ARE TO BE SUPPLIED BY OTHERS. PRICES ARE FOR IMMEDIATE ACCEPTANCE AND SUBJECT TO CHANGE WITHOUT NOTICE.

Rev. 08/03

SALE SUBJECT TO MANUFACTURERS STANDARD TERMS AND CONDITIONS.

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: August 17, 2016
TO: Honorable Mayor and City Council
FROM: Scott Hamby, Public Works Director
SUBJECT: Storm Damage Repair of Pedestrian Path on Granite Creek Road Construction Agreement

SUMMARY OF ISSUE

The attached Agreement is for construction of the Granite Creek Road Storm Damage Repair Project. Dating back to 2011, storm damage has resulted in the failure of approximately 100 feet of retaining wall supporting the sidewalk along the westbound lane of Granite Creek Road near the Highway 17 interchange.

Through the formal bidding process, the City received bids from three contractors. Based on the bids received, staff recommends that the City contract with Northwest Demolition, Inc., to perform the work. The received bids are listed below:

Northwest Demolition	\$166,080
Cal West Construction	\$168,700
ETIC Engineering	\$212,835

Although the bids came in above the engineer’s estimate of \$110,000, the bids accurately reflect the current market value for the project. Pursuant to project specifications, Northwest Demolition will begin work within 30 days of receiving a Notice to Proceed. Staff will issue the Notice to Proceed within 10 days of Council’s approval of the Construction Agreement. Project completion is expected before the end of October of this year.

FISCAL IMPACT

There is no General Fund impact associated with the Granite Creek Road Storm Damage Repair project. Approximately \$166,080 will be paid from Gas Tax, Fund 3.

STAFF RECOMMENDATION

The City Council approve the agreement between the City of Scotts Valley and Northwest Demolition, Inc., for the construction of the Granite Creek Road Storm Damage Repair Project and authorize the Mayor to execute the agreement.

TABLE OF CONTENTS	PAGE
Agreement	2

**AGREEMENT
CITY OF SCOTTS VALLEY
STATE OF CALIFORNIA**

THIS AGREEMENT, made and concluded that on the **17th day of August, 2016** between the **CITY OF SCOTTS VALLEY**, hereinafter called CITY, and **NORTHWEST DEMOLITION, INC.**, hereinafter called CONTRACTOR.

ARTICLE I. WITNESS TO, that for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by CITY, and under the conditions expressed in the bonds, bearing even date with these presents and hereunto annexed, CONTRACTOR agrees with CITY, at CONTRACTOR'S own proper cost and expense, to do all the work and furnish all the materials, except such as are mentioned in the specifications to be furnished by CITY, necessary to construct and complete the work of the improvement herein referenced in a good workmanlike and substantial manner and to the satisfaction of the CITY'S Director of Public Works, **Granite Creek Storm Damage Repair Project**, in accordance with the special provisions hereto annexed, and also in accordance with the General Prevailing Wage Rates as determined by the Department of Industrial Relations, which said special provisions and General Prevailing Wage Rates are hereby specifically referred to and by such reference made a part hereof.

The work to be done is described in Section 10 "Construction Details and Site Work" of the Special Provisions, which said Special Provisions are hereby made a part of this contract, and is shown upon the plans entitled **"Granite Creek Storm Damage Repair Project"**, which said plans are hereby made a part of the contract.

ARTICLE II. CITY hereby promised and agrees with CONTRACTOR to employ, and does hereby employ, CONTRACTOR to provide the materials and to do the work according to the terms and conditions herein contained and referred to, for the prices set forth in the Bid of CONTRACTOR for the work to be constructed and completed under this Agreement, which prices shall be considered as though repeated herein, subject to additions and deductions as provided therein, and hereby contracts to pay the same at the time, in the manner upon the conditions herein set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III. The statement of prevailing wages appearing in the General Prevailing Wage Rates is hereby specifically referred to and by this reference is made a part of this contract. It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the bid or proposal of said CONTRACTOR, then this instrument shall control, and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE IV. By my signature hereunder, as CONTRACTOR, I certify that I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workmen's compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE V. CONTRACTOR agrees to receive and accept the prices as set forth in the Bid of CONTRACTOR for the work to be constructed and completed under this Agreement, which prices shall be considered as though repeated herein, subject to additions and deductions as provided therein, as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also, for all loss or damage arising out of the nature of the work aforesaid, or from the action of elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by CITY, and for all the risks of every description connected

with the work; also, for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, and the whole thereof, in the manner and according to the plans and specifications, and the requirements of Engineer.

ARTICLES VI. CONTRACTOR shall indemnify and save harmless and defend Owner, its officers, agents, servants and employees, and each of them from and against:

- (a) Any and all claims, demands, causes of action, damages, costs, expenses, losses or liabilities, in law or in equity, of every kind and nature whatsoever for, but not limited to, injury to or death of any person including CONTRACTOR, or any officer, agent, consultant, servant and/or employee of CITY or CONTRACTOR, and damages to or destruction of property of any person, including but not limited to, CITY and/or CONTRACTOR and their officers, agents, consultants, servants and/or employees, arising out of or in any manner directly or indirectly connected with the work to be performed under this agreement, however caused, regardless of any negligence of CITY or its officers, agents, servants or employees, except the sole negligence or willful misconduct of CITY or its officers, agents, consultants, servants or employees, or the active negligence of CITY, its officers, agents or employees;
- (b) and any and all actions, proceedings, damages, costs, expenses, penalties or liabilities, in law or equity, of every kind or nature whatsoever, arising out of, resulting from, or on account of the violation of any governmental law or regulation, compliance with which is the responsibility of CONTRACTOR.

CONTRACTOR shall, at CONTRACTOR'S own cost, expense and risk, defend any and all such aforesaid suits, actions or other legal proceedings of every kind that may be brought or instituted against CITY or CITY'S officers, agents, consultants, servants or employees.

CONTRACTOR shall pay and satisfy and judgment, award or decree that may be rendered against CITY or its officers, agents, consultants, servants or employees, in any such suit, action or other legal proceedings;

CONTRACTOR shall reimburse CITY and its officers, agents, servants and employees for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided.

ARTICLE VII. The complete contract for the work of improvement herein referenced consists of the following documents, all of which are hereby expressly made a part hereof and incorporated herein by this reference.

- 1. Notice To Bidders
- 2. Bid Form
- 3. Designation of Subcontractors
- 4. Bidder's Bond
- 5. Agreement
- 6. Bond for Faithful Performance
- 7. Bond of Security of Laborers and materialperson
- 8. Standard Specifications, dated July, 1995 and Standard Plans dated July, 1997 of the California Department of Transportation
- 9. Labor Surcharge and Equipment Rental Rates and the General Prevailing Wage Rates as determined by the California Department of Transportation Division of Construction (all as referenced herein)
- 10. Plans entitled, "Granite Creek Storm Damage Repair Project"
- 11. Insurance Certificate
- 12. Information for Bidders
- 13. Special Provisions

IN WITNESS WHEREOF, CITY has caused these presents to be executed by its officers hereunto duly authorized, and CONTRACTOR has subscribed same, all on the day and year first above written.

NORTHWEST DEMOLITION INC.,

By: _____

Date: _____

License No. _____

FOR CITY OF SCOTTS VALLEY

By: _____
Donna R. Lind, Mayor

Date: _____

ATTEST:

By: _____
Tracy Ferrara, City Clerk

Date: _____

APPROVED AS TO FORM:

By: _____
Kirsten Powell, City Attorney

Date: _____

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: August 17, 2016
TO: Honorable Mayor and City Council
FROM: Scott Hamby, Public Works Director
SUBJECT: Professional Engineering Services Agreement for City Engineer

SUMMARY OF ISSUE

In April 2016, Council authorized the Interim City Manager to fill the City's vacant Civil Engineer position. In August 2016, the City hired a new, full-time Civil Engineer and will begin the transition of bringing some engineering services in-house. Part of this process involves obtaining City Engineer services to help support the new Civil Engineer with ongoing and new City projects. Former Public Works Director, Ken Anderson, has agreed to work for the City on a contractual basis to provide City Engineer Services. A Professional Engineering Services Agreement with Mr. Anderson is attached for your consideration ("Agreement").

The City currently relies on Bowman & Williams Engineering (B&W) for two types of services: City Engineer and civil engineering services. Upon approval of the Agreement, the City Manager will terminate the contract with B&W for City Engineer services. The City will continue to use B&W for general civil engineering services on an as needed basis as the new Civil Engineer transitions into her new role.

FISCAL IMPACT

It is anticipated that less than \$10,000 annually from Fund 71 (Engineering) will be needed for City Engineer services.

STAFF RECOMMENDATION

The City Council approve the Agreement for Professional Services between the City of Scotts Valley and Ken D. Anderson for City Engineer services and authorize the City Manager to execute the agreement.

TABLE OF CONTENTS

PAGE

Agreement for Professional Services	2
---	---

CITY OF SCOTTS VALLEY AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement for Professional Services ("Agreement") is made and entered into as of August 17, 2016, by and between the City of Scotts Valley, a municipal corporation, hereinafter referred to as "CITY", and Ken D. Anderson hereinafter referred to as "CONSULTANT".

RECITALS

- A. CITY desires to retain Consultant for certain professional services as set forth in this Agreement.
- B. CONSULTANT is specially trained, experienced and competent to perform the special services which will be required by this Agreement.
- C. CONSULTANT possesses the skill, ability, background, certification and knowledge to provide the services described in this Agreement on the terms and conditions described herein.

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

AGREEMENT

- 1. **Employment of CONSULTANT:** CITY agrees to, and hereby does, retain and employ CONSULTANT to perform the professional services as outlined in the Scope of Work attached hereto and incorporated herein as Exhibit "A". CONSULTANT'S work product shall be performed pursuant to generally accepted standards of practice in effect at the time of performance.
- 2. **Responsible Personnel:** CITY has relied upon the professional training and ability of CONSULTANT to perform the services hereunder as a material inducement to enter into this Agreement. Primary personnel responsible for the completion of the work described in this Agreement shall be Ken D. Anderson, RCE, whose address is 755 Tabor Drive, Scotts Valley, CA 95066; telephone: (831) 438-8864.
- 3. **Scope of Work:** CONSULTANT shall perform the services as specified in Exhibit A in a professional manner.
- 4. **Time of Performance:** The services of CONSULTANT are to commence upon execution of this Agreement and shall continue until all authorized work is approved by the CITY. Time is of the essence in the performance of this Agreement. No waiver by either party hereto of the nonperformance or any breach of any term, provision, or condition of this Agreement, or any default hereunder shall be considered to be or operate as a waiver of any subsequent nonperformance, breach or default.
- 5. **Compensation:** CONSULTANT shall accept compensation for services performed as set forth in Section 3 in an amount computed in accordance with Exhibit B.

Payments to CONSULTANT shall be made upon invoices submitted by CONSULTANT to CITY for review and approval. Invoices will be paid by CITY within a reasonable time after said approved invoices are received.

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

CITY shall hold harmless and indemnify CONSULTANT from any damage which may be caused to the CITY's computer network system.

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

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

In the event of termination, CONSULTANT shall deliver as a condition to the payment of the compensation provided for above, or otherwise make available to CITY, all research data, reports, estimates, summaries, and other such information and materials as may have been accumulated by CONSULTANT in performing this Agreement, whether completed or in process in accordance with Section 8 of this Agreement.

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

All plans, studies, documents, charts, computations, and electronic files prepared by and for CONSULTANT, its officers, employees and agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the

property of the CITY upon payment to CONSULTANT for such work, and the CITY shall have the sole right to use such materials in its discretion without further compensation to CONSULTANT or to any other party. CONSULTANT shall, at CONSULTANT'S expense, provide such reports, plans, studies, documents and other writings to CITY upon written request.

9. **Independent Contractor:** CONTRACTOR is an independent contractor retained by CITY to perform the work described herein. ALL personnel employed by CONSULTANT are not and shall not be deemed to be employees of CITY. CONSULTANT shall obtain no rights to retirement benefits or other benefits which accrue to CITY'S employees, and CONSULTANT hereby expressly waives any claim it may have to such rights. CONSULTANT shall comply with all state and federal laws pertaining to employment and compensation of its employees and its agents, including the provision of Workers' Compensation.

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

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

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

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

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

15. **Entire Agreement:** This Agreement contains the entire understanding between the parties with respect to the subject matter herein. There are no representations, agreements or understandings, whether oral or written, between or among the parties relating to the subject matter of this Agreement which are not fully expressed herein. The drafting and negotiation of this Agreement have been participated in by each of the parties and/or their counsel, and for all purposes this Agreement shall be deemed to have been drafted jointly by all parties.

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

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

WITNESS WHEREOF this Agreement is executed by CITY and by CONSULTANT on this 17th day of August, 2016, at Scotts Valley, California.

CONSULTANT:

CITY OF SCOTTS VALLEY:

Ken D. Anderson

Jenny Haruyama, City Manager

APPROVED AS TO FORM:

ATTEST:

Kirsten Powell, City Attorney

Tracy A. Ferrara, City Clerk

EXHIBIT A SCOPE OF WORK

The services to be provided include:

A. Official Documents:

1. CONSULTANT may review and sign official documents on behalf of CITY as City Engineer.
2. Ken D. Anderson, RCE 46485, will perform the duties for the duration of this Agreement.

B. Inspection:

1. Provide field inspection for construction by contractors in accordance with project plans and specifications.
2. Inspections will include photographic records of the work and daily inspection reports.
3. Review of work and payment requests and making recommendations for payment to the City Manager and other staff members.
4. Report to the City Manager on work progress for each contract and be available to report to the City Council if necessary.

C. Plan Checking (Public and Private Construction):

1. Assist in reviewing plans prepared for public construction for conformance with design standards and any specific Federal or State requirements.
2. Assist in reviewing plans for private developments for conformance with the City of Scotts Valley Standards, Conditions of Approval, and engineering design standards.
3. Assist in reviewing private development plans for impact on existing utility and storm drain systems.
4. Assist in reviewing Tract Maps for requirements in conformance with City Conditions of Approval, Ordinances, and the Subdivision Map Act.

