

AGENDA
REGULAR MEETING OF THE
CITY OF KING CITY COUNCIL
AND
Sitting as SUCCESSOR AGENCY OF
THE RDA FOR THE CITY OF KING

TUESDAY AUGUST 8, 2017
6:00 P.M.

CITY HALL
212 S. VANDERHURST AVENUE
KING CITY, CALIFORNIA 93930

**Spanish interpretation services will be available at meeting*

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting, Please contact the City Clerk's Office (831-386-5925) at least 48 hours prior to the Meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting.

** Please submit all correspondence for City Council PRIOR to the meeting with a copy to the City Clerk.*

1. **CALL TO ORDER**
2. **ROLL CALL:** Council Members Darlene Acosta, Robert Cullen, Carlos DeLeon, Mayor Pro Tem Carlos Victoria, and Mayor Mike LeBarre
3. **FLAG SALUTE**
4. **CLOSED SESSION ANNOUNCEMENTS**
5. **SPECIAL PRESENTATIONS**
 - A. Commendation Honoring Alex Arce
 - B. West Coast Barrel Racing Association – Taylor Nahrgang
 - C. Chamber of Commerce Update – T.J. Plew
6. **PUBLIC COMMENT**

Any member of the public may address the Council for a period not to exceed *three minutes'* total on any item of interest within the jurisdiction of this Council that is not on the agenda. The Council will listen to all communications; however, in compliance with the Brown Act, the Council cannot act on items not on the agenda. Comments should be directed to the Council as a whole and not to any individual Council Member. Slanderous, profane or personal remarks against any Council Member, staff member or member of the audience is not permitted.

7. COUNCIL COMMUNICATIONS & COMMITTEE REPORTS

Individual Council Members may comment on Council business, his or her Council activities, City operations, projects or other items of community interest. Council Members may also request staff to report back at a subsequent meeting on any matter or take action to direct staff to prepare a staff report for a future agenda.

8. STAFF COMMUNICATIONS

Comments presented by the City Manager, City Attorney or other staff on City business and/or announcements.

9. CONSENT AGENDA

The following items listed below are scheduled for consideration as a group. The recommendations for each item are noted. Members of the audience may speak on any item(s) listed on the Consent Agenda. Any Council Member, the City Manager, or the City Attorney may request that an item be withdrawn from the Consent Agenda to allow for full discussion. The Council may approve the remainder of the Consent Agenda on one motion. Items withdrawn from the Consent Agenda may be considered by separate motions at the conclusion of the discussion of each item.

- A. Meeting Minutes of July 11, 2017 Council Meeting
Recommendation: approve and file.
- B. Meeting Minutes of July 11, 2017 Council Special Meeting
Recommendation: approve and file.
- C. City Check Register
Recommendation: approve and file.
- D. Consideration: Resolution Establishing Rental Fee for the Use of City Park by Salinas Valley Fair for a Special Event August 30 – September 3, 2017
Recommendation: adopt by motion a Resolution approving the proposed fee for rental of the City Park outfield by the Salinas Valley Fair for a special event from August 30 – September 3, 2017.
- E. Consideration: Appropriation and Permit Fee Waiver for Sun Street Centers One-Stop Center for Re-Entry Services
Recommendation: adopt a Resolution appropriating and committing \$200,000 and waiving permit fees for the development of a one-stop center for re-entry services in King City by Sun Street Centers contingent upon County and grant funding participation.
- F. Consideration: Notice of Completion – 2017 King City Street Project
Recommendation: 1) approve Resolution No. 2017-4594 accepting completion of the 2017 King City Street Project; and 2) authorize City Manager to execute and file a Notice of Completion with the Monterey County Recorder's Office.
- G. Consideration: Notice of Completion – King City Forden Park Project
Recommendation: 1) approve Resolution No. 2017-4595 accepting completion of the King City Forden Park Project; and 2) authorize City Manager to execute and file a Notice of Completion with the Monterey County Recorder's Office.

- H. Consideration: Appropriation for Refuse Franchise Agreement Contract Administration
Recommendation: appropriate \$20,000 in revenue and \$15,000 in expenditures for contract administration of the franchise agreement with USA Waste of California, Inc. for solid waste, recycling and organics collection and processing services.
- I. Consideration: Contract Services for Plan Review and Inspection of Cannabis Projects
Recommendation: authorize the City Manager to execute an amendment to the existing agreement or new agreement for inspection services with CSG Consultants, Inc. in a form approved by the City Attorney to include plan review and inspections of cannabis projects on an as-needed basis.
- J. Consideration: Appropriation for City Hall Carpet and Flooring
Recommendation: appropriate \$27,000 for installation of new carpet and flooring in City Hall.
- K. Consideration: Supplemental Appropriation for Legal Services
Recommendation: appropriate \$40,000 for legal services associated with work on cannabis related regulatory items and code enforcement.
- L. Consideration: Purchase and Sale Agreement for Sale of City Parcel Number 026-381-001 Located East of Jayne Street
Recommendation: approve a Purchase and Sale Agreement with Jerry Rava, II to sell City parcel number 026-381-001 for \$195,195.

10. PUBLIC HEARINGS

- A. Consideration: Introduction and First Reading of an Ordinance Amending Chapter 17.03 of Title 17 of The King City Municipal Code Pertaining To Commercial Cannabis Activity; Amending Chapter 17.30 of Title 17 of The King City Municipal Code Pertaining to M-1 Industrial District; Amending Chapter 17.31 of Title 17 of The King City Municipal Code Pertaining to M-2 Industrial District; and Introduction of an Ordinance Amending Section D.3(G) of Chapter 4 (Development Standards) of the East Ranch Business Park Specific Plan for the Purpose of Adding Additional Commercial Cannabis Use
Recommendation: 1) review and consider proposed Ordinances, including recommendation from Planning Commission; 2) conduct a Public Hearing, including First Reading and introduce Ordinance(s) by title only; and 3) scheduling second reading and for Council action for the August 22, 2017 meeting.

11. REGULAR BUSINESS

- A. Consideration: Agreement with Pilot Power Group, Inc. for Feasibility and Technical Analysis of Forming a Local Community Choice Aggregation Program
Recommendation: 1) approve and authorize the City Manager to execute the attached agreement (Exhibit 1) with Pilot Power Group, Inc. to prepare a feasibility and technical analysis for forming a local community choice aggregation (CCA) program; and 2) authorize the City Manager to make non-substantive changes to the agreement as approved to form by the City Attorney.

- B. Consideration: Designation of Parking Spaces for Itinerant Vendors on Bedford Avenue at San Lorenzo Park
Recommendation: provide staff direction regarding designation of parking spaces on Bedford Avenue for itinerant vendors at San Antonio Park.

12. CITY COUNCIL CLOSED SESSION

Announcement(s) of any reportable action(s) taken in Closed Session will be made in open session, and repeated at the beginning of the next Regular City Council meeting as this portion of the meeting is not recorded.

- 1. Liability Claims, by Donald Miller
Claim against City of King
Gov. Code Section: 54956.95

- 2. Conference With Legal Counsel – Existing Litigation
(Pursuant to Government Code, § 54956.9(d)(1)
Christopher Craig v. City of King, Monterey County Superior Court
Case No. 16CV001538

- 3. Worker's Compensation Claim by Bobby Carrillo against the City of King
(Claim Number: 130800018) Government Code Section 54956.95

- 4. Liability Claims, by Katherine Dutton
Claim against City of King
Gov. Code Section: 54956.95

13. ADJOURNMENT

City of King

COMMENDATION

Honoring Alex Arce

Whereas, In 1982 Alex Arce opened the King City Photo Center and Custom Framing; and

Whereas, Mr. Arce created a portrait studio and developed his own print lab and made custom frames for customers; and

Whereas, Mr. Arce taught photography classes at Hartnell College; and

Whereas, throughout this time, Mr. Arce has photographed more than 300,000 people in the community for portraits, weddings, school sports, passports and special events; and

Whereas, King City Photo Center and Customer Framing is a valued business in the community and Mr. Arce has been active in the community; and

Whereas, after 35 years of owning and operating King City Photo Center and Custom Framing, Mr. Arce is retiring;

NOW, THEREFORE, BE IT HEREBY PROCLAIMED that the City Council of the City of King appreciates Alex Arce for operating his friendly, family owned business in King City for 35 years and congratulates him on his well-deserved retirement.



Mike LeBarre
Mayor

**City Council Meeting
July 11, 2017**

1. CALL TO ORDER:

Regular Meeting called to order at 6:01pm by Mayor LeBarre.

2. FLAG SALUTE:

The flag salute was led by Recreation Coordinator Wasson.

3. ROLL CALL:

City Manager Adams conducted roll call.

City Council: Robert Cullen, Carlos DeLeon, Mayor Michael LeBarre,
 Mayor Pro Tem Carlos Victoria.

Council member DeLeon made a motion to excuse Council Member Darlene Acosta, seconded by Council member Cullen, motion carried 4-0.

City Staff: City Manager Steven Adams, City Attorney Shannon Chaffin, Police Chief Robert Masterson, Admin. Asst./Deputy City Clerk, Erica Sonne

4. CLOSED SESSION ANNOUNCEMENTS:

None

5. PRESENTATIONS:

None

6. PUBLIC COMMUNICATIONS:

Jose Luis Quintero is back as he attended the last meeting and he sells at the skate park on Sundays. He is concerned about people crossing the street and getting hit. The City Manager gave some back ground and will contact him next week.

7. COUNCIL COMMUNICATIONS:

Council Member DeLeon would like to look into the selling by vendors at the Skate Park.

Council Member Cullen went over the Solid Waste Authority board meeting highlights and stated that he and Council member Acosta are going to the July 24th retreat. July 1st city wide coordinated through King City in Bloom clean-up day was a great success. The next one is November 18th. He and the City Manager met with CSUMB on programs students should apply for in South County. July 3rd the Chamber of Commerce fireworks booth was broken into and some of the funding for aerial fireworks went with it so they will be asking for a donation to continue aerial fireworks.

Mayor Pro Tem Victoria as had many of his district come to him about the Skate park and Itinerant Vendors he would like to see some changes made to the ordinance. He sent a list to his district officer on items of concern. August 1, he will be at Radio Bilingue. He would like a status update on Rio Plaza Mobile Home Estates.

Mayor LeBarre stated he attended the Citizenship ceremony at CSUMB, 150 individuals from 19 countries became citizens. Congressman Panetta spoke. He thought the 4th of July parade and aerial fireworks were awesome. Today he attended the Board of Supervisor's/Water Resource Agency Joint Meeting and received a report on groundwater, seawater intrusion. He will be attending Hunter Liggett Change of the Command ceremony. He will be welcoming in Assembly Member Caballero's Young Legislator workshop this Saturday at City Hall. They will also be here on the 22nd and 29th. He will be leaving on the 21st to APTA transit conference in Chicago.

8. CITY STAFF REPORTS AND COMMENTS:

City Manager Adams stated newsletter out by the end of the week. Interviews for Community Choice Energy tomorrow. Working on annual report on the state audit done on the police department.

Attorney Chaffin nothing to report at this time.

9. CONSENT AGENDA

- A. Meeting Minutes of June 27, 2017 Council Meeting
- B. Consideration: Award Bid for Street Tree Trimming Contract
- C. Consideration: Security Deposit Fee Increase for Rental of Recreation Center
- D. Consideration: Appointment to the Parks and Recreation Commission
- E. Consideration: Wind Sculpture Art in Public Places Plan
- F. Consideration: Voting Delegate for the League of California Cities Annual Business Meeting
- G. Consideration: Amendment to Airport Improvement Project Grant 2016

City Attorney Chaffin clarified Item B that would also include an agreement that could be executed by the City Manager subject to approval to legal form by the City Attorney and Item G as to the supplemental Resolution from the City Manager.

Karen Jernigan thinks the wind sculptures would be a really great concept however she would like to know what happened to the Kiosk. City Manager Adams explained that we are in contact with O'Reilly and giving them a choice of the wind sculpture and kiosk. The maintenance of the kiosk and the overall look over years is a concern.

Action: Motion to approve consent agenda with the clarifications stated by the City Attorney by Victoria and seconded by Cullen.

AYES: Council Members: Mayor LeBarre, Cullen, DeLeon and Mayor Pro Tem Victoria

NOES: Council Members:

ABSENT: Council Members: Acosta

ABSTAIN: Council Members:

10. PUBLIC HEARINGS:

None

11. REGULAR BUSINESS:

- A. Consideration: Listing for Sale APN #245-111-034
Recommendation: 1) adopt a Resolution declaring APN #245-111-034 as surplus property; 2) approve a Listing Agreement for Sale with Cushman & Wakefield U.S., Inc. and authorize the City Manager to make non-substantive changes as approved to form by the City Attorney; and 3) approve a listing price for the property at \$30,000 per acre.

City Manager Adams introduced this item.

Action: Motion to 1) adopt a Resolution declaring APN #245-111-034 as surplus property; 2) approve a Listing Agreement for Sale with Cushman & Wakefield U.S., Inc. and authorize the City Manager to make non-substantive changes as approved to form by the City Attorney; and 3) approve a listing price for the property at \$30,000 per acre by Cullen and seconded by Victoria.

AYES: Council Members: Mayor LeBarre, Cullen, DeLeon and Mayor Pro Tem Victoria

NOES: Council Members:

ABSENT: Council Members: Acosta

ABSTAIN: Council Members:

ADJOURNMENT:

There being no further business to come before the City Council, Mayor LeBarre adjourned the regular meeting at 6:32pm to regular closed session meeting and special meeting closed session with the Mayor reading in the both closed session items.

1. Liability Claims, by Luis Cuevas
Claim against City of King
Gov. Code Section: 54956.95

Approved Signatures:

Mayor, Michael LeBarre
City of King

City Clerk, Steven Adams
City of King

**City Council Special Meeting
July 11, 2017**

1. CALL TO ORDER:

Special Meeting with one closed session Item that the Mayor read in was called to order at 6:32pm by Mayor LeBarre.

SPECIAL MEETING

12. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code, § 54956.9(d)(1)
Christopher Craig v. City of King, Monterey County Superior Court
Case No. 16CV001538

ADJOURNMENT:

There being no further business to come before the City Council, Mayor LeBarre adjourned the Special Closed session meeting at 7:15pm

Approved Signatures:

**Mayor, Michael LeBarre
City of King**

**City Clerk, Steven Adams
City of King**



KING CITY
C A L I F O R N I A

Item No. 9(C)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 8, 2017
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: STEVEN ADAMS, CITY MANAGER
BY: PATRICIA GRAINGER, ACCOUNTANT
RE: CONSIDERATION OF CITY CHECK REGISTER

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

At least once a month, the City Treasurer shall submit to the City Council, a copy of the check register.

DISCUSSION:

The purpose of this item is to provide the Council an opportunity to review and monitor ongoing expenditures. These documents are attached.

COST ANALYSIS:

There is no fiscal impact as a result of this action.

ENVIRONMENTAL REVIEW:

No Environmental Review required for this item.

ALTERNATIVES:

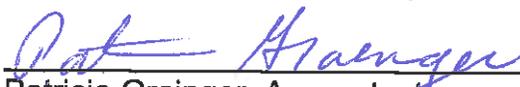
The following alternatives are provided for Council consideration:

1. Receive and file the report; or
2. Provide other direction to staff regarding requests for additional information.

**CITY COUNCIL/CITY
CITY CHECK REGISTER
AUGUST 8, 2017
PAGE 2 OF 2**

Exhibits:

1. Check Register Report

Submitted by: 
Patricia Grainger, Accountant

Approved by: 
Steven Adams, City Manager

Check Register Report

JULY 28, 2017 (FY16-17)

Date: 08/01/2017

Time: 3:07 pm

Page: 1

KING CITY CITY HALL

BANK: WELLS FARGO BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
WELLS FARGO BANK Checks							
59381	07/28/2017	Printed		CARMEL FIR	ART BLACK	Contract Services for Fire	2,375.00
59382	07/28/2017	Printed		DON CHAPIN	DON CHAPIN CO., INC.	2017 K C Street Project	227,153.29
59383	07/28/2017	Printed		HINDERLITE	HINDERLITER, DELLAMAS & ASSOC	Marijuana Management Program	2,000.00
59384	07/28/2017	Printed		KRKC	KING CITY COMMUNICATIONS CORP	KRKC Radio - Acct 253	352.00
59385	07/28/2017	Printed		KINGL	KING LUMINAIRE	Planter, Broadway	500.00
59386	07/28/2017	Printed		LEYVA'S TO	LEYVA'S TOWING & ROAD SERVICE	17-0693 Tow Vehicle	180.00
59387	07/28/2017	Printed		MOCO SHERI	MO CO SHERIFF'S OFFICE		7,991.04
59388	07/28/2017	Printed		O'REILLY A	O'REILLY AUTOMOTIVE, INC.	Oil and Filter	102.24
59389	07/28/2017	Printed		PG&E	PACIFIC GAS AND ELECTRIC CO.	Monthly Utility Service -	18,653.10
59390	07/28/2017	Printed		PARTS & SE	PARTS & SERVICE CTR- NAPA, INC	Core Deposit	484.93
59391	07/28/2017	Printed		PURCHASE P	PURCHASE POWER*PITNEY BOWES		239.76
59392	07/28/2017	Printed		RAMAD	ADOLFO RAMIREZ		294.00
59393	07/28/2017	Printed		SO CO NEWS	SO CO NEWSPAPERS	Public Notice Cannabis	624.00
59394	07/28/2017	Printed		SPCA	THE SPCA FOR MONTEREY COUNTY	Animal Services June 2017	3,220.00
59395	07/28/2017	Printed		TIRE KING	TIRE KING & AUTO EXPRESS	June 2017 Car Washes	184.00
59396	07/28/2017	Printed		U.S. BAN	U.S. BANK CORP PAYMENT SYSTEM	Various Charges -	9,096.10

Total Checks: 16 **Checks Total (excluding void checks): 273,449.46**

Total Payments: 16 **Bank Total (excluding void checks): 273,449.46**

Total Payments: 16 **Grand Total (excluding void checks): 273,449.46**

Check Register Report

July 14, 2017 (FY 2017-18)

Date: 07/18/2017

Time: 1:04 pm

Page: 1

KING CITY CITY HALL

BANK: WELLS FARGO BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
WELLS FARGO BANK Checks							
59360	07/14/2017	Printed		ALLIANT	ALLIANT INSURANCE SERVICES INC	Airport Liability Insurance	5,000.00
59361	07/14/2017	Printed		ALVAREZ	ALVAREZ TECHNOLOGY GROUP INC	City Computer Support	2,586.00
59362	07/14/2017	Printed		AMBAG	AMBAG	2017-2018 Dues Membership	2,492.00
59363	07/14/2017	Printed		AMERIGAS	AMERIGAS PROPANE LP	Tank Rental 6/1/17 -	88.77
59364	07/14/2017	Printed		WSCS	LINDA BROWN	S P Coverages	2,100.00
59365	07/14/2017	Printed		CASEY PRIN	CASEY PRINTING, INC.	Newletter Postage -	751.13
59366	07/14/2017	Printed		COASTL	COASTLINE MARKETING GROUP INC	Website Monthly Service	125.00
59367	07/14/2017	Printed		GIS	GONZALES IRRIGATION SYSTEMS,	Couplers	2.12
59368	07/14/2017	Printed		SCOFIELD	IRMA SCOFIELD	Prints of Business Cards for	263.11
59369	07/14/2017	Printed		JAIMEM	MARICELA JAIME	Recreation Deposit Refund	200.00
59370	07/14/2017	Printed		LA HEARNE	L.A. HEARNE COMPANY	Electric Switch	34.38
59371	07/14/2017	Printed		LINCOLN	LINCOLN AQUATICS	Chemicals for Pool	220.44
59372	07/14/2017	Printed		MALLORYCO	MALLORY SAFETY AND SUPPLY LLC	Gloves	453.36
59373	07/14/2017	Printed		M BASIA	MBASIA	17/18 EAP Renewal	339,620.90
59374	07/14/2017	Printed		MO BAY	MO BAY UNIFIED AIR POLLUTION	Mo Co Per Capita Fees	5,647.20
59375	07/14/2017	Printed		MOCO HTH E	MO CO HEALTH DEPARTMENT	Retainer fee FY 17-18	2,000.00
59376	07/14/2017	Printed		OROZCOE	ELIAS OROZCO	Meal Expense - Drug Abuse	150.00
59377	07/14/2017	Printed		PETE'S AUT	PETE'S AUTOMOTIVE REPAIR	Replace Radiator	407.69
59378	07/14/2017	Printed		RED SHIFT	RED SHIFT INTERNET SERVICES	City Hall Internet	30.90
59379	07/14/2017	Printed		SO CO NEWS	SO CO NEWSPAPERS	1 Yr Subscription -	49.70
59380	07/14/2017	Printed		SO CO AUTO	SOUTH COUNTY AUTO*BODY	Repair Doors	2,649.77

Total Checks: 21

Checks Total (excluding void checks): 364,872.47

Total Payments: 21

Bank Total (excluding void checks): 364,872.47

Total Payments: 21

Grand Total (excluding void checks): 364,872.47

Check Register Report

JULY 28, 2017 (FY17-18)

Date: 08/01/2017

Time: 3:06 pm

Page: 1

KING CITY CITY HALL

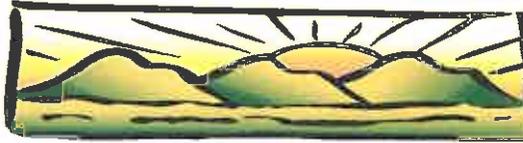
BANK: WELLS FARGO BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
WELLS FARGO BANK Checks							
59397	07/28/2017	Printed		KCPHOTO	ALEX ARCE	SETTING FEE	328.01
59398	07/28/2017	Printed		ALLIANT	ALLIANT INSURANCE SERVICES INC	VEHICLE INSURANCE	8,053.00
59399	07/28/2017	Printed		AT & T	AT & T	MONTHLY ACCESS TRANSPORT	3,777.19
59400	07/28/2017	Printed		CARMEL FIR	ART BLACK	FIRE INSPECTIONS	500.00
59401	07/28/2017	Printed		BRAINARD	BRAINARD INVESTIGATIONS	BACGROUND CHECKS	918.73
59402	07/28/2017	Printed		CNAUTO	CLARK N. CLEVINGER	TRIMMER HEAD	82.22
59403	07/28/2017	Printed		EVEH	EMERGENCY VEHICLE SPECIALISTS	UNIT #111 CONVERTED TO PATROL	2,144.06
59404	07/28/2017	Printed		RAMIREZE	ESMERELDA RAMIREZ	DEPOSIT REFUND	200.00
59405	07/28/2017	Printed		INTTIRE	INTERNATIONAL TIRES	FLAT REPAIR	20.00
59406	07/28/2017	Printed		LINCOLN	LINCOLN AQUATICS	POOL SUPPLIES	1,939.98
59407	07/28/2017	Printed		MOCO AUDIT	MO CO AUDITOR-CONTROLLER	LAFCO 2017-2018	4,249.05
59408	07/28/2017	Printed		NAT PEN	NATIONAL PEN HOLDINGS, LLC	PRMO PENS	207.15
59409	07/28/2017	Printed		O'REILLY A	O'REILLY AUTOMOTIVE, INC.	OIL	60.92
59410	07/28/2017	Printed		OFFICE DEP	OFFICE DEPOT	BINDERS/PAPER/FOLDERS	126.80
59411	07/28/2017	Printed		PARTIDAJ	JOSHUE PARTIDA	DRUG ABUSE RECOGNITION COURSE	455.26
59412	07/28/2017	Printed		PROFORCE L	PROFORCE LAW ENFORCEMENT	7 OPTIC SIGHTS FIFLE	3,115.19
59413	07/28/2017	Printed		RAINBOW	RAINBOW PRINTING	BUS CARDS POLICE CHIEF	85.76
59414	07/28/2017	Printed		ROWE	ALLEN ROWE	OIL CHANGE UNIT #110	42.40
59415	07/28/2017	Printed		STERI	STERICYCLE, INC	QUARTERLY SERVICE FEE	950.76
59416	07/28/2017	Printed		U.S. BANCO	U.S. BANCORP EQUIPMENT FINANCE	2017 COPIER CONTRACT	278.36
59417	07/28/2017	Printed		ZUMAR	ZUMAR INDUSTRIES INC.	STREET SIGNS	1,285.58

Total Checks: 21 **Checks Total (excluding void checks): 28,820.42**

Total Payments: 21 **Bank Total (excluding void checks): 28,820.42**

Total Payments: 21 **Grand Total (excluding void checks): 28,820.42**



KING CITY
C A L I F O R N I A

Item No. 9(D)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 8, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ANDREA WASSON, RECREATION COORDINATOR

RE: CONSIDERATION OF RESOLUTION ESTABLISHING RENTAL FEE FOR USE OF CITY PARK BY SALINAS VALLEY FAIR FOR A SPECIAL EVENT AUGUST 30 – SEPTEMBER 3, 2017

RECOMMENDATION:

It is recommended City Council adopt by motion a Resolution approving the proposed fee for rental of the City Park outfield by the Salinas Valley Fair for a special event from August 30 – September 3, 2017.

BACKGROUND:

The Salinas Valley Fair is hosting a West Coast Barrel Racing Association event August 30 – September 3, 2017 and expect over 2,400 attendees and 700 racers per day at the fairgrounds. They are in need of overflow parking for trailers and vehicles. The City would rent the City Park outfield for approximately 50 trailers and vehicles for overnight dry camping.

DISCUSSION:

Staff proposes to rent the City Park field to the Salinas Valley Fair for \$800 for the five-day period. This would allow up to 50 trailers and vehicles to dry camp at the park. The City would also require a Certificate of Liability Insurance for \$1,000,000.00, naming the City as additional insured.

The City currently has an hourly fee of \$80.00 to rent the park by private parties, but does not have a daily or weekly fee for special public events. Charging the hourly fee for an event like this would be cost prohibitive. The fee amount was determined by charging the same per car charge being paid to the Golf Course.

Staff believes the rental of the park will have a public benefit. It is important to support events that will draw people to the City, it will provide a positive activity for the public to attend, and it will be part of an ongoing effort to partner with the

**CITY COUNCIL
CONSIDERATION OF RESOLUTION ESTABLISHING RENTAL FEE FOR USE
OF CITY PARK BY SALINAS VALLEY FAIR FOR A SPECIAL EVENT
AUGUST 30 – SEPTEMBER 3, 2017
AUGUST 8, 2017
PAGE 2 OF 2**

Fairgrounds on use of facilities. Staff has been in discussions with the Fairgrounds on opportunities for the City to utilize their facilities for recreation and other activities.

Therefore, specific public benefits of providing the reduced rental rate include:

- Increased tax revenue
- Promotion of local businesses
- Increased cooperation with the Salinas Valley Fair
- Increased profile of the King City as a destination city
- Provide family oriented activities for the citizen of King City
- Promote tourism and the benefits it brings to the local community

COST ANALYSIS:

The field is not currently rented, so the \$800 fee would be additional revenue for the City and provide the fairgrounds much needed overflow parking for the event.

ENVIRONMENTAL REVIEW:

Since this is a temporary one-time use, staff has determined there will be no environmental impact.

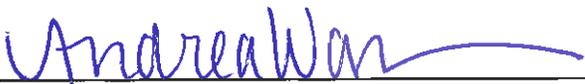
ALTERNATIVES:

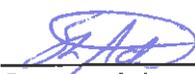
The following alternatives are provided for Council consideration:

1. Approve the motion and agreement;
2. Direct staff to modify the requested amount or other conditions;
3. Do not approve the motion and agreement; or
4. Provide other direction to staff.

Exhibits:

1. Proposed rental agreement

Submitted by: 
Andrea Wasson, Recreation Coordinator

Approved by: 
Steven Adams, City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING ESTABLISHING A RENTAL FEE FOR USE OF CITY PARK BY SALINAS VALLEY FAIR FOR A SPECIAL EVENT AUGUST 30 – SEPTEMBER 3, 2017

WHEREAS, the City does not have an existing established fee for multi-day use of the City Park; and

WHEREAS, the City has received a request to rent the City Park for overflow parking for a West Coast Barrel Racing Association event to be held on August 30, 2017 – September 3, 2017 at the Salinas Valley Fairgrounds, which expects over 2,400 attendees and 700 racers per day at the event; and

WHEREAS, the City Council establishes fees by Resolution; and

WHEREAS, the fee amount has been calculated based upon other Salinas Valley Fairgrounds overflow parking rentals; and

WHEREAS, the use of the City Park for the event will provide an important public benefit by attracting visitors to the community, which will promote tourism, support local businesses, increase tax revenues, and increase the profile of the City as a destination city; and

WHEREAS, the use of the City Park for the event will also provide an important public benefit by enhancing City efforts to share facilities with the Salinas Valley Fairgrounds, which are designed to promote the use of Salinas Valley Fairgrounds facilities for public recreation activities and programs; and

WHEREAS, the use of the City Park for the event will also provide an important public benefit by supporting a positive family oriented activity available to the residents of King City.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of King hereby approves a fee of \$800 for rental of the City Park outfield by the Salinas Valley Fair for a special event from August 30 – September 3, 2017.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of King on the 8th day of August, 2017, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Michael LeBarre, Mayor

ATTEST:

Steven Adams, City Clerk

APPROVED AS TO FORM:

Shannon Chaffin, City Attorney



CITY OF KING CITY FIELD RENTAL AGREEMENT

Recreation Center 401 Division King City, Ca. 93930 Ph. 831-385-6748
 Recreation Coordinator Ph. 831-262 -5996

PERMIT

Date of Use August 30 – September 3		Start Time 8:00 a.m.		End Time: Midnight	
Type of Activity/Event		Parking/Camping			
Name of Organization Salinas Valley Fair/Western Barrel Racers					
Contact Person: TJ Plew					
Mailing Address 625 Division Street					
Cell Phone:			Other Phone:		
Email Address:					
ORGANIZATION TYPE: <input type="checkbox"/> City/Government <input type="checkbox"/> Youth <input type="checkbox"/> Community <input type="checkbox"/> Private					
Estimated Attendance:					
Park or Fields Requested:					
X <input type="checkbox"/> City Park <input type="checkbox"/> Forden Park <input type="checkbox"/> San Antonio Community Park <input type="checkbox"/> Concession Stand					
<input type="checkbox"/> Shelter Area <input type="checkbox"/> Creekbridge Park <input type="checkbox"/> Bounce House (No Electricity Available at Parks)					
Alcohol Provided		<input type="checkbox"/> Sold <input type="checkbox"/> or Allowed <input type="checkbox"/>		Amplified Music/Sound	
Alcohol Permit Required? <input type="checkbox"/>		ABC Permit Required <input type="checkbox"/>		Other Permits:	
Area specific		Large field <input type="checkbox"/>		Small field <input type="checkbox"/>	
		City field preparation <input type="checkbox"/>			
SPECIAL CONDITIONS:					

FEES AND CHARGES	\$ 800.00
ELECTRICAL	\$
<i>MAINTENANCE FEE</i>	\$
TOTAL AMOUNT DUE	\$ 800.00

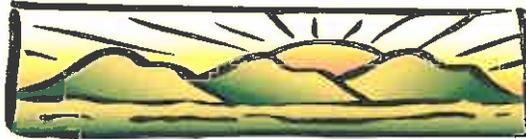
PLEASE SIGN HERE

DATE _____

Fee Schedule

<u>Fields</u>	<u>Private</u>	<u>Non-profit</u>
Soccer field	\$25.00/ hour	\$20.00/hour
Ball field (games)	\$25.00/hour	\$20.00/hour
Ball field w/lights (games)	\$30.00/hour	\$28.00/hour
Ball field (practice)	\$6.00/hour	\$3.50/hour
Ball field w/lights (practice)	\$20.00/hour	\$12.00/hour

<u>Picnic Shelters</u>	<u>Private</u>	<u>Non-profit</u>
City Park (no electricity)	\$80.00/event	\$40.00/event
San Antonio Park	\$80.00/event	\$40.00/event
San Antonio Park w/electrical	\$92.00/event	\$47.00/event
Park Open spaces	\$125.00/day	\$12.00/day



KING CITY
C A L I F O R N I A

Item No. 9(E)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 8, 2017

TO: CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

**RE: CONSIDERATION OF APPROPRIATION AND PERMIT FEE
WAIVER FOR SUN STREET CENTERS ONE-STOP CENTER
FOR RE-ENTRY SERVICES**

RECOMMENDATION:

It is recommended the City Council adopt a Resolution appropriating and committing \$200,000 and waiving permit fees for the development of a one-stop center for re-entry services in King City by Sun Street Centers contingent upon County and grant funding participation.

BACKGROUND:

In January 2017, the City Council approved the King City Comprehensive Plan to End Youth Violence, which was prepared by a 23-member community task force and included recommended prevention, intervention, enforcement, re-entry and community outreach measures. The primary re-entry strategy was a goal of developing a one-stop center for re-entry services in King City. The existing center in Salinas is difficult to access on an ongoing basis given its distance from King City. As a result, the Task Force concluded probationers and parolees would be more successful if services were available on a residential full-time basis or more readily accessible to local residents. The goal is to provide drug and alcohol rehabilitation, counseling, employment assistance, housing assistance, and other related services.

Three steps were proposed to accomplish this goal. The first was to establish a collaborative effort with the County Probation Department, the County Behavioral Health Services Department, Turning Point and Sun Street Center. The second was to submit a Proposition 47 grant application for initial funding. The third was to identify potential locations for an appropriate site. Each of these steps has been completed.

**CITY COUNCIL
CONSIDERATION OF APPROPRIATION AND PERMIT FEE WAIVER FOR
SUN STREET CENTERS ONE-STOP CENTER FOR RE-ENTRY SERVICES
AUGUST 8, 2017
PAGE 2 OF 3**

DISCUSSION:

The County Behavioral Health Services Department has received approval for a Proposition 47 grant of approximately \$6 million, much of which is proposed to be used for services in King City, and a potential site has been identified. Sun Street Center, in partnership with the County Behavioral Health Services Department, have now submitted an application to the Central California Alliance for Health (CCAH) for a \$1 million Capacity Building Grant for property acquisition and improvements. The County is committing an additional \$400,000 and they have requested \$200,000 in City funding. The funding would be used for renovation of the facility. Sun Street Center would own and operate the facility.

This represents an unanticipated expenditure for this year's budget, which may cause some reduction in the amount of the negative General Fund balance that is planned to be paid off in FY 2017-18. However, it represents an opportunity to leverage a substantial amount of other resources in order to accomplish a major goal at relatively minimal expense. Staff believes the project can help many people in King City and be a key component of ending the cycle of violence that currently exists. Therefore, there would be a substantial public benefit of the expenditure. A formal agreement for use of the funds would be entered into if the grant is received and project approved.

COST ANALYSIS:

Staff's recommendation requires an expenditure of \$200,000 from the General Fund. The appropriation will only be used if the County allocates the other funding involved. Staff believes the majority of the funding will be able to come from excess funds from FY 2016-17.

ENVIRONMENTAL REVIEW:

Environmental review will be conducted when the project application is submitted by the County.

