



# City of San Juan Bautista

*The “City of History”*

## **REVISED AGENDA**

### **CITY COUNCIL MEETING**

CITY HALL COUNCIL CHAMBERS  
311 Second Street  
San Juan Bautista, California

**TUESDAY ~ June 19, 2018**

*In compliance with the American with Disabilities Act, if you need special assistance to attend or participate in the meeting, please call the City Clerk's Office at (831) 623-4661, extension 13 at least 48 hours prior to the meeting.*

*Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the meeting and in the City Clerk's office located at City Hall, 311 Second Street, San Juan Bautista, California during normal business hours.*

#### **1. Call to Order**

**6:00 PM**

**Pledge of Allegiance  
Roll Call**

#### **2. Public Comment**

The public may address the City Council on items not on the agenda during the “Public Comment” portion of the meeting. Persons wishing to address the City Council will be limited to three (3) minutes. Because the item is not on the agenda, the City Council can take no action on the matter in this meeting. The City Council will hear all public comments and then, if they so desire, they will make comments, ask for clarifications from staff, or request the item be placed on a future agenda for further discussion and/or action.

#### **3. Consent Items**

All matters listed under the Consent Agenda may be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a staff member, or a citizen.

- A. Approve Affidavit of Posting Agenda**
- B. Approve Affidavit of Posting Public Hearing Notice**
- C. Approve Minutes for April 17, 2018 Meeting**
- D. Approve Resolution 2018-XX Approving Update to Personnel Policies**
- E. Adopt Ordinance 2018-04 Adding Chapter “Cannabis Facilities Regulatory Permit” to Title 5 “Public Health, Safety and Welfare” of the San Juan Bautista Municipal Code – Second Reading and Adoption**
- F. Approve Resolution 2018-XX Supporting the Proposal of the Trust for Public Land for the Acquisition of the 540-Acre Nyland Ranch**
- G. Approve Resolution 2018-XX Adopting a List of Projects for Fiscal Year 2018-19 Funded By SB 1: The Road Repair and Accountability Act of 2017**
- H. Waive Reading of Ordinances and Resolutions on Tonight’s Agenda Beyond Title**
- I. Approve Resolution 2018-XX for Street Closure for Parade of Horses**
- J. Approve Resolution 2018-XX Making Certain Findings and Determinations in Compliance With Section XIIB of the California Constitution (Gann Initiative)**
- K. Recommendation of the Appointment of Ann Fritch to the Strategic Planning Committee**

4. **Presentations, Informational Items and Reports**
  - A. **Recognition of Volunteer Fire Chief John Fox**
  - B. **Treasurer's Report**
  - C. **Monthly Construction Progress Report**
  - D. **Community Development Report**
  - E. **Engineering Report**
  - F. **Public Works Report**
  - G. **Wastewater Services Contract Report**
  - H. **Youth Commission Annual Presentation**
  - I. **Reports from City Council Appointees to Regional Organizations and Committees**
  - J. **Strategic Plan Committee Report**
5. **Public Hearing Items**
  - A. **Valle Vista Landscape and Lighting District**
    - i. **Approve Resolution 2018-XX Confirming a Diagram and Assessment in Connection With Valle Vista Landscape and Lighting Maintenance Assessment District No. 1 for Fiscal Year 2018-19**
    - ii. **Approve Resolution 2018-XX Certifying Compliance With State Law With Respect to the Levying of General and Special Taxes, Assessments, and Property Related Fees and Charges**
6. **Action Items**
  - A. **Consider Resolution 2018-XX to Submit to the Voters of San Juan Bautista an Ordinance Imposing a Cannabis Business Activities Tax on Cannabis Businesses in the City of San Juan Bautista and Requesting That the County of San Benito Consolidate Said Submission With the General Municipal Election and Statewide General Election on November 6, 2018; Approving the Ballot Language; Directing City Attorney To Prepare An Impartial Analysis; Requesting The County to Render Services In Connection With The Election; And Providing Direction Regarding Submission Of Ballot Arguments For Or Against The Measure**
  - B. **Consider Resolution 2018-XX Approving the Council of San Benito County Governments' Transportation Safety and Investment Plan (TSIP) as the Expenditure Plan for a Transportation Sales and Use Tax Ordinance in San Benito County**
  - C. **Approve Resolution 2018-XX for Purchase of AirVac Engine Exhaust Removal System for City Fire Station**
  - D. **Consider Approval of New Franchise Agreement with Recology San Benito County for Collection of Recyclables, Organics, and Solid Waste and Issuance of Proposition 218 Notice for Proposed Maximum Allowable Rates**
  - E. **Approve Resolution 2018-XX for a Final Subdivision Map for Phases 5, 6 and 7 of the Rancho Vista Development**
  - F. **Consider Plan for Dual Events for First Weekend in May 2019**
  - G. **Fiscal Year 2018-2019 Budget**
    - i. **Presentation of the Budget**
    - ii. **Consider Resolution 2018-XX Adopting the Fiscal Year 2018-2019 Municipal Budget**
    - iii. **Consider Resolution 2018-XX Adopting a Holiday Schedule for the Fiscal Year 2018-2019**
  - H. **Consider a Funding Request for a Temporary Public Art Project**

- 7. Discussion Items**
  - A. Cannabis Rules and Regulations**
  - B. Fire Contract**
  - C. Consider Proposed Chicken Festival for September 6, 2018**
- 8. Comments**
  - A. City Council**
  - B. City Manager**
  - C. City Attorney**
- 9. Adjournment**

**AFFIDAVIT OF POSTING**

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE DEPUTY CITY CLERK FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL MEETING AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 13<sup>th</sup> DAY OF JUNE 2018, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

1. ON THE BULLETIN BOARD AT CITY HALL, 311 SECOND STREET.
2. ON THE BULLETIN BOARD AT THE CITY LIBRARY, 801 SECOND STREET.
3. ON THE BULLETIN BOARD AT THE ENTRANCE TO THE UNITED STATES POST OFFICE, 301 THE ALAMEDA

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,  
ON THE 13<sup>th</sup> DAY OF JUNE 2018.



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TRISH PAETZ, DEPUTY CITY CLERK

**AFFIDAVIT OF POSTING PUBLIC HEARING NOTICE**

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE DEPUTY CITY CLERK FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL PUBLIC HEARING NOTICE. I FURTHER DECLARE THAT I POSTED SAID NOTICE ON THE 8<sup>th</sup> DAY OF JUNE 2018, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

1. ON THE BULLETIN BOARD AT CITY HALL, 311 SECOND STREET.
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ON THE 13<sup>th</sup> DAY OF JUNE 2018.



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TRISH PAETZ, DEPUTY CITY CLERK

RESOLUTION NO. 2018-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN JUAN BAUTISTA DECLARING ITS  
INTENTION TO LEVY AND COLLECT ASSESSMENTS  
WITHIN VALLE VISTA LANDSCAPE AND LIGHTING MAINTENANCE  
ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2018-19 AND SETTING  
THE TIME AND PLACE FOR A HEARING ON SAID ASSESSMENT

WHEREAS, pursuant to the Landscaping and Lighting Act of 1972 (Streets & Highways Code Section 22500 *et seq.*) ("Act"), the City levies an annual assessment in connection with its Valle Vista Landscape and Lighting Maintenance Assessment District No. 1 ("District"); and

WHEREAS, by prior resolution, this Council ordered preparation of an Engineer's Report ("Report") with respect to the assessment proposed to be levied in connection with the District for Fiscal Year 2018-19, and

WHEREAS, by prior resolution, this Council approved the Report as filed; and

WHEREAS, a copy of the approved Report is on file in the Office of the City Clerk, available for public inspection at said Office, and incorporated herein by reference; and

WHEREAS, the City Council desires to declare its intention to levy the proposed assessment for Fiscal Year 2018-19.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of San Juan Bautista as follows:

1. The Council hereby declares its intention to levy and collect assessments in connection with the District for Fiscal Year 2018-19, as set forth in the Report.
2. The District is designated by the following distinctive name: "Valle Vista Landscaping and Lighting Maintenance Assessment District No. 1." The District is generally described as a district including the parcels on both sides of Ahwahnee Street and Donner Street, bounded by San Juan Highway and Third Street. Reference is made to the Report for a more complete and exact definition of the territory included in the District.
3. The improvements to be maintained, operated and serviced in connection with the District are generally described as: street lighting and street landscaping within the District; as well as lighting and landscaping associated with the detention basin, sanitary sewer pump station, and a public park located within the District.

4. Reference is hereby made to the Report for a full and detailed description of the public improvements, the boundaries of the District, and the proposed Fiscal Year 2018-19 assessments upon assessable lots and parcels of land within the district.

5. The amount of the assessment for Fiscal Year 2018-19 is not proposed to increase from the rate effective for Fiscal Year 2018-19, adjusted for inflation according to the methodology submitted to property owners as part of a mail ballot protest proceeding in 2008.

6. It is ordered that on June 19, 2018, at the hour of 6:00 o'clock p.m., in the regular meeting place of this Council, the Council Chambers, City Hall, 311 Second Street, San Juan Bautista, California, is the time and place where this Council will hold a public hearing on the proposed assessment. At the Hearing, all interested persons will be permitted to present written and/or oral testimony regarding the proposed assessment. The City Clerk is directed to give notice of the Hearing by one publication of a copy of this Resolution in the local newspaper published and circulated in the City, pursuant to Section 6061 of the California Government Code, said publication to be had and completed at least ten (10) days before the date herein set for the Hearing.

7. The City Council designates Patrick Dobbins, City Engineer, who may be contacted by telephone at (831) 789-8668, as the person whom interested parties may contact for additional information regarding the District or the proposed assessment.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of San Juan Bautista duly held on the 15<sup>th</sup> day of May, 2018, by the following vote:

Ayes: West, Boch, Freeman, DeVries, Martorana

Noes: None

Absent: None

Abstain: None

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Jim West, Mayor

ATTEST:

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Mackenzie Quaid, Acting City Clerk

**CITY OF SAN JUAN BAUTISTA  
CITY COUNCIL REGULAR MEETING  
APRIL 17, 2018  
DRAFT MINUTES**

**1. CALL TO ORDER** – Mayor Jim West called the meeting to order at 6:00 p.m.

**A. PLEDGE OF ALLEGIANCE** – Council Member Martorana led the pledge of allegiance.

**B. ROLL CALL**   **Present:** Mayor West, Vice Mayor Freeman, Council Members Boch and Martorana.

Council Member DeVries arrived at 6:36 p.m.

**Staff Present:** City Manager LaForge, City Attorney Mall, Community Development Director Walgren, Sheriff Captain Taylor; Acting City Clerk Quaid arrived at 8:12 p.m.

**2. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Shawn Novack of the Water Resources Association read a proclamation declaring May as Water Awareness Month in San Juan Bautista. Rachel Ponce commented that no notice was provided in the City's water bill regarding the lifting of the nitrate warning. Jolene Cosio was concerned with emergency vehicles parking on Washington Street.