D. Other:

1. Perform other services as requested by the Public Works Director.
2. Attend Community/Council Meetings if necessary and mutually agreeable.

E. Hourly Charge Rates:

1. The attached Hourly Charge Rates (Resolution Exhibit B) will be used in the provision of the above engineering services.

EXHIBIT B
HOURLY CHARGE RATES

1. Review and execute documents as City Engineer. \$53.65 / hr
2. Assist the engineering division with inspections or plan review services as requested. \$53.65 / hr

FACT SHEET

OVERVIEW

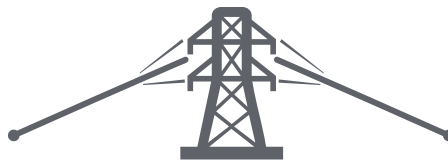
Monterey Bay Community Power (MBCP) is a regional project among local government agencies that aims to provide electricity to residents and businesses throughout Monterey, San Benito and Santa Cruz Counties through the Community Choice Energy (CCE) model. Established by State law AB 117, CCE enables communities to choose clean-source power at a cost equivalent to PG&E while retaining PG&E's role in maintaining power lines and providing customer service. The CCE model helps ensure local economic vitality because money from rates paid by local customers stays local. Surplus revenues that would normally flow to PG&E will stay in the community to help fund renewable energy projects, create jobs and stimulate the economy.



RENEWABLE ENERGY

Electricity Generation

MBCP adds clean electricity to the grid.



SAME SERVICE AS ALWAYS

Electricity Delivery

PG&E provides transmission, repairs, billing and service.



YOUR COMMUNITY CHOICE

A Greener Electricity Option

You can choose MBCP for cleaner energy, stable prices and local jobs.

KEY BENEFITS

Local Choice

- Improves accountability and transparency because consumers have direct access to a local governing body.
- Fosters resilience throughout the region because local leaders make decisions about the mix of energy available to consumers.
- Retains reliable service through PG&E maintenance of infrastructure and delivery of electricity.

Renewable Energy

- Represents a significant mechanism for addressing climate action goals.
- Doubles the delivery of renewable energy by offering a portfolio with 59% renewable energy, compared to 27% offered by PG&E.
- Reduces greenhouse gas (GHG) emissions significantly by purchasing energy that is at least 70% GHG free.

Economic Vitality

- Offers the same or lower rates than PG&E and keeps local ratepayer money local to stimulate regional economy.
- Creates numerous construction jobs for renewable energy build-out and nearly \$1.4 billion in total economic output.
- Establishes permanent operations and maintenance jobs and represents additional annual economic output of \$28 million.

PROVEN MODEL

Community Choice Energy has been implemented successfully in California.

- Operating since in 2010, Marin Clean Energy has created 2,400 jobs, serves and estimated 170,500 customers, and offers renewable portfolios of 50 or 100 percent at rates comparable to PG&E.
- Sonoma Clean Power, operating since 2014, serves an estimated 196,000 customers, offers a range of renewable, hydro and carbon-free energy at less than PG&E rates, and has saved customers \$13 million in its first year.
- Lancaster Choice Energy in Southern California began serving customers in 2015 offers a 35 percent renewable portfolio at rates that are 3 percent lower than Southern California Edison. A 100 percent renewable product costs \$10 more per month than the investor-owned utility.

Community Choice Energy projects are under way in:

- City/County of San Francisco and County of San Mateo
- San Luis Obispo, Santa Barbara and Ventura Counties
- City of San Jose

OVERSIGHT

The Project Development Advisory Committee (PDAC) has the responsibility to oversee the team implementing the project. The PDAC meets monthly at ADA compliant facilities and the public is welcome to participate. For all past and current PDAC meeting documents, please visit MBCommunityPower.org. Meeting announcements are posted on this website in compliance with public meeting protocols.

MORE INFORMATION

- MBCommunityPower.org
- facebook.com/montereybaycommunitypower



Monterey Bay Community Power

Local Choice • Clean Energy • Economic Vitality

MBCommunityPower.org 

SECTION I

REGIONAL PROJECT DEVELOPMENT ADVISORY COMMITTEE

Summary Report & Recommendations

Background

Formed in 2013, the Monterey Bay Community Power project is a region-wide collaborative partnership comprised of all 21 local governments within the greater Monterey Bay area, including the Counties of Santa Cruz, Monterey, San Benito and all 18 cities located within. The partnership also includes Monterey Bay Unified Air Pollution Control District, Salinas Valley Solid Waste Authority, and Monterey Regional Waste Management District. The purpose of the project has been to investigate the viability of establishing a local community choice energy (CCE) joint powers agency (JPA) within the region. Authorized by California legislation (AB 117 in 2001, amended by SB 790 in 2011), CCE allows counties and cities to pool their electricity load in order to purchase electricity or invest in energy projects and programs for local residents and businesses as an alternative to the existing utility provider, (PG&E.) Formal resolutions to participate in the project were passed by every jurisdiction during 2013, with each given the option of appointing a representative to the Project Development Advisory Committee overseeing the investigation.

Regional Project Development Advisory Committee (PDAC) Work and Process

After initial formation, the PDAC approved the County of Santa Cruz as the lead agency on behalf of the partnership to raise the funds and provide staffing. The 15-member PDAC hosted 26 public meetings from December 2012 through June 2016, providing guidance and making key decisions with input from the Project Team and consultants. To ensure that the entire region had access to PDAC deliberations, the meetings have been rotated between the Monterey Regional Waste Management District Board Chambers in Marina and the Santa Cruz County Board of Supervisors Chambers in Santa Cruz, with one special session in San Benito County. A project website was established in early 2013 to provide information, answers to frequently asked questions and post PDAC meeting materials and updates, MBCommunityPower.org.

By the middle of 2014, \$404,846 had been raised to conduct a Phase 1 Technical Feasibility Study, an analysis of the benefits and risks associated with creating a local CCE agency and a comparison of that information with the current rates and services provided by PGE. The study and an independent peer review were completed by April, 2016 and are included here in Section III and Appendix 4 of this information packet. The study reveals several favorable environmental and economic outcomes. These include local control over electricity rates and complimentary programs, a significant increase in procuring and generating renewable electricity for the region and the potential value of redirected revenue to benefit the local economy and create green jobs.

It is worth noting that the project funds raised were from private community and state resources, not from local government general budgets. The project's non-profit partner, the Community Foundation of Santa Cruz County (CFSCC), graciously accepted private donations for the project totaling \$25,607. The PDAC worked collaboratively with the CFSCC to provide oversight and accountability regarding how these funds have been spent. The remaining funds came from grants procured and managed by Santa Cruz County as the lead project partner. The grants awarded were from the California Strategic Growth Council (\$344,239), the World Wildlife Fund (\$30,000), and the UC Santa Cruz Carbon Fund (\$5,000).

The PDAC has collaborated with the Project Team on all elements of Phase 1 investigative work as outlined below. Members of the PDAC and Project Team and their affiliations are listed under "Acknowledgements" at the end of this report.

- Provided regular public meeting opportunities for community members to learn about CCE and have input into PDAC discussions and decisions;
- Developed a Phase 1 work and Project Team plan with goals and objectives;
- Assisted with the development of grant proposals and oversaw the CFSCC budget and expenditures;
- Tracked State legislative and regulatory activities affecting CCE investigation;
- Created the content, goals and objectives of the project website, community group educational presentations and regular update reports to county and city partners;
- Developed the scope and assumptions of the Technical Feasibility Study, the independent peer review and the qualifications and criteria for hiring the appropriate consultants;
- Gathered expert information, options and best practices regarding the phased formation work tasks, governance, executive staffing, and start-up financing;

- Scoped the qualifications and criteria for a professional consultant to develop a region-wide outreach communications program and designed the plan with the firm hired;
- Reviewed the contents of the Technical Feasibility Study and all other information and recommendations contained in this packet; and
- Guided the next steps to complete Phase 1 work and assisted the MBCP county and city partners in their deliberations regarding CCE-JPA formation.

This comprehensive information packet has been assembled as a culmination of the PDAC's work over the past few years, providing each county and city partner the information needed to decide whether to participate with partners in the next steps toward forming a regional CCE-JPA. The PDAC has assembled a complete public record of all committee deliberations, which are posted on the website, MBCommunityPower.org. The PDAC will continue to meet during 2016 until Phase 1 work is concluded and a CCE ordinance has been considered or approved by interested county and city partners.

Phase 1 Project Status, Next Steps and Phase 2 Formation Work

Phase 1 Project Status and Next Steps:

To recap, in this first phase, the PDAC has conducted an initial exploration of CCE program viability and has overseen the development of a technical study and assembled related resource information. Community engagement strategies have been implemented, and will continue, to educate the affected energy customers and lay the foundation for Phase 2 formation work. Over the next 6 months, the PDAC will steer completion of Phase 1 that will include hosting a series of public workshops and special study sessions to be attended by PDAC representatives, elected officials, county and city executive staff, project staff and CCE experts from around the State. The PDAC has also formed two subcommittees that will meet on an ad hoc basis to discuss governance, executive staff and start-up financing options. The end result of Phase 1 will be the decision to form a CCE-JPA governing Board after start-up financing has been determined and recruitment has begun to hire a chief executive to manage Phase 2 work. The next steps and timeframe to complete Phase 1 work are:

- May 13, 2016: All MBCP county and city partners will receive this information packet with PDAC recommendations regarding best practices and next steps.
- May 24 and June 9th: The PDAC will host three special public study sessions for county and city electeds and executive staff to review and discuss the technical study with the consultants as well as options regarding governance, start-up financing, and formation:
 - May 24- 9:30 am to noon – Monterey County Board Chambers- Salinas
 - June 9- 9:30am to noon – Santa Cruz County Board Chambers – Santa Cruz
 - June 9- 3:00 pm to 5:30pm- San Benito County Board Chambers- Hollister
- County and cities interested in forming a CCE-JPA may join an ad hoc subcommittee comprised of executive staff who will develop a formation proposal for Board of

Supervisors and City Councils' consideration on or before September 15, 2016, (target date.) Professionals who have experience in retail electricity services, program design, finance, wholesale purchasing and renewable resource development will assist this work.

- May through October: A comprehensive regional outreach and communications program to engage and educate the community at large will be implemented by a professional consulting firm.
- August through October: County and city governing Boards will consider the ad hoc subcommittee formation proposal and adopt ordinances and agreements with other early adoptive partners.
- October 31, 2016: A regional CCE agency joint powers governing Board will be seated and a final selection for the CEO position is made. The CEO hires staff and Phase 2 begins.

Phase 2 Formation Work:

This phase involves program design, soliciting energy procurement services, seeking CPUC approval of an implementation plan, executing a service agreement with PG&E, and expanding community engagement. Agency staff will also complete all remaining legal requirements, enroll customers and prepare to launch an independent operation. Appendix 5 has a more detailed proposed formation work plan for the Monterey Bay Community Power partnership. The end result of Phase 2 work will be to launch (i.e., provide power to customers) no later than September/October, 2017. Note that all start-up costs are reimbursable with interest after program launch through ratepayer revenues.

PDAC Recommendations- Feasibility, Formation and CCE Best Practices

Feasibility Recommendation:

The prospects for CCE programs in California have improved significantly in recent years as a result of many factors:

- The success of Marin Clean Energy and Sonoma Clean Power in providing their communities with greener power at prices competitive with PG&E while investing considerable surplus funds into local renewable energy and energy efficiency projects that created local jobs;
- Favorable wholesale energy market conditions, resulting in relatively low cost power;

- Recognition that a CCE program can be self-supporting for meeting climate action plan objectives and other local public policy goals;
- The reduced market costs of renewable power and improvements in renewable technologies; and
- The development of expertise, best practices and an expanded vendor base to serve CCE programs.

The Monterey Bay Community Power (MBCP) partnership formed in 2013 as the first tri-county/18 city effort in the State. Since then, two CCE agencies have launched (Sonoma Clean Power and the City of Lancaster) and many more communities are actively pursuing CCE formation, including the counties of Alameda, Butte, Contra Costa, Humboldt, Lake, Los Angeles, Mendocino, San Bernardino, San Diego, San Luis Obispo, San Francisco, San Mateo, Santa Barbara, Santa Clara, Venture and Yolo, as well as the cities of Davis and San Diego.

The analysis and outcomes from the technical feasibility study as well as all of the Phase 1 investigative work undertaken for the past three years indicate that establishing a successful CCE agency within the Monterey Bay Region is highly feasible with a wide range of options.

Formation Recommendations:

(1) Next Steps – All MBCP counties and cities are strongly encouraged to participate in one or more of these next steps to determine their interest in becoming an early adoptive partner in forming a regional CCE-JPA agency:

- Attend the public special study sessions hosted by the PDAC starting in May and continuing through June that will focus on the technical study results, governance, executive staffing and start-up financing options and best practices. At these meetings, executive staff from successful CCE agencies and other experts will be in attendance to assist interested county and city representatives. (See page 3 of this report for the schedule.)
- Request a Board or Council general presentation to determine further interest. For more information or to schedule a meeting, contact Gine Johnson, Office of Santa Cruz Supervisor Bruce McPherson, at (831) 454-2200, gine.johnson@santacruzcounty.us.
- Send a Board representative and/or executive staff member to the PDAC's ad hoc subcommittee meetings. Two subcommittees, Governance and Finance, will meet in parallel with the public special study sessions to develop a formation proposal. Recommendations to the governing Boards of early adoptive county and city partners will be forwarded on or before September 15. To attend these meetings, contact the PDAC Chair, Nancy Gordon at (831) 454-2714, nancy.gordon@santacruzcounty.us.

