



City of San Juan Bautista

The "City of History"

AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS

**311 Second Street
San Juan Bautista, California**

TUESDAY ~ March 20, 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 Minutes of January 30, 2018**
- C. Approve Resolution 2018-XX for Street Closures – Rotary Antique Faire & Historic Walking Trail Ribbon Cutting Ceremony**
- D. Adopt Ordinance 2018-02 Correcting Article 1, Section 3-5-160 of the Municipal Code Regarding Sewer and Water Rates (Second Reading)**
- E. Adopt Ordinance 2018-03 Adding Chapter 5-20-18 to the Municipal Code Reauthorizing the Collection of a Fee to Support Public, Educational, and Governmental ("PEG") Channel Facilities Within the City (Second Reading)**
- F. Approve Strategic Planning Committee Request to Add Darryl Green to the Membership**
- G. Approve Resolution 2018-XX to Close Union Bank Savings Account and Invest in LAIF**
- H. Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title**

- 4. Presentations, Informational Items and Reports**
 - A. Presentation by San Juan Committee (10 minutes)**
 - B. Treasurer's Report**
 - C. Monthly Construction Progress Report**
 - D. Reports from City Council Appointees to Regional Organizations and Committees**
 - E. Strategic Plan Committee Report**
- 5. Discussion Items**
 - A. Provide Input to the Cannabis Subcommittee on the Proposed Cannabis Ordinance, the Rules and Regulations, and the Schedule for Future Action**
 - i. Report: Victor Gomez, Pinnacle Strategy Group
 - ii. Public Comment
 - B. Location of Electric Vehicle Charging Stations in the City**
 - i. Report: City Council Member Freeman
 - ii. Public Comment
- 6. Action Items**
 - A. Results of Traffic Speed and Calming Study**
 - i. Presentation by Hexagon
 - ii. Public Comment
 - iii. Direct City Manager
 - B. Consider Resolution 2018-XX Amending Development Agreement with Meritage Homes to Provide for an Additional Payment of \$40,000 Toward the City's Water Supply Strategy**
 - i. Staff Report: Ed Tewes, Interim City Manager
 - ii. Public Comment
 - iii. Possible Action:
Motion to adopt Resolution 2018-XX of the City Council of the City of San Juan Bautista Amending Development Agreement with Meritage homes to Provide for an Additional Payment of \$40,000 Toward the City's Water Supply Strategy
 - C. First Reading of an Ordinance Revising the Appointment Process for Planning Commissioners**
 - i. Staff Report: Deborah Mall, City Attorney
 - ii. Public Comment
 - iii. Possible Action:
Motion to introduce an Ordinance of the City Council of the City of San Juan Bautista revising the appointment process for Planning Commissioners
 - D. Consider Resolution 2018-XX Approving Participation by Edenbridge Homes in the SCIP Program**
 - i. Staff Report: Ed Tewes, Interim City Manager
 - ii. Public Comment
 - iii. Possible Action:
Motion to adopt Resolution 2018-XX of the City Council of the City of San Juan Approving Participation by Edenbridge Homes in the SCIP Program

E. Consider Extending American Tower Cell Tower Lease

- i. Staff Report: Ed Tewes, Interim City Manager
- ii. Public Comment
- iii. Possible Action:
 - a) Motion to adopt Resolution 2018-XX approving an amendment to the lease to provide for a one-time payment of \$40,000, an extension of eight five-year terms for a total of 40 years; and an annual rent escalator of 3% per year
 - b) Authorize the City Manager to execute the amended contract.

F. Recommendation by Strategic Planning Committee to Designate a Portion of the City Owned Property Located between Washington and Lang Streets as a Future Location of a Dog Park and Community Garden

- i. Staff Report: Shawna Freels, Strategic Planning Committee Chairperson
- ii. Public Comment
- iii. Possible Action:
Motion to accept recommendation

G. Consider Purchase of Telemetry Equipment to Connect to Reservoir

- i. Staff Report: Michael LaForge, Assistant City Manager
- ii. Public Comment
- iii. Possible Action:
Motion to adopt Resolution 2018-XX of the City Council of the City of San Juan Bautista Authorizing purchase of telemetry equipment to connect to the City Reservoir

H. Consider Resolution 2018-XX Adopting a Code of Ethics Policy – Subcommittee Report

- i. Subcommittee Report: Council Members Freeman and Martorana
- ii. Public Comment
- iii. Possible Action:
Motion to adopt Resolution 2018-XX of the City Council of the City of San Juan Bautista Adopting a Code of Ethics Policy

I. Removal of John Hopper from the Planning Commission With Cause

- Adopt a motion to “remove from the table” the agenda item to conduct a hearing for removal of Chairman Hopper from the Planning Commission With Cause
- Conduct the hearing and consider a motion to remove Mr. Hopper with cause
- i. Report: Council Member Martorana
- ii. Public Comment
- iii. Possible Action:
 - a) Motion to remove from the table the agenda item to conduct a hearing for removal of Chairman Hopper from the Planning Commission With Cause
 - b) Conduct the hearing
 - c) Motion to remove John Hopper with cause.

J. Formal Appointment of City Manager

- i. Staff Report: City Attorney Mall
- ii. Public Comment
- iii. Possible Action:

a) Receive and file an oral report providing a summary of the Council designated labor representatives' recommendation concerning proposed changes in salary and benefits for Michael LaForge to serve as City Manager

b) Appoint Michael LaForge as City Manager of the City of San Juan Bautista effective March 21, 2018, to serve at the direction and pleasure of the City Council pursuant to San Juan Bautista Municipal Code 2.2.100

c) Adopt Resolution 2018-XX appointing Michael LaForge as City Manager and Approving and Authorizing the Mayor to Execute a City Manager Employment Agreement

7. Comments

- A. City Council**
- B. City Manager**
- C. City Attorney**

8. 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 15th DAY OF MARCH 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 15th DAY OF MARCH 2018.



TRISH PAETZ, DEPUTY CITY CLERK

**CITY OF SAN JUAN BAUTISTA
CITY COUNCIL SPECIAL MEETING
JANUARY 30, 2018
DRAFT MINUTES**

1. CALL TO ORDER - Mayor Jim West called the meeting to order at 6:00 pm.

A. PLEDGE OF ALLEGIANCE – Mayor West led the pledge of allegiance.

B. ROLL CALL **Present:** Mayor West, Vice Mayor Freeman,
 Councilmembers Martorana,
 Councilmember DeVries arrived at 6:03 p.m.

Absent: Councilmember Boch

Staff Present: Interim City Manager Tewes, City Attorney Mall, City
 Clerk Quaid

2. Public Comment – Only on items on the agenda.

No public comment.

3. Action Items

A. Approve Affidavit of Posting Agenda

A motion was made by Vice Mayor Freeman to approve the affidavit of posting agenda. The motion was seconded by Councilmember Martorana. Motion passed unanimously.

B. Adopt Resolution 2018-04 Authorizing Amendment to Edenbridge Reimbursement Agreement for Well 5

Presented by Interim City Manager Tewes. There was no public comment.

A motion was made by Vice Mayor Freeman to adopt Resolution 2018-04 Authorizing Amendment to Edenbridge Reimbursement Agreement for Well 5. The motion was seconded by Councilmember Martorana. Motion passed unanimously.

C. Appointment of Sub-Committee to Negotiate Employment Agreement for City Manager

Presented by Interim City Manager Tewes.

Mayor West appointed Vice Mayor Freeman and Councilmember Martorana. Council was in unanimous agreement.

Where upon the council went into closed session at 6:07 p.m.

4. Closed Session

A. Public Employee Appointment Title: City Manager Pursuant to Government Code Section 54957

B. Conference with Real Property Negotiator Approximately 0.8 acre portion of APN 002-055-009

City Negotiator: J. Edward Tewes, Acting City Manager

Property Owner Negotiator: Dale Coke

Under Negotiation: Price and Terms

Pursuant to Government Code Section 54956.8

5. Adjournment

Meeting adjourned at 7:20 p.m.

RESOLUTION NO. 2018-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING STREET CLOSURES FOR THE ROTARY ANTIQUE FAIRE

BE IT RESOLVED that the Rotary Club of San Juan Bautista is authorized to close Third Street from Muckelemi Street to Franklin Street, and Mariposa, Washington and Polk Streets between Second and Fourth on Sunday, August 14, 2018 from 4:00 a.m. until 5:00 p.m. for an Antique and Collectibles Faire; and

BE IT FURTHER RESOLVED that Rozas House Org., Inc. is authorized to close Third Street between Washington and Pearce Streets, and Franklin Street between Second and Fourth Streets on Saturday, April 21, 2018 at 10:30 a.m. for a ribbon cutting ceremony for the San Juan Bautista Historic Walking Trail.

PASSED AND ADOPTED this 20th day of March 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jim West, Mayor

ATTEST:

Mackenzie Quaid, Acting City Clerk

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 ¹ : 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 & Muckelemi and more than 1,000 people ²	\$150.00
Private Promoter Organizations ³ : 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 & Muckelemi, 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.

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: 54TH ANNUAL ANTIQUE FAIR

Today's Date: 3/8/2018

Applicant: LESLIE JORDAN

Organization: ROTARY CLUB OF SAN JUAN BAUTISTA

Phone: 203.612.0761

E-Mail: jordan.sjbrotary@gmail.com

Mailing Address: P.O. Box 823, SJB, CA 95045

Fax:

Event Setup 04:00 Date: 05/12/18 Time: 04:00

Event Ends Date: 05/12/18 Time: 16:00

Event Starts Date: 05/12/18 Time: 08:00

Dismantle Date: 05/12/18 Time: 17:00

ANTICIPATED ATTENDANCE:

Total or the event: 5000 Total per Day: 5000

LOCATION OF EVENT (please be specific): 3RD STREET FROM MUCKELEMI TO FRANKLIN
ALL SIDE STREETS (POLK, MARIPOSA, WASHINGTON) 1ST- 2ND, 4TH CLOSED

¹ Requires proof of charitable non-profit status.

² All street closures and blockades require review and approval of the City Council.

³ 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) *ROTARY WILL SET BARRICADES, PUT UP NO PARKING SIGNS + TAKE UP + RETURN*

☒ 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:

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.