**3. CONSENT ITEMS**

- A. Approve Affidavit of Posting Agenda**
- B. Approve Resolution 2018-XX Adopting a Code of Ethics Policy**
- C. Approve Resolution 2018-13 Appointing Michael LaForge as Alternate Representative to the Public Agency Risk Sharing Authority of California (PARSAC) Board of Directors**
- D. Approve Resolution 2018-14 for Photocopier Lease in City Hall**
- E. Adopt Ordinance 2018-04 Revising the Appointment Process for Planning Commissioners**
- F. Approve Resolution 2018-15 Ordering Preparation of an Engineer's Report for Fiscal Year 2018-19 for Valle Vista Landscape and Lighting Maintenance Assessment District No. 1**
- G. Adopt 2016 California Building Codes as the Building Codes for the City of San Juan Bautista**
- H. Approve Resolution 2018-16 Adding City Manager Michael LaForge to the Designated Signers on the City's Bank Accounts at Union Bank**
- I. Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title**



Council Member Freeman requested that Agenda Item 3B be removed from the Consent Items to allow comments. A motion was made by Council Member Boch and seconded by Council Member Martorana to approve all items on the consent agenda except for Agenda Item 3B. The motion passed 4-0, with Council Member DeVries absent.

### **3B. Approve Resolution 2018-17 Adopting a Code of Ethics Policy**

Council Member Freeman commented that the Ethics Policy was for commission and bodies of the City of San Juan Bautista. During public comment, Rachel Ponce congratulated the Council for the Ethics Policy and asked that they consider that any member not going to be present notify the chair that they will be absent; the public should know if a member is not going to be in attendance. Council Member Boch moved to approve Resolution 2018-17 Adopting a Code of Ethics Policy which was seconded by Council Member Martorana. The motion passed 4-0, with Council Member DeVries absent.

## **4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS**

### **A. Peak Day Proclamation**

Mayor West read the proclamation.

### **B. Treasurer's Report**

Treasurer Geiger was absent. Mayor West asked for public comment; there was none.

### **C. Monthly Construction Progress Report**

City Manager LaForge reported on the two subdivisions currently under construction. Council Member Martorana expressed that he did not want to see partially completed building left. Council Member Boch expressed concern about San Juan Hollister Road. At this time Council Member Boch moved to add the Staff Report regarding Edenbridge Developers reimbursing the cost to reconstruct a portion of San Juan Hollister Road as Item 6E to tonight's Agenda. The motion was seconded by Council Member Freeman. The motion passed 4-0, with Council Member DeVries absent.

### **D. Fiscal Year 2019 Budget Calendar and Capital Plan Revision 1**

City Manager LaForge submitted a draft spreadsheet showing projections for capital expenditures for the next five years. Council Member Martorana requested that the spreadsheet be posted on the City's web site.

### **E. City Manager's Administrative Report**

City Manager LaForge reviewed her report. During public comment, Jolene Cosio said not to be too positive about resolving the issues with loose dogs as she has chased the dogs in question off of her property recently.

### **F. Reports from City Council Appointees to Regional Organizations and Committees**

Council Member Freeman reported on the AMBAG meeting he attended.

### **G. Strategic Plan Committee Report**

There was no report; Council Member Freeman was unable to attend the last meeting.

Whereupon, Council Member Freeman made a motion to move Agenda Item 6A to the next item of business. Seconded by Council Member DeVries. The motion passed 5-0.

### **6. PUBLIC HEARING ITEM**

#### **A. Consider an Ordinance Adding Chapter "Cannabis Facilities Regulatory Permit" to Title 5 "Public Health, Safety and Welfare" of the San Juan Bautista Municipal Code**

Victor Gomez gave a report. City Manager LaForge reported on rules and regulations, and the building code for greenhouses. Mayor West opened the public hearing. Mandisa Snodey commented on energy usage. Mayor West closed the public hearing. City Attorney Mall reported a placeholder could be inserted for a tax amount and that the City Council could have a third reading of the ordinance if they wanted. Council Member Boch made a motion to consider an ordinance adding chapter "Cannabis Facilities Regulatory Permit" to Title 5 "Public Health, Safety and Welfare" of the San Juan Bautista Municipal Code. Second by Council Member Freeman. The motion passed 5-0.

### **5. ACTION ITEM**

#### **A. Consider Franchise Agreement Selection Committee Recommendation to Enter into Exclusive Negotiations with Recology San Benito County for a New Franchise Agreement for Collection of Recyclables, Organics, and Solid Waste.**

City Manager LaForge and Kevin McCarthy reviewed the staff report and answered questions from council members. Public Comments were received from Robert Rodriguez of RJR, Phil Couchee of Recology and Emily Finn of Greenwaste. Council Member Martorana made a motion to adopt Resolution 2018-18 approving a recommendation to enter into exclusive negotiations with Recology San Benito County for a new franchise agreement for collection of recyclables, organics and solid waste, contingent upon specified conditions, with three edits. The last paragraph on page two will read: "If the above items are not successfully negotiated between the parties by June 15, 2018, then the Selection Committee would then recommend terminating negotiations with Recology." On page three, #3 is corrected to read: "Authorize the Mayor to sign this Resolution." Seconded by Council Member DeVries. The motion passed 5-0.

#### **B. Proposal to Charge for Parking at Kathleen Manning's Lots**

City Manager LaForge gave a report. There was no public comment. Council Member DeVries made a motion to authorize the City Manager to negotiate for parking lots for events. Second by Council Member Martorana. Motion passed 5-0.

#### **C. Permission to Surplus Street Sweeper**

City Manager LaForge gave a report. Public Works Employee Paul Champion reported the street sweeper had a value of \$1,500-\$2,000 if it was in running condition and \$400-\$500 as scrap. City Attorney Mall reported that the Municipal Code requires that it be sold at auction, and govdeals.com would fulfill that requirement. Council Member

DeVries moved to approve surplus of the street sweeper with the addition of the comments by the City Attorney about using an online auction. Second by Council Member Martorana. The motion passed 5-0.

**D. Accept Security Contract with Level One Security**

City Manager LaForge gave a report. Information was also received from JT of Level One Security. During Public Comment, Rachel Ponce spoke in favor of flexible hours and felt it would be beneficial if Level One could write traffic tickets. City Attorney Mall informed the Council they could do a Minute Order to authorize the City Manager to negotiate and execute a contract with Level One Security. Council Member Martorana made a minute order verbal resolution authorizing the City Manager to negotiate and execute a contract with Level 1 Security, not to exceed \$100,000. Second by Council Member DeVries. The minute order passed 5-0.

**E. Authorize reimbursement to Edenbridge Developers for one-third the width to reconstruct San Juan-Hollister road from the Alameda to the Eastern limit of the Copperleaf Subdivision. Approximately 1500 lineal feet.**

City Manager LaForge provided a report and then added the project would have 12 inches of gravel and four inches of asphalt. The cost is calculated at \$6 per square foot. Council Member Freeman made a motion authorizing the City Manager to negotiate a reimbursement agreement with Edenbridge Developers for one-third of the cost of reconstruction and the inclusion of a possible bicycle lane on San Juan-Hollister Road. Second by Council Member Martorana. The motion passed 5-0.

City Clerk Quaid arrived at 8:12 p.m.

**7. DISCUSSION ITEMS**

**A. Location of Electric Vehicle Charging Stations in the City.**

This item was continued to the next City Council meeting.

**8. COMMENTS**

**A. City Council**

On April 21, 2018, there will be the ribbon cutting for the Historic Walking Trail, a kite festival, a flower sale and a compost give-a-way.

**B. City Manager**

No comments received.

**C. City Attorney**

No comments received.

**9. ADJOURNMENT**

Council Member DeVries made a motion to adjourn at 8:17 p.m. Second by Council Member Boch. Motion passed 5-0.

**RESOLUTION NO. 2018-XX**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN JUAN BAUTISTA AMENDING THE PERSONNEL RULES**

**WHEREAS,** the City Council is authorized and directed under the provisions of 2-4 of the San Juan Bautista Municipal Code to adopt rules for the administration of the personnel system created in said Code; and

**WHEREAS,** the objectives of these rules are to facilitate efficient and economical services to the public and to provide for an equitable system of personnel management in the municipal government; and

**WHEREAS,** these rules set forth in detail those procedures which insure similar treatment for those who compete for original employment and promotion, and define many of the obligations, rights, privileges and prohibitions which are placed upon all employees in the competitive service of the City; and

**WHEREAS,** at the same time, within the limits of administrative feasibility, considerable latitude shall be given the City Manager in the interpretation of these rules.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of San Juan Bautista does hereby adopt new personnel rules.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN JUAN  
BAUTISTA DOES RESOLVE AS FOLLOWS:**

The personnel rules adopted by Resolution 2000-17 are amended and replaced by these personnel rules.

**PASSED AND ADOPTED** this 19<sup>th</sup> day of June, 2018, at a regular meeting of the San Juan Bautista City Council, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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**Jim West, Mayor**

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**Mackenzie Quaid, Acting City Clerk**

All:

5/16/18

Please review this propose New Personnel Policy.  
If you have any questions / concerns, please  
contact myself or Trish and we will address.

Best Regards,  
Michael

<u>Name</u>	<u>Initials so I know you've reviewed</u>
Carmen	CC
Laura	Jana Cort
Joe	JD
Armando	Armando V
Nick	Thm
Brent	Brent
Elvin	Elvin L. Broadbill
Paul	Paul
Minnow	Filomeno V. Lopez

## **CITY OF SAN JUAN BAUTISTA**

### **CITY COUNCIL STAFF REPORT**

To: The Honorable Mayor and Council Members

From: The City Attorney

RE: ORDINANCE TO ADD CHAPTER 5.31 "CANNABIS FACILITIES REGULATORY PERMIT" TO TITLE 5 'PUBLIC HEALTH, SAFETY AND WELFARE' OF THE SAN JUAN BAUTISTA MUNICIPAL CODE (FIRST READING)

Date: May 9, 2018

#### REQUEST:

It is requested that the City Council:

1. Approve the environmental review; and
2. Approve via first reading tonight and second reading at the June meeting, the attached draft Ordinance.

#### BACKGROUND

At the City Council meeting on April 17, 2018, the City Council received a staff report and approved a first reading of the ordinance presented, subject to the City Attorney drafting an amendment to activate the ordinance only if a tax measure on cannabis facilities was approved by the voters. It is anticipated that such a measure would be on the ballot in November.

#### ENVIRONMENTAL REVIEW

The approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") because pursuant to CEQA Guidelines Sections 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); and, 15060 (c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively the approval of this ordinance is not a "Project" under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment. Further projects subject to the ordinance will require a discretionary permit and CEQA review, and will be analyzed at that time in accordance with CEQA.

#### DISCUSSION

Implementation of City Council direction required an entire new section 5.31.290, as set forth below:

#### **5.31.290 Implementation Procedures.**

A. This Chapter shall not become operative and applications for a regulatory permit authorized by this Chapter shall not be accepted by the City Manager or designee, nor a regulatory permit issued unless both of the following occur:

1. The City Council submits a City tax on Cannabis Facilities to the voters, the voters approve the tax, and the tax is certified by the County pursuant to Section 15372 of the California Elections Code.

2. Written implementing regulations have been approved by the City Council for the type of cannabis facility permit for which application is sought. The City Council may impose such conditions of approval as it deems appropriate.

B. The City Manager or designee may additionally develop written regulations governing the conduct of the cannabis facilities and the delivery of cannabis or cannabis products. The City Council shall consider regulations for one or several types of permits and the regulations for each type of permit shall operate independently of and not be dependent on the approval of regulations for any other type of permit authorized by this Chapter.

#### CONCLUSION

Because a new section was required, it is recommended that the City Council do a new first reading of the Ordinance, so that the public is advised of and has the full opportunity to review the entire ordinance as written. The second reading will occur at your meeting in June.

