



AGENDA OF A REGULAR MEETING - NATIONAL CITY CITY COUNCIL/
COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF
THE CITY OF NATIONAL CITY
ONLINE ONLY MEETING

<https://www.nationalcityca.gov/webcast>

LIVE WEBCAST
COUNCIL CHAMBERS
CIVIC CENTER

1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CALIFORNIA
TUESDAY, MARCH 2, 2021 – 6:00 PM

ALEJANDRA SOTELO-SOLIS
Mayor

JOSE RODRIGUEZ
Vice Mayor

MARCUS BUSH
Councilmember

RON MORRISON
Councilmember

MONA RIOS
Councilmember

NOTICE: The health and well-being of National City residents, visitors, and employees during the COVID-19 outbreak remains our top priority. The City of National City is coordinating with the County of San Diego Health Human Services Agency, and other agencies to take measures to monitor and reduce the spread of the novel coronavirus (COVID-19). **The World Health Organization has declared the outbreak a global pandemic and local and state emergencies have been declared providing reprieve from certain public meeting laws such as the Brown Act.**

As a result, the City Council Meeting will occur only online to ensure the safety of City residents, employees and the communities we serve. A live webcast of the meeting may be viewed on the city's website at www.nationalcityca.gov. For Public Comments see "**PUBLIC COMMENTS**" section below

ORDER OF BUSINESS: Public sessions of all Regular Meetings of the City Council / Community Development Commission - Housing Authority (hereafter referred to as Elected Body) begin at 6:00 p.m. on the first and third Tuesday of each month. Public Hearings begin at 6:00 p.m. unless otherwise noted. Closed Meetings begin in Open Session at 5:00 p.m. or such other time as noted, and after announcing closed session items, convenes into a Closed Meeting. If a workshop is scheduled, the subject and time of the workshop will appear on the agenda. The Mayor and Council members also sit as the Chairperson and Members of the Board of the Community Development Commission (CDC).

REPORTS: All open session agenda items and reports as well as all documents and writings distributed to the Elected Body less than 72 hours prior to the meeting, are available for review on the City's website at www.nationalcityca.gov. Regular Meetings of the Elected Body are webcast and archived on the City's website at www.nationalcityca.gov.

PUBLIC COMMENTS: There are multiple ways you can make sure your opinions are heard and considered by our City Council as outlined below:

Submit your public comment prior to the meeting: To submit a comment in writing, email PublicComment@nationalcityca.gov, provide the agenda item number and title of the item in the subject line of your email. Public comments or testimony is limited to up to three (3) minutes. If the comment is not related to a specific agenda item,

1243 National City Blvd.
National City, CA 91950
619-336-4240

Meeting agendas and
minutes available on the
City's website at
WWW.NATIONALCITYCA.GOV

indicate General Public Comment in the subject line. All email comments received by 4:00 p.m. on the day of the meeting will be emailed to the City Council Members and made a part of the official record.

***Please note that email comments received prior to the meeting will no longer be read into the meeting's record but will be distributed to the City Council. If you would like to share your comments live during the meeting, please follow the instructions below.

Register online and participate in live public comment during the meeting: To provide live public comment during the meeting, you must pre-register on the City's website at <https://www.nationalcityca.gov/publiccomment> by 4:00 p.m. on the day of the regular meeting to join the City Council Meeting.

***Please note that you do not need to pre-register to watch the meeting online, but you must pre-register if you wish to speak.

Once registered, you will receive an email with a link from Zoom to join the live meeting. You can participate by phone or by computer. Please allow yourself time to log into Zoom before the start of the meeting to ensure you do not encounter any last-minute technical difficulties.

***Please note that members of the public will not be shown on video; they will be able to watch and listen and speak when called upon. Public microphones will be muted until it is your turn to comment.

Each speaker is allowed up to three (3) minutes to address the City Council. Please be aware that the Mayor may limit the comments' length due to the number of persons wishing to speak or if comments become repetitious or unrelated.

All comments are subject to the same rules as would otherwise govern speaker comments at the meeting. Speakers are asked to be respectful and courteous. Please address your comments to the City Council as a whole and avoid personal attacks against members of the public, City Council, and city staff.

Questions about public comment or City Council protocols? Please contact the City Clerk's Office at (619) 336-4228 or via email at Clerk@nationalcityca.gov.

To use the Zoom interpretation feature, please scroll to the bottom of the Zoom screen (where the meeting controls are), click on the interpretation icon (world), and select English as your language. If you are joining using the Zoom mobile app (cell phone, tablet, etc.), please press the ellipsis (...), then Interpretation, and then choose your language.

WRITTEN AGENDA: With limited exceptions, the Elected Body may take action only upon items appearing on the written agenda. Items not appearing on the agenda must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature, and the need to take action on such items arose after the agenda was posted.

CONSENT CALENDAR: Consent calendar items involve matters which are of a routine or noncontroversial nature. All consent items are adopted by approval of a single motion by the City Council. Prior to such approval, any item may be removed from the consent portion of the agenda and separately considered, upon request of a Councilmember, a staff member, or a member of the public.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the City Clerk's Office at (619) 336-4228 to request a disability-related modification or accommodation. Notification 24-hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

AVISO: La salud y el bienestar de los residentes, visitantes y empleados de National City durante el brote de COVID-19 sigue siendo nuestra máxima prioridad. El Ayuntamiento de la Ciudad de National City se está coordinando con la Agencia de Salud y Servicios Humanos del Condado de San Diego y otras agencias para tomar medidas con el fin de monitorear y reducir la propagación del nuevo coronavirus (COVID-19). La Organización Mundial de la Salud declaró el brote como una pandemia global y se han manifestado emergencias locales y estatales que resultan en la suspensión de ciertas leyes de reuniones públicas, tal como la Ley Brown.