CONTRACT W/ GARBAGE COMPANY

RETAIN CLEAN UP CREW

YOUTH CLUBS PROVIDING CLEANUP SUPPORT THROUGHOUT THE DAY

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)

54TH ANNUAL ANTIQUE FAIR

PUBLIC WORKS SUPPORT NOT NECESSARY

SEE ROAD CLOSURES ON PG 2

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

SAN BENITO COUNTY SHERIFF

ROTARY CLUB OF SJB USES CELL PHONES TO CONTACT EACH OTHER
IN CASE OF EMERGENCY

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

ADA ACCESSIBLE PORTA Potty

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

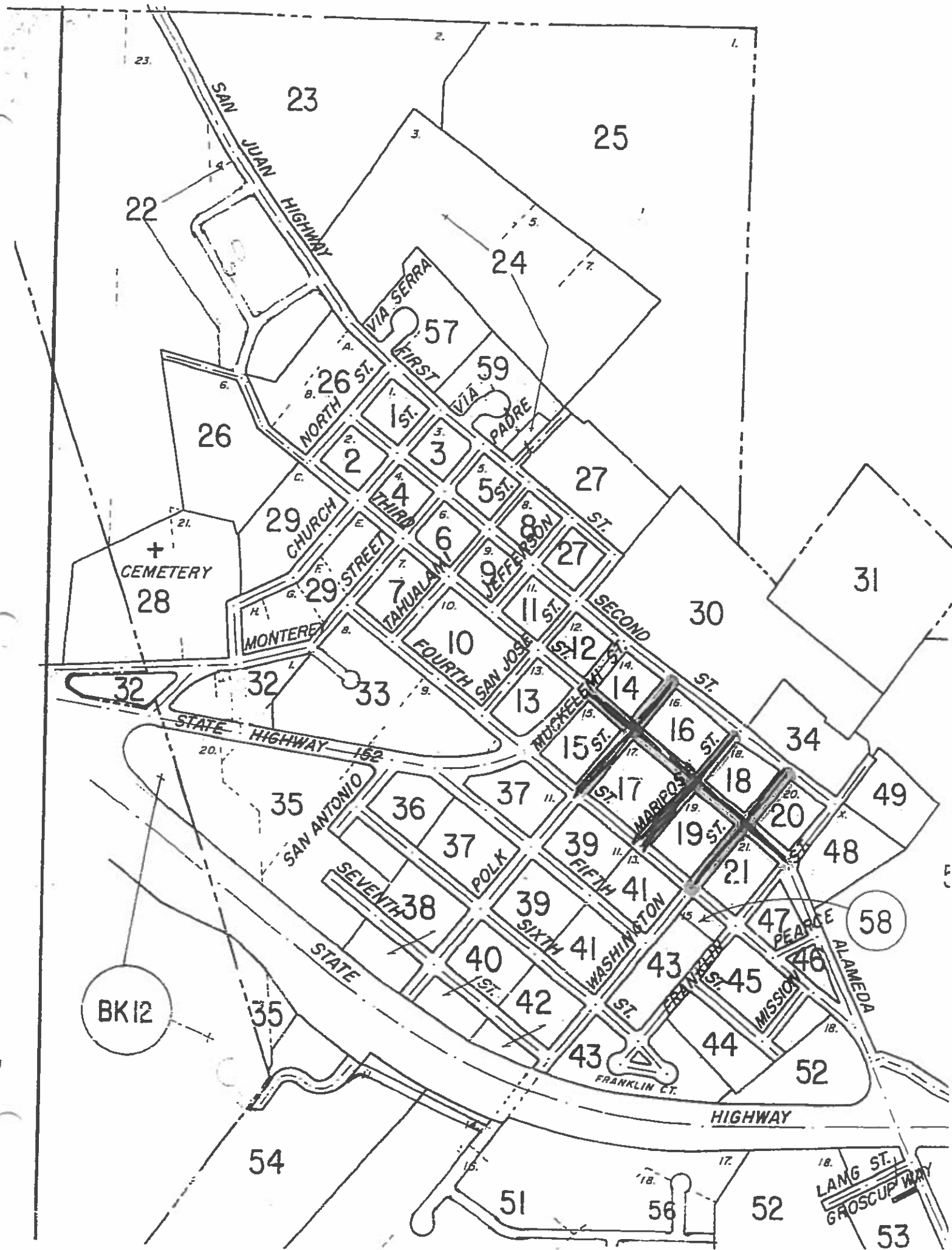
ALL ROTARY MEMBERS, ON SITE, WILL CALL 911 FOR MEDICAL
EMERGENCIES + FIRE AND CONTACT SHERIFF ON SITE.

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.

 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



Special Event/Activities – Permit Application

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Non Profits ¹ : 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 ²	\$150.00
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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.

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 Bautista Historic Walking Trail Ribbon Cutting	Today's Date:	March 5, 2018
Applicant:	Shawna Freels, Chair Rozas House Org., Inc.		
Organization:	On behalf of Partner Organizations Rozas House, Org., Inc., San Juan Bautista Historical Society, San Juan Committee, SJB Strategic Planning Committee Historic Preservation & Community Design Subcommittee		
Phone	(831) 623-2345	E-Mail:	rozashouseorg@gmail.com
Mailing Address:	P.O. Box 42, San Juan Bautista, CA. 95045		
Fax:			

Event Setup	Date: 4/21	Time: 9:00 a.m.	Event Ends	Date: 4/21	Time: 11:00 a.m.
Event Starts	Date: 4/21	Time: 10:30 a.m.	Dismantle	Date: 4/21	Time: 11:30 a.m.

ANTICIPATED ATTENDANCE: Total or the event: 150 Total per Day:

LOCATION OF EVENT (please be specific): 3rd Street at the Anza Adobe.

The ribbon cutting will be in front of the Anza adobe on the corner of Franklin & 3rd Streets. A welcome message will be given by the elected officials in attendance, highlights of trail project will be presented by committee members, and a blessing will be given

¹ Requires proof of charitable non-profit status.

² All street closures and blockades require review and approval of the City Council.

³ 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. 3rd Street between Washington Street & Pearce Lane. Franklin Street from 2nd to 4th Streets.

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: 1 Barricade will be needed at the end of the 100 block of 3rd Street at Washington Street; 1 at Pearce Lane at 3rd Street intersection, and 1 each on Franklin Street at 2nd and 4th Streets, to block traffic from entering the area of Franklin and 3rd Streets. 4 in total.

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:

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.

City bathrooms are within the immediate area of the event site.

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): No

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.

There will be no food or beverages or other items provided during this event. No garbage clean up will be necessary.

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)

The San Juan Bautista Historic Walking Trail will be opened to the public with a 30 minute ribbon cutting ceremony in front of the Anza Adobe, the first downtown building on the trail. Officials from the City and County will provide a welcome message, Committee Members will highlight the projects components: a walking trail map, website and site plaques, Father Ken Laverone will provide a blessing, and docents will be available downtown to show the trail to the public.

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

Members of the public in attendance will be gathered in the closed street surrounding the Anza Adobe, with egress and entrance capabilities down each of the 4 streets. No crowd control is necessary.

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

All of the street areas are fully accessible to people with disabilities

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

In the event of an emergency, 911 will be called. City fire station is 2 1/2 blocks away and ambulance staging is 5 blocks away from event site.

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.

SF 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

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: February 12, 2018

SUBJECT: Correction to Municipal Code Regarding Sewer and Water Rates

Recommendation:

Adopt an ordinance correcting a provision of the Municipal Code that is in conflict with the adopted rates established after compliance with Proposition 218.

Background:

In 2015 the Council considered a utility rate study and a public notice that advised customers of the maximum rates for the next five years (through June 30, 2020). The water and sewer rates were correctly established in Sections 3.5.150 and 3.5.155 of the Municipal Code.

A conflicting section, which should have been corrected at the time, provides for annual CPI adjustments each January:

3-5-160 CPI adjustment. SHARE

The base rates and the per-gallon discharge and usage rates established by SJBMC 3-5-150 and 3-5-155 shall be adjusted annually by an amount equal to the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-San Jose metropolitan area, as published by the U.S. Department of Labor, Bureau of Statistics. This adjustment shall be applied to the first billing cycle occurring after January 1st of each year.

Because the utility rates have been established through FY 20, it would be appropriate to amend Section 3.5.160 to provide that the CPI adjustments should not be applied until July 1, 2020 and each July thereafter. Of course, it would also be appropriate to conduct another multi year rate study in the next year or two, and if rates are again established at a maximum level under Prop 218, this new section should be reviewed again at that time as part of the study.

Fiscal Impact:

There is no fiscal impact and no change in rates attributable to this amendment. It corrects an error in the code and reduces administrative and customer confusion.

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ORDINANCE 2018-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA APPROVING AN AMENDMENT OF THE SAN JUAN BAUTISTA
MUNICIPAL CODE TO SECTION 3-5-160 CPI ADJUSTMENT**

WHEREAS, in August of 2015, a Water and Sewer Rate Study, to adjust water and sewer rates for a period of five years (2015-2020), was prepared for the City of San Juan Bautista, and

WHEREAS, in September of 2015, Sections 3-5-150 and 3-5-155 were amended by the City Council to reflect the adjusted sewer and water rates for the five year period, as set forth in the Water and Sewer Rate Study and adopted by the City Council, and

WHEREAS, the City Council has received a staff report and has determined that Section 3-5-160 should have also been revised in 2015 to discontinue the Consumer Price Index adjustment for the five year period (2015-2010), as the Water and Sewer Rate Study makes clear that the adjustment had been built into the sewer and water rates adopted for the five year period, and

WHEREAS, the City Council finds that it is necessary for the protection, safety and welfare of the residents of the City to revise Section 3-5-160 so that rates are properly assessed during the five year period, and

WHEREAS, Section 3-5-160 would be properly revised by adding language which will cause the adjustment to discontinue during the five year period and begin, again, on July 1, 2020.

**THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DOES HEREBY
ORDAINS AS FOLLOWS;**

1. Environmental Determination. The project is exempt from environmental review per CEQA Guidelines under Section 15307, 15308 and 15321 (a) (2).
2. Chapter 3-5-160 Amended. Chapter 3-5-160 of the Municipal Code, entitled "CPI Adjustment" is hereby replaced with the new Chapter 3-5-160 as set forth on the attached page, marked Exhibit "A" and incorporated herein by this reference thereto. It is noted that the new language is set forth in red.
3. Effective Date. This Ordinance shall be in full force and effect 30 days after its final passage and adoption.
4. Severability. If any portion of this Ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.

5. Posting of Ordinance. Within fifteen (15) days after the passage of this ordinance, the City Clerk shall cause it to be posted on the internet and in the public places designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of San Juan Bautista duly held on _____, 2018, and was passed and adopted at a regular meeting duly held on _____, 2018 by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mayor Jim West

City Clerk Mackenzie Quaid

Exhibit "A"

3-5-160 CPI adjustment.  SHARE

Beginning on July 1, 2020, the base rates and the per-gallon discharge and usage rates established by SJBMC [3-5-150](#) and [3-5-155](#) shall be adjusted annually by an amount equal to the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-San Jose metropolitan area, as published by the U.S. Department of Labor, Bureau of Statistics. This adjustment shall be applied to the first billing cycle occurring after *July* 1st of each year.

