



A G E N D A

Meeting of the
Scotts Valley City Council
In-Person and Remote Access
Date: March 15, 2023
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 OR Zoom Video Conference https://us02web.zoom.us/j/87933878635	The agenda was posted on 3-10-23 at City Hall, SV Senior Center, SV Library and on the Internet at www.scottsvally.org .

ELECTED OFFICIALS	CITY STAFF MEMBERS
Jack Dilles, Mayor Randy Johnson, Vice Mayor Donna Lind, Council Member Derek Timm, Council Member Allan Timms, Council Member	Mali LaGoe, City Manager Kirsten Powell, City Attorney Lauren Lambert, Deputy City Clerk Chris Lamm, Public Works Director Taylor Bateman, Community Development Director

MEETING NOTICE AND AGENDA PACKET MATERIALS
<p>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, and via Zoom Webinar remote access.</p> <p>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.scottsvally.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.scottsvally.org.</p> <p>Public Participation: The meeting will be available on Zoom and livestreamed to the City of Scotts Valley's YouTube channel: City of Scotts Valley, California - YouTube</p>

For those wishing to participate via Zoom you can join the following ways:
Zoom Webinar meeting link: <https://us02web.zoom.us/j/87933878635>
Or dial one of these numbers: (669) 900-9128 or (669) 444-9171
Webinar ID: 879 3387 8635

Whether attendance is in-person or remote, you will be given opportunities to provide public comment at the appropriate times throughout the meeting. The time limit is up to 3 minutes for an individual, or 5 minutes for someone who is representing a group of three or more, at the discretion of the Mayor. Please note that this is not a question-and-answer time, but simply a time to provide comments to the Council. At the appropriate times during the meeting for public comment, on items not on the agenda, and on specific agenda items, the Mayor will announce that public comment will be accepted.

How to comment via in-person attendance:

Please proceed to the public comment podium when the Mayor opens the item for public comment.

How to comment via Zoom Webinar:

Use the webinar attendee option to “raise hand” when the Mayor opens the item for public comment. The Clerk will unmute you when it is your turn. If you have joined via Zoom phone call, dial *9 or your phone to “raise your hand”, and the Clerk will unmute you when it is your turn.

CALL TO ORDER 6:00 PM

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

COMMITTEE REPORTS

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

CITY MANAGER REPORT

PUBLIC COMMENT TIME

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

ALTERATIONS TO CONSENT AGENDA

Council can remove or add items to the Consent Agenda.

CONSENT AGENDA

The Consent Agenda is comprised of items which are intended to be non-controversial and are approved without discussion. Persons wishing to speak on any item may request the item be moved to the Regular Agenda by raising their hand to be recognized by the Mayor. An item will only be moved from the Consent Agenda to the Regular Agenda if a City Council Member requests it to be moved and a majority of the Council agrees.

- A. Approve City Council minutes of 03-01-2023
- B. Approve check registers dated 03-09-2023
- C. Approve Amendment to Memorandum of Understanding Between The City of Scotts Valley and The Police Supervisors Association and The Police Bargaining Unit
- D. Approve Resolution No. 2016.1 Determining the industrial disability retirement of Sergeant Wayne Belville
- E. Approve referral to the Parks and Recreation Commission to review pickleball activities and associated impacts at the Skypark Tennis Courts

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. Housing Element Overview Presentation
- 2. Streetlight Banner Policy
- 3. Extension of the City's Declaration of Local Emergency
- 4. Future Council agenda items
(This portion of the Regular Agenda allows the Council to determine items to be placed on a future agenda and to choose a date, if so desired.)

CONVENE TO CLOSED SESSION

CLOSED SESSION SUBJECT(S)

- (1) Conference with legal counsel regarding real property negotiations
Legal Authority: Government Code Section 54956.8
Location: APNS: 022-721-07, 022-721-08, 022-721-09
(Town Center)
Staff Present: City Manager, City Attorney

- (2) Conference with legal counsel regarding threat of litigation
Legal Authority: Government Code Section 54956.9
Number of Cases: 1 case
Staff Present: City Manager, City Attorney

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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MINUTES

Meeting of the
Scotts Valley City Council
In-Person and Remote Access
Date: March 1, 2023
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 OR Zoom Video Conference	The agenda was posted on 2-24-2023 at City Hall, SV Senior Center, SV Public Works and on the Internet at www.scottsvally.org .

CALL TO ORDER 6:00 PM

The City Council meeting was called to order at 6:00 pm.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL	
ELECTED OFFICIALS PRESENT: Jack Dilles, Mayor Randy Johnson, Vice Mayor Donna Lind, Council Member Derek Timm, Council Member Allan Timms, Council Member	CITY STAFF MEMBERS PRESENT: Mali LaGoe, City Manager Kirsten Powell, City Attorney Stephanie Hill, Administrative Services Director Lauren Lambert, Deputy City Clerk Chris Lamm, Public Works Director Taylor Bateman, Community Development Director Jonathan Kwan, Contract Planner

SPECIAL SET MATTER

Jenna Espinosa, Manager of Customer Accounts and Services presented the Central Coast Community Energy Annual Member Agency presentation and answered questions from the council.

COMMITTEE REPORTS

CM Lind attended a couple of Santa Cruz Metropolitan Transit District (METRO) board meetings and reported they heard updates on key performance indicators, budget, and ridership. In regards to ridership, the Highway 17 bus ridership was up 19% over last year although still 44% lower than before the pandemic in 2019.

CM Lind attended the production of the Wizard of Oz at the Scotts Valley Theatre, it was wonderful to see the theatre in use as well as a great production.

CM Lind, along with CM Timm, Mayor Dilles and City Manager LaGoe, attended the home dedication open house for a new family moving into a home built by Habitat for Humanity.

CM Timms attended a meeting of the Local Agency Formation Commission (LAFCO). This was CM Timms first official time attending a meeting for LAFCO. The commission welcomed three new members, Justin Cummings, Eduardo Montesino and CM Timms. The commission is receiving an uptick in homes trying to connect to sewers because of the recent rains.

CM Johnson attended the International Council of Shopping Centers (ICSC) conference along with City Manager LaGoe and CM Timm. The conference is a chance to listen to the best information about shopping centers, commercial production and all the things that go into retail.

CM Timm added onto CM Johnsons report on the International Council of Shopping Centers (ICSC) conference. The conference was well attended in comparison to last year's conference.

CM Timm reported Towncenter subcommittee met today to discuss moving forward with the City of Santa Cruz regarding land acquisition which they will bring to Council in closed session coming up.