Como resultado de ello, la junta del Concejo Municipal del Ayuntamiento se llevará a cabo solamente en línea para garantizar la seguridad de los residentes, empleados y comunidades locales que atendemos. Se podrá ver una transmisión en vivo de la junta en el sitio web del Ayuntamiento en www.nationalcityca.gov. Para comentarios públicos, vea la sección “**COMENTARIOS PÚBLICOS**” más adelante.

ORDEN DEL DÍA: Las sesiones públicas de todas las juntas ordinarias del Concejo Municipal/Comisión de Desarrollo Comunitario - Autoridad de Vivienda (en lo sucesivo denominado Órgano Electo) inician a las 6:00 p.m. el primer y tercer martes de cada mes. Las audiencias públicas inician a las 6:00 p.m., a menos que se indique lo contrario. Las juntas cerradas inician en sesión abierta a las 5:00 p.m. o en cualquier otro momento que se indique, y tras anunciar los temas de la sesión cerrada, la junta se realiza como sesión cerrada. Si se programa una reunión de discusión y análisis, el tema y la hora de la misma aparecerán en la agenda. La Alcaldesa y los Concejales se reúnen por igual que el Presidente y los integrantes del Consejo de la Comisión de Desarrollo Comunitario.

INFORMES: Todos los temas e informes de la agenda de la sesión abierta, así como todos los documentos y escritos entregados al Órgano Electo menos de 72 horas antes de la sesión, aparecerán en el sitio web del Ayuntamiento. Las juntas ordinarias del Órgano Electo se transmiten por Internet y se archivan en el sitio web del Ayuntamiento en www.nationalcityca.gov.

COMENTARIOS PÚBLICOS: Hay varias formas en las que puede asegurarse de que sus opiniones sean escuchadas y consideradas por nuestro Concejo Municipal como se describe a continuación:

Envíe su comentario público antes de la sesión: Para enviar un comentario por escrito, envíe un correo electrónico a PublicComment@nationalcityca.gov, proporcione el número del tema o asunto de la agenda y el título del tema o asunto en la línea de asunto de su correo electrónico. Los comentarios o testimonios públicos se limitan a tres (3) minutos. Si el comentario no se relaciona con un tema o asunto específico de la agenda, indique Comentario Público General en la línea de asunto. Todos los comentarios por correo electrónico recibidos antes de las 4:00 p.m. del día de la sesión se enviarán por correo electrónico a los miembros del Concejo Municipal y formarán parte del acta oficial.

***Tenga en cuenta que los comentarios por correo electrónico recibidos antes de la sesión ya no se leerán en el registro de la sesión, sino que se distribuirán al Concejo Municipal. Si desea compartir sus comentarios en vivo durante la sesión, siga las instrucciones a continuación.

Regístrese en línea y participe en los comentarios públicos en vivo durante la sesión: Para proporcionar comentarios públicos en vivo durante la sesión, debe registrarse previamente en el sitio web del Ayuntamiento en <https://www.nationalcityca.gov/publiccomment> **antes de las 4:00 p.m.** del día de la junta ordinaria para incorporarse a la sesión del Concejo Municipal.

***Tenga presente que no necesita registrarse previamente para ver la sesión en línea, pero debe registrarse previamente si desea hablar.

Una vez registrado, recibirá un correo electrónico con un enlace de Zoom para integrarse a la sesión en vivo. Puede participar por teléfono o por computadora. Tómese el tiempo necesario para iniciar la reunión en Zoom antes del inicio de la sesión para asegurarse de no encontrar dificultades técnicas de último momento.

***Tenga presente que las personas del público no se mostrarán en vídeo; podrán observar, escuchar y hablar cuando se les solicite. Los micrófonos públicos se silenciarán hasta que sea su turno de comentar.

Cada orador tiene hasta tres (3) minutos para dirigirse al Concejo Municipal. Tenga en cuenta que la Alcaldesa puede limitar la extensión de los comentarios debido a la cantidad de personas que deseen hablar o si los comentarios se vuelven repetitivos o no relacionados.

Todos los comentarios están sujetos a las mismas reglas que de otro modo regirían los comentarios de los oradores en la sesión. Se pide a los oradores que sean respetuosos y corteses. Dirija sus comentarios al Concejo Municipal en su conjunto y evite ataques personales contra personas del público, el Concejo Municipal y el personal del Ayuntamiento.

¿Preguntas sobre comentarios públicos o protocolos del Concejo Municipal? Comuníquese con la Oficina de la Secretaria del Ayuntamiento al teléfono (619) 336-4228, o por correo electrónico a Clerk@nationalcityca.gov.

Para hacer uso del servicio de interpretación, favor de desplazarse a la parte inferior de la pantalla de Zoom (donde aparecen los controles). Haga clic en el ícono de interpretación (globo terráqueo), y seleccione "*Spanish*" (español). Si está utilizando la aplicación móvil de Zoom (celular, tableta, etc.), presione los puntos suspensivos (...), luego "*interpretation*" y luego el idioma.

AGENDA ESCRITA: Con contadas excepciones, el Órgano Electo puede tomar medidas únicamente sobre los temas que aparecen en la agenda escrita. Los temas que no aparezcan en la agenda deben aparecer en una agenda subsecuente, a menos que sean de emergencia o urgencia demostrada, y la necesidad de tomar medidas sobre esos temas haya surgido después de haber sido publicada la agenda.