(2) Decision Deadline: Once a formation determination has been made, the PDAC recommends that the CCE-JPA agency be established on or before October 31, 2016 for several important reasons:

- The best window of opportunity to launch a CCE agency (i.e., actually provide power to customers) has proven to be between April and October as a “best practice.” Even after a CCE-JPA is established, additional formation tasks must ensue which may take up to 12 months, so to make the recommended “launch window”, interested partners should form no later than one year in advance.
- Efforts to undermine the ability of local governments to justify forming CCE agencies are continual through the legislative and regulatory processes. Even though these efforts have not succeeded so far, it may just be a matter of time. If these efforts are eventually successful, CCE agencies that have already been formed will be able to continue unimpeded.
- In order to form a CCE agency, county and city partners must first agree on governance, start-up financing and executive staff recruitment. This process typically took California’s established CCE agencies three to four months to accomplish. The deadline of October 31 gives early adoptive partners up to six months to make a final decision. County and city partners that do not make a decision by October will still have the option to join the CCE-JPA at a later date.

CCE Best Practices Recommendations: New CCEs can mitigate risk and ensure best practices by learning from the experiences of operational CCE agencies. In addition to the technical study, Section III of this information packet includes an overview of regulations as well as information and lessons learned from other multi-jurisdictional CCE agencies regarding structure, governance, financing and program phasing. The PDAC spent countless hours reviewing and discussing this information with statewide CCE experts and recommends the following best practices be considered by MBCP county and city partners as they contemplate formation:

- Structure – The PDAC recommends a regional agency that includes as many of the MBCP county and city partners as possible. The economy of scale relative to procurement buying power, start-up and long-term financing and other operational considerations makes a compelling case for a regional agency. Given the nature and technical complexity of running the business of a CCE program, the PDAC also recommends that the agency not be embedded in an existing government entity, but be formed as a stand-alone joint powers agency. Further, the PDAC does not recommended that an existing CCE-JPA be joined for a fee as the economic and job creation benefits to the Monterey region would be considerably diminished. However, “back-end” turn- key administrative services that have a proven operational track record are readily available to newly formed CCEs and should be accessed to streamline start-up and operational tasks and costs.

- **Governance** – To meet the diverse needs of the Monterey Bay region, the PDAC recommends a governance structure that aligns with these principles:
 - Consistent with the best practices learned from the success and challenges of established CCE governing boards as outlined in Section III of the information packet.
 - Equitably representative and aligned with population density and electricity usage within the region;
 - A manageable number of board members with the ability to scale to accommodate later members;
 - Primary members and alternates should be elected officials;
 - Industry technical experts without a conflict of interest should be advisory to the Board;
 - Structured similarly to an existing and well-accepted Monterey regional JPA board that has been serving the same partner counties and cities successfully for many years, the Monterey Bay Air Resources District.
 - Section III, page 20 of the information packet outlines the specific governance board and technical expert advisory committee structure recommendation.

- **Start-up Financing & Payback Period** – There are many options to providing the capital for Phase 2 formation work, but the most straight forward path is for one of the main partners to provide all of the funding, or guarantee a private loan, which can be paid back with interest once the CCE agency begins to generate revenue from ratepayers. Although a cost-share strategy is often used in starting a joint powers agency, this requires additional time and contractual work in what is already a complex formation process. However the start-up is financed, the CCE governing Board should aim to pay it back as soon as it is financially feasible.

- **Guiding Principles**– The PDAC recommends strategic and operational alignment with these principles:
 - Serve community goals and local policy objectives, including greenhouse gas reductions and increased statewide and local renewable energy supply.
 - Control and safeguard customer revenues to ensure long-term financial viability and local government ownership, even when power supply costs fluctuate.

- Offer competitive rates and choice in customer electricity services that does not include the use of unbundled renewable energy credits, coal or nuclear resources and prioritizes in-state renewable contracts as is financially viable and available.
- Support the rapid investment in local renewable energy generation to the maximum extent feasible while ensuring fiscal stability, rate parity and carbon reduction goals are met.
- Pursue long-term power procurement strategies and local power ownerships that hedge future market risk and incorporate diversity of energy suppliers, technologies and products.
- Plan for long-term financial viability through integrated resource planning, in-house fiscal management, transparent rate setting and policies that build program reserves. Building robust reserves enhances the agency's credit rating, lowers the cost of procurement and increases the viability of issuing future bonds for projects.
- Maintain a firewall between the assets and liabilities of the CCE agency and those of municipal general funds.
- Adhere to applicable statutory and regulatory compliance requirements.
- Implement effective risk management practices and ensure transparency and accountability to the local community and oversight agencies.
- Offer complementary programs that serve community interests such as feed and tariff, net-metering, comprehensive energy efficiency retrofits, demand response, community solar, electric vehicle charging, battery storage, as well as support for local training programs in both the private and public sectors and research/development of emerging technologies.
- Establish criteria for the use of surplus revenues that ensures geographic equity and adheres to economic justice principles.
- Define criteria for selecting energy procurement vendor(s) that aligns with the region's sustainability and economic vitality goals.
- Develop a long-term strategic goal of regional energy self-sufficiency by building out local renewable generation projects using local workers making prevailing wages with benefits. Establish a definition of "the use of local workers" and adhere to established local government definitions of "prevailing wages."

ACKNOWLEDGEMENTS

The Project Development Advisory Committee would like express tremendous gratitude to the respective County Boards, City Councils and Joint Powers Agencies within the Monterey tri-county region for participating in this project and embracing regional collaboration on an initiative that holds such significant potential for meeting economic and environmental goals.

Thank you to the PDAC members, lead partner Santa Cruz County, the Project Team and Ambassadors as well as the professional consultants who worked tirelessly for more than three years to investigate community choice energy and provide education to stakeholder groups. We express our thanks and appreciation as well to the two working groups of local volunteer experts and stakeholders who assisted the Project Team (see Appendix 1.)

This project would not have been possible without the fiscal sponsorship of the Community Foundation of Santa Cruz County (CFSCC) accepting donations from generous members of the community. Our sincere thanks to the CFSCC Board and executive staff, and especially to all of the *Monterey Bay CCA Fund* donors (see Appendix 1.)

Grant support from the California Strategic Growth Council, the World Wildlife Fund, and the UC Santa Cruz Carbon Fund was critical to completing this project, for which the committee is sincerely appreciative.

Finally, to the staff of Marin Clean Energy and Sonoma Clean Power, thank you for your technical assistance, generosity and for paving the way for the rest of the California to follow in your footsteps.

Project Development Advisory Committee Members

Nancy Gordon, Chair, Santa Cruz County

Richard Stedman, Vice-Chair, Monterey Bay Unified Air Pollution Control District

Daniel Bertoldi, Monterey County

Ross Clark, City of Santa Cruz

Tim Flanagan, Monterey Regional Waste Management District

Rich Grunow, City of Capitola

Chris Khan, City of Salinas

Nancy Lockwood, City of Watsonville

Patrick Mathews, Salinas Valley Solid Waste Authority

Larry Pearson, Pacific Cookie Company, Business Sector Representative

Adam Goldstone, San Benito County

Taylor Bateman, City of Scotts Valley

Ray Friend, City of Hollister

Roger Grimsley, City of San Juan Bautista

Project Team Members and Ambassadors

Gine Johnson, Office of Santa Cruz Supervisor Bruce McPherson
David Carlson, Santa Cruz County Planning Department
Carol Johnson, Santa Cruz County General Services Department
Julia Holl, Office of Assembly Member Mark Stone
Kris Damhorst, Volunteer Project Team Member/Ambassador
Matt Farrell, Volunteer Project Team Member/Ambassador
Brennen Jensen, Volunteer Project Team Member/Ambassador
Joel Kauffman, Volunteer Project Team Member/Ambassador
Martin Carver, Volunteer Project Team Member/Ambassador
Marc Adato, Volunteer Project Team Member/Ambassador
Abby Young, Volunteer Project Team Member
Laurie Talcott, Volunteer Ambassador
Beverly DesChaux, Volunteer Ambassador
Jackson Damhorst, Volunteer Ambassador

Consultants

Local Energy Aggregation Network (LEAN) – General Strategy & Assistance
Miller Maxfield – Communications and Outreach
Pacific Energy Advisors - Technical Feasibility Study
MRW Associates - Independent Peer Reviewer

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: August 17, 2016

TO: Honorable Mayor and Members of the City Council

FROM: Taylor Bateman, Acting Community Development Director

APPROVED: Jenny Haruyama, City Manager

SUBJECT: **PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE MEADOW AT FALCON RIDGE PLANNED DEVELOPMENT PERMIT AND LAND DIVISION TO ALLOW FOR THE EXPANSION OF THE DEVELOPMENT ENVELOPE FOR AN EXISTING LOT IN THE SUBDIVISION (101 FALCON RIDGE ROAD // APN 024-211-18)**

SUMMARY OF ISSUE

On May 7, 2008, the City Council approved the Meadow at Falcon Ridge Planned Development on Green Hills Road (Attachment 1- Location Map). The approval established development envelopes for each lot in the subdivision to ensure slope stability and open space preservation. This was the case with the subject property at 101 Falcon Ridge Road (Attachment 2 - Subdivision Map). While the subdivision was under construction the grading plan was modified in the field and more developable area was created for the subject property than previously permitted. The exhibits in attachment 3 show the original grading/wall configuration, current conditions, and the proposed envelope expansion (Attachment 3 - Building Envelope Progression).

The approved subdivision map was not updated and therefore does not reflect current conditions. The current property owner of 101 Falcon Ridge Road proposes to expand the development envelop so that a detached RV storage garage with a secondary dwelling unit located above the garage can be constructed on the property (Attachment 4 - Garage Plans). This expansion requires an amendment to the land division and the planned development permit. In addition, the subdivision map must be updated to reflect the changes that occurred in the field during grading. These amendments are consistent with the prior approvals and is a minor expansion of the developable area. The expansion will not negatively impact the project and retains slope stability and the open space associated with the project.

In conjunction with the map amendment several utility easements will need to be modified to allow for the construction of the garage and secondary dwelling unit. The easement modifications will be reviewed and approved by the Public Works Department with the Final Map. Pursuant to the Scotts Valley Municipal Code, the construction of the garage and secondary dwelling unit are approved by staff.

PUBLIC COMMENT

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

FISCAL IMPACT

None.

RECOMMENDATION

The Planning Department recommends amending the Planned Development Permit and Subdivision Map for the expansion of the development envelope at 101 Falcon Ridge Road as listed below:

1. Adopt Resolution No. 1749.7 approving Planned Development Permit Amendment No. PD07-006.2 and Land Division Amendment No. LD07-004.1.

ATTACHMENTS

PAGE

(1)	Resolution No. 1749.7, Approving Planned Development Permit Amendment No. PD07-006 & Land Division Amendment No. LD07-004.1	3
(2)	Location Map	7
(3)	Approved Subdivision Map - Pages 3 & 5 (received 05/11/16)	8
(4)	Building Envelope Approved Configuration (received 05/11/16)	10
	Current Configuration (received 05/11/16)	11
	Proposed Configuration (received 05/11/16)	12
	Proposed Configuration w/ proposed structure (received 05/11/16)	13
(5)	Garage Plans (received 05/11/16)	14

RESOLUTION NO. 1749.7

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS
VALLEY APPROVING PLANNED DEVELOPMENT PERMIT
AMENDMENT NO. PD07-006.2 AND LAND DIVISION AMENDMENT
NO. LD07-004.1 ALLOWING THE EXPANSION OF THE
DEVELOPMENT ENVELOPE FOR 101 FALCON RIDGE ROAD
APN 024-211-18**

WHEREAS, the Planning Department of the City of Scotts Valley has received the application filed by Andre Gandrup (PD07-006.2 & LD07-004.1), to amend Planned Development Permit No. PD07-006 Land Division No. LD07-004 for the expansion of the development envelope for 101 Falcon Ridge Road (APN 024-211-18) located within the Meadow at Falcon Ridge Planned Development; and

WHEREAS, On May 7, 2008, the City Council approved the Meadow at Falcon Ridge Planned Development and established development envelopes for each lot in the subdivision to ensure slope stability and open space preservation; and

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

WHEREAS, the project is determined to have a Class 3 exemption (New Construction) pursuant to Section 15303 of CEQA; and

WHEREAS, a public hearing on the proposed project was noticed pursuant to the requirements of the Scotts Valley Municipal Code and State Law and a duly noticed hearing was held by the City Council on August 17, 2016.

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

SECTION 1: The City Council of the City of Scotts Valley does hereby make the following findings, as further clarified in the staff report dated August 17, 2016:

Planned Development Permit

1. *The planned development permit, as issued, furthers the policies of the General Plan. The project furthers the goals and objectives of the General Plan by provide useable outdoor area for residents while providing slope preservation.*

2. *The planned development permit, as issued, conforms in all respects to the planned development zoning of the property.* Planned Development district and permit will allow the development to be designed to meet the needs of the individual property by providing outdoor opportunities enjoyed by other properties within the planned development.

Land Division

3. *The proposed subdivision amendment, together with the provisions for its design and improvement, is consistent with the general plan or a specific area plan where the city has officially adopted such a plan, and the proposed subdivision amendment or land use is compatible with the objectives, policies, general land uses and programs specified in such a plan.* The proposed subdivision amendment is consistent with the policies of the General Plan as it continues to ensure slope stability and open space preservation of the area.

NOW THEREFORE, BE IT FURTHER RESOLVED that, after careful consideration of the application and related materials, plans, maps, facts, exhibits, staff report, testimony and other evidence submitted in this matter, and incorporated herein by this reference, the City Council approves Planned Development Permit No. PD07-006.2 amending Planned Development Permit No. PD07-006 and Land Division Permit No. LD07-004.1 amending LD07-004 for the expansion of the development envelope for 101 Falcon Ridge Road (APN 024-211-18) located within the Meadow at Falcon Ridge Planned Development, as shown on the plans as submitted to the City Council with the Conditions of Approval provided in Exhibit A, which are incorporated herein by this reference.