Mayor Dilles attended a meeting of the Mayor's Selection Committee, it was a redo of a previous meeting which had some questions raised in regards to the Brown Act, also known as the Open Meeting Act, to make sure procedures were being followed correctly. CM Timms was appointed to the Local Agency Formation Commission (LAFCO) as the City of Scotts Valley's representative. CM Timm was appointed to the Visit Santa Cruz County Board. The Mayor's Selection Committee also voted to recommend Yvette Brooks, Council Member in Capitola, for an appointment to the California Coastal Commission. That recommendation will be delivered to the Speaker of the State Assembly Anthony Rendon, who ultimately makes the appointment.

Mayor Dilles also participated as a panelist for the Women's Council of Relators, along with the four mayors from around the county. They asked questions about housing projects, water supply, fire cautions, traffic conditions amongst many other topics.

Mayor Dilles also attended the rededication of the home built by Habitat for Humanity along with CM Lind and CM Timm.

Mayor Dilles also attended Pajaro Valley Quilt Association Quilt Show as judge and had a great time looking at the beautiful work the quilters submitted.

CITY MANAGER REPORT

Green Hills Rd: Green Hills Road has reopened. Thank you to the Public Works staff and the contracted workers for their hard work to get the road reopened. There is still some work that needs to be done.

Staffing: The City has been down two out of four maintenance workers, which has been hard during the recent storms but there are two candidates in the background check process and expect them to start in a couple weeks. With them the City will be fully staffed in the Maintenance Department. Also, two new Police Officer Trainees will go to the academy later this month. With the two trainees coming on, the Scotts Valley Police Department is fully staffed, on paper at least.

Police Department: The Scotts Valley Police Department sent two staff members, Sergeant Roberts and Officer Stoeberl, to the University of Monterey Bay Job Fair to continue to promote the Police Department as a great employer. The Police Department also participated in the Polar Plunge last weekend.

Finance Department: The Finance Department will be hosting OpenGov training tomorrow for all of the management staff, which will kick off the process for developing the 23/24 budget in the new OpenGov software. We also received the draft of the Annual Comprehensive Financial Report from our auditors from last year and will now be finalizing that report this month.

METRO: Participated in the Reimagining Metro process. METRO is looking at a study of their routes and what is the best use and how they can improve the routes. Last week along with our Senior Engineer Phillip Linarte, City Manager LaGoe participated in a focus group on the services that are provided in Scotts Valley and coming up their will be many options for the public to participate in the year long process of looking at the bus routes.

PUBLIC COMMENT TIME

No one came forward.

ALTERATIONS TO CONSENT AGENDA

M/S: Lind/Timm

To approve the Consent Agenda.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Timm, Timms)

CONSENT AGENDA

- A. Approve meeting minutes of 02-15-2023
- B. Approve check registers dated 02-16-2023 and 02-23-2023
- C. Approve letter opposing Initiative No. 21-0042A1, The Taxpayer Protection and Government Accountability Act

ALTERATIONS TO REGULAR AGENDA

M/S: Timms/Johnson

To approve the Regular Agenda.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Timm, Timms)

REGULAR AGENDA

1. Receive Fiscal Year 2022-2023 Mid-Year Financial Report, including Proposed Budget Amendments and Preparation of the Fiscal Year 2023-2024 Annual Budget

Administrative Services Director Stephanie Hill gave a presentation and responded to questions from Council.

M/S: Timm/Lind

To approve the acceptance of FY 2022-23 Mid-Year Financial Report through December 31, 2022

Carried 5/0 (AYES: Dilles, Johnson, Lind, Timm, Timms)

M/S: Timm/Lind

To approve Resolution No. 630.42.1 Amending the FY 2022-23 Annual Budget

Carried 5/0 (AYES: Dilles, Johnson, Lind, Timm, Timms)

M/S: Timm/Lind

To approve Resolution No. 630.42.2 Adopting Guiding Budget Principles for use in preparing the FY 2023-24 Annual Budget

Carried 5/0 (AYES: Dilles, Johnson, Lind, Timm, Timms)

2. Wastewater Treatment Plant -SCADA/PLC and Computer System Upgrades

Public Works Director Chris Lamm gave a presentation and responded to questions from Council.

M/S: Timms/Timm

To approve the authorization of the City Manager to execute an agreement in a form acceptable to the City Attorney in an amount up to \$562,243

**(including 10% contingency) with Sycal Engineering for the Computer and Software and SCADA/PLC Upgrades Project.
Carried 5/0 (AYES: Dilles, Johnson, Lind, Timm, Timms)**

3. Consider approval of the Housing Element Annual Progress Report and authorize the submittal of the Annual Progress Report to the Department of Housing and Community Development

Contract Planner from CSG Consultants, Jonathan Kwan gave a presentation and answered questions from Council.

Tim Willoughby, from Affordable Housing Now, came forward and spoke on the next cycle of the RENA numbers and the challenges of the numbers. Tim also spoke on the frequency of bus service can affect affordable housing projects.

Linda Kerner, a resident of Scotts Valley, came forward and spoke on the City's goals to meet the affordable housing numbers. Linda offered some suggestions to meet the affordable housing numbers: 1. Expansion of Scotts Valley's inclusionary program. 2. Be aggressive in your community outreach efforts to get the community involved.

M/S: Timm/Timms

**To approve the submittal of the 2022 Annual Progress Report (APR) to the Department of Housing and Community Development (HCD) and State Office of Planning and Research (OPR)
Carried 5/0 (AYES: Dilles, Johnson, Lind, Timm, Timms)**

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

CM Timm would like to bring to council a discussion of whether or not to seek input from the Parks and Recreation Commission on the recent noise complaints regarding the pickleball courts in Skypark.

ADJOURNMENT

The meeting adjourned at 7:21 p.m.