CALENDARIO DE CONSENTIMIENTO: Los temas del calendario de consentimiento implican cuestiones de naturaleza rutinaria o no controvertida. Todos los temas de consentimiento se adoptan mediante la aprobación de una sola moción del Concejo Municipal. Antes de la aprobación, cualquier tema puede eliminarse de la parte de consentimiento de la agenda y considerarse aparte, a petición de un concejal, individuo del personal del Ayuntamiento o persona del público.

Previa solicitud, esta agenda puede estar disponible en formatos alternativos apropiados para personas con discapacidades, en observancia de la Ley de Estadounidenses con Discapacidades. Llame al teléfono (619) 336-4228 de la Oficina del Secretario del Ayuntamiento para solicitar una

modificación o adaptación de acceso relativa a la discapacidad. Notificar 24 horas antes de la sesión permitirá al Ayuntamiento hacer arreglos razonables para garantizar la accesibilidad a esta junta.

OPEN TO THE PUBLIC

A. CITY COUNCIL

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENTS (THREE-MINUTE TIME LIMIT)

PROCLAMATIONS AND CERTIFICATES

1. [National City Celebrates the Partnership with Last Mile San Diego, Ironworkers local 229, Teamsters local 542, Second Chance Program and Murphy's Produce with a Purpose; to provide free PPE \(Personal Protective Equipment\) to the residents and businesses of National City.](#)

AWARDS AND RECOGNITIONS

PRESENTATIONS (FIVE-MINUTE TIME LIMIT)

INTERVIEWS / APPOINTMENTS

2. [Appointments: City Boards, Commissions and Committees - Mayoral Appointments. \(City Clerk\)](#)

REGIONAL BOARDS AND COMMITTEE REPORTS (FIVE-MINUTE TIME LIMIT)

CONSENT CALENDAR

3. [Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances or Resolutions that are having a Public Hearing considered at this meeting and providing that such Ordinances or Resolutions shall be introduced and/or adopted after a reading of the title only. \(City Clerk\)](#)
4. [Approval of Meeting Minutes: City Council and Community Development Commission - Housing Authority of the City Of National City: Virtual Regular Meeting: January 19, 2021 City Council of the City Of National City: Virtual Special Meeting January 19, 2021 Virtual Special Meeting January 26, 2021 Joint Special Meeting of the City Council and Community Development Commission and Housing Advisory Committee: Virtual Special Joint Meeting January 26, 2021. \(City Clerk\)](#)
5. [Warrant Register #30 for the period of 1/20/21 through 1/26/21 in the amount of \\$2,266,130.76. \(Finance\)](#)

6. [Warrant Register #31 for the period of 1/27/21 through 2/02/21 in the amount of \\$1,718,495.28. \(Finance\)](#)

PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS

7. [Second reading and adoption of an Ordinance of the City Council of the City of National City to require electronic submittal of Campaign Disclosure Statements and Form 700 filings. \(City Clerk\)](#)
8. [Introduction and first reading of an Ordinance of the City Council of the City of National City adding National City Municipal Section 9.60 to regulate commercial cannabis. \(City Manager\)](#)

NON CONSENT RESOLUTIONS

9. [Resolution of the City Council of the City of National City: 1\) authorizing the filing of a Proposition 68 Statewide Park Development and Community Revitalization Program \(SPP\) application for the Kimball Park Project in the amount of \\$7,738,273; 2\) authorizing the City Manager or designee to execute the grant agreement if selected for funding; and 3\) if selected for funding, approving the establishment of an Engineering Grants Fund Appropriation of \\$7,738,273 and corresponding revenue budget to allow for reimbursement of eligible project expenditures through the SPP for the Kimball Park Project. \(Engineering/Public Works\)](#)
10. [Resolution of the City Council of the City of National City: 1\) authorizing the filing of a Proposition 68 Statewide Park Development and Community Revitalization Program \(SPP\) application for the El Toyon Park Project in the amount of \\$5,632,571; 2\) authorizing the City Manager or designee to execute the grant agreement if selected for funding; and 3\) if selected for funding, approving the establishment of an Engineering Grants Fund Appropriation of \\$5,632,571 and corresponding revenue budget to allow for reimbursement of eligible project expenditures through the SPP for the El Toyon Park Project. \(Engineering/Public Works\)](#)

NEW BUSINESS

11. [Time Extension Request – Tentative Subdivision Map for a 29-unit multi-unit residential project located at East 16th Street and “M” Avenue. \(Applicant: Renova Properties, LLC\) \(Case File 2021-01 TE\) \(Planning\)](#)

B. COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY

CONSENT RESOLUTIONS - HOUSING AUTHORITY

PUBLIC HEARINGS: RESOLUTIONS - HOUSING AUTHORITY

NON CONSENT RESOLUTIONS - HOUSING AUTHORITY

NEW BUSINESS - HOUSING AUTHORITY

C. REPORTS

STAFF REPORTS

12. [Update on the County of San Diego COVID-19 2021 Emergency Rental Assistance Program. \(Housing Authority\)](#)
13. [City Manager Report. \(City Manager\)](#)

MAYOR AND CITY COUNCIL

CLOSED SESSION

CLOSED SESSION REPORT

ADJOURNMENT

Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday - March 16, 2021 - 6:00 p.m. - Council Chambers - National City, California.

The following page(s) contain the backup material for Agenda Item: [National City Celebrates the Partnership with Last Mile San Diego, Ironworkers local 229, Teamsters local 542, Second Chance Program and Murphy's Produce with a Purpose; to provide free PPE \(Personal Protective Equipment\) to the residents and businesses of National City.](#)
Please scroll down to view the backup material.