ORDINANCE NO. 2018-03

**ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SAN JUAN BAUTISTA ADDING CHAPTER
5-20-18 TO THE SAN JUAN BAUTISTA MUNICIPAL CODE REAUTHORIZING THE
COLLECTION OF A FEE TO SUPPORT PUBLIC, EDUCATIONAL, AND
GOVERNMENTAL ("PEG") CHANNEL FACILITIES WITHIN THE CITY**

-o0o-

WHEREAS, Section 5870(n) of the Public Utilities Code, which was enacted as part of the Digital Infrastructure and Video Competition Act of 2006, authorized the City to adopt an ordinance establishing a fee on state-franchised video service providers to support public, educational, and governmental access channel facilities; and,

WHEREAS, on November 24, 2009, the City Council approved the addition of Article 18, Chapter 5-20 of the San Juan Bautista City Code by adopting Ordinance 2009-05 that authorized the collection of a 3% PEG fee from video service providers with state-issued franchises that provide cable and video TV services within the City; and

WHEREAS, Section 5870(n) of the Public Utilities Code states that such an ordinance shall expire, and may be reauthorized upon the expiration of a state franchise; and

WHEREAS, the City's state-issued franchise, Charter-Spectrum, was given a term of 10 years, which expired. It has renewed its state-issued franchise with the CPUC and has given the City an immediate deadline to reauthorize its ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. A new Section 5-20 -1836 is hereby added to the San Juan Bautista Municipal Code, to read as follows:

Chapter 5-20-1836 REAUTHORIZATION.

5-20-1836 Reauthorization.

This Chapter and the PEG support fee established in Section 5-20-1830, shall automatically be reauthorized upon the expiration and renewal of any existing or future state video franchise certificate held by any state franchisee operating within the City of San Juan Bautista pursuant to the terms of Public Utilities Code Section 5870(n).

SECTION 2. Severability. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is held invalid, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 3. 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.

SECTION 4. 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:

Jim West, Mayor

ATTEST:

Mackenzie Quaid, City Clerk

APPROVED AS TO FORM:

Deborah Mall, City Attorney

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: March 5, 2018

SUBJECT: Investing in Local Agency Investment Fund

Recommendation: The Investment Advisory Committee recommends that the Council authorize closing the City's savings account at Union Bank and transferring the funds to LAIF.

Background: In presenting the annual financial statements last month, the City's auditor highlighted the lost opportunity to gain a return on investment of the City's cash. The Council requested the Investment Advisory Committee (comprised of the Mayor, the City Treasurer, and the City Manager) to review and make a recommendation on whether to increase investment in the Local Agency Investment Fund.

LAIF is one of the authorized investment vehicles established by the Council's adopted Investment Policy. LAIF has over \$22 billion managed for most public agencies in the State. In response to a State Auditor's finding that San Juan Bautista was not earning interest on its gas tax funds, the City did establish an account with LAIF but it only has approximately \$64,000 on deposit.

The balance of City cash is in Union Bank with a commercial checking account with an approximate balance of \$3.6 million and a savings account with a balance of approximately \$1.45 million. The cash in the checking account earns no interest (but does incur banking fees of about \$5000 per year); the savings account earns a nominal amount of interest at the current rate of .0005%.

The Investment Advisory Committee is recommending that the cash in the savings account be transferred to LAIF; and that its performance be monitored and reported quarterly to the city council. The current annualized yield is 1.4%. If that rate was stable throughout a 12 month period, the City should expect to gain about \$20,300.

Further, the Committee recommends that the city's cash flow requirements be carefully monitored to evaluate whether even more cash can be invested with LAIF. To date the savings account at Union Bank has not been drawn down to meet cash flow, but we are mindful of major and costly capital projects planned

for the near future. Over the past year the commercial checking account balance has never fallen below \$2.8 million. LAIF provides liquidity (same day withdrawals limited to 15 per month), safety, and a modest yield.

Finally, the Committee recommends that the City explore bidding out its commercial bank services to determine whether lower cost options are available. We recognize that this is a major effort that will require staff time in the evaluation process, and considerable time if it is decided to change banks. We will provide a more detailed recommendation at a later time.

Subsequent to the meeting of the Investment Advisory Committee the City Treasurer presented the City Council with a proposal from Union Bank to expand the City's investments into municipal bonds or certificates of deposit.

1. Bonds and government securities are authorized investments under the City's investment policy. The City does not currently have the sophistication to properly manage such investments or oversee the work of an independent financial advisor necessary to ensure the goals of security, liquidity and yield. However, this option should continue to be explored. There are many potential vendors for financial advice and transaction processing, and it is typical that a sophisticated Treasury staff would seek competitive proposals.
2. Certificates of deposit have the advantage of providing higher yields, but short term (three month or less maturity) instruments tend to yield returns similar to LAIF. Again, with a sophisticated Treasury operation the City might continue to expand its investment opportunities into CD's. By "laddering" the investments, the cash flow needs can be anticipated with maturities staggered. An advantage of CD's is that they are federally insured up to (\$250K).

Both these options suggested by the City Treasurer are worth pursuing especially if they are matched by a professional development effort to increase the knowledge and expertise of city staff and officials.

For now, the Investment Advisory Committee is recommending that \$1.45 million be invested in LAIF with the potential to increase the investment, while the other viable options are being explored and the City's capacity to manage the investment portfolio is expanded.

Fiscal Impact: The City's interest income can be expected to increase significantly, perhaps as much as \$20,300 based on an initial investment of \$1.45 million. Interest income would increase if more cash were invested and interest rates continue to climb.

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

City of San Juan Bautista
Expenditures ~ Budget Vs. Actual
For the Eight Month Period Ended February 28, 2018

Item #4B
City Council Meeting
March 20, 2018

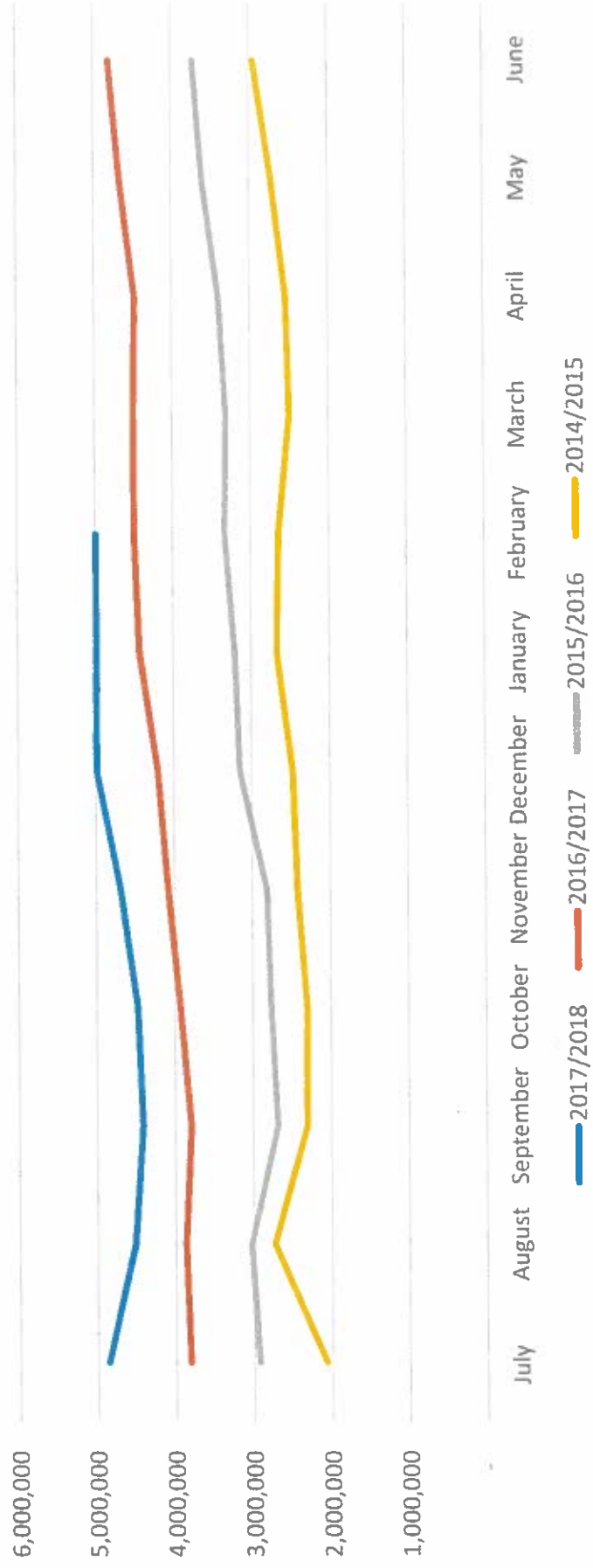
EXPENDITURES					
	<u>Fund</u>	<u>Actuals</u>	<u>Annual Budget</u>	<u>Difference</u>	<u>%</u>
General Fund:					
City Council		20,969	34,995	14,026	60%
City Attorney		21,004	48,000	26,996	44%
City Manager		23,349	29,577	6,228	79%
City Clerk		63,145	98,027	34,882	64%
City Treasurer		312	2,600	2,288	12%
Finance and Accounting		84,860	133,252	48,392	64%
City Library		29,911	67,095	37,184	45%
Fire Department		168,260	241,452	73,192	70%
Law Enforcement		84,344	282,260	197,916	30%
Animal Control		3,500	10,000	6,500	65%
Public Works - Streets		89,137	223,951	134,814	60%
Public Works - Parks and Grounds		103,224	119,289	16,065	13%
General Government		37,515	95,221	57,706	61%
Total General Fund Expenditures		729,530	1,385,719	656,189	47%
Special Revenue Funds:					
Community Development:					
Engineering		8,508	125,848	117,340	93%
Building		42,706	26,519	(16,187)	-61%
Planning		87,606	151,795	64,189	42%
COPS		83,087	100,000	16,913	17%
Rest. & Roads Fund		-	42,000	42,000	100%
Valle Vista LLD		12,108	22,720	10,612	47%
Rancho Vista CFD		9,328	-	(9,328)	
Gas Tax Fund		12,681	357,000	344,319	96%
Internal Service Funds		2,553	121,000	118,447	98%
Enterprise Funds:					
Water:					
Operations		537,737	894,736	356,999	40%
Capital		57,904	872,721	814,817	93%
Sewer					
Operations		591,382	896,327	304,945	34%
Capital		48,835	902,136	853,301	95%
TOTAL Funds		2,223,965	5,898,521	3,674,556	38%

City of San Juan Bautista
Revenues ~ Budget Vs. Actual
For the Eight Month Period Ended February 28, 2018

3/12/2018

REVENUES					
	<u>Fund</u>	<u>Actuals</u>	<u>Annual Budget</u>	<u>Difference</u>	<u>%</u>
General Fund		663,056	1,201,950	538,894	45%
Special Revenue Funds:					
Community Development		65,003	161,000	95,997	60%
COPS		66,667	100,000	33,333	33%
Rest. & Roads Fund		16,301	16,500	199	1%
Valle Vista LLD		11,849	22,720	10,871	48%
Rancho Vista CFD		-	-	-	
Gas Tax Fund		29,763	332,512	302,749	91%
Enterprise Funds:					
Water					
Operations		554,465	754,200	199,735	26%
Capital		25,238	294,820	269,582	91%
Sewer					
Operations		595,463	857,000	261,537	31%
Capital		12,409	528,500	516,091	98%
TOTAL Funds		1,377,158	3,067,252	1,690,094	45%