THE ABOVE AND FOREGOING RESOLUTION was duly and regularly passed by the City Council of the City of Scotts Valley at a meeting held on the 17th day of August, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Donna Lind, Mayor

Attest _____
Tracy Ferrara, City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL (Nos. 1-7)

STANDARD

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

PLANNING DEPARTMENT

4. The design of the improvements shall match the approved plans. Modifications to the approved project may require approval by the Planning Commission or City Council at the discretion of the Community Development Director.

PUBLIC WORKS DEPARTMENT

5. A Final Map Amendment showing the building envelope expansion shall be completed.

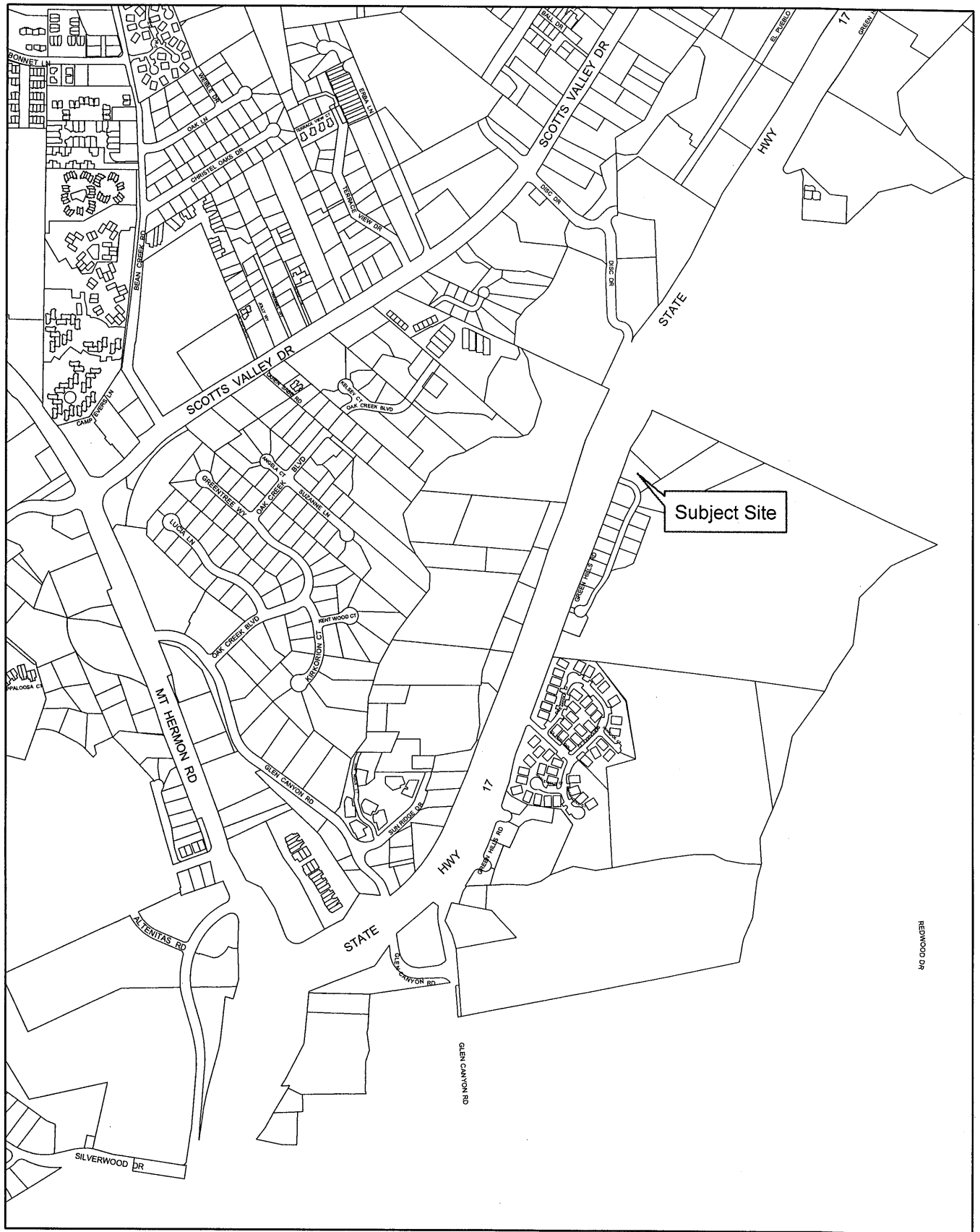
PD07-006.2 & LD07-004.1
08/17/16 C.C. Mtg.
Gandrup

Resolution No. 1749.7
Meadow at Falcon Ridge
101 Falcon Ridge Road

6. Existing easements shall be adjusted or Quit Claimed as deemed necessary by the Public Works Director.
7. All new easements shall be prepared by a Licensed Land Surveyor.

Name & Signature of Property Owner

Date



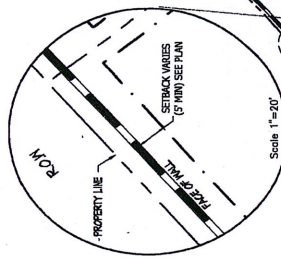
101 Falcon Ridge Road

LEGEND

- Indicates the boundaries of the surrounding parcels of land.
- Indicates the boundaries of the subject site.
- Indicates the boundaries of the new parcels as a part of this subdivision.
- Indicates the boundaries of new building envelopes.
- new excavated well
- new retaining wall
- new fire hydrant
- Indicates Found Monument as noted.
- Set 1/2" or 3/4" Galvanized Iron Pipe
- Set 1-1/2" x 30" Galvanized Iron Pipe

Note: All distances shown on this map are approximate.

BUILDING ENVELOPE	AREA
1	1,372
2	1,526
3	1,526
4	3,026
5	3,026
6	5,586
7	5,586
8	5,586
9	5,586
10	5,586
11	5,586
12	5,586
13	5,586
14	5,586
15	5,586
16	5,586



5' MIN. SEE PLAN

Scale 1" = 50'

BUILDING SETBACKS
NON-TITLE INFORMATION

Tract 1557
LD-07-004 / PD-07-008
Lands of

The Meadow at Falcon Ridge

BEING THE LANDS WITHIN THE CITY OF SCOTT'S VALLEY, COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA, CONVEYED BY APPLE HOMES DEVELOPMENT, INC., A CALIFORNIA CORPORATION, TO THE CITY OF SCOTT'S VALLEY, COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA, BY DEED RECORDED AS INSTRUMENT NO. 2007-002884 OF THE OFFICIAL RECORDS OF SANTA CRUZ COUNTY AND CLYDE S. SCHAFER AND ANA I. SCHAFER, HUSBAND AND WIFE, AS JOINT TENANTS, AS TO ALL PARCELS, AND TO ALL PARCELS RECORDED AS INSTRUMENT NO. 2007-002884 OF THE OFFICIAL RECORDS OF SANTA CRUZ COUNTY.



C2G/CML Consultants Group, Inc.
Engineers/Planners
4444 Scott Valley Drive / Suite 6
Scotts Valley, CA 95066-4528
(831) 438-4620

GENERAL NOTES

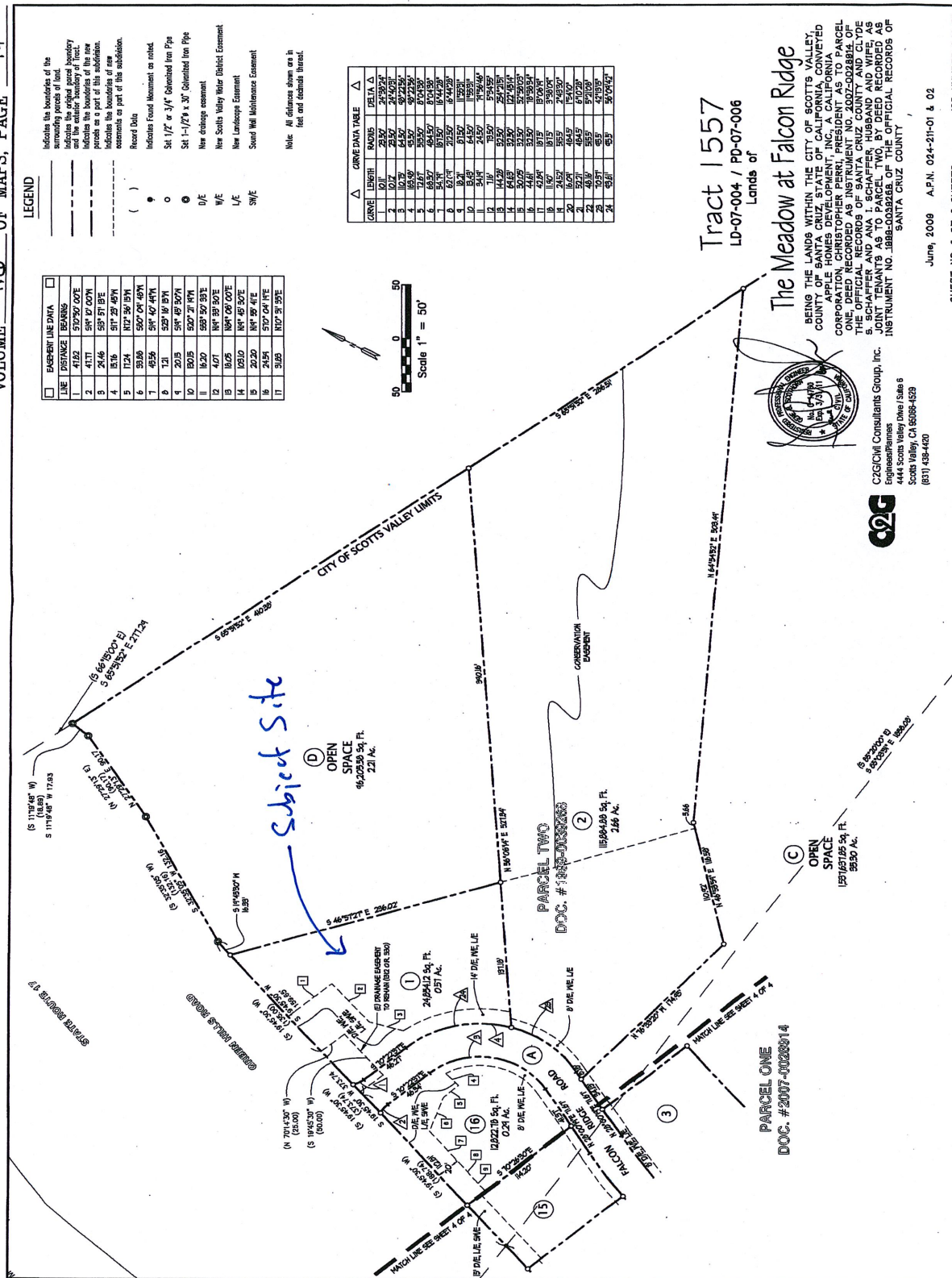
- UNLESS OTHERWISE SHOWN, SETBACKS ARE AS FOLLOWS:
- FROM BUILDING SETBACKS: 5.0'
- FROM OTHER PORTIONS OF DWELLING: 20.0'
- SETBACK VARIATION: 5.0'
- BACKYARD SETBACK: 20.0' (5.0' FOR LOT 1 AND 8)
- INFORMATION SHOWN ON THIS SHEET IS ADVISORY ONLY AND IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST.
- INFORMATION SHOWN HEREON IS BASED ON FIELD SURVEY AND NOT INTENDED TO AFFECT RECORD TITLE INTEREST.
- CONDITIONS OF APPROVAL INCORPORATED INTO THIS FINAL MAP ARE EXERCISED IN CITY COUNCIL REGULATION NO. 17415, MAY 1, 2008, PERMIT LD 07-004, PD 07-008, OR 07-008.

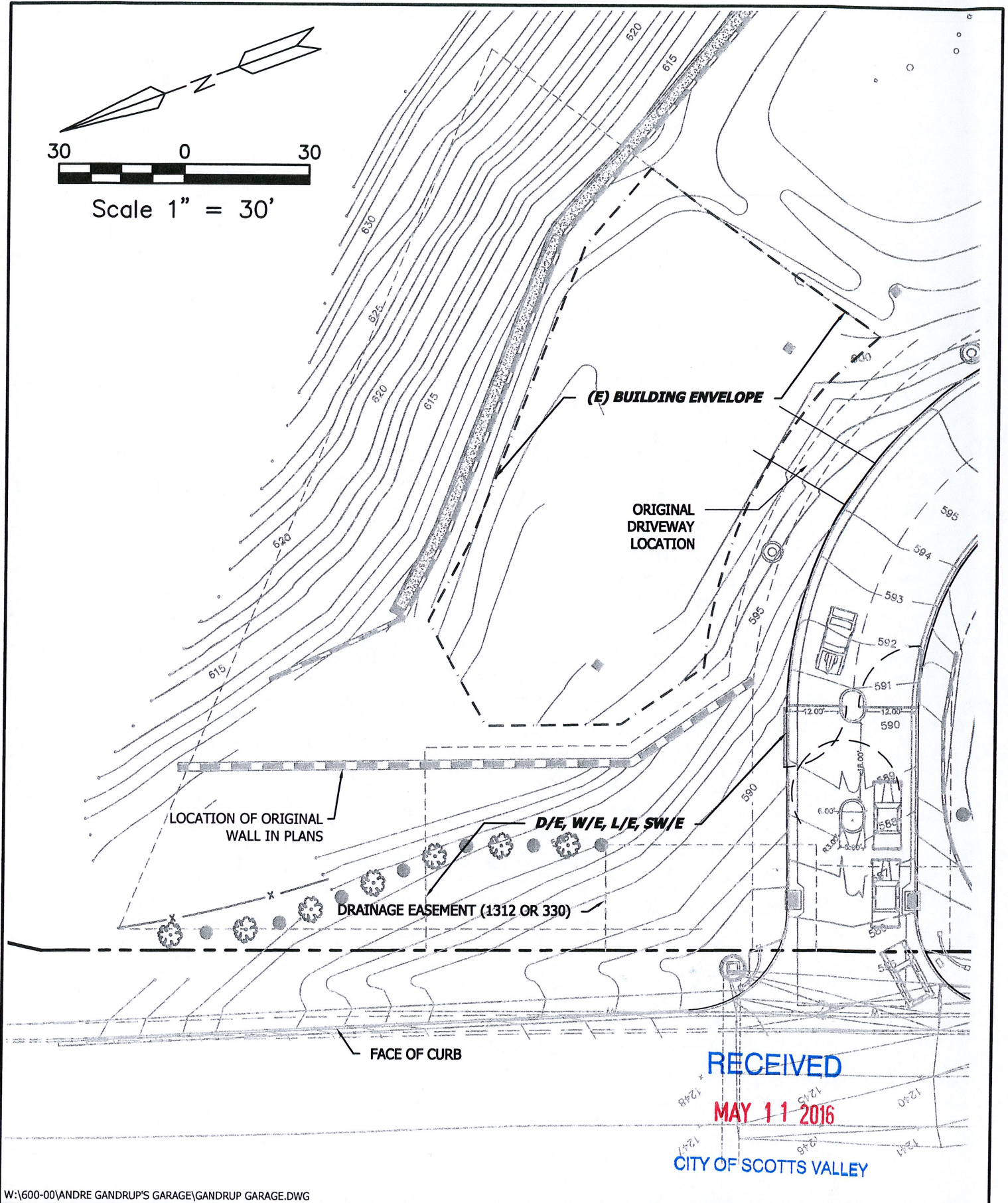
June, 2009 A.P.N. 024-211-01 & 02
SHEET NO. 5 OF 5 SHEETS JOB NUMBER 249-70