Item # ____

03/02/21

National City Celebrates the Partnership with Last Mile San Diego, Ironworkers local 229, Teamsters local 542, Second Chance Program and Murphy's Produce with a Purpose; to provide Free PPE (Personal Protective Equipment) to the residents and businesses of National City

The following page(s) contain the backup material for Agenda Item: [Appointments: City Boards, Commissions and Committees - Mayoral Appointments. \(City Clerk\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: March 2, 2021

AGENDA ITEM NO. |

ITEM TITLE:

Appointments: City Boards, Commissions and Committees - Mayoral Appointments (City Clerk)

PREPARED BY: Luz Molina, City Clerk
Shelley Chapel, Deputy City Clerk |

DEPARTMENT: City Clerk's Office

PHONE: (619) 336-4225

APPROVED BY: 

EXPLANATION:

Vacancies on multiple Boards/Commissions/Committees have been noticed in the Star News, posted on the City Hall Bulletin Boards, City Website, and City Social Media sites to advertise opening and the application acceptance period.

The vacancy notice for the Library Board of Trustees was posted Monday, January 2, 2021, and all applications were due to the City Clerk's Office by the deadline of Wednesday, February 3, 2021 at 5:00 p.m.

The vacancy notice for the Traffic Safety Committee was posted Tuesday, January 19, 2021, and all applications were due to the City Clerk's Office by the deadline of Wednesday, February 17, 2021 at 5:00 p.m.

(See Explanation (Attachment A) for more information)

FINANCIAL STATEMENT:

ACCOUNT NO. |

n/a |

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

n/a |

ORDINANCE: **INTRODUCTION:** **FINAL ADOPTION:**

STAFF RECOMMENDATION:

Mayoral appointment with City Councilmembers confirmation.

BOARD / COMMISSION RECOMMENDATION:

n/a |

ATTACHMENTS:

Attachment A – Explanation
Attachment B – Applications (redacted)
Attachment C – City Council Policy #107
Attachment D – Boards/Commission/Committees Reference Chart
Attachment E – Boards/Commission/Committees Status Report |

The City Clerk’s Office began advertising and accepting applications for multiple vacancies on Mayoral appointed Boards/Commissions/Committees (BCC).

In order to obtain qualified candidates, a Notice of Vacancy was advertised on the following: The City website, posted on the City Hall Bulletin Boards, and City Social Media sites to advertise openings and the application acceptance period.

Deadline to submit applications to the City Clerk’s Office for the vacancies listed below to be considered by the Mayor were:

- Library Board of Trustees - Wednesday, February 3, 2021 at 5:00 p.m.
- Traffic Safety Committee - Wednesday, February 17, 2021 at 5:00 p.m.

BCC	Number of Open Seats and Term expiration for that seat	Appointing Member(s)	Residency Requirement	Electoral of City Requirement	Compensation
Library Board of Trustees	(1) One Seat 09/30/2021	Mayor subject to Confirmation by the City Council	Yes	No	None
Traffic Safety Committee	(1) One Seat 09/30/2021	Mayor subject to Confirmation by the City Council	Yes	No	None

The City Clerk’s Office received applications from four (4) individuals for the two (2) vacancies:

- Library Board of Trustees – (2) Paula Gapp and Coyote Moon
- Traffic Safety Committee – (2) Coyote Moon, and Marisa Rosales

**Please note that one of the applicants, selected multiple choices for consideration of appointment on this evening’s agenda item.

Library Board of Trustees - Both applicants for this position submitted applications after the Wednesday, February 3rd 5:00 p.m. deadline and are included for consideration. Applicant Coyote Moon is currently serving on this Board as an Alternate.

Traffic Safety Committee – All applications were received on time. Applicant Coyote Moon is a former member of the Traffic Safety Committee who resigned her seat January 19, 2021, the seat that is currently vacant and the seat being considered.

NOTE:

Per City Council Policy #107 D(4): Applications. Available on the City website and in the City Clerk’s Office. Submission must be before the advertised deadline for consideration for the current appointment. All applications will be retained in the City Clerk’s Office for one-year from submitting an application to be considered for other vacancies on Boards, Commissions, and Committees as marked on the application. The City Clerk’s Office will notify the applicant being considered for an appointment to confirm that they are still interested in volunteering.

Per City Council Policy #107 D(5): A member may only serve on one (1) Board, Commission, or Committee at a time. If applying for another position on a different Board, Commission, or Committee that applicant will forfeit the prior seat, and a vacancy will occur per policy.

LIBRARY BOARD OF TRUSTEES

1. Paula Gapp
2. Coyote Moon

CITY OF NATIONAL CITY
APPLICATION FOR APPOINTMENT
TO CITY BOARDS, COMMISSIONS, AND COMMITTEES

ATTACHMENT B

City of National City
Office of the City Clerk

FEB 08 2021
RECEIVED

- Community & Police Relations Commission* (CPRC)
- Library Board of Trustees
- Parks, Recreation & Senior Citizens Advisory Board
- Veterans & Military Families Advisory Committee*
- Port Commission

- Civil Service Commission
- Planning Commission
- Public Art Committee*
- Traffic Safety Committee
- Advisory Housing Committee*

- Applicants must be residents of the City of National City except for those marked by an asterisk (*). All applicants must be U.S. Citizens.
- Applicants for the Community and Police Relations Commission must pass a criminal background check prior to appointment.
- Applicants for the Advisory Housing Committee must have subject matter expertise in housing-related issues.