ALTERNATIVES:

The following alternatives are presented for Council consideration:

1. Approve staff's recommendations;
2. Modify the amount and then approve the appropriation;

**CITY COUNCIL
CONSIDERATION OF APPROPRIATION AND PERMIT FEE WAIVER FOR
SUN STREET CENTERS ONE-STOP CENTER FOR RE-ENTRY SERVICES
AUGUST 8, 2017
PAGE 3 OF 3**

3. Do not approve any funding for this project; or
4. Provide other direction to staff.

Prepared and Approved by:



Steven Adams, City Manager

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING
APPROPRIATING AND COMMITTING \$200,000 AND WAIVING PERMIT FEES
FOR THE DEVELOPMENT OF A ONE-STOP CENTER FOR RE-ENTRY SERVICES
IN KING CITY BY SUN STREET CENTERS**

WHEREAS, an important recommendation in the City's Comprehensive Plan to End Youth Violence is to establish a One-Stop Center for Re-Entry Services; and

WHEREAS, Sun Street Centers is a non-profit organization providing a variety of drug, alcohol and other rehabilitation related services; and

WHEREAS, Sun Street Centers proposes to develop and operate a center in King City to provide rehabilitation services to non-violent and non-sexual offenders on probation; and

WHEREAS, initial property acquisition, development and operational costs will be primarily funded by grants received by the County of Monterey and other County of Monterey funds; and

WHEREAS, other local funding is needed for rehabilitation of the property and matching funds for grants; and

WHEREAS, City funds are proposed to utilized to assist in renovation of an existing dilapidated and blighted property; and

WHEREAS, the project will serve urgent needs in the community and provide important public benefits; and

WHEREAS, public benefits are anticipated to be a reduction in youth violence and gang activity, assistance to individuals with a history of addictions and criminal behavior to become healthy and productive citizens, a reduction in crime recidivism and impacts on law enforcement and criminal system resources, and a reduction in blight; and

WHEREAS, these services are not currently available to King City residents within a feasibly accessible distance.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of King hereby appropriates \$200,000 to be committed to Sun Street Centers for the development of a Re-Entry One-Stop Center in King City by renovating an existing property contingent upon County and grant funding participation and waives Conditional Use Permit and Building Permit fees for the improvements.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of King on the 8th day of August, 2017, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

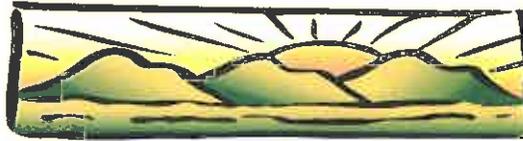
Michael LeBarre, Mayor

ATTEST:

Steven Adams, City Clerk

APPROVED AS TO FORM:

Shannon Chaffin, City Attorney



KING CITY
C A L I F O R N I A

Item No. 9(F)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 8, 2017
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: OCTAVIO HURTADO, HANNA & BRUNETTI, CITY ENGINEERS
RE: CONSIDERATION OF NOTICE OF COMPLETION - 2017 KING CITY STREET PROJECT

RECOMMENDATION:

It is recommended City Council: 1) approve Resolution No. 2017-4594 accepting completion of the 2017 King City Street Project; and 2) authorize City Manager to execute and file a Notice of Completion with the Monterey County Recorder's Office

BACKGROUND:

Improvement Plans and Specifications were put out to bid for the 2017 King City Street Project. The project included the following work:

- o Grind the existing asphalt concrete, grade the base rock and install new asphalt concrete from curb to curb along Vivian Ave., Haven Dr. and Carlson St.
- o Repair existing curb, gutter and sidewalk along Third Street due to tree damage.
- o Repair existing curb, gutter and sidewalk along Broadway Street due to tree damage.

DISCUSSION:

The project has been on the City's priority list of projects. The project was also submitted to TAMC as a priority project for Measure X sales tax measure which was approved in November 2016. The 3/8th % sales tax went into effect on April 1, 2017. 60% of the funds will be distributed to local cities and the county for road maintenance and safety projects. The remaining 40% will be used for regional mobility and safety improvements. Utilizing all of the City's available gas tax

**CITY COUNCIL
CONSIDERATION OF NOTICE OF COMPLETION – 2017 KING CITY STREET
PROJECT
AUGUST 8, 2017
PAGE 2 OF 2**

funds and supplementing with Measure X funds, the City was able to get this project funded this fiscal year.

COST ANALYSIS:

Funding for the project was provided from gas tax and Measure X funding.

Attached is the final billing for the project awarded to The Don Chapin Co. Inc. in the amount of \$239,108.73

ENVIRONMENTAL REVIEW:

The street maintenance project removed and replaced the existing asphalt concrete with no change in grade within the existing city right of way. Therefore, no environmental review was required.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Approve Resolution No. 2017-4594, a resolution of the City Council of the City of King City accepting completion of the 2017 King City Street Project; and 2) authorize City Manager to execute and file a Notice of Completion with the Monterey County Recorder's Office;
2. Do not approve Resolution No. 2017-4594;
3. Provide other direction to staff.

Exhibits:

1. Resolution 2017-4594
2. Notice of Completion
3. Final Pay Estimate

Submitted by: _____


Octavio Hurtado, Hanna & Brunetti, City Engineers

Approved by: _____


Steven Adams, City Manager

RESOLUTION No. 2017-4594

**ACCEPTANCE OF COMPLETION OF
2017 KING CITY STREET PROJECT**

RESOLVED, by the City Council of the City of King, California, that

WHEREAS, Project Engineer of said City has filed with the City Manager of the City of King a recommendation of acceptance as to the completion of all the work provided to be done under and pursuant to contract between said City and The Don Chapin Company, dated June 7, 2017; and

WHEREAS, it appears to the satisfaction of the City Council that said work under said contract has been fully completed and done as provided in said contract plans and specifications therein referred to.

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

1. That acceptance of completion of said work be, and is hereby, made and ordered.
2. That the City Manager is directed to execute and file with the recorder of the County of Monterey, notice of acceptance of completion thereof, as required by law.

PASSED AND ADOPTED by the City Council of the City of King at a regular meeting duly held on the 8th day of August, 2017, by the following vote:

AYES, and in favor thereof, Councilmembers:

NAYS, Councilmembers:

ABSENT, Councilmembers:

ABSTAINING, Councilmembers:

Mike LeBarre, Mayor

ATTEST:

Steven Adams, City Clerk

APPROVED AS TO FORM:

Shannon Chaffin, City Attorney

WHEN RECORDED MAIL TO:

City of King City
Department of Public Works
212 S Vanderhurst Avenue
King City, CA 93930

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN:

That the public work described as 2017 King City Street Project was constructed pursuant to a contract between the City of King City, 212 S Vanderhurst Avenue King City, CA 93930 and The Don Chapin Company Inc., 560 Crazy Horse Canyon Road, Salinas, CA 93907. The date of completion of said work was July 18, 2017, which was the date said public entity accepted said work to the satisfaction of the City Engineer. The City of King City hereby accepts the project as completed in accordance with the plans and specifications.

CITY OF KING CITY

**STEVEN ADAMS
CITY MANAGER**

**August 8, 2107
DATE**

VERIFICATION

I Steven Adams do hereby certify that I am the City Manager of the public entity named above; that I am authorized to verify the foregoing notice; that I have read same; and that it is true of my knowledge.

I certify under penalty of perjury that the foregoing is true and correct.

Subscribed at City of King, California, this 8th day of August, 2017

**STEVEN ADAMS
CITY MANAGER**

STATE OF CALIFORNIA) SS
COUNTY OF MONTEREY)

Steven Adams, being first duly sworn, deposes and says:

That he is an officer of the City of King, a municipal corporation; to wit: the City Manager; that he has read the above and foregoing Notice of Completion, and that the same is true of his own knowledge except as to matters which are therein stated on his information or belief, and as to those matters that he believes them to be true.

Subscribed and sworn before me this _____ day of _____, 2017.

Notary Public
State of California

HANNA & BRUNETT
Civil Engineers - Planners - Land Surveyors

Walter J. Hanna, Jr. P.E., L.S.
Arnold Brunetti, P.E.

M E M O R A N D U M

Date: July 20, 2017
To: Steve Adams, City Manager
From: Octavio Hurtado, Project Manager
Re: Final Payment Retention Release No. 003
2017 King City Street Project
Contractor: The Don Chapin Company

We have reviewed the following submitted invoice:

The Don Chapin Company Inc Application for payment No 3, dated 07/20/17, and compared the items listed with the work in progress. The quantities shown in the invoice are in general conformance with the quantities of work performed and such materials, equipment or supplies were installed in furtherance of the construction of the project.

Base Bid:	\$	204,000.00
CCO 1, Repair curb gutter & sidewalk @ 3 rd Street	\$	33,110.00
CCO 2, Repair curb gutter & sidewalk @ Broadway	\$	23,190.00
CCO 3, Damaged Teeth on Grinder		1,588.73
CCO 4, Delete item 2, 4" deep lift and reduce item 4 from 10 ea to 4 ea	\$	(22,780.00)
Total Contract Value:	\$	239,108.73

Work completed to date	\$	239,108.73
Less 05% retention of	\$	(11,955.44)
<u>Total approved Billing to Date</u>	\$	239,108.73
Less <u>prior</u> approved Progress Payments	\$	(227,153.29)
We recommend final retention payment in the amount of	\$	11,955.44

The actual quantities of all items installed in the field appear to be in conformance with quantities of work performed. If there any questions or concerns, feel free to call.

OH:oh
Enclosures
172104



560 Crazy Horse Canyon Road
 Salinas, California 93907-8434
 Phone: 831.449.4273 • Fax 831.449.0700

Invoice 217048*03

Bill to: CITY OF KING 212 S. VANDERHURST AVE. KING CITY, CA 93930	Job: 217048 KING CITY 2017 STREET PRJ AC IMPROVEMENTS 198 CARLSON ST KING CITY, CA 93930
---	---

Invoice #: 217048*03	Date: 07/20/17	Customer P.O. #:
Payment Terms: NET 30	Salesperson:	
Customer Code: 12179		

Remarks: FROM DRAW REQUEST BILLING ENTRY

Quantity	Description	U/M	Unit Price	Extension
----------	-------------	-----	------------	-----------

2017-3 RETENTION

Total:	0.00
Less Retention:	11,955.44
Current Due:	11,955.44

Please return one copy with payment.

All invoices are due upon receipt. Past due invoices are subject to a late payment charge computed at 1.5% per month (18% annual percentage rate) on the past due amount.

WE ACCEPT VISA / MASTERCARD / AMERICAN EXPRESS / DISCOVER • WE ACCEPT VISA / MASTERCARD / AMERICAN EXPRESS / DISCOVER

CONDITIONAL WAIVER AND RELEASE ON PROGRESS PAYMENT

California Civil Code Section 8132

NOTICE: THIS DOCUMENT WAIVES THE CLAIMANT'S LIEN, STOP PAYMENT NOTICE, AND PAYMENT BOND RIGHTS EFFECTIVE ON RECEIPT OF PAYMENT. A PERSON SHOULD NOT RELY ON THIS DOCUMENT UNLESS SATISFIED THAT THE CLAIMANT HAS RECEIVED PAYMENT.

Identifying Information

Name of Claimant THE DON CHAPIN CO INC
Name of Customer CITY OF KING
Job Location AC IMPROVEMENTS, 198 CARLSON ST, KING CITY, CA 93930
Owner CITY OF KING
Through Date 07/31/17

Conditional Waiver and Release

This document waives and releases lien, stop payment notice, and payment bond rights the claimant has for labor and service provided, and equipment and material delivered, to the customer on this job through the Through Date of this document. Rights based upon labor or service provided, or equipment or material delivered, pursuant to a written change order that has been fully executed by the parties prior to the date that this document is signed by the claimant, are waived and released by this document, unless listed as an Exception below. This document is effective only on the claimant's receipt of payment from the financial institution on which the following check is drawn:

Maker of Check CITY OF KING
Amount of Check \$11,955.44
Check Payable to THE DON CHAPIN CO INC

Exceptions

This document does not affect any of the following:

- (1) Retentions.
- (2) Extras for which the claimant has not received payment.
- (3) The following progress payments for which the claimant has previously given a conditional waiver and release but has not received payment:

Date(s) of waiver and release: THROUGH 7/31/2017
Amount(s) of unpaid progress payment(s): \$ 227,153.29

- (4) Contract rights, including (A) a right based on rescission, abandonment, or breach of contract, and (B) the right to recover compensation for work not compensated by the payment.

Signature

Claimant's Signature



Claimant's Representative Title

CONTROLLER

Date of Signature

07/19/17

The use of this document has important legal consequences. Consultation with an attorney is advised.

Application and Certificate For Payment

To Owner: CITY OF KING 212 S. VANDERHURST AVE. KING CITY, CA 93930 From (Contractor): THE DON CHAPIN CO INC 560 CRAZY HORSE CANYON ROAD SALINAS, CA 93907	Project: KING CITY 2017 STREET PRJ AC IMPROVEMENTS 198 CARLSON ST KING CITY, CA 93930 Contractor Job Number: 217048 Via (Architect): CS/NB/WC Contract For: #2017-3 CITY STREET IMPROVEMENTS	Application No: 3 Date: 07/20/2017 Period To: 07/31/17 Architect's Project No: Contract Date: 05/01/17
Phone: 831-449-4273		

Contractor's Application For Payment

Change Order Summary	Additions	Deductions
Change orders approved in previous months by owner	57,888.73	
Change orders approved this month		-22,780.00
Totals		-22,780.00
Net change by change orders	35,108.73	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief the work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

Contractor: _____
 By: _____ Date: _____
 State of: _____ County of: _____
 Subscribed and sworn to before me this _____ day of _____
 (year). Notary public: _____
 My commission expires _____

Original contract sum	204,000.00
Net change by change orders	35,108.73
Contract sum to date	239,108.73
Total completed and stored to date	239,108.73
Retainage	
0.0% of completed work	0.00
0.0% of stored material	0.00
Total retainage	0.00
Total earned less retainage	239,108.73
Less previous certificates of payment	227,153.29
Current sales tax	
0.000% of taxable amount	0.00
Current sales tax	0.00
Current payment due	11,955.44
Balance to finish, including retainage	0.00

Architect's Certificate for Payment

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the Amount Certified.

Amount Certified: \$ _____

Architect: _____
 By: _____ Date: _____

This Certification is not negotiable. The Amount Certified is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Application and Certificate For Payment --- page 2

To Owner: CITY OF KING
 From (Contractor): THE DON CHAPIN CO INC
 Project: KING CITY 2017 STREET PRJ

Application No: 3 Date: 07/20/17 Period To: 07/31/17
 Contractor's Job Number: 217048
 Architect's Project No:

Item Number	Description	Unit Price	Contract Quantity	U/M	Scheduled Value	Work Completed Previous Application		Work Completed This Period		Completed and Stored To Date		Retention	Memo
						Quantity	Amount	Quantity	Amount	Quantity	Amount		
01	3 Grind And Overlay	2.7500	62,736,0000	SF	172,524.00	62,736,0000	172,524.00	0.00	62,736,0000	172,524.00	100.0	0.00	
02	4 AC Deepfill	15.5000	800,0000	SF	12,400.00	800,0000	12,400.00	0.00	800,0000	12,400.00	100.0	0.00	
03	Raise Manhole To Grade	1,776.0000	1,0000	EA	1,776.00	1,0000	1,776.00	0.00	1,0000	1,776.00	100.0	0.00	
04	Raise Valves And Cleanouts To	1,730.0000	10,0000	EA	17,300.00	10,0000	17,300.00	0.00	10,0000	17,300.00	100.0	0.00	
CC0#1		0.0000	0.0000	LS	33,110.00	100.00 %	33,110.00	0.00 %	0.00	33,110.00	100.0	0.00	
CC0#2		0.0000	0.0000	LS	23,180.00	100.00 %	23,180.00	0.00 %	0.00	23,180.00	100.0	0.00	
CC0#3		0.0000	0.0000	LS	1,588.73	100.00 %	1,588.73	0.00 %	0.00	1,588.73	100.0	0.00	
CC0#4		0.0000	0.0000	LS	-22,780.00	100.00 %	-22,780.00	0.00 %	0.00	-22,780.00	100.0	0.00	
Total					238,108.73		238,108.73	0.00	0.00	238,108.73		0.00	

Application Total

238,108.73	0.00	0.00	238,108.73
-------------------	-------------	-------------	-------------------



Item No. 9 (G)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 8, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: OCTAVIO HURTADO, HANNA & BRUNETTI, CITY ENGINEERS

**RE: CONSIDERATION OF NOTICE OF COMPLETION – KING CITY
FORDEN PARK IMPROVEMENT PROJECT**

RECOMMENDATION:

It is recommended City Council: 1) approve Resolution No. 2017-4595 accepting completion of the King City Forden Park Project; and 2) authorize the City Manager to execute and file a Notice of Completion with the Monterey County Recorder's Office.

BACKGROUND:

The project was initiated by community fundraising efforts by the "Funds" for Forden group. "Funds" for Forden raised funds to purchase the play equipment and donate it to the City. The City agreed to fund the surface improvements.

Improvement Plans and Specifications were put out to bid for the King City Forden Park Improvements Project. The project consists of removal of existing AC and sand pit, grading, install concrete surfacing, playground border, installation of rubberized surface and installation of donated playground equipment.

The City hired a Certified Playground Safety Inspector to inspect the installation of the playground equipment. The inspector performed surface compliance testing on the rubberized surface to verify it meets specifications. The playground passed inspection.

COST ANALYSIS:

The park equipment was donated. The value of the equipment is \$36,200.00.

**CITY COUNCIL
CONSIDERATION OF NOTICE OF COMPLETION – KING CITY FORDEN
PARK PROJECT
AUGUST 8, 2017
PAGE 2 OF 2**

Funding for the surface improvements and the cost to install the donated playground equipment was provided from the City's Park Impact Fees in the amount of \$104,450.00

Attached is the final billing for the project awarded to Courts and Greens in the amount of \$104,450.00

ENVIRONMENTAL REVIEW:

The project installed replaced the playground equipment and made ADA improvements within the existing park facility, no environmental review was required.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Approve Resolution No. 2017-4595;
2. Do not approve Resolution No. 2017-4595 and identify any additional work or corrections that are needed; or
3. Provide other direction to staff.

Exhibits:

1. Resolution 2017-4595
2. Notice of Completion
3. Courts & Greens Invoice 1065 & 1086

Submitted by: 
Octavio Hurtado, Hanna & Brunetti, City Engineers

Approved by: 
Steven Adams, City Manager

RESOLUTION No. 2017-4595

**ACCEPTANCE OF COMPLETION OF
KING CITY FORDEN PARK PROJECT**

RESOLVED, by the City Council of the City of King, California, that

WHEREAS, Project Engineer of said City has filed with the City Manager of the City of King a recommendation of acceptance as to the completion of all the work provided to be done under and pursuant to contract between said City and Courts and Greens, dated May 12, 2017; and

WHEREAS, it appears to the satisfaction of the City Council that said work under said contract has been fully completed and done as provided in said contract plans and specifications therein referred to.

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

1. That acceptance of completion of said work be, and is hereby, made and ordered.
2. That the City Manager is directed to execute and file with the recorder of the County of Monterey, notice of acceptance of completion thereof, as required by law.

PASSED AND ADOPTED by the City Council of the City of King at a regular meeting duly held on the 8th day of August, 2017, by the following vote:

AYES, and in favor thereof, Councilmembers:

NAYS, Councilmembers:

ABSENT, Councilmembers:

ABSTAINING, Councilmembers:

Mike LeBarre, Mayor

ATTEST:

Steven Adams, City Clerk

APPROVED AS TO FORM:

Shannon Chaffin, City Attorney

WHEN RECORDED MAIL TO:

City of King City
Department of Public Works
212 S Vanderhurst Avenue
King City, CA 93930

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN:

That the public work described as 2017 King City Street Project was constructed pursuant to a contract between the City of King City, 212 S Vanderhurst Avenue King City, CA 93930 and Courts and Greens, 3615 Gilmore Avenue #A, Bakersfield, CA 93308. The date of completion of said work was July 7, 2017, which was the date said public entity accepted said work to the satisfaction of the City Engineer. The City of King City hereby accepts the project as completed in accordance with the plans and specifications.

CITY OF KING CITY

**STEVEN ADAMS
CITY MANAGER**

**August 8, 2107
DATE**

VERIFICATION

I Steven Adams do hereby certify that I am the City Manager of the public entity named above; that I am authorized to verify the foregoing notice; that I have read same; and that it is true of my knowledge.

I certify under penalty of perjury that the foregoing is true and correct.

Subscribed at City of King, California, this 8th day of August, 2017

**STEVEN ADAMS
CITY MANAGER**

STATE OF CALIFORNIA) SS
COUNTY OF MONTEREY)

Steve Adams, being first duly sworn, deposes and says:

That he is an officer of the City of King, a municipal corporation; to wit: the City Manager; that he has read the above and foregoing Notice of Completion, and that the same is true of his own knowledge except as to matters which are therein stated on his information or belief, and as to those matters that he believes them to be true.

Subscribed and sworn before me this _____ day of _____, 2017.

Notary Public
State of California



P.O. Box 41602
 Bakersfield, CA 93384
 (P) 661-587-4602
 (F) 661-587-4603
 info@courtsandgreens.com

Invoice

Date	Invoice #
5/12/2017	1065

Bill To:

Octavio Hurtado
 212 S Vanderhurst
 King City Ca 93930

P.O. No.	Terms	Project Location
	Net 15	Forden Park

Description	Rate	Amount
Demolition, Removal, Excavation and disposal of existing fence, piping, concrete, aggregate base, pavement, excess materials the project site (partial billed separate invoice 6-1-17)	0.00	0.00
Furnish and install concrete curb, sidewalk, 6" thick walkway, and vertical curb	23,503.00	23,503.00
Furnish and install playground poured rubber play surfacing	48,359.00	48,359.00
Install playground equipment (partial billing separate invoice 3-1-17)	0.00	0.00
5% retention for partial billing invoice	1,634.40	1,634.40
Sales Tax-Kern Co. 7.5%	7.50%	0.00

Thank you for choosing Courts & Greens.
 We very much appreciate your business!



Total	\$73,496.40
Payments/Credits	\$0.00
Balance Due	\$73,496.40



P.O. Box 41602
 Bakersfield, CA 93384
 (P) 661-587-4602
 (F) 661-587-4603
 info@courtsandgreens.com

Invoice

Date	Invoice #
6/1/2017	1086

Bill To:

Octavio Hurtado
 212 S Vanderhurst
 King City Ca 93930

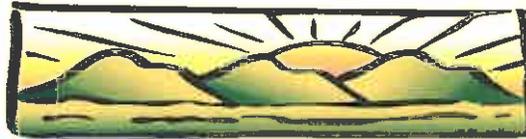
P.O. No.	Terms	Project Location
Project ID 185979	Net 15	Forden Park Partial

Description	Rate	Amount
Demolition, Removal, Excavation and disposal of existing fence, piping, concrete, aggregate base, pavement, excess materials the project site	11,475.00	11,475.00
Install playground equipment	21,213.00	21,213.00
5% retention	-1,634.40	-1,634.40
Sales Tax-Kern Co. 7.5%	7.50%	0.00

Thank you for choosing Courts & Greens.
 We very much appreciate your business!



Total	\$31,053.60
Payments/Credits	\$0.00
Balance Due	\$31,053.60



KING CITY
C A L I F O R N I A

Item No. 9(H)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 8, 2017

TO: CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

**RE: CONSIDERATION OF APPROPRIATION FOR REFUSE
FRANCHISE AGREEMENT CONTRACT ADMINISTRATION**

RECOMMENDATION:

It is recommended the City Council appropriate \$20,000 in revenue and \$15,000 in expenditures for contract administration of the franchise agreement with USA Waste of California, Inc. for solid waste, recycling and organics collection and processing services.

BACKGROUND:

The City's current franchise agreement for refuse collection and related services includes a provision requiring the franchisee to pay the City \$20,000 per year for costs associated with administering the franchise agreement. The City has contracted with the Salinas Valley Solid Waste Authority to provide contract administration services for the City at a cost of \$15,000 per year. However, neither the revenues nor the expenditures were included in the adopted budget.

DISCUSSION:

Staff is recommending the City Council appropriate the revenues and expenditures so the budget reflects these funds. This will enable the City to process payments to the Salinas Valley Solid Waste Authority for the services provided.

COST ANALYSIS:

The appropriation will result in a \$5,000 net increase in revenues to the City's General Fund. This amount will be utilized to address City staff costs associated with administering the franchise agreement.

**CITY COUNCIL
CONSIDERATION OF APPROPRIATION FOR REFUSE FRANCHISE
AGREEMENT CONTRACT ADMINISTRATION
AUGUST 8, 2017
PAGE 2 OF 2**

ENVIRONMENTAL REVIEW:

The approval of the appropriation does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment. As such, the activity has no potential for resulting in either a direct or indirect adverse physical change to the environment and is not a "project" under CEQA Guidelines 15378. Therefore, no further review is required by CEQA.

ALTERNATIVES:

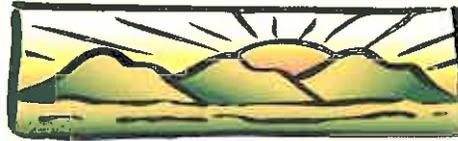
The following alternatives are presented for Council consideration:

1. Approve staff's recommendations;
2. Modify the appropriation to designate the remaining \$5,000 to a specific activity related to contract administration of the franchise agreement other than staff work assigned to this function;
3. Do not approve the appropriation and fund the contract administration work out of existing budgeted funds;
4. Direct staff to terminate the agreement for contract administration and perform all of the work with in-house staff; or
5. Provide other direction to staff.

Prepared and Approved by:



Steven Adams, City Manager



KING CITY
C A L I F O R N I A

Item No. 9(1)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 8, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: PAUL HODGES, CHIEF BUILDING OFFICIAL

RE: CONSIDERATION OF CONTRACT SERVICES FOR PLAN REVIEW AND INSPECTION OF CANNABIS PROJECTS

RECOMMENDATION:

It is recommended that the Council authorize the City Manager to execute an amendment to an existing agreement or new agreement for inspection services with CSG Consultants, Inc. in a form approved by the City Attorney to include plan review and inspections of cannabis projects on an as-needed basis.

BACKGROUND:

The Council previously considered and approved a proposal by CSG Consultants, Inc. for plan review and inspections of cannabis projects on an as-needed basis at its meeting on June 13, 2017. However, the Agreement was not included in the item and no authorization was provided to execute the Agreement.

DISCUSSION:

Therefore, staff is now requesting authorization for the City Manager to execute the amendment to the agreement in a form approved by the City Attorney. Since permits have been issued, staff is anticipating a large volume of plan submittals and construction activity in the near future.

The prior staff report is attached for the Council's reference as to the proposed material terms, which include (i) all costs for services will be paid for by the applicant; ii) a negotiated rate to be paid to the contractor is 60% of plan review and permit fees for the project; and iii) the remaining 40% will be used to reimburse the City for its administrative costs, including staff time for processing the projects. The City currently has an agreement with CSG Consultants, Inc. which will either be amended or a new agreement entered into.

**CITY COUNCIL
CONSIDERATION OF CONTRACT SERVICES FOR PLAN REVIEW AND
INSPECTION OF CANNABIS PROJECTS
AUGUST 8, 2017
PAGE 2 OF 2**

COST ANALYSIS:

All costs will be paid by the applicant through plan check and building permit fees.

ENVIRONMENTAL REVIEW:

There is no environmental review necessary or required for this portion of the projects. Environmental review will be completed at planning level before approval for each project.

ALTERNATIVES:

The Council has the following alternatives to consider:

1. Authorize the City Manager to an amendment to the agreement subject to approval as to legal form by the City Attorney;
2. Direct staff to seek other proposals from other qualified firms;
3. Instruct the Chief Building Official to conduct all plan review and inspections in-house, which may result in project delays; or
4. Provide other direction to staff.

Exhibits:

1. June 13, 2017 Staff Report

Submitted by: Paul Hodges 08/03/17
Paul Hodges, Chief Building Official

Approved by: Steven Adams
Steven Adams, City Manager



Item No. 9(1)

REPORT TO THE CITY COUNCIL

DATE: JUNE 13, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: PAUL HODGES, CHIEF BUILDING OFFICIAL

RE: CONSIDERATION OF CONTRACT SERVICES FOR PLAN REVIEW AND INSPECTIONS OF MEDICAL MARIJUANA PROJECTS

RECOMMENDATION:

It is recommended City Council approve an amendment to the contract entered into on July 6th, 2016 with CSG Consultants Inc. for inspection services to include plan review and inspections of Medical Marijuana projects on an as needed basis

BACKGROUND:

A large number of building permits are anticipated in a relatively short period of time based upon conditional use permits that have been submitted for medical marijuana projects. It will be important to provide a timely response to these services in order to increase future tax revenues, to maintain a competitive advantage over other areas for these projects, to meet time requirements of these businesses, and to advance overall efforts by the City to improve customer service.

DISCUSSION:

Last year, the City entered into a contract with CSG Consultants Inc. to provide backup services when the Chief Building Official is out of the office or when applications are received that exceed current staffing availability. The selection of CSG Consultants, Inc. was made following issuance of a Request for Proposal. Staff believes their service and response times have been good. This will give the Building Official the ability to shift some of the workload to an outside firm, thereby creating a faster turnaround for these time sensitive projects.

**CITY COUNCIL
CONSIDERATION OF CONTRACT SERVICES FOR PLAN REVIEW AND
INSPECTIONS OF MEDICAL MARIJUANA PROJECTS
JUNE 13, 2017
PAGE 2 OF 2**

COST ANALYSIS:

All costs for the service will be paid by the applicant. The negotiated rate to be paid to the contractor is 60% of plan review and permit fees for these projects. The remaining 40% will reimburse the City for its administrative costs, including but not limited to staff time associated with processing the projects.

ENVIRONMENTAL REVIEW:

There is no environmental review necessary or required for this portion of the projects. Environmental review will be completed at planning level before approval for each project.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Approve the proposed contract for services;
2. Direct staff to seek other proposals from other qualified firms;
3. Instruct the Chief Building Official to conduct all plan review and inspections in-house, which may result in project delays ; or
4. Provide other direction to staff.

Exhibits:

1. Contract for Services

Submitted by: Paul Hodges
Paul Hodges, Chief Building Official

Approved by: Steven Adams
Steven Adams, City Manager

Letter of Introduction

SECTION

1

March 22, 2017

Paul Hodges
Chief Building Official
City of King
212 South Vanderhurst Avenue
King City, CA 93930

RE: Building Plan Review & Inspection Services with an Emphasis on Cannabis Growing & Processing Facilities

Dear Mr. Hodges:

CSG Consultants, Inc. (CSG) is pleased to present this proposal for building plan review and inspection services for the City of King (City). We understand the City is seeking a consulting firm to provide these as-needed services with a focus on the review and inspection of new construction of cannabis growing & processing facilities.

Our firm brings expertise in plan review and inspection of a wide range of building types and holds specialized experience in cannabis facilities. We are also familiar with the City and its processes, having performed building department services for the City. CSG can readily provide the requested services and no subconsultants will be used. All proposed CSG staff are registered, ICC certified, with additional qualifications including LEED, DSA, and CASp experience and certification.

CSG currently furnishes building and safety, code enforcement, public works, planning, fire prevention, and other municipal services to over 150 clients including many communities in the region. Examples of nearby clients include the Cities of Santa Cruz, Marina, Soledad, Gonzales, Salinas, Monterey, and the County of Monterey.

Michael Loomis, SE, CBO, CASp, LEED AP, will serve as the primary contact for this contract. His contact information is as follows:

Michael Loomis, SE, CBO, CASp, LEED AP, Project Manager
phone (650) 522-2518 | cell (650) 696-0654 | michaelloomis@csgengr.com

Please feel free to contact Mr. Loomis with any questions or comments you may have regarding our proposal. We look forward to the opportunity to provide these proposed services to the City of King.

Sincerely,



Cyrus Klanpour, PE, PLS
President, CSG Consultants, Inc.



Firm Overview

CSG Consultants, Inc. (CSG) is a California company with its corporate office located in Foster City. Additional support is available from our other offices in San Jose, Newman, Pleasanton, Sacramento and Orange. Founded in 1991, *CSG performs work solely for public agencies*, eliminating the potential for conflicts of interest. In this way, we can focus exclusively on the specific needs of our municipal clients. CSG provides a wide range of services to community development and public works departments, often serving as a seamless extension of City staff.

The majority of the 260+ individuals within our firm have provided public agency services throughout their entire careers. Our talented personnel bring a wealth of ideas and experiences having held similar positions with communities facing the same development issues as the City of King. Depending upon the needs of our clients, we can serve in either a project-specific or on-call staff augmentation capacity.

- NAME OF FIRM:** CSG Consultants, Inc.
- PROJECT CONTACT:** Michael Loomis, SE, CBO, CASp, LEED AP
cell (650) 696-0654 • michaelloomis@csgengr.com
- CORPORATE OFFICE:** 550 Pilgrim Drive, Foster City, CA 94404
(650) 522-2500 phone • (650) 522-2599 fax
www.csgengr.com
info@csgengr.com
- REGIONAL OFFICES:** 3150 Almaden Expressway, Suite 255, San Jose, CA
6200 Stoneridge Mail Road, Suite 300, Pleasanton, CA 94588
930 Fresno Street, Newman, CA 95360
1022 G Street, Sacramento, CA 95814
3707 West Garden Grove Blvd, #100, Orange, CA 92868
- YEARS IN BUSINESS:** 26 • Founded in 1991
- EMPLOYEES:** 260+
- TYPE OF BUSINESS:** California Corporation • Incorporated June 15, 2000 • Federal ID: 91-2053749

STAFF COMPOSITION

Our professional municipal services staff consists of the following types of professionals.

- Plan Review Engineers
- Structural Engineers
- CASp
- Building Officials
- Civil Engineers
- Transportation & Traffic Engineers
- Planning Professionals
- Building Inspectors
- Permit Technicians
- Fire Plan Reviewers & Inspectors
- Program & Project Managers
- Grading Improvement Plan Reviewers & Inspectors
- Construction Managers
- Sustainability Professionals

MUNICIPAL SERVICES

Our services and project experience include the following areas of expertise:

BUILDING & FIRE LIFE SAFETY

*Building Department Administration
Building Plan Review and Inspection
Fire Plan Review and Inspection
Structural Plan Review
OSHPDS Review
CASp Assessment and Inspection
Public Facilities Assessment
LEED/Green Building Services
Code Compliance/Enforcement
Staff Augmentation*

PUBLIC WORKS ENGINEERING & DESIGN

*Capital Improvement Project Design:
Transportation/Roadway, Water and
Sewer Utilities, Traffic Engineering
Development Review, Plan Check,
Surveying and Mapping, Storm Water
Program Compliance (NPDES,
QSP/QSD)*

PLANNING & SUSTAINABILITY

*CEQA Environmental Review
Public Outreach Programs
Energy Efficiency, Water Conservation,
Solid Waste Program Development
AB 32 Compliance/Climate Action Plan
Development and Implementation
Sustainable Task Force Facilitation
Greenhouse Gas Reduction Strategies
Grant Writing and Grant Management*

CIP PROJECT & PROGRAM MANAGEMENT

*Capital Improvement Program
Development and Implementation
Federal and State Grant Administration
Rule 20A Undergrounding
Staff Augmentation Including: Design
Consultant Coordination, Project
Scoping, RFP Preparation*

INFORMATION TECHNOLOGY

*GreenVue Software
Digital Plan Review
Electronic Archiving
Web-Based Construction Management
Asset Management
Project Management
GIS and IT Support*

CONSTRUCTION MANAGEMENT & INSPECTION

*Contract Administration, Including:
Resident Engineer Oversight,
Inspection and Construction
Management
Constructability/Bidability Reviews
Cost and Schedule Control
Claims Avoidance*

Proposed Personnel

TEAM ORGANIZATION

CSG employs an experienced team of professionally licensed structural engineers, plan review engineers, certified building officials, certified plans examiners, CASp professionals, inspectors, and permit technicians to manage building department operations, support front counter procedures, review plans, and inspect structures for code conformance.