City of San Juan Bautista Cash Flow Chart



City of San Juan Bautista

Warrant Listing

As of February 28, 2018

Date	Num	Name	Amount
101.000 - Union Bank			
101.001 - Operating Acct. 1948			
02/02/2018	211445	CalPers 457 Plan	-6,271.55
02/02/2018	211446	Pet Friends	-2,000.00
02/09/2018	211447	at&t	-69.91
02/09/2018	211448	Garratt, Pat	-4,241.00
02/09/2018	211449	Abbott's Pro Power	-1,828.86
02/09/2018	211450	Alliant Insurance Services	-692.00
02/09/2018	211451	at&t	-299.67
02/09/2018	211452	AVAYA	-210.98
02/09/2018	211453	Baker Brothers	-819.32
02/09/2018	211454	Brigantino Irrigation, Inc.	-31.11
02/09/2018	211455	Dynamic Forms	-525.38
02/09/2018	211456	HDS White Cap Const. Supply	-136.28
02/09/2018	211457	Hollister Auto Parts, Inc.	-46.48
02/09/2018	211458	Hollister Paint Company	-988.45
02/09/2018	211459	Home Depot Credit Services	-308.31
02/09/2018	211460	Jose Jimenez.	-45.48
02/09/2018	211461	League of California Cities	-1,244.00
02/09/2018	211462	Marquez Plumbing.	-85.00
02/09/2018	211463	Mc Kinnon Lumber Co., Inc.	-56.83
02/09/2018	211464	P G & E	-9,135.70
02/09/2018	211465	Porfirio Martinez	-500.00
02/09/2018	211466	RB Communications	-75.00
02/09/2018	211467	Rx-Tek	-507.24
02/09/2018	211468	San Juan Bautista Committee	-700.00
02/09/2018	211469	Shaws Appliance Repair	-99.00
02/09/2018	211470	Staples	-41.54
02/09/2018	211471	State Compensation Insurance Fund	-2,432.00
02/09/2018	211472	Tri-County Fire Protection, Inc.	-196.00
02/09/2018	211473	Uline	-188.02
02/09/2018	211474	United Site Services of California, Inc.	-180.97
02/09/2018	211475	US Bank	-5,076.38
02/09/2018	211476	Wellington Law Offices	-5,244.00
02/09/2018	211477	Wendy L. Cumming, CPA	-2,465.00
02/09/2018	211478	Xerox	-426.78
02/20/2018	211479	Valero Marketing & Supply	-373.23
02/20/2018	211480	Wells Fargo	-1,000.00
02/26/2018	211481	ACWA Health Benefits Authority	-4,163.61
02/26/2018	211482	KS State Bank	-5,818.30
02/26/2018	211483	AFLAC	-150.57
02/26/2018	211484	Angela Oliveira	-185.28
02/26/2018	211485	Bracewell Engineering, Inc.	-17,857.00
02/26/2018	211486	Code Publishing Company	-326.50
02/26/2018	211487	Darlene Boyd	-575.00

**City of San Juan Bautista
Warrant Listing**

As of February 28, 2018

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
02/26/2018	211488	Dynamic Forms	-53.16
02/26/2018	211489	FedEx	-24.54
02/26/2018	211490	Green Line	-1,260.00
02/26/2018	211491	Hexagon Transportation Consultants, Inc.	-12,150.00
02/26/2018	211492	International Institute of Municipal Cler	-125.00
02/26/2018	211493	Mackenzie Quaid	-100.00
02/26/2018	211494	Magdalena Mondragon.	-700.00
02/26/2018	211495	Marquez Plumbing.	-171.32
02/26/2018	211496	New SV Media	-227.50
02/26/2018	211497	P G & E	-444.93
02/26/2018	211498	Pinnacle Strategy	-2,000.00
02/26/2018	211499	Ready Refresh	-81.60
02/26/2018	211500	San Benito County Assessor	-60.00
02/26/2018	211501	San Benito County Environmental Health	-1,820.00
02/26/2018	211502	Shawn Collins	-1,130.57
02/26/2018	211503	Smith & Enright Landscaping	-1,104.00
02/26/2018	211504	Sprint	-152.11
02/26/2018	211505	Staples	-931.93
02/26/2018	211506	State Compensation Insurance Fund	-2,432.00
02/26/2018	211507	Tri-County Fire Protection, Inc.	-177.67
02/26/2018	211508	U.S. Postmaster	-225.00
02/26/2018	211509	United Site Services of California, Inc.	-180.97
02/26/2018	211510	Vanessa Shepard	-230.00
02/27/2018	211511	Charter Communications	-466.56
Total 101.001 · Operating Acct. 1948			<u>-103,866.59</u>
Total 101.000 · Union Bank			<u>-103,866.59</u>
TOTAL			<u><u>-103,866.59</u></u>



Memorandum

To: J. Edward Tewes, Interim City Manager, City of San Juan Bautista

From: John Fair, PE, City Engineer (contract)

Date: March 13, 2018

Subject: City Engineer Activity Report (Rancho Vista and Copper Leaf)

Recent efforts and activities from February 9, through March 9, 2018 for the two active subdivisions in San Juan Batista, Rancho Vista and Copper Leaf, include the following work:

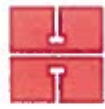
RANCHO VISTA SUBDIVISION Feb 10, 2018 through March 9, 2018

SUMMARY

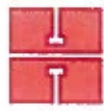
During February the paving activities continued over the portions of Lavagnino Drive, Trailside Drive, Trailside Court, and Third Street. Granite construction grout at the bottom section of the culvert crossing at First Street sealed the joints of the bridge to make it watertight. The concrete traffic barriers (K-rail) placed along First Street to prevent vehicles from entry into the creek adjusted to reduce potential conflicts vehicles at the edge of First Street.

Installation of sidewalk continues throughout the subdivision as the month progressed.

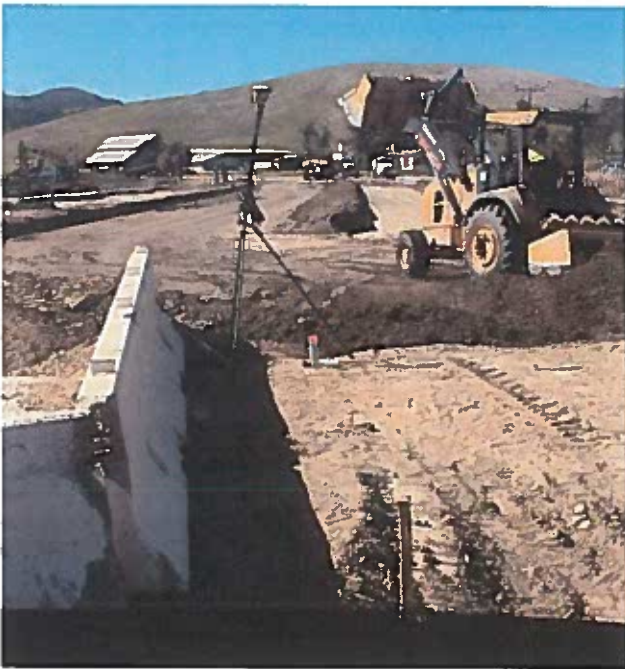




Grading and placement of base rock aggregate continued along Third Street extension a cross Lavagnino Drive to Rancho Way.



The water and sewer subcontractor began locating manholes and water valves, removing AC and aggregate base preparing to raise them to the new street grade.



Backfill was placed around the bridge and compacted to required density. Contractor began installing concrete sidewalks and placing aggregate roadway base at 3rd St., Trailside Drive and Trailside Court. Stone walls were placed between lot number 7, 8 and 9.



Last month concerns about the flow carrying capacity of the arch culvert under Third Street was shared with City Council because of two concrete obstructions in the flow line. Staff contacted the project engineer and received a report and a map showing the results of a flood study model. The model determined that the 100 year flood event would send 93 cubic feet per second (cfs) through the Third Street culvert and the capacity of the culvert is 220 cfs. Therefore the capacity is adequate and the removal of the concrete obstructions will cause significant damage to the natural stream habitat the recommendation is to leave the existing concrete blocks in place.

COPPER LEAF SUBDIVISION

Feb 10, 2018 through March 9, 2018

SUMMARY

During February most of the improvements for the subdivision were completed. The major work remaining, is completion of New Well #5 on the San Juan Hollister Road frontage and the abandonment of old Well site #2.



Contractor continued placing sidewalk along the exterior frontage and along the interior streets. The wall along the State Highway was constructed as well as some of the wooden fencing on the interior of the subdivision.

The new Well #5 is complete and functions with with a temporary power supply (portable generator) and at last reporting is waiting for lab report results before it can be turned into the City water system.

Contractor formed the sidewalk in Old San Juan Hollister Road.

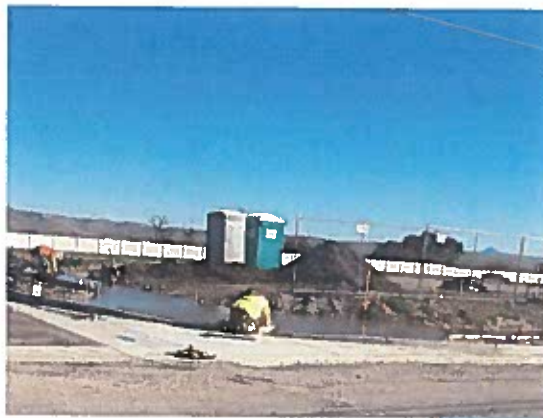
Contractor placed concrete on the sidewalk in the front of the project at old San Juan Hollister Road.



Chain link fence around Bioretetion Basin Not too much activities going in this project.
Traffic device is maintained and kept in good shape.



The Contractor continue placing sidewalks along the Old San Juan Hollister Road frontage of the Copperleaf Subdivision.



STAFF REPORT

DATE: March 20, 2018

**SUBJECT: CANNABIS BUSINESS ORDINANCE, CANNABIS PERMIT APPLICATION & RULES
AND REGULATIONS**

FROM: Subcommittee on Cannabis Regulations

RECOMMENDED ACTION:

Review the proposed ordinance and rules and regulations, as well as the schedule for future action; and provide input to the subcommittee for its final recommendations

BACKGROUND:

In August of 2017, the City Council gave staff direction to pursue a Cannabis Business Ordinance and explore the development of regulatory framework for a cannabis business ordinance to regulate the industry at the local level. The City Council hired an independent consultant to work with the ad-hoc committee consisting of Councilmember Martorana and Councilmember Devries.

The committee along with the consultant have worked on and developed a proposed ordinance, permit application and rules & regulations and presented a draft ordinance to the public on December 6th 2017. The Study Session involved a presentation from the consultant on the draft ordinance with a verbal presentation by the ad-hoc committee members as well. The committee members received feedback from the community on the ordinance. After carefully reviewing the public comments the ad-hoc committee made some changes to the proposed ordinance.