Name: Paula Gapp E-Mail: paula.j.gapp@gmail.com

Home Address: [REDACTED] Tel No: [REDACTED]
(Include City/Zip)

Business Affiliation: Daktronics Title: HR Compliance

Business Address: 201 Daktronics Dr. Tel. No.: 605 69

Length of Residence in National City: 8 MOS San Diego County: 8 MOS California: 8 MOS

Educational Background: BS Economics - South Dakota State University
MS Administrative Studies/HR University of South

Occupational Experience: Human Resources professional Dakota
for International Company. Employed @ Daktronics 26 years

Professional or Technical Organization Memberships: Have been a member of
SHRM and World @ work previously but not currently

Civic or Community Experience, Membership, or Previous Public Service Appointments:
None

Experience or Special Knowledge Pertaining to Area of Interest: no special knowledge,
just a high level of interest and respect for the public library system

Have you ever been convicted of a felony crime? No: Yes: misdemeanor crime? No: Yes:
If any convictions were expunged disclosure is not required. Convictions are not necessarily disqualifying. Please feel free to provide an explanation or information if "Yes" was marked for the above two questions.

Date: 2/1/2021 Signature: [REDACTED]

Please feel free to provide additional information or letters of endorsement.

Return completed form to: Office of the City Clerk, 1243 National City Blvd., National City, CA 91950

Thank you for your interest in serving the City of National City.

Pursuant to the California Public Records Act, information on this form may be released to the public upon request.

CITY OF NATIONAL CITY
APPLICATION FOR APPOINTMENT
TO CITY BOARDS, COMMISSIONS, AND COMMITTEES

Received via email February 9, 2021
at 4:03 PM via email SC
ATTACHMENT B

- | | | |
|---|--|--|
| <input type="checkbox"/> Community & Police Relations Commission* (CPRC) | <input type="checkbox"/> Civil Service Committee | 2/17 Added X for
Traffic Safety per
Coyote Moon
request via email, SC |
| <input checked="" type="checkbox"/> Library Board of Trustees | <input type="checkbox"/> Planning Commission | |
| <input type="checkbox"/> Parks, Recreation & Senior Citizens Advisory Board | <input type="checkbox"/> Public Art Committee* | |
| <input type="checkbox"/> Veterans & Military Families Advisory Committee* | <input checked="" type="checkbox"/> Traffic Safety Committee | |
| <input type="checkbox"/> Port Commission | <input type="checkbox"/> Advisory Housing Committee* | |

- > Applicants must be residents of the City of National City except for those marked by an asterisk (*). All applicants must be U.S. Citizens.
- > Applicants for the Community and Police Relations Commission must pass a criminal background check prior to appointment.
- > Applicants for the Advisory Housing Committee must have subject matter expertise in housing-related issues.

Name: Coyote Moon E-Mail: coyotemoon@gmail.com

Home Address: _____ Tel No: _____
(Include City/Zip)

Business Affiliation: _____ Title: _____

Business Address: _____ Tel. No.: _____

Length of Residence in National City: _____ San Diego County: _____ California: _____

Educational Background: _____

Occupational Experience: _____

Professional or Technical Organization Memberships: _____

Civic or Community Experience, Membership, or Previous Public Service Appointments: _____

Experience or Special Knowledge Pertaining to Area of Interest: I am the current

Library Board Alternate Trustee in good standing

Have you ever been convicted of a felony crime? No: ___ Yes: ___ misdemeanor crime? No: ___ Yes: ___

If any convictions were expunged disclosure is not required. Convictions are not necessarily disqualifying. Please feel free to provide an explanation or information if "Yes" was marked for the above two questions.

Date: 2/09/21 Signature: 

Please feel free to provide additional information or letters of endorsement.

Return completed form to: Office of the City Clerk, 1243 National City Blvd., National City, CA 91950

Thank you for your interest in serving the City of National City.

Pursuant to the California Public Records Act, information on this form may be released to the public upon request.

Rev. February 2020

TRAFFIC SAFETY COMMITTEE

1. Coyote Moon
2. Marisa Rosales

APPLICATION FOR APPOINTMENT TO CITY BOARDS, COMMISSIONS, AND COMMITTEES

- Community & Police Relations Commission* (CPRC)
- Library Board of Trustees
- Parks, Recreation & Senior Citizens Advisory Board
- Veterans & Military Families Advisory Committee*
- Port Commission

- Civil Service Committee 3/17 Added X for Traffic Safety per Coyote Moon request via email. SC
- Planning Commission
- Public Art Committee*
- Traffic Safety Committee
- Advisory Housing Committee*

> Applicants must be residents of the City of National City except for those marked by an asterisk (*). All applicants must be U.S. Citizens.

> Applicants for the Community and Police Relations Commission must pass a criminal background check prior to appointment.

> Applicants for the Advisory Housing Committee must have subject matter expertise in housing-related issues.

Name: Coyote Moon E-Mail: coyotemoon@gmail.com

Home Address: _____ Tel No: _____
(Include City/Zip)

Business Affiliation: _____ Title: _____

Business Address: _____ Tel. No.: _____

Length of Residence in National City: _____ San Diego County: _____ California: _____

Educational Background: _____

Occupational Experience: _____

Professional or Technical Organization Memberships: _____

Civic or Community Experience, Membership, or Previous Public Service Appointments: _____

Experience or Special Knowledge Pertaining to Area of Interest: I am the current Library Board Alternate Trustee in good standing

Have you ever been convicted of a felony crime? No: Yes: misdemeanor crime? No: Yes:

If any convictions were expunged disclosure is not required. Convictions are not necessarily disqualifying. Please feel free to provide an explanation or information if "Yes" was marked for the above two questions.