CSG proposes the following staff and organizational structure for this project. **Michael Loomis, SE, CBO, CASp, LEED AP, Project Manager**, will serve as the single point of contact for the City and will allocate appropriate levels of plan review resources to this contract and will ensure that plan review work is comprehensive and thorough and meets the City's deadlines.

All work will be coordinated and performed out of CSG's Foster City office, with additional support provided from CSG's regional offices. *No subconsultants will be used on this contract.*



TEAM QUALIFICATIONS

We take pride in providing plan reviewers and inspectors who have variety of project experiences, who are motivated to achieve the highest level of certification, and who have the personality and customer service skills that are crucial to on-the-job success. All CSG plan reviewers and inspectors are certified and/or possess additional required certifications. In addition, they routinely update their knowledge and skills through specialized training classes and seminars in approved and modern methods, materials, tools and safety used in building and fire inspection, as well as the most current building standards. We work hard to match your jurisdiction's level of safety and code compliance.

The table below illustrates the breadth and depth of staff available for this contract. Comprehensive resumes of our team members are included in Section 7.

NAME	QUALIFICATIONS	LICENSE/ CERTIFICATION
Michael Loomis, SE, PE, CBO, CASp, LEED AP <i>Structural Plan Review Engineer</i> <i>Building Official</i>	Professional Engineer Civil Engineer, State of California	60787
	Professional Structural Engineer, State of California	4824
	Certified Access Specialist (CASp), DSA	039
	LEED Accredited Professional	
	Certified Building Official, ICC Certified	8281448
	California Building Plans Examiner, ICC Certified	8281448
	California Commercial Building Inspector, ICC Certified	8281448
	California Commercial Plumbing Inspector, ICC Certified	8281448
	California Residential Building Inspector, ICC Certified	8281448
	California Residential Plumbing Inspector, ICC Certified	8281448
Certified Accessibility Inspector/Plans Examiner IBC, ICC Certified	8281448	
Certified CALGreen Plans Examiner, ICC Certified	8281448	
John LaTona <i>Regional Manager</i> <i>Project Manager</i>	International Code Council (ICC) Honorary Member, former Board Member	
	CALBO Hall of Fame	
	International Association of Plumbing and Mechanical Officials (IAPMO) Life Member and former Board Member	
	International Conference of Building Officials (ICBO) Former Board Member	
	County Building Officials of California and Peninsula Chapter Honorary Memberships	
	National Fire Protection Association (NFPA) Member	
	International Association of Electrical Inspectors (IAEI) Member	
	American Society of Plumbing Engineers (ASPE) Member	
	Established ICBO and IAPMO Certification Programs, served on numerous committees, chaired the development of the first International Code (International Plumbing Code)	
Bounmy Soumountha, SE, CBO <i>Building Official</i> <i>Plan Review Engineer</i>	Professional Engineer, State of California	3213
	Structural Engineer, State of California	3062
	Building Official	
Phiroze Wadia, SE, LEED AP <i>Plan Review Engineer</i>	Professional Structural Engineer, State of California	2020
	Professional Civil Engineer, State of California	2002
	Professional General Building Contractor, State of California	502818
	LEED Accredited Professional	
Sherata Prakash, PE <i>Plan Review Engineer</i>	Professional Civil Engineer, State of California	7888
	Certified Building Plans Examiner, ICC Certified	8014122
	Certified Building Official, ICC Certified	
Seiyoku Yamana, PE, LEED AP <i>Plan Review Engineer</i>	Professional Civil Engineer, State of California	78105
	Certified Building Plans Examiner, ICC Certified	500843
	LEED Accredited Professional	
	Certified Building Official, ICC Certified	832563

CITY OF KING
BUILDING PLAN REVIEW & INSPECTION SERVICES

NAME	QUALIFICATIONS	LICENSE/ CERTIFICATION
Samuel Tan, PE <i>Plan Review Engineer</i>	Professional Civil Engineer, State of California Certified Building Plans Examiner, ICC Certified Certified Commercial Building Inspector, ICC Certified	61684 6103584 6103584
David Neebet, PE <i>Plan Review Engineer</i>	Professional Civil Engineer, State of California ATC-20 Certified for Post-Disaster Evacuation	7281
Ferzhan Tondnevis, PE <i>Plan Review Engineer</i>	Professional Civil Engineer, State of California ATC-20/S.A.P. Certified SEAONC Member	82802
Rajesh Vangala, CBO, CASp <i>Building Plans Examiner</i>	Certified Building Plans Examiner, ICC Certified Certified Building Official, ICC Certified California Energy Code Compliance for Non-Residential Project Certified Access Specialist (CASp)	6168142 6168142
Kik Wong <i>Building Plans Examiner</i>	Certified Building Plans Examiner, ICC Certified Certificate of Completion Fire & Life Safety Plan Review (DSA)	6300382
Choi Lor <i>Senior Building Inspector</i>	Certified Building Inspector, ICC Certified CA Plumbing Inspector, ICC Certified Certified Storm Water Inspector, CET	5266158 5266158 4582
Joe Streacor, CBO <i>Certified Building Official</i> <i>Combination Building Inspector</i> <i>Building Plans Examiner</i>	Certified Building Official Building Inspector Combination Inspector Plans Examiner	1046420 1046420 1046420 1046420
Michael Snowden <i>Building Inspector</i>	Certified Commercial Building Inspector Certified Commercial Mechanical Inspector Certified Commercial Plumbing Inspector Certified Commercial Dwelling Inspector	
Steven Davis <i>Building Inspector</i>	Certified Combination Dwelling Inspector, ICC Certified California B-General Building License	63314160-63 633042
Juan Serrano <i>Building Inspector</i>	Bureau of Investigations In-House Training San Jose Police Department ACI Concrete Field Testing Technician [Grade 1 POST Basic Certification Gavilan College Police Academy (non-affiliate) POST Basic Certification Evergreen College (affiliate) POST Mandated Sexual Assault Investigators Training San Jose Police Intensive Criminal Investigation Training APNGA Portable Nuclear Gauge Safety & U.S.D.O.T. Hazmat Certification Moisture/Density Gauge Operator Certification	

COMMITMENT TO EXCELLENCE

We encourage staff to participate in and contribute to the many associations important to our industry. Knowing technical excellence and proficiency is vital to successful public service, attending update seminars, specialized training classes and continuing certification conferences is an integral part of delivering "best-in-the-business" service to our clients. Many of our staff hold or have held key positions within the groups listed below as well as serve as in-demand instructors and trainers.

- ▶ *League of California Cities*
- ▶ *California Building Officials*
- ▶ *International Code Council*
- ▶ *ICC Chapters of Peninsula, East Bay, Monterey, Sacramento Valley, Yosemite, Napa-Solano, Shasta Cascade, Los Angeles Basin, Coachella, Orange Empire, Foothill, Redwood Empire, Central Coast*
- ▶ *County Building Officials Association of California*
- ▶ *California Fire Chiefs Association*
- ▶ *Northern California Fire Prevention Officers*
- ▶ *Southern California Fire Prevention Officers*
- ▶ *National Fire Protection Association*
- ▶ *California Automatic Fire Alarm Association*
- ▶ *American Fire Sprinkler Association*
- ▶ *National Fire Sprinkler Association*
- ▶ *American Public Works Association*
- ▶ *Institute of Transportation Engineers*
- ▶ *Structural Engineers Association of Northern California*
- ▶ *Structural Engineers Association of Southern California*
- ▶ *Certified Access Specialist Institute (CASI)*



Approach to Work

METHODOLOGY

CSG's proposed team has been selected to best support the City and will deliver the highest level of service through its application of technical expertise, knowledge of municipal processes and procedures, efficient and effective customer care, and application of code compliance combined with innovative and helpful alternatives. Our extensive experience in furnishing comprehensive building and fire life safety services to jurisdictions provides a consistent, strong technical foundation to all projects. From cutting edge digital plan review and online plan check status reporting to providing faster-than-scheduled turnaround times, CSG will deliver the highest quality services to the City of King.

Key benefits that we offer include:

- ▶ **Concentrated focus on cost-saving approaches and methods.** Because we serve many municipalities and agencies, we are constantly improving and adapting to provide our clients with the most cost-effective services. We share a wealth of recommendations from our varied experience with other communities to help keep our clients' budgets on-track.
- ▶ **Customized, responsive services.** We are skilled at assessing time commitments, developing an accurate work plan and applying dedicated, professional personnel. We can quickly fine-tune staffing levels to match or adjust to changes in plan review, inspection and front counter activity—always maintaining the highest level of customer service. We hand pick staff uniquely qualified and experienced to deliver the exact services requested.
- ▶ **Fully committed and qualified personnel.** We maintain staff fully licensed and certified at the highest level of industry standards. To keep our personnel on the industry's cutting edge, many serve as popular educational instructors and lecturers as well as sit on leading boards and committees for organizations developing and implementing important code regulations. We also keep up with latest in procedures and use of products, e.g., green building, accessibility, CASp certification requirements, NPDES, MRP, and more.
- ▶ **Swift turnarounds and expedited services.** Utilizing efficient digital plan review as well as a collaborative process amongst our team members, our staff excels at providing speedy turnarounds. We easily match and more often beat any required timing.
- ▶ **Leading-edge technology with cost-saving solutions.** CSG delivers a suite of digital options for jurisdictions—speedy digital plan reviews including electronic versions of plan comments, an optional, easy-to-use online web application/portal for submittal, tracking and approval of digital plans; and available full scanning and archival services.
- ▶ **Environmentally friendly practices.** Our corporate policy on sustainability supports a healthy environment, reduces our carbon footprint and promotes environmental stewardship through environmentally preferable purchasing and other sustainability actions. Our digital plan review system encourages the bypass of paper use, and all possible documents at CSG are printed double-sided on recycled, post consumer content paper.

BUILDING PLAN REVIEW SERVICES

Compliance Standards

Our team of professionals is ready to assist in all aspects of plan review and to focus on the special needs and requirements of each of our clients. We pledge prompt turnaround times and offer comprehensive online status reports. Our plan reviewers carefully review all documents for compliance with building codes, fire codes, energy conservation standards, State accessibility regulations, and all local ordinances. We understand and will comply with the City's own requirements for plan review services. Our engineers and plan reviewers review plans for compliance with all policy and model codes adopted by the State of California and local jurisdiction, including but not limited to:

- ▶ *California Building Code, Volumes 1 and 2*
- ▶ *California Residential Code*
- ▶ *California Electrical Code*
- ▶ *California Plumbing Code*
- ▶ *California Mechanical Code*
- ▶ *California Fire Code as amended and adopted by the State of California (Title-24, Part 9 California Fire Code)*
- ▶ *National Fire Codes as published by the National Fire Protection Association (NFPA); as adopted and referenced by the State of California (California Code of Regulations, Title-19, Section 1.09)*
- ▶ *State Historical Building Code*
- ▶ *California Energy Code*
- ▶ *California Green Building Code*
- ▶ *NPDES/WQMP/SWPPP Compliance*
- ▶ *Local adopted ordinances and amendments relative to building, fire and municipal codes, including project Conditions of Approval from other agency departments, divisions, regulating agencies, and jurisdictions*

CASp Review Services

We understand California Building Departments are required to have CASp certified staff in place and available for technical questions and interpretations. Our CASp certified staff members are knowledgeable of state and federal accessibility laws and regulations and possess the expertise necessary to promote access to facilities for persons with disabilities. In accordance with current regulations, CSG can supply a CASp certified professional to review plans for accessibility and to facilitate compliance with regulations.



OSHPD 3 Reviews

Our staff of professional engineers and certified plans examiners is experienced with the differences between CBC and OSHPD 3 facilities and have successfully completed OSHPD 3 plan reviews for multiple client agencies. CSG can also provide certified OSHPD Inspectors of Record for a variety of different projects upon request.

Green Building and LEED Certification

Our Building Division staff is experienced in plan review and inspection for compliance with CALGreen, LEED equivalency, and local green building ordinances. In addition, CSG Consultants has all of the qualifications necessary to assist the City in both the development of policy and the implementation of green and sustainable building practices. CSG's Sustainability Programs division can assist, for example, with construction and demolition debris recycling programs as well as public outreach to contractors and developers.

Digital Plan Check

CSG began the transition to digital plan review over 13 years ago, leading the consultant field with this

ground-breaking service. *All paper plans submitted to CSG are immediately scanned into digital files and stored on CSG's servers for quick and easy access by both our clients and our plan reviewers.* Our plan reviewers furnish electronic versions of their plan comments conforming to each client's established correction list templates. Any additional forms utilized by the City for alternative methods of construction and/or deviations from requirements, such as disabled access, will be incorporated into the correction comments and returned with the appropriate recommendations. Plan check comments can be delivered electronically by email or other City approved means, enabling City staff to immediately modify CSG's checklist for incorporation with other department comments. **Upon request, clients can be provided with a set of digitally scanned plans at no cost, including convenient, "green" (paperless) storage of all construction-related documents.**

In addition, for jurisdictions requesting a pure digital plan review workflow, CSG has developed an online web application for an applicant to submit digital files directly to us, which includes an online portal for the applicant/jurisdiction to retrieve comments and submitted digital files with marked up plans including redlines. This online portal tracks all submittals, including re-submittals until the plans have been approved.

Key features of our digital plan review service include:

- **Efficiency.** *Plans are pushed to plan review staff the same day they are submitted. There is no "bin time."*
- **Simplicity.** *CSG developed its own web-based portal to manage the electronic file submittal process. By using a web interface, the applicant is no longer faced with size restrictions on email attachments or required to learn complex FTP settings.*
- **Proven.** *We have provided a digital plan review option to our clients for over 12 years.*
- **Non-Proprietary.** *CSG's electronic review process is 100% PDF-based with no additional software required to view redlines.*
- **Extensible.** *Should the City decide to implement electronic review as a standard, CSG offers an integration path for our electronic review software—GreenVue Fusion.*

Online Plan Review Status

CSG offers a convenient service allowing clients to check plan review status and comments online. By logging in to our Plan Check Status website, staff as well as authorized applicants can view each project document and communicate with the plan checker via e-mail or electronic post-a-note. Staff or authorized applicants can download comments from the web upon completion of the plan review. ***There is no additional cost for this service.***

Welcome to CSG Online Plan Check Website



Plans Pickup and Delivery

CSG will arrange for pickup and delivery of plans from/to City offices. The pickup and delivery of plans and other materials via CSG staff or an approved alternative service is provided at no additional cost.

Standard Plan Review Turnaround Times

CSG works hard to provide the best quality and most timely service in the industry. We pride ourselves in maintaining the requested plan review times for all our clients—***even delivering faster than our own deadlines.*** Our goal is to approve code-complying projects and to successfully and quickly move work through jurisdictional processes. CSG will ensure that all building and safety duties and follow-up actions will be performed in a timely and responsive manner. The following are CSG's proposed plan review turnaround times.

TYPE OF REVIEW	INITIAL REVIEW (BUSINESS DAYS)	RE-CHECK (BUSINESS DAYS)
Commercial New Construction or Addition*	10	5
Tenant Infill/Remodel	10	5
Residential New Construction	10	5
Residential Addition/Remodel	10	5

**Turnaround time may vary with the complexity and magnitude of the project. If a review is anticipated to take longer than the maximum turnaround timing, CSG will notify the City's representative and negotiate additional time required to ensure an appropriate level of review.*

CSG will ensure that all building and safety duties and follow-up actions will be performed in a timely and responsive manner.

Expedited Plan Review Services

CSG completes initial expedited plan review within 5 working days. Rechecks will be completed within 5 working days. At your request, we can perform plan review services within an accelerated time frame; with fees negotiated between the City and CSG.

QUALITY CONTROL/QUALITY ASSURANCE

CSG's in-house quality assurance/quality control program utilizes a peer review process with multi-level internal plan checking and project management. A senior staff member will review all plan review comments to ensure relevance and accuracy.

BUILDING INSPECTION SERVICES

Standards & Responsibilities

CSG will provide fully integrated, multi-disciplined building inspectors for all types of residential and commercial projects. We provide experienced, ICC certified (and/or with other appropriate entities in accordance with AB717) inspectors.

Our inspectors ensure compliance with applicable codes and requirements by identifying code violations, offering solutions to developers, property owners and tenants on potential risks and safety hazards, and by working as a team to correct violations. Specific responsibilities include but are not limited to the following:

- ▶ *Providing inspection services for project compliance with relevant codes including accessibility, fire, grading, building, electrical, mechanical and plumbing*
- ▶ *Addressing resident inquiries and resolving complaints*
- ▶ *Assisting with the construction and demolition permitting process*
- ▶ *Providing code administration, inspection and enforcement*
- ▶ *Maintaining records and files concerning construction permits and building code administration, documents for storage and/or imaging*

In addition, we can utilize inspection personnel whenever possible to perform over-the-counter plan reviews or assist as customer service back-up at the front counter in addition to regular inspection duties to save jurisdictions valuable time and expenses. Our inspection staff easily integrates into client organizations, consistently implementing policies and procedures, and remaining transparent to applicants and customers. CSG provides all vehicles, fuel, maintenance and other equipment necessary for inspectors to carry out duties with no additional cost to the City.



Continuing Certification and Training

We take pride in working with inspectors who have variety of inspection project experiences and who are motivated to achieve the highest level of certification. We work hard to match your jurisdiction's level of safety and code compliance and understand that personality and customer service are crucial to on-the-job success. All CSG inspectors are ICC certified and/or possess additional required certifications. In addition, they routinely update their knowledge and skills through attendance of specialized training classes and seminars in approved and modern methods, materials, tools and safety used in building inspection, as well as the most current building standards.

CASp Inspection Services

To facilitate the City's compliance with current rules and regulations, CSG can provide a CASp certified professional for technical questions and interpretations, and to perform accessibility compliance inspections.

AVAILABILITY AND CUSTOMER SERVICE

CSG's main function is to serve as an extension of the City of Los Altos. We clearly understand the importance of our role in the success of the City and commit to providing its citizens and business partners—residents, architects, engineers, developers, contractors—as well as City staff, the highest level of service. We believe effective communication and excellent customer service are essential to continuing a successful working relationship between the City, CSG, and the development community.

Office Hours and Meeting Availability

CSG staff plan checkers are available for applicant inquiries or conferences anytime during regular business hours without charge via telephone, 8:00 AM to 5:00 PM, Monday through Friday. CSG inspectors can be ready to provide services with 24 hours notice. We can easily alter our hours to meet the City's needs. Evenings and weekends for special events and meetings can be accommodated with 48 hours notice. For your convenience, we can also meet with City staff, architects and applicants. We recognize the value of pre-design consultation with prospective applicants and are available to provide this service as well. Our Project Manager/Lead will be available in person for consultation and meetings with a reasonable lead time.

Response to City Questions or Requests

CSG staff can typically respond to the City for all questions or requests generated during field inspections or any plan review during the same day, but no later than the following day a request is received.

Emergency Response

CSG is well qualified to respond to a local or regional emergency. Many of our personnel, have assisted in emergencies such as the San Bruno gas explosion, the Northridge, and Loma Prieta earthquake as well as regional floods, fires and other emergencies. Our personnel's certifications include those obtained through FEMA, Office of Emergency Services (OES), and IACET First Responder.

Project Experience

CANNABIS FACILITIES PROJECT EXPERIENCE

In addition to performing plan review and inspection of numerous agricultural growing and processing facilities in California, CSG has specifically performed building and fire plan review and inspection services on a number of cannabis facilities in communities including the Cities of Santa Cruz, Hayward, Palm Springs, Cathedral City, and Watsonville. Our proposed team is thoroughly familiar with the issues associated with reviewing and inspecting cannabis facilities, such as occupancy classification, special egress needs for security purposes, and potential ventilation issues. In addition, CSG's fire prevention team has assisted in the creation of guidelines for developers of such facilities. And, due to the growth of these operations, our building inspectors have enhanced their knowledge through attendance of seminars on issues related to cannabis production and processing.



ADDITIONAL PROJECT EXPERIENCE

The following are examples of projects for which CSG has performed plan check and/or inspection services.

Fort Ord Development | City of Marina, CA

Building & Fire Plan Review, Fire Inspection, and Engineering Plan Review Services

CSG is currently providing comprehensive building and engineering plan check for the development of 420 acres of former Fort Ord property that lies within the boundaries of the City of Marina. The project, for which a Specific Plan was developed, consists of mixed use (retail, entertainment, commercial, and live/work), regional retail, low-income housing, office/research/light industrial, and residential areas. The development also includes numerous public parks and a multi-modal corridor. Specific project examples include:

The Promontory

CSG provided comprehensive building plan review for this 174 unit student housing apartment complex adjacent to the CSU Monterey Bay campus. Construction consisted of three new 4-story apartment buildings (including a 1-story clubhouse within an apartment building). The 270,000 sq. ft. project had a construction cost of \$28.9 million.

Injin Office Park

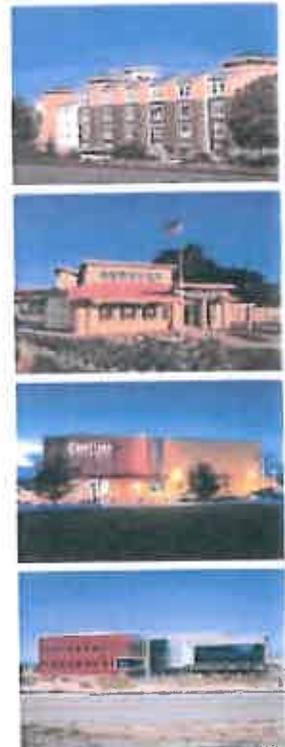
5 acre LEED certified civic center office site for Marina Coast Water District, Fort Ord Reuse Authority offices, Carpenters Union Local 605, and Bureau of Land Management.

Cinemark Theater

10 screen movie theater complex.

Veterans Affairs Outpatient Clinic

CSG provided complete building and fire plan review for this integrated Department of Veterans Affairs and Department of Defense joint health-care clinic, the first in California. This new 146,000 sq. ft., three-story structure on 14.3 acres will serve as a state-of-the-art medical clinic. The facility will provide primary and specialty care to including subspecialty clinics, audiology, indoor and outdoor physical therapy, occupational therapy, a mental health center, and imaging and laboratory space. This project achieved LEED Gold certification per the LEED for Healthcare 2009 Edition.



Seaside Family Health Clinic | City of Seaside, CA

CSG provided building plan review for this new construction one-story commercial medical / dental office building for the Monterey County Health Department, clinic services. The 18,572 sq.ft. structure will replace an existing clinic located on the same parcel.

Avia at Fiddymont Ranch Apartments | City of Roseville, CA

CSG performed complete building and fire plan review of this 34,513 sq. ft., 300 unit project consisting of 75 one-bedroom, 165 two-bedroom and 60 three-bedroom units. The project will have 14 tuck-under parking garages. The project includes a club house, pool, tot lot, BBQ/shade structure, and associated site improvements.

West Side Medical Office | City of Santa Cruz, CA

CSG provided building plan review for this new medical office building for the Palo Alto Medical Foundation. The two-story structure includes over 18,000 sq.ft. Plan review included OSHPD 3 review.

Maple Street Correctional Center | County of San Mateo, CA

CSG performed building plan review for the County of San Mateo's replacement correctional facility in the City of Redwood City. The new facility is located on a 4.85-acre site, is approximately 276,000 sq. ft., utilizes primarily steel frame construction, and contains three general areas including housing, support services, and a central utility plant. The project will initially house 576 beds with future expansion to 832 beds. The structure has an occupancy classification of I-3 Condition 4 Typical, B at support services, A-3 zoned occupancy, and non-separated at Warm Shell. The construction is I-A, unlimited area. The number of stories of the building is 3 +3 tiers and it has a height of 68 feet to top of steel.



Summerset Assisted Living | City of Lincoln, CA

CSG performed building & fire plan review and fire inspection services for this Summerset Assisted Living and Memory Care project. The 142,494 sq. ft., 66 unit memory care facility will house 719 occupants. The 90,820 sq. ft., 114 unit, three story assisted living facility will have the ability to house 952 occupants. The project is type VA, fully sprinklered.

Kaiser Permanente Arena | City of Santa Cruz, CA

CSG performed CASp plan review and inspection, building and fire plan review, and structural inspection for the new Kaiser Permanente Arena located in Santa Cruz, CA. In order to meet the contractual obligations of the City and the ownership group of the Santa Cruz Warriors, this 3000 seat arena held its first event 4 months after submittal of the first package of drawings. Throughout the duration of the project, CSG staff attended meetings, conducted site visits and utilized digital submittal methods, allowing staff to immediately review and approve design changes in the field in order to adhere to the tight schedule.

Apple Campus 2 Tantau Development | City of Cupertino, CA

CSG provided on and off site plan review for multiple new structures as part of the Apple Campus 2 Tantau Development. Review included foundation, shell, and tenant improvements for seven new structures. CSG assisted architects and engineers for code inquiries and clarifications, provided expedited review of RFIs, and coordinated with City departments to ensure review and approval of submittals. The total project size was 1.3 million sq. ft. Examples of buildings for which CSG provided review include:

- New four-story, 410,000 sq. ft building consisting of office, restaurant and below grade parking.
- 2 new two-story buildings for testing facilities totaling 212,000 sq. ft.
- New five-story, 304,000 sq. ft. parking structure, data center and energy center
- New 206,000 sq. ft. visitor center
- New 3,300 sq. ft. Tantau reception building
- New 1,870 sq. ft. Wolfe reception building
- 2 new outdoor open air cafeterias at 2,586 sq. ft. each
- New Maintenance building at 2,238 sq. ft.



PROPOSAL TO THE

City of King

Building Plan Review and Inspection Services with an Emphasis on Cannabis Growing & Processing Facilities

MARCH 22, 2017



550 Pilgrim Dr.
Foster City, CA 94404
650.522.2500 phone
650.522.2599 fax
www.csgegr.com

CSG Consultants, Inc. is a Certified Green Business through the Bay Area Green Business Program. With this certification, CSG is recognized as an environmental leader—meeting higher standards of environmental performance in conserving natural resources, reducing waste, preventing pollution, and using energy and water efficiently.



This document is formatted for double-sided printing

Table of Contents

SECTION 1

Letter of Introduction

SECTION 2

Firm Overview

SECTION 3

Proposed Personnel

SECTION 4

Approach to Work

SECTION 5

Project Experience

SECTION 6

Proposed Rates

SECTION 7

Resumes

Proposed Rates

SECTION

6

CSG's fee schedule for proposed work is provided in the table below. CSG will coordinate the pickup and return of all plans to CSG via staff or a licensed courier service. This service is provided at no additional cost.

Plan review based on a percentage of the City's plan check fee includes initial plan review and two subsequent reviews. Additional reviews will be charged at the appropriate hourly rate indicated below.

FEE SCHEDULE

REVIEW TYPE / ROLE	ALL INCLUSIVE FEE / HOURLY RATE
Residential and Non-Residential Plan Review	60% of City's Plan Check Fee
Expedited Plan Review	90% of City's Plan Check Fee
Hourly Plan Reviews	\$125
Expedited Plan Review	1.5 x Hourly Rate
Certified Combination Building Inspector	\$85
CASp Consultation	\$135
CASp Inspection	\$135
Building Official	\$125
Overtime (Hourly)	1.5 x Hourly Rate

All hourly rates include overhead costs including, but not limited to, salaries, benefits, Workers Compensation Insurance, and office expenses. Should the scope of work change or circumstances develop which necessitate special handling, we will notify the City prior to proceeding. Annual adjustments may be made by mutual agreement based upon current CPI. CSG will mail an invoice at the beginning of every month for services rendered during the previous month.

Resumes

Resumes for CSG's proposed team members are provided on the following pages for the City's review.

John LaTorra

Regional Building & Life Safety Manager



EDUCATION

Doctor of Science, Accredited Graduate
San Jose State University
| San Jose, CA

PROFESSIONAL AFFILIATIONS

ICC (Governmental & Honorary Memberships)

California Building Officials
| CALBO

**International Association of
Plumbing and Mechanical Officials**
| IAPMO

National Fire Protection Association
| NFPA

International Association of Electrical Inspectors
| IAEI

American Society of Plumbing Engineers
| ASPE

Mr. LaTorra serves as a Regional Building & Life Safety Manager for CSG and manages multiple assignments, including supervising contract inspectors in a number of jurisdictions and assisting clients with building department administration for their clients. He has served as Building Inspection Manager in Redwood City, supervising daily inspection activities performed by both contract and city staff. In addition, Mr. LaTorra has been instrumental in the creation of both ICBO (former agency prior to ICC) and IAPMO certification programs.

Mr. LaTorra has over 40 years of municipal inspection and building code experience. In addition, Mr. LaTorra has over 36 years of teaching experience, focusing on building, energy, solar, mechanical and plumbing issues. He has served as an Instructor at the College of San Mateo and San Jose State University, overseeing the Building Technology Programs for both institutions.

As a code professional and industry advocate, Mr. LaTorra has served on numerous code development, product evaluation, technical panels and specialized committees; including the Drafting, Public Hearing and Code Development Committees for the development of the first International Building and Plumbing Codes.

As an Honorary Member of ICC and the Peninsula and Monterey Bay Chapters, Mr. LaTorra brings a wealth of building industry knowledge. His regulatory practice coupled with extensive local and national public service experience involves the presentation of building safety principles and application of regulatory practices.

Mr. LaTorra was named the Building Official of the Year by the County Building Officials Association of California as well as the Peninsula Builders Exchange, Educator of the Year by CALBO and inducted into the CALBO Hall of Fame in 2008.

Michael Loomis

SE, CBO, CASp, LEED AP
Structural Plan Review Engineer
Building Official



LICENSES and CERTIFICATIONS

Professional Engineer, State of California | 68787
Professional Structural Engineer, State of California | 4824
Certified Access Specialist (CASp) | 899
Certified Building Official | 0000164
LEED Accredited Professional
Certified California Building Plans Examiner | ICC 0000164-06
CALGreen Plans Examiner | ICC 0000164-0X
California Commercial Building Inspector | ICC 0000164-01
California Residential Building Inspector | ICC 0000164-01
ICC Certified Accessibility Inspector/Plans Examiner | ICC 0000164-01

EDUCATION

Master of Science, Civil Engineering
Santa Clara University | Santa Clara, CA
Bachelor of Science, Civil Engineering
Santa Clara University | Santa Clara, CA

PROFESSIONAL AFFILIATIONS

Santa Clara University
Timber Design | Adjunct lecturer
Earthquake Engineering | Adjunct lecturer
Strength of Materials | Adjunct lecturer
County of Avador | CASp presentation to small business owners
ICC/Peninsula Chapter | Structural Provisions of the 2010 California Residential Code

Mr. Loomis offers CSG's clients expertise gained from over 15 years of professional experience in the building industry. Mr. Loomis' demonstrated knowledge of California and International Building Codes are reflected in his roles as both an adjunct lecturer at Santa Clara University and as a structural plan check engineer for CSG. Mr. Loomis has experience in all forms of structural construction, including: steel, concrete, masonry, heavy timber, and light-gauge steel materials. He has also served as a peer reviewer for OSHPD and DSA projects. Mr. Loomis serves in a supervisory role in CSG's plan check division, managing and acting as a mentor to CSG's growing team of engineers and technical staff on a wide variety of projects throughout California. He provides consultation to local jurisdictions regarding structural, accessibility and green building compliance and has worked in-house for jurisdictions providing plan review, building inspection, over the counter plan review and Building Official services. Mr. Loomis' expertise includes review of complex commercial, industrial and residential structures for compliance with applicable building codes and ordinances, engineering standards and specifications, supplemental energy requirements, and accessibility regulations.

RELEVANT EXPERIENCE

Linear Coherent Light Source II Expansion | SLAC National Accelerator Laboratory

This project consisted of the underground expansion to an accelerator. Project included office space as well as special use experimental spaces and utilized mining design and construction techniques.

Gilead Sciences, Inc. | City of Foster City, CA

A five story H and B occupancy biotech building project included challenging occupancy separations as well as adverse soil conditions.

Santa Cruz Warriors Arena | City of Santa Cruz, CA

New 3,000 seat basketball arena with associated restrooms, locker rooms and concessions.

Palo Alto History Museum | City of Palo Alto, CA

This project involved the extensive remodel of historic building to house history museum and archive. Revised usage required careful study of existing systems. This project utilized CBHC provisions for accessibility.

Ocean Street Commons | City of Santa Cruz, CA

This project consisted of 9 residential units over commercial space and was wood framed construction. Additional projects included multiple tenant improvement projects of varying sizes as well as multiple new and additions to single-family homes.

JURISDICTIONAL EXPERIENCE

Residential / Commercial Building Inspector

Towns/Cities of Atherton, Brisbane, Half Moon Bay, Los Altos Hills, Pacifica, Sausalito, Monte Sereno, and SLAC Linear Accelerator Laboratory

In-House Plan Review

Towns/Cities of Atherton, Santa Cruz, Salinas, San Jose, and SLAC National Accelerator Laboratory

Over the Counter Plan Review

Towns/Cities of Atherton, Belmont, Pacifica, Santa Cruz, Sausalito, Woodside

Building Official / Interim Building Official

Towns/Cities of Woodside (BO), Atherton (Interim BO), Pacifica (Interim BO)

Bounmy Soumountha

SE, CBO
Structural Plan Review Engineer



LICENSES and CERTIFICATIONS

Professional Civil Engineer, State of CA | 32213
Structural Engineer, State of CA | 3062
Registered California Building Official (CALBO)

EDUCATION

M.S. Structural Engineering
Washington University | St. Louis, MO

B.S. Civil Engineering
UC Berkeley | Berkeley, CA

A.S. Engineering
Santa Rosa Junior College | Santa Rosa, CA

PROFESSIONAL AFFILIATIONS

Structural Engineers' Association of
Northern California
California Building Officials

Mr. Soumountha has over 38 years of experience in civil and structural engineering analysis, public works engineering and land development, project development review and approval, and building inspection plan review and permit services. He managed hundreds of projects in his 22 years of service at the City of Santa Clara including the 49ers Stadium, large development projects such as the Gallery at Central Park consisting of 500 plus single family and multifamily buildings and other projects worth more than 200 million dollars of all complexities in terms of fire and life safety and structural engineering systems.