Approved: _____

Jack Dilles, Mayor

Attest: _____
Lauren Lambert, Deputy City Clerk

SCOTTS VALLEY ACCOUNTS PAYABLE
03/09/2023 18:38:03 Check Register

CITY OF SCOTTS VALLEY
GL050S-V08.19 COVERPAGE
GL540R

Report Selection:

RUN GROUP... 030923 COMMENT... 03/09/2023 A/P

DATA-JE-ID DATA COMMENT

W-03092023-650 03/09/2023 A/P

Run Instructions:

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

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
	000041 ACC BUSINESS	126271	03/09/23	1,817.59
	003342 ACCENT CLEAN & SWEEP INC	126272	03/09/23	2,335.30
	003919 ACCO ENGINEERED SYSTEMS	126273	03/09/23	2,154.77
	001219 ALHAMBRA	126274	03/09/23	77.25
	000563 APPI	126275	03/09/23	584.08
	004029 ARMSTRONG/AMANDA	126276	03/09/23	183.00
	001670 AT & T	126277	03/09/23	2,873.31
	000097 AT&T	126278	03/09/23	1,162.49
	002011 B & B SMALL ENGINE	126279	03/09/23	358.55
	005043 BAKER TILLY US, LLP	126280	03/09/23	4,703.69
	001593 BENEDICT DDS/NANNETTE	126281	03/09/23	399.20
	.15936 BNI PUBLICATIONS, INC.	126282	03/09/23	123.31
	003170 BOGARD CONSTRUCTION INC	126283	03/09/23	1,500.00
	003936 BOYS & GIRLS CLUBS SC CO	126284	03/09/23	34,599.00
	003988 BPS TACTICAL, INC.	126285	03/09/23	628.11
	003946 BRAJKOVICH/ANNA-KATE	126286	03/09/23	547.20
	004083 BRIGHTVIEW LANDSCAPE	126287	03/09/23	5,498.03
	000018 BRINK'S AWARDS & SIGNS	126288	03/09/23	199.38
	001566 BUSINESS WITH PLEASURE	126289	03/09/23	1,091.58
	000756 CENTRAL HOME SUPPLY	126290	03/09/23	587.76
	003656 CIVICPLUS	126291	03/09/23	1,335.26
	002091 COMCAST	126292	03/09/23	349.52
	002091 COMCAST	126293	03/09/23	157.82
	005059 CORNER POCKET TRANSPORTS	126294	03/09/23	4,140.00
	.15934 COUNTY OF SANTA CLARA-	126295	03/09/23	833.81
	000207 DEPARTMENT OF JUSTICE	126296	03/09/23	64.00
	003991 DROZEK/PASCALE	126297	03/09/23	1,000.00
	004073 DU-ALL SAFETY, LLC	126298	03/09/23	2,100.00
	005045 ECOLOGICAL CONCERNS	126299	03/09/23	14,686.00
	000191 EMPLOYMENT DEV. DEPT.	126300	03/09/23	6,397.20
	001597 ENVIRONMENTAL INNOVATION	126301	03/09/23	8,320.72
	001881 GRAINGER	126302	03/09/23	2,243.10
	002003 GREEN RUBBER-KENNEDY AG	126303	03/09/23	551.99
	001973 JOHNSON/RANDY	126304	03/09/23	70.57
	004024 K & D LANDSCAPING, INC.	126305	03/09/23	9,902.80
	001030 LEAGUE OF CA CITIES	126306	03/09/23	300.00
	000218 MID VALLEY SUPPLY	126307	03/09/23	1,694.63
	000083 MISSION UNIFORM SERVICE	126308	03/09/23	962.96
	005075 MIWALL CORPORATION	126309	03/09/23	7,025.86
	000939 NATIONAL COMTEL NETWORK	126310	03/09/23	6.62
	000323 NBS GOVERNMENT FINANCE G	126311	03/09/23	1,866.35
	.15933 NORTHWEST SIGNS, INC	126312	03/09/23	887.50
	005074 O'DELL ENGINEERING	126313	03/09/23	4,253.41
	004045 PHILLIP D NEUMAN	126314	03/09/23	31,818.20
	000723 PIED PIPER INC./THE	126315	03/09/23	222.00
	005069 QUINN COMPANY	126316	03/09/23	7,797.15
	005073 RANDAZZO ENTERPRISES, IN	126317	03/09/23	45,360.00
	003367 SANTA CRUZ LIVE SCAN, IN	126318	03/09/23	90.00

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA	GENERAL CHECKING ACCOUNT				
005042	SANTA CRUZ STAFFING LLC	126319	03/09/23	1,863.00	
000128	SCARBOROUGH LUMBER	126320	03/09/23	2,279.89	
000133	SCOTTS VALLEY SPRINKLER	126321	03/09/23	28.51	
000805	SHAPE INC.	126322	03/09/23	12,631.89	
003928	SOUTH BAY REGIONAL PUBLI	126323	03/09/23	3,405.00	
001113	STERICYCLE INC	126324	03/09/23	213.36	
.15935	STOP COMPANY	126325	03/09/23	76.30	
003757	SWEDBERG ELECTRIC INC.	126326	03/09/23	3,698.87	
004087	TIRECHOICE AUTO SERVICE	126327	03/09/23	826.37	
003548	TORO PETROLEUM CORP	126328	03/09/23	4,657.22	
003986	TRASHCANS UNLIMITED, LLC	126329	03/09/23	1,034.02	
001560	TRITON CONSTRUCTION	126330	03/09/23	300.00	
000154	WINCHESTER AUTO STORES	126331	03/09/23	47.29	
003947	4X4 AND MORE	126332	03/09/23	1,626.10	
	GENERAL CHECKING ACCOUNT			248,548.89	***

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				248,548.89

RECORDS PRINTED - 000128

GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
----	-----	
001	GENERAL	117,978.33
002	RECYCLING/ENVIRONMENTAL	9,156.11
004	RECREATION	2,020.85
009	PARKS & REC FACILITIES	4,253.41
010	WASTEWATER OPERATIONS	27,922.42
011	TERTIARY TREATMENT PLANT	2,328.61
028	SENIOR CENTER	188.93
050	PINEWOOD EST LNDSCP MAINT DT	313.00
077	SKYPARK MAINT ASSESS DIST	1,595.17
088	LIBRARY FACILITIES-MEAS "S"	1,500.00
112	DENTAL INS INTERNAL SERV	946.40
123	COMMUNITY FACILITY CENTER	386.66
150	GENERAL CAPITAL IMPROVEMENTS	45,360.00
317	EDG-REVOLVING LOAN FUND	34,599.00
TOTAL ALL FUNDS		248,548.89

BANK RECAP:

BANK	NAME	DISBURSEMENTS
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BA	GENERAL CHECKING ACCOUNT	248,548.89
TOTAL ALL BANKS		248,548.89

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: March 15, 2023
TO: Honorable Mayor and City Council
FROM: Amanda Armstrong, Human Resources Manager
APPROVED: Mali LaGoe, City Manager

SUBJECT: APPROVE AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SCOTTS VALLEY AND THE POLICE SUPERVISORS ASSOCIATION AND THE POLICE BARGAINING UNIT

SUMMARY OF ISSUE

The United States has experience historic inflation over the last few years. The labor market continues to make positions difficult to fill as well as retain qualified employees. The City's Police force is vital to the safety and well-being of the community and as a result, City staff is recommending that the City Council approve an amendment to the Memorandum of Understanding for the Police Supervisors Association (SVPSA) and the Police Bargaining Unit (SVPBU).