## **ORDINANCE NO. XXXX**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ADDING CHAPTER “CANNABIS FACILITIES REGULATORY PERMIT” TO TITLE 5 “PUBLIC HEALTH, SAFETY AND WELFARE” OF THE SAN JUAN BAUTISTA MUNICIPAL CODE**

#### **Section 1. EVIDENCE**

The City Council has considered all of the evidence submitted into the administrative record, which includes, but is not limited to, public comments, both written and oral, received and/or submitted at, or prior to the City Council’s consideration of this Ordinance.

#### **Section 2. ADDING CHAPTER 5.31 “CANNABIS FACILITIES REGULATORY PERMIT” TO TITLE 5 “PUBLIC HEALTH, SAFETY AND WELFARE” OF THE SAN JUAN BAUTISTA MUNICIPAL CODE**

Title 5 “PUBLIC HEALTH, SAFETY AND WELFARE” of the San Juan Bautista Municipal Code shall be amended to read in its entirety as follows:

#### **Chapter 5.31 CANNABIS FACILITIES REGULATORY PERMIT**

##### **Sections:**

- 5.31.010 Purpose and Intent
- 5.31.020 Cannabis Facilities
- 5.31.030 Definitions
- 5.31.040 City Council Review and Approval
- 5.31.050 Regulatory Permit Required
- 5.31.060 Background Check
- 5.31.070 Grounds for Denial
- 5.31.080 Fees and Charges
- 5.31.090 Development Agreement
- 5.31.100 Cessation of Operations



- 5.31.110 Change in Location; Updated Registration Form
- 5.31.120 Renewal or Revocation of Regulatory Permit
- 5.31.130 Limitations on City's Liability
- 5.31.140 Additional Terms and Conditions
- 5.31.150 Signage
- 5.31.160 Cultivation, Dispensary, and Manufacturing Locations
- 5.31.170 Dispensing of Cannabis
- 5.31.180 Delivery of Cannabis
- 5.31.190 Packaging of Cannabis
- 5.31.200 Cannabis Facility Operations
- 5.31.210 Public Health and Safety
- 5.31.220 Records
- 5.31.230 Audit
- 5.31.240 Community Relations
- 5.31.250 Compliance
- 5.31.260 Inspection and Enforcement
- 5.31.270 Appeals
- 5.31.280 Violations
- 5.31.290 Implementation Procedures
- 5.31.300 Cannabis Permit Types

#### **5.31.010 Purpose and Intent.**

- A. If cannabis facilities were permitted to be established or if existing business were permitted to act as cannabis facilities without appropriate regulation, such uses might be established in areas that would conflict with the requirements of the General Plan, be inconsistent with surrounding uses, or be detrimental to the public health, safety and welfare, or the operation of such facilities may be in conflict with applicable State law and regulations. The City Council desires to enact reasonable regulations pertaining to recreational and medical cannabis dispensaries, cultivation, testing, distribution and manufacturing facilities to ensure that recreational and medicinal users have regulated access, while at the same time ensuring that such uses do not conflict with the General Plan, are not inconsistent with surrounding uses, and are not detrimental to the public health, safety and welfare, and the operation of such facilities is in compliance with applicable State law and regulations.
- B. Cannabis facilities shall be permitted, upon application and approval of a regulatory permit in accordance with the criteria and procedures set forth in this Code.
- C. The criteria, procedures, standards, requirements, regulations, and provisions set forth in this Code shall be interpreted and applied consistent with all applicable State laws and regulations. To the extent any criteria, procedure, standard, requirement, regulation, or provision of this Code conflicts with or contradicts any applicable State law or regulation, or establishes a criteria, procedure, standard, requirement, or regulation that does not meet the minimum standards of any applicable State law or regulation, the requirements of the applicable State law or regulation shall take precedence.

#### **5.31.020 Cannabis Facilities.**

- A. A “cannabis facility” is any location in the City where (or from which) cannabis products are cultivated, manufactured, processed, stored, tested, labeled, delivered, distributed, or sold for the purpose of commercial medicinal or recreational sale; however:
1. A cannabis facility shall not include a vehicle (i) originating from a cannabis dispensary licensed or permitted by a jurisdiction outside the City and (ii) engaged in the delivery of cannabis or cannabis products in compliance with the requirements contained in Section 5.31.180.
  2. A cannabis facility shall not include a vehicle (i) originating from a cannabis facility permitted under this Chapter and (ii) engaged in the transportation of cannabis products to another cannabis facility permitted under this Chapter or to another cannabis facility licensed or permitted by a jurisdiction outside the City.
- B. Cannabis facilities that may be permitted under this Chapter include but not limited to: “cannabis dispensaries”, “cannabis cultivation facilities”, “cannabis manufacturing facilities”, “cannabis testing facilities”, and “cannabis distribution facilities”.
- C. A “cannabis dispensary” is a facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including non-storefront retail that restricts access to the general public and offers cannabis or cannabis products through delivery.
- D. A “cannabis cultivation facility” is a facility where cannabis is planted, grown, harvested, cloned, dried, cured, graded, processed or trimmed (or any combination of those activities).
- E. A “cannabis manufacturing facility” is a facility where cannabis products are produced, prepared, propagated, or compounded, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.
- F. A “cannabis distribution facility” is a facility used to facilitate the procurement, sale, and transport of cannabis or cannabis products between cannabis facilities.
- G. A “cannabis testing center” is a facility that offers or performs tests of cannabis or cannabis products.
- H. An “applicant” is a person or persons applying for a permit to operate a cannabis facility issued pursuant to this Chapter and includes all of the below:
1. The person seeking a permit to operate a cannabis facility under this Chapter.
  2. Any individual (or person) who has ownership interest greater than 10%, financial interest (including a security interest, lien, or encumbrance) in the person seeking to operate a cannabis facility or its operation under this Chapter.

3. Any individual (or person) who has the power to direct, or cause to be directed, the management or control of the person seeking to operate a cannabis facility under this Chapter.

I. A “manager” means any human individual to whom a cannabis facility has delegated discretionary powers to organize, direct, carry on, or control its operations and employed by the business.

J. An” owner” is the legal registered approved applicant defined under this chapter.

#### **5.31.030 Definitions.**

Words and phrases not specifically defined in this Code shall have the meaning ascribed to them as defined in the following sources:

- A. The Compassionate Use Act of 1996 (codified as Section 11362.5 of the Health and Safety Code);
- B. The Cannabis Program Act (codified as Sections 11362.7 through 11362.83 of the Health and Safety Code);
- C. The California Attorney General’s Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use (August 2008); and
- D. The Medicinal and Adult-Use Cannabis Regulation and Safety Act as enacted by Senate Bill 94 “Trailer Bill”.

#### **5.31.040 City Council Review and Approval.**

- A. The issuance and/or renewal of a regulatory permit as required by this Chapter shall be subject to the prior review and approval by the City Council.
- B. In addition to the requirements set forth in this Chapter, as a condition of issuance or renewal of a regulatory permit as required by this Chapter, the City Council may impose such additional terms and conditions on the issuance or renewal of the regulatory permit and the operation of the facility as the City Council deems appropriate.
- C. The development agreement and operations plan required by this Chapter and the design and layout of a cannabis facility authorized under this Chapter, shall be subject to the review and approval of the City Council prior to the issuance or renewal of a regulatory permit under this Chapter.
- D. If the City Manager or designee revokes a regulatory permit as allowed by this Chapter, as soon thereafter as is reasonable under the circumstances, the City Council shall be informed of such revocation and the City Council shall review and approve such

revocation. If the City Council does not approve the revocation, the City Manager or designee shall reinstate such regulatory permit upon such additional terms and conditions as the City Council deems appropriate.

- E. Any permit contemplated or required in herein Chapter, despite provisions in Section 5.31.060 to the contrary, will be entirely within jurisdiction of City Council.

**5.31.050 Regulatory Permit Required.**

- A. Cannabis facilities are prohibited unless permitted in accordance with this chapter.
- B. It shall be unlawful for any person to operate a cannabis facility without a regulatory permit from the State of California and the City Council or designee under the terms and conditions set forth in this Chapter.
- C. Each regulatory permit shall expire one year from its date of issuance. The date of issuance may be effective upon an applicant obtaining a certificate of occupancy in the event of new construction for a licensee under this Chapter, at the discretion of the City. Renewal of regulatory permits shall be as provided for in Section 5.42.120.
- D. Regulatory permits are not transferrable and any attempt to assign or transfer such permits shall render the permit null and void.
- E. The City may only permit two cannabis retail Type 10 permits at a time. The number of the remaining types of cannabis facilities permitted in the City may be limited or restricted by resolution of the City Council.
- F. If the number of each type of cannabis facility permitted in the City is limited, applications for the required regulatory permit may be submitted during those applications periods as may be designated from time to time by the City Council or designee. Each application submitted and deemed complete by the City during the application period will be evaluated for priority for processing based on certain criteria set forth in a point system approved by the City Council. It is permissible for the point system to provide additional point values to City residents. All applications so evaluated and scored will be ranked from the most to the least points. Applications for any available regulatory permit will be processed based on this ranking. Once all available regulatory permits have been issued, the remaining applicants will be placed on a wait list, ranked from the most to the least points.
- G. The legal representative shall file an application for a regulatory permit with the City Manager or designee upon forms provided by the City and shall pay an "application fee" and a "processing fee" as required by this Chapter and as established by resolution adopted by the City Council as amended from time to time. A separate application shall be made for each type of cannabis facility permit, i.e., dispensary, cultivation, manufacturing, testing, and distributing facility, for each license classification specified in Sections 5.31.020; and for each location at which a cannabis facility will operate. An application for a regulatory permit for each type of

cannabis facility shall include, but shall not be limited to, the following information:

1. The legal name, and any other names, under which the cannabis facility will operate.
2. The address of the location and the on-site telephone number, if known, of the cannabis facility.
3. The following information for each applicant and manager of the cannabis facility:
  - a. Complete legal name and any alias(es), address, and telephone number;
  - b. Date and place of birth;
  - c. Copy of a valid California government issued photo identification card or license;
  - d. A list of all criminal convictions, other than infractions for traffic violations, the jurisdiction of the conviction(s) and, the circumstances thereof;
  - e. One set of fingerprints;
  - f. A detailed explanation of the applicant's or the manager's involvement with any other cannabis facility (including medical or non-medical cannabis facilities located outside of the City), including, but not limited to, the name and address of the cannabis facility; the capacity in which the applicant or the manager is or was involved with the cannabis facility; whether the cannabis facility is or was the subject of any criminal investigation or prosecution, civil investigation, administrative action or civil lawsuit; whether the applicant or the manager or the cannabis facility with which the applicant or the manager is or was associated has ever been denied, or is in the process of being denied registration, a permit, a license or any other authorization required to operate a cannabis facility in any other city, county, or state; and whether the applicant or the manager or the cannabis facility with which the applicant and the manager is or was associated has ever had a registration, license, permit or any other authorization required to operate a cannabis facility in any other city, county, or state, suspended or revoked, and the reasons therefore; and
  - g. A detailed explanation of the applicant's or the manager's involvement with any other business in the City, including, but not limited to, the name and address of such business; the type of business; the capacity in which the applicant or the manager is or was involved with the business; whether the business is or was the subject of any criminal investigation or prosecution, civil investigation, administrative action or civil lawsuit; whether an owner or manager of the business with which the applicant or the manager is or was

associated has ever been denied, or is in the process of being denied registration, a permit, a license or any other authorization required to operate a business requiring licensing through the State in any other city, county, or state; and whether an applicant or a manager of the business with which the applicant or the manager is or was associated has ever had a registration, license, permit or any other authorization required to operate a business that requires a license in the State, or any other city, county, or state, suspended or revoked, and the reasons therefore.