RECEIVED
MAY 11 2016

CITY OF SCOTT'S VALLEY

ATTACHMENT 3





W:\600-00\ANDRE GANDRUP'S GARAGE\GANDRUP GARAGE.DWG

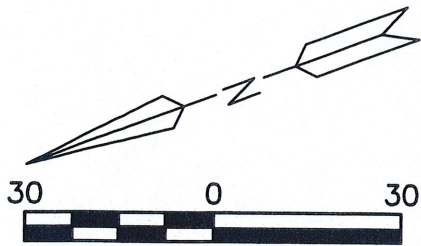
C2G

C2G / CIVIL CONSULTANTS GROUP, INC.
Engineers/Planners
4444 Scotts Valley Drive / Suite 6
Scotts Valley, CA 95066

T (831) 438-4420
F (831) 438-4420

EXHIBIT 1 - GRADING / WALL - ORIGINAL
MEADOW AT FALCON RIDGE
SCOTTS VALLEY, CA

DATE: 02/14/16
DRAWN: DD
SCALE: 010:30
SHEET: 1



Scale 1" = 30'

**OPEN
SPACE**

(E) PROPERTY LINE

(E) BUILDING
ENVELOPE

LOT 1

(E)
BUILDING

D/E, W/E, L/E, SW/E

DRAINAGE EASEMENT (1312 OR 330)

APPROX.
LOCATION OF
(E) WALL IN
FIELD

FACE OF CURB

RECEIVED

MAY 11 2016

CITY OF SCOTTS VALLEY

W:\600-00\ANDRE GANDRUP'S GARAGE\GANDRUP GARAGE.DWG

C2G
C2G / CIVIL CONSULTANTS GROUP, INC.
Engineers/Planners
4444 Scotts Valley Drive / Suite 6
Scotts Valley, CA 95066
T (831) 438-4420
F (831) 438-4420

EXHIBIT 2 - CURRENT CONDITIONS

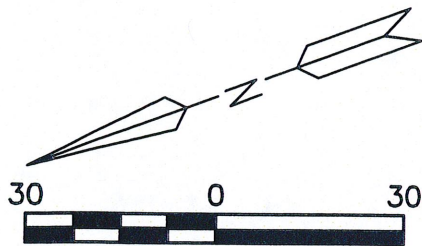
MEADOW AT FALCON RIDGE
SCOTTS VALLEY, CA

DATE: 02/10/16

DRAWN: DD

SCALE: 1:30

SHEET: 2



Scale 1" = 30'

**OPEN
SPACE**

LOT 1

2,966 S.F.

10' SETBACK

D/E, W/E, L/E, SW/E

DRAINAGE EASEMENT (1312 OR 330)

APPROX.
LOCATION OF
(E) WALL IN
FIELD

FACE OF CURB

RECEIVED

MAY 11 2016

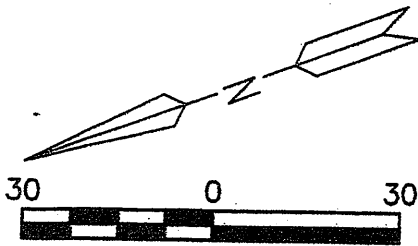
CITY OF SCOTTS VALLEY

W:\600-00\ANDRE GANDRUP'S GARAGE\GANDRUP GARAGE.DWG

C2G
C2G / CIVIL CONSULTANTS GROUP, INC.
Engineers/Planners
4444 Scotts Valley Drive / Suite 6
Scotts Valley, CA 95066
T (831) 438-4420
F (831) 438-4420

EXHIBIT 3 - BUILDING ENVELOPE EXPANSION
MEADOW AT FALCON RIDGE
SCOTTS VALLEY, CA

DATE: 02/10/16
DRAWN: DD
SCALE: 1:30
SHEET: 3



Scale 1" = 30'

**OPEN
SPACE**

LOT 1

NEW

10' SETBACK

DRAINAGE EASEMENT (1312 OR 330)

**APPROX.
LOCATION OF
(E) WALL IN
FIELD**

FACE OF CURB

RECEIVED

MAY 11 2016

CITY OF SCOTTS VALLEY

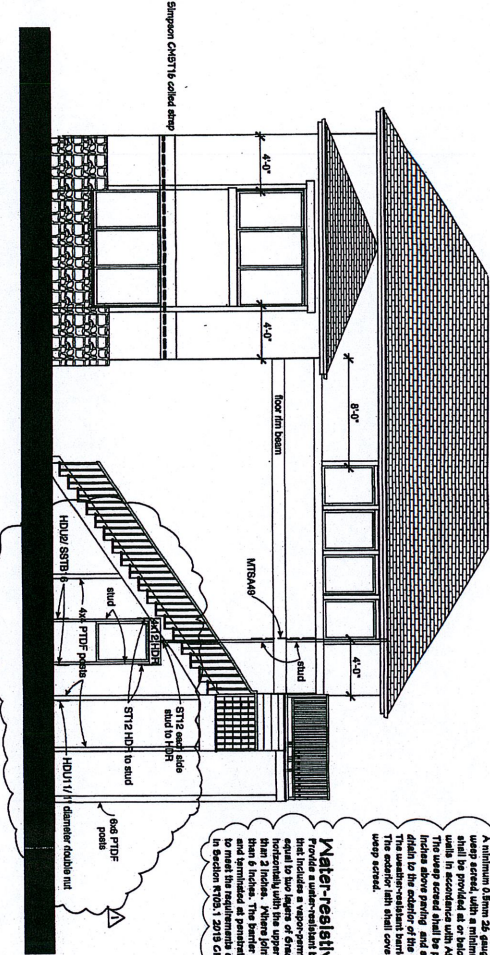
W:\600-00\ANDRE GANDRUP'S GARAGE\GANDRUP GARAGE.DWG

C2G
C2G / CIVIL CONSULTANTS GROUP, INC.
Engineers/Planners
4444 Scotts Valley Drive / Suite 6
Scotts Valley, CA 95066
T (831) 438-4420
F (831) 438-4420

EXHIBIT 3 - BUILDING ENVELOPE EXPANSION
MEADOW AT FALCON RIDGE
SCOTTS VALLEY, CA

DATE: 02/10/16
DRAWN: DD
SCALE: 1:30
SHEET: 3

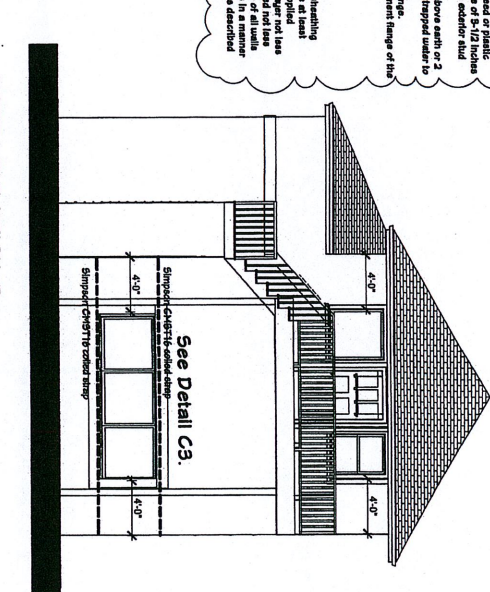
D
EAST ELEVATION, Right Side
1/4" = 1'-0"



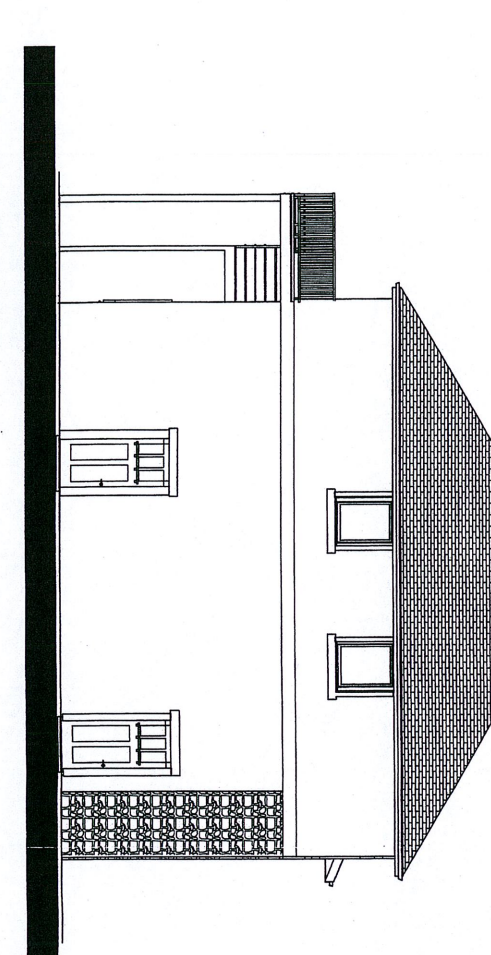
Weep Screeds
A minimum of three 28 gauge corrosion-resistant weep screeds or plastic weep screeds shall be provided at or below the foundation plate line on exterior walls in accordance with ACI 308.4-3. The weep screeds shall be placed a minimum of 4 inches above earth or 2 inches above the finished grade. The weep screeds shall also be sloped away from the wall to the exterior of the building. The weather-resistant barrier shall lap the attachment flange of the weep screed.

Water-resistant Barrier
The exterior wall shall be covered with a water-resistant barrier. The barrier shall be applied horizontally with the upper layer lapped over the lower layer not less than 6 inches. The barrier shall be continuous to the top of all walls and terminated at penetrations and building appendages in a manner to meet the requirements of the exterior wall envelope as described in Section R102.1.2013 CBC.

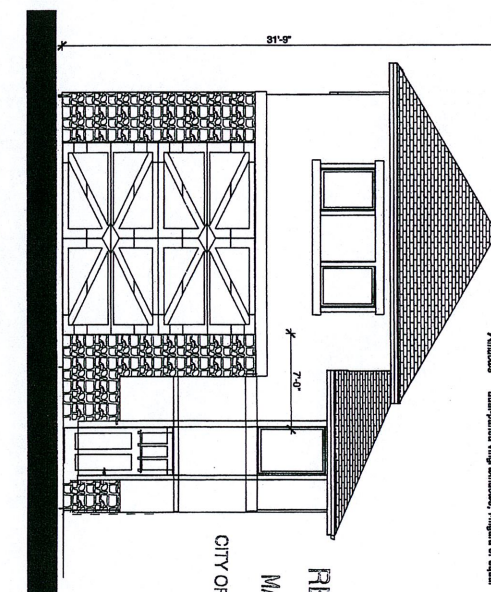
B
NORTH ELEVATION, Rear
1/4" = 1'-0"



C
WEST ELEVATION, Left Side
1/4" = 1'-0"



A
SOUTH ELEVATION, Front
1/4" = 1'-0"



EXTENSION FINISH MATERIALS
Roof: light gray composition shingles
Walls: stucco finished to match main house color and finished down 1/2" to match main house
Doors: wood painted or stained as selected by Owner
Windows: dark painted vinyl windows, mitred or equal

[illegible][illegible]

Architect
James Beza Group, c 13455
Oz, Box 184
Agua, California 9501

Energy Consultant
Brimdon Barer
1191 Bridge Creek
Scotts Valley, California 95466

Geotechnical Engineer
Dass & Associates, Inc.
801 Mission Street, Suite 6A
Santa Cruz, California 95060

LISS & ASSOCIATES, INC.
501 Mission Street, Suite 6A
Santa Cruz, California 95060

4,314 / 13,500 = 31% Impeding Area Bie Coverage	
Proposed Impervious Area	460 square feet
+ Total Existing Impervious Area	4,314 square feet
Total Proposed Impervious Area	5,174 square feet
5,174 / 23,000 = 22 % Proposed Impervious Bie Coverage	
4,314 square feet	
Impeding Area = 23,000 square feet	
Existing Impervious Area = 4,314 square feet	
Proposed Impervious Area = 460 + 4,314 = 4,774 square feet	
+ Existing Total Impervious Area = 4,774 + 4,314 = 9,088 square feet	
Total Existing Total Impervious Area = 9,088 square feet	

The ground immediately adjacent to the town's main street shall be sloped from the building at a slope of no less than 2 percent (1:50) for a minimum distance of 10 feet measured perpendicular to the face of the wall. If physical obstructions prohibit this 10 foot distance, then an approved alternative method of diverting water away from the foundation shall be provided. Incurties used for this purpose shall be a minimum of 2 percent slope. Any impervious surface located within 10 feet of the building shall be sloped a minimum of 2 percent away from the building.