In February, the ordinance was presented before the Planning Commission for their review and input. On a 4-1 vote, the Planning Commission recommended that the City Council consider expanding the ordinance to allow all permit types to be included in Commercial Zoning. Currently, the ordinance allows all permit types in Industrial Zoning and only testing facilities in Commercial Zoning. The Commission was mindful that the State rules restrict the location of cannabis businesses around sensitive land uses such as those frequented by youth. Accordingly, the properties that are commercially zoned that might be considered for cannabis businesses are the 3+ acres located at the City's gateway on Muckelemy Street and Highway 156.

Following adoption of the regulatory ordinance, it will be necessary to consider amendments to the Zoning Ordinance to specifically address the locations where the various cannabis license types would be permitted. The Subcommittee recommends that all such businesses be allowed only with a Conditional Use Permit.

Application, Rules, Regulations and Operating Procedures

The adoption of a cannabis business ordinance allows cannabis business activity within the City of San Juan Bautista. The Rules & Regulations provide the regulatory framework on how they will operate and the application process that is required for approval of regulatory permit. This includes:

- Application process and scoring
- Alarms and closed-circuit television
- Fire Suppression requirements
- Access to facility
- Odor Control and mitigation
- Security Personnel
- Background Checks for employees and owners
- Signage
- And more

FISCAL IMPACT:

It is intended that the cost of processing applications and enforcing conditions will be borne by the businesses themselves through fees and charges.

It is also possible to establish a revenue structure to generate money to pay for general city services and capital projects. The Subcommittee evaluated two models: 1) generating revenue from negotiated development agreements or 2) generating revenue from a locally imposed tax measure which would require voter approval.

Revenues to the city have not been determined but examples of potential revenues are provided below. In addition, the ad-hoc committee is proposing a cannabis tax to be placed on the November 2018 general election ballot. That decision will be made in the coming months.

Example #1: A single Cultivation operation can generate taxes based on the square feet of the cultivation footprint. A Type 3 Permit for a fully enclosed cultivation operation is limited to 22,000 sq-ft. If only one permit for this size grow would be approved by the city, the taxes generated at a modest \$7/sq-ft tax would be: $22,000 \times \$7 = \$154,000$ per year.

Example #2: A single retail operation can generate taxes based on Gross Receipts. Gross receipts are difficult to project because sales depend on the type of retail operation (storefront would generate more sales). If one retail location generates \$500,000 in sales per year: $\$500,000 \times 5\% = \$25,000$ per year.

Example #3: A single manufacturing facility can generate taxes based on Gross Receipts. For example, an edible company can generate \$5 Million in wholesale transactions. $\$5,000,000 \times 5\% = \$250,000$ per year.

NEXT STEPS:

SCHEDULE:

April 2018	Introduce Ordinance; Adopt Rules and Regulations
May 2018	Adopt Ordinance effective 30 days after publication.
June 2019	Planning Commission reviews conforming changes to the Zoning code
July 2019	City Council introduces ordinance to amend Zoning Code
July 2019	City Council places cannabis tax measure on the November ballot
Aug 2019	City Council adopts amendments to the Zoning Code
Sept 2019	City opens application process for cannabis licensees
Nov 2019	Vote on cannabis tax measure
Dec 2019	Planning Commission hearings on CUP's
Jan 2020	Council approves licensees

Any proposed changes will be made and will be brought back to the City Council for first reading of the ordinance at your April meeting, along with any changes to the application and Rules & Regulations.

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 17.02.060 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 5.31.030; 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 or Commercial 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.

I. 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. Preventing 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; and
 - 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 officials.
 - 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. 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.
- B. Applications for a regulatory permit authorized by this Chapter shall not be accepted by the City Manager or designee, nor a regulatory permit issued, until the written implementing regulations required under this Section have been approved by the City Council for the type of cannabis facility permit for which application is sought.
- C. The City Manager or designee may develop written regulations governing the conduct of the cannabis facilities and the delivery of cannabis or cannabis products. The City Council shall approve 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.

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 1C-i	Cultivation: Specialty cottage indoor	up to 500 ft

Type 2A	Cultivation: Small indoor	5,001-10,000 ft
Type 3A	Cultivation: Indoor	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 solvents volatile
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. EFFECTIVE DATE

Pursuant to Section 36937 of the California Government Code, this Ordinance shall take effect thirty (30) days after its final passage and adoption by the City Council.

INTRODUCED at a regular meeting of the City Council of the City of San Juan Bautista held on the (XX)th day of (month), 2018.

PASSED AND ADOPTED as an Ordinance of the City Council of the City of San Juan Bautista at a regular meeting of the City Council held on the (day)th day of (month), 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RULES AND REGULATIONS

Section 1. APPLICATION FORM.

The City Council adopts the form Application for Cannabis Facility Regulatory Permit in the form as set forth in the Exhibit "A" to this Resolution, attached hereto and incorporated by this reference.

Section 2. APPLICATION PROCESS – GENERAL.

The City Manager or designee shall administer the following three stage process for the screening and evaluation of Cannabis facility regulatory permit applications:

A. Stage 1 – Applicant and Facility Eligibility:

Stage 1 of the cannabis facility regulatory permit application process considers the eligibility of the application and the proposed facility according to the following procedure:

1. The application is evaluated for completeness, including the execution of any required agreements accompanying the application form and the following documentation;
 - i. Copy of the applicant's Articles of Incorporation or Articles of Organization;
 - ii. Copy of the applicant's bylaws or operating agreement;
 - iii. Copy of the applicant's Certificate of Status issued by the California Secretary of State;
 - iv. Copy of the applicant's Entity Status Letter from the California Franchise Tax Board;
 - v. The applicant's Federal Employer Identification Number;
 - vi. Evidence of the legal right for the applicant to occupy and use the property for a cannabis facility. In the event that the applicant is not the owner of record of the property, the applicant must provide a notarized statement from the owner of the property acknowledging and consenting to use of the property as a medical cannabis facility by the applicant; and
 - vii. The identification of any individual with a financial interest of 10% or greater in the applicant including the address, phone number, email address, description of percentage ownership interest, and copies of government issued identification for each individual;
2. The proposed location is evaluated for conformance with the zoning and sensitive use restrictions contained in Section 5.31 of the Municipal Code; which shall include a reliable mapping of the proposed location and distances to all sensitive uses, satellite mapping is preferred;
3. Each applicant under the application will undergo a Fingerprint-Based Criminal History Records Check; which will include Live Scan and any indicated follow-up investigation, and

4. Government issued identification to determine that each applicant, manager, and employee of the medical cannabis facility is over twenty-one (21) years of age.

All eligible applications will be notified, in writing, that they have passed Stage 1 and will be allowed ninety (90) days to provide documentation for consideration for onto Stage 2.

B. Stage 2 – Applicant and Facility Evaluation and Scoring:

1. In the initial portion of Stage 2, applications are scored via a point system that weighs the various components of the application requirements under the City Code as follows:

- a. Qualifications (including residency) of the applicants, managers, and employees – **50 points**

- b. Comprehensive site plan and floor plan of the facility which includes the dimensions of the interior floor plan; location of all exist doors, width of doors and panic hardware; principal uses of the floor area including, storage areas and restricted areas. – **100 points**

- i. Photographic evidence accurately depicting the entire interior and exterior and exterior of the proposed site(s), including entrance(s), street frontage(s), parking, front, rear and sides of the proposed site.

- c. Security plan – **200 points**

- i. Identification of companies providing security services, including California Business Private Patrol Operator (PPO) license number, PPO.

- ii. Identification of a security liaison

- iii. Identification physical security measures

- iv. Identification of surveillance system coverage and recording

- v. Number of security personnel.

- vi. 24-hour and off-business hour security, surveillance and monitoring.

- vii. Detailed description of security plan including security diagrams

- viii. Fire and emergency response plan.

- d. Business plan including financial information, revenue and expense projections, capital investment and operating reserves – **200 Points**

- e. Community benefits plan with a dedicated community liaison – **100 Points**

- f. Standard operating procedures demonstrating operational compliance – **100 points**
- g. Procedures for identifying, managing, and disposing of contaminated, adulterated, deteriorated or excess cannabis or cannabis products – **50 points**
- h. Procedures for inventory control including a detailed description of inventory tracking software and procedures – **150 points**
- i. An odor management plan, including a detailed description of the ventilation system used in the medical cannabis facility including but not limited to how the ventilation systems mitigate odor from and how to mitigate the noxious fumes or gases. – **50 points**
- j. Signage plan – **25 points**
- k. Proposed development agreement with no less than a square footage rate of Seven Dollars (\$7.00) a per square foot for cultivation OR Proposed development agreement with no less than a gross receipts rate of Five Percent (5%) of gross revenues – **200 Points**
- l. Proposed development agreement with no less than 1% of gross revenues dedicated to public safety funding to be provided by the City – **100 Points**

Section 3. CANNABIS FACILITIES AND REGULATIONS.

A. Cannabis Facility Infrastructure and Security Regulations

Cannabis facilities shall comply with the following infrastructure and security regulations:

1. Alarms and closed-circuit television.

- a. A Sheriff's Department approved, 24-hour centrally monitored alarm system is required. The system shall automatically notify the Sheriff's Department dispatch and allow camera system access for dispatch to relay vital information to responding officers on alarm activations.
- b. Closed circuit television ("CCTV") video monitoring shall be installed that meets the following criteria:
 - i. Continuous 24-hour operation and recording with minimum archival period of 30 days.
 - ii. Sufficient cameras, angles of observation and lighting to allow facial feature identification of persons in interior and exterior areas where medical cannabis or medical cannabis products is present at any time.

iii. Sufficient cameras, angles of observation and lighting to allow facial feature identification of persons in the immediate exterior areas of doors, windows, or other avenues of potential access.

iv. All CCTV recordings shall be accessible to law or code enforcement officers at all times during operating hours and otherwise upon reasonable request. All CCTV recording systems shall have the capability of producing tapes, DVDs or other removable media of recordings made by the CCTV system, including still photograph images.

v. To prevent tampering, the recorder shall be kept in a secure, locked location and all recordings shall be date and time stamped.

2. Windows.

a. Windows and glass panes shall have vandal-resistant glazing, shatter-resistant film, glass block, or bars installed equipped with latches that may be released quickly from the inside to allow exit in the event of emergency.

b. Windows vulnerable to intrusion by a vehicle must be protected by bollards or landscaping grade separation reasonably sufficient to prevent such intrusion.

3. Roofs, roof hatches, sky lights, and ceilings.

a. All means of gaining unauthorized access to the roof shall be eliminated. Exterior roof ladders shall be secured with locked ladder covers.

b. Roof hatches and skylights shall be secured so as to prevent intrusion.