RELEVANT EXPERIENCE

Permit Service Manager | City of Santa Clara, CA

Prior to joining CSG, Mr. Soumountha worked as a Permit Service Manager and managed 3 in-house and outside consultant Plan Check Engineers who were licensed civil and structural engineers, 3 Permit Technicians, and 1 Customers' Representative. He supported and acted on behalf of the Building Official for all functions as assigned or in the Building Official's absence.

Senior Plans Examiner | City of Santa Clara, CA

Mr. Soumountha served as Senior Plans Examiner where he verified, reviewed, inspected and approved construction of all commercial, industrial, and residential structures in the City of Santa Clara, with an annual construction volume valued at over \$500 million. His other responsibilities included: comprehensive review of all structural and life-safety aspects of building construction; providing code interpretation to inspection staff, architects and contractors; responding to city council inquiries in matters of urban planning and zoning issues; and assisting in supervision of Building Inspection staff as assigned.

City Engineer I & II | City of Santa Clara, CA

As City Engineer II, Mr. Soumountha supervised the Title Section of the Land and Property Division of the Engineering Department. Some of his responsibilities included:

- Assisting in the formation of assessment districts and redistribution of surplus assessment district funds
- Reviewing and processing agreements for developments for City departments such as Silicon Valley Powers (the City Electric Department)
- Permitting encroachments into public easements and right-of-ways
- Parcel and final maps inspection for the legal subdivision of private and public properties
- Preparing the Engineering Department operating budget for 5 years

Structural Engineering Designer and Code Consultant | Various Jurisdictions

Since 1980, prior to his service at the City of Santa Clara, Mr. Soumountha provided structural analysis and design, consultation on construction issues, and code consulting services for numerous projects outside of City of Santa Clara jurisdiction.

Phiroze Wadia SE

Structural Plan Review Engineer



LICENSES and CERTIFICATIONS

Professional Structural Engineer,
State of California
| 2830
Professional Civil Engineer,
State of California
| 28042
Professional General Building Contractor,
State of California
| 5021918

EDUCATION

M.S.C.E, Structures and Soil Mechanics
University of Illinois
| Urbana, IL
M.B.A, Management
Golden Gate University
| San Francisco, CA
Accredited LEED Professional

AFFILIATIONS

American Society of Civil Engineers
Structural Engineers Association of California
Earthquake Engineering Research Institute
Applied Technology Committee
International Code Council

Mr. Wadia is a plan review engineer for CSG. He has over 40 years of experience in plan review, design and construction of residential, commercial, industrial and civil engineering projects. Mr. Wadia has expertise in the delivery of a wide range of municipal services, including:

- Plan review
- Encroachment permit application review including grading, structural, drainage and erosion control permits
- Code enforcement
- Enhancing and developing new and existing City ordinances
- Supervising renovation, rehabilitation and restoration of bridges
- Inspecting buildings and structures for structural integrity and condition
- Investigating structural failures and inspecting repairs
- Providing litigation support and research including expert witness

EXPERIENCE

Mr. Wadia's range of expertise has evolved as a result of the successful completion of a variety of projects including:

- 24 commercial buildings
- 60 residential wood frame buildings
- 32 seismic inspections, evaluations & retrofits
- 3 bridge and over-crossings projects
- 8 post-earthquake damage assessments
- 9 offshore, modular & Arctic projects
- 4 space & defense projects
- 3 war damaged re-construction projects
- 8 petrochemical plants
- 10 nuclear/power plants
- 8 research projects
- 5 transportation projects
- 2 telecommunications projects

Plan Review Engineer | Consultant to City of Larkspur, City of Sausalito, Town of Ross, Town of San Anselmo, CA

As Consultant to the abovementioned agencies in Marin County, Mr. Wadia performed a variety of services including plan and encroachment permit application review, inspection, code enforcement, and enhancing and developing existing and new city ordinances.

Associate | Skidmore, Owings & Merrill, San Francisco, CA

As an Associate at a San Francisco architectural and engineering firm, Mr. Wadia worked closely with multidisciplinary teams on building designs from concept through construction. He led structural engineering projects including high-rise office buildings, schools and colleges, hotels, sports stadiums, theaters, retirement communities, and shopping centers. Mr. Wadia also performed seismic inspections, evaluations, and retrofits of existing facilities.

Chief Engineer | Bechtel, San Francisco, CA

As Chief Engineer of Bechtel, Mr. Wadia was responsible for leading a group of over 200 technical personnel including architects, structural engineers, civil engineers and designers. His work included establishing standards, reviewing technical quality, recruiting, and establishing training programs. His projects included bridges and industrial and mining facilities such as refineries, oil fields, LNG plants, chemical waste treatment plants, offshore construction, modularized construction, arctic and extreme hot weather construction, space launch facilities, solar and geothermal power plants, and nuclear facilities.

Shweta Prakash PE, CBO

Plan Review Engineer



LICENSES and CERTIFICATIONS

Professional Civil Engineer,
State of California | 79886
Certified Building Plans Examiner, ICC Certified
| ICC 8814122

Certified Building Official, ICC Certified
| ICC 8814122

EDUCATION

Master's of Science, Civil Engineering
University of California | Berkeley, CA

Bachelor of Science, Civil Engineering
San Jose State University | San Jose, CA

PROFESSIONAL AFFILIATIONS

American Society of Civil Engineers

Society of Women Engineers

Chi Epsilon National Civil Engineering
Honor Society

As a Plan Review Engineer, Ms. Prakash reviews plans for all types of construction including, building, electrical, plumbing, and mechanical systems for both commercial and residential structures. She has conducted review of master plans, new construction, tenant improvements, single family residences, and commercial developments. She has a thorough understanding of Green Building and Energy Code regulations and has extensive experience in the review of photovoltaic systems.

Ms. Prakash is knowledgeable and proficient at all elements of customer service, making her a valuable resource as an onsite plan review engineer. In addition to her as-needed plan review work, she has provided on site plan review to the cities of Redwood City, Fremont, Atherton, and Millbrae. Ms. Prakash has also served as the Interim building official for the City of Millbrae.

Having worked both in the public and private sectors, Ms. Prakash has a thorough understanding of all state and local building safety regulations and enforcement of building and life safety codes. She keeps current within the building industry through routine seminar attendance through the International Code Council and the California Building Officials. She is currently pursuing her CASp (Certified Access Specialist Program) certification.

RELEVANT EXPERIENCE

Apple Campus 2 | City of Cupertino, CA

Ms. Prakash has provided on and off site plan review for multiple new structures as part of the Apple Campus 2 project. She assisted architects and engineers for code inquiries and clarifications, provided expedited review of RFIs, and coordinated with City departments to ensure review and approval of submittals. Some examples of buildings for which Ms. Prakash provided review include:

- New four story building consisting of office, restaurant and sub grade parking at 410,000 sq. ft.
- 2 New two story building for testing facilities totaling 212,000 sq. ft.
- New five story parking structure, data center and energy center at 304,000 sq. ft.
- New visitor center, at 206,000 sq. ft.
- New Tantau Reception building at 3,300 sq. ft.
- New Wolfe Reception at 1,870 sq. ft.
- 2 outdoor stations at 2,586 sq. ft. each
- Maintenance building at 2,238 sq. ft.

Jefferson & Franklin Apartments | City of Redwood City, CA

Ms. Prakash provided building plan review of this new construction seven-story residential building which is comprised of 175 units above a partially subterranean two-level parking garage. The complex which totals 257,513 sq. ft. also includes a fitness center and club room, and an outdoor deck.

YouTube | City of San Bruno, CA

Ms. Prakash provided the review of tenant improvements for this six story office building. Improvements involved the conversion of 196,000 sq. ft. into YouTube's new headquarters. She attended design team meetings at City Hall to assist with the project delivery.

Marriot Courtyard | City of Santa Cruz, CA

Ms. Prakash provided the review of this new construction four story hotel. The \$34.7 million hotel includes 151 rooms situated over a one story Type 1A parking garage.

Sayaka Yamane PE, LEED AP

Plan Review Engineer



LICENSES and CERTIFICATIONS

Professional Civil Engineer,
State of California
| 70195

Certified Building Plans Examiner, ICC Certified
| 538943

Certified Building Official, ICC Certified
| 8325543

LEED Accredited Professional

EDUCATION

Bachelor of Science, Civil Engineering
San Jose State University
| San Jose, CA

PROFESSIONAL AFFILIATIONS

American Society of Civil Engineers (ASCE)
Chi Epsilon National Civil Engineering Honor Society

Ms. Yamane is a Building Plan Review Engineer for CSG Consultants, providing complete review of architectural, electrical, plumbing, mechanical, and structural plans for residential projects as well as commercial projects. Ms. Yamane has over 7 years of experience providing professional plan review services along with exceptional customer service. She has in-depth knowledge of the California Building Standards Codes and extensive experience with local building and safety regulations. In addition, she serves as one of CSG's in-house subject matter experts for the California Energy Code and the California Green Building Standards Code. She is also CSG's main contact person with regard to all general plan review questions—communicating with city permit technicians concerning specific requirements to ensure timely permit processing and code compliance.

RELEVANT EXPERIENCE

Bryant Street Residences | Mountain View, CA

This project consisted of three three-story buildings of 7 residential units (total of approximately 16,000 square feet) over a post-tensioned slab podium garage.

Santa Cruz Nutritionals | Santa Cruz, CA

Review of tenant improvement consisting of converting existing 17,560 square feet warehouse area into a nutraceutical gummy production factory area.

Norris Building | Mill Valley, CA

Review of conversion of a single family residence into a mixed use building consisting of office occupancy and residence.

Santa Cruz Bicycles | Santa Cruz, CA

Review of tenant improvement of existing shell building for new bicycle manufacturing facility (approximately 60,000 square feet).

300 Refugio | Santa Cruz, CA

Review of a new single family residence (approximately 5,721 square feet) utilizing rammed earth wall construction.

275 Mountain Home Road | Woodside, CA

Review of a new single family residence (approximately 5,000 square feet) utilizing Japanese style construction method in a high fire hazard zone, with a new underground 17 car garage/parking structure (approximately 8,400 square feet).

235 Alta Avenue | Santa Cruz, CA

Review of a new single family residence (approximately 2,600 square feet) utilizing straw bale wall construction.

Samuel Tan PE

Plan Review Engineer



LICENSES and CERTIFICATIONS

Professional Civil Engineer, State of California
| 61664

ICC Certified Building Plans Examiner
| 9183984

ICC Certified Commercial Building Inspector
| 8183984

SLAC STA ESH-115 (GENI)

SLAC STA ESH-219 (EOESH)

SLAC STA ESH-239

SLAC STA ESH-293

SLAC STA ESH-116

EDUCATION

Master of Engineering, Civil Engineering
UC Berkeley | Berkeley, CA

Bachelor of Science, Architectural Engineering
California Polytechnic | San Luis Obispo, CA

PROFESSIONAL AFFILIATIONS

Structural Engineers Association of California
(SEAC)

Terrestrial International

American Society of Civil Engineers

Mr. Tan has over four years of experience providing multidisciplinary building plan review. As plan review engineer, he reviews for building safety and quality through the use of building standards codes (including mechanical, electrical, plumbing, energy and green-building codes). Mr. Tan most recently worked for the County of Sacramento providing structural plan review to the County.

RELEVANT EXPERIENCE

Stanford Linear Accelerator | City of Menlo Park, CA

Mr. Tan provided on-site structural engineering code consultation to the Building Inspection Office at the Stanford Linear Accelerator Center (SLAC). He reviewed commercial and industrial projects such as the state-of-the-art LCLS-II Cryogenic Plant and the 55,000 sq. ft. Photon Science Laboratory Building (PSLB). He met with project managers and project engineers at SLAC to establish seismic design criteria and discussed code compliance comments. Mr. Tan also co-authored and taught an on-demand seismic equipment anchorage course to engineers at SLAC.

Arden Arcade Apartments | County of Sacramento, CA

Mr. Tan provided structural plan review for a 148-unit apartment complex reviewing for building safety and quality through the use of building standards codes.

ISAT Seismic Bracing | Fremont, CA

As Seismic Detailing Manager, Mr. Tan controlled project management and financial accountability for ISAT Seismic Bracing. He was responsible for the overall scopes, schedules and costs of MEP seismic bracing projects, which entailed reviewing engineering drawings and material orders for quality and compliance to specifications and codes. Mr. Tan developed in-house training on project management, engineering and building codes.

Plan Check Engineer | City of Richmond, CA

Mr. Tan was the Plan Check Engineer for the City of Richmond, where he plan checked Chevron Richmond refinery facilities such as refinery structures, petroleum and water tanks, process storm water piping, and civil grading plans. He coordinated multiple permit reviews such as the \$1.7M Chevron research building MEP systems upgrade, \$26M South Yard electrical substation, and \$2.5M Chevron petroleum storage tank replacement.

Additionally, Mr. Tan inspected civil site grading and storm water drainage systems for conformance to approved drawings. After inspection, he reviewed and approved qualification of steel fabricators and special inspection agencies. Mr. Tan consulted customers on civil and structural project design criteria.

Chevron Richmond Refinery | City of Richmond, CA

Mr. Tan educated Chevron project managers, engineers, and contractors to expedite permit process, while writing handouts to inform customers of permit/ inspection requirements. He assisted the City of Richmond (City) plan check engineer to review refinery civil/structural projects. Mr. Tan also provided technical support of Chevron special inspectors on structural steel welding, reinforced concrete, pile-driving, high-strength bolting and other special inspections. Mr. Tan was successful due to his knowledge of personal protective equipment (PPE) and other construction safety requirements.

Structural Engineering Firm | Oakland, CA

Mr. Tan drafted engineering plans using AutoCAD software in collaboration with architects on projects for the Roman Catholic Oakland Diocese, St. Mary's College and high-end residences.

David Nesbet PE

Plan Review Engineer



LICENSES and CERTIFICATIONS

Certified Building Plans Examiner, ICC Certified
| ICC 8259817

Professional Engineer, State of California
| 72981

ATC-28 Certified for Post-Disaster Evaluations

EDUCATION

Master of Science, Structural and Earthquake
Engineering

San Francisco State University
| San Francisco, CA

Bachelor of Science, Mechanical Engineering
San Francisco State University

| San Francisco, CA

Mr. Nesbet is a licensed Civil Engineer and Plan Reviewer for CSG Consultants, Inc with over 12 years of experience. He has a strong background in reviewing structural engineering for a broad range of projects, including high-end residential projects, commercial tenant improvements, seismic retrofit of existing structures, seismic anchorage of mechanical equipment for commercial facilities, and upgrades to historical structures.

Prior to joining CSG, Mr. Nesbet worked for seven years as a Structural Plan Review Engineer for Kutzmann and Associates in Fremont, CA. While employed by Kutzmann, he spent four months working as a plan checker for the City of Menlo Park. He also has gained practical experience through his experience in remodeling his 1892 home in San Francisco.

RELEVANT EXPERIENCE

Tantau Research & Development Facilities Apple Campus 2 | City of Cupertino, CA

Mr. Nesbet provided plan review for the Tantau R&D facilities which was comprised of two adjacent buildings totaling 225,00 square feet of GFA for research and development. The buildings include ground level testing chambers, shield room and other research laboratory spaces, with one above ground office level, and one mechanical roof level.

Alameda Landing Phase III | City of Alameda, CA

Mr. Nesbet provided building plan review for phase III of this 72 acre development. He reviewed plans for four housing types as part of this 285 unit subdivision.

Lane Woods in | City of Menlo Park, CA

Mr. Nesbet performed the structural review of a 32 single family home development by Summer Hill homes.

Tesla Motors | City of Palo Alto, CA

Mr. Nesbet reviewed the anchorage of equipment in the Tesla Motors test lab.

AT&T

Mr. Nesbet conducted review of various projects involving cellular antennas and equipment.

Various Custom Homes | Cities and Towns of Woodside, Hillsborough, Los Altos Hills, Portola Valley, Palo Alto, CA

Mr. Nesbet performed review of custom and historical residences ranging from 2,000 sq. ft. to over 20,000 sq. ft. accessory structures, pools, barns, vehicle bridges, and landscaping features.

Additional building plan reviews for which Mr. Nesbet performed services include:

- **South Whisman Development | Mountain View, CA**
Mr. Nesbet performed review this \$38,173,920 valuation project of all new detached row houses.
- **Hewlett-Packard Historical Garage**
Mr. Nesbet provided review of seismic retrofit/ re-build of the structure.

Farzam Tondnevis PE

Plan Review Engineer



LICENSES and CERTIFICATIONS

Professional Engineer, State of California
| C 92602

ATC-20 Certified for Post-Disaster Evaluations
SEAWAC Member

EDUCATION

Master of Science, Construction Management & Geotechnical
Stanford University, San Jose, CA

Master of Science, Structural Engineering
Stanford University, San Jose, CA

Bachelor of Science, Civil & Environmental Engineering
San Jose State University, San Jose, CA

Mr. Tondnevis serves as Plan Review Engineer with CSG. He has extensive construction management and engineering experience, including geotechnical, structural and environmental engineering. He is also a part-time faculty member at San Jose State University lecturing in planning, permitting, and structural design for the Undergraduate Program.

RELEVANT EXPERIENCE

Engineer, Building Information Modeling (B.I.M.) Coordinator & Educator | Peoples Associates Structural Engineers (PASE), Milpitas, CA

Mr. Tondnevis worked as an Engineer and worked closely with multidisciplinary teams on building designs. A small sampling of projects on which he has worked includes:

- Designed two schematic new steel framing data center structures with SCBF lateral system & composite system floors as well as estimated & optimized weight of steel for alternative building systems for bidding
- Designed & detailed gravity & lateral systems for a 4-story mixed-use R.C. structure with underground parking (20,400 sq. ft.) in Palo Alto using ETABS and ADAPT software; also, modeled, annotated, & detailed the structure using Revit for creating a complete set of structural plans for city submittal package
- Designed & detailed slab-column connections (using stud rails) for 7-story Marriott Hotel (Skyport Drive by BSB); in addition, reviewed all reinforced concrete & rebar-related submittals for compliance with latest design documents; also, designed cold-form steel & Unistrut framing for building's facade and retail level
- Designed wood framing members for gravity & lateral systems for many multi-family & level residential complexes (Hayward Bart, Elanwood, Donner Lofts, Riverview 5&6, Station Park Green, S.C. Gateway)
- Designed & 3D-modeled retrofit framing for 2-story tilt-up Evergreen Medical Center building (42,000 sq. ft.) in East San Jose; also, created Revit-generated construction documents; moreover, designed canopy, awning connections, & trash enclosure structures; performed on-site measurement taking & evaluations
- Administered, as sole engineer of the project under PM, various construction administration tasks (including RFI reviewing & calculations, inspection reports reviewing, & daily coordination w/ architect, engineering inspectors, & shop professionals) for forensic investigation & re-build of UCSC's 4 student-housing Infill Apartments Project (\$50M+ lawsuit-involved 2-phase project across span of 20 months)
- Led & coordinated Revit structural modeling & construction documents generating for 3 (new & retrofit) data center projects (Lockheed Martin, Franklin Park, & Mills) for PASE's Mission Critical Studio PMs

Engineer Contractor | ABR Engineers, San Jose, CA

Mr. Tondnevis was an Engineer Contractor with responsibility in creating city submittal packages including construction documents & city permits (including electrical & Title 24) using B.I.M. (Revit) software for two single-family multi-story residences undergoing alterations, additions, & re-modeling.

Rajesh Vangala CBO

Building Plan Examiner



LICENSES AND CERTIFICATIONS

Certified Building Plans Examiner, ICC Certified
| 8166142

Certified Building Official, ICC Certified
| 8166142

California Energy Code Compliance for Non-Residential Project

EDUCATION

Master of Engineering

Andhra University

| Visakhapatnam, Andhra Pradesh

Bachelor of Engineering

Andhra University

| Visakhapatnam, Andhra Pradesh

With over 11 years of experience as a Building Plans Reviewer, Mr. Vangala provides a wealth of knowledge of California Building Codes to CSG. He examines plans of commercial, industrial, and single and multi-family projects to determine compliance with the provisions of the California Building, Mechanical, electrical, Plumbing and Energy Codes, as well as OSHPD (OSHPD3). He is also adept at analyzing structural engineering aspects of all designs and calculations, evaluates test reports, and approves plans that comply with California Codes and regulations.

Mr. Vangala has also provided onsite plan review and over the counter services for the City of Foster City and the Town of Woodside.

RELEVANT EXPERIENCE

Veterans Affairs Outpatient Clinic | City of Marina, CA

Mr. Vangala provided complete building plan review for this integrated Department of Veterans Affairs and Department of Defense joint health-care clinic, the first in California. This new 146,000 sq. ft., three-story structure will serve as a state-of-the-art medical clinic. The facility will provide primary and specialty care to including subspecialty clinics, audiology, indoor and outdoor physical therapy, occupational therapy, a mental health center, and imaging and laboratory space. This project achieved LEED Gold certification per the LEED for Healthcare 2009 Edition.

Lincoln Centre Campus - BioMed | City of Foster City, CA

Mr. Vangala provided building review of the redevelopment of an existing 280,000 sq. ft. campus into a nearly 600,000 sq. ft. biomedical and life science research campus.

Atria at Foster Square | City of Foster City, CA

Mr. Vangala provided building plan review of this six-story new construction building. The senior living mixed-use structure includes 155 senior living units, common space, courtyards

Half Moon Village Senior House | City of Half Moon Bay, CA

Mr. Vangala provided performed complete building plan review services for this affordable senior housing. The 115 unit complex consisted of a 3-story multi use building, four 2-story garden apartments, and one 2-story multi use building (multi-use buildings include community room, laundry room and gym.).

The Promontory | City of Marina, CA

Mr. Vangala provided complete building plan review for this 174 unit apartment complex. The project consisted of three new 4-story apartment buildings, as well as a 1-story clubhouse, and community center (including a 1-story clubhouse within an apartment building). The 270,000 sq. ft. project had a construction cost of \$28.9 million

BioMarin | City of San Rafael, CA

Mr. Vangala provided building plan review of this 3-story Occupancy B new construction. The total structure encompasses over 85,000 sq. ft. of office and laboratory space.

Genentech Building 35 | City of South San Francisco, CA

Mr. Vangala performed complete plan review for this 7-story office building.

Kit Wong

Building Plan Examiner



LICENSES and CERTIFICATIONS
Certified Building Plans Examiner, A.C. Certified
| 5300642
Certificate of Completion
"Fire & Life Safety Plan Review" (CSA)

EDUCATION
Bachelor of Science, Civil Engineering
University of California, Davis
| Davis, CA

Ms. Wong serves as a Plans Examiner in the Plan Review Division of CSG Consultants. Her expertise includes enforcement of Building Codes for several jurisdictions throughout California. Her experience in complex commercial and residential structures provides CSG and our clients with the highest quality plan review.

Prior to her employment with CSG, Ms. Wong developed her skills as a Design Engineer for a structural engineering firm in San Francisco. She was instrumental in developing a wide variety of engineering projects including lateral analysis and design, design of concrete, masonry, steel and wood building elements, design of deep shoring and underpinning systems and preparation of structural assessment reports. Ms. Wong's field work has included building investigations, pre-construction damage surveys and special inspection of deep shoring and underpinning systems.

RELEVANT EXPERIENCE

Genentech Development | City of South San Francisco, CA

Ms. Wong has served as the main point of contact between CSG and Genentech for the past 8 years. She provides plan review services (building, mechanical, electrical, plumbing) for all buildings (~65 count) on Genentech's South San Francisco campus. Scope of work includes:

- Complete office and lab build outs; new control areas; installation of mechanical units, fume hoods, bio-safety cabinets, warehouse freezers, nitrogen bulk tanks; HVAC remediation upgrade; gas monitoring improvements; electrical switchgear replacement; glycol piping replacement and insulation; cafeteria remodel; site improvements, etc.
- Weekly meetings at Genentech campus with project managers, project architects and engineers and the city Fire Marshall to review project drawings prior to plans submittal.
- Provide digital plan review services. Manage the Genentech Greenvue website. Prints the approved drawings and documents.

Exelixis | City of South San Francisco, CA

Ms. Wong performed review for this 75,000 square feet office building.

Tanforan Mall | City of San Bruno, CA

Ms. Wong performed review of tenant improvements for this Tanforan Mall in City of San Bruno.

Kaiser Foundation | City of Pleasanton, CA

Stoneridge Mall | City of Pleasanton, CA

Chai Lor



ICC Certified Senior Inspector

LICENSES and CERTIFICATIONS

- Certified Building Inspector | ICC 5266158
- California Plumbing Inspector | ICC 5266158
- Certified Stormwater Inspector | CET-4192
- SLAC STA ESH-115 (GENI)
- SLAC STA ESH-219 (EOESH)
- SLAC STA ESH-239
- SLAC STA ESH-116

EDUCATION

- Associate of Science, Building Inspection Technology
- Butte College | Oroville, CA

Mr. Lor performs field inspections on residential, commercial and industrial projects for CSG and its clients. In his work, he combines inspection expertise with outstanding customer service. Prior to joining CSG, Mr. Lor was a building inspector for the City of Red Bluff. Mr. Lor has examined construction and alterations of buildings and other structures, and enforced building, plumbing, mechanical, electrical and zoning codes, and laws adopted by his municipal clients. His work has also included facilitating the building process by working closely with contractors and building department staff to resolve issues. While with CSG, Mr. Lor's work has included performing inspection and/or plan review services for the following jurisdictions.

RELEVANT EXPERIENCE

Inspection | SLAC National Accelerator Laboratory

Mr. Lor provided inspection for various projects located at SLAC. As part of the process to provide inspection, Mr. Lor had to complete multiple SLAC training courses.

Inspection | City of South San Francisco, CA

Mr. Lor provided inspection of the Genentech Inc. campus which included science laboratories and office space.

Building Inspection and Plan Review | City of Millbrae, CA

Inspection projects included: new two story Safeway store, 120 South El Camino Real five story condominiums, 151 El Camino Real new three story condominiums, Millbrae Estates Sub-Division of new single family dwellings.

Building Inspection and Plan Review | City of Half Moon Bay, CA

Inspections projects included: 925 South Main Street new three story housing building, 801 Arnold Way new mixed use three story building.

Building Inspection and Plan Review | City of Pacifica, CA

Inspection projects included: New Walgreens store, Connemara Sub-Division of 23 new SFD, New Shoreview Dental Office, New Oceana Pet Hospital, Cypress Walk sub-division, New City of Pacifica community center accessibility bathroom.

Building Inspection | Jackson Rancheria Casino, CA

Projects included: new block retaining wall, casino defects phase II demolition, standard hotel demolition, tower hotel destructive testing.

Additional municipalities for which Mr. Lor has performed services include:

Building Inspection and Plan Review

- City of Brisbane, CA
- City of Brentwood, CA
- City of Campbell, CA
- City of Monte Sereno, CA
- City of Seaside, CA
- Town of Colma, CA
- Town of Los Altos Hills, CA
- Town of Portola Valley, CA

Building Inspection

- Town of Woodside, CA
- Town of Hillsborough, CA
- County of San Benito, CA
- City of Gilroy, CA
- City of Hayward, CA
- City of Los Altos, CA
- City of Marina, CA
- City of Mill Valley, CA
- City of Scotts Valley, CA
- City of Sausalito, CA
- City of San Bruno, CA

Joseph Strasser CBO

Certified Building Official
Building Inspector
Combination Inspector
Building Plans Reviewer



LICENSES and CERTIFICATES

Certified Building Official

| 1046420

Building Inspector

| 1046420

Combination Inspector

| 1046420

Plans Examiner

| 1046420

EDUCATION

Cabrillo College | Construction Management
Associates of Science Degree
Business Administration

US Navy

Quality Control Aircraft Inspector

State University of New York at Fredonia
Studies in Business Administration

Mr. Strasser serves as a building official, building inspector and plans examiner for CSG. He has over 27 years of experience in the field including extensive experience working directly for public agencies. Mr. Strasser has provided building inspection services to the Cities of Scotts Valley, Seaside, Cupertino, Sunnyvale, and Counties of San Benito and Monterey.

RELEVANT EXPERIENCE

Building Official | County of San Benito

Mr. Strasser is providing inspection services to the County of San Benito.

Building Official | City of Seaside

Mr. Strasser is providing inspection services to the City of Seaside.

Building Official | City of Scotts Valley

Mr. Strasser's responsibilities included plan checking, inspections, code enforcement, permit processing, and preparing and presenting staff reports for city council related to fee schedules and ADA compliance enforcement. Mr. Strasser's inspection work included a focused effort to inspect commercial properties for ADA compliance, and to enforce ADA regulations.

Combination Building Inspector | City of Cupertino

Mr. Strasser's responsibilities included plan checking, permit issuance, and field inspections of residential and commercial structures.

Building Inspector | City of Sunnyvale

Mr. Strasser worked with the City's Building Division for over 9 years serving as a plans examiner and inspector. His duties included heavy counter work and reviewing residential and commercial plans for code compliance with structural, electrical, plumbing, and ADA regulations.

Building Inspector II | Monterey County

Mr. Strasser's duties included combination inspections and enforcement of electrical, mechanical, plumbing, and building codes. In addition, Mr. Strasser held the position of Engineering Aide II/Surveys. His duties included land surveying, performing technical engineering calculations and drafting of construction plans.

Michael Snowden

Building Inspector



LICENSES and CERTIFICATES

Commercial Mechanical Inspector
Commercial Plumbing Inspector
Commercial Building Inspector
Combination Dwelling Inspector

EDUCATION

Computer Technology
Technical Training Center
| Ukiah, CA

International Relations
University of California Davis
| Davis, CA

RELEVANT EXPERIENCE

Building Inspector and Public Works Superintendent | City of Greenfield, CA

Mr. Snowden worked as both a Public Works Superintendent and a Building Inspector for the City of Greenfield. His tasks included planning, prioritizing assigning, supervising and reviewing assignments done by public works staff performing construction and maintenance work. Mr. Snowden interpreted city policies and procedures to public works personnel. This would ensure that proper safety procedures were followed and that safe working conditions were maintained.

City Mechanic and Assistant Building Inspector | City of Greenfield, CA

Mr. Snowden performed maintenance and repairs on all vehicles and equipment of the City including law enforcement units, public works units and equipment, taxis and city officials' vehicles. He assisted the City Building Inspector with city inspections of new developments to ensure compliance of city ordinances and Building Codes.

Public Works Supervisor | City of Greenfield, CA

As a Public Works Supervisor, Mr. Snowden planned, prioritized, assigned, supervised and reviewed the assignments done by public works personnel performing construction and maintenance work. He interpreted City policies and procedures to public works personnel. This ensured that proper safety and procedures were followed and that safe working conditions were maintained.

Mike Snowden Construction

Mr. Snowden ran his own construction service that performed maintenance, repairs, additions and remodels to residential and commercial properties. He assisted other contractors with construction of new residential and commercial buildings in all phases of construction.

Allan Snowden

Mr. Snowden supervised construction crews through all construction phase of assigned works, such as maintenance, repairs, additions and remodels of residential and commercial properties.

Steven Davis

Building Inspector



LICENSES and CERTIFICATIONS

Combination Inspector
| 5314100-56

California D-General Building Contractors License
| 935042

EDUCATION

West Valley College
| Saratoga, CA

Mr. Davis has over 25 years of experience in the construction industry with longtime work as a general contractor as well as a building inspector. He has provided inspections of both commercial and residential projects, performed plan reviews, and provided support at the permit counter.

RELEVANT EXPERIENCE

Building Inspector | City of Redwood City, CA

Mr. Davis served as building inspection of new mixed use condominiums and existing commercial and residential buildings. He also enforces local and state building codes and logs daily inspection reports.

Building Inspector | City of Campbell, CA

Mr. Davis provided inspection of new and existing commercial and residential buildings. He also approved architectural drawings, enforced local and state building codes and logged daily inspection reports.

Building Inspector Intern | City of Santa Cruz, CA

Mr. Davis performed scheduled inspections, assisted in the issuing of permits, and performed plan check on residential plan checks.

General Building Contractor

Mr. Davis performed remodels on residential and commercial structures.

Juan Serrano

Building Inspector



LICENSES and CERTIFICATIONS

Bureau of Investigations In-House Training |
San Jose Police Department
ACI Concrete Field Testing Technician
| Grade 1
POST Basic Certification
Gavilan College Police Academy (non-affiliate)
POST Basic Certification
Evergreen College (affiliate)
POST Mandated Sexual Assault Investigators
Training | San Jose Police
Intensive Criminal Investigation Training
APRGA Portable Nuclear Gauge Safety &
U.S.D.O.T. Hazmat Certification
Moisture/Density Gauge Operator Certification

Mr. Serrano is a Building Inspector for CSG and its clients. Mr. Serrano has over 17 years of experience as a law enforcement officer, serving as a police officer for the City's of Gonzales, King City, and San Jose, including three full years of Bureau Investigative work as a Police Detective. Mr. Serrano also served as a Field Technician for Intertek, an industrial quality assurance provider.

He also has excellent English and Spanish verbal/written communication skills and has served as a bilingual instructional aide.

RELEVANT EXPERIENCE

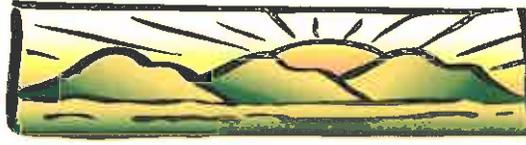
Field Technician | Intertek

Mr. Serrano inspected/observed concrete structural/non-structural pours and test soil compaction and moisture content for private residences and multimillion dollar job sites. He verified concrete mix designs and monitored consolidation of concrete, drum revolution, addition of water, and mix time. He tested concrete for temperature, slump of hydraulic cement, density (unit weight) and entrained air content. He made and cured concrete test specimens in the field for laboratory compressive strength testing. He was responsible in identifying proper structural gridlines for reference purposes.

Mr. Serrano also sampled and tested soils for grading, trenching and backfill operations. He tested for moisture and density with a Portable Nuclear Gauge and is certified in safe use, securing, transportation, storage and emergency procedures for this gauge, meeting safety and USDOT HAZMAT requirements.

Police Officer | City of Gonzales, King City, and San Jose

Mr. Serrano spent over 16 years as a police officer for the City's of Gonzales, King City, and San Jose. His duties included managing criminal investigations, gathering / processing of evidence, conducting arrests, and booking and proper documentation of criminals. He also completed a full tour in the Bureau of Investigations (BOI) as a police detective.



KING CITY
C A L I F O R N I A

Item No. 9(J)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 8, 2017
TO: CITY COUNCIL
FROM: STEVEN ADAMS, CITY MANAGER
RE: CONSIDERATION OF APPROPRIATION FOR CITY HALL
CARPET AND FLOORING

RECOMMENDATION:

It is recommended the City Council appropriate \$27,000 for installation of new carpet and flooring in City Hall.

BACKGROUND:

The City Hall is in need of new carpet. Funding was appropriated in the FY 2016-17 Annual Budget and the bid was awarded by the City Council. Installation was scheduled in June. However, the installation was delayed because it was not delivered on time.

DISCUSSION:

The carpet is now due to be installed beginning on August 16, 2017. However, since the City has begun a new fiscal year, it is necessary to re-appropriate the funding.