Structural design criteria provided by Users as referenced, shall govern. All foundations shall bear on a least of compacted engineered fill. Minimum foundation embedment shall be 12 inches below adjacent soil bearing pressure = 2,000 PSF (pounds per square foot). Lateral friction coefficient = 0.35. Top 6 inches below floor slabs shall be compacted to 90%. Top 6 inches below driveway slabs shall be compacted to 95%. Do not let exterior concrete slabs to building foundation.

- 1 Roof Trusses shall be engineered by Mark Industries, Inc. and prepared by Pacific Continental Truss, a Hanger Yard, Watsonville, California 95076, (881) 728-9518, Mr. Mike Denton.
- 2 Fire Sprinkler System shall be designed and installed by Mustang Fire Protection Co., Inc., P.O. Box 4487, Salinas, California 95417, (801) 422-8867, Mr. Doug Tanner.

Construct a new detached 2-story garage building behind the existing single family detached house. No work shall be done in the house.

Assessor's Parcel
024-051-01
BIA Address
101 Falcon Ridge Road
Scotts Valley, California 950
Owner
Jenny and Andre Gaudrup
101 Falcon Ridge Road
Scotts Valley, California 950
(925) 276-1866

Lot Size	23,000 square feet
EXISTING House and Garage	1,975 square feet
Ground Floor Heated Area	915 SQUARE FEET
± Unheated attic	2,314 square feet
Total Existing Lot Area	
PROPOSED Rear Garage Building	600 square feet
Upper Floor Heated Area	480 SQUARE FEET
Ground Floor Unheated Area	1,180 square feet
Total Floor Area	

- 2013 California Building Structure Code (International)
- 2013 California Residential Code
- 2013 California Building Code
- 2013 California Electrical Code
- 2013 California Mechanical Code
- 2013 California Plumbing Code
- 2013 California Fire Code
- 2013 California Energy Code
- 2013 California Green Building Code

MAY 11 2016

CITY OF SCOTTS VALLEY

- 1 Plot Plan, Location Map, Project Data
- 2 Architectural Floor Plans
- 3 Foundation Plan
- 4 Upper Floor Framing Plan and Roof Plan
- 5 Building Sections
- 6 Exterior Elevations
- 7 Electrical, Mechanical and Plumbing Plans
- 8 Details
- 9 Notes
- 10 More Notes
- 11 California Green Building Standards
- 12 California Title 24 Energy Certificates

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: August 17, 2016

TO: Honorable Mayor and City Council

FROM: Jenny Haruyama, City Manager

SUBJECT: Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing

SUMMARY OF ISSUE

Sammie Rae Abitbol, LLC, and Bay Photo, Inc. ("Borrower"), is refinancing outstanding California Infrastructure and Economic Development Bank Tax-Exempt and/or Taxable Variable Rate Demand Industrial Development Revenue Bonds (Bay Photo, Inc. Project), Series 2011A and B. The proceeds were used to finance and refinance the cost of the acquisition, construction, restoration, improvement, renovation, equipping and general development of the real property and improvements located at 900, 915 and 920 Disc Drive in Scotts Valley. The property consisted of three parcels of land totaling approximately 17 acres, with three buildings and related improvements totaling approximately 140,000 square feet. The Borrower is also financing the construction of improvements and acquisition and installation of equipment at the property. The facilities will be used by the Borrower to manufacture and distribute professional quality photographic prints, large format prints, canvas prints, metal prints, and other products or for the manufacture of other tangible personal property.

The Borrower has requested the assistance of the City and the California Enterprise Development Authority (CEDA), a joint powers authority to finance and refinance the facilities with industrial development revenue bonds. The Authority was formed by the California Association for Local Economic Development (CALED), a statewide organization composed of economic development professionals at cities, counties, utilities and nonprofit organizations. The purpose of the Authority is to further economic development efforts of member agencies by assisting in the issuance of conduit revenue bonds.

The financing and refinancing for the Borrower involves the issuance of tax-exempt and/or taxable bonds, and can only be completed through the Authority if the City holds a public hearing, and approves the financing per Section 147(f) of the Internal Revenue Code of 1986. Additionally, to be eligible to participate in the City's conduit bond financing program, the City is required to become an associate member of the Authority. It is important to note that the Authority's Joint Powers Agreement and the Associate Membership Agreement make very clear that the bonds issued by the Authority are not an obligation of any of the members.

FISCAL IMPACT

There is no fiscal impact to the City. The adoption of the resolution approving the financing and refinancing of the Facilities and the issuance of the Bonds complies with the requirements of Section 147(f) of the Internal Revenue Code of 1986. The City does not bear any responsibility for the tax exempt status of the interest on the Bonds, the debt service on the bonds or any other matter related to the bonds.

STAFF RECOMMENDATION

It is recommended that Council take the following actions:

1. Conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 to receive comments relating to the issuance by the California Enterprise Development Authority of not to exceed \$12,000,000 of the Authority’s Revenue Bonds for the benefit of Sammie Rae Abitbol, LLC, a California limited liability company, and Bay Photo, Inc., a California corporation.
2. Adopt Resolution No. 1921 approving the Associate Membership by the City of Scotts Valley in the California Enterprise Development Authority and the Execution of an Associate Membership Agreement relating to Associate Membership of the City in the Authority (Exhibit A).
3. Adopt Resolution No. 1921.1 approving the Issuance of \$12,000,000 of California Enterprise Development Authority Revenue Bonds for the Benefit of Sammie Rae Abitbol, LLC and Bay Photo, Inc.

<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
Resolution No. 1921	3
Exhibit A: Associate Membership by the City of Scotts Valley in the California Enterprise Development Authority	6
Resolution No. 1921.1	9

RESOLUTION NO. 1921

RESOLUTION APPROVING ASSOCIATE MEMBERSHIP BY THE CITY OF SCOTTS VALLEY IN THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY AND THE EXECUTION OF AN ASSOCIATE MEMBERSHIP AGREEMENT RELATING TO ASSOCIATE MEMBERSHIP OF THE CITY IN THE AUTHORITY

RESOLVED, by the City Council (the “City Council”) of the City of Scotts Valley (the “City”), as follows:

WHEREAS, Bay Photo, Inc. and Sammie Ray Abitbol, LLC (collectively, the “Borrower”), have requested the California Enterprise Development Authority (the “Authority”) and the City assist in (1) refinancing of the outstanding California Infrastructure and Economic Development Bank Tax-Exempt and/or Taxable Variable Rate Demand Industrial Development Revenue Bonds (Bay Photo, Inc. Project), Series 2011A and B, the proceeds of which were used by the Borrower to finance and refinance the cost of the acquisition, construction, restoration, improvement, renovation, equipping and general development of the real property and improvements located at 900, 915 and 920 Disc Drive, Scotts Valley, California 95066, consisting of three parcels of land totaling approximately 17 acres, with three buildings and related improvements totaling approximately 140,000 square feet (the “Scotts Valley Property”), and (2) financing the construction of improvements to the Scotts Valley Property and the acquisition and installation of equipment at the Scotts Valley Property (collectively, the “Facilities”); and

WHEREAS, in furtherance thereof and to facilitate such request, the City desires to become an associate member of the Authority; and

WHEREAS, the form of associate membership agreement (the “Associate Membership Agreement”) between the City and the Authority has been filed with the City, and the members of the City Council, with the aid of the City’s staff, have reviewed the Associate Membership Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Scotts Valley, hereby finds, determines and declares as follows:

Section 1. Associate Membership in the Authority. The City Council hereby approves associate membership by the City in the Authority.

Section 2. Approval of Associate Membership Agreement. The City Council hereby approves the form of, and authorizes the Mayor, the City Manager or any designee of such officers, to execute the Associate Membership Agreement (Exhibit A) and authorizes the City Clerk to attest to such signature, in substantially the form on file with the City Clerk, together with any changes therein deemed advisable by the official signing the Associate Membership Agreement.

Section 3. Official Action. The Mayor, the City Manger, the City Clerk and other officers and officials of the City, are hereby authorized and directed to take all actions and do all things necessary or desirable hereunder with respect to associate membership in the Authority including but not limited to the execution and delivery of any and all agreements, certificates instruments and other documents which they, or any of them, may deem necessary or desirable and not inconsistent with the purposes of this resolution.

Section 4. Effective Date. This Resolution shall take effect upon its adoption by the City Council.

RESOLVED FURTHER, the City Clerk of the City of Scotts Valley shall certify the adoption of this resolution, and thenceforth and thereafter the same shall be in full force and effect.

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 17th of August, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

By: _____
Donna Lind, Mayor

ATTEST:

Tracy A. Ferrara, City Clerk

CERTIFICATE OF THE CITY CLERK

I, Tracy A. Ferrara, City Clerk of the City of Scotts Valley, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at the meeting of the City Council of the City of Scotts Valley duly and regularly held in Scotts Valley, California, on August 17, 2016, of which meeting all of the members of said Board had due notice.

I further certify that I have carefully compared the foregoing copy with the original minutes of said meeting on file and of record in my office; that said copy is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified, rescinded or revoked in any manner since the date of its adoption, and the same is now in full force and effect.

IN WITNESS WHEREOF, I have executed this certificate and affixed the seal of the City of Scotts Valley hereto this ____ day of August, 2016.

Tracy A. Ferrara, City Clerk

ASSOCIATE MEMBERSHIP AGREEMENT

by and between the

CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY

and the

CITY OF SCOTTS VALLEY, CALIFORNIA

THIS ASSOCIATE MEMBERSHIP AGREEMENT (this "Associate Membership Agreement"), dated as of August 17, 2016 by and between CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY (the "Authority") and the CITY OF SCOTTS VALLEY, CALIFORNIA, a municipal corporation, duly organized and existing under the laws of the State of California (the "City");

WITNESSETH:

WHEREAS, the Cities of Selma, Lancaster and Eureka (individually, a "Member" and collectively, the "Members"), have entered into a Joint Powers Agreement, dated as of June 1, 2006 (the "Agreement"), establishing the Authority and prescribing its purposes and powers; and

WHEREAS, the Agreement designates the Executive Committee of the Board of Directors and the President of the California Association for Local Economic Development as the initial Board of Directors of the Authority; and

WHEREAS, the Authority has been formed for the purpose, among others, to assist for profit and nonprofit corporations and other entities to obtain financing for projects and purposes serving the public interest; and

WHEREAS, the Agreement permits any other local agency in the State of California to join the Authority as an associate member (an "Associate Member"); and

WHEREAS, the City desires to become an Associate Member of the Authority; and

WHEREAS, Council of the City has adopted a resolution approving the Associate Membership Agreement and the execution and delivery thereof; and

WHEREAS, the Board of Directors of the Authority has determined that the City should become an Associate Member of the Authority;

NOW, THEREFORE, in consideration of the above premises and of the mutual promises herein contained, the Authority and the City do hereby agree as follows:

Section 1. Associate Member Status. The City is hereby made an Associate Member of the Authority for all purposes of the Agreement and the Bylaws of the Authority, the provisions of which are hereby incorporated herein by reference. From and after the date of execution and delivery of this Associate Membership Agreement by the City and the Authority, the City shall be and remain an Associate Member of the Authority.

Section 2. Restrictions and Rights of Associate Members. The City shall not have the right, as an Associate Member of the Authority, to vote on any action taken by the Board of Directors or by the Voting Members of the Authority.

Section 3. Effect of Prior Authority Actions. The City hereby agrees to be subject to and bound by the Agreement and the Bylaws; provided, however, that the Authority agrees that the City will not be bound by any amendment to the Bylaws that in any way either increases the City's responsibilities or potential liability under this Agreement or diminishes the City's rights under this Agreement.

Section 4. No Obligations of Associate Members. The debts, liabilities and obligations of the Authority shall not be the debts, liabilities and obligations of the City.

Section 5. Execution of the Agreement. Execution of this Associate Membership Agreement shall satisfy the requirements of the Agreement and Article XII of the Bylaws of the Authority for participation by the City in all programs and other undertakings of the Authority.

IN WITNESS WHEREOF, the parties hereto have caused this Associate Membership Agreement to be executed and attested by their proper officers thereunto duly authorized, on the day and year first set forth above.

