A G E N D A

Meeting of the
Scotts Valley City Council

Date: October 17, 2018
Time: 6:00 pm

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066	The agenda was posted 10-5-18 at City Hall, SV Senior Center, SV Library and on the Internet at www.scottsvalley.org.

ELECTED OFFICIALS	CITY STAFF MEMBERS
Jim Reed, Mayor Jack Dilles, Vice Mayor Stephany E. Aguilar, Council Member Randy Johnson, Council Member Donna Lind, Council Member	Jenny Haruyama, City Manager Kirsten Powell, City Attorney Steve Walpole, Chief of Police Taylor Bateman, Community Development Director Tony McFarlane, Administrative Services Director Daryl Jordan, Public Works Director Tracy Ferrara, City Clerk

MEETING NOTICE AND AGENDA PACKET MATERIALS

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

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 PM

SPECIAL SET MATTER – MAYOR FOR A DAY

Mayor for a Day: Max Tempesta, Scotts Valley Middle School, 6th Grade

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

SPECIAL SET MATTER

Presentation on the Unified Corridor Study by Ginger Dykaar, Senior Transportation Planner for the Santa Cruz County Regional Transportation Commission.

COMMITTEE REPORTS

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

CITY MANAGER REPORT

PUBLIC COMMENT TIME

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

ALTERATIONS TO CONSENT AGENDA

Council can remove or add items to the Consent Agenda.

CONSENT AGENDA

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

A. Approve City Council minutes of 9-19-18

B. Approve check registers dated 9-14-18, 9-21-18, 10-1-18

C. Approve Resolution No. 1895.23, approving sidewalk and public access easement and dedication for APN's 023-031-91 (portion), 023-033-025 (portion), 023-041-09 (portion) and original Bethany Drive (portion), and authorize the City Manager to execute the deed agreement

D. Approve Resolution No. 1808.3, a resolution designating an area of Lundy Lane as a public right-of-way

E. King's Village Road Sidewalk Improvements Project:
   (1) Authorize a budget expenditure appropriation in the amount of $50,000 from Fund 155, Measure D - Sales Tax for Transportation; and
   (2) Approve agreement with Anderson Pacific Engineering Construction, Inc. for the Kings Village Road Sidewalk Improvements Project and authorize the City Manager to execute the agreement.

F. Approve Resolution No. 1956, a resolution of the City Council of the City of Scotts Valley approving Sidewalk and Public Access Easement Dedication for the Kings Village Road Sidewalk Improvements Project, APN 022-601-18 (portion)

G. Approve Resolution No. 1955, creating the job classification of Administrative Services Analyst, designating it as confidential, and adding the salary range to the salary schedule

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. Consider first reading and introduction of Ordinance No. 176.4, repealing and replacing Chapter 5.10 (Massage Establishments) of the Scotts Valley Municipal Code (Police Chief Walpole)

2. Future Council agenda items
   (This portion of the Regular Agenda allows the Council to determine items to be placed on a future agenda and to choose a date, if so desired.)

CONVENE TO CLOSED SESSION

CLOSED SESSION SUBJECT(S)

(1) Conference with labor negotiator re employee negotiations with Scotts Valley Police Bargaining Unit and Scotts Valley Police Supervisors Association.
   Legal Authority: Government Code Section 54957.6
   Name of Case: N/A
   Staff Present: City Manager, City Attorney, Administrative Services Director, Chief of Police, Labor Consultant

(2) Conference with legal counsel regarding liability claim.
   Legal Authority: Government Code Section 54961
   Name of Case: Majid Yamin
   Staff Present: City Manager, City Attorney, Administrative Services Director

RECONVENE TO OPEN SESSION

REPORT ON ACTION TAKE DURING CLOSED SESSION

ADJOURNMENT

ADA NOTICE

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

PROCEDURAL INFORMATION FOR THE PUBLIC

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

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

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

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

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

Unless otherwise determined by the presiding officer of the meeting:

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

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AGENDA ITEM A
DATE: 10-17-2018

M I N U T E S

Meeting of the
Scotts Valley City Council

Date: September 19, 2018
Time: 6:00 p.m.

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066	The agenda was posted at City Hall, SV Senior Center, SV Library and on the Internet at www.scottsvalley.org.

CALL TO ORDER 6:00 PM

The City Council meeting was called to order at 6:04 pm.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

ELECTED OFFICIALS PRESENT:	CITY STAFF MEMBERS PRESENT:
Jim Reed, Mayor Jack Dilles, Vice Mayor Stephany E. Aguilar, Council Member Randy Johnson, Council Member Donna Lind, Council Member	Jenny Haruyama, City Manager Kirsten Powell, City Attorney Steve Walpole, Chief of Police Taylor Bateman, Community Development Director Tony McFarlane, Administrative Services Director Daryl Jordan, Public Works Director Jessica Kahn, Civil Engineer Kristin Ard, Recreation Division Manager Tracy Ferrara, City Clerk

SPECIAL SET MATTERS

(1) CM Haruyama introduced the City's new Public Works Director/City Engineer, Daryl Jordan.

(2) Amelia Conlen, Transportation Planner for Ecology Action, gave a PowerPoint presentation on Santa Cruz County Safe Routes to Schools Planning. She stated that additional information is available at www.ecoact.org/planningcounty.

(3) RDM Ard and the Scotts Valley Arts Commission presented certificates to the winners of the 2018 Verse in the Valley Poetry Contest. Following are the winners:

K - 3rd Grades

1st place:	Olga Sofia Donaldson-Zanta	"Crow"
2nd place:	Annick Frost	"grass is wonderful"
2nd place:	Claire Sanders	"Spring"
3rd place:	Ryder Schwarzbach	"School"
3rd place:	Tessa Jefferies	"DOG!"

4th - 5th Grades

1st place:	Kyleigh Mace	"The Mountains"
2nd place:	Gabby Melehan	"Dear Nature"
3rd place:	Lola Sabin-Weights	"7 Islands"

Middle School

1st place:	Grayson Dean	"Guilt"
2nd place:	Hannah Bellavance	"Across the World to My Home"
3rd place:	Madeline Davis	"Dove Song"

High School

1st place:	Maile Sussman	"See You in Four Years"
2nd place:	Clem Peterson	"loss of youth"
3rd place:	Delaney Vokos	"Who I Am"

Adult Level

1st place:	Nancy Hofmann	"An Almost-Casual Reverence"
2nd place:	Kerry Emery	"Cats, Redwood Trees and God"
2nd place:	Kiana Lee	"Yin Yang"
3rd place:	Arfah Daud	"Growing Up in the Sixties and Seventies"

Poetry Book Art Contributors

Izzy Jones-Cruz
Anushka Mistry
Austin Long

COMMITTEE REPORTS

VM Dilles reported that he attended the Santa Cruz County Integrated Waste Management Local Task Force where they discussed changes to plastic recycling and organic waste.

VM Dilles reported that he attended the Seniors Council meeting where they discussed senior isolation. They also received a presentation from AARP and the need for livable senior communities.

CM Aguilar reported that she attended the 2018 League of California Cities Annual Conference where she attended workshops in negotiations, the public employees' retirement system, and sales tax measures throughout California.

CM Johnson reported that the Santa Cruz County Regional Transportation Commission is in the process of selecting a new Executive Director to replace George Donderro, who is retiring.

CITY MANAGER REPORT

Trivia on Tap: Join Santa Cruz Public Libraries as they host a bimonthly trivia night at Steel Bonnet Brewing Company in Scotts Valley. Bring your friends, form a team (or take it on solo), and compete against other groups to win the grand prize. Event occurs 1st and 3rd Thursdays of the month from 6:00 to 7:30 pm.

State of the City: The Senior Life Association is hosting a State of the City event at Montevalle on Saturday, September 22 from 1:00 to 3:00 pm. Speakers include Mayor Jim Reed, Police Chief Walpole, Fire Chief Kovacs, Piret Harmon, General Manager of the SV Water District, and Michelle Stewart, Director of Curriculum, Instruction and Assessment for the SV School District. Taylor Bateman, Community Development Director will serve as a speaker in my absence.

South Navarra Drive/Granite Creek Road Construction Work: Road repair work is scheduled for this Thursday, September 20 instead of next Monday. Expect some minor delays.

Police Annual Inspection Ceremony: The Scotts Valley Police Department's annual police inspection ceremony will be held next week on Thursday, September 27 at 8:00 am.

SVPD Explorer Annual Award Ceremony: The Police Explorer Award Ceremony will be held on Saturday, September 29, at 6:00 pm at the Community Center.

PG&E at Skypark: PG&E is using Santa Cruz parcel of the dirt lot located at Skypark as part of their wildfire vegetation management program, removing tree limbs that are near power lines. It is anticipated that PG&E will house their heavy equipment on the dirt lot through November.

ICMA: I will be attending the International City/County Management Association Conference next week, returning on Wednesday, September 26. I will also be a guest panel speaker, addressing gender bias in the workplace.

PUBLIC COMMENT TIME

Jane Brown, representing Ecology Action, the Green Business Council, and Green Business Network of California, announced that on October 2nd they are hosting a luncheon/meeting from 11:30 am to 1:00 pm in the Santa Margarita Room at the Scotts Valley Water District. This will meeting will be to educate business owners in the area on how they can become green business certified.

Jack Dilles reported on the League of California Cities he attended a workshop on engaging the public in the budget process and CEQA requirements as they relate to traffic.

ALTERATIONS TO CONSENT AGENDA

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

CONSENT AGENDA

A. Approve City Council minutes of 9-5-18

B. Approve check registers dated 8-31-18, 9-7-18

C. Approval documents for The Terrace Subdivision, Tract No. 1599, APN's 022-162-69 and 022-162-74:

(1) Approve Resolution No. 1910.4, approving the Final Map for The Terrace Subdivision, Tract No. 1599, APN's 022-162-69 and 022-162-74
(2) Approve Resolution No. 960.85, authorizing execution of the Subdivision Improvement Agreement for the Terrace Subdivision, Tract No. 1599, Scotts Valley Drive, APN's 022-162-69 and 022-162-74

D. Approve the First Supplement to the Amended and Restated Joint Exercise of Powers Agreement for the Santa Cruz Libraries Facilities Financing Authority (LFFA)

E. Approve the Site Rental Agreement between the City of Scotts Valley and the Vineyard Church, for the term November 1, 2018 through October 31, 2021, and authorize the City Manager to execute the agreement

F. Approve the Amendment to the Site Use Agreement between the City of Scotts Valley and the Scotts Valley/San Lorenzo Valley Soccer Club, for the use of Skypark and Siltanen Park, and authorize the City Manager to execute the Amendment

ALTERATIONS TO REGULAR AGENDA

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

REGULAR AGENDA

1. Provide direction regarding a recommendation from the Parks and Recreation Commission to maintain Skypark Court #3 as a shared tennis/pickleball court with some minor improvements and convert Court #4 to a permanent pickleball court

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

Mark Dettle, spoke regarding pickleball courts that are available throughout the County, and responded to questions from Council.

M/S: Aguilar/Dilles
To approve the recommendation from the Parks and Recreation Commission as follows: (1) Skypark Court 3 will remain a shared pickleball and tennis court and include the following recommended tennis related improvements: a) paint thinner pickleball lines; b) eliminate the crossover of pickleball lines over tennis lines; c) paint pickleball lines in blue or black; and (2) Skypark Court 4 will be converted to a permanent pickleball court.
Carried 5/0 (AYES: Aguilar, Dilles, Johnson, Lind, Reed)

2. **Future Council agenda items**

VM Dilles requested a future agenda item to discuss Council committee and commission structure and process.

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 7:28 p.m. to discuss the following items:

(1) Pursuant to Government Code Section 54957.6, the City Council met in closed session to confer with the labor negotiator regarding employee negotiations with Scotts Valley Police Bargaining Unit and Scotts Valley Police Supervisors Association.

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 7:55 p.m.

REPORT ON ACTION TAKE DURING CLOSED SESSION

Mayor Reed announced that there was nothing to report.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Approved: _____
Jim Reed, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk

SCOTTS VALLEY ACCOUNTS PAYABLE CITY OF SCOTTS VALLEY
09/13/2018 17:56:51 Check Register GL050S-V08.08 COVERPAGE
GL540R

Report Selection:

RUN GROUP... 091418 COMMENT... A/P AS 9/14/2018

DATA-JE-ID	DATA COMMENT
W-09142018-298	A/P AS 9/14/2018

Run Instructions:

Jobq	Banner	Copies	Form	Printer	Hold	Space	LPI	Lines	CPI	CP	SP	RT
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BANK	VENDOR	CHECK#	DATE	AMOUNT
BA GENERAL CHECKING ACCOUNT				
001219	ALHAMBRA	114424	09/14/18	106.96
001219	ALHAMBRA	114425	09/14/18	198.96
003497	ALVAREZ INDUSTRIES, INC	114426	09/14/18	1,111.00
000998	ASSOCIATED SERVICES CO.	114427	09/14/18	103.09
000097	AT&T	114428	09/14/18	9.34
001216	C & N TRACTORS	114429	09/14/18	438.90
000235	CIVIL CONSULTANTS GROUP	114430	09/14/18	5,659.51
000453	COLE-PARMER INSTRUMENT C	114431	09/14/18	196.21
002091	COMCAST	114432	09/14/18	275.24
002091	COMCAST	114433	09/14/18	167.58
002091	COMCAST	114434	09/14/18	323.23
003588	CONDUENT BUSINESS SVCS,	114435	09/14/18	1,734.47
000389	DASSEL'S PETROLEUM INC	114436	09/14/18	5,099.04
001362	DUNCAN AUTO TECH	114437	09/14/18	348.36
000054	EWING IRRIGATION PRODUCT	114438	09/14/18	471.38
003122	GOLDFARB LIPMAN ATTORNEY	114439	09/14/18	416.00
001828	GONZALES/GABE	114440	09/14/18	680.79
000895	GRANITE CONSTRUCTION CO	114441	09/14/18	140,300.00
000275	IFLAND ENGINEERS INC	114442	09/14/18	11,382.00
000934	JOHN'S ELECTRIC MOTOR SE	114443	09/14/18	30.00
001372	KURATOMI DDS/REED K	114444	09/14/18	96.80
001333	LARA/JESUS D	114445	09/14/18	103.55
000284	LOGAN & POWELL, LLP	114446	09/14/18	13,180.00
003011	LOPEZ/PAUL	114447	09/14/18	192.60
000195	MESITI-MILLER ENGINEERIN	114448	09/14/18	21,572.25
001418	MONTEREY REGIONAL	114449	09/14/18	575.40
000088	NORTH BAY FORD-LINCOLN-	114450	09/14/18	312.84
001872	NORTH CENTRAL LABORATORI	114451	09/14/18	21.56
001615	OLIN CORP-CHLOR ALKALI	114452	09/14/18	1,926.16
000101	PACIFIC GAS & ELECTRIC C	114453	09/14/18	16.58
003152	PETERSON POWER SYSTEMS,	114454	09/14/18	1,385.48
000723	PIED PIPER INC./THE	114455	09/14/18	121.00
001894	S.V. WATER DISTRICT - BU	114456	09/14/18	8.22
001823	SANTA CRUZ CO ENVIRONMEN	114457	09/14/18	2,366.00
001823	SANTA CRUZ CO ENVIRONMEN	114458	09/14/18	1,187.00
000126	SANTA CRUZ FIRE EQUIPMEN	114459	09/14/18	449.88
000820	SANTA CRUZ/COUNTY OF	114460	09/14/18	39.50
000130	SCOTTS VALLEY FIRE DISTR	114461	09/14/18	605.00
001487	STEVENSON'S LANDSCAPING	114462	09/14/18	250.00
001560	TRITON CONSTRUCTION	114463	09/14/18	75.00
001366	U.S. BANCORP OFFICE	114464	09/14/18	342.81
.15299	VALLEY PHYSICAL THERAPY	114465	09/14/18	21.10
001106	VERIZON WIRELESS	114466	09/14/18	1,449.11
002021	ZOOM	114467	09/14/18	839.37
GENERAL CHECKING ACCOUNT				216,189.27 ***

BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				216,189.27

RECORDS PRINTED - 000074

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
001	GENERAL	65,889.28
002	RECYCLING/ENVIRONMENTAL	16.50
004	RECREATION	1,303.52
010	WASTEWATER OPERATIONS	7,457.23
011	TERTIARY TREATMENT PLANT	196.21
028	SENIOR CENTER	482.26
031	STP EXCHANGE PROJECTS	140,300.00
112	DENTAL INS INTERNAL SERV	289.40
123	COMMUNITY FACILITY CENTER	254.87
TOTAL ALL FUNDS		216,189.27

BANK RECAP:

BANK	NAME	DISBURSEMENTS
BA	GENERAL CHECKING ACCOUNT	216,189.27
TOTAL ALL BANKS		216,189.27

Report Selection:

RUN GROUP... 092118 COMMENT... A/P AS OF SEPT 21 2018

DATA-JE-ID	DATA COMMENT
W-09212018-311	A/P AS OF SEPT 21 2018

Run Instructions:

Jobq	Banner	Copies	Form	Printer	Hold	Space	LPI	Lines	CPI	CP	SP	RT
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BANK	VENDOR	CHECK#	DATE	AMOUNT
BA GENERAL CHECKING ACCOUNT				
003544	ADAMS/PHILIP	114468	09/21/18	809.00
001405	AFLAC-FLEX ONE	114469	09/21/18	3,284.70
001626	AGUILAR/STEPHANY	114470	09/21/18	165.62
000627	ALVAREZ/JOSE F.	114471	09/21/18	146.48
001670	AT &T	114472	09/21/18	302.14
000097	AT&T	114473	09/21/18	157.91
001593	BENEDICT DDS/NANETTE	114474	09/21/18	497.50
001786	BEWICK/KENNETH	114475	09/21/18	960.00
000107	BIRT/DUSTIN	114476	09/21/18	162.94
003385	BLUE LINE LEARNING GROUP	114477	09/21/18	480.00
001216	C & N TRACTORS	114478	09/21/18	689.41
001017	C.W.E.A.	114479	09/21/18	188.00
001017	C.W.E.A.	114480	09/21/18	188.00
000773	CENTRAL COAST LANDSCAPE	114481	09/21/18	1,503.50
001051	COASTAL EVERGREEN CORP	114482	09/21/18	1,400.00
003043	CSG CONSULTANTS, INC	114483	09/21/18	3,140.47
001920	DASH MEDICAL GLOVES	114484	09/21/18	156.75
000207	DEPARTMENT OF JUSTICE	114485	09/21/18	212.00
003707	DILLES/JACK	114486	09/21/18	162.27
001362	DUNCAN AUTO TECH	114487	09/21/18	208.75
001537	DYNAMIC PRESS	114488	09/21/18	91.88
000375	FIRST ALARM SECURITY & P	114489	09/21/18	60.35
003154	FLANNERY/MARLENE	114490	09/21/18	128.61
001782	FLORES/CARLOS	114491	09/21/18	86.40
001392	FONG/MICHAEL DDS	114492	09/21/18	318.25
000615	HOHMANN/PATRICK J.	114493	09/21/18	232.50
001308	JOHNSON DDS/BRETT	114494	09/21/18	267.20
001903	JONES/KIMARIE	114495	09/21/18	68.74
003701	JORDAN/DARYL	114496	09/21/18	44.55
003592	KAHN/JESSICA	114497	09/21/18	130.00
003292	KIMLEY-HORN & ASSOCIATES	114498	09/21/18	1,485.75
003292	KIMLEY-HORN & ASSOCIATES	114499	09/21/18	1,634.33
003292	KIMLEY-HORN & ASSOCIATES	114500	09/21/18	6,690.61
001660	KING/KATI	114501	09/21/18	65.00
000066	KING'S PAINT & PAPER	114502	09/21/18	97.45
000873	LEDYARD COMPANY	114503	09/21/18	212.29
001673	LINCOLN FINANCIAL GROUP	114504	09/21/18	1,445.59
003403	MAR-KEN INTERNATIONAL PO	114505	09/21/18	520.00
003171	MICHALAK/GENE	114506	09/21/18	110.00
003685	MONTEREY BAY ANALYTICAL	114507	09/21/18	445.00
000967	MONTEREY BAY SYSTEMS	114508	09/21/18	1,226.42
000323	NBS GOVERNMENT FINANCE G	114509	09/21/18	2,683.44
001872	NORTH CENTRAL LABORATORI	114510	09/21/18	364.92
001615	OLIN CORP-CHLOR ALKALI	114511	09/21/18	1,882.60
000101	PACIFIC GAS & ELECTRIC C	114512	09/21/18	61.31
002063	PATEL-CROSKREY/DARSHANA	114513	09/21/18	43.06
001857	PHOENIX GROUP	114514	09/21/18	220.70
001039	POSTON/ED	114515	09/21/18	936.00

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA GENERAL CHECKING ACCOUNT					
000201	SAFETY-KLEEN CORP	114516	09/21/18	10.00	
001823	SANTA CRUZ CO ENVIRONMEN	114517	09/21/18	3,222.00	
001364	SANTA CRUZ COUNTY	114518	09/21/18	35,037.00	
001533	SANTA CRUZ COUNTY BANK	114519	09/21/18	4,365.56	
001533	SANTA CRUZ COUNTY BANK	114520	09/21/18	3,013.70	
003658	SANTA CRUZ OCCUPATIONAL	114521	09/21/18	1,140.00	
000133	SCOTTS VALLEY SPRINKLER	114522	09/21/18	40.06	
001535	SKIP'S TIRE & AUTO CENTE	114523	09/21/18	356.65	
003674	SLOAN SAKAI YEUNG & WONG	114524	09/21/18	5,562.96	
003670	SMITH/PATRICK	114525	09/21/18	527.00	
003599	SUN BADGE CO	114526	09/21/18	206.66	
000882	SUPERIOR ALARM COMPANY	114527	09/21/18	487.50	
001085	SYCAL ENGINEERING INC	114528	09/21/18	4,373.81	
001560	TRITON CONSTRUCTION	114529	09/21/18	75.00	
003145	WAGE WORKS	114530	09/21/18	149.00	
.15300	WILLBANKS/TIMOTHY	114531	09/21/18	1,022.00	
GENERAL CHECKING ACCOUNT				95,957.29	***

BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				95,957.29

RECORDS PRINTED - 000106

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
001	GENERAL	64,005.94
004	RECREATION	3,964.89
010	WASTEWATER OPERATIONS	8,998.53
011	TERTIARY TREATMENT PLANT	445.00
012	WASTEWATER CAPITAL RESERVE	2,256.31
025	GENERAL TRUST	9,810.69
028	SENIOR CENTER	385.55
050	PINEWOOD EST LNDSCP MAINT DT	1,503.50
077	SKYPARK MAINT ASSESS DIST	500.00
090	SV DRIVE A REDEMPTION	2,683.44
112	DENTAL INS INTERNAL SERV	1,401.85
123	COMMUNITY FACILITY CENTER	1.59
TOTAL ALL FUNDS		95,957.29

BANK RECAP:

BANK	NAME	DISBURSEMENTS
BA	GENERAL CHECKING ACCOUNT	95,957.29
TOTAL ALL BANKS		95,957.29

Report Selection:

RUN GROUP... 100118 COMMENT... A/P AS OF OCT 1, 2018

DATA-JE-ID	DATA COMMENT
W-10012018-324	A/P AS OF OCT 1, 2018

Run Instructions:

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

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA GENERAL CHECKING ACCOUNT				
003457	ADAMS/TROY	114532	10/01/18	30.00
000620	ALVAREZ/TONY	114533	10/01/18	20.00
000596	ANDERSON/KENNETH D.	114534	10/01/18	859.39
001009	ARD/KRISTIN	114535	10/01/18	30.00
000565	BANK OF NEW YORK MELLON/	114536	10/01/18	2,700.00
001373	BAY TREE, LLC	114537	10/01/18	3,620.38
001593	BENEDICT DDS/NANETTE	114538	10/01/18	660.00
001786	BEWICK/KENNETH	114539	10/01/18	90.00
000107	BIRT/DUSTIN	114540	10/01/18	20.00
000500	BOLANOS/DORENE	114541	10/01/18	20.00
000021	BOWMAN & WILLIAMS	114542	10/01/18	2,183.75
000437	BRASS KEY LOCKSMITH	114543	10/01/18	58.76
000773	CENTRAL COAST LANDSCAPE	114544	10/01/18	383.00
001537	DYNAMIC PRESS	114545	10/01/18	370.59
000098	ESCALON SERVICES	114546	10/01/18	2,618.45
003035	FELTON DENTAL CENTER	114547	10/01/18	210.00
000582	FERRARA/TRACY A.	114548	10/01/18	30.00
003253	FIRST ALARM	114549	10/01/18	117.42
001828	GONZALES/GABE	114550	10/01/18	20.00
003706	GRANADOS/JUSTIN	114551	10/01/18	20.00
000615	HOHMANN/PATRICK J.	114552	10/01/18	20.00
001246	JOINER DDS/MARK	114553	10/01/18	205.50
001903	JONES/KIMARIE	114554	10/01/18	20.00
003592	KAHN/JESSICA	114555	10/01/18	30.00
000569	LIFE ASSIST	114556	10/01/18	206.23
003011	LOPEZ/PAUL	114557	10/01/18	435.60
001591	MARKELL/ROD	114558	10/01/18	1,974.00
001815	MC GRATH/TRISH	114559	10/01/18	20.00
003691	MMANC	114560	10/01/18	75.00
.15301	PERKO/HEATHER	114561	10/01/18	248.55
001787	PETRINI'S GARDENING SERV	114562	10/01/18	75.00
000918	PETTY CASH-JEANETTE ROLA	114563	10/01/18	130.00
003323	POMPETTE/NICOLE	114564	10/01/18	20.00
001097	PRODESSE PROPERTY GROUP	114565	10/01/18	3,523.52
001917	PURE VALLEY WATER, INC	114566	10/01/18	331.95
000463	RALEY'S	114567	10/01/18	604.87
001563	ROBINSON DDS/RICHARD N	114568	10/01/18	86.40
000135	SAN LORENZO VALLEY WATER	114569	10/01/18	28.27
003055	SANTA CRUZ CHILDREN'S	114570	10/01/18	303.20
000122	SANTA CRUZ/CITY OF	114571	10/01/18	2,057.68
000122	SANTA CRUZ/CITY OF	114572	10/01/18	2,057.68
000122	SANTA CRUZ/CITY OF	114573	10/01/18	2,370.55
000122	SANTA CRUZ/CITY OF	114574	10/01/18	2,231.11
001586	SCOTTS VALLEY CLEANERS	114575	10/01/18	352.00
000130	SCOTTS VALLEY FIRE DISTR	114576	10/01/18	1,737.55
002053	STEPFORD	114577	10/01/18	21,946.67
003699	THOMAS/PHILIP	114578	10/01/18	20.00
001831	USA BLUE BOOK	114579	10/01/18	379.57

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA GENERAL CHECKING ACCOUNT					
003008	WILLIAMS/JESSE	114580	10/01/18	20.00	
000154	WINCHESTER AUTO STORES	114581	10/01/18	117.93	
003708	YORK FRAMING	114582	10/01/18	29.81	
002021	ZOOM	114583	10/01/18	12.38	
GENERAL CHECKING ACCOUNT				55,732.76	***

BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				55,732.76

RECORDS PRINTED - 000080

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
001	GENERAL	32,739.29
004	RECREATION	276.59
010	WASTEWATER OPERATIONS	9,634.12
011	TERTIARY TREATMENT PLANT	379.57
019	AFFORDABLE HOUSING	1,974.00
023	SVRDA SUCCESSOR AGENCY	7,143.90
028	SENIOR CENTER	879.65
031	STP EXCHANGE PROJECTS	276.25
050	PINEWOOD EST LNDSCP MAINT DT	411.27
112	DENTAL INS INTERNAL SERV	1,900.70
123	COMMUNITY FACILITY CENTER	117.42
TOTAL ALL FUNDS		55,732.76

BANK RECAP:

BANK	NAME	DISBURSEMENTS
BA	GENERAL CHECKING ACCOUNT	55,732.76
TOTAL ALL BANKS		55,732.76

AGENDA ITEM C
DATE: 10-17-2018

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: October 17, 2018

TO: Honorable Mayor and City Council

FROM: Daryl Jordan, Public Works Director/City Engineer

APPROVED: Jenny Haruyama, City Manager

SUBJECT: **RESOLUTION ACCEPTING THE EASEMENTS OFFERED BY 1440 FOR SIDEWALK AND PEDESTRIAN ACCESS ALONG PORTIONS OF BETHANY DRIVE, APN'S 023-031-19 (PORTION), 023-033-05 (PORTION), 023-041-09 (PORTION), ORIGINAL BETHANY DRIVE (PORTION)**

SUMMARY OF ISSUE

1440 DEVCO LLC realigned Bethany Drive as part of the construction of the 1440 Multiversity project. A realigned 50 foot right-of-way was offered for dedication and accepted by the City. The realignment of Bethany Drive project was completed.

During construction, 1440 chose to meander the sidewalk slightly outside the approved right-of way. These modifications were made for aesthetic purposes or construction necessity. To resolve these issues, 5 small public access easements are being offered to the City to incorporate these areas.

The City has entered into an agreement whereby 1440 agrees to maintain all areas of this specialized sidewalk. Any City standard sidewalk would continue to remain the maintenance responsibility of the City.

FISCAL IMPACT

There is no fiscal impact associated with this action. While the easements will be public, the Grantor will be responsible for all required maintenance and repair of these specific areas. These obligations have been recorded in the maintenance agreement.

STAFF RECOMMENDATION

It is recommended that the City Council approve Resolution No. 1895.23, accepting the easements offered by 1440, for sidewalk and pedestrian access along portions of Bethany Drive, and authorize the City Manager to execute the deed agreement.

TABLE OF CONTENTS PAGE

Resolution No. 1895.23 ……... 2

RESOLUTION NO. 1895.23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY APPROVING SIDEWALK AND PUBLIC ACCESS EASEMENT DEDICATION FOR APN 023-031-19 (PORTION), 023-033-05 (PORTION), 023-041-09 (PORTION), ORIGINAL BETHANY DRIVE (PORTION)

BE IT RESOLVED by the City Council of Scotts Valley (The "City") that the grant of easement, a copy of which is attached hereto as Exhibit A is hereby incorporated by reference. The easement was provided to the City from 1440, DEVCO LLC, A California Limited Liability Company ("Grantor"), for the location and use of pedestrian access and is hereby accepted. The easement rights herein granted shall include reasonable access over and across the Servient Estate by the Grantee, its agents, contractors and employees and provide the Public Access Easement Area for sidewalks, pedestrian access and use.

BE IT FURTHER RESOLVED that the City Clerk is directed to certify said acceptance on said deed and have the same recorded in the Office of the County Recorder for the County of Santa Cruz.