Date: 2/09/21 Signature: 

Please feel free to provide additional information or letters of endorsement.

Return completed form to: Office of the City Clerk, 1243 National City Blvd., National City, CA 91950

Thank you for your interest in serving the City of National City.

CITY OF NATIONAL CITY
APPLICATION FOR APPOINTMENT
TO CITY BOARDS, COMMISSIONS, AND COMMITTEES

- | | |
|---|--|
| <input type="checkbox"/> Community & Police Relations Commission* (CPRC) | <input type="checkbox"/> Civil Service Committee |
| <input type="checkbox"/> Library Board of Trustees | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Parks, Recreation & Senior Citizens Advisory Board | <input type="checkbox"/> Public Art Committee* |
| <input type="checkbox"/> Veterans & Military Families Advisory Committee* | <input checked="" type="checkbox"/> Traffic Safety Committee |
| <input type="checkbox"/> Port Commission | <input type="checkbox"/> Advisory Housing Committee* |

- Applicants must be residents of the City of National City except for those marked by an asterisk (*). All applicants must be U.S. Citizens.
- Applicants for the Community and Police Relations Commission must pass a criminal background check prior to appointment.
- Applicants for the Advisory Housing Committee must have subject matter expertise in housing-related issues.

Name: Marisa Rosales E-Mail: marisa49bomb@yahoo.com

Home Address: National City, CA 91950 Tel No: [REDACTED]
(Include City/Zip)

Business Affiliation: County of San Diego Title: Senior Protective Services Worker
4305 University Ave.

Business Address: San Diego, CA 92105 Tel. No.: 619-806-3527

Length of Residence in National City: 5 yrs. San Diego County: 43 California: 43

Educational Background: Bachelors Degree in Criminal Justice with a Minor in Sociology

Occupational Experience: Social Worker with the County of San Diego for 20 years.

Professional or Technical Organization Memberships: Member of the SEIU 221

Civic or Community Experience, Membership, or Previous Public Service Appointments: For 10 years of my career with the county I was outstationed at a community resource center working with community members.
Experience or Special Knowledge Pertaining to Area of Interest: During college took

courses that involved investigating accidents and architecture with safety in mind.

Have you ever been convicted of a felony crime? No: Yes: misdemeanor crime? No: Yes:
If any convictions were expunged disclosure is not required. Convictions are not necessarily disqualifying. Please feel free to provide an explanation or information if "Yes" was marked for the above two questions.

N/A

Date: 02/16/2021

Signature: [REDACTED]

Please feel free to provide additional information or letters of endorsement.

Return completed form to: Office of the City Clerk, 1243 National City Blvd., National City, CA 91950

Thank you for your interest in serving the City of National City.

CITY COUNCIL POLICY

CITY OF NATIONAL CITY

**TITLE: Appointments to Boards, Commissions,
and Committees**

POLICY #107

ADOPTED: June 17, 1986

AMENDED: February 2, 2021

PURPOSE

To establish a procedure to serve as a guide in making appointments to various City Boards, Commissions, and Committees. The City currently has the following Boards, Commissions, and Committees to which this Policy applies:

Mayor's Appointments:

1. Board of Library Trustees
2. Community and Police Relations Commission
3. Housing Advisory Committee
4. Park, Recreation and Senior Citizens Advisory Committee
5. Public Art Committee
6. Sweetwater Authority
7. Traffic Safety Committee
8. Veterans and Military Families Advisory Committee

City Council Appointments:

1. Civil Service Commission
2. Planning Commission
3. Port Commission

POLICY

Appointment Process

- A. Opportunity to apply. All interested individuals shall be given an opportunity to submit applications for vacancies on City Boards, Commissions, and Committees. Incumbent Appointees are not automatically re-appointed but are required to fill out an abbreviated application provided by the City Clerk, indicating their interest in continuing to serve.
- B. Unexpired terms. If an incumbent Appointee was appointed to fill an unexpired term and the Appointee serves for less than one year in that position. In that case, the Council may re-appoint the incumbent without considering other applicants.
- C. Vacancies. When vacancies occur, the following procedure shall be followed:
 1. Schedule vacancy. When a term is expiring or expires, public notice of the vacancy shall be made, inviting interested individuals to submit applications for the vacancy on a form provided by the City Clerk on the City website.

ADOPTED: June 17, 1986**AMENDED: February 2, 2021**

2. **Unscheduled vacancy.** An unscheduled vacancy shall be filled according to Government Code Section 54974, which generally provides as follows: Whenever an unscheduled vacancy occurs, whether due to resignation, death, termination, or other causes, a special vacancy notice shall be posted in the office of the City Clerk, the City website, outside City Hall on the Bulletin Board and City social media platforms.

Not earlier than twenty (20) days before or not later than twenty (20) days after the vacancy occurs. The City Council shall not make final appointment for at least ten (10) working days after posting the notice in designated locations. The notice's posting and application period shall be thirty (30) calendar days. However, if it finds that an emergency exists, the City Council may, fill the unscheduled vacancy immediately. According to this section, a person appointed to fill the vacancy shall serve only on an interim basis until the final appointment.

3. **Government Code Section 40605, and National City Municipal Code Title 16, grants the Mayor, with the City Council's approvals, the authority to make all appointments unless otherwise explicitly provided by statute. The exceptions are:**
 1. Civil Service Commission
 2. Port Commission
 3. Planning Commission

The City Council fills vacancies on these bodies.