**CALIFORNIA ENTERPRISE DEVELOPMENT
AUTHORITY**

By: _____
Gurbax Sahota, Chair of the
Board of Directors

Attest:

Helen Schaubmayer, Assistant Secretary

CITY OF SCOTTS VALLEY, CALIFORNIA

By: _____
Donna Lind, Mayor

Attest:

Tracy A. Ferrara, City Clerk

RESOLUTION NO. 1921.1

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY APPROVING THE ISSUANCE BY CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY OF NOT TO EXCEED \$12,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE AUTHORITY'S REVENUE BONDS FOR THE BENEFIT OF BAY PHOTO, INC. FOR THE PURPOSE OF FINANCING AND REFINANCING THE COST OF ACQUISITION, REHABILITATION AND EQUIPPING OF A MANUFACTURING FACILITY AND OTHER MATTERS RELATING THERETO HEREIN SPECIFIED

WHEREAS, Sammie Rae Abitbol, LLC, a California limited liability company, and Bay Photo, Inc., a California corporation (collectively, the "Applicant") has requested that the California Enterprise Development Authority (the "Authority") issue tax-exempt and/or taxable revenue Bonds in an amount not to exceed \$12,000,000 (the "Bonds"), for and on behalf of the Applicant and/or a related entity (the "Borrower"), pursuant to the provisions of Chapter 5 of Division 7 of Title 1 of the Government Code of the State (commencing with Section 6500) (the "Act"), particularly Section 6547.7 of the Act to (a) refinance the cost of acquisition, construction, restoration, improvement, renovation, equipping and general development of the real property and improvements located at 900, 915 and 920 Disc Drive, Scotts Valley, California 95066, consisting of three parcels of land totaling approximately 17 acres, with three buildings and related improvements totaling approximately 140,000 square feet (b) finance the construction of improvements to the Scotts Valley Property and the acquisition and installation of equipment at the Scotts Valley Property (collectively, the "Facilities"); and

WHEREAS, a portion of the proceeds of the Bonds will be used to pay certain financing costs and cost of issuance in connection with such financing; and

WHEREAS, the City of Scotts Valley (the "City") has approved becoming an Associate Member of the Authority and is eligible to participate in the Authority's financing programs; and

WHEREAS, the issuance of the Bonds must be approved by the governmental unit on behalf of which the Bonds are issued and a governmental unit having jurisdiction over the territorial limits in which the Facilities are located pursuant to the public approval requirement of Section 147(f) of the Code and Section 91530(f) of the California Industrial Development Financing Act (the "Financing Act"); and

WHEREAS, the Facilities are located within the territorial limits of City and the City Council of the City (the "City Council") is the elected legislative body of the City; and

WHEREAS, the Facilities are expected to provide significant benefits to the residents of the City through the creation of employment opportunities for residents of the City over the long term; and

WHEREAS, the Authority and the Borrower have requested that the City Council approve the issuance of the Bonds by the Authority and the financing and refinancing of the Facilities with the proceeds of the Bonds pursuant to Section 147(f) of the Code and Section 91530(f) of the Financing Act; and

WHEREAS, the Board of Directors of the Authority in its Resolution No. 16-___, adopted on August 4, 2016, expressed its intent to issue the Bonds for the benefit of the Borrower; and

WHEREAS, the City Council has considered the information contained in the aforesaid application and has considered the determinations of the Authority; and

WHEREAS, the Authority's issuance of the Bonds will result in a more economical and efficient issuance process because of the Authority's expertise in the issuance of conduit revenue Bonds; and

WHEREAS, it is intended that this Resolution shall comply with the public approval requirements of Section 147(f) of the Code and the approval requirements of Section 91530(f) of the Financing Act; provided, however, that this Resolution is neither intended to nor shall it constitute an approval by the City Council of the Facilities for any other purpose; and

WHEREAS, a public hearing was held by the City Council on this 17th day of August, 2016, at the meeting which commenced at the hour of 6:00 p.m., in the City Council Chambers of the City of Scotts Valley, 1 Civic Center Drive, Scotts Valley, California 95066, following a duly published notice thereof in a newspaper of general circulation in the City of Scotts Valley, on August 3, 2016, and all persons desiring to be heard have been heard.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCOTSS VALLEY, CALIFORNIA, as follows:

Section 1. The City Council hereby finds and determines that all of the recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds by the Authority, from time to time, pursuant to a plan of finance, which Bonds may be tax-exempt and/or taxable as approved by the Authority in its resolution, in an amount not to exceed \$12,000,000 to finance and refinance the costs of the Facilities. This resolution shall constitute "host" approval of the issuance of the Bonds within the meaning of Section 147(f) of the Code and shall constitute the approval of the issuance of the Bonds within the meaning of the Act and Section 91530(f) of the Financing Act; provided, however, that this Resolution shall not constitute an approval by the City Council of the Facilities for any other purpose. The City shall not bear any responsibility for the tax-exempt status of the interest on the Bonds, the payment of the principal or of interest on the Bonds or any other matter related to the Bonds.

Section 3. All actions heretofore taken by the officers, employees and agents of the City with respect to the approval of the Bonds are hereby approved, confirmed and ratified, and the officers and employees of the City and their authorized deputies and agents are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all certificates and documents which they or bond counsel may deem necessary or advisable in order to consummate the Bonds and otherwise to effectuate the purposes of this Resolution.

Section 4. This Resolution shall take effect from and after its adoption.

Section 5. The City Clerk of the City of Scotts Valley shall certify the adoption of this resolution, and thenceforth and thereafter the same shall be in full force and effect.

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 17th of August, 2016, by the following vote:

AYES:

NOES:

ASTAIN:

ABSENT:

By _____
Donna Lind, Mayor

ATTEST:

Tracy A. Ferrara, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CRUZ)SS.
CITY OF SCOTTS VALLEY)

CITY CLERK'S CERTIFICATION RE:
ADOPTION OF CITY RESOLUTION

I, Tracy A. Ferrara, City Clerk of the City of Scotts Valley, hereby certify that the foregoing Resolution No. 1921.1 was duly passed and adopted at a regular the meeting of the City Council of the City of Scotts Valley on August 17, 2016, by the following vote, to wit:

AYES: COUNCIL MEMBER:

NOES: COUNCIL MEMBER:

ABSTAIN: COUNCIL MEMBER:

ABSENT: COUNCIL MEMBER:

Tracy A. Ferrara, City Clerk



PUBLIC HEARING

MEETING OF THE SCOTTS VALLEY CITY COUNCIL

TIME/DATE: WEDNESDAY, AUGUST 17, 2016, 6:30 P.M.

PLACE: City Council Chambers, City Hall
1 Civic Center Drive
Scotts Valley, CA 95066

SUBJECT: ANNUAL CDBG PERFORMANCE REPORTS NOTICE OF FILING APPLICATION AND PUBLIC HEARING WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT AND/OR TAXABLE BONDS BY THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY FOR THE PURPOSE OF FINANCING AND REFINANCING FACILITIES FOR THE BENEFIT OF SAMMIE RAE ABITBOL, LLC AND BAY PHOTO, INC.

NOTICE IS HEREBY GIVEN that at 6:30 p.m. on August 17, 2016, or as soon thereafter as the matter may be heard, at the City Council Chambers, 1 Civic Center Drive, Scotts Valley, California 95066, the City Council of the City of Scotts Valley (the "City Council") will conduct a public hearing (the "Public Hearing") at which the City Council will hear and consider information concerning the issuance, from time to time, pursuant to a plan of finance, of one or more series of tax-exempt and/or taxable bonds by the California Enterprise Development Authority (the "Authority") in an aggregate principal amount not to exceed Twelve Million Dollars (\$12,000,000) (the "Bonds") for the benefit of Sammie Rae Abitbol, LLC and Bay Photo, Inc. (collectively, the "Borrower"). The Authority will loan the proceeds of the Bonds to the Borrower pursuant to one or more financing agreements (the "Financing Agreement"). The proceeds of the Bonds loaned to the Borrower will be applied to (1) refinance the outstanding California Infrastructure and Economic Development Bank Tax-Exempt and/or Taxable Variable Rate Demand Industrial Development Revenue Bonds (Bay Photo, Inc. Project), Series 2011A and B, the proceeds of which were used by the Borrower to finance and refinance the cost of the acquisition, construction, restoration, improvement, renovation, equipping and general development of the real property and improvements located at 900, 915 and 920 Disc Drive, Scotts Valley, California 95066, consisting of three parcels of land totaling approximately 17 acres, with three buildings and related improvements totaling approximately 140,000 square feet (the "Scotts Valley Property"), and (2) financing the construction of improvements to the Scotts Valley Property and the acquisition and installation of equipment at the Scotts Valley Property (collectively, the "Facilities"). A portion of the proceeds of the Bonds will be used to pay certain financing costs and costs of issuance in connection with the Bonds. The Facilities are owned by

the Borrower and used to manufacture and distribute professional quality photographic prints, large format prints, canvas prints, metal prints, and other products or for the manufacture of other tangible personal property. The Bonds will be paid entirely from repayments by the Borrower under the Financing Agreement.

Neither the faith and credit nor the taxing power of the City of Scotts Valley (the "City"), the State of California (the "State") or any other political corporation, subdivision or agency of the State is pledged to the payment of the principal of, premium, if any, or interest on, the Bonds, nor shall the City, the State or any other political corporation, subdivision or agency of the State be liable or obligated to pay the principal of, premium, if any, or interest on, the Bonds.

The Public Hearing is intended to comply with the public approval requirements of Section 147(f) of the Code. Notice is further given that the Borrower has filed an application with the Authority in connection with the proposed financing of the Facilities with the proceeds of the Bonds, and reference is hereby made to such application for further particulars.

Those wishing to comment or those who have any questions regarding the proposed nature and location of the Facilities and the financing of the Facilities with the proceeds of the Bonds may either appear in person at the time and place indicated above or submit written comments, which must be received prior to the Public Hearing by the City Council addressed to: City of Scotts Valley, Attention: City Clerk, 1 Civic Center Drive, Scotts Valley, California 95066.

Posted on the City's website: 7-29-16

Posted at City Hall, Scotts Valley Library, and Scotts Valley Senior Center: 7-29-16

Published in the Santa Cruz Sentinel: 8-3-16

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: August 17, 2016

TO: Honorable Mayor and City Council

FROM: John P. Weiss, Chief of Police

SUBJECT: **Opposition of Proposition 64 - The Control, Regulate and Tax Adult Use of Marijuana Act, No. 15-0103, also known as the Adult Use of Marijuana Act (AUMA)**

SUMMARY OF ISSUE

This November 8, 2016 voters will consider Proposition 64 (The Adult Use of Marijuana Act - AUMA), a ballot measure with the purpose and intent to, "establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of non medical marijuana, including marijuana products, for use by adults 21 years and older, and to tax the commercial growth and retail sale of marijuana." If passed by voters, Proposition 64 would allow persons age 21 and older to possess up to an ounce of marijuana and grow as many as six plants. Consumption in public would be prohibited, except for public places licensed for such use. Given the topic, Council Member Stephany Aguilar requested that the ballot measure be discussed by the Council and consideration given to a resolution opposing Proposition 64.

Proposition 64 prohibits the sale of non medical marijuana to those under 21 years old, and provides new resources to educate youth against drug abuse and train local law enforcement to enforce the new law. It bars marijuana businesses from being located within 600 feet of schools and other areas where children congregate. It establishes mandatory and strict packaging and labeling requirements for marijuana and marijuana products. It also mandates that marijuana and marijuana products cannot be advertised or marketed towards children.

Effective 2018, the initiative would allow licenses and regulations for small and medium cultivators and for retail sales. It will also impose state sales taxes of 15% of the sales price and cultivation taxes per ounce of flowers and leaves.

Proposition 64 also establishes a comprehensive regulatory structure in which every marijuana business is overseen by a specialized agency with relevant expertise. It establishes packaging, labeling, advertising, and marketing standards and restrictions for marijuana products. It allows local regulation, including the ability to ban non medical marijuana businesses.

The initiative contains many other provisions and can be viewed on-line at: http://www.oag.ca.gov/system/files/initiatives/pdfs/15-0103%20%28Marijuana%29_1.pdf?

Support for Proposition 64

Proposition 64 is supported by Lieutenant Governor Gavin Newsom; Sean Parker, founder of Napster and the former president of Facebook; California State NAACP; The California Medical Association (CMA); California Cannabis Industry Association; The California Democratic Party; the National Organization for the Reform of Marijuana Laws (NORML); Law Enforcement Against Prohibition; Marijuana Policy Project of California; Drug Policy Action; California Council of Land Trusts and several environmental organizations; and various other supporters.

In 2014, California Lt. Governor Gavin Newsom, in collaboration with the American Civil Liberties Union (ACLU), formed a Blue Ribbon Commission on Marijuana Policy. Members consisted of academics, physicians, policy makers, drug policy reformists, tax lawyers, public health experts, economists, one police chief, one retired Judge and one retired Maryland police Major. All participants were appointed to examine the legalization of marijuana and help inform the policy making process. The Blue Ribbon Commission produced a July 2015 report titled "Pathways Report: Policy Options For Regulating Marijuana In California."

The report offers numerous policy suggestions addressing topics such as: protecting small producers from Big Tobacco; helping drug felons; being labor friendly; taxation of cannabis; how to spend tax monies to support marijuana related programs; dealing with medical marijuana; DUI drivers; weed sales regulations and tracking; controlling out of state sales; and dealing with the Feds and Banks.

In short, proponents of Prop 64 argue that legalization of recreational marijuana would make marijuana safer by regulating it; save millions in law enforcement and court costs; support social justice by no longer incarcerating minorities and the disadvantaged; remove profit margins for drug cartels; provide millions in tax monies to support education, prevention and treatment; lower environmental degradation and incapacitate the black market.

Opposition to Proposition 64

Proposition 64 is opposed by the California Police Chiefs Association; California State Sheriffs' Association; California Peace Officers' Association; California College and University Police Chiefs Association; California Narcotics Officers Association; the Los Angeles County Professional Peace Officers Association; the Los Angeles Deputy Sheriffs Association; the Association of Deputy District Attorneys; the Los Angeles Police Protective League; Riverside Sheriffs Association; the California Hospital Association; the California Teamsters; California Correctional Supervisor's Association; Small Growers Association; Californians for Responsible Drug Policies; Association of Orange County Deputy Sheriffs; the City of Whittier (refer to attached letter of opposition); and various other opponents.

The District Attorney for San Diego County, Bonnie M. Dumanis, published the attached brief containing several concerns with the Adult Use of Marijuana Act and legalization of recreational marijuana. Dumanis noted that marijuana is still classified as a Schedule I drug under the Controlled Substances Abuse Act of 1970 and remains illegal at the federal level. District Attorney Dumanis' full memo can be read online at: https://cpca.memberclicks.net/assets/Marijuana/SDDA%20Analysis_AUMAAct_Final.pdf.

Opponents of Proposition 64 are concerned predominantly with the following issues: crime and traffickers, driving under the influence, public health and welfare, and impacts to youth. These concerns are summarized below:

Crime and traffickers

In her brief, District Attorney Dumanis noted that cartels/drug dealers are more likely to infiltrate the multi-billion dollar a year marijuana industry, using their competitive advantage and smuggling expertise. According to Dumanis, “there has been a spike in marijuana shipments out of the legalized region (of Colorado) across state lines to supply users in neighboring states where marijuana remains illegal.” Additionally, shortly before Colorado legalized commercial marijuana in 2013, agents served search warrants at 14 Denver dispensaries operated by individuals with alleged ties to Columbian cartels. During 2009 – 2012, when medical marijuana was commercialized, the yearly average number of interdiction seizures of Colorado marijuana increased 365% from 52 to 242. During 2013 – 2014, when recreational marijuana was legalized, the yearly average interdiction seizures of Colorado increased another 34% from 242 to 324 (HIDTA).