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 day of October, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____
Jim Reed, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk

EXHIBIT A

No recording fee per Gov. Code Sec. 27383

RECORDING REQUESTED BY & WHEN RECORDED MAIL TO:

City of Scotts Valley
Attn: City Clerk
One Civic Center Drive
Scotts Valley, Ca. 95066

EASEMENT DEED

1440 DEVCO, LLC, a California limited liability corporation does hereby grant to the **CITY OF SCOTTS VALLEY**, a municipal corporation, an easement for **SIDEWALK AND PEDESTRIAN ACCESS PURPOSES**, over, upon along, across, the real property situated in the City of Scotts Valley, County of Santa Cruz, State of California, described as follows:

Legal Description attached as **Exhibit B** and made a part hereof.

Signature: _____ *Date* 9/24/18
Scott Kriens, Founder

Signature: _____ *Date:* _____
Jenny D. Haruyama, City Manager

ALL-PURPOSE ACKNOWLEDGMENT

Title of Document: EASEMENT DEED

Date of Document: SEPTEMBER 26, 2018

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

State of California)
)ss.
County of SANTA CRUZ)

On 26 SEPTEMBER 2018 before me, JO ANN HILL, Notary Public,
personally appeared SCOTT KRIENS

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

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

WITNESS my hand and official seal.

Signature _____

JO ANN HILL
Commission # 2081715
Notary Public - California
Santa Clara County
My Comm. Expires Oct 4, 2018

FOR NOTARY STAMP

EXHIBIT B

SIDEWALK & PEDESTRIAN ACCESS EASEMENT

LEGAL DESCRIPTION

SITUATE IN THE CITY OF SCOTTS VALLEY, RANCHO SAN AUGUSTINE, COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

PARCEL A

BEING AN EASEMENT FOR SIDEWALK AND PEDESTRIAN ACCESS PURPOSES OVER A PORTION OF LOT 178, AS SHOWN ON THE MAP ENTITLED, "TRACT MAP NO. 77, BETHANY PARK ASSEMBLIES OF GOD CAMPGROUND", FILED FOR RECORD ON JANUARY 12, 1948 IN VOLUME 28 OF MAPS, AT PAGE 71, SANTA CRUZ COUNTY RECORDS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY SIDELINE OF THE REALIGNED BETHANY DRIVE AS DESCRIBED IN THE OFFER OF DEDICATION FILED FOR RECORD ON JULY 30, 2018, AT DOCUMENT NUMBER 2018 – 0023185, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, FROM WHICH THE MOST NORTHEASTERLY CORNER OF SAID LOT 178, BEARS ALONG THE NORTHWESTERLY SIDELINE OF SAID REALIGNED BETHANY DRIVE THE FOLLOWING COURSES: NORTHEASTERLY ALONG SAID REALIGNED BETHANY DRIVE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 1025.00 FEET AND A RADIAL BEARING OF NORTH 36° 16' 23" WEST, THROUGH A CENTRAL ANGLE OF 00° 21' 15", AN ARC LENGTH OF 6.34 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 225.00 FEET, THROUGH A CENTRAL ANGLE OF 01° 43' 54", AN ARC LENGTH OF 6.80 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 178; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 178, NORTH 42° 39' 00" WEST 67.31 FEET DISTANT; THENCE FROM SAID POINT OF BEGINNING, SOUTHWESTERLY ALONG THE NORTHWESTERLY SIDELINE OF SAID REALIGNED BETHANY DRIVE, ON A CURVE TO THE LEFT HAVING A RADIUS OF 1025.00 FEET, THROUGH A CENTRAL ANGLE OF 01° 40' 11", AN ARC LENGTH OF 29.87 FEET; THENCE LEAVING THE NORTHWESTERLY SIDELINE OF SAID REALIGNED BETHANY DRIVE, NORTH 13° 42' 15" EAST 9.60 FEET, NORTH 51° 33' 43" EAST 14.85 FEET AND SOUTH 86° 53' 45" EAST 9.93 FEET TO THE POINT OF BEGINNING.

PARCEL B

BEING AN EASEMENT FOR SIDEWALK AND PEDESTRIAN ACCESS PURPOSES OVER A PORTION OF LOT 177, AS SHOWN ON THE MAP ENTITLED, "TRACT MAP NO. 77, BETHANY PARK ASSEMBLIES OF GOD CAMPGROUND", FILED FOR RECORD ON JANUARY 12, 1948 IN VOLUME 28 OF MAPS, AT PAGE 71, SANTA CRUZ COUNTY RECORDS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 177, FROM WHICH THE MOST SOUTHWESTERLY CORNER OF SAID LOT 177, BEARS NORTH 76° 55' 00" WEST, 10.30 FEET DISTANT; THENCE LEAVING THE SOUTHWESTERLY LINE OF SAID LOT 177, NORTH 58° 34' 43" EAST 14.84 FEET TO A STATION ON THE NORTHWESTERLY SIDELINE OF THE REALIGNED BETHANY DRIVE AS DESCRIBED IN THE OFFER OF DEDICATION FILED FOR RECORD ON JULY 30, 2018, AT DOCUMENT NUMBER 2018 – 0023185, OFFICIAL RECORDS OF SANTA CRUZ COUNTY; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY SIDELINE OF SAID REALIGNED BETHANY DRIVE, ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 225.00 FEET AND A RADIAL BEARING OF NORTH 49° 17' 26" WEST, THROUGH A CENTRAL ANGLE OF 02° 57' 01", AN ARC LENGTH OF 11.59 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 177; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 177, NORTH 76° 55' 00" WEST OF 5.47 FEET TO THE POINT OF BEGINNING.

PARCEL C

BEING AN EASEMENT FOR SIDEWALK AND PEDESTRIAN ACCESS PURPOSES OVER A PORTION OF LOT 228, AS SHOWN ON THE MAP ENTITLED, "TRACT MAP NO. 77, BETHANY PARK ASSEMBLIES OF GOD CAMPGROUND", FILED FOR RECORD ON JANUARY 12, 1948 IN VOLUME 28 OF MAPS, AT PAGE 71, SANTA CRUZ COUNTY RECORDS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LOT 228, FROM WHICH THE MOST NORTHWESTERLY CORNER OF SAID LOT 228, BEARS NORTH 76° 55' 00" WEST, 37.14 FEET DISTANT; THENCE LEAVING THE NORTHERLY LINE OF SAID LOT 228, SOUTH 02° 19' 29" EAST 36.68 FEET TO A STATION ON THE NORTHWESTERLY SIDELINE OF THE REALIGNED BETHANY DRIVE AS DESCRIBED IN THE OFFER OF DEDICATION FILED FOR RECORD ON JULY 30, 2018, AT DOCUMENT NUMBER 2018 – 0023185, OFFICIAL RECORDS OF SANTA CRUZ COUNTY; THENCE NORTHEASTERLY ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 265.00 FEET AND A RADIAL BEARING OF SOUTH 67° 37' 20" EAST, THROUGH A CENTRAL ANGLE OF 03° 16' 36", AN ARC LENGTH OF 15.15 FEET TO A POINT OF REVERSE CURVATURE; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 225.00 FEET, THROUGH A CENTRAL ANGLE OF 05° 14' 30", AN ARC LENGTH OF 20.58 FEET TO THE NORTHERLY LINE OF SAID LOT 228; THENCE NORTHWESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 228, NORTH 76° 55' 00" WEST 14.86 FEET TO THE POINT OF BEGINNING.

PARCEL D

BEING AN EASEMENT FOR SIDEWALK AND PEDESTRIAN ACCESS PURPOSES OVER A PORTION OF LOT 228, AS SHOWN ON THE MAP ENTITLED, "TRACT MAP NO. 77, BETHANY PARK ASSEMBLIES OF GOD CAMPGROUND", FILED FOR RECORD ON JANUARY 12, 1948 IN VOLUME 28 OF MAPS, AT PAGE 71, SANTA CRUZ COUNTY RECORDS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHEASTERLY CORNER OF SAID LOT 228; THENCE NORTHWESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 228, NORTH 76° 55' 00" WEST 5.13 FEET TO A STATION ON THE SOUTHEASTERLY SIDELINE OF THE REALIGNED BETHANY DRIVE AS DESCRIBED IN THE OFFER OF DEDICATION FILED FOR RECORD ON JULY 30, 2018, AT DOCUMENT NUMBER 2018 – 0023185, OFFICIAL RECORDS OF SANTA CRUZ COUNTY; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY SIDELINE OF SAID REALIGNED BETHANY DRIVE ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 175.00 FEET AND A RADIAL BEARING OF NORTH 62° 22' 39" WEST, THROUGH A CENTRAL ANGLE OF 02° 55' 57", AN ARC LENGTH OF 8.96 FEET; THENCE LEAVING THE SOUTHEASTERLY SIDELINE OF SAID REALIGNED BETHANY DRIVE, NORTH 74° 31' 57" EAST 6.75 FEET, NORTH 29° 31' 57" EAST 6.22 FEET TO THE NORTHWESTERLY LINE OF LOT 227, AS SHOWN ON SAID TRACT MAP; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 227, SOUTH 61° 44' 00" WEST 0.71 FEET TO THE POINT OF BEGINNING

PARCEL E

BEING AN EASEMENT FOR SIDEWALK AND PEDESTRIAN ACCESS PURPOSES OVER A PORTION OF PARCEL IV OF THE LANDS CONVEYED TO 1440 DEVCO LLC, BY DEED RECORDED ON JUNE 30, 2014, AT DOCUMENT NUMBER 2014–0020976, OFFICIAL RECORDS OF SANTA CRUZ COUNTY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY SIDELINE OF THE REALIGNED BETHANY DRIVE AS DESCRIBED IN THE OFFER OF DEDICATION FILED FOR RECORD ON JULY 30, 2018, AT DOCUMENT NUMBER 2018 – 0023185, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, FROM WHICH THE MOST NORTHWESTERLY CORNER OF LOT 228, AS SHOWN ON THE MAP ENTITLED, "TRACT MAP NO. 77, BETHANY PARK ASSEMBLIES OF GOD CAMPGROUND", FILED FOR RECORD ON JANUARY 12, 1948 IN VOLUME 28 OF MAPS, AT PAGE 71, SANTA CRUZ COUNTY RECORDS, BEARS ALONG THE NORTHWESTERLY SIDELINE OF SAID REALIGNED BETHANY DRIVE THE FOLLOWING COURSES: NORTHEASTERLY ALONG SAID REALIGNED BETHANY DRIVE ON A CURVE TO THE LEFT HAVING A RADIUS OF

265.00 FEET AND A RADIAL BEARING OF SOUTH 44° 05' 34" EAST, THROUGH A CENTRAL ANGLE OF 23° 28' 57", AN ARC LENGTH OF 108.61 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 228; THENCE NORTHWESTERLY ALONG THE WESTERLY LINE OF SAID LOT 228 NORTH 39° 43' 00" WEST 58.83 FEET DISTANT; THENCE SOUTHWESTERLY FROM SAID POINT OF BEGINNING, ALONG THE NORTHWESTERLY SIDELINE OF SAID REALIGNED BETHANY DRIVE, ON A CURVE TO THE RIGHT HAVING A RADIUS OF 265.00 FEET AND A RADIAL BEARING OF SOUTH 44° 05' 34" EAST, THROUGH A CENTRAL ANGLE OF 14° 50' 21", AN ARC LENGTH OF 68.63 FEET; THENCE LEAVING THE NORTHWESTERLY SIDELINE OF SAID REALIGNED BETHANY DRIVE, NORTH 15° 35' 37" EAST 19.05 FEET, NORTH 50° 54' 11" EAST 40.11 FEET AND SOUTH 81° 34' 08" EAST 18.85 FEET TO THE POINT OF BEGINNING.

SEE EXHIBIT B, PAGE 4 & 5 OF 5, ATTACHED HERETO, AND BY THIS REFERENCE MADE A PART HEREOF.
END OF DESCRIPTION

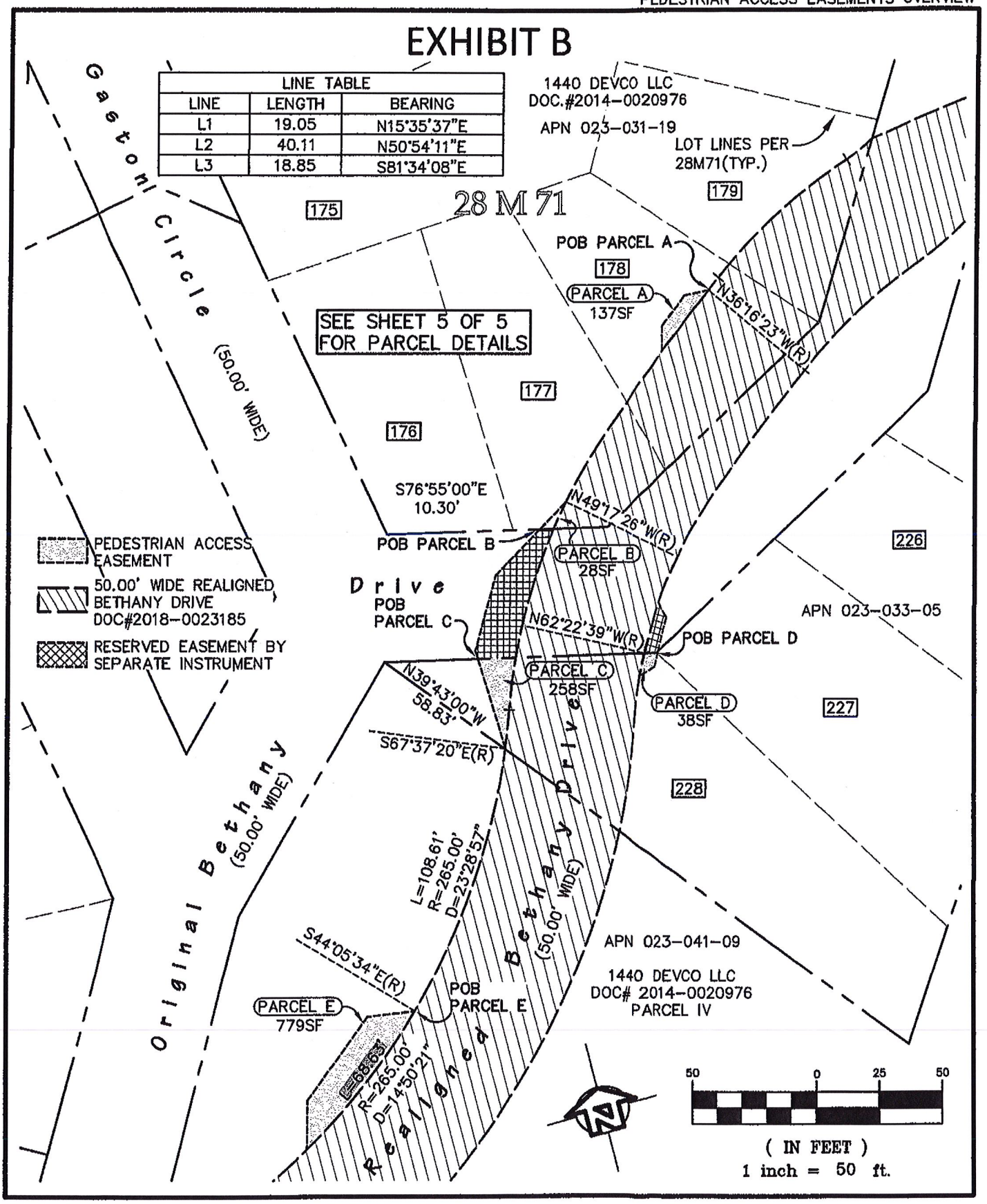
APN 023-031-19 (PORTION)
APN 023-033-05 (PORTION)
APN 023-041-09 (PORTION)
ORIGINAL BETHANY DRIVE (PORTION)
PREPARED BY IFLAND SURVEY
JOB # G13033, JULY 31, 2018