- D. **Implementation.** Implementation of Council policy for appointment to Boards, Commissions, and Committees requires the following:

1. **Per Government Code Section 54972, on or before December 31 of each year, the City Council shall prepare a list of appointments of all regular and ongoing boards, commissions, and committees appointed by the City Council. The City Clerk will prepare the list of all regular and ongoing boards, commissions, and committees appointed by the Mayor or the City Council. The list shall contain, a list of all terms that will expire during the next calendar year, the incumbent appointee's name, the appointment date, the terms expiration date, and the position's necessary qualifications. It shall also include a list of all boards, commissions, and committees whose members serve at the City Council's pleasure, and the qualifications required for each position. This Local Appointments List shall be made available to the public on the City website.**
2. **Notice.** Placement of a public notice in the adjudicated newspaper the City uses for legal noticing advertising appointive vacancies, the City website, City Hall Bulletin Board, and City social media platforms.

ADOPTED: June 17, 1986**AMENDED: February 2, 2021**

3. Expiration of term. All appointees will receive a letter as their terms expire asking if they would like to re-apply for the position;
4. Applications. Available on the City website and in the City Clerk's Office. Submission must be before the advertised deadline for consideration for the current appointment. All applications will be retained in the City Clerk's Office for one-year from submitting an application to be considered for other vacancies on Boards, Commissions, and Committees as marked on the application. The City Clerk's Office will notify the applicant being considered for an appointment to confirm that they are still interested in volunteering.
5. A member may only serve on one (1) Board, Commission, or Committee at a time. If applying for another position on a different Board, Commission, or Committee that applicant will forfeit the prior seat, and a vacancy will occur per policy.
6. Interviews:
 - a. Mayor Appointments: Interviews for Mayoral appointments will be conducted by the Mayor outside of the public meeting and scheduled by the Mayor's Office.
 - b. City Council Appointments: Interviews for the three (3) Civil Service, Planning and Port Commissions who serve at the City Council's pleasure and are appointed by the City Council as a body will be interviewed in the public forum at a City Council Meeting as described below.
7. Mayoral Appointments:

The Mayor will make the motion to appoint (naming the appointee) and Councilmembers may second the motion. The City Clerk will then take a roll call vote of the City Council. A majority vote of the City Council will be required for the appointment. If, the majority of the City Council choose to deny the proposed appointment, at which point the Mayor would propose an alternative candidate from the current application pool, or could choose to reopen the application period and return to City Councils with a different applicant for consideration. If Mayor Appointment is not approved by the majority of the City Council by confirmation, that applicant is removed from the pool for that seat. The Mayor will return to a future meeting with a substitute Mayoral appointment.
8. For City Council Appointments, the Interview Process is as follows:
 - a. The City Clerk will provide an overview of the Board,

ADOPTED: June 17, 1986**AMENDED: February 2, 2021**

Commission and Committee (s) with current vacancy, the Mayor will introduce the applicant and the two (2) questions will be asked of each applicant on behalf of the City Council.

- b. Each applicant is given two (2) minutes to make a brief introduction of themselves and their qualifications to the City Council.
 - c. Mayor and City Councilmembers will ask questions of each applicant. All applicants must be asked the same questions.
 - d. Total time per applicant is five (5) timed minutes with a few minutes for clarification. No more than ten (10) minutes total per applicant.
 - e. All appointments and interviews before the City Council will be scheduled as needed to fill unexpected vacancies, with every effort to be made before an individual's term expires. Interviews may take place at one meeting, with appointments made at a subsequent meeting.
9. Vacancies for City Council Appointed Positions. If the vacancy is for a Council appointed position, and there is more than one (1) applicant for a given position, the voting process will proceed as follows: Once the interviews are complete, each Councilmember votes for their choice via a written ballot provided by the City Clerk. Each Councilmember shall print and sign their name on the ballot. All ballots shall be considered a public record and open to inspection by the public. The ballots are passed to the City Clerk who announces the number of votes for each candidate.

If, the appointment process is conducted via a virtual meeting the process is the same except the ballot/vote process. The City Clerk's Office will provide a Vote Sheet (a piece of paper electronically) with each applicants name to be considered. The Mayor will count to three (3) and the Council will hold their vote sheet up in front of their face to make sure it is captured on the camera during live virtual meeting. The City Clerk will tally the votes and will then confirm the votes with a verbal roll call. The applicant with the most votes is appointed.

If meeting is held "in person" no changes to current process will be made for votes.

In the event of a tie, each Councilmember votes again until one (1) candidate has the majority vote, and is declared to be the newly appointed.

10. Re-appointment beyond two terms. Anyone wishing to be re-appointed to any Board, Commission, or Committee, and has served two or more full terms already,

must be approved by a four-fifths vote of the Council., If all five members of the Council are not present or if one member abstains or recuses their vote, the four-fifths requirement would be changed to require only a simple majority.

11. Report to Council:

All applications received for vacancies no matter Mayoral Appointment or City Council Appointment will be attached to the staff report to Council. All applications will have private personal information redacted (name, street numbers and name of street address, and phone number). This redacted information is in alignment with law, Under Government Code Section 6255(a) personal contact information is exempt, and has been withheld on some documents. Personal information being withheld is in the interest of the applicant and their right to privacy which outweighs the public interest of disclosure.