The recommendation is to amend the cost of living adjustment for SVPSA and SVPBU beginning July 1, 2023 by 2%, totaling in a 4% cost of living adjustment.

All other terms and condition of the MOUs shall remain unchanged and in effect during the term of the Agreement.

FISCAL IMPACT

Costs for these adjustments will be included in the FY 2023-24 Budget.

STAFF RECOMMENDATION

It is recommended that the City Council approve Resolution No. 2024 approving the amendment to the Memorandum of Understanding between the City of Scotts Valley and Police Supervisor Association and the Police Bargaining Unit.

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RESOLUTION NO. 2024

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY
APPROVING THE AMENDMENTS TO THE MEMORANDUMS OF
UNDERSTANDING BETWEEN THE CITY OF SCOTTS VALLEY AND THE
POLICE SUPERVISORS ASSOCIATION AND THE POLICE BARGAINING
UNIT**

WHEREAS, the City of Scotts Valley (hereinafter referred to as the “City”) approves all wage and benefit adjustments for the City employees, including the Police Supervisors Associate (hereinafter referred to as “PSA”) and the Police Bargaining Unit (hereinafter referred to as “PBU”); and

WHEREAS, the City and PSA and PBU entered into certain Memorandums of Understanding, each dated June 16, 2021, where certain commitments and obligations of the parties including, but not limited to, the compensation paid to members was agreed upon; and

WHEREAS, the United States has experienced historic inflation over the last few years and the parties desire to amend the Memorandums of Understanding for PBU and PSA to increase the cost-of-living adjustments; and

WHEREAS, the PSA and PBU approved the proposed amendments on February 28, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Scott Valley hereby approves the amendments to the Memorandums of Understanding for PSA and PBU attached hereto as Exhibit A. The above and foregoing resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a regularly scheduled meeting held on the 15th day of March 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____
Jack Dilles, Mayor

Attest: _____
Lauren Lambert, Deputy City
Clerk

AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SCOTTS VALLEY AND THE POLICE BARGAINING UNIT

This Amendment to Memorandum of Understanding between the City of Scotts Valley ("City") and Police Bargaining Unit ("PBU") on this 1st day of March, 2023.

RECITALS

- A. City and PBU entered into that certain Memorandum of Understanding dated June 16, 2021 ("MOU").
- B. The MOU memorialized certain commitments and obligations of the parties including, but not limited to, the compensation paid to members of the PBU.
- C. The United States has experienced historic inflation over the last few years.
- D. The MOU provides a modest cost of living adjustment to the members of the PBU of two percent (2%) beginning July 1, 2023.
- E. The parties desire to amend the MOU to increase the cost of living adjustment to the members of the PBU on July 1, 2023, subject to the terms of this amendment.

AGREEMENT

1. Section 17.01 of the MOU is hereby amended to read as follows:

"17.00 WAGES

17.01 Effective the first full pay period in July 1, 2021, the salary range for each classification in the unit will receive a four percent (4.0%) salary increase.

Effective the first full pay period in July 1, 2022, the salary range for each classification in the unit will receive a five percent (5.0%) salary increase.

Effective the first full pay period in July 1, 2023, the salary range for each classification in the unit will receive a four percent (4.0%) salary increase."

2. All other terms and conditions of the MOU shall remain unchanged and in effect during the term of the Agreement. In the event of a conflict between the terms of the MOU and this amendment, the terms of this amendment shall control.

IN WITNESS WHEREOF, this Amendment to Memorandum of Understanding between the City of Scotts Valley and Police Bargaining Unit is hereby executed on the date written above.

"CITY"
CITY OF SCOTTS VALLEY

"PBU"
POLICE BARGAINING UNIT

Jack Dilles, Mayor

DocuSigned by:
Chris Gallig, POA Representative
BB96C3470F16496 2/28/2023 | 19:46 PST
Its: Vice President SV POA

ATTEST:

Cathie Simonovich, City Clerk

AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SCOTTS VALLEY AND THE POLICE SUPERVISORS ASSOCIATION

This Amendment to Memorandum of Understanding between the City of Scotts Valley ("City") and Police Supervisors Association ("PSA") on this 1st day of March, 2023.

RECITALS

- A. City and PSA entered into that certain Memorandum of Understanding dated June 16, 2021 ("MOU").
- B. The MOU memorialized certain commitments and obligations of the parties including, but not limited to, the compensation paid to members of the PSA.
- C. The United States has experienced historic inflation over the last few years.
- D. The MOU provides a modest cost of living adjustment to the members of the PSA of two percent (2%) beginning July 1, 2023.
- E. The parties desire to amend the MOU to increase the cost of living adjustment to the members of the PSA on July 1, 2023, subject to the terms of this amendment.

AGREEMENT

- 1. Section 17.01 of the MOU is hereby amended to read as follows:

"17.00 WAGES

17.01 Effective the first full pay period in July 1, 2021, the salary range for each classification in the unit will receive a four percent (4.0%) salary increase.

Effective the first full pay period in July 1, 2022, the salary range for each classification in the unit will receive a five percent (5.0%) salary increase.

Effective the first full pay period in July 1, 2023, the salary range for each classification in the unit will receive a four percent (4.0%) salary increase."

- 2. All other terms and conditions of the MOU shall remain unchanged and in effect during the term of the Agreement. In the event of a conflict between the terms of the MOU and this amendment, the terms of this amendment shall control.

IN WITNESS WHEREOF, this Amendment to Memorandum of Understanding between the City of Scotts Valley and Police Supervisors Association is hereby executed on the date written above.

"CITY"
CITY OF SCOTTS VALLEY
ASSOCIATION

"PSA"
POLICE SUPERVISORS

Jack Dilles, Mayor

DocuSigned by:
Chris Galli, POA Representative
BB98C3470F16496... 2/28/2023 | 19:46 PST
Its: Vice President SV POA

ATTEST:

Cathie Simonovich, City Clerk

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: March 15, 2023

TO: Honorable Mayor and City Council

FROM: Stephanie Hill, Administrative Services Director

APPROVED: Mali LaGoe, City Manager

SUBJECT: **RESOLUTION NUMBER 2016.1 DETERMINING THE INDUSTRIAL DISABILITY RETIREMENT OF SERGEANT WAYNE BELVILLE**

SUMMARY OF ISSUE

On August 3, 2022, the City Council approved Resolution Number 2016 on this matter. During the California Public Employee Retirement System (PERS) review, they requested further language to the original resolution. This staff report, and proposed resolution, satisfy the PERS request and is needed to continue with the determination of the industrial retirement.