IFLAND SURVEY
Surveying - Mapping - GPS

303 Potrero Street, Suite 43-108, Santa Cruz, CA 95060
Tel 831.426.7941 Fax 831.426.6266

JOB NO. G13033
SHEET NO. 4 OF 5
CALCULATED BY JLB DATE 07/31/18
SCALE: 1" = 50'

PEDESTRIAN ACCESS EASEMENTS OVERVIEW

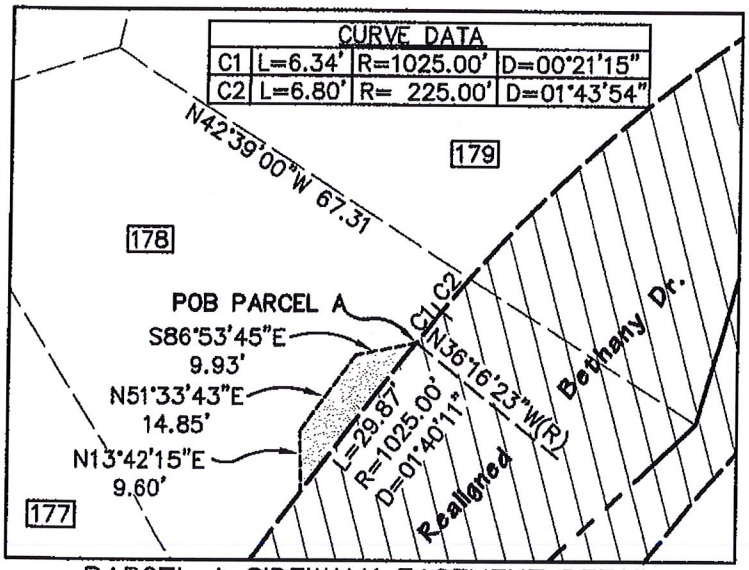


IFLAND SURVEY
Surveying - Mapping - GPS
303 Potrero Street, Suite 43-108, Santa Cruz, CA 95060
Tel 831.426.7941 Fax 831.426.6266

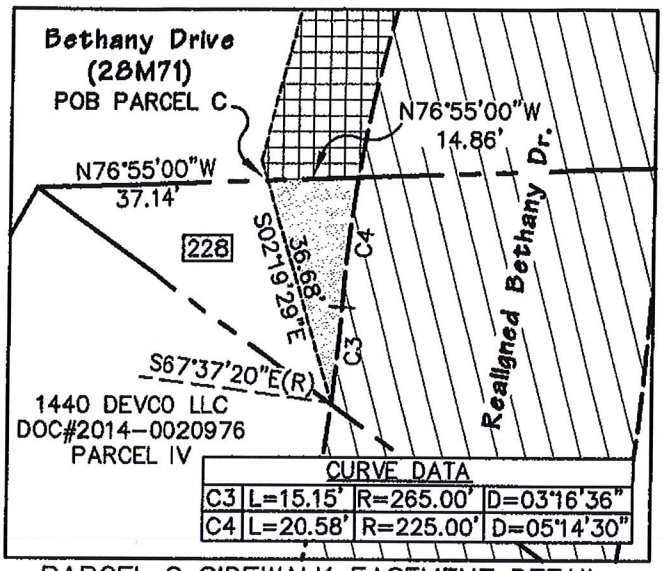
JOB NO. G13033
SHEET NO. 5 OF 5
CALCULATED BY JLB DATE 07/31/18
SCALE: 1" = 30'
EASEMENT DETAIL SHEET

EXHIBIT B

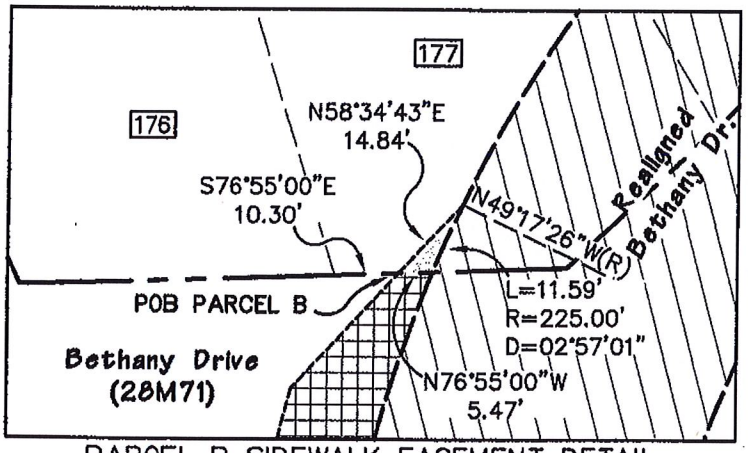
SEE SHEET 4 OF 5 FOR PARCEL E DETAILS



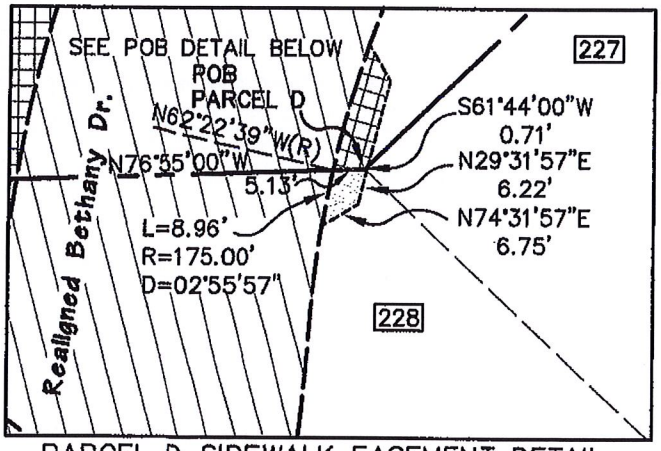
PARCEL A SIDEWALK EASEMENT DETAIL



PARCEL C SIDEWALK EASEMENT DETAIL



PARCEL B SIDEWALK EASEMENT DETAIL

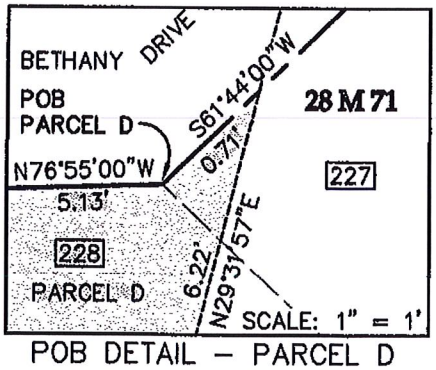


PARCEL D SIDEWALK EASEMENT DETAIL

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.



POB DETAIL – PARCEL D

AGENDA ITEM D
DATE: 10-17-18

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: October 17, 2018

TO: Honorable Mayor and City Council

FROM: Daryl Jordan, Public Works Director/City Engineer

APPROVED: Jenny Haruyama, City Manager

SUBJECT: **RESOLUTION DESIGNATING AN AREA OF LUNDY LANE AS A PUBLIC RIGHT-OF-WAY**

SUMMARY OF ISSUE

The 20-lot subdivision on Lundy Lane known as Pinnacle View was approved by the City Council on March 19, 2018 by Resolution 1808.1. The project is currently under construction.

The project was conditioned to enhance Lundy Lane by adding a cul-de-sac and improving access to the City Corporation Yard. The attached plat map shows the layout of Lundy Lane upon completion. These improvements are required to provide public accessibility.

Additionally, as part of the approval process, the City agreed to sell the developer, 684 square feet of City owned property to allow complete construction of the cul-de-sac per City standard. This additional property will complete the required design and allow the developer to dedicate the finished roadway as Public Right-of-Way.

After review with the City Attorney, the necessary mechanism to accept this dedication is for the City Council to adopt a resolution designating the area as “Public Right-of-Way.”

As such, the attached resolution designates the area along the Lundy Lane alignment as a Public Right-of-Way. The exhibits include a legal description and plat map, prepared and signed by a professional licensed surveyor, depicting the Right-of-Way for the completed Lundy Lane street and cul-de-sac.

FISCAL IMPACT

There are no expenses to the City concerning this action. All surveying and construction costs have been paid by the developer. The City’s 684 square feet of property was appraised and the Developer has compensated the City the appraised amount of $620.

STAFF RECOMMENDATION

It is recommended that the City Council approve Resolution No. 1808.3, a resolution designating an area of Lundy Lane as a public right-of-way.

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Resolution No. 1808.3 ……... 3

RESOLUTION NO. 1808.3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY DESIGNATING AN AREA OF LUNDY LANE AS A PUBLIC RIGHT-OF-WAY

WHEREAS, an unused right-of-way across a portion of City property will be developed into a public street; and

WHEREAS, an additional portion of City property will be necessary for completion of that public street; and

WHEREAS, the City has been reimbursed for the portion of property based on an appraisal of said property.

WHEREAS, the two properties will become a Public Right-of-Way known as Lundy Lane.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scotts Valley that the areas described in attached Exhibit A and shown in attached Exhibit B are hereby designated as Public Right-of-Way.

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 day of October, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____
Jim Reed, Mayor

Attest: _____
Tracy Ferrara, City Clerk

Exhibit A
Legal Description for Dedication

Situate in the City of Scotts Valley, County of Santa Cruz, State of California.

Being a portion of the lands of the City of Scotts Valley, by Gift Deed dated May 1, 1969, and recorded October 2, 1969 as Recorder's Serial Number 028594 in Book 1978 at Page 604 Official Records, Santa Cruz County Records, and

Being a portion of the lands as shown and delineated on that certain Record of Survey Map entitled "Record of Survey of the Lands of Ansten R. Ness as Described in Parcel 5 of Decree Establishing Fact of Death of Joint Tenant as Recorded in Vol. 1308, P. 240 Official Records Santa Cruz County," filed for record on April 17, 1969 in Volume 50 of Maps at Page 10, Santa Cruz County Records.

Beginning at the western most corner of said lands of the City of Scotts Valley.

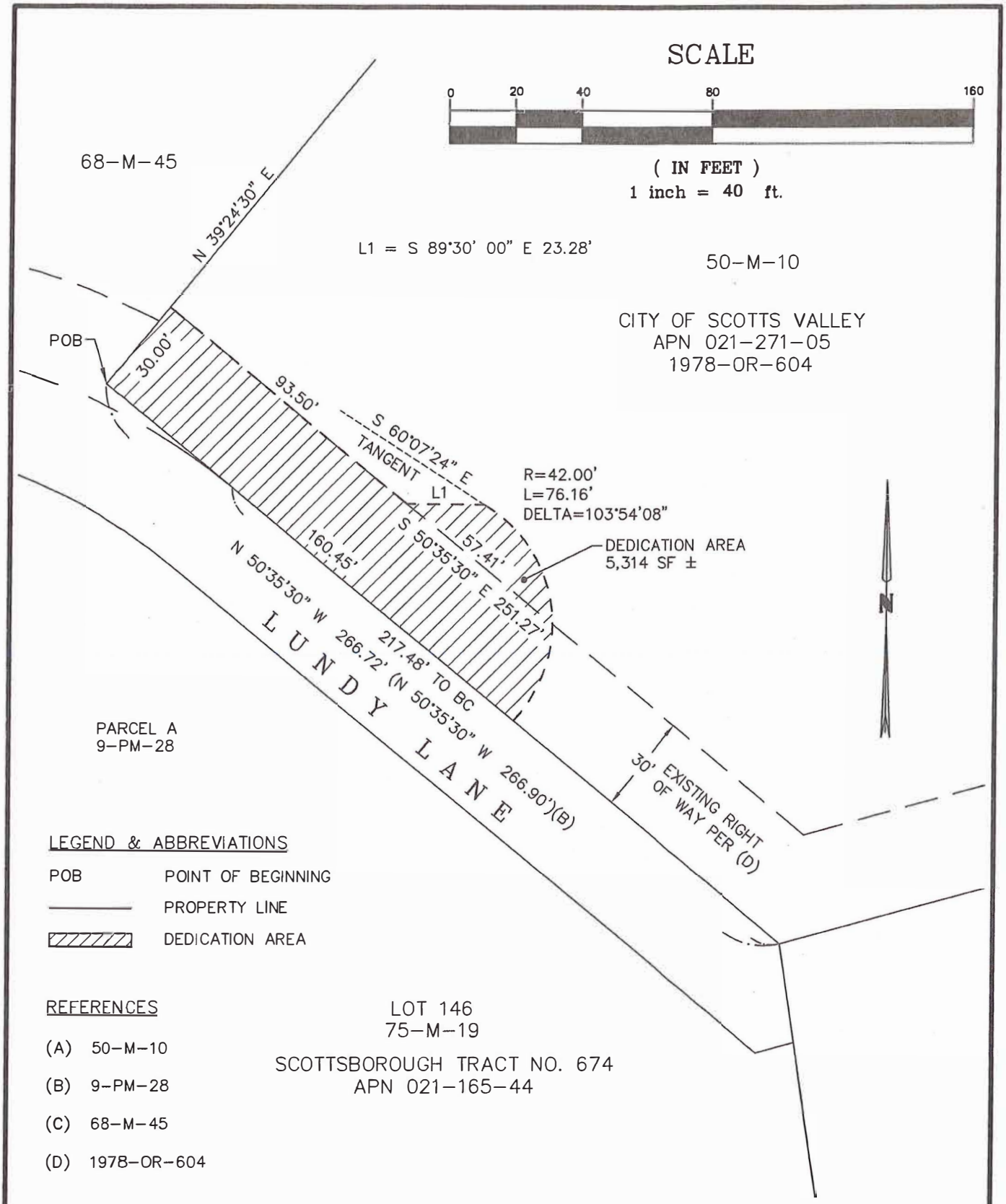
Thence from said point of Beginning along the northwestern boundary of said lands North 39° 24' 30" East 30.00 feet to the northeastern right of way line as shown on said Record of Survey; thence along said northeastern right of way line South 50° 35' 30" East 93.50 feet; thence leaving said last mentioned line North 89° 30' 00" West 23.28 feet to a non-tangent curve; thence along a non tangent curve to the right from a tangent bearing of South 60° 07' 24" East having a radius of 42.00 feet through a central angle of 103° 54' 08" and an arc length of 76.16 feet to a point in the southwestern boundary of said lands of the City of Scotts Valley; thence along said last mentioned boundary North 50° 35' 30" West 160.45 feet to the point of beginning.

Containing 5,314 square feet, a little more or less.

Attached hereto is a plat labeled "Exhibit C" and by this reference made a part thereof.

Compiled by Alpha Land Surveys, Inc. in May of 2018.

Jean-Paul Happee, PLS 8807



ALPHA LAND SURVEYS, INC. 4444 SCOTTS VALLEY DRIVE, SUITE 7 SCOTTS VALLEY, CA 95066 (831) 438-4453	EXHIBIT B PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR DEDICATION	MAY 22, 2018 SCALE 1"=40' PAGE 3 OF 7

AGENDA ITEM E
DATE: 10-17-2018

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: October 17, 2018

TO: Honorable Mayor and City Council

FROM: Jessica Kahn, Civil Engineer

APPROVED: Jenny Haruyama, City Manager

SUBJECT: APPROVAL OF BUDGET EXPENDITURE APPROPRIATION AND AN AGREEMENT WITH ANDERSON PACIFIC ENGINEERING CONSTRUCTION, INC., FOR THE KINGS VILLAGE ROAD SIDEWALK IMPROVEMENTS PROJECT

SUMMARY OF ISSUE

In 2017, the City was awarded Regional Transportation Improvement Program (RTIP) funding by the Santa Cruz County Regional Transportation Commission (RTC) for the Kings Village Road Sidewalk Improvements Project (Project). This project improves pedestrian safety and accessibility by filling in gaps in the existing sidewalk network, inclusive of a new sidewalk adjacent to a large shopping center. Currently there is no accessible path of travel from the City's main arterial, Mount Hermon Road, to the US Post Office, Cavallaro Transit Center, Scotts Valley Branch Library, Senior Center, Community Center, Sky Park and King Village Shopping Center. The completion of this project would eliminate the need for pedestrians to travel in the roadway/bike lanes and in the shopping center parking lot.