4. An operations plan which shall be in conformance with the requirements of this Chapter and shall include, at a minimum:
  - a. A list of the names, addresses, telephone numbers, and responsibilities of each applicant and manager of the cannabis facility.
  - b. The hours and days of operation for the cannabis facility.
  - c. A site plan and floor plan of the facility denoting the layout of all areas of the cannabis facility, including, as applicable, storage, cultivation, reception/waiting, dispensing, manufacturing, and all ancillary support spaces, and the relationship of the facility to adjacent properties and land uses.
  - d. A security plan, including lighting, alarms, fencing, and video cameras, to ensure the safety of persons, and to protect the premises from theft, vandalism, and fire. The security plan shall address both interior and exterior areas of the facility and its premises.
  - e. The cannabis cultivation and manufacturing procedures to be utilized at the facility, including, as applicable, a description of how chemicals and fertilizers will be stored, handled, and used; extraction and infusion methods; the transportation process; inventory procedures; track and trace program and procedures; quality control procedures; and testing procedures.
  - f. Procedures for identifying, managing, and disposing of contaminated, adulterated, deteriorated or excess cannabis or cannabis products.
  - g. An odor management plan detailing the reasonable steps that will be taken by facility to ensure that the odor of cannabis and other physical impacts on neighboring properties will be minimized.

- h. Policies and procedures for adopting, monitoring, implementing, and enforcing all requirements of this Chapter.
5. The cannabis facility's seller's permit number or indication that the cannabis facility is currently applying for a seller's permit.
  6. The name and address of the owner and lessor of the premises and a copy of the lease or other such proof of the legal right to occupy and use the premises and a statement from the owner or agent of the owner of the real property where the facility will be located demonstrating the landowner has acknowledged and consented to permit dispensary, cultivation, distribution, or manufacturing activities to be conducted on the property by the cannabis facility.
  7. The name and account number of all savings accounts, checking accounts, investment accounts, and trusts associated with the operation of the cannabis facility.
  8. A map with a minimum scale of 1"=75' showing streets names, lot boundaries, sensitive uses, and uses on properties adjacent to the cannabis facility.
  9. Authorization for the City Manager or designee to seek verification of the information contained within the application, including, but not limited to, a criminal history investigation with the California Department of Justice and any other law enforcement agencies.
  10. Evidence that the organization, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and includes the plural as well as the singular number, all such entities agree to operate under such terms and conditions outlined in their operations plan as approved.
  11. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is complete, true, and accurate.
  12. Any such additional and further information as is deemed necessary by the City Manager or designee to administer this Section or to show that the cannabis facility and its ownership and operation is in compliance with the provisions of this Chapter.

#### **5.31.060 Background Check.**

Applicants for a regulatory permit for a cannabis facility, every manager of a cannabis facility, and any employee or individual who participates in the dispensing, cultivation, manufacturing, or transporting of cannabis or who participates in the daily operations of the cannabis facility shall be required to submit to a Fingerprint-Based Criminal History Records Check.

#### **5.31.070 Grounds for Denial.**

- A. The City Council or designee may reject an application upon making one or more of the following findings:
1. Any applicant made one or more false or misleading statements or omissions on the registration application or during the application process;
  2. The applicant fails to meet the requirements of this Chapter or any regulation adopted pursuant to this Chapter;
  3. The cannabis facility or its location is in violation of any building, zoning, health, safety, or other provision of this code, or of any state or local law which substantially affects the public health, welfare, safety, or morals, or the facility or its location is not permitted in the proposed area, or the issuing or continuation of a regulatory permit would be contrary to the public health, welfare, safety, or morals;
  4. Any applicant, manager, or employee of the cannabis facility is under Twenty-One (21) years of age;
  5. Any applicant has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the licensing authority determines that the applicant is otherwise suitable to be issued a permit and granting the permit would not compromise public safety, the licensing authority shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant to be issued a permit based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the licensing authority shall include, but not be limited to, the following:
    - a. A felony conviction for the illegal possession for sale, manufacture, or transportation of a controlled substance excluding cannabis related convictions.
    - b. A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.
    - c. A serious felony conviction, as specified in subdivision (c) of Section



1192.7 of the Penal Code.

- d. A felony conviction involving fraud, deceit, or embezzlement;
- 6. Any applicant or manager has been sanctioned by a licensing authority or a city, county, or city and county for unlicensed operation of a cannabis facility or has had a license revoked under this Chapter in the three years immediately preceding the date the application is filed with the licensing authority.
- 7. The applicant did not pay to the City the required application and processing fees as set forth in Section 5.31.080.
- 8. Failure to enter into a satisfactory Development Agreement pursuant to 5.31.090.

B. The City Council or designee may place reasonable conditions upon registration if grounds exist for denial of the registration and those grounds may be removed by the imposition of those conditions.

#### **5.31.080 Fees and Charges.**

A. Prior to operating in the City, the cannabis facility shall timely and fully pay all fees associated with the registration and operation of the facility. The fees shall be as set forth in the schedule of fees and charges established by resolution of the City Council, including, but not limited to the following:

- B. "Application fee" for accepting a registration application; due and payable in full at the time a registration application is submitted;
- C. "Processing fee" for the cost to the City of processing a registration application and reviewing, investigating, and scoring each application in accordance with the point system to determine eligibility for issuance of a regulatory permit; due and payable in full at the time a registration application is submitted;
- D. "Permit issuance fee" for the cost to the City of preparing a development agreement, City Council review and approval of the development agreement and the regulatory permit, and preparation and issuance of the regulatory permit as authorized by the City Council, due and payable in full at the time the City issues a regulatory permit;
- E. "Amended registration fee" for the cost to the City of reviewing amendments or changes to the registration form previously filed on behalf of the cannabis facility; due and payable in full at the time amendments or changes to a registration form are submitted to the City;
- F. "Regulatory permit renewal fee" for the cost to the City of processing an application to renew a regulatory permit; due and payable in full at the time application is made to renew a regulatory permit; and

G. Any fees for inspection or investigation that are not included within the other fee associated with registration; due and payable in full upon request of the City.

#### **5.31.090 Development Agreement.**

Prior to operating in the City and as a condition of issuance of a regulatory permit, each cannabis facility shall enter into a development agreement with the City setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of this Chapter, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety, and welfare.

#### **5.31.100 Cessation of Operations.**

In the event a cannabis facility that receives a regulatory permit ceases to operate for any reason, the City Council or designee shall consider the next qualified applicant on the waiting list and, at the discretion of the City Council or designee, provide an opportunity for new applicants to be considered for a permit.

#### **5.31.110 Change in Location; Updated Registration Form.**

A. Any time the location specified in the regulatory permit is changed, the cannabis facility shall re-apply with the City Manager or designee. The process and the fees for re- application shall be the same as the process and fees set forth for registration in Sections 5.31.050 and 5.31.080.

B. Within fifteen calendar days of any other change in the information provided in the registration form or any change in status of compliance with the provisions of this Chapter, including any change in the cannabis facility's ownership or management, the cannabis facility shall file an updated registration form with the City Manager or designee for review along with a registration amendment fee, as set forth in Section 5.31.080.

#### **5.31.120 Renewal or Revocation of Regulatory Permit.**

A. No regulatory permit issued under this Chapter may be renewed unless:

1. A new registration form has been filed with the City Manager or designee as set forth in Section 5.31.050 a minimum of sixty (60) days prior to the expiration date of the regulatory permit;
2. The annual renewal registration fee, as set forth in Section 5.31.080 of this Chapter, has been paid to the City; and
3. The cannabis facility and its owners and managers all meet the requirements of this Chapter for registration.

B. The City Council or designee may elect not to renew a regulatory permit issued under

this Chapter if:

1. The cannabis facility and its applicants or managers have not complied at all times with all the requirements for registration as set forth in this Chapter;
2. Any of the conditions or circumstances of Sections 5.31.070.A or 5.31.260.D, singularly or in combination, of this Chapter have occurred; or
3. The City Council or designee is aware of any other facts or circumstances, which indicate that renewal of the regulatory permit will be detrimental to the health, safety, or welfare of the residents of the City.

C. The City Council or designee may revoke a regulatory permit issued under this Chapter, upon such notice as deemed appropriate by the City Council or designee, if:

1. The cannabis facility and its applicants or managers have not complied at all times with all the requirements for registration as set forth in this Chapter;
2. Any of the conditions or circumstances of Sections 5.31.070.A or 5.31.260.D, singularly or in combination, of this Chapter have occurred; or
3. The City Council or designee is aware of any other facts or circumstances, which indicate that continued operation of the cannabis facility will be detrimental to the health, safety, or welfare of the residents of the City.

#### **5.31.130 Limitations on City's Liability.**

A. To the fullest extent permitted by law, the City shall not assume any liability whatsoever, with respect to approving any regulatory permit pursuant to this Chapter or the operation of any cannabis facility approved pursuant to this Chapter.

B. As a condition of approval of a regulatory permit as provided in this Chapter, the applicants of the cannabis facility shall:

1. Execute an agreement indemnifying the City from any claims, damages, injuries, or liabilities of any kind associated with the registration or operation of the cannabis facility or the prosecution of the cannabis facility, its applicants, managers, or employees, or its qualified patients or primary caregivers for violation of federal or State laws;
2. Maintain insurance in the amounts and of the types that are acceptable to the City Council or designee;
3. Name the City as an additionally insured on all City required insurance policies;
4. Agree to defend, at its sole expense, any action against the City, its agents, officers, and employees related to the approval of a regulatory permit; and

5. Agree to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to the City's approval of a regulatory permit. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

#### **5.31.140 Additional Terms and Conditions.**

Based on the information set forth in the application, the City Council or designee may impose reasonable terms and conditions on the proposed operations of the cannabis facility in addition to those specified in this Chapter.

#### **5.31.150 Signage.**

Exterior signage for the facility shall be limited to one exterior building sign not to exceed sixteen square feet in area, and door and/or window signage not to exceed ten square feet in area; such signs shall not be directly illuminated. Signage shall otherwise be reviewed and approved by the City according to the City of San Juan Bautista Sign Ordinance.

#### **5.31.160 Cultivation, Dispensary, Manufacturing, Distribution and Testing Locations.**

- A. A cannabis dispensary may be located in Industrial zones only.
- B. A cannabis cultivation facility may be located in Industrial zones only.
- C. A cannabis manufacturing facility may be located in Industrial zones only.
- D. A cannabis testing facility may be located in Industrial zones only.
- E. A cannabis distribution facility may be located in Industrial zones only.
- F. All cannabis facilities shall be setback a minimum of 600 feet from, a school, measured in a straight and direct horizontal line from the parcel boundary line of the cannabis facility to the parcel boundary line of the school. For the purposes of this Section, "school" means any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
- G. All cannabis facilities shall be additionally setback a minimum of 150 feet from a conforming residential use or a licensed rehabilitation facility, measured in a straight and direct horizontal line from the closest wall of the cannabis facility to the closest

exterior wall of the conforming residential.

H. All cannabis cultivation shall be conducted only in the interior of an indoor structure and all cultivation operations including all cannabis plants at any stage of growth shall not be visible from the exterior of any structure, facility, or building containing the cultivation of cannabis.