COST ANALYSIS:

The cost for the new carpet is \$27,000. It will be funded from the General Fund. Therefore, it will increase expenditures in FY 2017-18. However, the funds budgeted in FY 2016-17 will not be expended. Therefore, there will be no net impact on the projected year-end fund balance.

**CITY COUNCIL
CONSIDERATION OF APPROPRIATION FOR CITY HALL CARPET AND
FLOORING
AUGUST 8, 2017
PAGE 2 OF 2**

ENVIRONMENTAL REVIEW:

Since the project involves City Hall maintenance, it is not considered a project for the purposes of CEQA and has no potential for resulting in either a direct or indirect impact to the environment.

ALTERNATIVES:

The following alternatives are presented for Council consideration:

1. Approve staff's recommended appropriation;
2. Cancel the carpet installation; or
3. Provide other direction to staff.

Prepared and Approved by:



Steven Adams, City Manager



Item No. 9(K)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 8, 2017

TO: CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CONSIDERATION OF SUPPLEMENTAL APPROPRIATION FOR LEGAL SERVICES

RECOMMENDATION:

It is recommended the City Council appropriate \$40,000 for legal services associated with work on cannabis related regulatory items and code enforcement.

BACKGROUND:

There has been, and will continue to be, a significant amount of legal services associated with preparation of cannabis related ordinances and permits, as well as ongoing code enforcement cases. The work involved will cause the City to exceed its budget for legal services at year-end if no changes are made.

DISCUSSION:

Part of the City's new budget processes involves an increase in ongoing monitoring. The goal is to make adjustments throughout the year as needs occur so the Council can make informed policy decisions regarding the cost impacts of activities that are approved. Costs for legal services have been occurring above projected amounts due to the level of activities requiring legal review and preparation of legal documents. As a result, staff has implemented a number of operational changes to better control these costs. In addition, staff is recommending this adjustment for items that have associated revenue sources.

COST ANALYSIS:

It is recommended the \$40,000 be appropriated from the General Fund. Staff projects that \$20,000 for cannabis related items can be funded by revenues from permit fees that will likely exceed budgeted amounts. The \$20,000 for code

**CITY COUNCIL
CONSIDERATION OF SUPPLEMENTAL APPROPRIATION FOR LEGAL
SERVICES
AUGUST 8, 2017
PAGE 2 OF 2**

enforcement activities will be refunded from fines associated with cases the City is working on. Therefore, staff does not project this change will impact the City's year-end projected fund balance.

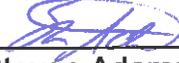
ENVIRONMENTAL REVIEW:

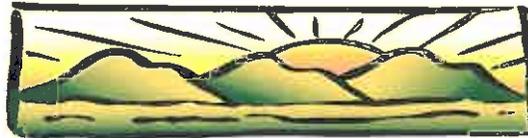
The appropriation is not considered a project for the purposes of CEQA and has no potential for resulting in either a direct or indirect impact to the environment.

ALTERNATIVES:

The following alternatives are presented for Council consideration:

1. Approve staff's recommended appropriation;
2. Appropriate a different amount;
3. Do not approve the appropriation; or
4. Provide other direction to staff.

Prepared and Approved by:  _____
Steven Adams, City Manager



KING CITY
C A L I F O R N I A

Item No. 9(L)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 8, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

**RE: CONSIDERATION OF PURCHASE AND SALE AGREEMENT
FOR SALE OF CITY PARCEL NUMBER 026-381-001 LOCATED
EAST OF JAYNE STREET**

RECOMMENDATION:

It is recommended the City Council approve a Purchase and Sale Agreement with Jerry Rava, II to sell City parcel number 026-381-001 for \$195,195.

BACKGROUND:

Part of the City's strategy to address the General Fund negative fund balance has been to identify for sale City-owned properties that have no planned future City use. At the November 15, 2016 meeting, the City Council declared City parcel number 026-381-001 as surplus property, directed staff to list it for sale, and approved a Listing Agreement with Cushman and Wakefield U.S., Inc. Only one offer was received. After several months of negotiation, staff recommends the sale price of \$195,195. A consistency finding was also approved by the Planning Commission at their August 1, 2017 meeting.

DISCUSSION:

The parcel is a roughly 23-acre parcel located in the eastern portion of the City, which can be accessed off of Jayne Street. It was owned by the City because it was formerly a spray field for a prior wastewater treatment facility. It has been maintained by the City because a proposed future road traverses across the property. However, since construction of the road is indefinite and at least many years away, it is instead proposed to maintain an easement on the property for the potential future road and proceed to sell it. It was also planned for relocation

**CITY COUNCIL
CONSIDERATION OF PURCHASE AND SALE AGREEMENT FOR SALE OF
CITY PARCEL NUMBER 026-381-001
AUGUST 8, 2017
PAGE 2 OF 3**

of sediment from San Lorenzo Creek under the permit recently received. Therefore, under the agreement, the City will maintain the right to dispose of sediment on a portion of the property consistent with the Federal permit.

The property is proposed to be used for agriculture since it is adjacent to other Rava farmland. However, it will require some work to prepare it for farming, which has reduced the value of the property compared to other agricultural land that has been sold in the area. It includes three segments: 12.79 acres available to be farmed in perpetuity; 4.02 acres that can be farmed now, but will be part of an irrevocable offer of dedication for the future roadway and the City will maintain the right to use it for creek sediment removal; and 6.37 acres that will eventually be a stranded piece after the road is constructed, much of which is in the creek restoration easement. All these factors also impact the determination of the value.

In addition to the revenue generated, there are other benefits of the staff recommendation. The sale will also place currently unused property into agricultural production and reduce City maintenance and liability costs.

COST ANALYSIS:

The proposed sale will generate almost \$200,000 in revenue for the General Fund. This amount was included in revenue projections in the FY 2017-18/ FY 2018-19 Biennial Budget approved by the City Council.

ENVIRONMENTAL REVIEW:

The sale of land will only result in the ownership of the subject property. It will not alter the existing physical conditions and public easements will be retained. As such, the activity has no potential for resulting in either a direct or indirect adverse physical impact on the environment, and is not a "project" under CEQA Guidelines 15378. Therefore, no further review is required by CEQA.

ALTERNATIVES:

The following alternatives are provided for City Council consideration:

1. Approve staff's recommendation;
2. Request staff to renegotiate the sale, which staff does not recommend would be successful at this point;
3. Do not approve sale of the property at this time; or
4. Provide staff other direction.

**CITY COUNCIL
CONSIDERATION OF PURCHASE AND SALE AGREEMENT FOR SALE OF
CITY PARCEL NUMBER 026-381-001
AUGUST 8, 2017
PAGE 3 OF 3**

Exhibits:

1. Purchase and Sale Agreement with Jerry Rava, II

Prepared and Approved by: 
Steven Adams, City Manager

Vacant Land Purchase Agreement And Joint Escrow Instructions

Date Prepared: August 3, 2017

1. OFFER:

- A. This is an Offer from **Jerry Rava, II, or assignee ("Buyer")**.
- B. The Real Property to be acquired is an approximately 23.18 acre vacant agricultural lot, situated in the City of King, Monterey County, California 93930, Assessor's Parcel No. 026-381-001 ("**Property**"). The Property's legal description and survey plat are set forth in Exhibit "A." The Property will be transferred in fee to Buyer, subject to an irrevocable offer of dedication (in fee) for a public street to King City, as well as a temporary construction easement, as described and depicted on Exhibit "B," which Buyer agrees will be recorded immediately after the grant deed transferring ownership to Buyer at the close of escrow. Buyer understands and agrees that this irrevocable offer of dedication may be, but is not required to be, accepted by the City of King at some date in the future. In addition, Buyer also agrees that the Property will be transferred subject to an easement allowing the Seller's placement of up to 2,000 cubic yards of river sedimentation per year of the applicable Stream Maintenance Program permit, as further described in the "Sediment Placement Easement" described in Exhibit "B," which will also be recorded immediately after the grant deed transferring ownership to Buyer is recorded at the close of escrow.
- C. The Purchase Price offered for the Property is One Hundred Ninety-Five Thousand One Hundred Ninety-Five Dollars (\$195,195.00).
- D. Close of Escrow shall be within 30 days after expiration of Buyer inspections as provided in Section 12.B.
- E. Buyer and Seller are referred to herein as the "Parties." Brokers are not Parties to this Agreement.

2. AGENCY:

- A. DISCLOSURE: the Parties each acknowledge receipt of a "Disclosure Regarding Real Estate Agency Relationships" (C.A.R. Form AD).
- B. CONFIRMATION: Selling Agent, Veritas RE, is the agent of the Buyer exclusively. Listing Agent, Michael Bassetti, is the agent for Seller exclusively.

3. FINANCE TERMS: Buyer represents that funds will be good when deposited with Escrow Holder.

- A. INITIAL DEPOSIT: Deposit shall be in the amount of \$10,000.00, to be deposited with Escrow Holder within 3 business days after acceptance.
- B. BALANCE OF PURCHASE PRICE in the amount of \$185,195.00 to be deposited with Escrow Holder pursuant to Escrow Holder instructions.
- C. PURCHASE PRICE TOTAL is \$195,195.00.

4. ADDENDA AND ADVISORIES:

- A. Buyer's Inspection Advisory (C.A.R. Form BIA).

5. OTHER TERMS:

- A. City of King will have full responsibility for costs and fees associated with completing the conveyance of the Property.
- B. Buyer acknowledges that the City of King is a governmental agency and that nothing herein shall require the City to exercise its police powers in contravention of any requirement of law including the California Environmental Quality Act (CEQA) or Subdivision Map Act.

6. ALLOCATION OF COSTS/ ESCROW & TITLE:

- A. Buyer and Seller shall pay escrow fees on a 50/50% shared basis.
 - (1) Escrow Holder shall be Chicago Title Insurance Company, 50 Winham St., Salinas CA, escrow #FWMN-5211600995-JG.
 - (2) The Parties shall, within 5 days after receipt, sign and return Escrow Holder's general provisions.
- B. Seller shall pay for owner's title insurance policy.
- C. Buyer shall pay for any extended title insurance or endorsements.
- D. Seller shall pay any County transfer tax or fee.
- E. Seller shall pay any City transfer tax or fee.

7. CLOSING AND POSSESSION: Possession shall be delivered to Buyer effectively on the Close of Escrow.

8. SELLER DOCUMENTATION AND ADDITIONAL DISCLOSURE:



- A. Within the time specified in paragraph 12, if Seller has actual knowledge, Seller shall provide to Buyer, in writing, the following information:
- (1) **LEGAL PROCEEDINGS:** Any lawsuits by or against Seller, threatening or affecting the Property, including any lawsuits alleging a defect or deficiency in the Property or common areas, or any known notices of abatement or citations filed or issued against the Property.
 - (2) **DEED RESTRICTIONS:** Any deed restrictions or obligations.
 - (3) **ENDANGERED SPECIES:** Presence of endangered, threatened, 'candidate' species, or wetlands on the Property.
 - (4) **ENVIRONMENTAL HAZARDS:** Any substances, materials, or products that may be an environmental hazard including, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, and contaminated soil or water on the Property.
 - (5) **EASEMENTS/ ENCROACHMENTS:** Any encroachments, easements or similar matters that may affect the Property.
 - (6) **ZONING ISSUES:** Any zoning violations, non-conforming uses, or violations of setback requirements.
- B. **SELLER VACANT LAND QUESTIONNAIRE:** Seller shall, with the time specified in paragraph 12 complete and provide Buyer with a Seller Vacant Land Questionnaire (C.A.R. Form VLQ).
9. **SUBSEQUENT DISCLOSURES:** In the event Seller, prior to Close of Escrow, becomes aware of adverse conditions materially affecting the Property, or any materials inaccuracy in disclosures, information or representations previously provided to buyer of which Buyer is otherwise unaware, Seller shall promptly provide a subsequent or amended disclosure or notice, in writing, covering those items. However, a subsequent or amended disclosure shall not be required for conditions and materials inaccuracies disclosed in reports ordered and paid for by Buyer.
10. **BUYER'S INVESTIGATION OF PROPERTY AND MATTERS AFFECTING PROPERTY:**
- A. **Seller shall make the Property available for all Buyer inspections, investigations, tests, surveys and other studies ("Buyer Investigations").** Buyer shall:
- (1) As specified in paragraph 12B, complete Buyer Investigations and, either remove the contingency or cancel this agreement, and
 - (2) Give Seller, at no cost, complete Copies of all Investigation reports obtained by Buyer, which obligation shall survive the termination of this Agreement.
- B. **Buyer indemnity and Seller protection for entry upon property:** Buyer shall:
- (1) Keep the Property free and clear of liens;
 - (2) Repair all damage arising from Buyer Investigations; and
 - (3) Indemnify and hold Seller harmless from all resulting liability, claims, demands, damages and costs of Buyer's Investigations. Buyer shall carry, or Buyer shall require anyone acting on Buyer's behalf to carry, policies of liability, workers' compensation and other applicable insurance, defending and protecting Seller from liability for any injuries to persons or property occurring during any Buyer Investigations or work done on the Property at Buyer's direction prior to Close of Escrow.
- C. **BUYER IS STRONGLY ADVISED TO INVESTIGATE THE CONDITION AND SUITABILITY OF ALL ASPECTS OF THE PROPERTY AND ALL MATTERS AFFECTING THE VALUE OR DESIRABILITY OF THE PROPERTY, INCLUDING BUT NOT LIMITED TO, THE ITEMS SPECIFIED BELOW. IF BUYER DOES NOT EXERCISE THESE RIGHTS, BUYER IS ACTING AGAINST THE ADVICE OF BROKERS. BUYER UNDERSTANDS THAT ALTHOUGH CONDITIONS ARE OFTEN DIFFICULT TO LOCATE AND DISCOVER, ALL REAL PROPERTY CONTAINS CONDITIONS THAT ARE NOT READILY APPARENT AND THAT MAY AFFECT THE VALUE OR DESIRABILITY OF THE PROPERTY. BUYER AND SELLER ARE AWARE THAT BROKERS DO NOT GUARANTEE AND IN NO WAY ASSUME RESPONSIBILITY FOR, THE CONDITION OF PROPERTY. BROKERS HAVE NOT AND WILL NOT VERIFY ANY OF THE ITEMS IN THIS PARAGRAPH 10, UNLESS OTHERWISE AGREED IN WRITING.**
- D. **SIZE, LINES, ACCESS AND BOUNDARIES:** Lot size, property lines, legal or physical access and boundaries including features of the Property shared in common with adjoining landowners, such as walls, fences, roads and driveways, whose use or responsibility for maintenance may have an effect on the Property and any encroachments, easements or similar matters that may affect the Property. (Fences, hedges, walls and other natural or constructed barriers or markers do not necessarily identify true Property boundaries. Property lines may be verified by survey.) (Unless otherwise specified in writing, any numerical statements by Brokers



- regarding lot size are APPROXIMATIONS ONLY, which have not been and will not be verified, and should not be relied upon by Buyer).
- E. ZONING AND LAND USE: Past, present or proposed laws, ordinances, referendums, initiatives, votes, applications and permits affecting the current use of the Property, future development, zoning, building, size, governmental permits and inspections. Any zoning violations, non-conforming uses, or violations of "setback" requirements. (Buyer should also investigate whether these matters affect Buyer's intended use of the Property).
 - F. UTILITIES AND SERVICES: Availability, costs, restrictions and location of utilities and services, including but not limited to, sewerage, sanitation, septic and leach lines, water, electricity, gas, telephone, cable TV and drainage.
 - G. ENVIRONMENTAL HAZARDS: Potential environmental hazards, including, but not limited to, asbestos, lead-based paint and other lead contamination, radon, methane, other gases, fuel, oil or chemical storage tanks, contaminated soil or water, hazardous waste, waste disposal sites, electromagnetic fields, nuclear sources, and other substances, including mold (airborne, toxic or otherwise), fungus or similar contaminant, materials, products or conditions.
 - H. GEOLOGIC CONDITIONS: Geologic/seismic conditions, soil and terrain stability, suitability and drainage including any slippage, sliding, flooding, drainage, grading, fill (compacted or otherwise) or other soil problems.
 - I. NATURAL HAZARD ZONE: Special Flood Hazard Areas, Potential Flooding (Inundation) Areas, Very High Fire Hazard Zones, State Fire Responsibility Areas, Earthquake Fault Zones, Seismic Hazard Zones, or any other zone for which disclosure is required by Law.
 - J. SPECIAL TAX: Any local agencies that levy a special tax on the Property pursuant to the Mello-Roos Community Facilities Act or Improvement Bond Act of 1915.
- 11. TITLE AND VESTING:**
- A. Within the time specified in paragraph 12, Buyer shall be provided a current preliminary title report ("Preliminary Report"). The Preliminary Report is only an offer by the title insurance to issue a policy of title insurance and may not contain every item affecting title. Buyer's review of the Preliminary Report and any other matters which may affect title are a contingency of this Agreement as specified in paragraph 12B.
 - B. Title is taken in its present condition subject to all encumbrances, easements, covenants, conditions, restrictions, rights and other matters, whether of record or not, as of the date of Acceptance except for:
 - (1) Monetary liens of record (which Seller is obligated to pay off) unless Buyer is assuming those obligations or taking the Property subject to those obligations; and
 - (2) Those matters which Seller has agreed to remove in writing.
 - C. Within the time specified in 12A, Seller has a duty to disclose to Buyer all matters known to Seller affecting title, whether of record or not.
 - D. At Close of Escrow, Buyer shall receive a grant deed conveying title, including oil, mineral and water rights if currently owned by Seller. Title shall vest as designated in Buyer's supplemental escrow instructions.
 - E. Buyer shall receive a CLTA Policy of Title Insurance, if applicable to the type of property and buyer. A title company, at Buyer's request, can provide information about the availability, desirability, coverage and cost of various title insurance coverages and endorsements. If Buyer desires title coverage other than that required by this paragraph, Buyer shall instruct Escrow Holder in writing and shall pay any increase in cost.
- 12. TIME PERIODS; REMOVAL OF CONTINGENCIES; CANCELLATION RIGHTS: The following time periods may only be extended, altered, modified or changed by mutual written agreement. Any removal of contingencies or cancellation under this paragraph by either Buyer or Seller must be exercised in good faith and in writing (C.A.R. for CR or CC).**
- A. SELLER has 14 days after Acceptance to deliver to Buyer all Reports, disclosures and information for which Seller is responsible under paragraphs 5, and 11A.
 - B. BUYER has 30 days after Acceptance, unless otherwise agree in writing, to:
 - (1) Complete all Buyer Investigations; review all disclosures, reports, and other applicable information, which Buyer receives from Seller; and approve all matters affecting the property.
 - (2) By the end of the time specified in paragraph 12B(1) (or as otherwise specified in this Agreement), Buyer shall Deliver to Seller a removal of the applicable contingency or cancellation (C.A.R. Form CR or CC) of this Agreement. However, if any report, disclosure or information for which Seller is responsible is not Delivered within the time specified in paragraph 12A, then Buyer has 60 days after delivery of any such items, or the time specified in paragraph 12B(1), whichever is later, to deliver to Seller a removal of the applicable contingency or cancellation of this Agreement.



- (3) Continuation of Contingency: Even after the end of the time specified in paragraph 12B(1) and before Seller cancels, if at all, pursuant to paragraph 12C, Buyer retains the right, in writing, to either
- (i) Remove remaining contingencies, or
 - (ii) Cancel this Agreement based on a remaining contingency. Once Buyer's written removal of all contingencies is delivered to Seller, Seller may not cancel this Agreement pursuant to paragraph 12C(1).
- C. SELLER RIGHT TO CANCEL:
- (1) Seller Right to Cancel; Buyer Contingencies: If, by the time specified in this Agreement, Buyer does not deliver to Seller a removal of the applicable contingency or cancellation of this Agreement, then Seller, after first delivering to Buyer a Notice to Buyer to Perform (C.A.R. Form NBP), may cancel this Agreement. In such event, Seller shall authorize the return of Buyer's deposit, except for fees incurred by Buyer.
 - (2) Seller Right to Cancel: Buyer Contract Obligations: Seller, after first delivering to Buyer a NBP, may cancel this Agreement if, by the time specified in this Agreement, Buyer does not take the following actions(s):
 - (i) Deposit funds as required by paragraph 3A or if the funds are not good when deposited.
 - (ii) Provide evidence of authority to sign in a representative capacity as specified in paragraph 12. In such event, Seller shall authorize the return of Buyer's deposit, except for fees incurred by Buyer.
- D. NOTICE TO BUYER OR SELLER TO PERFORM: The NBP or NSP shall:
- (1) Be in writing;
 - (2) Be signed by the applicable buyer or Seller;
 - (3) Give the other Party at least 5 days after delivery (or until the time specified in the applicable paragraph, whichever occurs last) to take the applicable action. A NBP or NSP may not be delivered any earlier than 5 days prior to the expiration of the applicable time for the other Party to remove a contingency or cancel this Agreement or meet an obligation specified in paragraph 12.
- E. EFFECT OF BUYER'S REMOVAL OF CONTINGENCIES: If Buyer removes, in writing, any contingency or cancellation rights, unless and otherwise specified in writing, Buyer shall conclusively be deemed to have;
- (1) Completed all Buyer Investigations, and review of reports and other applicable information and disclosures pertaining to that contingency or cancellation right;
 - (2) Elected to proceed with the transaction; and
 - (3) Assumed all liability, responsibility and expense for repairs or corrections pertaining to that contingency or cancellation right, or for the inability to obtain financing.
- F. CLOSE OF ESCROW: Before Buyer and Seller may cancel this Agreement for failure of the other Party to close escrow pursuant to this Agreement, Buyer or Seller must first deliver to the other Party a demand to close escrow (C.A.R. For DCE). The DCE shall:
- (1) Be signed by the applicable Buyer or Seller; and
 - (2) Give the other Party at least 5 days after delivery to close escrow. A DCE may not be delivered any earlier than 5 days prior to the scheduled close of escrow.
- G. EFFECT OF CANCELLATION ON DEPOSITS: If Buyer or Seller gives written notice of cancellation pursuant to rights duly exercised under the terms of this Agreement, the Parties agree to sign mutual instructions to cancel the sale and escrow and release deposits, if any, to the party entitled to the funds, less fees and costs incurred by that party. Fees and costs may be payable to service providers and vendors for services and products provided during escrow. Except as specified below, release of funds will require mutual signed release instructions from the Parties, judicial decision or arbitration award. If either Party fails to execute mutual instructions to cancel escrow, one party may make a written demand to Escrow Holder for the deposit (C.A.R. Form BDRD or SDRD). Escrow Holder, upon receipt, shall promptly deliver notice of the demand to the other Party. If, within 10 days after Escrow Holder's notice the other Party does not object to the demand, Escrow Holder shall disburse the deposit to the Party making the demand. If Escrow Holder complies with the preceding process, each Party shall be deemed to have released Escrow Holder from any and all claims or liability related to the disbursement of the deposit. Escrow Holder, at its discretion, may nonetheless require mutual cancellation instructions. **A Party may be subject to a civil penalty of up to \$1,000 for refusal to sign cancellation instructions if no good faith dispute exists as to who is entitled to the deposited funds (Civil Code 1057.3).**

13. ENVIRONMENTAL HAZARD CONSULTATION: Buyer and Seller acknowledge:



- A. Federal, state, and local legislation impose liability upon existing and former owners and users of real property, in applicable situations, for certain legislatively defined, environmentally hazardous substances;
 - B. Broker(s) has/have made no representation concerning the applicability of any such Law to this transaction or to Buyer or to Seller, except as otherwise indicated in this Agreement;
 - C. Broker(s) has/have made no representation concerning the existence, testing, discovery, location and evaluation off/for, and risks posed by, environmentally hazardous substances, if any, located on or potentially affecting the Property; and
 - D. Buyer and Seller are each advised to consult with technical and legal experts concerning the existence, testing discovery, location and evaluation off/for, and risks posed by, environmentally hazardous substances, if any, located on or potentially affecting the Property.
- 14. PRORATIONS OF PROPERTY TAXES AND OTHER ITEMS:** Unless otherwise agreed in writing, the following items shall be PAID CURRENT and prorated between Buyer and Seller as of Close of Escrow: real property taxes and assessments, interest, rents, HOA regular, special and emergency dues and assessments imposed prior to Close of Escrow, premiums on insurance assumed by Buyer, payments on bonds and assessments assumed by Buyer, and payments on Mello-Roos and other Special Assessment District bonds and assessments that are now a lien. The following items shall be assumed by buyer WITHOUT CREDIT toward the purchase price: prorated payments on Mello-Roos and other Special Assessment District bonds and assessments and HOA special assessments that are now a lien but not yet due. Property will be reassessed upon change of ownership. Any supplemental tax bills shall be paid as follows:
- A. For periods after Close of Escrow, by Buyer; and
 - B. For periods prior to Close of Escrow, by Seller.
 - C. TAX BILLS ISSUED AFTER CLOSE OF ESCROW SHALL BE HANDLED DIRECTLY BETWEEN BUYER AND SELLER. Pro-rations shall be made based on a 30-day month.
- 15. BROKERS:**
- A. **COMPENSATION:** Seller agrees to pay compensation to Broker in the amount of Four percent (4.0%) of sales price, as specified in a separate written agreement between Broker and that Seller. Compensation is payable upon Close of Escrow, or if escrow does not close, as otherwise specified in the agreement between Broker and that Seller or Buyer. Listing Agent shall share brokerage compensation with Selling Agent according to customary practices.
 - B. **SCOPE OF DUTY:** Buyer and Seller acknowledge and agree that Broker:
 - (1) Does not decide what price Buyer should pay or Seller should accept;
 - (2) Does not guarantee the condition of the Property;
 - (3) Does not guarantee the performance, adequacy or completeness of inspections, services, products or repairs provided or made by Seller or others;
 - (4) Does not have an obligation to conduct an inspection of common areas or areas off the site of the Property;
 - (5) Shall not be responsible for identifying defects on the Property, in common areas, or offsite unless such defects are visually observable by an inspection of reasonably accessible areas of the Property or are known to broker;
 - (6) Shall not be responsible for inspecting public records or permits concerning the title or use of Property;
 - (7) Shall not be responsible for identifying the location of boundary lines or other items affecting title;
 - (8) Shall not be responsible for verifying square footage, representations of others or information contained in Investigation reports, Multiple Listing Service, advertisements, flyers or other promotional material;
 - (9) Shall not be responsible for determining the fair market value of the Property or any personal property included in the sale;
 - (10) Shall not be responsible for providing legal or tax advice regarding any aspect of a transaction entered into by buyer or Seller; and
 - (11) Shall not be responsible for providing other advice or information that exceeds the knowledge, education and experience required to perform real estate licensed activity. Buyer and Seller agree to seek legal, ta, insurance, title and other desired assistance from appropriate professionals.
- 16. REPRESENTATIVE CAPACITY:** If one or more parties is signing the Agreement in a representative capacity and not for him/herself as an individual then that Party shall so indicate in paragraph 27 or 28 and attach a Representative Capacity Signature Addendum (C.A.R. Form RCSD). Wherever the signature or initials of the representative identified in the RCSD appear on the Agreement or an related documents, it shall be deemed to be in a



representative capacity for the entity described and not in an individual capacity, unless otherwise indicated. The Party acting in a representative capacity

- A. Represents that the entity for which that party is acting already exists and
- B. Shall deliver to the other Party and Escrow Holder, within 3 days after Acceptance, evidence of authority to act in that capacity (such as but not limited to: applicable portion of the trust or Certification of Trust, letters testamentary, court order, power of attorney, corporate resolution, or formation documents of the business entity).

17. JOINT ESCROW INSTRUCTIONS TO ESCROW HOLDER:

- A. **The following paragraphs, or applicable portions thereof, of this Agreement constitute the joint escrow instructions of Buyer and Seller to Escrow Holder**, which Escrow Holder is to use along with any related counter offers and addenda, and any additional mutual instructions to close the escrow: paragraphs 1, 3, 5, 6 11, 12E, 14, 15A, 16, 17, 22, 24, 25, 26, 27 and 28. If a copy of the separate compensation agreement(s) provided for in paragraph 15A is deposited with Escrow Holder by Broker, Escrow Holder shall accept such agreement(s) and pay out from Buyer's or Seller's funds, or both, as applicable, the Broker's compensation provided for in such agreement(s). The terms and conditions of this Agreement not set forth in the specified paragraphs are additional matters for the information of Escrow Holder, but about which Escrow Holder need not be concerned. Buyer and Seller will receive Escrow Holder's general provisions, if any, directly from Escrow Holder and will execute such provisions within the time specified in paragraph 6.A.(2). To the extent the general provisions are inconsistent or conflict with this Agreement, the general provisions will control as to the duties and obligations of Escrow Holder only. Buyer and Seller will execute additional instructions, documents and forms provided by Escrow Holder that are reasonably necessary to close the escrow and, as directed by Escrow Holder, within 5 days, shall pay to Escrow Holder or others any fee required by paragraph 6 or elsewhere in this Agreement.
- B. A copy of this Agreement, including any counter offer(s) and addenda shall be delivered to Escrow Holder, within 3 days after Acceptance. Buyer and Seller authorize Escrow Holder to accept and rely on copies and signatures as defined in this Agreement as originals, to open escrow and for other purposes of escrow. The validity of this Agreement as between Buyer and Seller is not affected by whether or when Escrow Holder signs this Agreement. Escrow Holder shall provide Seller's statement of Information to Title Company when received from Seller.
- C. Brokers are a party to the escrow for the sole purpose of compensation pursuant to paragraph 15A. Buyer and Seller irrevocably assign to Brokers compensation specified in paragraph 15A, and irrevocably instruct Escrow Holder to disburse those funds to brokers at Close of Escrow or pursuant to any other mutually executed cancellation agreement. Compensation instructions can be amended or revoked only with the written consent of Broker(s). Buyer and Seller shall release and hold harmless Escrow Holder from any liability resulting from Escrow Holder's payment to Broker(s) of compensation pursuant to this Agreement.
- D. Upon receipt, Escrow Holder shall provide Seller and Seller's Broker verification of buyer's deposit of funds pursuant to paragraph 3A. Once Escrow Holder becomes aware of any of the following, Escrow Holder shall immediately notify all Brokers:
 - (1) If Buyer's initial or any additional deposit is not made pursuant to this Agreement, or is not good at time of deposit with Escrow Holder; or
 - (2) If Buyer and Seller instruct Escrow Holder to cancel escrow.
- E. A copy of any amendment that affects any paragraph of this Agreement for which Escrow Holder is responsible shall be delivered to Escrow Holder within 3 days after mutual execution of the amendment.

18. REMEDIES FOR BUYER'S BREACH OF CONTRACT:

- A. **Any clause added by the Parties specifying a remedy (such as release or forfeiture of deposit or making a deposit non-refundable) for failure of Buyer to complete the purchase in violation of this Agreement shall be deemed invalid unless the clause independently satisfies the statutory liquidated damages requirements set forth in the Civil Code**



B. LIQUIDATED DAMAGES: If Buyer fails to complete this purchase because of Buyer's default, Seller shall retain, as the liquidated damages, the deposit actually paid. Buyer and Seller agree that this amount is a reasonable sum given that is impractical or extremely difficult to establish the amount of damages that would actually be suffered by Seller in the event Buyer were to breach this Agreement. Release of funds will require mutual, signed release instructions from both Buyer and Seller, judicial decision or arbitration award.

1. Buyer's Initials _____ / _____ Seller's Initials _____ / _____

19. DISPUTE RESOLUTION:

A. MEDIATION: The Parties agree to mediate any dispute or claim arising between them out of this Agreement, or any resulting transaction, before resorting to arbitration or court action through any mediation provider or service mutually agreed to by the Parties. The Parties also agree to mediate any disputes or claims with Broker(s), who, in writing, agree to such mediation prior to, or within a reasonable time after, the dispute or claim is presented to the Broker. Mediation fees, if any, shall be divided equally among the Parties involved. If, for any dispute or claim to which this paragraph applies, any Party (i) commences an action without first attempting to resolve the matter through mediation, or (ii) before commencement of an action, refuses to mediate after a request has been made, then that Party shall not be entitled to recover attorney fees, even if they would otherwise be available to that Party in any such action. **THIS MEDIATION PROVISION APPLIES WHETHER OR NOT THE ARBITRATION PROVISION IS INITIALED.** Exclusions from this mediation agreement are specified in paragraph 19C.

B. ARBITRATION OF DISPUTES: The Parties agree that a dispute or claim in Law or equity arising between them out of this Agreement or any resulting transaction, which is not settled through mediation, shall be decided by neutral, binding arbitration. The Parties also agree to arbitrate any disputes or claims with Broker(s), who, in writing, agree to such arbitration prior to, or within a reasonable time after, the dispute or claim is presented to the Broker. The arbitrator shall be a retired judge or justice, or an attorney with at least 5 years of real estate law experience, unless the parties mutually agree to a different arbitrator. The Parties shall have the right to discovery in accordance with Code of Civil Procedure 1283.05. In all other respects, the arbitration shall be conducted in accordance with title 9 of Part 3 of the Code of Civil Procedure. Judgment upon the aware of the arbitrator(s) may be entered into any court having jurisdiction. Enforcement of this agreement to arbitrate shall be governed by the Federal Arbitration Act. Exclusions from this arbitration agreement are specified in paragraph 19C. **"NOTICE: BY INITIALING IN THE SPACE BELOW YOU ARE AGREEING TO HAVE ANY DISPUTE ARISING OUT OF THE MATTERS INCLUDED IN THE 'ARBITRATION OF DISPUTES' PROVISION DECIDED BY NEUTRAL ARBIRATION AS PROVIDED BY CALIFORNIA LAW AND YOU ARE GIVING UP ANY RIGHTS YOU MIGHT POSSESS TO HAVE THE DISPUTE LITIGATED IN A COURT OR JURY TRIAL. BY INITIALING IN THE SPACE BELOW YOU ARE GIVING UP YOUR JUDICIAL RIGHTS TO DISCOVERY AND APPEAL, UNLESS THOSE RIGHTS ARE SPECIFICALLY INCLUDED IN THE 'ARBITRATION OF DISPUTES' PROVISION. IF YOU REFUSE TO SUBMIT TO ARBITRATION AFTER AGREEING TO THIS PROVISION, YOU MAY BE COMPELLED TO ARBITRATE UNDER THE AUTHORITY OF THE CALIFORNIA CODE OF CIVIL PROCEDURE. YOUR AGREEMENT TO THIS ARBITRATION PROVISION IS VOLUNTARY."** **"WE HAVE READ AND UNDERSTAND THE FOREGOING AND AGREE TO**



SUBMIT DISPUTES ARISING OUT OF THE MATTERS INCLUDED IN THE 'ARBITRATION OF DISPUTES' PROVISION TO NEUTRAL ARBITRATION."