4. Visibility.

a. Cannabis or cannabis products or graphics depicting cannabis or cannabis products within the cannabis facility shall not be visible with the naked eye from the perspective of a pedestrian immediately exterior to the property line of the cannabis facility.

b. Exterior landscaping within 10 feet of a cannabis facility shall be free of locations which could reasonably be considered places where a person could conceal themselves considering natural or artificial illumination.

c. Exterior building lighting and parking area lighting must be of sufficient foot-candles and color rendition, so as to allow the ready identification of any individual committing a crime on site at a distance of no less than forty feet.

5. Fire suppression system.

- a. An approved automatic fire sprinkler system fire suppression system, designed in compliance with International Fire Code is required.

6. Entrances, exits, and doors. (Fully Enclosed Sites)

- a. A cannabis facility shall have a single plainly identified primary entrance/exit site that is visible from public or common areas.
- b. Emergency exits shall be self-closing, self-locking, commercial grade locks equipped with an alarm and not used except in an emergency.
- c. Any aluminum door shall be fitted with steel inserts at the lock receptacles.
- d. Any outward opening doors shall be fitted with hinge stud kits, welded hinges or set-screw hinge pins.
- e. Panic exit hardware shall be “push-bar” design.
- f. Double doors shall be fitted with three-point locking hardware and push-bars consistent with fire agency regulations or requirements.
- g. All emergency exits shall be solid core doors featuring hinge-pin removable deterrence. Emergency exit doors shall have latch guards at least 12 inches in length protecting the locking bolt area. Latch guards shall be of minimum 0.125-inch thick steel, affixed to the exterior of the door with non-removable bolts, and attached so as to cover the gap between the door and the doorjamb for a minimum of six inches both above and below the area of the latch.
- h. All glass doors or doors with glass panes shall have shatter-resistant film affixed to prevent glass breakage.

7. Identification and access badges.

- a. Managers and employees of a cannabis facility shall wear identification badges with photo identification on breakaway style lanyards, at chest height.
- b. The identification badges shall be the means to access areas of the cannabis facility not designed for public access.
- c. The identification badge access system shall have a duress feature.
- d. The identification badge access system shall have a readily available recorded log for entry/exit time of areas of the cannabis facility not designed for public access. The electronic logs must be retained for 90 days.

8. Biometric access system.

- a. Entrances to areas of a cannabis facility where cannabis or cannabis products are cultivated, manufactured, processed, stored, tested, or labeled must have biometric scanners for individual unmistakable identifying access.
- b. The biometric access system shall have a duress feature.
- c. The biometric access system shall have a readily available recorded log for entry/exit time for to the secured areas. The electronic logs must be retained for 90 days.

9. Security personnel.

- a. A cannabis facility shall utilize adequate security personnel and patrols to ensure the safety of persons and to protect the facility from theft during business hours at all times.
- b. All security personnel utilized by the cannabis facility shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times.

10. Security liaison.

- a. A cannabis facility shall provide the City Manager or designee with the name, telephone number, and email address of a security liaison to whom the City can provide notice if there are security problems associated with the cannabis facility or refer members of the public who may have any concerns or complaints regarding the security of the cannabis facility. Each cannabis facility shall also provide the above information to all businesses and residences located within 1000-foot radius of the cannabis facility premises.
- b. The security liaison shall be reasonably available to meet with the City Manager, County Sheriff, or their designees, regarding any security related measures or and operational issues.
- c. Any other infrastructure and security condition included in the development agreement between the cannabis facility and the City pursuant to Title 5.31 of the Municipal Code.

11. Cannabis Facility General Operating Requirements

In addition to the operating requirements applicable to cannabis facilities contained in the Municipal Code, cannabis facilities shall comply with the following general operating requirements:

1. A cannabis facility shall post, in a prominent location within the facility, a copy of its cannabis facility regulatory permit and a document that provides (a) the name, telephone number, and address of a person(s) authorized to accept service of process on behalf of the facility, (b) the name, telephone number, and address of the facility's community relations liaison required pursuant to Section 5.31 of the Municipal Code, and (c) the name, telephone number, and address of the facility's security liaison required pursuant to this Resolution.

2. There shall be at least one responsible person at the cannabis facility to act as manager and supervise employees at all times during business hours. Such responsible person shall undergo a Fingerprint-Based Criminal History Records Check and shall not have been convicted of an offense listed in Title 5.31 of the Municipal Code.
3. No recommendations or approvals by a physician to use medical cannabis or medical cannabis products shall be issued at a cannabis facility.
4. All finished cannabis shall be secured and locked in a room, safe, or vault in a manner as to prevent diversion, theft, and loss. No outdoor storage of cannabis or cannabis products is permitted at any time.
5. A cannabis facility shall utilize an inventory and tracking system to track and report on all aspects of the facility's business including, but not limited to, such matters as cannabis tracking, inventory data, and gross sales (by weight and by wholesale). The system must have the capability to produce historical transactional data for review by the City Manager or designee.
6. All medical cannabis or medical cannabis products sold by a medical cannabis facility shall be cultivated by licensed facilities that maintain operations in full conformance with the State and local regulations.
7. Signage and notices.
 - a. In addition to the requirements otherwise set forth in this section, business identification signage for a cannabis facility shall conform to the requirements of the City Code, including, but not limited to, seeking the issuance of a sign permit.
 - b. No signs placed on the premises of a cannabis facility shall obstruct any entrance or exit to the building or any window.
 - c. Each entrance to a cannabis facility shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis facility is prohibited.
 - d. Business identification signage shall be limited to that needed for identification only, and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered or retail locations.
 - e. Signage shall not be directly illuminated, internally or externally.
8. Odor control. (Fully Enclosed Sites Only)
 - a. Odor control devices and techniques shall be incorporated in all cannabis facilities to ensure that odors from cannabis are mitigated to the maximum extent reasonably possible so as to minimize off-site detection. Cannabis facilities shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis facility that is

distinctive to its operation is mitigated to the maximum extent reasonably possible so as to minimize off-site detection, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the cannabis facility. As such, cannabis facilities must install and maintain the following equipment, or any other equipment which the City Manager or designee determine is a more effective method or technology:

i. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally.

ii. An air system that creates negative air pressure between the cannabis facility's interior and exterior, so that the odors generated inside the cannabis business are not detectable on the outside of the cannabis business.

9. A cannabis facility shall (i) prohibit loitering by individuals outside the cannabis facility, whether the loitering is occurring immediately outside the cannabis facility or anywhere else on the property or parcel; (ii) on-site consumption of cannabis or alcohol; and (iii) loud car stereos or activities disruptive to the neighboring businesses or residences outside the cannabis facility, whether the disruption is occurring immediately outside the cannabis facility or anywhere else on the property or parcel.

10. A cannabis facility shall notify the City Manager or designee within twenty-four (24) hours after discovering any of the following:

a. Discrepancies identified during inventory.

b. Diversion, theft, loss, or any criminal activity involving the cannabis business or any agent or employee of the cannabis business.

c. The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of a medical cannabis facility.

d. Any other breach of security.

13. Agents or employees of the City requesting access to a cannabis facility or the records required to be maintained by a cannabis facility shall be given unrestricted access.

14. A cannabis facility shall implement and monitor procedures for cash management, security, and storage.

15. A cannabis facility shall secure worker's compensation insurance covering employees of the cannabis facility.

C. Cannabis Cultivation Facility Operating Requirements

In addition to the operating requirements applicable to cannabis facilities, cannabis cultivation facilities shall comply with the following operating requirements:

1. A cannabis cultivation facility shall not use pesticides or insecticides prohibited by federal, State, or local law for fertilization or production of edible produce.
2. A cannabis cultivation facility shall comply with all applicable federal, State, and local laws regarding use and disposal of pesticides and fertilizers.
3. A cannabis cultivation facility shall send cannabis cultivated by the facility for batch testing to a cannabis testing center that maintains operations in full conformance with the State and local regulations prior to distribution.
4. Prior to distribution, a cannabis cultivation facility shall package and seal all medical cannabis in tamper-evident packaging and use a unique identifier, such as a batch and lot number or bar code, to identify and track the cannabis.
5. Any other operating requirement included in the development agreement between the cannabis cultivation facility and the City.

CITY OF SAN JUAN BAUTISTA CANNABIS FACILITY APPLICATION

APPLICATION FOR CANNABIS FACILITY PERMIT

(Please Print All Information – Incomplete Applications Will Not Be Accepted)

- (1) Applicant's Name (Legal Ownership Structure): _____
- (2) Business Name (DBA): _____ Business Phone: (____) _____
- (3) Applicant/ Business Email: _____
- (4) Business Site Address: _____
- (5) Date Business Proposes to Open: _____
- (6) Days & Times Premises Are Open For Inspection: _____
- (7) Proposed Use (Select One Only):
Note: You must submit a separate application for each cannabis business.
- ☐ Dispensary Facility ☐ Laboratory Testing ☐ Other (explain) _____
- ☐ Cultivation Facility ☐ Cannabis Delivery
- ☐ Distribution Facility ☐ Manufacturing Facility
- (8) Community Relations Liaison Name: _____
- Community Relations Liaison Phone Number: _____
- Community Relations Liaison Email: _____
- (9) Type of Organizational Structure:
- ☐ Corporation ☐ Partnership ☐ Individual ☐ Unincorporated Association or Club
- ☐ Trust ☐ LLC ☐ Other, explain: _____

OFFICE USE ONLY

- ☐ Building ☐ Fire ☐ (Check Inspecting Department) Date Received: _____
- ☐ Building/Location meets Department Requirements for the proposed use.
- ☐ Building/Location meets Department Requirements for the proposed use subject to the following conditions:

- ☐ Building/Location does not meet Department requirements for the proposed use.

Inspection Completed On (date): _____ By: _____

City Manager

- ☐ CMO finds no basis for denial ☐ CMO finds basis for denial
- ☐ CMO finds no basis for denial with conditions

Conditions or Basis for Denial Request: _____

By: _____ Title: _____ Date: _____

Note: This is NOT a Cannabis Facility Permit. Do not operate until a valid permit is issued.