1. For the purposes of this Section, “indoor structure” means a building, or other structure (or space within a building, or other structure) that (i) has an improved and permanent foundation spanning the entire surface underlying the building, or other structure, (ii) has a complete roof enclosure, transparent or non-transparent, supported by connecting hard sided walls extending from an improved and permanent foundation to the roof, (iii) is secure against unauthorized entry, (iv) provides complete visual screening, (v) complies with all odor control and other design standards required by this Chapter (including any regulations adopted pursuant to this Chapter), (vi) is accessible only through one or more lockable doors, and (vii) is inaccessible to minors.

I. Designation of zoning districts does not give owner or lessor of real property any rights to operate under this Chapter, or provide that any permit applied for under this Chapter shall be allowed. The City shall consider the existing surrounding uses in analyzing impacts of facility, and can deny use in any zoning district if City feels impacts on existing conforming uses are unreasonable. The herein Chapter is intended to allow for activities and uses that are unique and whose effect on the surrounding environment cannot be determined prior to being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing it to established development standards and individual aspects of application.

J. The permit for a cannabis facility shall apply to a single premise only.

#### **5.31.170 Dispensing of Cannabis.**

- A. Cannabis retail transactions shall only occur inside the premises of the cannabis dispensary. The foregoing notwithstanding, a cannabis dispensary will engage in the delivery of cannabis or cannabis products as provided for in Section 5.31.180.
- B. No cannabis sale, transfer, dispensing, or distribution of any kind shall be made to an individual under the age of twenty-one (21) unless the individual is a registered patient, and no such individual shall be allowed in any cannabis facility.

### **5.31.180 Delivery of Cannabis.**

- A. “Delivery” means the retail sale or transfer of cannabis or cannabis products to a recreational user or qualified patient using a motor vehicle other than a “motorcycle” as that term is defined in Division 1 of the Vehicle Code.
- B. A permitted cannabis dispensary may only engage in the delivery of cannabis or cannabis products subject to any regulations promulgated pursuant to this Chapter.
- C. Any person engaging in the delivery of cannabis or cannabis products with a vehicle originating from outside the City shall:
  - 1. Be licensed or permitted by the jurisdiction from which the vehicle originates;
  - 2. Obtain a City of San Juan Bautista Business license; and
  - 3. Comply with the requirements of the Business and Professions Code and any regulations promulgated pursuant to this Chapter.
- D. The delivery of cannabis or cannabis products shall only be during the normal operating hours in permit or license.
- E. A list of the names and cellular telephone contact numbers for all individuals delivering cannabis or cannabis products shall be provided to the City. Such list shall at all times be kept current and up to date.

### **5.31.190 Packaging of Cannabis.**

- A. Prior to retail sale or transfer, cannabis and cannabis products shall be packaged and labeled as required by regulations issued by the State pursuant thereto.
- B. If edible cannabis products are offered for sale, the cannabis dispensary facility shall first secure any approval from the County of San Benito Health Department required for handling food products.
- C. Edible products distributed or sold by any cannabis facility shall not be produced, manufactured, stored, or packaged in private homes.

### **5.31.200 Cannabis Facility Operations.**

- A. Cannabis dispensaries may only deliver between the hours of 9:00 a.m. and 8:00 p.m. and may deliver as many as seven days per week.
- B. The sale, dispensing, or consumption of alcoholic beverages on or about the cannabis

facility or in the parking area for the facility is prohibited.

- C. Facility operator will report any loitering within one hundred feet of the premises. The loitering by persons outside the facility, either on the premises or within one hundred feet of the premises, is prohibited.
- D. A copy of the regulatory permit issued by the City and any licenses or certifications issued by the State, and any conditions thereof, shall be posted on the premises in a prominent place, readily viewable.
- E. A cannabis facility shall take all necessary and reasonable steps to prevent:
  - 1. The distribution of cannabis to minors;
  - 2. Revenue from the sale or distribution of cannabis from going to criminal enterprises, gangs and cartels;
  - 3. The diversion of cannabis from California to any other state;
  - 4. State-authorized cannabis activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
  - 5. Violence and the use of firearms in the cultivation, manufacture, and distribution of cannabis;
  - 6. Drugged driving and the exacerbation of other adverse public health consequences associated with cannabis use;
  - 7. Growing of cannabis on public lands and the attendant public safety and environmental dangers posed by cannabis production on public lands; and
  - 8. Cannabis possession or use on federal property.

Any violation of this provision shall result in the immediate suspension of any permit authorized under this Chapter, and pending investigation and a hearing, shall result in revocation of the permit at the election of the City Manager or designee.

#### **5.31.210 Public Health and Safety.**

- A. Each cannabis facility shall operate in a reasonable manner such that the effects on the health or safety of nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts cultivation, manufacture, dispensing, delivery, or distribution of cannabis or cannabis products are minimized.



- B. The cultivation, manufacture, dispensing, delivery, and distribution of cannabis or cannabis products shall not create hazards due to the use or storage of materials, processes, products, chemicals, fertilizers, or wastes.
- C. The interior and exterior of the cannabis facility, including driveways, sidewalks, parking strips, fire access roads and streets on or adjacent to the premises shall be kept in a clean and safe condition.
- D. Exterior lighting on the premises and location shall ensure the safety of the public and the members and employees of the facility while not disturbing surrounding areas.

**5.31.220 Records.**

- A. Cannabis facilities shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis products throughout the distribution chain until purchased. The inventory control and reporting system shall comply with the State of California's Rules & Regulations.
- B. Cannabis facilities shall have an electronic point of sale system that produces historical transactional data for review by the City Manager or designee for compliance and auditing purposes.
- C. Each cannabis facility shall maintain at the premises all records and documents required by this Chapter and all the information and records listed below and as otherwise required by applicable State law or regulation:
  - 1. The name, address, and telephone number(s) of the owner, landlord and/or lessee of the location;
  - 2. Up-to-date information for all savings accounts, checking accounts, investment accounts and trusts associated with the operation of the cannabis facility;
  - 3. Complete and up-to-date records regarding the amount of cannabis cultivated, produced, manufactured, harvested, stored, or packaged at each cannabis facility;
  - 4. Complete and up-to-date records regarding cannabis transfers throughout the distribution chain from cultivation, to manufacturing, to its dispensing location, including the date and time of the transfer; the name and address of the cultivation and manufacturing facility and the name and address of the supplier if different from the cultivation or manufacturing facility; the amount, form, type, batch and lot number of cannabis transferred; the time of departure from the distribution, cultivation or manufacturing facility; the time of arrival at the dispensing location; the names of the employees transporting the product; and the name of the employee who received the product at the dispensing location;
  - 5. Complete and up-to-date records documenting each transfer of cannabis from the

cannabis dispensing location to customers including the amount provided, the form or product category in which the cannabis was provided, the date and time provided, the name of the employee making the delivery, and the amount of transaction;

6. All receipts of the cannabis facility, including but not limited to expenditures incurred by the cannabis facility for the cultivation, manufacture, dispensing, distribution, and delivery of cannabis;
  7. Proof of completed registration with the City Manager or designee in conformance with this Chapter;
  8. Records demonstrating compliance with State and federal rules and regulations regarding reporting and taxation of income received; and
  9. All cannabis facilities shall perform an inventory each month and shall record the total quantity of each form of cannabis on the premises.
- D. All records required by this Section shall be maintained by the cannabis facility for a period of seven years and shall be made available to the City Council or designee and any City official charged with enforcing the provisions of this code upon request.

#### **5.31.230 Financial Statements.**

No later than sixty (60) days after licensees' close of business year (calendar or fiscal), each cannabis facility shall file with the City Manager a summary of its financial operations for the previous calendar year, completed in accordance with generally accepted auditing and accounting principles. The statement shall include but not be limited to a discussion, analysis, and verification of each of the records required to be maintained pursuant to this Chapter. The information contained in the statement shall be made available to the City Council or designee in standard electronic format as designated by the City Council or designee.

#### **5.31.240 Community Relations.**

- A. Each cannabis facility shall provide the City Manager or designee with the name, telephone number, and email address of an on-site community relations or staff person or other representative to whom the City can provide notice if there are operating problems associated with the cannabis facility or refer members of the public who may have any concerns or complaints regarding the operation of the cannabis facility. Each cannabis facility shall also provide the above information to all businesses and residences located within 500-foot radius of the cannabis facility.

#### **5.31.250 Compliance.**

- A. All cannabis facilities shall pay any applicable sales, use, business or other tax, and all license, registration, or other fees pursuant to federal, State, and local law.

- B. Nothing in this Chapter shall be construed as authorizing any actions, which violate State or local law with regard to the cultivation, transportation, manufacture, provision, sale, transfer, distribution or disposition of cannabis.

**5.31.260 Inspections and Enforcement.**

- A. The City Manager or their designees shall have the right to enter all cannabis facilities unannounced during the facility's hours of operation for the purpose of making reasonable inspections to observe and enforce compliance with this Chapter, to inspect and copy records required to be maintained under this Chapter, or to inspect, view, and copy recordings made by security cameras, all without requirement for a search warrant, subpoena, or court order.
- B. Operation of a cannabis facility in non-compliance with any conditions of approval or the provisions of this Chapter shall constitute a violation of the Municipal Code and shall be enforced pursuant to the provisions of this code.
- C. The City Council or designee may summarily suspend or revoke a cannabis regulatory permit, or disqualify an applicant from the registration process, or elect not to renew a regulatory permit if any of the following, singularly or in combination, occur:
1. The City Manager or designee determines that the cannabis facility has failed to comply with any requirement of this Chapter or any condition of approval or a circumstance or situation has been created that would have permitted the City Manager or designee to deny the regulatory permit under Section 5.31.060 or elect not to renew or revoke the regulatory permit under Section 5.31.120;
  2. The cannabis facility has conducted itself or is being conducted in a manner that creates or results in a public nuisance;
  3. The cannabis facility ceased operations for more than 90 calendar days, including during change of ownership proceedings;
  4. Ownership is changed without the new owners applying for and securing a regulatory permit under this Chapter;
  5. The cannabis facility relocates to a different location or premises
  6. The cannabis facility fails to allow inspection and/or copying of the security recordings, the activity logs and records required under this Chapter, or the premise by authorized City Manager or designee.
  7. The cannabis facility fails to notify City of change of management.

**5.31.270 Appeals.**

Any decision regarding or pertaining to the regulatory permit process set forth in this Chapter, or any action taken by the City Manager or designee pursuant hereto, may be appealed to the City Council. Such appeal shall be taken by filing with the City Clerk,

within ten (10) days after notice of the action or decision complained of has been issued, a written statement setting forth the grounds for the appeal. The City Clerk shall transmit the written statement to the City Council and at its next regular meeting the council shall set a time and place for a hearing on the appeal. Notice of the time and place of such hearing shall be mailed to the appellant. The decision of the City Council on such appeal shall be final and binding on all parties concerned.

#### **5.31.280 Violations.**

- A. Any violation of any of the provisions of this Chapter is unlawful and a public nuisance and will be subject to an Administrative Citation.
- B. Any violation of any of the provisions of this Chapter shall give the City the right to issue an administrative citation, and/or assess an administrative fine of up to one thousand dollars (\$1,000.00) for each violation of this Ordinance.
- C. A separate offense occurs for each day any violation of this Chapter is continued and/or maintained.
- D. The remedies provided herein are not to be construed as exclusive remedies, and in the event of violation, the City may pursue any proceedings or remedies otherwise provided by law.