By adopting the resolution, the Council finds and determines that Sergeant Belville is incapacitated from the performance of his duties in the position of Police Sergeant and that the disability is the result of an injury arising out of or in the course of employment. The resolution also includes several other declarations that the Public Employee Retirement Law requires the City to make as part of the industrial disability finding. One such declaration is authorization of Advanced Disability Pension Payments (ADPP) to Sergeant Belville which are paid upfront by the City while PERS is completing their determination regarding the industrial retirement. Once the industrial retirement is approved, PERS will reimburse the City for the ADPPs paid, or if not approved in part or full, Sergeant Belville will be responsible for repayment to the City for the difference.

FISCAL IMPACT

Monthly ADPP will be \$4,730.17 per month from September 1, 2022 until determination from PERS. The City will have a net zero fiscal impact once the determination has been processed and funds reimbursed.

STAFF RECOMMENDATION

It is recommended that the City Council takes the following actions:

1. Approve Resolution No. 2016.1 determining the industrial disability of Sergeant Wayne Belville.
2. Authorize the City Manager to enter into an agreement with Sergeant Belville for the payment of ADPP.

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RESOLUTION NO. 2016.1

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY DETERMINING THE INDUSTRIAL DISABILITY OF EMPLOYEE WAYNE BELLVILLE

WHEREAS, the City of Scotts Valley (hereinafter referred to as the City) is a contracting agency of the California Public Employees' Retirement System (CalPERS): and

WHEREAS, the California Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he/she is classified as a local safety member is disabled for purpose of the California Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such law: and

WHEREAS, an application for disability retirement of Wayne Bellville employed by the City has been filed with CalPERS; And

WHEREAS, the City has reviewed the medical and other evidence relevant to such alleged disability.

NOW. THEREFORE. BE IT RESOLVED: That the City Council finds and determines that Wayne Bellville is substantially incapacitated within the meaning of the California Public Employees' Retirement Law for performance of the duties in the position of Police Sergeant; and hereby certify under penalty of perjury that this determination was made on the basis of competent medical opinion and was not used as a substitute for the disciplinary process in accordance with Government Code section 21156(a). Wayne Bellville had filed a Workers' Compensation Claim for his disabling condition(s). The Workers' Compensation claim was accepted.

BE IT FURTHER RESOLVED that the City of Scotts Valley hereby finds and determines that such disability is a result of injury arising out of and in the course of employment with the City.

BE IT FURTHER RESOLVED that the last date paid in the position of Police Sergeant after expiration of his rights under Gov. Code, sections 21163 and 21164, is effective August 3, 2022 and that no dispute as to the expiration of such leave rights is pending. The member has exhausted unused sick leave, compensating time off or Labor Code 4850 until the last date paid. Wayne Bellville received LC 4850 Worker's Compensation payments from 2/20/21-8/3/2022.

Advanced Disability Pension Payments will be made. The payments will be made monthly in the amount of \$4,730.17 beginning September 1, 2022.

The primary disabling condition

The

duration of the disabling condition is understood to be permanent and is expected to last greater than 12 months which is certified by competent medical opinion.

The above and foregoing resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a meeting held on the 15th day of March, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____

Jack Dilles, Mayor

Attest: _____

Lauren Lambert, Deputy City
Clerk

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: March 15, 2023
TO: Honorable Mayor and City Council
FROM: Chris Lamm, Public Works Director
APPROVED: Mali LaGoe, City Manager
SUBJECT: PICKLEBALL – REFERRAL TO PARK AND RECREATION COMMISSION

SUMMARY OF ISSUE

Background

Pickleball is a fast-growing sport and the Skypark Tennis courts have played host to pickleball players since 2014, beginning on temporary courts. In 2018, following recommendations of the Park and Recreation Commission in 2017, the City Council approved more permanent striping changes to 2 of the 4 tennis courts converting them to full time pickleball usage.

Pickleball can cause more intensive use of the courts as 4 games can be played on each tennis court. And in addition to the more intensive usage, league play can increase the impact on parking and resources.

The City and City Council has received multiple complaints on the use of the tennis courts for pickleball including, noise, duration of play, and parking issues associated with this use of the facilities. On March 1, 2023, the City Council requested to agendize the topic of referring the complaints to the Parks and Recreation Commission for discussion.

The City is currently undertaking a Park and Recreation Master Plan that is expected to address the swelling demand for pickleball in Scotts Valley; however, that plan is expected to be adopted by Council in early 2024 and any changes or projects would still need to be funded and completed in outlying years.

Staff recommends that the City Council refer the discussion to the Parks and Recreation Commission for public review, and to make recommendations, if any, on near term changes to pickleball usage on the Skypark Tennis courts. The Parks and Recreation Commission is assigned with advising the City Council on matters concerning city parks, open space, recreation, arts, cultural activities and/or other park and recreation services, or such other duties as may be directed from time to time, by the City Council. Recommendations may be able to be executed by staff if within granted authority, such

as rules changes, or could require further Council action.

FISCAL IMPACT

There is no fiscal impact associated with the recommendation at this time.

STAFF RECOMMENDATION

Staff recommends the City Council refer the topic of pickleball activities and associated impacts at the Skypark Tennis Courts to the Parks and Recreation Commission to review and provide a recommendation on actions that can be taken.

**City of Scotts Valley
CITY COUNCIL STAFF REPORT**

DATE: March 15, 2023
TO: Honorable Mayor and City Council
FROM: Taylor Bateman, Community Development Director
APPROVED: Mali LaGoe, City Manager
SUBJECT: **HOUSING ELEMENT OVERVIEW PRESENTATION**
This is an informational item only and no formal action will be taken.

SUMMARY OF ISSUE

Each California jurisdiction must update its General Plan Housing Element every eight years to adequately plan to meet the existing and projected housing needs for all economic segments of the community. For Scotts Valley that need – the Regional Housing Need Allocation (RHNA) – is of 1,220 units. As part of the update process, the City must actively engage the community, assess potential constraints to housing development, analyze fair housing trends and practices, establish policy programs that meet the requirements set forth by State housing law, and identify adequate sites to accommodate the RHNA. Staff will provide an informational presentation on the Housing Element Update process and next steps.