GENERAL INFORMATION (All Applicants)

- (10) If the applicant is incorporated, attach to this application copies, certified by the Secretary of State, of the Articles of Incorporation, Certificate(s) of Amendment, Statement(s) of Information, By Laws, Restated Articles of Incorporation, and the most recent Annual Report of Officers and Directors.
- (11) If the applicant is an unincorporated association and filed a Statement By Unincorporated Association with the Secretary of State, attach copies, certified by the Secretary of State, of each Statement by Unincorporated Association, Registration of Unincorporated Nonprofit Association, and original & amended Articles of Association to this application.
- (12) If the applicant is an informal unincorporated association, provide copies of the fully executed Articles of Association (AKA Charter or Constitution).
- (13) Fictitious business names or dba's used: _____
- (14) Place and date of filing of fictitious business name statement: _____
- (15) Names and address of all agents and employees authorized to negotiate or otherwise represent individual in connection with any transaction with the City of San Juan Bautista:

- (16) Name and address of person (agent) authorized to accept service of process in California:

- (17) State whether you are licensed by any governmental agency to engage in any business. If so, list each such license held, the city in which it is held, and expiration date thereof:

- (18) Has the Cannabis Facility applicant previously operated in this City or any other county, city, or state under a similar license or permit?
- a. If "Yes," provide the license/permit issuing city, county, state, and the license and/or permit identification number(s):

- b. Please confirm whether any of these previously issued licenses or permits were revoked or suspended, and the reason(s) why:

- (19) Has any owner or business manager ever been convicted of a felony? ☐ Yes ☐ No
If yes, please list provide details of conviction.
- (20) For each Employee convicted of a crime or currently on probation or parole as set forth in Item No. (19) above, attach with this application the first and last name of the Employee, the associated criminal case number(s), the statute(s) violated, the date(s) of conviction, the date(s) of imposition of probation and/or parole, and the name and address of the sentencing court.
- (21) If the applicant owns the property listed in Item No. (4) of the application, enter date of purchase: _____

Note: This is NOT a Cannabis Facility Permit. Do not operate until a valid permit is issued.
Cannabis Facility Application

GENERAL INFORMATION (All Applicants)

- (22) If the applicant rents, leases, or is in the process of leasing and/or purchasing the property listed in Item No. (4), check the boxes below to verify that the applicant has notified the owner(s) and landlord or leasing agent of the proposed Cannabis Business property use.

- ☐ Attached is a copy of proof of ownership, lease, and/or letter of landlord's commitment to lease upon issuance of a license to the proposed business location
- ☐ Attached is an original fully executed Letter of Authorization, for each owner, landlord, and leasing agent of the property listed in Item No. (4) of the application.

NOTE: If the property is owned, rented, or leased by more than one person, a separate authorization form must be submitted for each owner, landlord, and leasing agent or equivalent.

- (23) Does the applicant have a CA Seller's Permit issued by the California State Board of Equalization for the location identified in Item No. (4) of this application? ☐ Yes ☐ No

- a. If "Yes," enter the CA Seller's Permit identification number, and attach a legible copy of the CA Seller's Permit to this application: _____

- (24) Attach photographs accurately depicting the entire interior and exterior of the proposed site(s), including entrance(s), street frontage(s), parking, front, rear and sides of the proposed site.

GENERAL INFORMATION (All Applicants)

- (25) Provide the name, address, telephone number, business license account number, and PPO number of the security company that will be used. NOTE: A copy of the security guards' CA state license must be maintained on file at the business at all times.

- (26) Will an alarm monitoring company be used?

a. If "Yes," provide the name, address, and telephone number of the alarm monitoring company:

- (27) Provide a list of all members with access to the surveillance camera system to be used (Attach additional pages if necessary):

GENERAL INFORMATION (Cont.)

CERTIFICATION OF EMPLOYMENT PRACTICES

I, _____, certify that the business will not employ any person with any
(Name of Business/Owner listed in Item No. (1) of the application)
type of violent or serious felony conviction as specified in Section 667.5 and 1192.7 of the Penal Code or any felony
conviction involving fraud, deceit, or embezzlement. The following shall become a condition of maintaining the
license.

(Signature of Owner/Management Employee)

(Printed Name & Title)

(Date)

(Signature of Owner/Management Employee)

(Printed Name & Title)

(Date)

(Signature of Owner/Management Employee)

(Printed Name & Title)

(Date)

Note: This is NOT a Cannabis Facility Permit. Do not operate until a valid permit is issued.
Cannabis Facility Application

IF APPLYING AS AN INDIVIDUAL

Last Name: _____

First Name: _____

Middle: _____

Title(s) or AKA(s): _____

Residence address: _____

Home/Business Telephone: _____

Cell Phone: _____

Email Address: _____

Race: _____ **Sex:** _____ **Hair:** _____ **Eyes:** _____ **Height:** _____ **Weight:** _____

Date of Birth (mm/dd/yyyy): _____ **Place of Birth:** _____

Social Security Number: _____

Driver's License or Identification Card Number: _____

State of Issue: _____

Federal Tax ID Number (if applicable): _____

Seller's Permit Number (if applicable): _____

IF APPLYING AS A PARTNERSHIP

Check One Box:

☐ General Partnership

☐ Limited Partnership/ LLP

☐ Limited Liability Corporation/ LLC

Name of Partnership: _____

Federal Tax ID Number (if applicable): _____

Seller's Permit Number (if applicable): _____

Percentage of Partnership

Name and residence addresses of **General Partners:** Interest:

_____ %

_____ %

_____ %

_____ %

Names and residence addresses of **Limited Partners:** Interest:

_____ %

_____ %

_____ %

_____ %

Place and date of filing Articles or Certificate of Partnership or Limited Partnership:

Please Note:

Attach certified copies of *Articles of Partnership* or *Limited Partnership*, or other written evidence of partnership status and all amendments thereto this application.

IF APPLYING AS A PARTNERSHIP (cont.)

PRINCIPAL PARTNER I

Name: _____ Title: _____

Residence Address: _____ Phone: _

Business Address: _____ Phone: _

Email Address: _____

Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____
_____ : _____

Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____

Driver's License Number: _ Issuing State: _____

PRINCIPAL PARTNER II

Name: _____ Title: _____

Residence Address: _____ Phone: _

Business Address: _____ Phone: _

Email Address: _____

Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____
_____ : _____

Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____

Driver's License Number: _ Issuing State: _____

PRINCIPAL PARTNER III

Name: _____ Title: _____

Residence Address: _____ Phone: _

Business Address: _____ Phone: _

Email Address: _____

Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____
_____ : _____

Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____

Driver's License Number: _ Issuing State: _____

Note: This is NOT a Cannabis Facility Permit. Do not operate until a valid permit is issued.
Cannabis Facility Application

IF APPLYING AS A CORPORATION

PLEASE ONLY PROVIDE INFORMATION FOR ALL OFFICERS, DIRECTORS, OR SHAREHOLDERS WHO OWN MORE THAN 10% OF THE ISSUED AND OUTSTANDING STOCK

Check One Box: ☐ For-Profit Corporation ☐ Non-Profit Corporation

Name of Corporation: _____

Corporation Number: _____

Date and Place of Incorporation: _____

Location Headquarters: _____

Federal Tax ID Number: _____

Seller's Permit Number: _____

Please attach certified copies of *Articles of Incorporation and By-Laws*, and all amendments to this application.

Name and Residence Address of Corporation Officers (members of the executive board):

Name	Title & Ownership %	Address	Telephone
_____	_____	_____	() _____
_____	_____	_____	() _____
_____	_____	_____	() _____
_____	_____	_____	() _____

Numbers of shares issued by Corporation: _____

Number of share retained by Corporation: _____

Name and addresses of shareholders, if ten (10) or less state also the number and type of shares:

Name, address, telephone number, and email address of agent for service of process designated by Corporation with the Secretary of State of California:

IF APPLYING AS A CORPORATION (Cont.)

CORPORATE OFFICER I

Name: _____ Title: _____

Residence Address: _____ Phone: _____

Email Address: _____ Phone: _____

Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____

Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____

Driver's License Number: _____ Issuing State: _____

CORPORATE OFFICER II

Name: _____ Title: _____

Residence Address: _____ Phone: _____

Email Address: _____ Phone: _____

Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____

Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____

Driver's License Number: _____ Issuing State: _____

CORPORATE OFFICER III

Name: _____ Title: _____

Residence Address: _____ Phone: _____

Email Address: _____ Phone: _____

Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____

Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____

Driver's License Number: _____ Issuing State: _____

CORPORATE OFFICER IV

Name: _____ Title: _____

Residence Address: _____ Phone: _____

Email Address: _____ Phone: _____

Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____

Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____

Driver's License Number: _____ Issuing State: _____

Note: This is NOT a Cannabis Permit. Do not operate until a valid permit is issued.
Cannabis Facility Application

CITY OF SAN JUAN BAUTISTA

PROPERTY OWNER/ LANDLORD AUTHORIZATION FOR INSPECTION AND RIGHT TO OPERATE A CANNABIS FACILITY

I, _____, am the legal owner / landlord / lessor of real property located at _____
(Name of Property Owner/ Landlord) (Circle One)

_____, San Juan Bautista, California. I authorize the
(Address listed in Item No. (4) of the application)

Cannabis Business entitled _____ to operate a
(Name of Business/Owner listed in Item No. (1) of the application)

cannabis business at the property, as that term is defined in state law and the San Juan Bautista Municipal Code, for the specific use(s) of _____
(Land uses(s) set forth in the Cannabis Facility application – e.g. cultivation, manufacturing, etc.)

set forth in the Cannabis Facility License Application submitted to the City of San Juan Bautista by

_____ and allow the City of San Juan Bautista to enter the property for
(Name of Business/Owner listed in Item No. (1) of the application)

inspection of the property. I further understand that I am responsible for any violation and nuisance activity, which may occur at this property. I declare under penalty of perjury that the foregoing information is true and correct. Executed this _____ day of _____ 20____, at San Juan Bautista, California.

(Signature of legal owner/landlord/lessor)

(Printed Name & Title)

(Date)

(Signature of legal owner/landlord/lessor)

(Printed Name & Title)

(Date)

(Signature of legal owner/landlord/lessor)

(Printed Name & Title)

(Date)

Note: This is NOT a Cannabis Permit. Do not operate until a valid permit is issued.
Cannabis Facility Application

CITY OF SAN JUAN BAUTISTA

NOTARY ACKNOWLEDGEMENT FORM

The notarized signature of the majority representative owner or owners, as established by deed or contract, of the subject property or properties is required for the filing of this application.
(Additional sheets may be attached if needed.)