The original call for bids was advertised on August 13 and 20, 2018. Public Works received four bids on Thursday, September 6, 2018. The low bid in the amount of $442,961 from Granite Construction, Inc., was found to be responsive, although it is higher than the Engineer's Estimate of $256,000 and was $140,000 above the available budget for the Project. On September 12, 2018, staff rejected all bids and re-bid the project with the base bid inclusive of sidewalk on the south side of Kings Village Road and bid alternatives to add the north side of Kings Village Road and Blue Bonnet Lane.

The current call for bids was advertised on September 13, 2018. Public Works received the following for the base bid on Thursday, September 27, 2018:

Anderson Pacific Engineering Construction, Inc.	**$292,490.00**
Granite Construction Company	$322,206.89
FBD Vanguard Construction	$322,652.00
Precision Grade, Inc.	Late to bid

Based on the bids received, staff recommends that the City enter into a contract with Anderson Pacific Engineering Construction, Inc., the lowest responsive bidder, to perform the work. The project will consist of sidewalk construction and improvements to the south side of Kings Village Road.

Pursuant to project specifications, Anderson Pacific Engineering Construction, Inc., will complete this project within 30 working days after approval of the contract. Neighboring residents, schools and businesses will be informed of construction activities and progress through flyers and website postings. Attached for Council consideration is the proposed agreement with Anderson Pacific Engineering Construction, Inc.

FISCAL IMPACT

The Project is included within the Adopted Fiscal Year 2018-2019 Capital Improvement Program (CIP 22) and is currently funded with Regional Transportation Improvement Program (RTIP) Grant funds and Measure D Funds in the amount of $ 306,000. The estimated total construction cost for the revised project with contingency is $356,000. The $50,000 shortfall can be funded through appropriations from CIP 17 Rehabilitation of Glenwood Drive. The remaining funding in this project after the appropriation is sufficient to complete the FY 2018-19 design phase for Glenwood Drive.

There is no impact to the General Fund.

STAFF RECOMMENDATION

It is recommended that the City Council take action on the following:

1. Authorize a budget expenditure appropriation in the amount of $50,000 from Fund 155, Measure D - Sales Tax for Transportation.
2. Approve the attached agreement with Anderson Pacific Engineering Construction, Inc. for the Kings Village Road Sidewalk Improvements Project and authorize the City Manager to execute the agreement.

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Agreement with Anderson Pacific Engineering Construction, Inc. ……. 3

AGREEMENT
CITY OF SCOTTS VALLEY
STATE OF CALIFORNIA

THIS AGREEMENT, made and concluded that 17th day of October, 2018 between the CITY OF SCOTTS VALLEY, hereinafter called CITY, and Anderson Pacific Engineering Construction, 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, Kings Village Road Sidewalk Improvements, 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 9 "Description of Work" of the Special Provisions, which said Special Provisions are hereby made a part of this contract, and is shown upon the plans entitled "City of Scotts Valley Sidewalk Improvements ", which said plans are hereby made a part of the contract. The work shall be completed 30 working days after receipt of notification to proceed.

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 shall be compensated for satisfactory completion of the work in compliance with the contract documents for the sum not to exceed $322,164.00 in accordance with the payment schedule outlined in the CONTRACTOR'S Bid Form dated September 27, 2018.

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. Prior to the commencement of any work, CONTRACTOR shall provide CITY with evidence that it has obtained insurance and Performance and Payment Bonds satisfying all requirements outlined in the Insurance Certificate. Failure to do so shall be deemed a material breach of this Construction Contract.

ARTICLE VIII. 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. CONTRACTOR shall be bound by the requirements and obligations of such documents.

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 Material Person
8. Standard Specifications dated 2015 and Standard Plans dated 2015 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, **"City of Scotts Valley Sidewalk Improvements"**
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.

* *

Signature page follows

CONTRACTOR
ANDERSON PACIFIC ENGINEERING CONSTRUCTION, INC.

By: _____ Date: _____

License No.

CITY OF SCOTTS VALLEY

By: _____ Date: _____
Jenny D. Haruyama, City Manager

ATTEST:

By: _____ Date: _____
Tracy Ferrara, City Clerk

APPROVED AS TO FORM:

By: _____ Date: _____
Kirsten Powell, City Attorney

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: October 17, 2018

TO: Honorable Mayor and City Council

FROM: Jessica Kahn, Civil Engineer

APPROVED: Jenny Haruyama, City Manager

SUBJECT: **RESOLUTION APPROVING SIDEWALK AND PUBLIC ACCESS EASEMENT DEDICATION FOR THE KINGS VILLAGE ROAD SIDEWALK IMPROVEMENTS PROJECT, APN 022-601-18 (PORTION)**

SUMMARY OF ISSUE

In 2017, the City was awarded Regional Transportation Improvement Program (RTIP) funding by the Santa Cruz County Regional Transportation Commission (RTC) for the Kings Village Road Sidewalk Improvements Project (Project). This project improves pedestrian safety and accessibility by filling in gaps in the existing sidewalk network, inclusive of a new sidewalk adjacent to Kings Village Shopping Center.

In order to facilitate the project, it is necessary to dedicate an easement for public sidewalk purposes to the City from Trustees of the George and Emily Lee Ow Trusts as described in the grant of easement, a copy of which is included with the attached resolution as Exhibit A.

FISCAL IMPACT

There is no fiscal impact associated with this action.

STAFF RECOMMENDATION

It is recommended that the City Council approve Resolution No. 1956, a resolution of the City Council of the City of Scotts Valley approving Sidewalk and Public Access Easement Dedication for the Kings Village Road Sidewalk Improvements Project, APN 022-601-18 (portion).

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Resolution No. 1956 ……... 2

RESOLUTION NO. 1956

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY APPROVING SIDEWALK AND PUBLIC ACCESS EASEMENT DEDICATION FOR APN 022-601-18 (PORTION)

BE IT RESOLVED by the City Council of the City of Scotts Valley (The "City") that the grant of easement, a copy of which is attached hereto as Exhibit A, which is hereby incorporated by the reference, which was provided to the City from GEORGE OW, JR., DAVID L. OW, and TERRY L. OW, Trustees of the George and Emily Lee Ow Trusts ("Grantor"), for the location and use of pedestrian access is hereby accepted. The easement rights herein granted shall include reasonable access over and across the Servient Estate by the Grantee, its agents, contractors and employees and the general public for the purposes of using the Public Access Easement Area for sidewalks, and pedestrian access and use.

BE IT FURTHER RESOLVED that the City Clerk is directed to certify said acceptance on said deed and have the same recorded in the Office of the County Recorder for the County of Santa Cruz.

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 day of October, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____
Jim Reed, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk

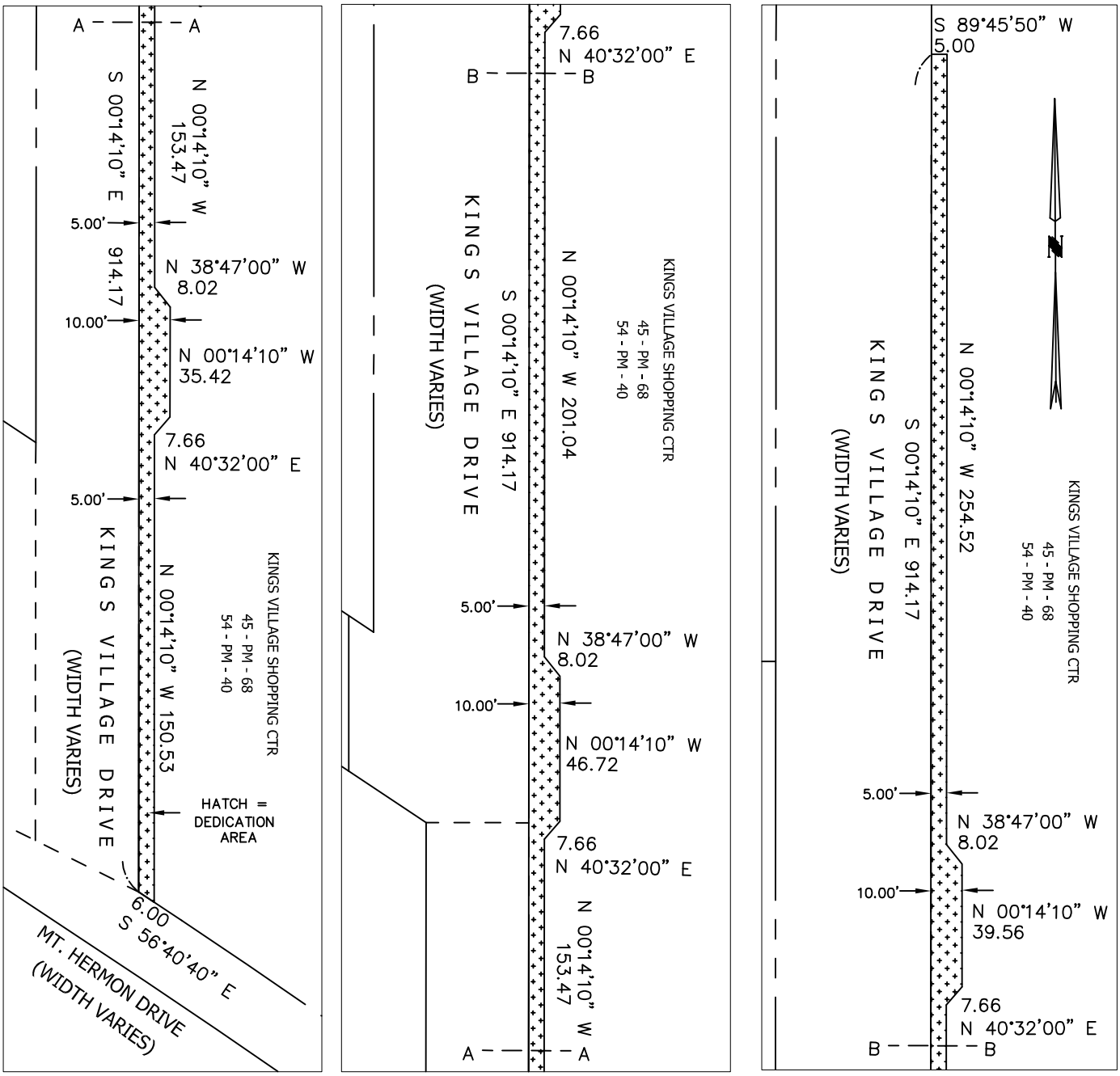
Exhibit A

Situate in the City of Scotts Valley, County of Santa Cruz, State of California

Being part of Parcel **2,** Assessor's Parcel No. 022-601-18 (portion), as said Parcel is shown on that certain map recorded November 7, 1985 in Volume 45 of Parcel Maps at Page 68, Santa Cruz County Records;

Beginning at the southwestern corner of said Parcel 2, at the intersection of Kings Village Road and Mount Hermon Road;

Thence from said **Point of Beginning**, along the southern boundary of said Parcel 2 and the northern sideline of Mount Hermon Road, as shown on said map, South 56°40'40 East 6.00 feet; thence leaving said last mentioned boundary, 5.00 feet easterly of and parallel with the eastern sideline of Kings Village Road, North 0°14'10" West 150.53 feet; thence North 40°32'00" East 7.66 feet, more or less, to a point 10.00 feet, measured at right angles therefrom said eastern sideline of Kings Village Road; thence 10.00 feet easterly of and parallel with the eastern sideline of Kings Village Road, North 0°14'10" West 35.42 feet; thence North 38°47'00" West 8.02 feet, more or less, to a point 5.00 feet, measured at right angles therefrom said eastern sideline of Kings Village Road; thence 5.00 feet easterly of and parallel with the eastern sideline of Kings Village Road, North 0°14'10" East 153.47 feet; thence North 40°32'00" East 7.66 feet, more or less, to a point 10.00 feet, measured at right angles therefrom said eastern sideline of Kings Village Road; thence10.00 feet easterly of and parallel with the eastern sideline of Kings Village Road, North 0°14'10" West 46.72 feet; thence North 38°47'00" West 8.02 feet, more or less, to a point 5.00 feet, measured at right angles therefrom said eastern sideline of Kings Village Road; thence 5.00 feet easterly of and parallel with the eastern sideline of Kings Village Road, North 0°14'10" West 201.04 feet; thence North 40°32'00" East 7.66 feet, more or less, to a point 10.00 feet, measured at right angles therefrom said eastern sideline of Kings Village Road; thence10.00 feet easterly of and parallel with the eastern sideline of Kings Village Road, North 0°14'10" West 39.56 feet; thence North 38°47'00" West 8.02 feet, more or less, to a point 5.00 feet, measured at right angles therefrom said eastern sideline of Kings Village Road; thence 5.00 feet easterly of and parallel with the eastern sideline of Kings Village Road, North 0°14'10" West 254.52 feet; thence South 89°45'50" West 5.00 feet, more or less, to the eastern sideline of Kings Village Road; thence along said sideline South 0°14'10" East 914.17 feet, more or less, to the **Point of Beginning.**



SCALE

10 0 25 50

(IN FEET)

1 inch = 50 ft.

LICENSED LAND SURVEYOR
CURT G. DUNBAR
5615
STATE OF CALIFORNIA

CURT DUNBAR, PLS 5615

ALPHA LAND SURVEYS, INC.

DEDICATION TO THE CITY OF SCOTTS VALLEY
KINGS VILLAGE ROAD
CITY OF SCOTTS VALLEY
SANTA CRUZ COUNTY

4444 SCOTTS VALLEY DR. #7
SCOTTS VALLEY, CA 95066
(831) 438-4453

P.O. BOX 1146
MORGAN HILL, CA 95038
(831) 438-4453

SCALE : 1" = 50'	DATE: AUGUST 2018
JOB#: 2018-010	SHEET 1 OF 1

RECORDED AT THE REQUEST OF:
The City of Scotts Valley

WHEN RECORDED RETURN TO:

The City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066

TO BE RECORDED WITHOUT FEE PER
GOVERNMENT CODE §6103 AND §27383

GRANT OF EASEMENT FOR PUBLIC ACCESS PURPOSES – SIDEWALK EASEMENT IN GROSS

THIS GRANT OF EASEMENT FOR Public Access Purposes ("Public Access Easement Agreement") is made as an easement in gross by and between the following parties as Grantor:

GEORGE OW, JR., DAVID L. OW, and TERRY L. OW, Trustees of the George Ow Trust 1975 under the Declaration of Trust dated December 31, 1975

GEORGE OW, JR., DAVID L. OW, and TERRY L. OW, Trustees of the Emily Lee Ow Trust 1975 under the Declaration of Trust dated December 31, 1975

GEORGE OW, JR., DAVID L. OW, and TERRY L. OW, Trustees of the George Ow Trust 1976 under the Declaration of Trust dated December 27, 1976

GEORGE OW, JR., DAVID L. OW, and TERRY L. OW, Trustees of the Emily Lee Ow Trust 1976 under the Declaration of Trust dated December 27, 1976

GEORGE OW, JR., DAVID L. OW, and TERRY L. OW, Trustees of the George Ow Trust 1982 under the Declaration of Trust dated December 20, 1982

GEORGE OW, JR., DAVID L. OW, and TERRY L. OW, Trustees of the Emily Lee Ow Trust 1982 under the Declaration of Trust dated December 20, 1982

GEORGE OW, JR., DAVID L. OW, and TERRY L. OW, Trustees of the George Ow Trust 1993 (Grandchildren's) under the Declaration of Trust dated December 23, 1993

GEORGE OW, JR., DAVID L. OW, and TERRY L. OW, Trustees of the Emily Lee Ow Trust 1993 (Grandchildren's) under the Declaration of Trust dated December 23, 1993,

and The City of Scotts Valley, a municipal corporation, as Grantee, and is dated for reference purposes August 6, 2018.