(a) Buyer's Initials _____ / _____ Seller's Initials _____ / _____

C. ADDITIONAL MEDIATION AND ARBITRATION TERMS:

- (1) EXCLUSIONS:** the following matters are excluded from mediation and arbitration: (i) an unlawful detainer action; and (ii) any matter that is within the jurisdiction of a probate, small claims or bankruptcy court.
 - (2) PRESERVATION OF ACTIONS:** the following shall not constitute a waiver nor violation of the mediation and arbitration provisions: (i) the filing of a court action to preserve a statute of limitations; (ii) the filing of a court action to enable the recording of a notice of pending action, for order of attachment, receivership, injunction, or other provisional remedies; or (iii) the filing of a mechanic's lien.
 - (3) BROKERS:** Brokers shall not be obligated nor compelled to mediate or arbitrate unless they agree to do so in writing. Any Broker(s) participating in mediation or arbitration shall not be deemed a party to the Agreement.
- 20. SELECTION OF SERVICE PROVIDERS:** Brokers do not guarantee the performance of any vendors, service or product providers ("Providers"), whether referred by Broker or selected by Buyer, Seller or other person. Buyer and Seller may select ANY Providers of their own choosing.
- 21. ATTORNEY FEES:** In an action, proceeding, or arbitration between Buyer and Seller arising out of this Agreement, the prevailing Buyer or Seller shall be entitled to reasonable attorneys' fees and costs from the non-prevailing Buyer or Seller, except as provided in paragraph 19A.
- 22. ASSIGNMENT:** Buyer shall not assign all or any part of Buyer's interest in this Agreement without first having obtained the written consent of Seller. Such consent shall not be unreasonably withheld unless otherwise agreed in writing. Any total or partial assignment shall not relieve Buyer of Buyer's obligations pursuant to this Agreement unless otherwise agreed in writing by Seller (C.A.R. Form AOAA).
- 23. TERMS AND CONDITIONS OF OFFER:** This is an offer to purchase the Property on the above terms and conditions. The liquidated damages paragraph or the arbitration of disputes paragraph is incorporated in this Agreement if initialed by all Parties or if incorporated by mutual agreement in a counteroffer or addendum. If at least one but not all Parties initial, a counter offer is required until agreement is reached. Seller has the right to continue to offer the Property for sale and to accept any other offer at any time prior to notification of Acceptance. Buyer has read and acknowledges receipt of a Copy of the offer and agrees to the confirmation of agency relationships. If this offer is accepted and Buyer subsequently defaults, Buyer may be responsible for payment of Brokers' compensation. This Agreement and any supplement, addendum or modification, including any Copy, may be signed in two or more counterparts, all of which shall constitute one and the same writing.
- 24. TIME OF ESSENCE; ENTIRE CONTRACT; CHANGES:** Time is of the essence. All understandings between the Parties are incorporated in this Agreement. Its terms are intended by the Parties as a final, complete and exclusive expression of their oral agreement. If any provision of this Agreement is held to be ineffective or invalid, the remaining provisions will nevertheless be given full force and effect. Except as otherwise specified, this Agreement shall be interpreted and disputes shall be resolved in accordance with the Laws of the State of California. **Neither this Agreement nor any provision in it may be extended, amended, modified, altered or changed, except in writing signed by Buyer and Seller.**
- 25. DEFINITIONS:** As used in this Agreement:



- A. **"Acceptance"** means the time the offer or final counter offer is accepted in writing by a party and is delivered to and personally received by the other Party or that Party's authorized agent in accordance with the terms of this offer or a final counter offer.
 - B. **"Agreement"** means this document and any counter offers and any incorporated addenda, collectively forming the binding agreement between the Parties. Addenda are incorporated only when signed by all the Parties.
 - C. **"C.A.R. Form"** means the most current version of the specific form referenced or another comparable form agreed to by the parties.
 - D. **"Close of Escrow"** means the date the grant deed, or other evidence of transfer of title, is recorded.
 - E. **"Copy"** means copy by any means including photocopy, facsimile and electronic.
 - F. **"Days"** means calendar days. However, after Acceptance, the last Day for performance of an act required by this Agreement (including Close of Escrow) shall not include any Saturday, Sunday, or legal holiday and shall instead be the next Day.
 - G. **"Days After"** means the specified number of calendar days after the occurrence of the event specified, not counting the calendar date on which the specified event occurs, and ending at 11:59 PM on the final day.
 - H. **"Days Prior"** means the specified number of calendar days before the occurrence of the event specified, not counting the calendar date on which the specified event is scheduled to occur.
 - I. **"Deliver", "Delivered" or "Delivery"**, unless otherwise specified in writing, means and shall be effective upon: personal receipt by Buyer or Seller or the individual real Estate Licensee for that principal as specified in the section titled Real Estate Brokers on page 10, regardless of the method used (i.e., messenger, mail, email, fax, other).
 - J. **"Electronic Copy" or "Electronic Signature"** means, as applicable an electronic copy or signature complying with California Law. Buyer and Seller agree that electronic means will not be used by either Party to modify or alter the content or integrity of this Agreement without the knowledge and consent of the other Party.
 - K. **"Law"** means any law, code, statute, ordinance, regulation, rule or order, which is adopted by a controlling city, county, state or federal legislative, judicial or executive body or agency.
 - L. **"Signed"** means either a handwritten or electronic signature on an original document, Copy or any counterpart.
- 26. EXPIRATION OF OFFER:** This offer shall be deemed revoked and the deposit, if any, shall be returned to Buyer, unless the offer is Signed by Seller and a Copy of the Signed offer is personally received by Buyer, or Claude Hoover, who is authorized to receive it, by 5:00 PM on August 10, 2017.

One or more Buyers is signing the Agreement in a representative capacity and not for him/herself as an individual. See attached Representative Capacity Signature Disclosure (C.A.R. Form RCSD) for additional terms.

Date: _____ Buyer : _____

Jerry Rava II, or assignee



27. ACCEPTANCE OF OFFER: Seller warrants that Seller is the owner of the Property, or has the authority to execute this Agreement. Seller accepts the above offer and agrees to sell the Property on the above terms and conditions, and agrees to the above confirmation of agency relationships. Seller has read and acknowledges receipt of a Copy of this Agreement, and authorizes Broker to Deliver a Signed Copy to Buyer.

A. One or more Sellers is signing the Agreement in a representative capacity and not for him/herself as an individual. See attached Representative Capacity Signature Disclosure (C.AR. Form RCSC) for additional terms.

Date: _____ Seller: _____

City of King



REAL ESTATE BROKERS:

- A. Real Estate Brokers are not parties to the Agreement between Buyer and Seller.**
- B. Agency relationships are confirmed as stated in paragraph 2.**

Real Estate Broker (Listing Firm): Cushman Wakefield: CA DRE Lic.#01422049

By: _____, Michael Bassetti, Vice President

Real Estate Broker (Selling Firm): Veritas RE CA DRE Lic. #01859595

By: _____, Claude Hoover, owner/broker

Address: 25041 Hidden Mesa Ct., Monterey, CA 93940

Email: claude@veritasre.com

Cell/vm: 831-682-1426

ESCROW HOLDER ACKNOWLEDGEMENT:

Escrow Holder acknowledges receipt of a Copy of this Agreement, and deposit in the amount of \$ _____, and agrees to act as Escrow Holder subject to paragraph 17 of this Agreement, any supplemental escrow instructions and the terms of Escrow Holder's general provisions.

Escrow Holder is advised that the date of Confirmation of Acceptance of the Agreement as between Buyer and Seller is _____

Escrow Holder: Old Republic Title Company

Escrow #: _____

By: _____

Date: _____



Exhibit "A"

(Legal Description of the Property)

For APN/Parcel ID(s): 026-381-001

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF KING, COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

All that certain real property situate, lying and being in the Rancho San Barnabe in the County of Monterey, State of California, being a part of that certain 1228.88 acre tract of land (before exceptions) designated as "Parcel II of Exhibit 'A'", in that certain Decree of Distribution in the Matter of the Estate of L.F. Rousseau, Deceased, Action No. 17572 in the Superior Court of the State of California, in and for the County of Ventura, dated December 17, 1934 and recorded in Volume 420 of Official Records at page 288, records of Monterey County, California, said part being particularly described as follows, to-wit:

Beginning at a 1" diameter iron pipe standing at a point in that certain course designated "28th", in the description of said 1228.88 acre tract of land, from which the most northerly corner of Lot 81, as said corner and lot are shown and so designated on that certain map entitled, "Sprackels Sugar Company's Villa Lot Addition to Kings City", filed for record December 20, 1910 in Volume 1 of Surveys at Page 38-1/2, Records of Monterey County, bears along the boundary common to said 1228.88 acre tract of land and said Lot 81, North 28° 22' West, 20.09 feet distant, and running thence from said place of beginning along the boundary common to said 1228.88 acre tract of land and said Villa Lot Addition,

- (1) N. 28° 22' W., 508.03 feet, at 20.09 feet a 1-1/2" diameter iron pipe, 508.03 feet to a 1-1/2" diameter iron pipe; thence
- (2) N. 16° 32' E., 457.86 feet to a 1-1/2" diameter iron pipe; thence
- (3) N. 40° 42' E., 933.06 feet, at 388.65 feet a 1-1/2" diameter iron pipe standing at the most easterly corner of Block 75, as said corner and block are shown on said filed map, and leaving the boundary of said Villa Lot Addition, but continuing along the boundary of said 1228.88 acre tract of land, 933.06 feet to a 1-1/2" diameter iron pipe; thence
- (4) S. 57° 38' E., 214.33 feet to a 1-1/2" diameter iron pipe; thence
- (5) S. 58° 13' E., 700.0 feet to a 1-1/2" diameter iron pipe; thence leaving last mentioned boundary and running
- (6) S. 33° 14-3/4' W., 213.67 feet to a 1-1/2" diameter iron pipe; thence
- (7) S. 60° 17' W., 559.94 feet to a 1-1/2" diameter iron pipe; thence
- (8) S. 55° 38' W., 478.0 feet to a 1-1/2" diameter iron pipe; thence
- (9) S. 45° 31-1/2' W., 126.34 feet to a 1-1/2" diameter iron pipe; thence
- (10) S. 23° 03' W., 185.25 feet to a 1-1/2" diameter iron pipe; thence
- (11) S. 17° 50' W., 159.81 feet to a 1-1/2" diameter iron pipe; thence
- (12) S. 58° 11' W., 101.44 feet to the place of beginning.

Excepting therefrom all that portion thereof particularly described as follows:

Beginning at a 1-1/2" diameter pipe standing at the most easterly corner of said parcel above described, as said pipe, corner and tract are shown and so designated on that certain map entitled, "Record of Survey of 24.62 Ac.,



Exhibit A
Legal Description (continued)

Tract in Lot A-1 of the Ro. San Bernabe and of 0.515 Acres in Lot 81 of Spreckels Sugar Company's Villa Lot Addition to Kings City', filed for record May 28, 1957 in Volume 5 of Surveys at Page 112, Records of said County, and running thence along the northeasterly boundary of said 24.62 acre tract of land,

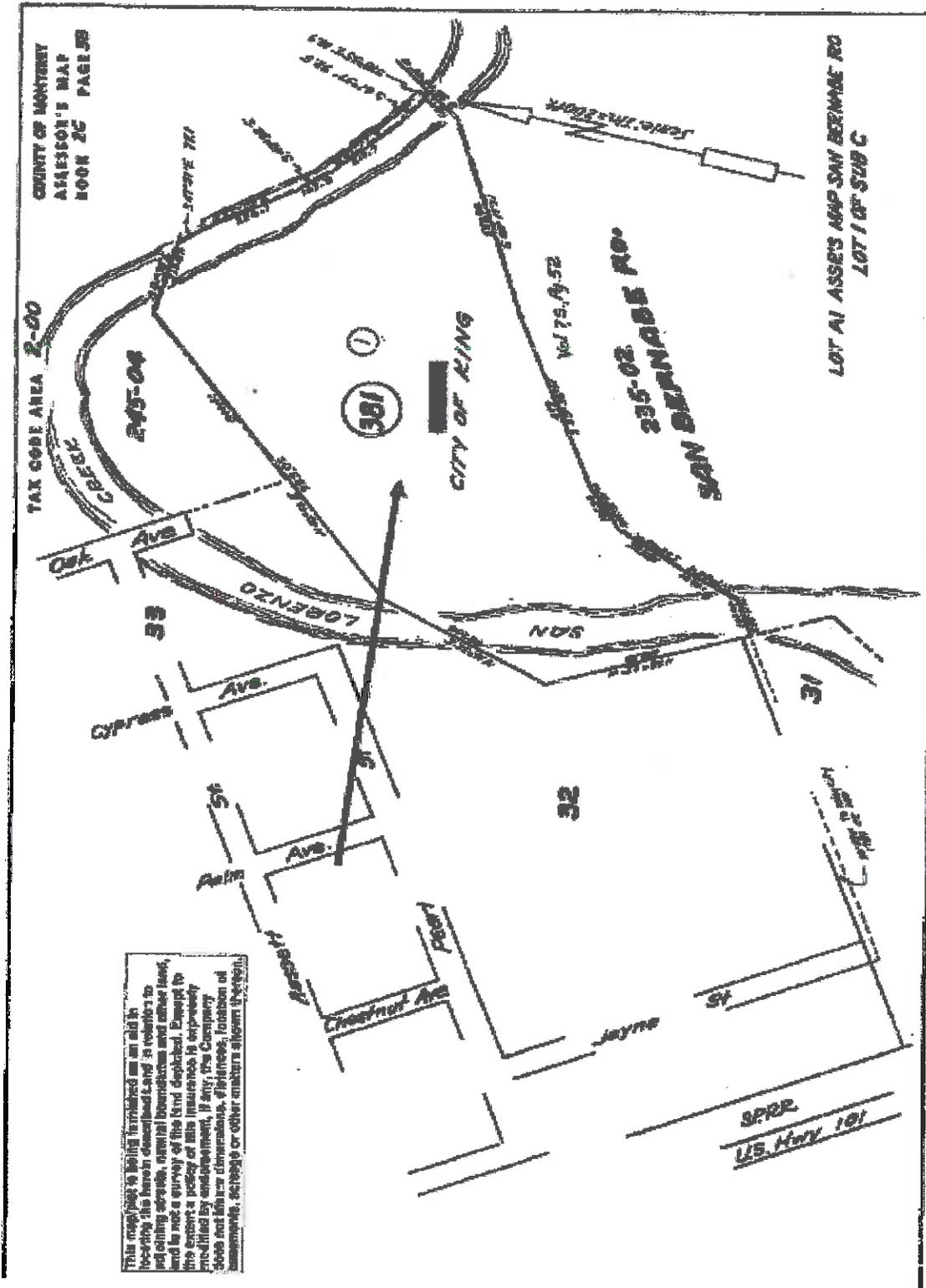
- (1) N. 56 ° 13' W., 700.0 feet to a 1-1/2" diameter iron pipe; thence**
- (2) N. 87 ° 38' W., 13.5 feet to a point on the right bank of San Lorenzo Creek; thence leave last mentioned boundary and running up the right bank of said San Lorenzo Creek,**
- (3) S. 47 ° 51' E., 77.1 feet; thence**
- (4) S. 37 ° 29' E., 226.1 feet; thence**
- (5) S. 43 ° 32' E., 102.3 feet; thence**
- (6) S. 51 ° 17' E., 213.7 feet; thence**
- (7) S. 61 ° 57' E., 92.5 feet; thence**
- (8) S. 78 ° 56' E., 18.9 feet to a point in the southeasterly boundary of said 24.62 acre tract of land; thence leave said right bank and running along last mentioned boundary**
- (9) N. 33 ° 14-3/4' E., 115.2 feet to the place of beginning.**

Courses all true.



Exhibit A (continued)

Survey Plat



This map is being furnished as an aid in locating the herein described land. It is not to be used as a substitute for a survey of the land depicted. Except to the extent a policy of this jurisdiction is expressly modified by endorsement, if any, the Company does not insure dimensions, fixtures, location of boundaries, easements or other matters shown thereon.



Exhibit "B"

(Irrevocable Offers of Dedication; Easements)

IRREVOCABLE OFFER OF DEDICATION TO THE CITY OF KING, COUNTY OF MONTEREY, STATE OF CALIFORNIA:

PUBLIC STREET RIGHT OF WAY (IN FEE)

A PARCEL OF LAND SITUATED IN THE CITY OF KING, COUNTY OF MONTEREY, STATE OF CALIFORNIA, BEING A PORTION OF THAT 24.62 ACRE PARCEL OF LAND SHOWN ON THAT RECORD OF SURVEY MAP FILED MAY 26, 1957 IN VOLUME 5 OF SURVEYS, AT PAGE 112, RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY BOUNDARY OF SAID 24.62 ACRE PARCEL, SAID POINT BEING THE MOST EASTERLY CORNER OF LOT 9 OF BLOCK 75 AS SHOWN ON THAT CERTAIN 'MAP OF THE SPRECKELS SUGAR COMPANY'S VILLA LOT ADDITION TO KINGS CITY' FILED DECEMBER 20, 1910 IN VOLUME 1 OF CITIES AND TOWNS, AT PAGE 30 1/2, RECORDS OF SAID COUNTY, THENCE ALONG SAID NORTHWESTERLY BOUNDARY NORTH 40°42'00" EAST 118.55 FEET TO A POINT; THENCE LEAVING SAID BOUNDARY ALONG A NON-TANGENT CURVE TO THE RIGHT, FROM A TANGENT BEARING SOUTH 35°28'51" EAST, WITH A RADIUS OF 665.00 FEET, THROUGH A CENTRAL ANGLE OF 51°58'33", AN ARC DISTANCE OF 802.05 FEET TO A POINT ON THE SOUTHEASTERLY BOUNDARY OF SAID 24.62 ACRE PARCEL; THENCE ALONG SAID SOUTHEASTERLY BOUNDARY SOUTH 55°38'00" WEST 60.61 FEET TO AN ANGLE POINT THEREOF; THENCE SOUTH 46°31'30" WEST 128.94 FEET TO AN ANGLE POINT THEREOF; THENCE SOUTH 23°03'00" WEST 129.45 FEET TO A POINT; THENCE LEAVING SAID BOUNDARY NORTH 0°30'39" WEST 510.14 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 625.00 FEET, THROUGH A CENTRAL ANGLE OF 30°20'36", AN ARC DISTANCE OF 331.00 FEET TO A POINT ON SAID NORTHWESTERLY BOUNDARY; THENCE ALONG SAID NORTHWESTERLY BOUNDARY NORTH 40°42'00" EAST 120.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.02 ACRES OF LAND, MORE OR LESS.

SAID IRREVOCABLE OFFER OF DEDICATION SHALL ALSO INCLUDE THE FOLLOWING TEMPORARY CONSTRUCTION EASEMENTS:

BEING 2 (TWO) EASEMENTS, 50 FEET IN WIDTH, FOR TEMPORARY CONSTRUCTION PURPOSES AND ANY APPURTENANCES THERETO, ADJOINING THE WESTERLY AND EASTERLY BOUNDARIES OF SAID PUBLIC STREET PARCEL AND LYING OVER, ON AND ACROSS PORTIONS OF SAID 24.62 ACRE PARCEL.

SAID TEMPORARY CONSTRUCTION EASEMENTS WILL AUTOMATICALLY TERMINATE WHEN THE CITY OF KING FORMALLY ACCEPTS THE IMPROVEMENTS CONSTRUCTED WITHIN THE PROPERTY SUBJECT TO THE IRREVOCABLE OFFER OF DEDICATION.

ADDITIONALLY, THE PROPERTY WILL BE SUBJECT TO A SEPARATE SEDIMENT PLACEMENT EASEMENT DESCRIBED AS FOLLOWS:



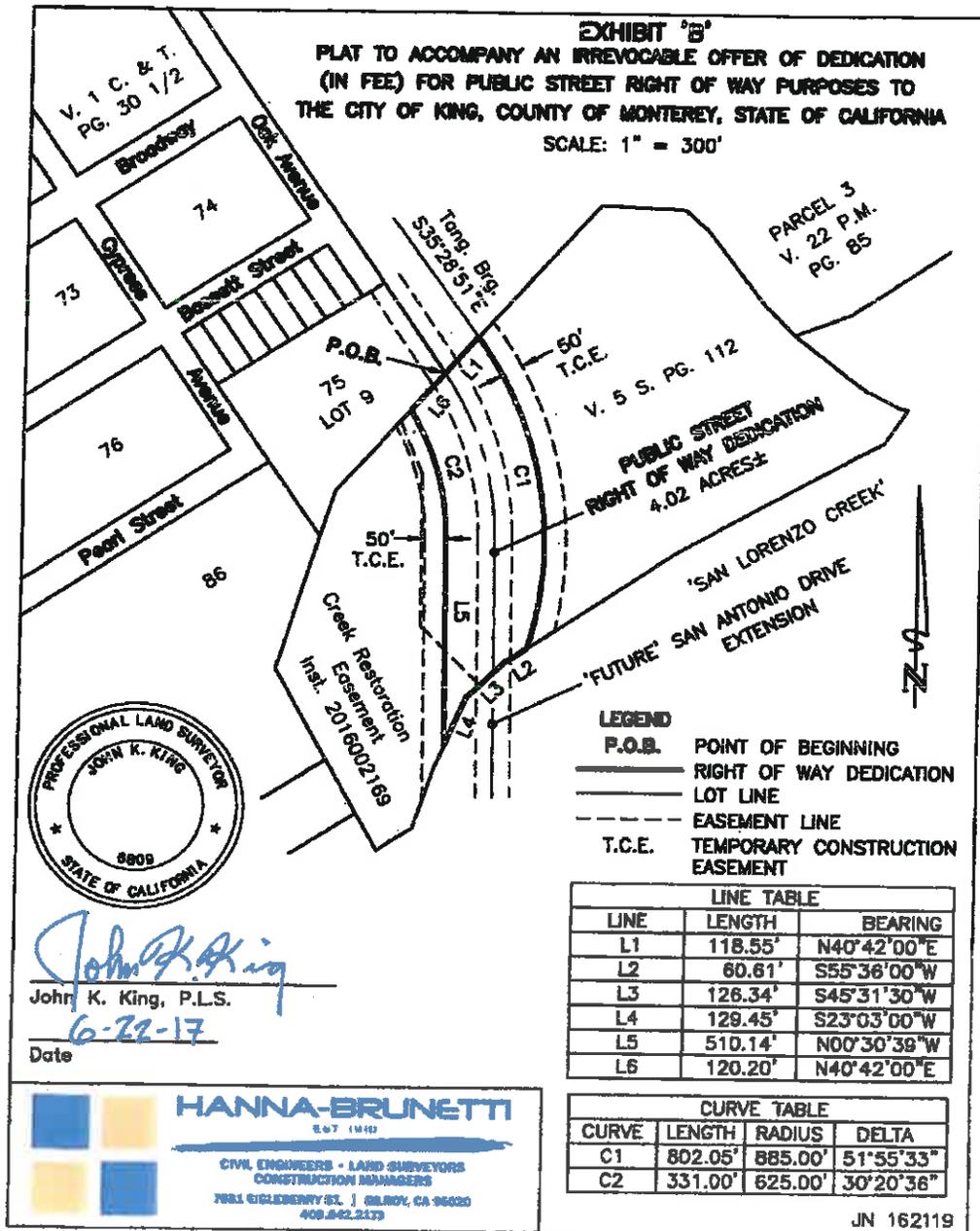
BEING AN EASEMENT FOR THE PLACEMENT OF SEDIMENT REMOVED FROM THE 'SAN LORENZO CREEK' UNDER THE 'SALINAS RIVER STREAM MAINTENANCE PROGRAM', ADMINISTERED BY PERMITTEE, MONTEREY COUNTY WATER RESOURCES AGENCY (MCWRA).

DURATION OF THE EASEMENT SHALL COINCIDE WITH THE DURATION OF ALL PERMITS FOR THE 'SALINAS RIVER STREAM MAINTENANCE PROGRAM' INCLUDING FUTURE PERMIT TIME EXTENSIONS.

PLACEMENT OF SEDIMENT SHALL BE WITHIN THE AREA OF THE 4.02 ACRE OF LAND SUBJECT TO THE IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC STREET RIGHT OF WAY AND/OR AT A LOCATION MUTUALLY AGREED UPON BY THE CITY OF KING AND THE OWNER OF THE PROPERTY, WHICH SHALL BE OUTSIDE OF THE FLOOD CHANNEL OF SAN LORENZO CREEK. THE OWNER OF THE PROPERTY MAY USE THE DEPOSITED SEDIMENT IN A WAY THAT WILL NOT INTERFERE WITH THE EASEMENT.

Exhibit B (continued)

Survey Plat





Item No. 10 (A)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 8, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM: STEVEN ADAMS, CITY MANAGER
SHANNON CHAFFIN, CITY ATTORNEY**

BY: SCOTT BRUCE, PRINCIPAL PLANNER

RE: CONSIDERATION OF INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 17.03 OF TITLE 17 OF THE KING CITY MUNICIPAL CODE PERTAINING TO COMMERCIAL CANNABIS ACTIVITY; AMENDING CHAPTER 17.30 OF TITLE 17 OF THE KING CITY MUNICIPAL CODE PERTAINING TO M-1 INDUSTRIAL DISTRICT; AMENDING CHAPTER 17.31 OF TITLE 17 OF THE KING CITY MUNICIPAL CODE PERTAINING TO M-2 INDUSTRIAL DISTRICT; AND INTRODUCTION OF AN ORDINANCE AMENDING SECTION D.3(G) OF CHAPTER 4 (DEVELOPMENT STANDARDS) OF THE EAST RANCH BUSINESS PARK SPECIFIC PLAN FOR THE PURPOSE OF ADDING ADDITIONAL COMMERCIAL CANNABIS USE

RECOMMENDATION:

It is recommended that City Council: 1) review and consider proposed Ordinances, including recommendation from Planning Commission including an increase from 6 manufacturing permits to 10; 2) conduct a Public Hearing, including First Reading and introduce Ordinance(s) by title only; and 3) scheduling second reading and for Council action for the August 22, 2017 meeting.

BACKGROUND:

With the adoption of Proposition 215, the California voters approved the Compassionate Use Act (Health and Safety Code § 11362.5) to ensure that seriously ill Californians have the right to obtain and use cannabis for medical

CITY COUNCIL

**CONSIDERATION OF FIRST READING AND INTRODUCTION OF ORDINANCES AMENDING THE KING CITY MUNICIPAL CODE - REPEALING AND REPLACING PORTIONS OF CHAPTER 17.03; AMENDING SECTIONS 17.30.020 AND 17.31.020; AMENDING SECTION D.3(G) OF CHAPTER 4 OF THE EAST RANCH BUSINESS PARK SPECIFIC PLAN AUGUST 8, 2017
PAGE 2 OF 7**

purposes where that medical use is deemed appropriate and has been recommended by a physician, without fear of criminal prosecution under limited, specified circumstances. In 2004, the State Legislature enacted SB 420 to clarify the scope of the Compassionate Use Act and provide additional statutory guidance regarding medical cannabis use. These statutes are codified at Health and Safety Code section 11362.7 et seq. and allow cities and counties to adopt supplemental rules and regulations.

In October of 2015, the Governor signed the Medical Marijuana Regulation and Safety Act ("Act"). The Act created a comprehensive State licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis, all subject to local control. One of the purposes of the Act is to ensure uniformity among jurisdictions that wished to allow commercial cannabis operations.

The Adult Use of Marijuana Act ("AUMA") was approved by a majority of California voters in the November 2016 election. The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical cannabis, including cannabis products. Adults, age 21 and older, will be allowed to possess cannabis and grow certain amounts at home for personal use.

There are a number of factors that justify the need to regulate cannabis cultivation and production. Unregulated cannabis cultivation can be harmful to the health, safety and welfare of the surrounding community and constitute a public nuisance. Cannabis plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries without proper ventilation, odor control, and other regulations. Due to the value of cannabis plants and their strong smell (which alerts others to their locations), cannabis cultivation has also been linked to break-ins, robbery, armed robbery, theft and attendant violence and injury, creating an increased risk to public safety.

In addition, cannabis cultivation has been shown to involve avoidance of environmental laws and regulations, and has resulted in the pollution of waters and navigable waterways in the State of California. The indoor cultivation of cannabis has potential adverse effects to the structural integrity of the buildings in which cannabis is cultivated, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire, which presents a clear and present danger to the buildings, its occupants, and neighboring buildings. In fact, there are numerous well publicized studies and reports, as well as numerous documented incidents in Monterey County and throughout the State, which show that unregulated cannabis activities have a significant adverse effect on the community.

**CITY COUNCIL
CONSIDERATION OF FIRST READING AND INTRODUCTION OF
ORDINANCES AMENDING THE KING CITY MUNICIPAL CODE - REPEALING
AND REPLACING PORTIONS OF CHAPTER 17.03; AMENDING SECTIONS
17.30.020 AND 17.31.020; AMENDING SECTION D.3(G) OF CHAPTER 4 OF
THE EAST RANCH BUSINESS PARK SPECIFIC PLAN AUGUST 8, 2017
PAGE 3 OF 7**

Health and Safety Code section 11362.2(b) explicitly allows a city to “enact and enforce reasonable regulations to reasonably regulate” the cultivation of cannabis. Countless California cities have reported negative impacts of cannabis cultivation and related activities, including but not limited to offensive odors, criminal activity, (such as trespassing, theft, violent robberies and robbery attempts, and the illegal sale and distribution of cannabis), and public health and safety concerns (such as fire hazards and problems associated with mold, fungus, and pests). Given the continuing lack of formal regulation from the state, the City is considering amendment of the regulations governing commercial cultivation of cannabis. Without a formal regulatory framework, the adverse impacts frequently associated with commercial cannabis activities will occur, and would result in an unregulated and potentially significant negative impact upon the environment and upon public health, safety, and welfare of the community.

On January 26, 2016, the City adopted Title 17, Chapter 17.03 of the King City Municipal Code pertaining to commercial cannabis activity. The commercial medical cannabis ordinance places complete bans and regulations on medical cannabis activity in the City based upon various health, safety and welfare and land use findings relating to cannabis cultivation, distribution, and consumption, which findings are incorporated herein by reference. The City also considered and adopted the Mitigated Negative Declaration ("**MND**") related to the project.

In September of 2016 the City further amended the King City Municipal Code to facilitate and regulate the allowance of additional types of indoor commercial cannabis activity as well as the manufacturing and testing of commercial medical cannabis products. The commercial medical cannabis related ordinances added regulatory language and amend the land uses / license types that are allowed in the EBRP SP and the M-1 and M-2 Districts. The City also considered and adopted the Mitigated Negative Declaration ("**MND**") related to the project.

On August 01, 2017, the Planning Commission considered the item in duly noticed public hearing and recommends approval. Resolution 2017-184 is attached.

DISCUSSION:

Three cannabis related Conditional Use Permit (CUP's) have been approved. Those three CUP's have resulted in the issuance of twelve Operations Permits. Through the review and approval process, Staff has had the opportunity to evaluate the functionality and clarity of the regulations, as well as receive comment and suggestions from the applicants. In addition, the City Attorney's Office has conducted a thorough legal analysis of the evolving state regulations

CITY COUNCIL

**CONSIDERATION OF FIRST READING AND INTRODUCTION OF ORDINANCES AMENDING THE KING CITY MUNICIPAL CODE - REPEALING AND REPLACING PORTIONS OF CHAPTER 17.03; AMENDING SECTIONS 17.30.020 AND 17.31.020; AMENDING SECTION D.3(G) OF CHAPTER 4 OF THE EAST RANCH BUSINESS PARK SPECIFIC PLAN AUGUST 8, 2017
PAGE 4 OF 7**

and provided suggested amendments to bring the King City Municipal Code into compliance with the new requirements created by SB-94.

During the discussions related to the June 27, 2017 code revisions there was also discussion related to additional revisions. Three significant elements of those discussions include:

- The definition of Commercial Cannabis in the City – moving from specifically medically to cannabis in general (Medical and Recreational) in accordance with state law.
- The inclusion of CA Type 7 manufacturing as an allowed permit type within the City. This type of process is classified as “level 2” manufacturing and includes the use of volatile substances such as food grade ethanol, propane or hexane.
- The inclusion of a CA Type 10A license as an allowed permit type within the City. This will authorize an individual or corporation to hold multiple permit types, including holding nursery, cultivation, manufacturing and distribution permits.

The currently proposed overall Ordinance revisions address these issues directed by Council as follows:

- Cannabis definition: Section 17.03.020 (a) now states that “Cannabis” means all parts of the medical or recreational plant or seeds.
- Type 7 Manufacturing: Sections 17.03.270(a) provides for the inclusion of Type 7 manufacturing and directs that the Fire / Police chiefs determine the amount of volatile chemical, solvent or substance that can be stored on site. Section 17.03.270 (b) provides for the City Manager to establish additional regulations and / or guidelines.

In practice, Staff will require that each Applicant provide detailed information as to type(s) use, amount and storage of these materials, included in textual description and graphically on the floorplans. When the information is provided, the proposed plans will be reviewed by the Fire Chief and also by the Police Chief as they deem appropriate. Staff will also provide the information to the City’s Cannabis Consultant. This review will occur prior to presentation to Planning Commission during CUP review. It is anticipated that the projects will be reviewed to ensure safety similar to other projects in the Industrial Districts. If there are concerns by

CITY COUNCIL

**CONSIDERATION OF FIRST READING AND INTRODUCTION OF ORDINANCES AMENDING THE KING CITY MUNICIPAL CODE - REPEALING AND REPLACING PORTIONS OF CHAPTER 17.03; AMENDING SECTIONS 17.30.020 AND 17.31.020; AMENDING SECTION D.3(G) OF CHAPTER 4 OF THE EAST RANCH BUSINESS PARK SPECIFIC PLAN AUGUST 8, 2017
PAGE 5 OF 7**

Staff and / or the Commission, they will be required to be addressed to the City's satisfaction prior to issuance of an Operations Permit.

Also, at the regularly scheduled Planning Commission hearing of August 1, the Planning Commission heard comments from Staff, entertained discussion and recommended that the maximum number of Manufacturing Permits be increased from six to ten. The revised Ordinance reflects that recommendation.

- **Multiple Permits:** Previously the City Council gave staff direction to prepare an update to the existing Commercial Cannabis Activity ordinances authorizing the issuing of multiple City permit types consistent with a State of California Type 10A license, excluding dispensaries. While preparing the updates, the California Legislature passed and the Governor signed into law SB-94, which removed the Type 10A license and replaced it with a Type 12 "Microbusiness" license. Section 17.03. 040 subdivisions (f)(8) and (i) address the multiple permit and license issue. The update authorizes an applicant to hold multiple City issued commercial cannabis permit types, consistent with the requirements of Business and Professions Code section 26053 and a Type 12 Microbusiness license. It also prohibits an individual or corporation which holds a Testing permit or CA Type 8 Testing license from holding any other permit or license type.

A summary of each of the specific Ordinances is as follows:

Ordinance 2017-745: Amendments to Title 17, Section 17.03 defines and regulates the Commercial Cannabis Activity related uses that are to be allowed in the City; it does not specifically delineate those additional uses and/or the areas of the City where those uses can be located. Currently, the ERBP and the M-1, M-2 Districts allow indoor cultivation, nurseries, Type 6 (non-volatile) manufacturing and testing.