This presentation is a precursor to a more in-depth joint Planning Commission and City Council study session on candidate sites and policy programs which is scheduled for April 5, 2023.

FISCAL IMPACT

None.

RECOMMENDATION

This is an informational item only with no formal action.

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: March 10, 2023

TO: Honorable Mayor and City Council

FROM: Kirsten Powell, City Attorney

SUBJECT: STREETLIGHT BANNER POLICY

SUMMARY OF ISSUE

The City does not have a formal policy for the placement of banners on the streetlight poles on Scotts Valley Drive. In the past, the light poles have been used by other public agencies and local organizations, such as the Chamber of Commerce and the School District, to advertise events and promote educational and civic issues. In an effort to formalize a policy that allows eligible groups to place banners on streetlight poles under specified conditions of use, Staff is recommending the adoption of a Streetlight Banner Policy.

The purpose of the proposed policy is to articulate regulations pertaining to the circumstances, character, location and other standards under which the City will permit the use of the streetlight poles along Scotts Valley Drive to display banners promoting events or occasions that have a direct and substantial civic and/or community benefit and enrich the aesthetic and visual appearance of Scotts Valley Drive. The light poles are not intended to serve as a forum for free expression by the public, but rather are a non-public forum.

Under the policy, the light poles are available for the use by non-profit organizations that are exempt from taxes under federal law (e.g. groups organized for fraternal, charitable, religious, educational purposes), the Chamber of Commerce, public agencies located in the City, civic or social welfare organizations and veterans groups that serve the City of Scotts Valley or any organization sponsoring an event approved or sanctioned by the City. The requirements in the policy include the following:

- Banners must be a standard size to fit on the light poles.
- An application must be submitted for consideration no earlier than 3 months and no later than 6 weeks prior to the requested time period.
- The applicant will be responsible for all costs associated with installing and removing the banners, including costs to cover staff oversight of the process.
- Applicant must obtain insurance covering the City.
- Applicant must indemnify the City.
- Banners can be installed for no longer than 90 days.

- Banner designs should be artistic, can include text for dates, activities and/or the title of events but cannot be used for commercial advertising purposes or to advertise or promote political candidates, parties or issues.

FISCAL IMPACT

All costs associated with the use of the streetlights for banners will be borne by the applicant.

STAFF RECOMMENDATION

It is recommended that City Council adopt Resolution No. 2023 approving a Streetlight Banner Policy.

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RESOLUTION NO. 2023

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY
ADOPTING A STREETLIGHT BANNER POLICY**

WHEREAS, the City of Scotts Valley has installed infrastructure for vertical banners/flags on the streetlight poles located along Scotts Valley Drive; and

WHEREAS, the purpose for such infrastructure is to enable the City of Scotts Valley to advertise local events promote educational and civic issues; and

WHEREAS, the banner locations are intended to be a non-public forum, to be utilized by the City and eligible organizations to promote events or occasions that have a direct and substantial civic and/or community benefit and to enrich the aesthetic and visual appearance of Scotts Valley Drive; and

WHEREAS, the City desires to adopt a Streetlight Banner Policy in order to effectively administer and manage the eligibility, banner specifications and content, placement and duration of use for streetlight banners to be displayed on Scotts Valley Drive.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Scotts Valley hereby approves the Streetlight Banner Policy, attached and incorporated hereto as Exhibit A.

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 15th day of March, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____
Jack Dilles, Mayor

Attest: _____
Lauren Lambert, Debuty City
Clerk

EXHIBIT A

STREETLIGHT BANNER POLICY

1. PURPOSE

It is the purpose of this policy to articulate regulations pertaining to the circumstances, character, location and other standards under which the City will permit the use of the streetlight poles along Scotts Valley Drive to display banners promoting events or occasions that have a direct and substantial civic and/or community benefit and enrich the aesthetic and visual appearance of Scotts Valley Drive. Permitting the placement of such banners should in no way be construed as establishment of a public forum for expression or promotion of ideas or opinions. The display of streetlight banners is limited to cultural, educational, patriotic and civic events which contribute to the community's quality of life; community events or special programs which lend a special character to the City of Scotts Valley; increasing awareness of City-sponsored activities and events, promoting economic development; and notifying the public of charitable endeavors which benefit the community.

2. POLICY

This policy shall cover the installation of banners on City-owned street light poles on Scotts Valley Drive in conformity with the conditions and restrictions set forth below.

- A. Banners may only convey a noncommercial message and promote civic, patriotic, cultural and educational activities, celebrations or events. No banners with the main intent of commercial advertising will be allowed. No banners advertising or promoting any political candidate, parties or issues or identifying, advertising or promoting any religion will be allowed.
- B. By enactment and administration of this policy, the City does not intend to designate City streetlights or the banners for expressive activities or designate them as a public forum for expressive activities. Neither the streetlights, banners nor the content of the banners are "forums" for expressive activity by the public.
- C. Banners cannot be visually distracting or have excessive wording such as to cause distractions to motorists. City Staff will review designs for appropriate design criteria and recommend any modifications necessary prior to production and upon City Manager's application approval.
- D. Requests for dates and placement of banners are on a first come, first serve

basis. If requested dates conflict, priority will be given in the following order:

- Events run by the City of Scotts Valley;
- Events cosponsored by the City of Scotts Valley;
- Events geographically located within the City;

3. DEFINITIONS:

- A. Sponsoring Organization - Any non-profit organization that is exempt from taxes under federal law (e.g. groups organized for fraternal, charitable, religious, educational purposes), the Chamber of Commerce, public agencies located in the City, civic or social welfare organizations and veterans groups that serve the City of Scotts Valley or any organization sponsoring an event approved or sanctioned by the City is considered an eligible Sponsoring Organization under this policy.
- B. City Manager - Chief administrative officer for the City of Scotts Valley who is responsible for the proper management of the Streetlight Banner Program.

4. ELIGIBILITY: Sponsoring Organizations, or the event, must be located or held within the corporate boundary of the City of Scotts Valley to be eligible. The City may request proof of eligibility from the Sponsoring Organization.

5. APPLICATION PROCESS: The Sponsoring Organization shall make a written application and present it to the City Manager's office no sooner than three (3) months and no later than six (6) weeks prior to a planned installation date. The City Manager will share each application with the City's Community Development Department, Public Works Department and Finance Department which may take up to three weeks to review and make recommendations back to the City Manager.