Driving under the influence of drugs (DUIDs)

It has been reported that the legalization of marijuana in Colorado, Washington and Oregon has led to more motorists driving under the influence. In Colorado, for example, the 2015 Rocky Mountain High Intensity Drug Trafficking Area report (RMHIDTA) indicated that when retail marijuana businesses began operating, there was a 32% increase in marijuana-related traffic deaths in just one year from 2013. Colorado marijuana-related traffic deaths increased 92% from 2010 – 2014. During the same time period all traffic deaths only increased 8%. Additionally, newly released data from the Washington Traffic Safety Commission (WTSC) shows that marijuana is increasing as a factor in deadly crashes. The number of drivers involved in fatal crashes who tested positive for marijuana increased 48 percent from 2013 – 2014.

In her brief, District Attorney Dumanis also stated that creating an evidence based standard for testing the level of marijuana influence may be problematic because marijuana converts more quickly than alcohol. Marijuana impaired driving arrests are being successfully challenged due to the amount of time that passes between a car stop, testing, finding a judge, obtaining a search warrant to perform blood draws, and obtaining toxicology reports.

Public health and welfare

According to the University of Mississippi Potency – Monitoring Project, since 1983, when THC concentrations averaged below 5%, today’s marijuana potency averages 14% with peak content exceeding 30%.

The Rocky Mountain High Intensity Drug Trafficking Area (HIDTA) also reports that emergency department visits related to marijuana (for those of any age) increased in Colorado by 29 percent in the first year after legalization of personal possession and use (12,888 in 2013 versus 9,982 in 2012) and that was before stores selling recreational marijuana opened. On Colorado Public Radio, the head of Denver’s largest hospital emergency room said he’s seeing more people being admitted after consuming large quantities of edible marijuana in the form of cookies and other food. Dr. Richard Zane, head of the Department of Emergency Medicine at the University of Colorado Hospital, says the increase coincides with the legalization of recreational marijuana.

Last, the Center for Tobacco Control Research and Education examined the California 2016 ballot issue of Marijuana Legalization. In their February 2016 report, they argued that marijuana regulations in California should be modeled on the California Tobacco Control Program, which has successfully countered the lobbying and marketing tactics of the tobacco industry. They said the California Department of Public Health should be the lead regulatory agency of the retail marijuana market. The AUMA initiative grants broad authority to the Department of Consumer Affairs, rather than the California Department of Public Health. It should be noted that the Department of Consumer Affairs is an agency tasked with serving consumers by creating a competitive market place for businesses, rather than focusing on public health.

Youth Impact

Many Proposition 64 opponents argue that legalization of recreational marijuana will significantly impact the youth population. According to the 2015 HIDTA report, Marijuana medical centers currently outnumber Starbucks coffee shops and recreational marijuana stores outnumber McDonald’s restaurants in Colorado. As a result, HIDTA is concerned that the proliferation of availability, use, and sales creates an environment that encourages social acceptance and the use of marijuana.

In 2015 the American Academy of Pediatrics stated that, “The AAP opposes legalization of marijuana because of the potential harms to children and adolescents.”

In Colorado, there was a 20% increase in the percent of 12-17 year old probationers testing positive for marijuana since marijuana was legalized for recreational purposes (HIDTA). Additionally, drug related suspensions/expulsions in Colorado increased 40 percent from 2008 through 2014. The vast majority were for marijuana violations (HIDTA).

CONCLUSION

There are many arguments on both sides of the marijuana legalization debate. The purpose of this report is to provide a brief summary of the points of view that surround this issue to provide Council with a framework for a policy discussion.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Consider approval of Resolution No. 1922 opposing Proposition 64, known as the Adult Use of Marijuana Act.

<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
City of Whittier Letter of Opposition, dated August 1, 2016.....	5
Resolution No. 1922	7
References and Sources	9



City of Whittier

13230 Penn Street, Whittier, California 90602-1772
(562) 567-9999 www.cityofwhittier.org

August 1, 2016

Joe Vinatieri
Mayor

Bob Henderson
Mayor Pro Tem

Cathy Warner
Council Member

Josué Alvarado
Council Member

Fernando Dutra
Council Member

Jeffrey W. Collier
City Manager

The Honorable Ian Calderon
Majority Leader, District 57
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0057

Dear Majority Leader Calderon:

RE: Parker Initiative – OPPOSE

On July 12, 2016, the Whittier City Council unanimously voted to oppose the Control, Regulate, and Tax Adult Use of Marijuana Act, commonly known as the Parker Initiative.

The Parker Initiative, a marijuana legalization measure, will be on the November 2016 statewide ballot. The Initiative allows those with serious criminal histories to apply for licensure to sell marijuana. The measure specifically provides that persons convicted of dealing drugs including heroin, cocaine, methamphetamine, or PCP cannot be denied a marijuana business license based on these convictions. This provision is particularly concerning to Whittier due to the anticipated impact on our community.

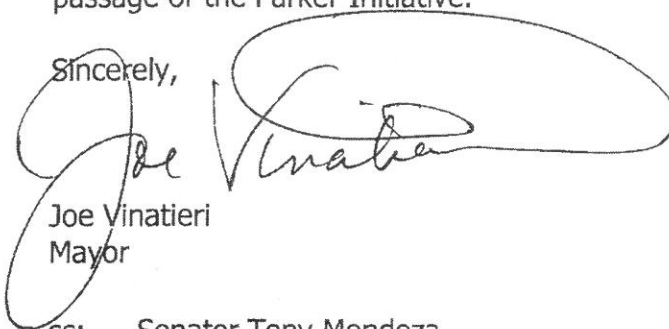
California's existing marijuana policy was set last year when voters approved the Medical Marijuana Regulation and Safety Act, the result of thousands of hours of negotiations among local government, industry stakeholders, and law enforcement. The measure created what was defined as a safe, manageable industry while incentivizing illicit operators to come into compliance. We agree with the California Police Chiefs Association that the Parker Initiative would encourage unrestricted marijuana monopolies while further incentivizing the illicit drug economy.

Additionally, the Parker Initiative weakens local government's ability to influence commercial marijuana activity and marijuana cultivation.

Page Two
Majority Leader Calderon
August 1, 2016

The Whittier City Council respectfully requests that you join the Council in opposing passage of the Parker Initiative.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Vinatieri", is written over a large, loopy oval scribble.

Joe Vinatieri
Mayor

cc: Senator Tony Mendoza
Whittier City Council
League of California Cities
California Police Chiefs Association

RESOLUTION NO. 1922

A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF SCOTTS VALLEY OPPOSING THE ADULT USE OF MARIJUANA INITIATIVE — COMMERCIAL SALES OF NON MEDICAL MARIJUANA BALLOT MEASURE

WHEREAS, we are committed to the success and positive future of our community youth, and to the health and safety of our citizens; and

WHEREAS, we support efforts to decrease and prevent youth use of and exposure to non-medical marijuana and other drugs; and

WHEREAS, marijuana use can be harmful to the adolescent brain, affecting the parts of the brain that influence pleasure, memory, thinking, concentration, sensory and time perception, and coordinated movement; and

WHEREAS, a ballot measure titled the "Adult Use of Marijuana" to permit commercial sales of non-medical marijuana in California will be on the November 2016 General Election ballot, and

WHEREAS, analysis of the "Adult Use of Marijuana" initiative by the San Diego District Attorney's office points out, "The initiative allows persons convicted of dealing large amounts of controlled substances such as heroin (up to 20,000 individual doses), methamphetamine (up to 10,000 individual doses) to become 'legal marijuana dealers; and

WHEREAS, the analysis further notes that the initiative permits convicted felony drug dealers who have used children to courier drugs to an adult buyer to be eligible to apply for a California marijuana license; and

WHEREAS, there are no provisions in the initiative to prevent advertising and marketing to children and teens near parks, community centers, child-focused businesses, and community colleges; and

WHEREAS, the HIDTA statistics for marijuana use in Colorado teens ages 12-17 are 74% above the national average; and

WHEREAS, the initiative allows for the indoor growing of up to six marijuana plants per residence and each plant requires 6 gallons of water per day in a state that is currently battling a drought; and

WHEREAS, in Colorado, where non-medical marijuana is legal and commercialized, marijuana-related traffic deaths increased 92% from 2010 to 2014 while all traffic deaths increased only 8 percent during the same time period; and

WHEREAS, a study released in May 2016 by AAA Foundation for Traffic Research found that Fatal crashes involving drivers who recently used marijuana doubled in Washington after the state legalized the drug.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Scotts Valley opposes the "Adult Use of Marijuana" California ballot measure to permit commercialization of non-medical marijuana.

This resolution was duly and regularly adopted and passed by the City Council of the City of Scotts Valley, California, at a regular meeting thereof held on the 17th day of August, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Donna Lind, Mayor

ATTEST: _____
Tracy Ferrara, City Clerk

REFERENCES AND SOURCES

"Research Report Series: Marijuana," National Institute of Health, National Institute on Drug Abuse; July 2012.

For quick reference, see "Drug Facts: Marijuana": National Institute of Health, National Institute on Drug Abuse; January 2014, available at:

<https://www.drugabuse.gov/publications/drugfacts/marijuana>.

California Healthy Kids Survey (need exact citation)

"Research Report Series: Marijuana," National Institute of Health, National Institute on Drug Abuse; July 2012.

For quick reference, see "Drug Facts: Marijuana": National Institute of Health, National Institute on Drug Abuse; January 2014, available at:

<https://www.drugabuse.gov/publications/drugfacts/marijuana>.

<http://www.acpeds.org/marijuana-use-detrimental-to-youth>

<http://www.rmhidta.org/htm1/2015%20FINAL%20LEGALIZATION%20F%20MARIJUANA%201N%2000LORADO%20THE%20IMPACT.pdf>

ARIZONA REFERENCES

"Research Report Series: Marijuana," National Institute of Health, National Institute on Drug Abuse; July 2012.

For quick reference, see "Drug Facts: Marijuana": National Institute of Health, National Institute on Drug Abuse; January 2014, available at:

<https://www.drugabuse.gov/publications/drugfacts/marijuana>.

"Arizona Youth Survey: State Report," Arizona Criminal Justice Commission, 2012; p. 32.

For quick reference, see "Arizona Youth Survey 2012: Marijuana Data Brief."

"Research Report Series: Marijuana," National Institute of Health, National Institute on Drug Abuse; July 2012.

For quick reference, see "Drug Facts: Marijuana": National Institute of Health, National Institute on Drug Abuse; January 2014, available at:

<https://www.drugabuse.gov/publications/drugfacts/marijuana>

** Meier, Madeline H.; Caspi, Avshalom, et. al., "Persistent Cannabis Users Show Neuropsychological Decline From Childhood to Midlife," *Proceeding of the National Academy of Sciences of the United States of America*, vol. 109 no. 40; October 2, 2012.

Calkins, Kathryn, "Early Onset, Regular Cannabis Use Is Linked to IQ Decline," National Institute on Drug Abuse; August 13, 2013.

Accompanying video presentation by Dr. Madeline Meier, located at:

<https://www.youtube.com/watch?v=gJXnxHYapbE>. "Marijuana's Lasting Effects on the Brain," National Institute on Drug Abuse; March 2013.

"Heavy marijuana users have abnormal brain structure and poor memory," Science Codex; December 6, 2013.

"Arizona Youth Survey: State Report," Arizona Criminal Justice Commission, 2012; p. 58. "Two New

Studies Conclude Marijuana Use Connected to College Failure," Community Anti-Drug Coalitions of America; March 28, 2013.

"Two New Studies Conclude Marijuana Use Connected to College Failure," Community Anti-Drug Coalitions of America; March 28, 2013.

"Is there a link between marijuana use and mental illness?" National Institute on Drug Abuse; July 2012.

MacDonald, Ann, "Teens who smoke pot at risk for later schizophrenia, psychosis," *Harvard Health*; March 7, 2011.

Bergland, Christopher, "Heavy Marijuana Use Alters Teenage Brain Structure," *Psychology Today*; December 16, 2013.

"Research Report Series: Marijuana." National Institute of Health, National Institute on Drug Abuse; July 2012.

For quick reference, see "Drug Facts: Marijuana": National Institute of Health, National Institute on Drug Abuse; January 2014, available at:
<https://www.drugabuse.gov/publications/drugfacts/marijuana>.

"Arizona Youth Survey: State Report," Arizona Criminal Justice Commission, 2012. For quick reference, see "Arizona Youth Survey 2012: Marijuana Data Brief."

"This prediction by the Arizona Criminal Justice Commission is an extrapolation based on the date included in the "Arizona Youth Survey: State Report," Arizona Criminal Justice Commission, 2012.

"Research Report Series: Marijuana," National Institute of Health, National Institute on Drug Abuse; July 2012.

For quick reference, see "Drug Facts: Marijuana": National Institute of Health, National Institute on Drug Abuse; January 2014, available at:
<https://www.drugabuse.gov/publications/drugfacts/marijuana>.

"How cannabis suppresses immune functions: cannabis compounds found to trigger unique immune cells which promote cancer growth," Wiley-Blackwell, *Science Daily*; November 26, 2010.

"Drug Facts: Drugged Driving," National Institute of Health, National Institute on Drug Abuse; October 2013.

"Drug Facts: Drugged Driving," National Institute of Health, National Institute on Drug Abuse; October 2013."

"The Public Health Consequences of Marijuana Legalization," White House Fact Sheet.

Kilmer, Beau, *et al.*, "Altered States? Assessing How Marijuana Legalization in California Could Influence Marijuana Consumption and Public Budgets," RAND Corp.; 2010.

"Marijuana in the Workplace," University of Washington, Alcohol & Drug Abuse Institute; August 2013.

"The Public Health Consequences of Marijuana Legalization," White House Fact Sheet.