On _____ before me, _____ the undersigned,
DATE (WRITE NAME OF NOTARY)

a Notary Public in and for said County, duly commissioned,

personally appeared _____
NAME(S) OF SIGNER(S)

NAME(S) OF SIGNER(S)

☐ personally known to me - OR -

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

WITNESS my hand and official seal

PLACE NOTARY SEAL ABOVE

Notary Public in and for the County
of San Benito, State of California

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title of type of Document: PROPERTY OWNER/ LANDLORD AUTHORIZATION FORM

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

Title(s): _____ Title(s): _____

APPLICATION ATTACHMENTS

In addition to the Cannabis Permit Application, the following list of required attachments:

1. Complete interior floor plan on paper no larger than 11" x 17" (multiple sheets allowed) to include the following information:
 - a. Dimensions of interior floor plan.
 - b. Indicate location of all exit doors, widths of doors and panic hardware.
 - c. Principal uses of the floor area including where non-patients will be permitted, private consulting areas, storage areas, retail areas, areas for cash handling and storage, and restricted areas
 - d. Show the separation of the areas that are open to persons who are not patients from those areas open to patients

NOTE: All areas of proposed business site must be disabled access compliant pursuant to Title 24 of the State of California Code of Regulations and the Americans with Disabilities Act

2. Proof of Worker's Compensation Insurance including the limits of each policy, policy numbers, name of the insurer, effective date, and expiration date of each policy.
3. Proof of Liability Insurance including the limits of each policy, policy numbers, name of the insurer, effective date, and expiration date of each policy. Insurance must have aggregate policy limits in an amount not less than \$1,000,000.
4. Copy of CA Seller' Permit (for retail businesses only)
5. Copy of your Fictitious Name Filing, if applicable.
6. Corporation, Limited Liability Companies, Limited Liability Partnerships:
 - a. Copy of your Articles of Incorporation
 - b. Copy of your Statement of Information
7. Standard Operating Plan Procedures to include the following information (as outlined in the Regulations):
 - a. General Operating Procedures
 - b. Security
 - c. Operational Security
 - d. Facility Security
 - e. Community Service
 - f. Fire Plan
 - g. Labor Relations/Employee Handbook
 - h. Business Plan / Financials
8. Proof of Ownership, lease, and/or letter of landlord's commitment to lease upon issuance of a license to the proposed business location
9. Proof Entity is Registered and in Good Standing with Secretary of State and Franchise Tax Board
10. Copy of one (1) valid government issued form of identification for each owner and managing member
11. Copy of Live Scan for each owner and business manager

Note: This is NOT a Cannabis Facility Permit. Do not operate until a valid permit is issued.
Cannabis Facility Application

CITY OF SAN JUAN BAUTISTA

ACKNOWLEDGEMENT FORM
Cannabis Facility Permit Application

- ./ I/we consent to onsite inspections of our Cannabis Facility by City of San Juan Bautista officials. Inspections will be conducted by City of San Juan Bautista Officials during regular business hours Monday-Friday 9:00a.m to 5:00 p.m., excluding holidays. The telephone number listed on my application is the number the City can call to provide notice, when possible.
- ./ I/we acknowledge that by submitting the permit application we allow onsite inspections; dogs/animals will be locked up, lock gates will be assessable.
- ./ I/we consent that all structures on parcel that are utilized for Commercial Cannabis Activities will be built in accordance with applicable City of San Juan Bautista Building Codes and permit requirements.
- ./ I/we acknowledge that the information I/we provide with this application may be released as required by law, judicial order, or subpoena, and could be used in a criminal prosecution.
- ./ I/we consent to defend, indemnify, and hold harmless the City of San Juan Bautista from any defense costs, including attorneys' fees or other loss connected with any legal challenge brought as a result of the City of San Juan Bautista's review and/or approval of this Application. I/we agree to execute a formal agreement to this effect on a form provided by the City and available for my inspection.
- ./ I/we will only employ individuals at least eighteen (18) years of age, require a Federal or State issued proof of identification be carried at all times on property, and will comply will all applicable state and federal requirements for payment of payroll taxes, including federal and state income taxes and/or contribution for unemployment insurance, state workers' compensation liability law.
- ./ I/we have reviewed the San Juan Bautista Cannabis Business Ordinance, I/we understand the requirements, will comply with the requirements, and understand the consequences of Non-Compliance.
- ./ I/we acknowledge that the application fee is non-refundable.
- ./ I will comply with Local, State and Federal regulatory agencies.

Print

Signature

Date

Indemnification Form

City of San Juan Bautista Cannabis Facility Application

I _____, hereby agree:

1. I have applied with the City of San Juan Bautista for permission to conduct _____ (state type of facility) commercial cannabis pursuant to City of San Juan Bautista Cannabis Business Ordinance (hereafter "Project").
2. Nothing in this Agreement shall be construed to limit, direct, impede or influence the City of San Juan Bautista's review and consideration of the Project.
3. I shall defend, indemnify, save and hold harmless the City of San Juan Bautista, its elected and appointed officials, officers, employees, agents, contractors and volunteers from any and all claims, actions, proceedings or liability of any nature whatsoever (including, but not limited to; any approvals issued in connection with any of the above described application(s) by City; any action taken to provide related environmental clearance under the California Environmental Quality Act ("CEQA") by City's advisory agencies, boards or commissions, appeals boards, or commissions, Planning Commissions, or City Council; and attorneys' fee and costs awards) arising out of, or in connection with the City's review or approval of the project or arising out of or in connection with the acts or omissions of the Applicant, its agents, employees or contractors. With respect to review or approve, this obligation shall also extend to any effort to attack, set aside, void, or annul the approval of the project, including any contention the project or its approval is defective because a City ordinance, resolution, policy, standard or plan is not in compliance with local, state or federal law. With respect to acts or omissions of the Applicant, its agents, employees or contractors, its obligation, hereunder shall apply regardless of whether the City of San Juan Bautista prepared, supplied or approved plans, specifications or both.
4. The obligations of the Owner and Applicant under this Indemnification shall apply regardless of whether any permits or entitlements are issued.
5. City of San Juan Bautista shall have the absolute right to approve any and all counsel employed to defend the City. To the extent the City uses any of its resources to respond to such claim, action or proceeding, or to assist the defense, the Applicant will reimburse the City upon demand. Such resources include but are not limited, staff time, court costs, City Attorney's time at its regular rate for non-City agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim, action or proceedings.
6. For any breach of this obligation the City of San Juan Bautista may rescind its approval of the Project.
7. The Applicant shall not be required to pay or perform any settlement unless the Applicant, which approval shall not be unreasonably withheld, approves the settlement in writing. The City of San Juan Bautista must approve any settlement affecting the rights and obligations of the City.
8. This agreement shall be construed and enforced in accordance with the laws of the State of California.
9. In any legal action or other proceeding brought by either party to enforce or interpret this Agreement, the appropriate venue is the San Benito County Superior Court.
10. The Applicant shall pay all court ordered costs and attorney fees.
11. The defense and indemnification of the City of San Juan Bautista set forth herein shall remain in full force and effect throughout all stages of litigation including appeals of any lower court judgments rendered in the proceedings.

After review and consideration of all of the foregoing terms and conditions, Applicant, by its signature below, hereby agrees to be bound by and to fully and timely comply with all of the foregoing terms and conditions.

Print Name

Signature

Date

CITY OF SAN JUAN BAUTISTA
PLANNING COMMISSION REGULAR MEETING
FEBRUARY 6, 2018
MINUTES

1. CALL TO ORDER – Chairman Franco called the meeting to order at 6:07 p.m.

B. ROLL CALL **Present:** Commissioners Hopper, Franco,
Medeiros, Freels and Boyd

Staff Present: Interim City Manager Tewes, City Planner
Walgren and Administrative Services Manager
Paetz

2. PUBLIC COMMENT

No comments were received.

3. INFORMAL PROJECT REVIEW3

A. Midnight Express Truck Transfer Facility

Ann Hall of San Benito Engineering, representing the applicants, provided an overview of the project and responded to questions. During public comment, George Dias was concerned with 1) the condition of the road and whether it could withstand truck traffic, 2) noise, 3) hours of operation, and 4) water displacement. Maria Orozco of Midnight Express was present and responded.

4. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve August 1, 2017 Minutes

A motion was made by Commissioner Boyd and seconded by Commissioner Freels to approve all items on the consent agenda. The motion passed unanimously, 5-0.

5. ACTION ITEMS

A. Consider Approval of New City Hall and Public Works Department Public Identification Signs

City Planner Walgren provided a report stating the signs meet City criteria but City process was not followed. During public comment, George Dias spoke in support of the signs. Commissioner Franco commented, the process should have been followed. Vice Chairperson Boyd commented, the signs are of amateur quality. Chairperson Hopper commented, they serve a purpose. Commissioner Medeiros commented, the images need improvement, and suggested leaving the signs up for now and remove them later for better signs. It was the consensus of the Commission to direct staff to leave the signs up and allow for signs in the Fiscal Year 2019 Budget.

6. DISCUSSION ITEMS

A. Cannabis Ordinance

Victor Gomez of Pinnacle Strategy presented the draft ordinance and recommendations from the City Council Ad Hoc Committee. Rules and regulations will be brought back in May. During public comment, George Dias commented he would not allow cannabis growing on his property off Mission Vineyard Road. Mandisa Snodey suggested allowing growing in general plan open space areas. Chairperson Hopper pointed out that there are limitations to the area suggested by the ad hoc committee as there is resistance from a property owner, the construction of a truck transfer facility heard tonight, and a buffer zone surrounding the new park being built in the Copperleaf subdivision. Commissioner Medeiros supported opening up to commercial area as well. Victor Gomez clarified; add all other license types to commercial, not just testing.

It was the consensus of the Commissioners to recommend inclusion of the industrial zone to the area available in the commercial zone, and open up to all license types.

7. COMMENTS & REPORTS

A. Planning Commissioners

Commissioner Franco asked for reports on the Rancho Vista subdivision and Harvey's Lockup next month, and discuss selection of property to recognize in May for Historic Preservation Month.

B. City Manager

Interim City Manager Tewes reported on Harvey's Lockup and Rancho Vista.

C. City Planner

No comments were received.

8. ADJOURNMENT

The meeting adjourned at 8:02 p.m.

Comments ~~for to~~ the San Juan Bautista City Council from the Strategic Planning ~~Commission Committee~~

re: Draft Cannabis Ordinance

March 1, 2018

Background:

The ~~Agriculture, Environment & Land Use Sub-Committee~~ of the Strategic Planning ~~Commission Committee, which focuses on the land use, circulation, housing and conservation elements~~ of the General Plan, ~~Agriculture, Land Use and Environment subcommittee~~ discussed the conditions in the proposed ~~c~~Cannabis ordinance regarding use of land; whether it makes sense to require cement foundations for buildings where cannabis is grown, as cement slabs will permanently alter the potential uses of the land that is zoned industrial but is currently in agricultural use.

We have concern with the preservation of our prime agricultural land based on its current use and not its existing zoning. We also discussed zoning and the strict limits on location in the proposed ordinance as well as potential advantages San Juan has for production and tax-revenue generating light industry.

The full Strategic Planning Committee discussed these issues at our March 1, 2018 meeting, and offers the City Council our comments should the Council adopt the ordinance.

Comments:

- Allow commercial cannabis cultivation activities in agricultural zoned areas
- Allow cannabis cultivation to occur in enclosed buildings, including greenhouses; do not require cement floors.
- Require cannabis businesses to be subject to a conditional use permit which shall include conditions for water conservation and a waste disposal plan.
- Allow zoning for cannabis processing areas, to potentially create complimentary businesses to the proposed cultivation activities in the county

Our comments are supported by these SJB 2035 General Plan programs:

- a. ED 4.1.1.1 Zone areas for agricultural processing.
- a. OS 4.3.1.1 Permit agricultural support uses in the Zoning Ordinance to locate in agricultural and industrial areas and on the urban fringe.
- b. OS 4.3.1.2 Permit only agriculture-related uses in areas designated Agriculture, uses associated with the growing and/or production of agricultural products.

- c. OS 4.3.4.1 Support existing agricultural operations and encourage the diversification including organic, value-added, small- scale, sustainable, and community- supported agricultural practices.