Recitals

A. Grantor owns that certain real property situated in the City of Scotts Valley ("City"), Santa Cruz County, State of California, Assessor's Parcel No. 022-601-18 (the "Servient Estate").

B. Grantee desires a public access easement for pedestrian access purposes over portions of the Servient Estate, and Grantor is willing to grant the easement on the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and declarations set forth herein and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, Grantor now grants to Grantee the easements and rights herein stated for the location and use of pedestrian access that shall exist and endure for the benefit of Grantee and the public as hereinafter provided, over and across the Public Access Easement Area (as defined below) within the Servient Estate in perpetuity as stated in this Public Access Easement Agreement, subject to the terms and conditions stated in this Public Access Easement Agreement being kept and fulfilled.

1. Creation of Easements. There is hereby established and granted in favor of Grantee and the public over and across, those portions of the Servient Estate legally described in and shown on **Exhibit "A"** attached hereto (the "Public Access Easement Area") as a non-exclusive easement in gross for the purpose of pedestrian access to be constructed by Grantee for Grantee and the general public for the term herein stated. The easement rights herein granted shall include reasonable access by the Grantee, its agents, contractors and employees (collectively, the "Grantee Parties") on portions of the Servient Estate as may be reasonably necessary for the purposes of constructing, repairing and maintaining the Public Access Easement Area. All access by the Grantee Parties on portions of the Servient Estate that are not included in the Public Access Easement Area shall be coordinated in advance with Grantor and shall be conducted in such a manner as to minimize any impact on access to and use of the Servient Estate by Grantor and its tenants. The easements and rights granted in this Agreement shall be subject and subordinate to all existing easements, licenses and rights of record in such land. Without limiting the foregoing, Grantee Parties are advised that there may be utilities, drainage improvements, signs, fences and/or other improvements within, on and under the Public Access Easement Area. In exercising its rights hereunder, Grantee Parties shall ensure that any utilities, improvements, signs or appurtenances within the Public Access Easement Area are retained in place or relocated at no expense to Grantor; provided, however, that Grantee Parties shall not be permitted to relocate the existing CineLux sign without the prior written consent of Grantor, which may be withheld in Grantor's sole discretion.

2. Duration of Easement. The easements herein granted shall be perpetual until such time as Grantee terminates or abandons such easements by written instrument.

3. Use of Easement Area. The Public Access Easement Area and all improvements to be installed and located therein may be used by the Grantee for pedestrian access purposes, including use by the public of the improvements within the Public Access Easement Area.

4. Design and Construction of Access Easement Areas. The Grantee shall, at its sole cost and expense, be responsible for the design and construction of the improvements within the Public Access Easement Area, which design and construction shall comply with all applicable laws. All construction and installation of improvements hereunder shall be at no cost or expense to Grantor and shall be undertaken consistent in all material respects with the approved plans and city inspection requirements.

5. Maintenance of Access Easement Area. The Grantee shall be responsible for all necessary maintenance, repair and replacement of the improvements within the Public Access Easement Area installed by Grantee during the term of this Public Access Easement Agreement. Grantee shall, at its sole cost and expense, maintain, repair and replace such improvements within the Public Access Easement Area in a commercially reasonable, well maintained state and condition of repair, consistent with the City approved construction documents and consistent with all applicable laws.

6. Easement in Gross. The easements and rights granted or created herein as the Public Access Easement Area shall be an easement in gross in favor of the Grantee, for the use and benefit of Grantee and for the general public as the Public Access Easement Area, and cannot be transferred, assigned, or encumbered by the Grantee or any other party.

7. Rights-Servient Estate Owner. Subject to the rights of third parties under any existing easements, licenses or other rights of record in and to the Public Access Easement Area, the owner of the Servient Estate hereunder shall have the right to use the Servient Estate in any manner which is not inconsistent with this grant of easement which does not materially interfere with the easement rights hereunder granted to the Grantee. Grantor and its trustees, beneficiaries, property managers, tenants, contractors, agents and employees shall not construct or place any permanent building or structures on the Public Access Easement Area; however, any improvements that are existing as of the date of this Agreement shall be left in place and shall not be disturbed by the Grantee Parties. Grantor and its trustees, beneficiaries, property managers, tenants, contractors, agents and employees shall not place any new temporary buildings, structures or signs in the Public Access Easement Area unless permitted under state or local regulations.

8. Indemnity. Grantee shall defend, indemnify and hold free and harmless Grantor and Grantor's trustees, beneficiaries, property managers, tenants, contractors, agents and employees (collectively, the "Grantor Parties") from and against any and all claims, liabilities, suits, damages, liens, injury, losses, costs and expenses (including attorneys' fees) for personal injury or property damage related to the use, construction, maintenance, repair, or replacement of the Public Access Easement Area, except to the extent arising from the gross negligence or willful misconduct of Grantor or the Grantor Parties. In addition, Grantee shall, at its sole cost and expense, repair, restore, and reconstruct in all material respects any damage to any and all affected facilities, utilities, improvements, equipment and appurtenances on the Servient Estate caused by any act or omission of any of the Grantee Parties.

9. Notices. Any notice request, demand or other communications permitted or required to be given under this Agreement shall be in writing duly addressed to the parties as follows:

GRANTOR:

The Ow Family Trusts
230 Mt. Hermon Road #200
Scotts Valley, CA 95066

GRANTEE:
The City of Scotts Valley
One Civic Center Drive
Scott Valley, CA 95066
Attn: City Manager

Any such notice sent by registered or certified mail, return receipt requested shall be deemed to have been duly given and received 5:00 p.m. (Pacific Time) two (2) business days after it is so addressed and mailed with postage prepaid. Any such notice sent by a recognized overnight courier service shall be deemed to have been duly given and received 5:00 p.m. (Pacific Time) one (1) business day after is so addressed and sent with the cost of such overnight delivery service prepaid. Notice sent by any other manner shall be effective only upon actual receipt thereof. Any party may change its address for purposes of this Agreement by giving notice to the other party as provided herein.

10. Attorneys' Fees. In the event any party hereto institutes legal action to enforce or interpret its rights under this Public Access Easement Agreement, then the prevailing party or parties shall be entitled to reasonable attorneys' fees in addition to other costs of suit and litigation expenses as awarded by the court.

11. Governing Law. This Public Access Easement Agreement shall be governed under the laws of California.

12. Insurance. Grantee will require any independent contractor it engages to perform work in connection with the Public Access Easement Area and any subcontractor that such contractor may retain, to procure and maintain in full force and effect throughout such construction activities insurance meeting

the City's requirements, including but not limited to, liability insurance covering claims for bodily injury, death and property damage arising out of such contractor's activities on or in connection with the Servient Estate, in the minimum amount of $1,000,000 per incident, on an occurrence made basis, naming Grantor, Grantee, and their respective officers, officials, members, employees and agents as additional insureds on such policies. Grantee shall require all such contractors to satisfy the insurance requirements prior to accessing the Property for construction activities. All such insurance shall be primary to any insurance maintained by Grantor, or any tenant of the Servient Estate. In addition, Grantee shall ensure that all independent contractors engaged by Grantee, and all subcontractors retained by such contractor, maintain worker's compensation insurance in at least the minimum amount required by law.

13. Mechanic's Liens. In the event that any mechanic's lien or materials lien is recorded against the Servient Estate or any portion thereof as a result of, related to, or in connection with Grantee's construction activities, Grantee shall, within sixty (60) days after notice of the filing, cause such lien to be discharged of record by payment, deposit, order of court, or by bonding. If Grantee fails to cause such lien to be removed within said time period, then Grantor may, in addition to any other remedies available at law or in equity to Grantor, cause such lien to be bonded against and removed from title. Grantee shall reimburse Grantor for all costs and attorney's fees incurred by Grantor in causing such lien to be removed.

14. Complete Agreement. This Agreement constitutes the complete agreement among Grantor and Grantee with respect to the subject matter herein and shall replace and supersede all prior written and oral agreements or statements by and among the parties related to the subject matter hereof.

15. Counterparts. This Agreement may be executed in one or more counterparts, which, when compiled, shall be considered one document.

16. Authority. Each party represents that it has full authority to execute and deliver this Agreement, and to bind such party to the terms of this Agreement without obtaining any further consent or approval.

17. Lender Consent and Subordination. This Agreement shall be conditioned upon execution and delivery of the Consent and Subordination of Lender attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, this Public Access Easement Agreement is executed and made by the Grantor effective as of the date first above set forth.

Grantor:

GEORGE OW, JR., DAVID L. OW AND TERRY L. OW, TRUSTEES OF THE GEORGE OW TRUST 1975 UNDER THE DECLARATION OF TRUST DATED DECEMBER 31, 1975

_____	_____	_____
George Ow, Jr.	David L. Ow	Terry L. Ow

GEORGE OW, JR., DAVID L. OW AND TERRY L. OW, TRUSTEES OF THE EMILY LEE OW TRUST 1975 UNDER THE DECLARATION OF TRUST DATED DECEMBER 31, 1975

_____	_____	_____
George Ow, Jr.	David L. Ow	Terry L. Ow

GEORGE OW, JR., DAVID L. OW AND TERRY L. OW, TRUSTEES OF THE GEORGE OW TRUST 1976 UNDER THE DECLARATION OF TRUST DATED DECEMBER 27, 1976

_____	_____	_____
George Ow, Jr.	David L. Ow	Terry L. Ow

GEORGE OW, JR., DAVID L. OW AND TERRY L. OW, TRUSTEES OF THE EMILY LEE OW TRUST 1976 UNDER THE DECLARATION OF TRUST DATED DECEMBER 27, 1976

_____	_____	_____
George Ow, Jr.	David L. Ow	Terry L. Ow

GEORGE OW, JR., DAVID L. OW AND TERRY L. OW, TRUSTEES OF THE GEORGE OW TRUST 1982 UNDER THE DECLARATION OF TRUST DATED DECEMBER 20, 1982

_____	_____	_____
George Ow, Jr.	David L. Ow	Terry L. Ow

GEORGE OW, JR., DAVID L. OW AND TERRY L. OW, TRUSTEES OF THE EMILY LEE OW TRUST 1982 UNDER THE DECLARATION OF TRUST DATED DECEMBER 20, 1982

_____	_____	_____
George Ow, Jr.	David L. Ow	Terry L. Ow

GEORGE OW, JR., DAVID L. OW AND TERRY L. OW, TRUSTEES OF THE GEORGE OW TRUST 1993 (GRANDCHILDREN'S) UNDER THE DECLARATION OF TRUST DATED DECEMBER 23, 1993

_____	_____	_____
George Ow, Jr.	David L. Ow	Terry L. Ow

GEORGE OW, JR., DAVID L. OW AND TERRY L. OW, TRUSTEES OF THE EMILY LEE OW TRUST 1993 (GRANDCHILDREN'S) UNDER THE DECLARATION OF TRUST DATED DECEMBER 23, 1993

_____	_____	_____
George Ow, Jr.	David L. Ow	Terry L. Ow

[Notary Acknowledgments Follow]

NOTARY ACKNOWLEDGMENT

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

STATE OF CALIFORNIA }

COUNTY OF _____ }

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

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

WITNESS my hand and official seal.

Signature: _____(Seal)

NOTARY ACKNOWLEDGMENT

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

STATE OF CALIFORNIA }

COUNTY OF _____ }

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

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

WITNESS my hand and official seal.

Signature: _____(Seal)

NOTARY ACKNOWLEDGMENT

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

STATE OF CALIFORNIA }

COUNTY OF _____ }

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

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

WITNESS my hand and official seal.

Signature: _____(Seal)

Certificate of Acceptance (California Government code section 27281)

This is to certify that the interest in the real property conveyed hereby pursuant to the Grant of Easement for Public Access Purposes – Sidewalk (the "Easement Deed") from GEORGE OW, JR., DAVID L. OW, and TERRY L. OW, Trustees of the trusts more specifically defined in the Easement Deed, to the City of Scotts Valley, a general law city and municipal corporation, is hereby accepted by the undersigned officer on behalf of the City pursuant to authority conferred by resolution of the City, and the City consents to the recordation thereof by its duly authorized officer.

City of Scotts Valley, a California municipal corporation

By: _____

_____

Its: _____

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

STATE OF CALIFORNIA)
) *SS*
COUNTY OF_____)

On_____2018 before me,_____,
Notary Public, personally appeared_____who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

Witness my hand and official seal.

(Signature) _____

[Seal]

CONSENT AND SUBORDINATION OF LENDER

For and in consideration of Ten Dollars ($10.00) and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, WELLS FARGO BANK, NATIONAL ASSOCIATION, the beneficiary under that certain Deed of Trust and Assignment of Rents and Leases recorded on August 5, 2011 as Instrument No. 2011-0031309 of the Official Records of Santa Cruz County, California (the "Deed of Trust"), hereby consents to the terms and conditions contained in the GRANT OF EASEMENT FOR PUBLIC ACCESS PURPOSES -- SIDEWALK to which this Consent and Subordination of Lender is attached, and hereby subordinates the lien of the Deed of Trust to the GRANT OF EASEMENT FOR PUBLIC ACCESS PURPOSES -- SIDEWALK to which this Consent and Subordination of Lender is attached.

IN WITNESS WHEREOF, this Consent and Subordination of Lender has been executed and delivered this _____ day of _____, 2018.

WELLS FARGO BANK, NATIONAL ASSOCIATION

By: _____
Name: _____
Title: _____

NOTARY ACKNOWLEDGMENT
(Lender Signature)

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

STATE OF CALIFORNIA }

COUNTY OF _____ }

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

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

WITNESS my hand and official seal.

Signature: _____(Seal)

AGENDA ITEM G
DATE: 10-17-2018

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: October 17, 2018

TO: Honorable Mayor and City Council

FROM: Tony McFarlane, Administrative Services Director

APPROVED: Jenny D. Haruyama, City Manager

SUBJECT: **ADOPT RESOLUTION DESIGNATING THE JOB CLASSIFICATION OF ADMINISTRATIVE SERVICES ANALYST AS CONFIDENTIAL AND ADDING A SALARY RANGE TO THE SALARY SCHEDULE**

SUMMARY OF ISSUE

Periodically, the City reviews existing positions to determine if they meet internal and external service delivery needs. In other situations, an employee separation allows for that same type of review. A 33-year tenured employee in the Finance department, who provides payroll and benefit administration support/coordination will be retiring from the City of Scotts Valley in mid-December. With this pending retirement, the City will have to recruit for a position that hasn't been vacant in over thirty years.

This transition provides an opportunity to review the position to determine if any changes are warranted given current and future needs of the organization. The passage of PEPRA and Affordable Care Act, coupled with changes in PERS requirements has created additional complexities, impacting both the City, its employees, and the labor bargaining process. It will be critical to successfully recruit a quality candidate experienced in these regulations, particularly those related to labor negotiations, among others.

As a result, it is recommended that a new Administrative Services Analyst position be created and designated as an at-will, confidential employee. Staff has met and conferred with representatives of SEIU as required by law. To begin the recruitment process, Council authorization is needed to create the position of Administrative Services Analyst, designate it as confidential and establish the salary range.