Application shall include:

- Name of special event
- Name of business or sponsoring organization
- Date of special event
- Time period requested for banner exposure
- Banner design
- Number of Streetlight banners requested
- Location of banners

6. APPROVAL TIME: Once reviewed by City staff, applications for placement of banners shall be returned to the City Manager's Office with their recommendation and explanation as to either approve or deny a

Sponsoring Organization's application. Every effort will be made to render a decision at least (3) weeks before the desired placement date of the Sponsoring Organization's request.

7. BANNER INFORMATION CONTENT: All banner designs should be artistic in nature and graphically or symbolically represent the design objectives for the season, event or programs. Banners can include text for dates, activities and/or the title of events. Banners are not to be used for commercial advertising purposes or to advertise or promote political candidates, parties or issues. However, professionally placed logos of a business or corporation sponsoring an event may be included on the banners. No more than ten percent of the banners area may be used for sponsor's logos.
8. BANNER DESIGN: The graphic design of all banners in the City of Scotts Valley program must be developed by each individual sponsoring organization under the banner program guidelines in this policy.
9. BANNER SPECIFICATIONS: All banners shall comply with the following banner specifications:
 - A. All banners shall be printed on both sides
 - B. All banners in the program shall be made of marine acrylic or heavy reinforced vinyl which is resistant to ultraviolet rays, mold and mildew. Each banner shall have two (2) double reinforced three-inch hems. Banners shall be 29.5" x 59" in size or such other size determined by the Public Works Department.
 - C. Banner brackets are in place on the streetlight poles. If a sponsoring agent wishes to place additional brackets on poles, they shall first secure the City Manager's approval and pay for the purchase of the brackets of the same type and style currently in use by the City. Any additional brackets shall be installed under contract by the City but at the sole expense of the Sponsoring Organization.
10. BANNER PLACEMENT: The City reserves the right to limit the number of banners used by any Sponsoring Organization. The City's Public Works Department shall contract for the installation and removal of the banners at the sole expense of the Sponsoring Organization in accordance with the Section 13 below. Any unpermitted or out of compliance banner(s) may be removed by the City at any time.
11. DURATION OF BANNER PLACEMENT: Banners may be hung for a period not to exceed sixty (60) days. The City Manager may extend the time period for an additional thirty (30) days. In no event shall the time period exceed ninety (90) days. However, nothing in this section shall prevent the City from keeping its

banners up for a longer period of time when there are no other requests to hang banners during that time.

12. **BANNER CONDITION:** The City Manager has the authority to refuse the placement of streetlight banners which are in poor or substandard condition. In addition, the City Manager has the authority to order the removal of banner(s) which have become frayed, ripped, discolored or otherwise unsightly, prior to the expiration of the banner placement term.
13. **FEE:** The applicant is responsible to pay the full cost of installation and removals of banners plus 25% overhead costs associated with contracted services, in full prior to installation. Any credits associated with actual savings in the installation or removal of banners will be refunded to the applicant.
14. **INDEMNIFICATION:** The Sponsoring Organization shall sign a waiver and hold harmless agreement with the City.
15. **APPEALS:** The City Manager is authorized by the Scotts Valley City Council to approve, or deny the design and or placement of banners authorized under this policy. If a banner design or placement is denied by the City Manager, the Sponsoring Organization may appeal this decision directly to the City Council by asking to be placed on the agenda for the next available City Council Meeting.
16. **STORAGE LIABILITY:** The City shall not be responsible for storing banners. Banners must be furnished to the City, by a representative of the Sponsoring Organization, five (5) business days prior to their scheduled installation and picked up by a representative of the sponsoring entity within fifteen (15) business days after their scheduled removal. The City reserves the right to dispose of banners that have not been picked up within said fifteen (15) business day period.
17. **RISK OF LOSS:** The Sponsoring Organization displaying a banner(s) shall at all times bear any risk of loss, damage or destruction of or to the entity's banner(s), and under no circumstances shall the City be responsible to any person or entity for damage to or loss of any banner(s), including loss of the value of the banner should this policy, either existing or as subsequently modified, prohibit its display.

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: March 15, 2023
TO: Honorable Mayor and City Council
FROM: Kirsten Powell, City Attorney
SUBJECT: **EXTENSION OF CITY'S DECLARATION OF LOCAL EMERGENCY**

SUMMARY OF ISSUE

The City of Scotts Valley (the "City") and Santa Cruz County (the "County") have been experiencing major weather events since December 2022, which have caused mudslides, power outages and have saturated the land throughout the County. The City previously declared a local emergency due to specific storms and associated damage in December 2022 and January 2023 including a mudslide on Green Hills Road. Heavier than normal rainfall has continued to saturate soils through the month of February and into March. On March 9, 2023, the City and the County experienced yet another major rain event (the "March 2023 Atmospheric River Winter Storm") which caused another mudslide on Green Hills Road which has closed the roadway and is expected to remain closed until at least March 25th and downed power lines on Bean Creek Road which has closed that roadway until at least March 20th. Current estimates of the damage caused by the March 2023 has yet to be ascertained but could exceed \$150,000.

The March 2023 Atmospheric River Winter Storms resulted in rainfall exceeding 3.8 inches in 24 hours with another storm forecasted for March 13th. The total rainfall this winter is 51.71 inches, with 27.2" since January 1, 2023.

The County, State and Federal government have all declared state of emergencies regarding the March 2023 Atmospheric River Winter Storms. Similarly, on March 10, 2023, the City Manager acting as the Director of Civil Defense and Disaster proclaimed an emergency in accordance with Scotts Valley Municipal Code Chapter 2.48. Pursuant to Government Code Section 8630, a local emergency shall be deemed to continue to exist for a period of up to seven days, and thereafter by ratification and extension by the City Council, until the local emergency is terminated by the City Council. The proposed resolution ratifies the proclamation of local emergency and deems it to continue to exist until terminated by the City Council.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15320, 15378 and 15061(b)(3) as it is an organizational structure change and does not have the potential to result in either a direct or reasonable foreseeable indirect physical change in the environment.

FISCAL IMPACT

Staff has not yet determined the extent of the damage caused by the storms, or the expected cost of repairs. There is no fiscal impact to the City associated with this action.

STAFF RECOMMENDATION

It is recommended that the City Council approve the resolution.