Ordinance 2017-745: Also amends Sections 17.30.020 and 17.31.020 adding CA Type 7 Manufacturing (volatiles, level 2) and removing and replacing (CA Type 12) Transportation activities with CA Type 12 "Microbusiness". Testing licenses are being clarified – a CA Type 8 Testing License holder / City Permittee cannot hold a license or permit of another type.

Ordinance 2017-746: Amendments to the ERBP Specific Plan will allow the CA Type 7 Manufacturing (volatiles, type 2) and remove and replace (CA Type 12)

CITY COUNCIL

CONSIDERATION OF FIRST READING AND INTRODUCTION OF ORDINANCES AMENDING THE KING CITY MUNICIPAL CODE - REPEALING AND REPLACING PORTIONS OF CHAPTER 17.03; AMENDING SECTIONS 17.30.020 AND 17.31.020; AMENDING SECTION D.3(G) OF CHAPTER 4 OF THE EAST RANCH BUSINESS PARK SPECIFIC PLAN AUGUST 8, 2017 PAGE 6 OF 7

Transporter activities with (CA Type 12) Microbusiness activities. Testing licenses are being clarified – a CA Type 8 -Testing License holder / City Permittee cannot hold a license or permit of another type.

The State of California, as part of AB 243, AB 266, SB 643 and SB 94, has defined certain Types of “Licenses”.

The City’s Municipal Code currently allows:

- Type 2A: Indoor cultivation with all artificial light from 0 to 10,000 square feet of plant canopy
- Type 3A: Indoor cultivation with all artificial light from 10,001 to 22,000 square feet of plant canopy
- Type 2B: Indoor cultivation with all artificial light from 0 to 10,000 square feet of plant canopy
- Type 3B: Indoor cultivation with all artificial light from 10,001 to 22,000 square feet of plant canopy
- Type 4: Nurseries (the City anticipates limiting this use to a maximum 25,000 sf of plant growth area).
- Type 6: Manufacturing (Level 1)
- Type 8: Testing
- Type 11: Distribution
- Type 12 Microbusiness

The Amendments Include (but are not limited to):

Refinements to:

- Cannabis and Transporter Definitions
- Clarified prohibition of retail deliveries and dispensing
- Permit renewal requirements
- Edibles
- Minimum age for employees and site access now 21
- Limitations regarding Testing Permits and Employees

Also:

- “Greenhouses”
- Add CA Manufacturing Type 7 (level 2) (with approval by Fire Chief and / or Chief of Police
- Transporter Uses now “microbusiness”

CITY COUNCIL

**FIRST READING RE: AMENDING THE KING CITY MUNICIPAL CODE -
REPEALING AND REPLACING PORTIONS OF CHAPTER 17.03; AMENDING
SECTIONS 17.30.020 AND 17.31.020; AMENDING SECTION D.3(G) OF
CHAPTER 4 OF THE EAST RANCH BUSINESS PARK SPECIFIC PLAN
AUGUST 8, 2017
PAGE 7 OF 7**

COST ANALYSIS:

There were consultant staff costs involved in preparation of the Ordinances, which staff believes can be funded within the existing budget appropriations. The overall impact of the Ordinances are anticipated to have a positive financial impact by encouraging more manufacturing and cultivation activities.

ENVIRONMENTAL REVIEW:

The Ordinances are exempt from the California Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines § 15061(b)(3).) It is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated cannabis cultivation. (CEQA Guidelines §§ 15307 and 15308.)

ALTERNATIVES:

The following alternatives are provided for City Council consideration:

1. Approve staff recommendations and introduce the Ordinances;
2. Direct Staff to prepare amendments allowing some or all of the uses outlined and continue introduction of the Ordinances to the next meeting;
3. Direct Staff to prepare additional research;
4. Do not introduce the Ordinances; or
5. Provide staff other direction.

Exhibits:

1. Ordinance No. 2017- 745 (Section 17.03, Regulatory Ordinance and (Sections 17.30 and 17.31 (M-1 and M-2 Districts)
2. Ordinance No. 2017-746 (East Ranch Business Park Specific Plan Amendment).
3. Resolution 2017-184

Prepared and Approved by:



Steven Adams, City Manager

ORDINANCE NO. 2017-745**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING CHAPTER 17.03 OF TITLE 17 OF THE KING CITY MUNICIPAL CODE PERTAINING TO COMMERCIAL CANNABIS ACTIVITY; AMENDING CHAPTER 17.30 OF TITLE 17 OF THE KING CITY MUNICIPAL CODE PERTAINING TO M-1 INDUSTRIAL DISTRICT; AND AMENDING CHAPTER 17.31 OF TITLE 17 OF THE KING CITY MUNICIPAL CODE PERTAINING TO M-2 INDUSTRIAL DISTRICT**

WHEREAS, the City of King (“the City”) has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the City, California Constitution Article XI, section 7; and

WHEREAS, in 1996, with the adoption of Proposition 215, the California voters approved the Compassionate Use Act (Health and Safety Code § 11362.5) to ensure that seriously ill Californians have the right to obtain and use cannabis for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, without fear of criminal prosecution under limited, specified circumstances; and

WHEREAS, in 2004, the State Legislature enacted SB 420 to clarify the scope of the Compassionate Use Act and provide additional statutory guidance regarding medical cannabis use. These statutes are codified at Health and Safety Code § 11362.7 et seq. and allow cities and counties to adopt supplemental rules and regulations; and

WHEREAS, on October 9, 2015, almost 20 years after passage of the Compassionate Use Act, the Governor signed the Medical Marijuana Regulation and Safety Act (“Act”), comprised of California legislative bills AB 243, AB 266, and SB 643. The Act creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis, all subject to local control. One of the purposes of the Act is to ensure uniformity among jurisdictions that wished to allow commercial cannabis operations; and

WHEREAS, on June 27, 2016, the Governor signed SB 837, effective immediately, changing the terms in the Act from “medical marijuana” or “marijuana” to “medical cannabis” or “cannabis”, and making other technical changes to the Act. SB 837 also adopted regulations relating to the use and diversion of water in connection with the cultivation of cannabis; and

WHEREAS, in 2016, the City adopted Title 17, Chapter 17.03 et seq., of the King City Municipal Code pertaining to Medical Cannabis Activity. The Medical Cannabis Ordinance places complete bans and regulations on medical cannabis activity in the City based upon various health, safety and welfare and land use findings relating to cannabis cultivation, dispensing, and consumption, which findings are incorporated herein by reference; and

WHEREAS, on August 1, 2017, at a lawfully noticed hearing, the Planning Commission for the City of King heard and considered the issue of increasing the maximum number of manufacturing permits the City will approve. The Planning Commission, upon hearing and considering the issue of increasing the maximum number of manufacturing permits, recommends

that the City Council of the City of King increase the maximum number of manufacturing permits the City will approve from six (6) to ten (10).

WHEREAS, in November of 2016 the Adult Use of Marijuana Act (“AUMA”) was approved by a majority of California voters. The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical cannabis, including cannabis products. Adults, age 21 and older, will be allowed to possess cannabis and grow certain amounts at home for personal use; and

WHEREAS, the AUMA did not provide for a specific effective date, thus the provisions of the AUMA regarding personal use, possession, and cultivation of cannabis became effective the day after the November 8, 2016; and

WHEREAS, the AUMA’s proposed Health & Safety Code section 11362.1(a)(3), will make it lawful under state and local law for any person twenty-one (21) years of age or older to “Possess, plant, cultivate, harvest, dry, or process not more than six living cannabis plants and possess the cannabis produced by the plants”; and

WHEREAS, the City wishes to enact regulations governing commercial cultivation of cannabis at this time; and

WHEREAS, the AUMA’s proposed Health & Safety Code section 11362.2(b) explicitly allows a city to “enact and enforce reasonable regulations to reasonably regulate” the cultivation of cannabis so long as the City does not prohibit the cultivation of up to six plants “inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure”; and

WHEREAS, several California cities have reported negative impacts of cannabis cultivation and related activities, including but not limited to offensive odors, criminal activity, (such as trespassing, theft, violent robberies and robbery attempts, and the illegal sale and distribution of cannabis), and public health and safety concerns (such as fire hazards and problems associated with mold, fungus, and pests); and

WHEREAS, cannabis plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors or if grown indoors without proper ventilation, odor control, and other regulations; and

WHEREAS, due to the value of cannabis plants and their strong smell (which alerts others to their locations), cannabis cultivation has been linked to break-ins, robbery, armed robbery, theft and attendant violence and injury, creating an increased risk to public safety; and

WHEREAS, unregulated cannabis cultivation can be harmful to the welfare of the surrounding community and its residents and constitute a public nuisance, in that cannabis cultivation has been shown to involve avoidance of environmental laws and regulations, and has resulted in the pollution of waters and navigable waterways in the State of California; and

WHEREAS, the indoor cultivation of cannabis has potential adverse effects to the structural integrity of the buildings in which cannabis is cultivated, and the use of high wattage

grow lights and excessive use of electricity increases the risk of fire, which presents a clear and present danger to the buildings, its occupants, and neighboring buildings and residents; and

WHEREAS, unregulated indoor cultivation of cannabis can be harmful to the public health, safety and welfare, given electrical modifications risk fires, poor irrigation can cause mold, overloaded circuits can leave entire neighborhoods in the dark, plant chemicals can cause illness, improper carbon dioxide mixed with insufficient ventilation can cause injury or death, and structural changes put first responders in danger if they rush into the unknown; and

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognize that the cultivation or other concentration of cannabis in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering and/or crime; and

WHEREAS, MMRSA and AUMA mandated comprehensive state licensing and regulatory framework for cultivation, manufacturing, distribution, transporting, testing and dispensing cannabis and cannabis products; however, implementing regulations have yet to be written and state licenses may not be available until 2018; and

WHEREAS, there are numerous well publicized studies and reports, as well as numerous documented incident in Monterey County and throughout the State, which show that unregulated cannabis activities have a significant adverse effect on the community; and

WHEREAS, the City finds that the absence of a formal regulatory framework the adverse impacts frequently associated with commercial cannabis activities will occur, resulting in an unregulated and potentially significant negative impact upon the environment and upon public health, safety, and welfare of the community; and

WHEREAS, outdoor cannabis cultivation and unregulated indoor cannabis cultivation are likely to generate these negative effects on the public health, safety, and welfare in the City, based on the experiences of other cities; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the City desires to explicitly prohibit the outdoor cultivation of commercial cannabis for both recreational and medical use; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the City also desires to enact reasonable regulations for the indoor cultivation, manufacturing, testing, distribution, or consumption of commercial recreational and medical cannabis; and

WHEREAS, absent clear regulation, cannabis cultivation in the City poses a potential threat to the public peace, health, and safety, and, unless the City takes action to regulate it, the secondary impacts described above are likely to occur very soon after the passage of the AUMA; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and in preserving the peace and quiet of

the neighborhoods within the City by regulating the commercial cultivation of recreational and medical cannabis; and

WHEREAS, nothing in this Ordinance shall be construed to: (1) allow any person to engage in conduct that endangers others or causes a public nuisance; or (2) allow any activity relating to the cultivation, manufacturing, testing, distribution, or consumption of cannabis which is illegal under state or federal law; and

WHEREAS, it is the intent of the City to regulation commercial cannabis activities, both recreational and medical, within the boundaries of the City.

NOW THEREFORE, the City Council of the City of King does hereby ordain as follows:

SECTION 1. The above recitals are incorporated are hereby by reference.

SECTION 2. The Ordinance is exempt from the California Environmental Quality Act (“CEQA”) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines § 15061(b)(3).) It is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated cannabis cultivation. (CEQA Guidelines §§ 15307 and 15308.)

SECTION 3. Chapter 17.03, of Title 17, of the King City Municipal Code and the Chapters specifically identified below are amended to read as follows:

Chapter 17.03

COMMERCIAL CANNABIS ACTIVITY

Section 17.03.020 Definitions.

When used in this Chapter, the following terms shall have the meanings ascribed to them in this Section. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

- (a) “*Cannabis*” means all parts of the medical or recreational Cannabis sativa Linnaeus, medical or recreational Cannabis indica, and/or medical or recreational Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “*Cannabis*” also means the separated resin, whether crude or purified, obtained from marijuana. “*Cannabis*” also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 14017 of the Statutes of 1972. “*Cannabis*” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the

plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, “*Cannabis*” does not mean recreational marijuana, cannabis or industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

- (b) “*Cannabis concentrate*” means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product’s potency. An edible cannabis product is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.
- (c) “*Cannabis product*” means live unharvested cannabis, dried cultivated cannabis, live plants and/or a product containing cannabis, including, but not limited to, concentrates and extractions. For purposes of this Chapter, “*cannabis product*” does not include industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.
- (d) “*Chief of Police*” means the Chief of Police for the King City Police Department or his/her designee.
- (e) “*City Manager*” means the City Manager for the City of King or his/her designee.
- (f) “*Commercial cannabis activity*” or “*commercial cannabis business*” includes any business or operation which engages in cultivation, nursery, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, or sale of cannabis or a cannabis product, except as set forth in California Business and Professions Code Section 19319, related to qualifying patients and primary caregivers.
- (g) “*Commercial cannabis permit*” means a permit issued by the City of King pursuant to this Chapter to a commercial cannabis business.
- (h) “*Cultivation*” means any activity involving the propagation, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- (i) “*Cultivation site*” means a facility where cannabis is propagated, planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, which holds both a valid state license and a permit issued by the City of King.

- (j) “*Delivery*” means the commercial transfer of cannabis or cannabis products from a cultivation site, up to an amount determined by the State of California, or any of its departments or divisions, to a manufacturer or a testing laboratory.
- (k) “*Dispensary*” means 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 an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale.
- (l) “*Dispensing*” means making cannabis or cannabis products available to, delivering to, or distributing to two (2) or more persons and/or any activity involving the wholesale of cannabis or cannabis products.
- (m) “*Distribution*” means the sale or transportation of cannabis or cannabis products between entities licensed pursuant to the MMRSA, AUMA and/or any subsequent State of California legislation regarding cannabis and/or cannabis products.
- (n) “*Distributor*” means a person licensed under the MMRSA, AUMA and any subsequent State of California legislation to engage in the business of selling wholesale cannabis or cannabis products for sale to a licensed dispensary.
- (o) “*Dried flower*” means all cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
- (p) “*Edible cannabis product*” means manufactured cannabis that is intended to be used, in whole or in part, for human consumption. An edible cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code.
- (q) “*License*” means a license issued by the State of California, or one of its departments or divisions, under the MMRSA and/or AUMA to engage in commercial cannabis activity.
- (r) “*Live plants*” means living cannabis flowers and plants, including seeds, sprouts, immature plants (including unrooted clones), and vegetative stage plants.
- (s) “*Manufacturer*” means a person that conducts the production, preparation, propagation, or compounding of manufactured cannabis, as defined in this Section, or cannabis products either directly or indirectly or by extraction methods, or independently by

means of chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container, that holds a valid state license and holds a permit issued by the City of King.

- (t) “*Manufactured cannabis*” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate or manufactured product, including but not limited to products intended for internal consumption or topical application.
- (u) “*Manufacturing site*” means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a license by the State of California, or one of its departments or divisions, for these activities.
- (v) “*Nursery*” means a licensed facility which produces only cannabis clones, immature cannabis plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.
- (w) “*Person*” means an individual, 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.
- (x) “*Topical cannabis*” means a product intended for external application. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.
- (y) “*Transport*” means the transfer of cannabis or cannabis products from a licensed and permitted commercial cannabis business location to another licensed and permitted commercial cannabis business location, for the purposes of the wholesale delivery of cannabis and/or cannabis products and/or the transfer of cannabis to a manufacturing site or testing site as authorized pursuant to state law and/or the King City Municipal Code.
- (z) “*Transporter*” means a person ~~issued a license by the State of California, or one of its departments or divisions, to~~ who transports commercial cannabis or cannabis products in an amount above a threshold determined by the State of California, or one of its departments or divisions for personal use to and from a commercial

cannabis business licensed by the State of California or one of its departments or divisions and permitted by the City of King.

Section 17.03.040 Licenses and Permits.

- (a) Commercial cannabis activity shall be authorized in the City of King only as expressly provided in this Chapter and if not expressly authorized by this Chapter shall be prohibited.
- (b) Cannabis dispensaries, cooperatives and/or collectives shall be prohibited in all zoning districts within the City. Further, no retail deliveries or dispensing of any cannabis or cannabis product shall be allowed within the jurisdictional boundaries of the City. The establishment, development, construction, maintenance, or operation of a cannabis dispensary, cooperative and/or collective are hereby prohibited, and is not an authorized or conditionally permitted use in any zoning district, even if located within an otherwise permitted use. No person shall establish, develop, construct, maintain, or operate a cannabis dispensary, cooperative and/or collective, and no application for a building permit, use permit, variance, or any other entitlement authorizing the establishment, development, construction, maintenance, or operation of any cannabis dispensary, cooperative and/or collective shall be approved by any officer or employee of the City. A violation of this Section is declared to be a public nuisance and punishable pursuant to the provisions of the King City Municipal Code.
- (c) The retail sale, gift, trade, barter or making available of cannabis or cannabis products by two or more persons shall be prohibited in all zoning districts of the City.
- (d) In addition to those other requirements which may be imposed pursuant to this Chapter, no person shall establish, develop, construct, maintain, or operate a commercial cannabis activity and/or open a commercial cannabis business without possessing both a commercial cannabis permit issued by the City and within one (1) year of the ability to obtain a license, a license issued by the State of California or one of its departments or divisions.
- (e) The City Manager is hereby authorized to issue commercial cannabis permits on behalf of the City. The City Manager, in their sole discretion, may issue a commercial cannabis permit pursuant to the mandatory requirements of this Chapter and the King City Municipal Code as may be repealed or amended by the City Council from time to time.
- (f) A commercial cannabis permit shall be governed by the following requirements and/or limitations:
 - (1) There shall be no retail sales of cannabis and/or cannabis products.
 - (2) Excluding repair, maintenance and delivery services, there shall be no public access to the commercial cannabis business.

- (3) It shall be unlawful to employ or grant access to any individual under ~~eighteen (18)~~twenty-one (21) years of age, or ~~elder another age~~ as set by state law.
- (4) Each commercial cannabis permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance.
- (5) An application for renewal of a commercial cannabis permit shall be filed with the City Manager at least sixty (60) calendar days prior to the expiration date of the permit.
- (6) An application for renewal of a commercial cannabis permit shall be denied if any of the following exists:
 - (A) The application for renewal of the commercial cannabis permit is filed less than sixty (60) calendar days before its expiration.
 - (B) The commercial cannabis permit is suspended or revoked at the time the application for renewal is submitted or suspended or revoked while the application for renewal is pending.
 - (C) The commercial cannabis business or activity has not been in regular and continuous operation during the four (4) months prior to the submission of the application for renewal.
 - (D) The commercial cannabis business or activity fails to conform to the requirements of this Chapter, any provision of the King City Municipal Code, any condition(s) imposed as part of a conditional use permit, and/or zoning requirement.
 - (E) The applicant for renewal of the commercial cannabis permit fails to renew its State of California license.
 - (F) The applicant for renewal has failed to pay in full any fees, administrative citation fines, penalties and/or costs issued by the City relating to the commercial cannabis business and/or activity, unless assessment of the fees, administrative citation fines, penalties and/or costs are being appealed.
- (7) If a renewal application is denied, the applicant may file an appeal. The appeal must be in writing, identify the grounds for reversing the denial and be submitted to the City Clerk within ten (10) days from the date of the denial. The appeal shall be conducted as established within this Chapter and/or the King City Municipal Code. In the alternative, the applicant may file a wholly new application for a

commercial cannabis permit as established within this Chapter. Upon expiration of the commercial cannabis permit and regardless of a pending appeal or new application for a commercial cannabis permit, all applicant's commercial cannabis activity shall immediately cease. Violations of this Section shall be subject to denial of the appeal or new application for a commercial cannabis permit and/or the enforcement, penalties and cost recovery proscribed within this Chapter and/or the King City Municipal Code.

- (8) An applicant seeking multiple licenses for different types of commercial cannabis activity shall be required to comply with the multiple licensing restrictions contained within Business and Professions Code Section 19328. An applicant may hold multiple City issued commercial cannabis permit types, consistent with the requirements of Business and Professions Code section 26053 and a State of California Type 12 "Microbusiness" license. An applicant who holds a City issued testing permit and/or State of California issued testing license shall not hold any other City issued commercial cannabis permits. An applicant also shall not receive a commercial cannabis permit authorizing the establishment, development, construction, maintenance, or operation of a cannabis dispensary, cooperative and/or collective within the City. Further, the applicant shall apply and receive a City issued permit for each type of commercial cannabis activity prior to engaging in the commercial cannabis activity.
- (9) Any unpaid fees, administrative citation fines, penalties and/or costs issued by the City relating to the commercial cannabis business and/or activity shall be added to the fee for renewal of the commercial cannabis permit, unless assessment of the fees, administrative citation fines, penalties and/or costs are being appealed.
- (10) A commercial cannabis permit shall not be renewed until the City receives payment in full of the renewal fee.
- (g) Prior to commencing operation, a commercial cannabis business shall obtain a City of King business license and comply with all applicable provisions and requirements of that license.
- (h) Prior to commencing operation, a commercial cannabis business shall be subject to a mandatory building inspection and must obtain all required permits or approvals which would otherwise be required including, but not limited to, building permit(s), King City Fire Department permit(s), and planning-level permit(s) required by Title 17 Zoning of the King City Municipal Code.

- (i) Consistent with the requirements of Business and Professions Code section 26053, a commercial cannabis business conducting multiple commercial cannabis activities shall obtain a City issued permit for each type of commercial cannabis activity prior to engaging in that activity. A commercial cannabis business which holds a City issued testing permit shall not hold any other City issued commercial cannabis permits. In addition, a commercial cannabis business authorized to conduct multiple commercial cannabis activities, consistent with the requirements of Business and Professions Code section 26053, shall not receive a City issued permit authorizing the establishment, development, construction, maintenance, or operation of a cannabis dispensary, cooperative and/or collective within the City.
- (j) Revocation, termination, denial, non-issuance or suspension of a license issued by the State of California, or any of its departments or divisions, shall immediately terminate the commercial cannabis permit and all commercial cannabis activity shall immediately cease. Upon reinstatement or receipt of a new license from the State of California, or any of its departments or divisions, the commercial cannabis activity may file for a new permit from the City. While a new application for a commercial cannabis permit is pending, applicant shall not engage in any commercial cannabis activity. Violations of this Section shall be subject to denial of the application for a commercial cannabis permit and/or the enforcement, penalties and cost recovery proscribed within this Chapter and/or the King City Municipal Code.

Section 17.03.060 Security Measures.

- (a) The City Manager is authorized to promulgate additional regulations necessary to implement the requirements and fulfill the policies of this Chapter related to commercial cannabis activities.
- (b) A permitted commercial cannabis business, regardless of building type utilized, shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products at the commercial cannabis business. Except as may otherwise be determined by the City Manager, these security measures shall include, but shall not be limited to, all of the following:
 - (1) Preventing both non-employees and employees from remaining on the premises of the commercial cannabis business if they are not engaging in the activity expressly related to the operations of the commercial cannabis business.
 - (2) Establishing limited access areas accessible only to authorized commercial cannabis business personnel.

- (3) Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault. All cannabis and cannabis products, including live plants which are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.
- (4) Installing twenty-four (24) hour security surveillance cameras with night vision capability and of at least HD-quality to monitor all entrances and exits to and from the premises and to monitor all interior spaces, excluding all restroom and changing room facilities, within the commercial cannabis business. The security surveillance system shall be compatible with software and hardware utilized by the King City Police Department. The security surveillance system shall be capable of providing the King City Police Department with remote real-time/live access to the video footage during emergency situations, including but not limited to armed robbery, active shooter, hostage, and exposure to hazardous or volatile substances. Video recordings shall be maintained for a minimum of forty-five (45) days. Upon request by the Chief of Police, video recordings will provided to the King City Police Department within twenty-four (24) hours. If the commercial cannabis business refuses to provide the Chief of Police access to the real-time/live video feed or the requested video recordings, the City Attorney shall be authorized to seek reimbursement of all costs, including but not limited to court costs, attorney's fees, filing fees, administrative time and fees and employee time, incurred by the City while seeking a warrant and/or judicial intervention granting the requested access. The requirements of this Section shall be in addition to any other provision provided for within the King City Municipal Code.
- (5) Sensors shall be installed to detect entry and exit from all secure areas.
- (6) Panic buttons shall be installed in all commercial cannabis businesses.
- (7) A professionally installed, maintained, and monitored alarm system.
- (8) Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building and installed in compliance with all applicable requirements of the King City Municipal Code, California Building Code and California Fire Code.
- (9) Security personnel hired by the commercial cannabis business shall be certified by the State of California and submit to and pass a background check conducted by the King City Police Department, including but not limited to finger print analysis utilizing the

California Department of Justice Live Scan system. In the alternative, the security personnel or commercial cannabis permit holder may provide the City Manager with a completed background check performed by a third party vendor approved by the City.

- (10) Each commercial cannabis business shall have the capability to remain secure and operational during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
- (c) Each commercial cannabis business shall provide the Chief of Police with the identity and contact information for a liaison who shall be reasonably available to meet and discuss compliance with the requirements of the King City Municipal Code, state law and/or any other regulations relating to the commercial cannabis activity.
- (d) As part of the application and permitting process, each commercial cannabis business shall provide the Chief of Police with a detailed transportation plan describing the procedures for safely and securely transporting cannabis, cannabis products and/or currency.
- (e) A commercial cannabis business shall notify the Chief of Police within twenty-four (24) hours after discovering any of the following:
 - (1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager.
 - (2) Diversion, theft, loss or any criminal activity involving the commercial cannabis business, an employee or any agent of the commercial cannabis business.
 - (3) The loss or unauthorized alteration of records referring or related to cannabis, cannabis products, employees or agents of the commercial cannabis business.
 - (4) Any other breach of security.

Section 17.03.070 Employee Work Permits.

- (a) Every employee or independent contractor working at the commercial cannabis business or involved in the transportation related services for the commercial cannabis business shall obtain an Employee Work Permit. It shall be the responsibility of the commercial cannabis permit holder to ensure that Employee Work Permits are obtained from the City Manager prior to the employee or independent contractor commencing work. Persons who are listed as the commercial cannabis permit holder shall not be

required to obtain an Employee Work Permit if such person also serves as an employee or contractor.

- (b) Each prospective employee or independent contractor shall be required to submit an application to the City Manager so that a background check can be performed by the Chief of Police. The application shall contain the following:
 - (1) Name, current resident address, and telephone number.
 - (2) Date of birth.
 - (3) Social security number, tax identification number or State of California identification card.
 - (4) Height, weight, eye color and hair color.
 - (5) Photographs for identification purposes (photographs shall be taken by the King City Police Department).
 - (6) Be fingerprinted by the King City Police Department and agree to a criminal history records check conducted by the King City Police Department based upon their fingerprints.
 - (7) Such other identification and information as deemed necessary by the Chief of Police and pertinent to the Employee Work Permit.
 - (8) Authorization for the City Manager to seek verification of the information contained within the application.
 - (9) The name of the commercial cannabis permit holder for which the applicant is seeking to work.
- (c) Every applicant for an Employee Work Permit shall provide the City with a non-refundable fee, as established by resolution of the City Council, to process their application. The fee shall include an amount to cover the costs of fingerprinting, photographing, background checks as well as general review and processing of the application. In the alternative, the applicant may provide the City Manager with a completed background check performed by a third party vendor approved by the City.
- (d) The Chief of Police, upon receiving a properly completed application and payment of the application fee or a completed third party background check, shall conduct an investigation into the information provided by the applicant. The background check and investigation or review shall be complete within thirty (30) days of receiving the properly completed application and completed background check. The City Manager shall provide the applicant with notice either approving or denying the requested Employee Work Permit within fifteen (15) days of completing the background check and investigation. The City Manager, in their sole

discretion, may conditionally approve the issuance of an Employee Work Permit pending completion of the background check and investigation. Notice of the decision shall be personally served or mailed to the applicant via U.S. mail. Notice of the decision is presumed served upon the applicant at the time it is deposited within the U.S. mail. The decision of the City Manager on an Employee Permit shall be final, subject to judicial review.

- (e) An Employee Work Permit shall be denied based upon any of the following grounds:
- (1) The applicant has been issued a local or state permit or license to conduct commercial cannabis activities at any other location within the State of California or another state and the permit or license was suspended or revoked, or the applicant has had disciplinary action relating to the permit or license.
 - (2) The applicant has been convicted of a serious or violent offense as listed within California Penal Code sections 667.5 and 1192.7(c).
 - (3) The applicant has been convicted of any offense listed within Business and Professions Code section 19323.
 - (4) The applicant has been convicted of a misdemeanor involving theft, dishonesty, fraud, narcotics sales or narcotic trafficking within the five (5) years preceding the date of the application.
 - (5) The applicant has been convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined within the Federal Controlled Substance Act, unless the applicant received a Certificate of Rehabilitation as defined in the Act.
 - (6) The applicant has engage in misconduct related to the qualifications, functions or duties of their position with the commercial cannabis business.
 - (7) The applicant has engaged in unlawful, fraudulent, unfair, or deceptive business practices as defined by the King City Municipal Code and/or state or federal law.
 - (8) The applicant is under the age of ~~eighteen (18)~~twenty-one (21), or any ~~elder~~ age as may be set by state law.
 - (9) The applicant meets any of the conditions identified within Business and Professions Code section 26057(b).
- (f) The City Manager may suspend or revoke an Employee Work Permit when the employee or independent contractor has committed any of the following acts:

- (1) Any action which would be grounds for denial of an Employee Work Permit.
 - (2) Any violation of this Chapter, the King City Municipal Code, or any other applicable state or federal law governing the commercial cannabis business or activity.
 - (3) An employee or independent contractor working for a commercial cannabis testing facility is also employed or volunteers at any commercial cannabis business engaging in non-testing commercial cannabis activities.
- (g) Prior to suspending or revoking an Employee Work Permit, the City Manager shall conduct a hearing. Written notice of the hearing shall be provided to the employee or independent contractor at least five (5) calendar days prior to the hearing. The notice shall contain the basis for suspending or revoking the Employee Work Permit. Notice may be provided by either personal service or U.S. mail. After the hearing, the City Manager shall provide notice of the decision whether to suspend or revoke the Employee Work Permit. The decision of the City Manager shall be final, subject to judicial review. The employee or independent contractor has no right to appeal the decision to the City Council.
- (h) The City Manager may immediately suspend an Employee Work Permit without notice or hearing, subject to appeal rights as set forth in this Chapter, under the following circumstances:
- (1) The employee or independent contractor is convicted of a public offense in any court for the violation of any law which would be grounds for denial of an Employee Work Permit.
 - (2) The Chief of Police determines immediate suspension is necessary to protect the health, safety and welfare of the community. The City Manager shall provide notice of the grounds for immediate suspension of the Employee Work Permit and the suspension shall only be for as long as reasonably necessary to address the grounds which led to the suspension.

Section 17.03.100 Restriction on Alcohol Sales.

No person shall cause or ~~permit~~allow the sale, dispensing, or consumption of alcoholic beverages on or about the premises of any commercial cannabis business. No commercial cannabis business may operate at the same location as an alcohol-related use as that term is defined in the King City Municipal Code.

Section 17.03.170 Application Procedures and Application Requirements.

Permittee Selection Process; Criteria for Review; Renewal, Suspension or Revocation of a Permit; Appeals. In addition to those requirements set forth in this

Section and elsewhere in this Chapter, the City Council may by resolution or ordinance adopt such forms, fees, and procedures as are necessary to implement this Chapter with respect to the initial selection, future selection, investigation process, renewal, revocation, and suspension of commercial cannabis business permits and appeals for the revocation or suspension of a commercial cannabis permit.

- (a) At a minimum, the application shall contain the following requirements:
 - (1) The printed full name, signature, date of birth, social security number, and present address and telephone number of all persons and entities responsible for the operation of the commercial cannabis business including managers, corporate officers, investors, any individual with an ownership interest, any member of a board of directors, any general or limited partner, and/or any member of a decision-making body for the commercial cannabis business.
 - (2) The address to which correspondence from the City of King is to be sent.
 - (3) The names and addresses of all businesses operated by and the employment of the applicant(s) for the five (5) years immediately preceding the date of the application.
 - (4) Any litigation in which the applicant(s) has been involved within the five (5) years immediately preceding the date of the application and a statement of whether any business currently operated by the applicant(s) or operated by the applicant(s) within the five (5) years immediately preceding the date of the application has been investigated or the permit or license authorizing the operation of such business has been revoked or suspended within the five (5) years immediately preceding the date of the application.
 - (5) The address of any commercial cannabis business currently being operated by the applicant(s), or any of them, or which have been previously operated by them.
 - (6) The supply sources for all cannabis and cannabis products sold at the commercial cannabis business. Product supply chain including the site(s) where cultivation occurs, the product is processed or manufactured, any required testing of cannabis or cannabis products, transportation, and packaging and labelling criteria.
 - (7) The names and telephone numbers of the person(s) to be regularly engaged in the operation of the proposed

commercial cannabis business, whether an employee, volunteer or contractor. The application shall also have the names and telephone numbers of those persons having management and supervisory responsibilities for the proposed commercial cannabis business.

- (8) Odor control devices and techniques to prevent odors from marijuana from being detectable off-site.
- (9) Procedures for identifying, managing, and disposing of contaminated, adulterated, deteriorated or excess medical cannabis product.
- (10) Procedures for inventory control to prevent diversion of cannabis and cannabis product, employee screening, storage of cannabis and cannabis product, personnel policies, and record-keeping procedures.
- (11) A detail of the procedures to be utilized at the facility including a description of how chemicals and fertilizers will be stored, handled, used and disposed of; manufacturing methods, the transportation process, inventory procedures, and quality control procedures.
- (12) A site plan and floor plan of the commercial cannabis business denoting the property lines and the layout of all areas of the commercial cannabis business including storage, cultivation, manufacturing, testing, distributing, reception/waiting, and all ancillary support spaces, and the relationship of the facility to adjacent properties and land uses.
- (13) Size, height, colors, and design of any proposed signage at the site. A City of King sign permit issued pursuant to the King City Municipal Code shall be required.
- (14) An operations and security plan.
- (15) Standard operating procedures detailing how operations will comply with state and local regulations, how safety and quality of products will be ensured, record-keeping procedures for financing, testing, and adverse event recording, and product recall procedures.
- (16) Proposed hours of operation.
- (17) Recycling and Waste disposal information.
- (18) Youth access restriction procedures.