The City will include this position, as well as, the position's current classification of Senior Accounting/Human Resources Technician in the recruitment process in order to attract a larger pool of candidates. The qualifications of the applications received for either classification will determine how the position will be filled.

FISCAL IMPACT

There is no fiscal impact in designating the position as confidential. The new job specification will not increase the City full-time employee count or the budget.

STAFF RECOMMENDATION

It is recommended that the City Council adopt Resolution No. 1955, designating the job classification of Administrative Services Analyst as Confidential and adding a salary range to the salary schedule.

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Administrative Services Analyst Job Specification 4

RESOLUTION NO. 1955

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY DESIGNATING THE JOB CLASSIFICATION OF ADMINISTRATIVE SERVICES ANALYST AS CONFIDENTIAL AND ADDING A SALARY RANGE TO THE SALARY SCHEDULE

WHEREAS, due to the pending retirement of a long-tenured employee in the Finance department;

WHEREAS, after a review of the position, it has been determined that a confidential classification will best fit the current and future needs of the City and will increase the prospect of recruiting an ideal candidate;

WHEREAS, City Council approval is needed to designate this position as confidential and establish the salary range;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Scotts Valley that the job classification of Administrative Services Analyst is hereby designated as a confidential position and the salary range will be set as follows;

Position Classification	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Administrative Services Analyst	4,116	4,322	4,538	4,765	5,003	5,253	5,516

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 day of October, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____
Jim Reed, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk

ADMINISTRATIVE SERVICES ANALYST

At-Will, Confidential Classification

Salary Range: $4,116 to $5,516 / month

Job Purpose: Under supervision, incumbent will perform a wide variety of payroll preparation and processing, timekeeping and record keeping activities, as well as some specialized technical human resources duties in the Administrative Services department.

Education, and Experience: Any combination equivalent to a Bachelor's degree in accounting, human resources or closely-related field or four years of public sector payroll and/or human resources experience, or an equivalent combination of education and experience.

Essential Functions: As defined under the American with Disabilities Act, essential functions may include any of the following duties, knowledge, and skills. This is not a comprehensive list of all functions and duties performed by incumbents of this classification. Employee may be assigned duties which are not listed below; reasonable accommodations will be made as required. The job description does not constitute an employment agreement and is subject to change at any time by the employer. Essential duties and responsibilities may include, but are not limited to, the following:

- Maintain job and payroll data; calculate and process various types of pay, enter changes in tax status and miscellaneous changes in payroll system; prepare and process payroll; prepare reports as directed.
- Audit timekeeping records for compliance with established standards; data entry of time and leave; maintain time and attendance records; explain laws and rules pertaining to various types of leave.
- Perform a variety of record keeping and payroll processing activities, including computing wage and overtime payments, calculating and recording payroll deductions, preparing tax returns, W-2's, and ACA reporting.
- Prepare, process, and/or review a variety of transactions concerning retirement, insurance deductions and payments, and other voluntary and involuntary payroll deductions, status changes, salary changes, and terminations
- Explain laws, rules, and regulations pertaining to payroll and human resources activities; contact proper authority for interpretation of laws, rules, and regulations of more complex transactions
- Interpret and explain employee benefit plans including new hire orientation, process changes in plan coverage, process retirement and workers' compensation claim forms
- Prepare routine correspondence and forms; enter appropriate information into computer systems including CalPERS on-line.
- Maintain confidential employee records and filing systems in compliance with City policy and other relevant Federal or state laws, rules, or regulations.
- Prepare materials, handle correspondence, and provide analysis utilizing salary and benefit data for labor negotiations.
- Provide customer service to both external and internal customers.

Knowledge Of:

- Public sector payroll and human resources.
- CalPERS online reporting portal.
- Business and personal computers, and financial spreadsheet software.
- Public agency organization, policies, and procedures.
- Research techniques.
- Customer service techniques.

Skill in:

- Reviewing financial and technical records, and identifying and reconciling errors.
- Using initiative, independent judgment, tact, and prudence within established procedural guidelines.
- Establishing and maintaining cooperative working relationships with City employees.
- Communicating effectively verbally and in writing.
- Analyze and interpret a wide variety of complex data and information.
- Identify issues, options, and projected outcomes and make recommendations.
- Work independently and in a timely fashion, but cooperatively and tactfully with others.

Licensing and Certification Requirements:

- A valid California State Driver's License may be required.

Physical Demands and Working Environment:

- Work is performed in a standard office environment.

City Council Approval Date: October 17, 2018

AGENDA ITEM 1
DATE: 10-17-2018

City of Scotts Valley
CITY COUNCIL STAFF REPORT

DATE: October 17, 2018

TO: Honorable Mayor and City Council

FROM: Wayne Bellville, Detective Sergeant

APPROVED: Jenny D. Haruyama, City Manager

SUBJECT: **FIRST READING AND INTRODUCTION OF AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 5.10 (MASSAGE ESTABLISHMENTS) OF THE SCOTTS VALLEY MUNICIPAL CODE**

SUMMARY OF ISSUES

On June 21, 2006, the City Council adopted an ordinance regulating massage establishments in the City of Scotts Valley. The ordinance required anyone operating a business which provides massages to customers to obtain a permit from the Chief of Police. On September 21, 2011, with the initial establishment of the California Massage Therapy Council ("CAMTC"), the City Council approved an amendment adding massage practitioners with a valid CAMTC certification as exempt from this municipal code. The City continued the practice of issuing massage practitioner permits to those who did not have state certification through the California Massage Therapy Council.

The California Massage Therapy Council was created by the California Legislature to implement a certification program for the massage therapy profession that will enable consumers to easily identify credible Certified Massage Therapists (CMTs), ensure that certified massage professionals have completed sufficient training at approved schools, and approve massage schools. CAMTC notifies law enforcement partners when a therapist's certification has been suspended or revoked. Additionally, law enforcement agencies can confirm status of CMTs through the CAMTC law enforcement portal. The standards set by the CAMTC meet and exceed requirements set forth in our current municipal code, and the agency is better suited to regulate the certification of massage practitioners on an on-going basis. The changes recommended will require massage establishment owners to provide a current list of all currently employed massage practitioners during their annual renewal of their establishment permit. Additionally, all practitioners will be required to provide proof of current CAMTC certification to the police department annually to obtain massage practitioner certificate from the police department.

In accordance with the stated purpose of the massage ordinance, the Chief of Police must have the ability to maintain the public health and welfare and prevent criminal behavior. Criminal activity and questionable practitioners hurt the massage therapy profession. Our current ordinance limits the manner in which the City and Chief of Police may address

concerns. Notably, the current ordinance does not allow for the Chief of Police to deny an establishment permit to a business that previously violated the City's ordinance, nor does it allow for an establishment permit to be revoked if an employee of a business is found to have violated the ordinance.

In summary, recommended changes to the municipal code will include:

1) An updated list of definitions pertaining to Chapter 10 Section 5;
2) A requirement that all massage practitioners maintain certification through the California Massage Therapy Council;
3) All massage practitioners who are currently licensed by the City will be allowed to continue to renew their permits until June 30, 2021, at which time the City will no longer issue massage practitioner permits; all permits will be issued through the CMTC; and
4) An amendment to the criteria to suspend or revoke a massage establishment permit, which would allow the Chief of Police to determine if a massage business' establishment permit should be suspended or revoked for criminal activity committed by an employee.

City staff actively engaged local massage establishments and practitioners registered in the City of Scotts Valley about the proposed ordinance changes. This was done in person and via letter (see attached). Based on feedback received from massage stakeholders, the timeframe in which practitioners had to renew their permits with the City was extended from June 30, 2020 to June 30, 2021.

The proposed changes are consistent with ordinances in other jurisdictions, such as San Mateo, Santa Cruz and San Jose. It is important to note that these ordinances are used as a reference for best practices only; staff carefully reviewed and considered provisions that were applicable to and appropriate for Scotts Valley. The recommended changes in the attached ordinance are designed to enhance the City's ability to maintain public health/welfare and prevent criminal behavior within a balanced regulatory framework.

FISCAL IMPACT

None. There would be no change to the current fiscal impact from the current ordinance.

STAFF RECOMMENDATION

It is recommended that the City Council hold the first reading and introduction of Ordinance No. 176.4, repealing and replacing Chapter 5.10 (Massage Establishments) of the Scotts Valley Municipal Code.

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ORDINANCE NO. 176.4

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS REPEALING AND REPLACING CHAPTER 5.10 OF TITLE 5 OF THE SCOTTS VALLEY MUNICIPAL CODE REGARDING MASSAGE ESTABLISHMENTS

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

SECTION 1. Chapter 5.10 (Massage Establishments) of Title 5 of the Scotts Valley Municipal Code is hereby repealed.

SECTION 2. New Chapter 5.10 of Title 5 of the Scotts Valley Municipal Code is hereby adopted, to read as follows:

"**Chapter 5.10 - MASSAGE ESTABLISHMENTS**

Section 5.10.010 Purpose
Section 5.10.020 Definitions
Section 5.10.030 Required Permits and Certificates
Section 5.10.040 Exemptions
Section 5.10.050 Filing Applications and Fees
Section 5.10.060 Term of Permit
Section 5.10.070 Issuance of Permits and Certificates
Section 5.10.080 Massage Establishment and Outcall Operating Requirements
Section 5.10.090 Application of Regulations to Existing Massage Establishments, Outcall Services, and Massage Technicians
Section 5.10.100 Revocation or Suspension of Permits
Section 5.10.110 Right of Appeal
Section 5.10.120 Notifications
Section 5.10.130 Other Code Provisions
Section 5.10.140 Unlawful Business Practices May Be Enjoined – Remedies Cumulative
Section 5.10.150 Administrative Fines
Section 5.10.160 Public Nuisance

5.10.010 - Purpose.

(a) In enacting this chapter, the City Council recognizes that commercial massage therapy is a professional pursuit which can offer the public valuable health and therapeutic services. The City Council further recognizes that, unless properly regulated, the practice of massage therapy and the operation of massage businesses may be associated with unlawful activity and pose a threat to the quality of life in the local community. Accordingly, it is the purpose and intent of this chapter to protect the public health, safety, and welfare by providing for the orderly regulation of businesses providing massage therapy services, discouraging prostitution and related illegal activities carried on under the guise of massage therapy, and establishing certain sanitation, health, and operational standards for massage businesses.

(b) It is the City Council's further purpose and intent to rely upon the uniform statewide regulations applicable to massage practitioners and establishments that were enacted by the state legislature in 2008 as Business and Professions Code Section 4600 et seq. by Senate Bill 731, and amended in 2011 by Assembly Bill 619 and in 2014 by Assembly Bill 1147 and in 2017 by Assembly Bill 2194, to restrict the commercial practice of massage in the city to those persons duly certified to practice by the California Massage Therapy Council and to provide for the registration and regulation of massage businesses for health and safety purposes to the extent allowed by law.

5.10.020 - Definitions.

For the purposes of this chapter, certain words and phrases used herein are defined as follows:

A. As used in this chapter "massage" or "massaging" shall mean the application of a system of structured touch, pressure, movement, and holding to the soft tissues of the human body with the purpose of positively affecting the health and well-being of the client. The practice includes the external application of water, heat, cold, lubricants, salt scrubs, or other topical preparations, and the use of devices that mimic or enhance the actions of the hands. Massage does not include the prescription of legend drugs or controlled substances, the diagnosis of illness or disease, or any treatment for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required. (2) "Massage" does not include touching that meets either of the following criteria: (A) It is done as part of movement education, energy balancing, or any other technique, profession, or modality in which any soft tissue manipulation is incidental to, and not the central aim of, the practice. (B) It is done while engaging in the practice of another somatic technique, profession, or modality with established standards and ethics in which a practitioner is qualified, provided that such services are not designated or implied to be massage or massage therapy.

B. "Massage establishment" shall mean any business that offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the customer or client through outcall massage services. Any business that offers any combination of massage therapy and bath facilities – including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs – shall be deemed a massage business under this chapter. The term "massage business" includes a certified massage practitioner who is the sole owner, operator and employee of a massage business operating as a sole proprietorship.

C. "Out call massage service" shall mean any business where a function of such business is to engage in or carry on massage, not at a fixed location but at a location designated by the customer, massage therapist or other person.

D. "Massage practitioner" means any person who administers massage to another person for any form of consideration.

E. "Person" shall mean any individual, co-partnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

G. "Employee" shall mean any and all persons, other than the massage therapist, employed by the massage establishment who may render any service to the permittee, and who receives compensation from the establishment and who has no physical contact with customers and clients. The term "employee" shall include independent contractors who are regularly employed by the establishment and who work at the massage establishment.

H. "Recognized school" shall mean any school or institution of learning which teaches the theory, ethics, practice, profession, and work of massage which furnishes the student with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning, and which has been approved pursuant to the provisions of the California Education Code, or an existing school or institution of learning outside the State of California.

Schools offering a correspondence course not requiring attendance shall not be deemed a recognized school. The City shall have the right to confirm that the applicant has actually attended class in a recognized school.

I. "Permittee" shall mean the operator of a massage establishment and out call massage service.

J. “CAMTC” shall mean the California Massage Therapy Council, which was created by the California Legislature through the enactment of Senate Bill 731 and re-authorized by Assembly Bill 1147 and again in 2016 by Assembly Bill 2194.

K. “Massage Establishment Permit” or “Permit” shall mean the permit required to operate a massage establishment.

L. “Massage Practitioner Certificate” or “Certificate” shall mean the certificate provided to a massage practitioner after verification from the police department of a valid CAMTC certification.”

5.10.030 - Required Permits and Certificates.

A. Massage Business Establishment Permit: It shall be unlawful for any business to provide massage for compensation within the City of Scotts Valley unless all individuals employed by the massage business to perform massage, whether as employee, independent contractor, or sole proprietorship, are CAMTC certified massage practitioners and said business has obtained a valid Massage Establishment Permit as provided in this chapter.

B. Massage Practitioner Certificate: It shall be unlawful for any individual to practice massage therapy for compensation as a sole proprietorship, independent contractor or employee of a massage business or in any other capacity within the City of Scotts Valley unless that individual has received a Massage

Practitioner Certificate from the Chief of Police and is a CAMTC certified massage practitioner or exempt therapist. However, all massage practitioners operating within the City of Scotts Valley who are non-CAMTC certified but have valid massage permits issued by the Chief of Police on the effective date of this Chapter shall have until June 30, 2020 to obtain a CAMTC certification and to apply for and obtain a Massage Practitioner Certificate under the terms of this chapter. Any such non-CAMTC certified massage therapists shall renew their massage permit issued by the Chief of Police by July 1, 2019.

5.10.040 - Exemptions.

The provisions of this chapter shall not apply to the following classes of persons while engaged in the performance of the duties of their respective professions:

A. Persons licensed to practice any healing art pursuant to Division 2 of the Business and Profession Code or the Chiropractic Act, including, but not limited to, physicians, surgeons, chiropractors, osteopaths, acupuncturists, or physical therapists who are duly licensed to practice their respective professions in the State of California and are acting within the scope of that license;

B. Nurses registered under the laws of the State of California acting within the scope of that license;

C. Persons licensed or certificated pursuant to Division 3, Chapter 10 of the Business and Professions Code, including, but not limited to, cosmetologists, barbers and estheticians who are duly licensed under the laws of the State of California and are acting within the scope of that license;

D. Hospitals, nursing homes, sanitariums or other health care facilities duly licensed by the State of California acting within the scope of that license;

E. Accredited high schools, junior colleges, and colleges or universities where coaches and trainers are acting within the scope of their employment;

F. Trainers of amateur, semi-professional or professional athletes or athletic teams acting within the scope of their employment;

5.10.050 - Filing Applications and Fees.