#### **5.31.290 Implementation Procedures.**

- A. This Chapter shall not become operative and applications for a regulatory permit authorized by this Chapter shall not be accepted by the City Manager or designee, nor a regulatory permit issued unless both of the following occur:
  - 1. The City Council submits a City tax on Cannabis Facilities to the voters, the voters approve the tax, and the tax is certified by the County pursuant to Section 15372 of the California Elections Code.
  - 2. Written implementing regulations have been approved by the City Council for the type of cannabis facility permit for which application is sought. The City Council may impose such conditions of approval as it deems appropriate.
- B. The City Council or designee shall develop written regulations governing the implementation of the cannabis facility regulatory permit process authorized by this Chapter. Such written regulations shall be approved by the City Council before they shall become effective. The City Council may impose such conditions of approval as it deems appropriate.

#### **5.31.300 Cannabis Permit Types.**

- (A) The following M-permits and A-Permits are created under this Chapter:

Tier	Classification/Type	Area
Type 1A	Cultivation: Specialty indoor	501-5,000 ft
Type 1B	Cultivation: Specialty mixed-light	2,501-5,000 ft
Type 1C-i	Cultivation: Specialty cottage indoor	up to 500 ft
Type 1C-m	Cultivation: Specialty cottage mixed-light	up to 2,500 ft
Type 2A	Cultivation: Small indoor	5,001-10,000 ft
Type 2B	Cultivation: Small mixed-light	5,001-10,000 ft
Type 3A	Cultivation: Indoor	10,001-22,000 ft
Type 3B	Cultivation: Mixed-light	10,001-22,000 ft
Type 4	Cultivation: Nursery	up to 22,000 ft
Type 6	Manufacturing Level 1	non-volatile
Type 7	Manufacturing Level 2	Using volatile solvents
Type 8	Testing Laboratory	N/A
Type 10	Retail	N/A
Type 11	Distributor	N/A
Type 12	Microbusiness	Up to 10,000 ft

### **Section 3. SEVERABILITY**

The City Council declares that, should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

**Section 4. EXECUTION AND CERTIFICATION**

The City Clerk is directed to do all things necessary to cause the execution of this Ordinance immediately upon its adoption and shall thereafter certify to the passage of this Ordinance and cause the same to be published and posted according to law.

**Section 5. ENVIRONMENTAL ASSESSMENT.**

The City Council declares that the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") because pursuant to CEQA Guidelines Sections 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); and, 15060 (c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the approval of this ordinance is not a "Project" under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment. Further projects subject to the ordinance will require a discretionary permit and CEQA review and will be analyzed at that time in accordance with CEQA.

**SECTION 6. EFFECTIVE DATE.**

This ordinance shall go into effect thirty days after the date of its adoption.

**THE FOREGOING ORDINANCE** was first read at a regular meeting of the San Juan Bautista City Council on the \_\_\_ day of \_\_\_\_\_, 2018, and was adopted at a regular meeting of the San Juan Bautista City Council on the \_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
**Mayor Jim West**

**ATTEST:**

\_\_\_\_\_  
**Trish Paetz, Deputy City Clerk**

Resolution No. 2018-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA SUPPORTING  
THE PROPOSAL OF THE TRUST FOR PUBLIC LAND FOR THE ACQUISITION OF  
THE 540-ACRE NYLAND RANCH

WHEREAS, the Trust for Public Land intends to first acquire Nyland Ranch from the current landowners and subsequently convey title to the property to the San Benito Agricultural Land Trust for conservation and open space purposes; and

WHEREAS, the long-term protection of this property would help maintain the historic and bucolic feel of the City of San Juan Bautista; and

WHEREAS, the long-term protection of the property would allow cattle grazing to continue on the property indefinitely; and

WHEREAS, the long-term protection of the property would conserve meaningful wildlife habitat; and

WHEREAS, the City of San Juan Bautista has a general plan which demonstrates a long-term commitment to agricultural land conservation; and

WHEREAS, without the protection of this property, the land is likely to be converted to nonagricultural use in the foreseeable future; and

WHEREAS, the City Council supports the above-mentioned goals.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY supports the acquisition of the Nyland Ranch property by The Trust for Public Land and the land's conveyance to the San Benito Agricultural Land Trust for conservation and open space purposes.

PASSED AND ADOPTED this 19th day of June, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Jim West, Mayor

ATTEST:

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Trish Paetz, Deputy City Clerk



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

**AGENDA TITLE:** Designate the San Juan/Hollister Road Pavement Rehabilitation Project as the City's Priority Project under the State's Road Repair and Accountability Act of 2017

**MEETING DATE:** June 19, 2018

**DEPARTMENT HEAD:** City Manager

---

**RECOMMENDED ACTION:** Designate the San Juan/Hollister Road Pavement Rehabilitation Project as City's Priority Project under the State's Road Repair and Accountability Act of 2017 for Fiscal Year 2018/19.

**BACKGROUND INFORMATION:** The Road Repair and Accountability Act of 2017 (SB1 Beall) is a significant investment in California's roadway system of about \$5.2 billion per year. The Act increases per gallon fuel excise taxes, diesel fuel sales taxes and vehicle registration taxes, stabilizes the price-based fuel tax rates and provides for inflationary adjustments to rates in future years. This legislation more than doubles local streets and road funds allocated through the Highway Users Tax Account, allocating funds from new taxes through a new "Road Maintenance and Rehabilitation Account" (RMRA).

The RMRA receives funds from the following new taxes imposed by the state:

1. A 12 cent/gallon increase to the gasoline excise tax effective November 1, 2017.
2. A 20 cent/gallon increase to the diesel fuel excise tax effective November 1, 2017, half of which will be allocated to Trade Corridors Enhancement Account (TCEA) with the remaining half to the RMRA.
3. A new vehicle registration tax called the "transportation improvement fee," effective January 1, 2018, based on the market value of the vehicle.
4. An additional \$100 vehicle registration tax on zero emission vehicles model year 2020 and later effective July 1, 2020.
5. Annual rate increases to these taxes beginning July 1, 2020 (July 1, 2021 for the ZEV fee), and every July 1 thereafter for the change in the California Consumer Price Index. The first adjustment to be made on July 1, 2020 will cover CPI change for two years: November 1, 2017 through November 12, 2019.

The Road Repair and Accountability Act stipulates that, prior to receiving RMRA funds in any fiscal year, a city shall submit a project list pursuant to the agency's adopted budget



to the California Transportation Commission (CTC). City staff proposes to use FY2018/19 RMRA funds on the San Juan/Hollister Road Pavement Project.

FISCAL IMPACT: The City is expected to receive approximately \$32,000 annually over next 10 years from SB1.

ATTACHMENTS:

Resolution

**RESOLUTION NO. 2018-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA  
DESIGNATING THE SAN JUAN/HOLLISTER ROAD PAVEMENT PROJECT AS THE  
CITY'S PRIORITY PROJECT UNDER THE STATE'S ROAD REPAIR AND  
ACCOUNTABILITY ACT OF 2017**

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

WHEREAS, SB 1 includes accountability and transparency provisions to ensure residents of the City of San Juan Bautista are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of San Juan Bautista will use SB 1 Road Maintenance and Rehabilitation Account (RMRA) monies for the San Juan/Hollister Road Pavement Project which will provide for reconstruction of approximately 2,000 linear feet of roadway beginning approximately 500 feet east of The Alameda. This project is expected to be completed by March 2019 resulting in a new 20-year life of this important roadway; and

WHEREAS, the City will receive an estimated \$32,000 in RMRA funding in Fiscal Year 2018/19 from SB 1; and

WHEREAS, maintaining and preserving local streets and roads in good condition will reduce drive times and traffic congestion, improve pedestrian and bicycle safety, which leads to reduce vehicle emissions helping the State achieve its air quality and greenhouse gas emissions reductions goals; and

NOW, THEREFORE IT IS HEREBY RESOLVED by the City Council of the City of San Juan Bautista that the City budget for fiscal year 2018/19 is amended to incorporate the San Juan/Hollister Road Pavement Project which will be partially funded with Road Maintenance and Rehabilitation Account revenues.

PASSED AND ADOPTED at a regular meeting of the San Juan Bautista City Council duly held on June 19, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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Jim West, Mayor

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Mackenzie Quaid, Acting City Clerk

## **WAIVER OF READING OF ORDINANCES**

State law requires that an ordinance be read in its entirety prior to adoption unless the City Council waives reading beyond the title. Reading an entire ordinance at the meeting is extremely time-consuming; reading of the title alone usually gives the audience sufficient understanding of what the Council is considering.

To ensure that this waiver is consistently approved by the Council, Council should make the waiver at each meeting, thus, you should do it at this point on the Consent Agenda. The Council then does not have to worry about making this motion when each ordinance comes up on the agenda.

GC36934

## **RESOLUTION NO. 2018-XX**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING A ROLLING STREET CLOSURE**

**BE IT RESOLVED** that the Salinas Charros Group is authorized to have a rolling street closure on The Alameda at Highway 156, Franklin Street from The Alameda to Second Street, and Second Street to the Mission San Juan Bautista on Sunday, June 24, 2018 from 11:00 a.m. to 1:00 p.m. in the City of San Juan Bautista for a parade of horses only.

**PASSED AND ADOPTED** this 19<sup>th</sup> day of June 2018 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**Mayor Jim West**

**ATTEST:**

---

**Acting City Clerk Mackenzie Quaid**

# Special Event/Activities – Permit Application

Dear Event Organizer:

Thank you for your interest in holding a community event in San Juan Bautista. Special events can be important ways to build community and celebrate the City's diversity, heritage, and uniqueness. All events require a permit with approvals to ensure a well-planned and safe event. The City of San Juan Bautista has created a simplified process to help you determine what types of permits and approvals you will need. Simply fill out the enclosed community events application and submit it to the City at least 60 days before your event. Additionally, there will be fees associated your event. Your application fee is due when you submit this form. The fee schedule for applications is:

Non Profits <sup>1</sup> : No street blockage and less than 250 people	\$50.00
Non Profits: No street blockage or blockage of side streets, up to one block., and less than 1,000 people	\$100.00
Non Profits: Street blockage of Second, Third or Fourth Streets and side streets between Franklin & Muckelemei and more than 1,000 people <sup>2</sup>	\$150.00
Private Promoter Organizations <sup>3</sup> : No street blockage and less than 250 people	\$150.00
Private Promoter Organizations: No street blockage or blockage of side streets, up to one block., and less than 1,000 people	\$300.00
Private Promoter Organizations: Street blockage of Second, Third or Fourth Streets and side streets between Franklin & Muckelemei, and more than 1,000 people	\$600.00

Once we receive your application, one or more City representatives will contact you to let you know of any insurance, permits, approvals, or additional fees that apply. We appreciate your time and interest in planning a successful and safe event. A well-planned event translates to a successful activity that benefits everyone. If you need further assistance, call (831) 623-4661 or e-mail [citymanager@san-juan-bautista.ca.us](mailto:citymanager@san-juan-bautista.ca.us).

**Please NOTE:** You are required to have sanitary facilities. If you are serving or selling food you will be required to obtain a permit from the San Benito County Environment Health Department in Hollister. You are also required to coordinate all security arrangement with the San Benito County Sheriff's office.