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RESOLUTION NO. 2025

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY DECLARING A LOCAL EMERGENCY REGARDING THE ATMOSPHERIC RIVER WINTER STORMS AND NAMING THE CITY MANAGER THE DIRECTOR OF CIVIL DEFENSE AND DISASTER

WHEREAS, Scotts Valley Municipal Code section 2.48.050 enables the City to designate the City Manager as the director of civil defense and disaster and enables such director to proclaim the existence or threatened existence of a local emergency when the City is affected by a "disaster" which is defined as actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity; and

WHEREAS, the City of Scotts Valley (the "City") and Santa Cruz County (the "County") have been experiencing major weather events since December 2022, which have caused mudslides, power outages and have saturated the land throughout the County; and

WHEREAS, on January 14, 2023, the City Manager declared a local emergency due to specific storms and associated damage in December 2022 and January 2023 including a mudslide on Green Hills Road; and

WHEREAS, heavier than normal rainfall has continued to saturate soils through the month of February.

WHEREAS, on March 9, 2023, the City and the County experienced yet another major rain event (the "March 2023 Atmospheric River Winter Storm") which caused another mudslide on Green Hills Road which has closed the roadway and is expected to remain closed until at least March 25th and downed power lines on Bean Creek Road which has closed that roadway until at least March 20th; and

WHEREAS, the March 2023 Atmospheric River Winter Storms resulted in rainfall exceeding 3.8 inches in 24 hours with another storm forecasted for March 13th. The total rainfall this winter is 51.71 inches, with 27.2" since January 1, 2023; and

WHEREAS, current estimates of the damage caused by the March 2023 has yet to be ascertained but could exceed \$150,000; and

WHEREAS, the County proclaimed the existence of a local emergency in the County on March 6, 2023; and

WHEREAS, the Governor of California declared a state of emergency on March 8, 2023; and

WHEREAS, on March 10, 2023, the President of the United States issued a [Presidential Major Disaster Declaration](#) to support the California's emergency response to the ongoing storm impacts including flooding, mudslides and landslides in communities across the state beginning March 9, 2023.

WHEREAS, on March 10, 2023, the City Manager acting as the Director of Civil Defense and Disaster proclaimed an emergency in accordance with Scotts Valley Municipal Code Chapter 2.48; and

WHEREAS, in order for the City of Scotts Valley local emergency to remain in effect, it must be ratified by the Scotts Valley City Council; and

WHEREAS, pursuant to Scotts Valley Municipal Code Chapter 2.48, the City has established a Civil Defense and Disasters Council to provide for the preparation and carrying out of plans for the protection of persons and property within the City in the event of a disaster; and

WHEREAS, the March 2023 Atmospheric River Winter Storm constitutes a disaster under Chapter 2.48; and

WHEREAS, the City Council needs to name a Director of Civil Defense and Disaster to direct the day to day operations during an emergency.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Scotts Valley hereby declares that as of March 9, 2023, a local emergency exists in the City of Scotts Valley due to the March 2023 Atmospheric River Winter Storms and hereby ratifies the Proclamation Of Existence Of Local Emergency Issued By The City Of Scotts Valley Director Of Civil Defense And Disaster issued by the City Manager on March 10, 2023, a copy of which is attached hereto.

BE IT FURTHER RESOLVED that the City Manager is hereby designated the Director of Civil Defense and Disaster and authorized to perform all duties outlined in Sections 2.48.050 and 2.48.060 of the Scotts Valley Municipal Code.

The above and foregoing Resolution was duly and regularly adopted by the City Council of the City of Scotts Valley on the 15th day of March, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____
Jack Dilles, Mayor

Attest: _____

Lauren Lambert, Deputy City Clerk

PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY ISSUED BY THE CITY OF SCOTTS VALLEY DIRECTOR OF CIVIL DEFENSE AND DISASTER

WHEREAS, Scotts Valley Municipal Code section 2.48.050 designates the City Manager as the director of civil defense and disaster and enables such director to proclaim the existence or threatened existence of a local emergency when the City is affected by a "disaster" which is defined as actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity; and

WHEREAS, the City of Scotts Valley (the "City") and Santa Cruz County (the "County") have been experiencing major weather events since December 2022, which have caused mudslides, power outages and have saturated the land throughout the County; and

WHEREAS, on January 14, 2023, the City Manager declared a local emergency due to specific storms and associated damage in December 2022 and January 2023 including a mudslide on Green Hills Road; and

WHEREAS, heavier than normal rainfall has continued to saturate soils through the month of February.

WHEREAS, on March 9, 2023, the City and the County experienced yet another major rain event (the "March 2023 Atmospheric River Winter Storm") which caused another mudslide on Green Hills Road which has closed the roadway and is expected to remain closed until at least March 25th and downed power lines on Bean Creek Road which has closed that roadway until at least March 20th; and

WHEREAS, the March 2023 Atmospheric River Winter Storms resulted in rainfall exceeding 3.8 inches in 24 hours with another storm forecasted for March 13th. The total rainfall this winter is 51.71 inches, with 27.2" since January 1, 2023; and

WHEREAS, current estimates of the damage caused by the March 2023 has yet to be ascertained but could exceed \$150,000; and

WHEREAS, the County proclaimed the existence of a local emergency in the County on March 6, 2023; and

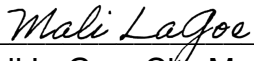
WHEREAS, the Governor of California declared a state of emergency on March 8, 2023; and

WHEREAS, on March 10, 2023, the President of the United States issued a [Presidential Major Disaster Declaration](#) to support the California's emergency response to the ongoing storm impacts including flooding, mudslides and landslides in communities across the state beginning March 9, 2023.

NOW, THEREFORE, IT IS PROCLAIMED AS FOLLOWS:

1. The City of Scotts Valley is currently in a state of local emergency, and such conditions have existed since on or around February 24, 2023. A local emergency, as defined in Government Code Section 8558(c), Public Contract Code Section 1102, and Scotts Valley Municipal Code Section 2.48.020, now exists in the City of Scotts Valley.
2. During the existence of said local emergency the City Manager, as the director of civil defense and disaster, will use those powers, functions, and duties as permitted by Federal, State, and local law, including Scotts Valley Municipal Code Chapter 2.48, in order to mitigate the effects of the local emergency.
3. Pursuant to Scotts Valley Municipal Code section 2.48.010, any expenditures made in connection with such civil defense and disaster activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city.
4. Pursuant to Government Code section 8630, the local emergency shall be deemed to continue to exist for a period of up to seven (7) days, and thereafter by ratification and extension by the City Council until it is terminated by the City Council.

March 10, 2023



Mali LaGoe, City Manager