A. Massage Establishment Permit: Every applicant for a permit to maintain, operate, or conduct a massage establishment or out call massage service shall obtain a business license from the City Finance Director. After obtaining a business license from the City Finance Director, the applicant shall file a Massage Establishment Permit application with the Chief of Police upon a form provided by the City. The application for a Massage Establishment Permit shall include all of the following:

1. Legal name of the massage business.

2. Address and telephone number of the massage business.

3. Legal names of all owners of the massage business.

4. A list of all of the massage business' employees and independent contractors who are performing massage and their CAMTC certification information.

5. Residence address and telephone number of all owners of the massage business.

6. Business address and telephone number of all owners of the massage business.

7. The form of business under which the massage business will be operating (i.e., corporation, general or limited partnership, limited liability company, or other form).

8. Each owner or operator of the massage business who is not a CAMTC certified massage practitioner shall submit an application for a background check, including the following: the individual's business, occupation, and employment history for the five years preceding the date of the application; the inclusive dates of such employment history; the name and address of any massage business or similar business owned or operated by the individual whether inside or outside the County of Santa Cruz and its incorporated cities; proof that the applicant(s) has submitted her/his fingerprints to the Department of Justice via LiveScan.

9. For all owners, a valid and current driver's license and/or identification issued by a state or federal governmental agency or other photographic identification bearing a bona fide seal by a foreign government.

10. For all owners, a signed statement that all of the information contained in the application is true and correct; that all owners shall be responsible for the conduct of the business' employees or independent contractors providing massage services; and acknowledging that failure to comply with the California Business and Professions Code Section 4600 et seq., and local, state, or federal law, or the provisions of this chapter may result in revocation of the business' city massage establishment registration certificate.

B. Massage Practitioner Certificate: Massage Practitioner Certificate applications shall be submitted using forms provided by the Police Department and shall be accompanied by all of the following:

1. The applicant's full name, all other names the applicant uses or has used, the applicant's residential address, and residence telephone number;

2. The name and address of the massage establishment where the applicant is to be employed and the name of the massage establishment owner;

3. The names and addresses of any and all previous establishments where the applicant has been employed as a massage professional for the past two years;

4. CAMTC certification document;

5. A statement signed by the owner or operator of a massage establishment indicating an intent to employ the applicant as a massage professional (unless the applicant is the massage establishment owner or operator).

C. Fees: Any application for a City Massage Establishment Permit, or renewal thereof, shall be accompanied by a nonrefundable fee in the amount established by resolution of the City Council. The fee shall be used to defray the costs of the administration and enforcement of this chapter. The provisions of this section shall not prevent the City from establishing additional fees for safety inspections as may be conducted from time to time by the Chief of Police, and for the background checks, fingerprinting, and subsequent arrest notification for owners of a massage business who are not CAMTC certified and who are subject to such background checks pursuant to this chapter. There shall be no fee for the Massage Practitioner Certificate unless established by resolution of the City Council.

5.10.060 - Term of Permit.

All permits and certificates shall be issued on a fiscal year basis from the first day of July to the 30th day of the succeeding June, inclusive.

5.10.070 - Issuance of Permits and Certificates.

A. Issuance: Upon provision by the massage business owner of the foregoing acceptable documentation to obtain a Massage Establishment Permit, or 2) the massage practitioner of the foregoing acceptable documentation to obtain a Massage Practitioner Certificate, the Chief of Police shall issue the appropriate permit or certificate, which shall be valid until the end of the current fiscal year. No reapplication for massage establishment permits will be accepted within one year after an application or renewal is denied or a permit is revoked. STANDARDS TO DENY, City massage establishment permits shall not be issued to a massage business seeking to operate at a particular location if:

1. Another massage business is or was operating at that particular location and that massage business is currently serving a suspension or revocation pursuant to Section 5.10.110, during the pendency of the suspension or one year following revocation;

2. Another massage business is or was operating at that particular location and that massage business has received a notice of suspension, revocation, or fine issued pursuant to Sections 5.10.100 and 5.10.110, during the ten-day period following receipt of the notice or while any appeal of a suspension, revocation or fine is pending;

3. Another massage business is or was operating at that particular location and that massage business has outstanding fines issued pursuant to Section 5.10.100 that have not been paid;

4. A massage business owner has previously failed to comply with the California Business and Professions Code Section 4600 et seq., and local, state, or federal law, or the provisions of this chapter and is seeking to open a massage business of a different name or at a different location within the City of Scotts Valley.

B. Amendment: A massage business shall apply to the City to amend its City Massage Establishment Permit within thirty days after any change in the registration information, including, but not limited to, the hiring or termination of certified massage practitioners, the change of the business' address, or changes in the owner's addresses and/or telephone numbers.

C. Renewal: Massage Establishment Permits and massage practitioner certificates shall be renewed annually on or before July 1st of each fiscal year. The permit and/or certificate will be valid for the fiscal year unless suspended or revoked. If an application of renewal has not been received by July 1st of each fiscal year, the permit or certificate shall be deemed suspended until such time as the renewal application has been received and approved. If a permit is suspended, neither the Massage Establishment nor the Massage Practitioner may perform massage within the City. If a renewal application and all required information for the renewal is not received within sixty (60) days after expiration, the permit or certificate shall be deemed expired and no privilege to provide massage shall exist.

Massage Establishment Permit renewal applications shall only require (1) filling out a Massage Establishment Permit application, (2) either (a) the applicant resubmitting her/his fingerprints to the Department of Justice via LiveScan or (b) by the applicant signing a waiver form with the City authorizing the Department of Justice to utilize the Subsequent Arrest Notification process, (3) submitting a list of all of the massage business' employees and independent contractors who are performing massage and their CAMTC certification information.

Massage Practitioner Certificate renewal applications shall only require (1) filling out the Massage practitioner certificate registration application, and (2) providing a current CAMTC certification document.

D. Transfer: A City Massage Establishment Permit shall not be transferred except with the prior written approval of the Chief of Police. A written request for such transfer shall contain the same information for the new ownership as is required for applications for a Massage Establishment Permit. In the event of denial, notification of the denial and reasons therefor shall be provided in writing and shall be provided to the applicant by personal delivery or by registered or certified mail. A City Massage Establishment Permit may not be transferred during any period of suspension or one year following revocation pursuant to Section

5.10.110, during the ten-day period following a massage business's receipt of a notice of suspension, revocation or fine issued pursuant to Sections 5.10.100 or while any appeal of a suspension, revocation or fine is pending. Further, a City Massage Establishment Permit may not be transferred until all outstanding fines issued pursuant to Section 5.10.100 have been paid.

5.10.080 - Massage Establishment and Outcall Operating Requirements.

A. It is unlawful for any owner, manager, operator, responsible managing officer/employee, or permittee to employ or permit a person to act as a massage practitioner who is not in possession of a valid, unrevoked Massage Practitioner Certificate issued pursuant to this chapter.

B. It is unlawful for any person to engage in the business of massage or act as a massage practitioner and provide any type of massage service without having a valid ~~permit~~ massage practitioner certificate issued by the Chief of Police for the purposes of providing massages.

C. It shall be unlawful for any owner, proprietor, manager, or other person in charge of any massage establishment or out call massage service to employ any person who is under eighteen (18) years of age.

D. Every person to whom or for whom a permit shall have been granted shall display such permit and a valid business license in a conspicuous place within the massage establishment so that the permit may be readily seen by persons entering the premises. Persons engaged in an out call massage service shall have their permit available for inspection at all times while providing out call massage services.

5.10.090 - Application of Regulations to Existing Massage Establishments, Outcall Services, and Massage Technicians.

The provisions of this chapter shall be applicable to all persons and businesses whether the business was established before or after the effective date of the ordinance codified in this chapter, except that massage establishments or outcall services legally in business prior to the effective date shall have ninety (90) days to file for a massage permit and to comply with the provisions of this chapter. Massage practitioners who have valid massage permits from the City shall have until June 30, 2021 to obtain a CAMTC certification and to apply for and obtain a Massage Practitioner Certificate under the terms of this chapter. Any such non-CAMTC certified massage therapists shall renew their massage permit issued by the Chief of Police by July 1, 2019 and July 1, 2020.

5.10.100 - Revocation or Suspension of Permits.

The Chief of Police shall revoke or suspend any permit issued pursuant to the provisions of this chapter if s/he finds:

A. That the permittee, or his employees, agents, or any person connected or associated with the permittee as a partner, director, officer, stockholder, or manager, has been convicted in a court of competent jurisdiction by final judgment within the last ten (10) years of an offense involving lewd conduct.

B. That the permittee has violated any provision of this chapter or is in violation of any general or special condition of the permit;

C. That the permittee has had a similar type permit previously revoked for good cause and has not shown a material change in circumstances since the date of such revocation.

D. An owner or sole proprietor fails to register under the provisions of California Penal Code Section 290 (sex offender registration); is convicted of California Penal Code Sections 266i (pandering), 315 (keeping or residing in a house of ill fame), 316 (keeping disorderly house), 318 (prevailing upon person to visit a place for prostitution), 647(b) (engaging in or soliciting prostitution), 653.22 (loitering with intent to commit prostitution), 653.23 (supervision of prostitute); has a business permit or license denied, revoked, restricted, or suspended by any agency, board, city, county, territory, or state; is subject to an injunction for nuisance pursuant to California Penal Code Sections 11225 through 11235 (red light abatement); is convicted of a felony offense involving the sale of a controlled substance; is convicted of any crime involving dishonesty, fraud, deceit, violence, or moral turpitude; or is convicted in any other state of an offense which, if committed in this state, would have been punishable as one or more referenced offenses in this subsection.

E. Violations of any of the following occurred on the premises of a massage business or were committed by a massage practitioner: California Business and Professions Code Section 4600 et seq.; any local, state, or federal law; or the provisions of this chapter.

Prior to revoking or suspending the permit, the Chief of Police shall give not less than five (5) days written notice to the permittee to show cause, at a time and place set by the notice, why the permit should not be revoked. At the hearing, the permittee shall appear and submit evidence why the permit should not be revoked. Within ten (10) days after the hearing, the Chief of Police shall make a written determination as to whether the permit should be revoked, and the decision shall be mailed to the permittee. If a permit has been revoked, the permittee shall not reapply for one year.

5.10.110 - Right of Appeal.

The permittee may appeal any of the matters set forth in Section 5.10.110 in writing to the City Council within ten (10) days of receipt of the Chief of Police's written decision. The City Council shall immediately schedule the matter for hearing, and cause written notice of the hearing to be given to the applicant or permittee not less than five (5) days prior to the hearing. At the hearing, the permittee shall appear and offer evidence why the decision of the Chief of Police should be overturned. Within ten (10) days after the hearing, the City Council shall make a written determination, and the decision shall be mailed to the permittee. The decision of the City Council shall be final.

5.10.120 - Notifications.

(a) A massage business shall notify the Chief of Police of any changes described in Section 5.10.050 pursuant to the timelines specified therein.

(b) A registrant shall report to the Chief of Police any of the following within ninety-six (96) hours of the occurrence:

(1) Arrests of any employees or owners of the registrant's massage business for an offense other than a misdemeanor traffic offense;

(2) Resignations, terminations, or transfers of practitioners employed by the registrant's massage business;

(3) Any event involving the registrant's massage business or the massage practitioners employed therein that constitutes a violation of this chapter or state or federal law.

(c) This provision requires reporting to the Chief of Police even if the massage business believes that the Chief of Police has or will receive the information from another source.

5.10.130 - Other Code Provisions.

The provisions of this chapter shall be in addition to all other regulations, laws, requirements, and fees set forth in this Code.

5.10.140 Unlawful Business Practices May Be Enjoined – Remedies Cumulative.

Any massage business operated, conducted or maintained contrary to the provisions of this chapter shall constitute an unlawful business practice pursuant to Business and Professions Code Section 17200 et seq., and the city attorney or district attorney may, in the exercise of discretion, in addition to or in lieu of taking any other action permitted by this chapter, commence an action or actions, proceeding or proceedings in the superior court of Santa Cruz County, seeking an injunction prohibiting the unlawful business practice and/or any other remedy available at law, including but not limited to fines, attorneys' fees and costs. All remedies provided for in this chapter are cumulative.

5.10.150 Administrative Fines.

(a) Violations. Upon a finding by the Police Chief that a business or person has violated any provision of this chapter, the Police Chief may issue an administrative fine of up to five hundred dollars ($500.00).

(b) Separate Violations. Each violation of any provision of this chapter shall constitute a separate violation. Each client to whom massage is provided or offered in violation of this chapter shall also constitute a separate violation. Each day upon which a massage business remains open for business in violation of this chapter shall also constitute a separate violation.

(c) Fine Procedures. Notice of the fine shall be served in accordance with Chapter 4.03 of the Scotts Valley Municipal Code.

5.10.160 Public Nuisance.

It shall be unlawful and a public nuisance for a massage business to be operated, conducted, or maintained contrary to the provisions of this chapter or for a person to conduct massage in violation of the terms of this chapter. The City may exercise its discretion, in addition to or in lieu of imposing an administrative fine, to commence proceedings for the abatement, removal, and enjoinment of that business in any manner provided by law."

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

SECTION 4. REPEALS CONFLICTING ORDINANCES. All other ordinances of the City of Scotts Valley or provisions of the Scotts Valley Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. CEQA COMPLIANCE. The City Council finds and determines that the enactment of this Ordinance is not a "project" as that term is used in the California Environmental Quality Act ("CEQA;" Cal. Pub. Resources Code Section 21000 et seq.) or the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.). Therefore, no environmental assessment is required or necessary.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after the date of its adoption. Prior to the expiration of fifteen (15) days from the date of adoption, this Ordinance shall be published in at least three (3) public places.

* *

This Ordinance was introduced on the 17th day of October, 2018, and passed and adopted by the City Council of the City of Scotts Valley on the 7th day of November, 2018, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:_____
Jim Reed, Mayor

ATTEST:

_____
Tracy A. Ferrara, City Clerk

APPROVED AS TO FORM:

_____
Kirsten Powell, City Attorney

September 20, 2018

Dear Massage Establishment Owner and/or Practitioner:

As you may be aware, the regulation of massage business has undergone many changes in the past ten years with the goal of protecting the community and the massage profession. As such, the Scotts Valley Police Department is in the process of reviewing and updating the City of Scotts Valley's municipal code to ensure we are following best practices. We would like to make you aware of discussed amendments that may affect you as a massage establishment owner and/or massage practitioner in the City of Scotts Valley. The following changes will be recommended to the City Council:

- Require all massage practitioners working in such capacity within the City of Scotts Valley to possess certification through the California Massage Therapy Council ("CAMTC").
- The City would cease issuing massage practitioner permits, grandfathering those who currently have City-issued practitioner permits until June 30, 2020 to obtain CAMTC certification.
- Amendment of criteria to suspend or revoke a massage establishment permit; which would allow the Chief of Police to determine if a massage business' establishment permit should be suspended or revoked for criminal activity committed by an employee.
- Annual massage establishment renewal permit applications will require a current list of all massage practitioners practicing on premises of the establishment.

While there are other updates that will be recommended, those listed above have the most potential to directly affect you as a massage establishment owner and/or massage practitioner. If you have any concerns about these proposed changes, or would like to receive further explanation, please feel free to contact Sgt. Wayne Bellville at wbellville@scottsvalley.org, or by phone at (831) 440-5654.

Sincerely,

Steve Walpole
Chief of Police
Scotts Valley Police Department