## SECTION 1: CONTACT INFORMATION

Event Title: San Juan Fiesta Today's Date: 6/11/18

Applicant: Adan Gomez

Organization: C Salinas charros Group

Phone (831) 809-5133 E-Mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Fax: \_\_\_\_\_

Event Setup Date: 6/11/18 Time: 10:15 Event Ends Date: 6/24/18 Time: 1:00 PM

Event Starts Date: 6/24/18 Time: 11:00 AM Dismantle Date: \_\_\_\_\_ Time: \_\_\_\_\_

ANTICIPATED ATTENDANCE: Total or the event: \_\_\_\_\_ Total per Day: \_\_\_\_\_

LOCATION OF EVENT (please be specific): \_\_\_\_\_

<sup>1</sup> Requires proof of charitable non-profit status.

<sup>2</sup> All street closures and blockades require review and approval of the City Council.

<sup>3</sup> Additional fees for use of public facilities may apply.

## INSURANCE

The City will require that you co-insure the city ("additional insure"). Depending on your event, the minimum "coverage" will be dictated by the City's insurance carrier (PARSAC). After the application and fee is submitted the City Manager, or designee, will contact PARSAC with your proposal and the conditions of the insurance will be promptly conveyed to you.

## CITY FACILITIES

Do you plan to hold your event at a City building?

☐ Yes ☒ No

If yes, which facility?

Have you reserved the facility yet?

☒ Yes ☐ No

Will this event require any City streets to be closed? (Public Works charges will apply)

☐ Yes ☐ No

If yes, please be specific on which streets and cross streets need to be closed.

Does this event involve a parade?

☒ Yes ☐ No

If yes, attach a separate page with a map of the event.

If you wish to rent barricades, chairs, tables, or other City equipment, list the equipment and numbers (charges will apply for rentals) if you do not wish to rent the City's equipment, you will be responsible for providing appropriate barriers if your event involves a street closure:

## PRIVATE PROPERTY (Private Property needs to fill out an event application only if the event's attendance will exceed 250)

Do you plan to hold your event on private property?

☒ Yes ☐ No

If yes, describe the location:

Mission Church

## VENDORS

Will this event have vendors selling items or promoting their causes/services/products?

☐ Yes ☒ No

If yes, please note a Board of Equalization form will be required for each vendor proving that they are appropriately registered with the State of California. This link to this form is available on the City of San Juan Bautista website. Additionally, fees will be assessed on the basis of \$15/day/10 feet of vendor space for vendors on the street and \$15/day/vendor for events not on the streets. Other charges may apply. Allocations are made for local not for profit booths to be exempt from these charges. Each event is allowed a minimum of 5 local non-profit 10 ft. spaces for free up to a maximum of 5% of the total number of booth feet for an event.

Will this event feature any hands-on attractions such as climbing walls, bounce-houses, or petting zoos?

☐ Yes ☒ No

If yes, please describe: (insurance coverage will be required)

**FOOD AND ALCOHOL** (all food preparation is subject to state regulations, provide insurance if appropriate)  
If you are serving or selling food, you must obtain a permit from the San Benito County Environment Health Department.

Does your event include food concessions and/or preparation areas?

☐ Yes ☒ No

If yes, please provide a copy of your San Benito County Environmental Health Permit.

*If you plan to sell or furnish alcoholic beverages at your event, you are required to obtain a permit from the State Department of Alcoholic Beverage Control. The public consumption of alcohol is illegal in some parts of the City. If your event includes the use of alcohol on City property, you will need to provide Liquor Liability Coverage on your certificate of insurance.*

Does your event involve the use of alcoholic beverages?

☐ Yes ☒ No

**PORTABLE REST ROOMS (These permits are handled through the San Benito County Environmental Health Department)**

Unless you can substantiate the sufficient availability of both Americans with Disabilities Act and non-ADA accessible facilities in the immediate area of the event site and you have written permission to use this facility, you may be required to provide portable rest room facilities at your event, which will be available to the public during your event. Please note that State Parks toilets do not qualify as event facilities unless you obtain written permission from the local State Parks office to allow use of these State owned toilets and included as part of this application.

Do you plan to provide portable rest room facilities at your event?

☐ Yes ☒ No

Please provide a copy of your San Benito County Environmental Health Permit. Please note that if you state "no", City staff will inquire as to what plans you have made to accommodate the public including written permission from the State if applicable.

**LIGHTING AND SOUND**

Will you be using any amplified sound (i.e. public address system)?

☐ Yes ☒ No

Will this event use any lighting?

☐ Yes ☒ No

Will you be using any type of generator?

☐ Yes ☒ No

If yes, please describe (type/location/period/noise levels, etc. Preference is given to "silent" generators):

If no, do you need electricity? (Fees will apply for use of City electricity):

**Solid Waste Diversion Plan:**

In accordance with State law (Public Resource Code 42648-42648.7), as a large venue, a waste reduction and recycling plan shall be developed. This plan shall estimate the amount and types of waste anticipated from the event, proposed actions to reduce the amount of waste generation related to the event, and arrangements for separation, collection and diversion from landfill of reusable and recyclable materials, as well as a tracking system that validates the final destination of the materials. The Solid Waste Diversion Plan shall be approved by the San Benito County Integrated Waste Management Regional Agency. The City has trash and recycling receptacles available for rent: Trash can and recycling rental can rates are set annually by the City Council and posted on the City's website under Forms and Fees in a document that contains all the City Service Fees. Deposits are refundable, daily rental rates are not.

As the venue contractor, you are responsible for a waste prevention strategy for all waste material generated by all venue operations and all subcontractors. Food vendors must use compostable serving products. No Styrofoam is allowed. You are encouraged to include a requirement for a "Solid Waste Diversion Plan" in your subcontract agreements.

The City of San Juan Bautista is mandated by the State of California to report annually specified information regarding large venue waste diversion programs. You are therefore required to report and provide verification of the quantity of waste disposed and recycled by this event. There is a \$150/event fine for non-reporting. Reporting is due 30 days after the event. The waste hauler can provide this information for you.

1. Please describe your plan for cleanup and removal of recyclable goods and garbage during and after your event.

2. Please provide a description of your event, including activities, timeline, sequence of events, road closures, etc. Please note: road closures require Public Works time and the event will be billed for the actual time used.  
(If additional space is required, please attach it to this application)

Parade with a horse Group.

3. Please describe your security plan, including crowd control.

4 directors

4. In order to comply with the American Disabilities Act, describe how your event will be accessible to people with disabilities.

5. Please describe your emergency/medical plan, including your communications procedures.

***City Benches is for public use only. It is the responsibility of the promoter to make sure all vendors are aware that public benches are NOT for vendor use at any times. Thank you.***

AG Initial

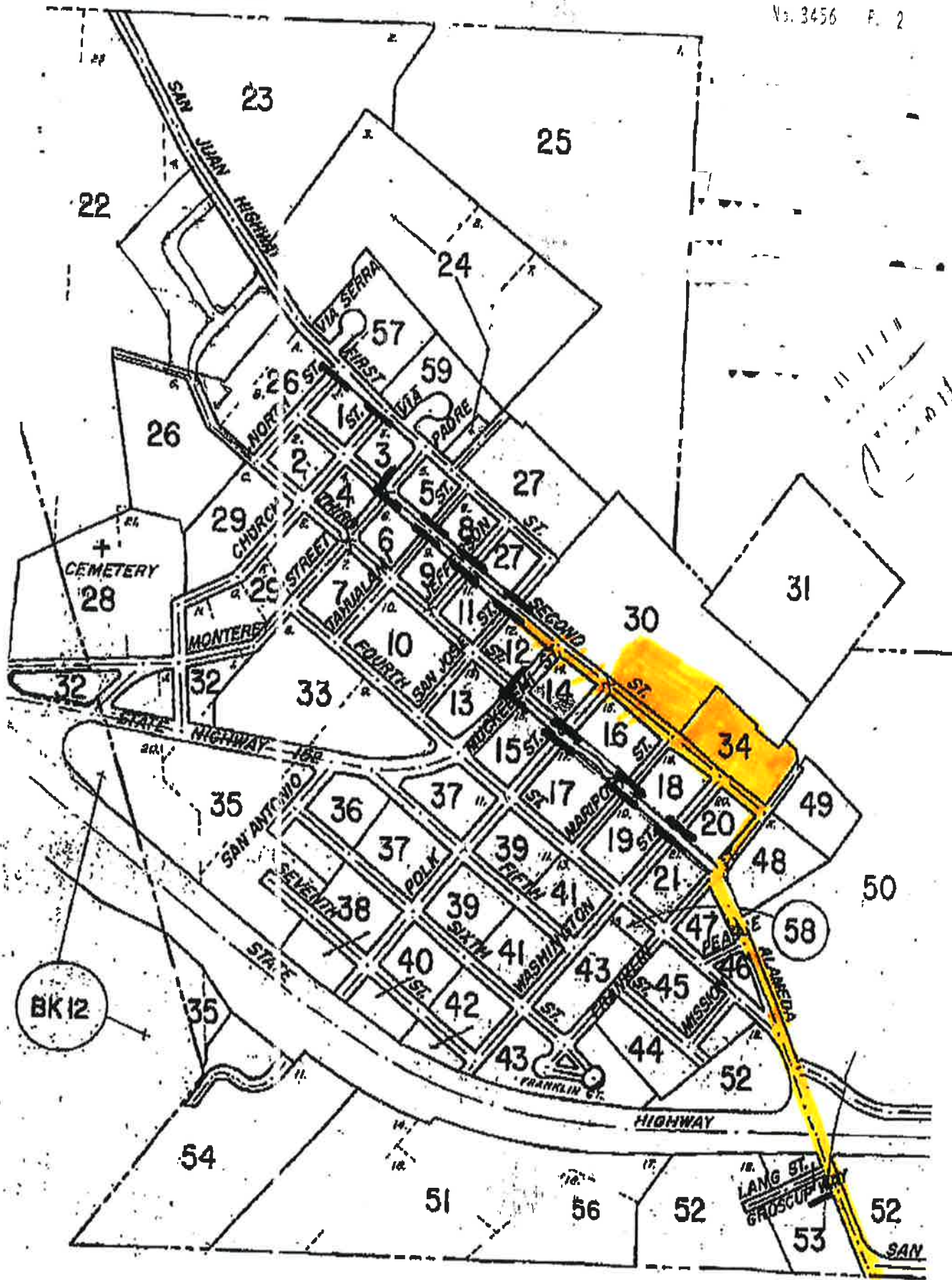
**Please provide a site plan/route map for your event. Attach additional sheets as necessary. The map should include:**

- An outline of the event site including the names of streets or areas that are part of the venue and the surrounding area. If the event involves a moving route of any kind (such as a parade), indicate the direction of travel, including starting location and ending destination.
- Any street or lane closures and parking tow zones
- The locations of fencing, barriers, or barricades. Include any removable fencing for emergency access.
- The location of first-aid facilities.
- The locations of all stalls, platforms booths, cooking areas, trash containers, etc.
- Food booth and cooking area configuration including all vendors cooking with flammable gases or barbecue grills.
- Generator locations and/or source of electricity.
- Placement of vehicles or trailers used for the event.
- Anticipated parking locations.
- Placement of promotional signs or banners.
- Placement of portable toilets/restroom facilities.
- Exit locations for outdoor events that are fenced.
- Locations of all other event activities



May. 13. 2013 11:00AM

No. 3456 F. 2



**RESOLUTION No. 2018-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN  
BAUTISTA MAKING CERTAIN FINDINGS AND DETERMINATIONS IN  
COMPLIANCE WITH SECTION XIIB OF THE CALIFORNIA CONSTITUTION  
(GANN INITIATIVE)**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JUAN  
BAUTISTA** that in compliance with Section XIIB of the Constitution of the State of  
California, the following is hereby found and determined:

1. That the appropriation subject to limitation for the current fiscal year 2018-2019  
was found to be \$1,171,640;
2. That during the fiscal year 2018-2019 the California per capita income increased  
1.0367%; and the population of San Juan Bautista decreased .9905%;
3. That the appropriation subject to limitation for fiscal year 2018-2019 is  
\$1,141,003.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista on this  
19<sup>th</sup> day of June 2018, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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Jim West, Mayor

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Mackenzie Quaid, Acting City Clerk

**City of San Juan Bautista  
Appropriation Limit Calculation**

**Appropriation Limit 2018/2019**

Taxes subject to limit  
\$ 1,141,003

**Per capita**

$3.67 + 100/100 = 1.0367$

**Population**

$-.95 + 100/100 = 0.9905$

$1.0367 \times .9905 = 1.02685135$

$1.02685135 \times 1,141,003 = 1,171,640$

**City of San Juan Bautista**  
**Expenditures ~ Budget Vs. Actual**  
**For the Eleven Month Period Ended May 31, 2018**

Item #4B  
June 19, 2018  
City Council Meeting

<b>EXPENDITURES</b>		<b>Annual</b>		<b>YTD</b>
<u>Fund</u>	<u>Actuals</u>	<u>Budget</u>	<u>Difference</u>	<u>92%</u>
<b>General Fund:</b>				
City Council	18,426	34,995	16,569	53%
City Attorney	45,733	48,000	2,267	95%
City Manager	31,087	29,577	(1,510)	105%
City Clerk	91,077	98,027	6,950	93%
City Treasurer	349	2,600	2,251	13%
Finance and Accounting	128,882	133,252	4,370	97%
City Library	42,764	67,095	24,331	64%
Fire Department	217,775	241,452	23,677	90%
Law Enforcement	138,898	282,260	143,362	49%
Animal Control	3,500	10,000	6,500	35%
Public Works - Streets	138,673	223,951	85,278	62%
Public Works - Parks and Grounds	139,574	119,289	(20,285)	117%
General Government	42,596	95,221	52,625	45%
<b>Total General Fund Expenditures</b>	<b>1,039,334</b>	<b>1,385,719</b>	<b>346,385</b>	<b>75%</b>
<b>Special Revenue Funds:</b>				
Community Development:				
Engineering	38,228	125,848	87,620	30%
Building	90,452	26,519	(63,933)	341%
Planning	209,249	151,795	(57,454)	138%
COPS	83,086	100,000	16,914	83%
Rest. & Roads Fund	-	42,000	42,000	0%
Valle Vista LLD	18,048	22,720	4,672	79%
Gas Tax Fund	15,958	357,000	341,042	4%
<b>Internal Service Funds</b>	3,964	121,000	117,036	3%
<b>Enterprise Funds:</b>				
Water:				
Operations	746,160	894,736	148,576	83%
Capital	63,509	872,721	809,212	7%
Sewer				
Operations	808,546	896,327	87,781	90%
Capital	64,286	902,136	837,850	7%
<b>TOTAL Funds</b>	<b>3,180,820</b>	<b>5,898,521</b>	<b>2,717,701</b>	<b>54%</b>

**City of San Juan Bautista**  
**Revenues ~ Budget Vs. Actual**  
**For the Eleven Month Period Ended May 31, 2018**

6/11/2018

<b>REVENUES</b>		<b>Actuals</b>	<b>Annual Budget</b>	<b>Difference</b>	<b>YTD 92%</b>
	<b>Fund</b>				
<b>General Fund</b>		1,013,084	1,201,950	188,866	84%
<b>Special Revenue Funds:</b>					
	Community Development	518,552	161,000	(357,552)	322%
	COPS	91,667	100,000	8,333	92%
	Rest. & Roads Fund	21,034	16,500	(4,534)	127%
	Valle Vista LLD	11,849	22,720	10,871	52%
	Gas Tax Fund	44,241	332,512	288,271	13%
<b>Enterprise Funds:</b>					
	Water				
	Operations	815,453	754,200	(61,253)	108%
	Capital	25,238	294,820	269,582	9%
	Sewer				
	Operations	751,336	857,000	105,664	88%
	Capital	12,408	528,500	516,092	2%
<b>TOTAL Funds</b>		<b>2,291,778</b>	<b>3,067,252</b>	<b>775,474</b>	<b>75%</b>

# City of San Juan Bautista

## Warrant Listing

As of May 31, 2018

Date	Num	Name	Amount
<b>101.000 · Union Bank</b>			
<b>101.001 · Operating Acct. 1948</b>			
05/08/2018	211653	Armando Venegas.	-40.00
05/08/2018	211654	AVAYA	-210.98
05/08/2018	211655	David Medeiros.	-74.98
05/08/2018	211656	Diane Hanania.	-179.86
05/08/2018	211657	Dynamic Forms	-429.76
05/08/2018	211658	Golden State Emergency Vehicle Service	-168.75
05/08/2018	211659	Home Depot Credit Services	-534.08
05/08/2018	211660	James Walgren, AICP	-2,800.00
05/08/2018	211661	John Freeman	-25.00
05/08/2018	211662	Level 1 Private Security.	-6,960.00
05/08/2018	211663	Mackenzie Quaid	-100.00
05/08/2018	211664	Maggiora Bros. Drilling Inc.	-9,975.00
05/08/2018	211665	Mc Kinnon Lumber Co., Inc.	-205.40
05/08/2018	211666	Michaele LaForge	-1,000.00
05/08/2018	211667	P G & E	-532.37
05/08/2018	211668	Patricia Paetz	-143.95
05/08/2018	211669	Rx-Tek	-315.00
05/08/2018	211670	Uline	-96.95
05/08/2018	211671	US Bank	-5,145.26
05/08/2018	211672	Xerox	-488.16
05/21/2018	211673	4Leaf, Inc.	-48,009.38
05/21/2018	211674	A-1 Sweeping Service	-1,772.50
05/21/2018	211675	A Tool Shed, Inc.	-615.70
05/21/2018	211676	A&R Cleaning Services	-350.00
05/21/2018	211677	Abbott's Pro Power	-78.95
05/21/2018	211678	AFLAC	-150.57
05/21/2018	211679	at&t	-70.27
05/21/2018	211680	Bracewell Engineering, Inc.	-15,753.00
05/21/2018	211681	Charter Communications	-114.97
05/21/2018	211682	Dynamic Forms	-56.10
05/21/2018	211683	FedEx	-30.01
05/21/2018	211684	Frank's Quality Painting	-5,000.00
05/21/2018	211685	Golden State Emergency Vehicle Service	-289.81
05/21/2018	211686	Guillermo Mendez.	-700.00
05/21/2018	211687	Hilda Cardenas.	-700.00
05/21/2018	211688	Hollister Auto Parts, Inc.	-998.29
05/21/2018	211689	James Walgren, AICP	-2,600.00
05/21/2018	211690	Judy's Gifts & Awards	-58.99
05/21/2018	211691	KBA Docusys	-208.56
05/21/2018	211692	KS State Bank	-5,818.30
05/21/2018	211693	Maria Angel	-104.07
05/21/2018	211694	Maria Soto.	-700.00
05/21/2018	211695	Mission Linen Service	-254.88

**City of San Juan Bautista****Warrant Listing****As of May 31, 2018**

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
05/21/2018	211696	Nova Property Management	-230.00
05/21/2018	211697	P G & E	-9,580.76
05/21/2018	211698	Ready Refresh	-185.66
05/21/2018	211699	Sprint	-132.34
05/21/2018	211700	United Site Services of California, Inc.	-373.01
05/21/2018	211701	Valero Marketing & Supply	-562.50
05/21/2018	211702	Wellington Law Offices	-4,884.00
05/21/2018	211703	Wendy L. Cumming, CPA	-2,791.25
05/21/2018	211704	Zeferino Gonzalez	-230.00
05/23/2018	211705	CalPERS 457 Plan	-3,135.02
05/23/2018	211706	Dynamic Forms	-54.98
05/23/2018	211707	Rx-Tek	-530.53
05/23/2018	211708	U.S. Postmaster	-800.00
Total 101.001 · Operating Acct. 1948			<u>-137,349.90</u>
Total 101.000 · Union Bank			<u>-137,349.90</u>
<b>TOTAL</b>			<u><b>-137,349.90</b></u>

## Memorandum

To: Michaela LaForge, City of San Juan Bautista

From: Patrick M. Dobbins, City Engineer

Date: June 12, 2018

Subject: **City Engineer Monthly Development Construction Report  
Rancho Vista and Copper Leaf Projects**

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Recent efforts and activities on land development projects include the following:

### **RANCHO VISTA SUBDIVISION May 10 through June 9, 2018**

#### Project Coordination Issues:

- 1- Final Map Approval for Phases 5, 6 & 7
- 2- Reviewing Improvement Plans for Phases 5, 6 & 7
- 3- Resolving North Boundary Keystone Wall substitution
- 4- Reviewing Individual Plot Plans

### **Construction Progress:**

#### May 1 through May 4

- 5- Hudson Excavation worked on drilling and placing concrete light foundation street lights. Also placed cable TV boxes throughout the project.
- 6- Nagel Landscaping, Inc. constructed the bio-retention basin, placing gravel and organic soil at Caetano Place
- 7- Coastal Lumber removed old wooden fence and started in the installation of new wooden posts for the new wooden fence at Caetano Place.
- 8- MFMAHER continue placing concrete on the sidewalk at Third Street and Trailside Court.
- 9- Chrisp Company installed surveying monuments throughout the project.
- 10- Marquez Construction continue working in installation water boxes

#### May 7 through May 11

- 1- Hudson Excavation continues to drill and place concrete for Street light foundation, Also placing cable boxes throughout the project.
- 2- Nagel Landscaping, Inc. worked on bio-retention basin, placing gravel and organic soil at Caetano Place
- 3- PG&E removed over hang Electric wiring and connected the new underground service on May 10, 2018
- 4- Coastal Lumber completed the installation new wooden fence on May 8, 2018
- 5- XL Landscape Development placing irrigation conduit at Trailside Drive

#### May 14 through May 18

- 1- Hudson Excavation, Inc. installed Street Lights throughout the project.
- 2- Nagel Landscaping, Inc. Completed placing of gravel and organic soil in working in bio-retention basin,
- 3- XL landscape development placing irrigation conduit at Trailside Court and Trailside Drive



- 4- DeSilva Gates Construction started grading the playground.

May 20 through May 25

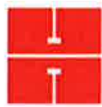
- 1- XL landscape development placing irrigation conduit at Trailside Court and Trailside Drive and round the playground area.
- 2- DeSilva Gates Construction Continued in grading playground.

May 29 through May 31

- 1- XL landscape development placing irrigation conduit at Trailside Court, Trailside Drive and around the playground area+
- 2- Marques Pipeline, Inc. repairing water leaks in the meter boxes.
- 3- DeSilva Gates Construction continuing in grading playground.

**Photos:**





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## **COPPER LEAF SUBDIVISION**

**May 10 through June 9, 2018**

### **SUMMARY**

Abandonment of Well #2 is waiting on PG&E to remove the power drop and service pole from the well site. The Well will then be destroyed and the site brought up to the new finish grade.

Waiting on permanent power for new City Well 5 from PG&E. Requires Caltrans encroachment permit for new electric lines to cross SR146.

City staff is coordinating the limits and specifications for road frontage improvements.