- (19) 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 true and correct.
 - (20) Detailed description of energy and water usage plan enumerating best practices and leading industry practices in efficient utilization of both resources.
- (b) An application shall be denied based upon any of the following grounds:
- (1) The applicant has been issued a local or state permit or license to conduct commercial cannabis activities at any other location within the State of California or another state and the permit or license was suspended or revoked, or the applicant has had disciplinary action relating to the permit or license.
 - (2) The applicant has been convicted of a serious or violent offense as listed within California Penal Code sections 667.5 and 1192.7(c).
 - (3) The applicant has been convicted of any offense listed within Business and Professions Code section 19323.
 - (4) The applicant has been convicted of a misdemeanor involving theft, dishonesty, fraud, narcotics sales or narcotic trafficking within the five (5) years preceding the date of the application.
 - (5) The applicant has been convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined within the Federal Controlled Substance Act, unless the applicant received a Certificate of Rehabilitation as defined in the Act, within the ten (10) years preceding the date of the application.
 - (6) The applicant has engaged in misconduct related to the ownership, qualifications, functions or duties of their position with the commercial cannabis business.
 - (7) The applicant has engaged in unlawful, fraudulent, unfair, or deceptive business practices as defined by the King City Municipal Code and/or state or federal law.
 - (8) The applicant is under the age of ~~eighteen (18)~~twenty-one (21), or any ~~older~~ age as may be set by state law.

A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

This Section shall not constitute an exhaustive list of grounds for denying an application. The City Manager and/or the Planning Commission may identify any additional grounds for denying an application or conditional use permit.

- (c) The City Manager shall review each application to determine whether it contains all of the required information. If the application does not contain all of the required information, it shall be returned to the applicant for completion. The City Manager shall endeavor to conclude their review within ninety (90) days of the filing of the application. If additional time is necessary, the City Manager will advise the applicant of an estimated review time.
- (d) In reviewing an application for a permit pursuant to this Chapter or in reviewing the proposed commercial cannabis business, the City Manager or designee may request whatever additional information is deemed necessary to carry out the purposes of this Chapter.
- (e) The City Manager shall have the authority to either grant or deny the application for a commercial cannabis permit. Notwithstanding what is otherwise provided in this Chapter, the City Manager, when approving a commercial cannabis permit, may place any additional limitations and conditions on the operation of a commercial cannabis business as he or she deems necessary, consistent with the public interest and with this Chapter.
- (f) When an application is denied, the City Manager shall provide a statement of decision giving the reasons for the denial and the findings upon which the decision is based. Notice of the denial may be provided by either personal service or U.S. mail. Notice is presumed to be served upon the applicant once deposit into the U.S. mail. Any person denied a commercial cannabis permit shall have the right to appeal such denial in accordance with this Section.
- (h) Any appeal of a denial of an application shall be filed and conducted as prescribed in this subsection.
 - (1) Within ten (10) calendar days from the date of the denial of an application, an aggrieved party may appeal such action by filing with the City Clerk a written appeal setting forth the grounds for reversing the denial. The time requirement for filing an appeal shall be deemed jurisdictional and may not be waived. Appeals not timely filed or not setting forth the basis for the appeal are defective and shall be dismissed.

- (2) Upon receipt of such written appeal, the City Clerk shall set the matter for a hearing before the City Manager. The hearing shall be conducted pursuant to the procedures set forth ~~pursuant to~~ within King City Municipal Code section 7.51.604 and shall be set ~~for hearing with~~ a reasonable time after the date of filing the appeal with the City Clerk, but in no event later than ninety (90) days from the date of such filing. At least ten (10) days prior to the date of the hearing on the appeal, the City shall notify the appellant of the time and the place of the hearing. Notice may be provided by either personal service or U.S. mail. Notice is presumed to be served upon deposit into the U.S. mail. At such hearing, the City Manager and the appellant may present any information they deem relevant to the decision appealed, provided the information complies with the requirements of section 7.51.604 of the King City Municipal Code. The formal rules of evidence and procedure applicable in a court of law shall not apply to such hearing.
- (3) At the conclusion of the hearing, the City Manager shall deliberate and reach a decision within fifteen (15) calendar days. The decision and the reason(s) for the decision shall be reduced to writing. The City Manager may affirm, reverse, or modify the denial issued pursuant to this Code as the facts and law warrant, subject to the following limitations:
- (i) The City Manager shall not have authority to waive any requirements of the Code or law.
 - (ii) Nothing in these procedures shall be deemed to authorize the City Manager to deviate from unambiguous provisions of the governing code or statute, or well established interpretations of the same, based upon expert opinions or other reliable evidence.

A copy of the decision shall be sent by mail or otherwise to the appellant. Where known, a copy may also be provided by email.

- (4) The decision of the City Manager shall be final with no further administrative appeals. Unless the governing ordinance or statute provides otherwise, if the appellant seeks further relief, the appellant shall file a petition for writ of mandate in superior court pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6 within ninety (90) calendar days of the date of the decision.

Section 17.03.180 Records and Reporting.

- (a) Subject to the Health Insurance Portability and Accountability Act (HIPAA) regulations, each commercial cannabis business shall allow City of King officials to have access to the commercial cannabis business's books, records, accounts, and any and all data relevant to its permitted activities for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data shall be produced within later than twenty-four (24) hours after receipt of the City's request. Failure to timely provide the requested records may result in immediate suspension of the commercial cannabis permit.
- (b) Each commercial cannabis business shall file with the City Manager an audit of its financial operations for the previous fiscal year, complete and certified by an independent certified public accountant in accordance with generally accepted auditing and accounting principles. The audit 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 audit shall be made available in standard electronic format which shall be compatible with Microsoft Office programs and software and which can easily be imported into either Excel, Access or any other contemporary software designated by the City Manager.
- (c) All commercial cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until sold or delivered.
- (d) Each owner and/or operator of a commercial cannabis business shall maintain a current register of all employees currently employed by the commercial cannabis business and shall disclose such register to any City official upon request.

All records required by this Chapter shall be maintained by the commercial cannabis business for a period of not less than ~~three (3)~~ seven (7) years and shall otherwise keep accurate records of all commercial cannabis business activity and provide such records for inspection consistent with California Business and Professions Code Section ~~19327~~ 26160 and any additional rules promulgated by the licensing authority pursuant to that section or the City Council by resolution or ordinance.

Section 17.03.210 Operating Requirements.

In addition to those operating requirements specifically set forth elsewhere in this Chapter and except as may otherwise be expressly set forth in this Chapter, the

following operating requirements shall apply to all commercial cannabis businesses operating in the City of King.

- (a) Hours of Operation. Commercial cannabis businesses may be open for access to the public only between the hours of eight (8:00) a.m. and seven (7:00) p.m. Monday through Sunday.
- (b) Restriction on Consumption. Cannabis shall not be consumed on the premises of any commercial cannabis businesses or elsewhere in the City other than within private residences.
- (c) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of the property. No outdoor storage of cannabis or cannabis products is permitted at any time.
- (d) Reporting and Tracking of Product and of Gross Sales. Each commercial cannabis business shall have in place a point-of-sale tracking system to track and to report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, and gross sales (by weight and by sale) and shall ensure that such information is compatible with the city's recordkeeping systems. The system must have the capability to produce historical transactional data for review by the City. All information provided to the city pursuant to this subsection shall be confidential and shall not be disclosed, except as may otherwise be required under law.
- (e) All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the state and local regulations.
- (f) Emergency Contact. Each commercial cannabis business shall provide the City Manager with the name, telephone number (mobile preferred, if available) of an on-site employee or owner to whom emergency notice can be provided.
- (g) Signage and Notices.
 - (1) In addition to the requirements otherwise set forth in this Ssection, business identification signage for a commercial cannabis business shall conform to the requirements of the King City Municipal Code, including, but not limited to, a-issuance of a City of King sign permit.
 - (2) 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. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis

business or elsewhere including, but not limited to, the public right-of-way.

- (3) No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
 - (4) Each entrance to a commercial cannabis business 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 commercial cannabis business is prohibited.
 - (5) Signage shall not be directly illuminated, internally or externally. No banners, flags or other prohibited signs may be used at any time.
- (h) Minors. Persons under the age of ~~eighteen (18)~~ twenty-one (21) years shall not be allowed on the premises of a commercial cannabis business.

It is unlawful and a violation of this Chapter for any person to employ any other person at a commercial cannabis business who is not at least ~~eighteen (18)~~ twenty-one (21) years of age.

The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of ~~eighteen (18)~~ twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.

- (i) Odor Control. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from marijuana are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the medical marijuana facility that is distinctive to its operation is not detected outside of the facility, 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 commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment or any other equipment which the City Manager determines has the same or better effectiveness:
- (1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
 - (2) An air system that creates negative air pressure between the commercial cannabis business's interior and exterior so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

- (j) **Display of Permit and City Business License.** The original copy of the permit issued by the City pursuant to this Chapter and the business license issued by the City pursuant to the King City Municipal Code shall be posted inside the commercial cannabis business in a location readily visible to the public.
- (k) **Background Check.** Every person listed as an owner, manager, supervisor or employee of the commercial cannabis business must submit fingerprints and other information deemed necessary by the Chief of Police for a background check by the King City Police Department. In the alternative, the applicant can submit a completed background check from a City approved vendor which shall be reviewed by the Chief of Police. No person shall be issued a permit to operate a commercial cannabis business unless they have first cleared the background check, as determined by the Chief of Police, as required by this Section. A fee for the cost of the background investigation, which shall be the actual cost to the City to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a commercial cannabis permit is submitted. The applicant(s) shall provide an initial deposit in an amount the Chief of Police estimates will cover the cost of the background investigation, which shall be used and drawn upon as a retainer to cover the actual costs of such investigation. If this amount is not sufficient, the applicant shall provide additional amounts that are necessary and if the applicant is unable to provide the additional amounts necessary to complete the investigation, the investigation shall cease and shall not continue until such additional amounts are paid. Upon completion of the investigation or in the event the applicant withdraws their application, any unused amount will be refunded to the applicant within thirty (30) days.
- (l) **Loitering.** The owner and/or operator of a commercial cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
- (m) **Permits and other Approvals.** Prior to the establishment of any commercial cannabis business or the operation of any such business, the person intending to establish a commercial cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such commercial cannabis business intends to establish and to operate.
- (n) Greenhouses. Greenhouses shall only be utilized for commercial cannabis cultivation and/or nurseries. A greenhouse shall be a fully enclosed permanent structure with solid walls that are clad in an opaque material with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental artificial lighting. The cultivation and nursery activities conducted within a greenhouse shall not be visible from any public right of

way or adjacent private property. All greenhouses shall comply with the requirements of this Chapter and the King City Municipal Code, including the adopted requirements of the California Building Code, the California Fire Code and/or any other code adopted or incorporated by reference within the King City Municipal Code. The City Manager shall have authority, upon consultation with the City Attorney, to establish additional regulations and/or guidelines for operating greenhouses for commercial cannabis cultivation and/or nurseries within the City.

Section 17.03.260 Cannabis Manufacturing - Edibles and other Cannabis Products - Sale or Distribution of Edible and other Cannabis Products.

The manufacturing of food or other products infused with or which otherwise contain cannabis may be manufactured within the appropriate zoning districts as defined in Title 17, Zoning, of the King City Municipal Code, subject to the regulations set forth in this Section and subject to whatever additional regulations may be promulgated hereunder by an ordinance or resolution of the City Council or otherwise pursuant to this Chapter.

- (a) No edible cannabis products shall be sold or distributed on a retail basis at a commercial cannabis business operating under a permit issued pursuant to this Chapter. Edible cannabis products may be sold wholesale for retail sale outside of the City boundaries.
- (b) All items to be sold or distributed wholesale shall be individually wrapped at the original point of preparation. Labeling must include a warning if nuts or other known allergens are used, and must include the total weight (in ounces or grams) of cannabis in the package. A warning that the item is a medication and not a food must be clearly legible on the front of the package. The package must have a label warning that the product is to be kept away from children. The label must also state that the product contains cannabis and must specify the date of manufacture.
- (c) Any edible cannabis product that is made to resemble a typical food product must be in a properly labeled opaque (non-see-through) package before it leaves the commercial cannabis business. Deliveries must be in a properly labeled opaque package when delivered.
- (d) Preparation of commercial edible cannabis products and non-edible cannabis products shall comply with all applicable federal, state and local laws, regulations and/or guidelines governing manufacturing procedures and safety measures. The City Manager shall have authority, upon consultation with the City Attorney, to establish additional regulations and/or guidelines for preparing commercial edible cannabis products and non-edible cannabis products within the City.

Section 17.03.270 Cannabis Manufacturing ~~Extraction and Testing, etc.~~

- (a) Cannabis manufacturing facilities requiring a Type-6 state license (non-volatile manufacturing) as defined in Business and Professions Code Section 19341, may be permitted to operate within the appropriate industrial districts as defined in Title 17 of the King City Municipal Code. Cannabis manufacturing facilities requiring a Type-7 state license (volatile manufacturing), Manufacturing Level 2, as defined in Business and Professions Code Section 19341, may be permitted to operate within the appropriate industrial districts as defined in Title 17 of the King City Municipal Code. ~~is prohibited in all zone districts in the City.~~ No volatile fluid or material, shall be used in Type-6 licensed manufacturing facilities unless otherwise authorized and approved by the State of California. For purposes of this Section, within a Type-6 licensed manufacturing facility or a permitted commercial cannabis testing facility food grade alcohol may be utilized solely to clean machinery and dissolve wax, unless otherwise prohibited by the State of California. ~~Food grade alcohol may be stored at any Type-6 or testing facility; however, no~~ No facility commercial cannabis business or facility shall store food grade alcohol or any other volatile chemical, solvent or substance in an amount which exceeds the maximum authorized amount determined by the Fire Chief and/or Chief of Police for the City of King.
- (b) Commercial cannabis manufacturing facilities shall comply with all applicable federal, state and local laws, regulations and/or guidelines governing manufacturing procedures and safety measures. The City Manager shall have authority, upon consultation with the City Attorney, to establish additional regulations and/or guidelines for operating a commercial cannabis manufacturing facility within the City.
- (c) Any compressed gases used in the manufacturing process shall not be stored on any property within the City in containers which exceeds the maximum authorized amount determined by the Fire Chief and/or Chief of Police for the City of King.
- (d) No more than ~~tensix (106)~~ commercial cannabis manufacturing businesses may operate within the City at any one time and no more than ~~tensix (106)~~ commercial cannabis manufacturing permits shall be issued by the City for commercial cannabis manufacturing businesses to operate within the City.
- (e) Testing Facilities. Commercial cannabis testing facilities requiring a Type-8 state license may be permitted to operate within the appropriate industrial districts as defined in Title 17 of the King City Municipal Code. Commercial cannabis testing facilities shall comply with all applicable federal, state and local laws, regulations and/or guidelines governing testing procedures and safety measures. The City Manager shall have authority, upon consultation with the City Attorney, to establish additional regulations and/or guidelines for operating a commercial cannabis testing facility within the City.

SECTION 4: Chapter 17.30, of Title 17, of the King City Municipal Code is amended in its entirety to read as follows:

Chapter 17.30

M-1 Industrial District

Section 17.30.020 Uses Permitted Subject to Obtaining a Use Permit.

- (14) Commercial cannabis cultivation and nurseries consistent with those activities authorized under the State of California cultivator and nursery license types issued by the Department of Food and Agriculture under Business and Professions Code section 19332(g)(5) Type 2A “small indoor,” 19332(g)(6) Type 2B “small mixed-light,” 19332(g)(8) Type 3A “indoor,” 19332(g)(9) Type 3B “mixed-light” and 19332(g)(10) Type 4 “nursery.” Commercial cannabis manufacturing and testing consistent with those activities authorized under the State of California Type 6 and Type 7 Manufacturing, (m) and Type 8 Testing (subject to the limitation established by the State of California). Cultivation for purposes of this provision shall be limited to those activities defined within California Business and Professions Code section 19300.5(l) and the delivery or transport of the harvested cannabis or cannabis product outside of the City. No retail deliveries or dispensing of any cannabis or cannabis product shall be allowed within the jurisdictional boundaries of the City. Commercial cannabis manufacturing facilities requiring a Type-6 state license (non-volatile manufacturing) as defined in Business and Professions Code Section 19341, may be permitted to operate within the M-1 industrial districts as defined in Title 17 of the King City Municipal Code. Commercial cannabis manufacturing facilities requiring a Type-7 state license (volatile manufacturing), as defined in Business and Professions Code Section 19341, may be permitted to operate within the M-1 industrial districts as defined in Title 17 of the King City Municipal Code. Commercial cannabis testing facilities requiring a Type-8 state license may be permitted to operate within the M-1 industrial districts as defined in Title 17 of the King City Municipal Code;
- (16) Commercial cannabis distribution and transportation consistent with those activities authorized under State of California distribution and transportation license types issued by the Department of Food and Agriculture under Business and Professions Code 19334 (2) “Distributor” Type 11 and (4) “Microbusiness” Type 12 (excluding the establishment of dispensaries, cooperatives, collectives and/or the retail sale of cannabis and/or cannabis products directly to qualified patients, primary caregivers, and recreational adult-use consumers)“Transporter” Type 12;

SECTION 5: Chapter 17.31, of Title 17, of the King City Municipal Code is added and adopted in its entirety to read as follows:

Chapter 17.31

M-2 Industrial District

Section 17.31.020 Uses Permitted Subject to Obtaining a Use Permit.

- (18) Commercial cannabis cultivation and nurseries consistent with those activities authorized under the State of California cultivator and nursery license types issued by the Department of Food and Agriculture under Business and Professions Code Section 19332(g)(5) Type 2A “small indoor,” 19332(g)(6) Type 2B “small mixed-light,” 19332(g)(8) Type 3A “indoor,” 19332(g)(9) Type 3B “mixed light” and 19332(g)(10) Type 4 “nursery.” Commercial cannabis manufacturing and testing consistent with those activities authorized under the State of California Type 6 and Type 7 Manufacturing, (m) and Type 8 Testing (subject to the limitation established by the State of California). Commercial cannabis distribution and transportation consistent with those activities authorized under State of California distribution and transportation license types issued by the Department of Food and Agriculture under Business and Professions Code 19334 (2) “Distributor” Type 11 and (4) ~~“Transporter”~~ “Microbusiness” Type 12 (excluding the establishment of dispensaries, cooperatives, collectives and/or the retail sale of cannabis and/or cannabis products directly to qualified patients, primary caregivers, and recreational adult-use consumers). Cultivation for purposes of this provision shall be limited to those activities defined within California Business and Professions Code section 19300.5(l) and the delivery or transport of the harvested cannabis or cannabis product outside of the City. No retail deliveries or dispensing of any cannabis or cannabis product shall be allowed within the jurisdictional boundaries of the City. All cultivation shall be conducted indoors. Commercial cannabis manufacturing facilities requiring a Type-6 state license (non-volatile manufacturing) as defined in Business and Professions Code Section 19341, may be permitted to operate within the M-2 industrial districts as defined in Title 17 of the King City Municipal Code. Commercial cannabis manufacturing facilities requiring a Type-7 state license (volatile manufacturing), as defined in Business and Professions Code Section 19341, may be permitted to operate within the M-2 industrial districts as defined in Title 17 of the King City Municipal Code. Commercial cannabis testing facilities requiring a Type-8 state license may be permitted to operate within the M-2 industrial districts as defined in Title 17 of the King City Municipal Code.

SECTION 6: EFFECTIVE DATE.

This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the ____ day of _____ 2017, and adopted the Ordinance after the second reading at a regular meeting held on the ____ day of _____ 2017, by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

STEVEN ADAMS, City Clerk

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

I, _____, City Clerk of the City of King, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of King on the date and by the vote indicated herein.

ORDINANCE NO. —2017-746**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING SECTION D.3(G) OF CHAPTER 4 (DEVELOPMENT STANDARDS) OF THE EAST RANCH BUSINESS PARK SPECIFIC PLAN FOR THE PURPOSE OF ADDING ADDITIONAL COMMERCIAL CANNABIS USES**

WHEREAS, the City of King (“the City”) has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the City, California Constitution Article XI, section 7; and

WHEREAS, in 1996, with the adoption of Proposition 215, the California voters approved the Compassionate Use Act (Health and Safety Code § 11362.5) to ensure that seriously ill Californians have the right to obtain and use cannabis for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, without fear of criminal prosecution under limited, specified circumstances; and

WHEREAS, in 2004, the State Legislature enacted SB 420 to clarify the scope of the Compassionate Use Act and provide additional statutory guidance regarding medical cannabis use. These statutes are codified at Health and Safety Code § 11362.7 et seq. and allow cities and counties to adopt supplemental rules and regulations; and

WHEREAS, on October 9, 2015, almost 20 years after passage of the Compassionate Use Act, the Governor signed the Medical Marijuana Regulation and Safety Act (“Act”), comprised of California legislative bills AB 243, AB 266, and SB 643. The Act creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis, all subject to local control. One of the purposes of the Act is to ensure uniformity among jurisdictions that wished to allow commercial cannabis operations; and

WHEREAS, on June 27, 2016, the Governor signed SB 837, effective immediately, changing the terms in the Act from “medical marijuana” or “marijuana” to “medical cannabis” or “cannabis”, and making other technical changes to the Act. SB 837 also adopted regulations relating to the use and diversion of water in connection with the cultivation of cannabis; and

WHEREAS, in 2016, the City adopted Title 17, Chapter 17.03 et seq., of the King Municipal Code pertaining to Medical Cannabis Activity. The Medical Cannabis Ordinance places complete bans and regulations on medical cannabis activity in the City based upon various health, safety and welfare and land use findings relating to cannabis cultivation, dispensing, and consumption, which findings are incorporated herein by reference; and

WHEREAS, in September of 2016, the City amended Section D.3(g) of Chapter 4 (Development Standards) of the East Ranch Business Park Specific Plan for the purpose of including additional commercial cannabis uses, nurseries, manufacturing and testing within the City; and

WHEREAS, in November of 2016 the Adult Use of Marijuana Act (“AUMA”) was approved by a majority of California voters. The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution,

testing, and sale of nonmedical cannabis, including cannabis products. Adults, age 21 and older, will be allowed to possess cannabis and grow certain amounts at home for personal use; and

WHEREAS, the AUMA did not provide for a specific effective date, thus the provisions of the AUMA regarding personal use, possession, and cultivation of cannabis became effective the day after the November 8, 2016; and

WHEREAS, the AUMA's proposed Health & Safety Code section 11362.2(b) explicitly allows a city to "enact and enforce reasonable regulations to reasonably regulate" possession and cultivation of cannabis; and

WHEREAS, several California cities have reported negative impacts of cannabis cultivation and related activities, including but not limited to offensive odors, criminal activity, (such as trespassing, theft, violent robberies and robbery attempts, and the illegal sale and distribution of cannabis), and public health and safety concerns (such as fire hazards and problems associated with mold, fungus, and pests); and

WHEREAS, cannabis plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors or if grown indoors without proper ventilation, odor control, and other regulations; and

WHEREAS, due to the value of cannabis plants and their strong smell (which alerts others to their locations), cannabis cultivation has been linked to break-ins, robbery, armed robbery, theft and attendant violence and injury, creating an increased risk to public safety; and

WHEREAS, unregulated cannabis cultivation can be harmful to the welfare of the surrounding community and its residents and constitute a public nuisance, in that cannabis cultivation has been shown to involve avoidance of environmental laws and regulations, and has resulted in the pollution of waters and navigable waterways in the State of California; and

WHEREAS, the indoor cultivation of cannabis has potential adverse effects to the structural integrity of the buildings in which cannabis is cultivated, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire, which presents a clear and present danger to the buildings, its occupants, and neighboring buildings and residents; and

WHEREAS, unregulated indoor cultivation of cannabis can be harmful to the public health, safety and welfare, given electrical modifications risk fires, poor irrigation can cause mold, overloaded circuits can leave entire neighborhoods in the dark, plant chemicals can cause illness, improper carbon dioxide mixed with insufficient ventilation can cause injury or death, and structural changes put first responders in danger if they rush into the unknown; and

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognize that the cultivation or other concentration of cannabis in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering and/or crime; and

WHEREAS, MMRSA and AUMA mandated comprehensive state licensing and regulatory framework for cultivation, manufacturing, distribution, transporting, testing and dispensing cannabis and cannabis products; however, implementing regulations have yet to be written and state licenses may not be available until 2018; and

WHEREAS, there are numerous well publicized studies and reports, as well as numerous documented incident in Monterey County and throughout the State, which show that unregulated cannabis activities have a significant adverse effect on the community; and

WHEREAS, the City finds that the absence of a formal regulatory framework the adverse impacts frequently associated with commercial cannabis activities will occur, resulting in an unregulated and potentially significant negative impact upon the environment and upon public health, safety, and welfare of the community; and

WHEREAS, outdoor cannabis cultivation and unregulated indoor cannabis cultivation are likely to generate these negative effects on the public health, safety, and welfare in the City, based on the experiences of other cities; and

WHEREAS, pursuant to the express statutory authority and its police power, the City desires to enact reasonable regulations for the indoor cultivation, manufacturing, testing, distribution, or consumption of commercial recreational and medical cannabis; and

WHEREAS, absent clear regulation, cannabis cultivation in the City poses a potential threat to the public peace, health, and safety, and, unless the City takes action to regulate it; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and in preserving the peace and quiet of the neighborhoods within the City by regulating the commercial cultivation of recreational and medical cannabis; and

WHEREAS, nothing in this Ordinance shall be construed to: (1) allow any person to engage in conduct that endangers others or causes a public nuisance; or (2) allow any activity relating to the cultivation, manufacturing, testing, distribution, or consumption of cannabis which is illegal under state or federal law; and

WHEREAS, it is the intent of the City to regulation commercial cannabis activities, both recreational and medical, within the boundaries of the City.

NOW THEREFORE, the City Council of the City of King does hereby ordain as follows:

SECTION 1. The above recitals are incorporated are hereby by reference.

SECTION 2. The Ordinance is exempt from the California Environmental Quality Act (“CEQA”) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines §15061(b)(3).) It is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated cannabis cultivation. (CEQA Guidelines §§15307, 15308.)

SECTION 3. Section D.3(g) of Chapter 4 (Development Standards) of the East Ranch Business Park Specific Plan is amended to read as follows:

Section D.3.(g). Commercial Cannabis Activity consistent with those activities authorized under Business and Professions Code section 19300.7, (e) Type 2A Cultivation, Indoor; Small, (f) Type 2B Cultivation; Mixed-light; Small, (h) Type 3A Cultivation; Indoor; Medium, (i) Type 3B Cultivation; Mixed-light; Medium, (j) Type 4 Cultivation; Nursery, (k) Type 6 and Type 7 Manufacturing~~1~~, (m) Type 8 Testing (subject to the limitation established by the State of California), (p) Type 11 Distribution, and (q) Type 12 ~~Transporter~~Microbusiness (excluding the establishment of dispensaries, cooperatives, collectives and/or the retail sale of cannabis and/or cannabis products directly to qualified patients, primary caregivers, and recreational adult-use consumers). Commercial Cannabis Activity shall be subject to and comply with all provisions of the King City Municipal Code.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the ____ day of _____ 2017, and adopted the Ordinance after the second reading at a regular meeting held on the ____ day of _____ 2017, by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

STEVEN ADAMS, City Clerk

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

I, _____, City Clerk of the City of King, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of King on the date and by the vote indicated herein.

RESOLUTION NO. 2017-184

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING, COUNTY OF MONTEREY, STATE OF CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF AN ORDINANCE AMENDING CHAPTER 17.03 OF TITLE 17, CHAPTER 17.30, SUBSECTION 17.30.020, AND CHAPTER 17.31, SUBSECTION 17.31.020 OF THE KING CITY MUNICIPAL CODE; AN ORDINANCE AMENDING THE EAST RANCH BUSINESS PARK SPECIFIC PLAN (“ERBP-SP”) AND RELATED PLANNING AND ZONING DOCUMENTS TO REGULATE COMMERCIAL CANNABIS ACTIVITY; AND RELATED CEQA DETERMINATION

WHEREAS, in 1996, the voters of the State of California approved Proposition 215, which was codified as “The Compassionate Use Act of 1996,” at California Health and Safety Code, section 11362.5 (“CUA”) which had the stated intent to ensure that seriously ill individuals have the right to obtain and use marijuana for medical purposes when recommended by a physician. The Proposition further provides that “nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes, and

WHEREAS, the ballot arguments supporting Proposition 215 expressly acknowledged that “Proposition 215 does not allow unlimited quantities of marijuana to be grown anywhere”, and

WHEREAS, in 2004, the Legislature enacted Senate Bill 420 (codified as California Health & Safety Code § 11362.7 et seq. and referred to as the “Medical Marijuana Program” or “MMP” to clarify the scope of Proposition 215 and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specified State criminal statutes. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the MMP to expressly recognize the authority of counties and cities to “adopt local ordinances that regulate the location, operation, or establishment of a medical, and

WHEREAS, in the *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, 56 Cal.4th 729 (2013), the California Supreme Court upheld the right of local public agencies to regulate medical marijuana operations through their land use powers, and

WHEREAS, on November 26, 2013, the Third District Court of Appeal issued its opinion in *Maral v. City of Live Oak* 221 Cal.App.4th 975, which held cities have the authority to ban marijuana cultivation within their boundaries consistent with their local regulations; and

WHEREAS, on October 9, 2015, California Governor Brown approved the Medical Marijuana Regulation and Safety Act (“MMRSA”), which goes into effect on January 1, 2016, and establishes a comprehensive State licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale of medical marijuana, also known as cannabis, through Assembly Bills 243 and 266 and Senate Bill 643, and

WHEREAS, on June 27, 2016, the Governor signed SB 837, effective immediately, changing the terms in the Act from “medical marijuana” or “marijuana” to “Commercial Cannabis” or “cannabis”, and making other technical changes to the Act. SB 837 also adopted

regulations relating to the use and diversion of water in connection with the cultivation of cannabis; and

WHEREAS, in January 2016, the City adopted Title 17, Chapter 17.03 et seq., of the King Municipal Code pertaining to commercial cannabis activity. The Commercial Cannabis Ordinance places complete bans and regulations on commercial cannabis activity in the City based upon various health, safety and welfare and land use findings relating to cannabis cultivation, dispensing, and consumption, which findings are incorporated herein by reference; and

WHEREAS, on January 26, 2016, the City Council approved Ordinance 2016-718, amending the City's Municipal Code to allow limited Commercial Cannabis Cultivation uses within the M-1 and M-2 Districts and the East Ranch Business Park; and

WHEREAS, in September 2016, the City amended Title 17, Chapter 17.03 et seq., of the King Municipal Code pertaining to commercial cannabis activity. The amendments permitted additional use types in the Manufacturing Districts and the East Ranch Business Park; and

WHEREAS, on September 27, 2016 the City Council approved Ordinances 2016-728, 2016-729 and 2016-730 amending: the Establishment, Operation and Regulation of Commercial Cannabis Activity, Manufacturing and Testing of Commercial Cannabis; the M-1 and M-2 zoning districts and the East Ranch Business Park Specific Plan and underlying the zoning being consistent with the General Plan as described in the Mitigated Negative Declaration certified by the Council on that date.

WHEREAS, in November of 2016 the Adult Use of Marijuana Act ("AUMA") was approved by a majority of California voters. The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of non-commercial cannabis, including cannabis products. Adults, age 21 and older, will be allowed to possess cannabis and grow certain amounts at home for personal use; and

WHEREAS, the AUMA did not provide for a specific effective date, thus the provisions of the AUMA regarding personal use, possession, and cultivation of cannabis became effective the day after the November 8, 2016; and

WHEREAS, the AUMA's proposed Health & Safety Code section 11362.1(a)(3), will make it lawful under state and local law for any person twenty-one (21) years of age or older to "Possess, plant, cultivate, harvest, dry, or process not more than six living cannabis plants and possess the cannabis produced by the plants"; and

WHEREAS, the City wishes to enact regulations governing commercial cannabis activities at this time; and

WHEREAS, the AUMA's proposed Health & Safety Code section 11362.2(b) explicitly allows a city to "enact and enforce reasonable regulations to reasonably regulate" the cultivation of cannabis so long as the City does not prohibit the cultivation of up to six plants "inside a

private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure”; and

WHEREAS, the City intends to regulate and maintain local control over any dispensing, delivery, manufacturing, testing and/or cultivation of commercial cannabis in accordance with this ordinance; and

WHEREAS, mindful of the fact that marijuana possession and use is prohibited under federal law and partially decriminalized under state law, it is the City’s intention that nothing in these ordinances shall be construed, in any way, to expand the rights of anyone to use or possess marijuana under state law; engage in any public nuisance; violate federal law, or engage in any activity in relation to the cultivation, distribution, or consumption of marijuana that is otherwise illegal. It is further the intent of the City of King to maintain local control over these matters to the fullest extent permitted by law.

WHEREAS, on June 27, 2017 the City Council approved Ordinances 2016-743 and 2016-744 amending: the Establishment, Operation and Regulation of Commercial Cannabis Activity and Nurseries, Manufacturing, Testing, and adding Distributing and Transporting of Commercial Cannabis in the M-1 and M-2 zoning districts and the East Ranch Business Park Specific Plan.

WHEREAS, the City is considering adding to the allowed commercial cannabis activities land uses; and,

WHEREAS, on August 01, 2017, the Planning Commission held a public hearing to receive oral and written testimony relative to the proposed amendments; and,

WHEREAS, the proposed ordinances address the following items including: the Establishment, Operation and Regulation of Commercial Cannabis Activity and Nurseries, Manufacturing, Testing; add Level 2 (volatile) Manufacturing (CA Type 7) and remove and replace Transporter (CA Type 12) activities with “Microbusiness” in the M-1 and M-2 zoning districts and the East Ranch Business Park Specific Plan.

WHEREAS, these uses are consistent with underlying zoning and consistent with the General Plan.

WHEREAS, the Planning Commission desires to recommend approval of the ordinances and associated findings under the California Environmental Quality Act to the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of King as follows:

Section 1: The Planning Commission has reviewed the project and recommends that the City Council adopt a finding that the attached ordinances will not create potentially significant environmental impacts pursuant to the California Environmental Quality Act (“CEQA”) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines § 15061(b)(3).) It is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated cannabis cultivation. (CEQA Guidelines §§ 15307 and 15308.) Finally, no exceptions to the Categorical Exemptions are applicable under CEQA Guidelines section 15300.2.

Section 2. After reviewing the proposed zoning and specific plan amendments and considering all oral and written information regarding the text amendments, that the Planning Commission does recommend the City Council approve the proposed amendments to Chapter 17.03 of Title 17; Chapter 17.30, Subsection 17.30.020 of Title 17; and Chapter 17.31, Subsection 17.31.020, of Title 17 , (*collectively Attachment 1*); and the proposed amendments to the ERBP-SP (*Attachment 2*).

Section 3. The Planning Commission Chairman of the City of King is hereby authorized to affix his signature to this Resolution signifying its adoption by the Planning Commission. The Community Development Director is directed to forward this Resolution to the City Council with the recommendations of the Planning Commission.

PASSED, APPROVED, AND ADOPTED by Planning Commission on this the 1st day of August, 2017.



Dave Nuck, Chairperson

ATTEST:



Erica Sonne
Planning Commission Secretary

I, Erica Sonne, Planning Secretary to the City Planning Commission, do hereby certify that Resolution No. 2017- 184 was duly and regularly passed and adopted by the Planning Commission on the 01st day of August, 2017, by the following roll call vote as the same appears on file and of record in Office of the Community Development Department.

AYES:

NOES:

ABSENT:

ABSTAIN:

Erica Sonne,
Planning Commission Secretary
City of King