12. An automatic vacancy upon becoming a Non-Resident. An unscheduled vacancy automatically occurs when a resident holding an appointment position on a City Board, Committee or Commission becomes a non-resident by moving out of National City limits. When an unscheduled vacancy occurs due to a resident becoming a non-resident, the unscheduled vacancy may be filled as follows:

- a. A special vacancy notice shall be posted in the Office of the City Clerk and the National City Library, and in other places as directed by the City Council, not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final Appointment at a City Council Meeting, shall not be made by the Appointing Authority for at least 10 working days after the posting of the notice in the City Clerk's Office.
- b. The Appointing Authority may appoint the former resident to a Non- Residential position if a Non-Residential position is vacant.

However, the Appointing Authority may, if it finds that an emergency exist, fill the unscheduled vacancy immediately. A person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made pursuant to this section.

13. Only City Residents may be elected to Chair, and Vice-Chair positions. To be eligible to be elected as the Chairperson of a City Board, Committee or Commission, the member must be a resident of the City.

Appointing Authority

Related Policy References

Government Code Section 40605

Government Code section 54970, et seq.

National City Municipal Code Title 16 (pending)

Prior Policy Amendments: May 19, 2020

BOARDS/COMMISSION/COMMITTEES

BOARDS, COMMISSION AND COMMITTEES (11) TOTAL MEMBERS (51+)	BOARD OF LIBRARY TRUSTEE (5 Members)	CIVIL SERVICE COMMISSION (5 Members)	COMMUNITY AND POLICE RELATIONS COMMISSION (8 Members)	PARK, RECREATION AND SENIOR CITIZENS' ADVISORY COMMITTEE (7 Members)	PLANNING COMMISSION and HOUSING ADVISORY COMMITTEE (7 Members) 2 Ex Officio	PORT COMMISSION (1 Member)	PUBLIC ART COMMITTEE (5 Members)	SWEETWATER AUTHORITY (1 Member)	TRAFFIC SAFETY COMMITTEE (5 Members)	VETERAN'S AND MILITARY FAMILIES ADVISORY COMMITTEE (7 Members)
TERM	3 Years	5 Years	3 Years	3 Years	4 Years	3 Years	3 Years	1 Year	3 Years	4 Years
RESIDENCY REQUIREMENT	Yes	Yes	5 Resident up to 2 Non-Resident (1) Non-Voting Member	Yes	Yes	Yes	No	n/a	Yes	5 Resident up to 2 Non-Resident
VOTER REQUIREMENT	No	No	No	No	No	No	No	No	No	No
MAYORAL APPOINTMENT SUBJECT TO CONFIRMATION BY THE CITY COUNCIL	X		X	X	Compensation set by Council Resolution		X	X	X	X
CITY COUNCIL AS A BODY APPOINTMENT		X			X	X				
COMPENSATION	No	No	No	No	No	No	No	No	No	No
FORM 700 FILING REQUIREMENT	Yes	Yes	Yes	No	Yes	n/a	No	n/a	No	No
MEETINGS	1 X per month	1X every other month	1X every 3 months	1X every 2 months	2X per month	n/a	1X per quarter	n/a	1X per month	1X per quarter
REQUIRED TO REPORT TO COUNCIL ANNUALLY	Yes, on or before August 31st and to the State Librarian	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
OTHER		Can not be salaried employee or holds office of the City								

CITY COUNCIL POLICY #107 and NCMC TITLE 16

**Effective February 2, 2020 all Chair and Vice-Chairs are required to be NC Residents

UPDATED 02/23/2021		COMMITTEE/COMMISSION/BOARD ATTENDANCE - 2021							
CIVIL SERVICE COMMISSION (5 Members)									
Member	Position	Residency Requirement	Appointed	Term Expires	1/13/2021				
Paul Wapnowski	Chair	Yes	11/20/2018	9/30/2023	Present				
Rafael Courtney	Vice-Chair	Yes	1/19/2010	9/30/2025	Present				
Leslie Coyote	Commissioner	Yes	10/18/2011	9/30/2024	Absent				
Fred Puhn	Commissioner	Yes	9/10/2012	9/30/2022	Present				
Lissette Rico Miramontes	Commissioner	Yes	1/19/2021	9/30/2024	Vacant				
COMMUNITY & POLICE RELATIONS COMMITTEE (8 Members)									
Member	Position	Residency Requirement	Appointed	Term Expires	2/18/2021				
Michael Lesley	Chair	Yes	10/30/2018	3/31/2023	Present				
Marianne Delatorre	Vice Chair	Yes	5/21/2019	3/31/2021	Present				
Zachary Francisco-Gomez	Committee Member	Yes	7/3/2018	3/31/2022	Present				
Candy Morales	Committee Member	No	11/20/2018	3/31/2021	Absent				
Daniel Orth	Committee Member	Yes	5/7/2019	3/31/2022	Present				
Diana Plazola	Committee Member	Yes	2/17/2015	3/31/2021	Present				
Christine Stein	Committee Member	Yes	1/21/2020	3/31/2023	Absent				
Daniel Long	POA Representative	n/a	n/a	n/a	Present				
LIBRARY BOARD OF TRUSTEES (5 Members)									
Member	Position	Residency Requirement	Appointed	Term Expires	1/6/2021	2/3/2021			
Sherry Gogue	President	Yes	12/4/2018	9/30/2022	Present	Present			
H. Bradley Bang	Vice-President	Yes	5/7/2019	9/30/2021	Present	Present			
Raymond Juarez	Member-Trustee	Yes	4/5/2016	9/30/2023	Present	Present			
Margaret Godshalk	Member-Trustee	Yes	6/19/2018	9/30/2023	Present	Present			
Cheryl Howrey-Colmenero	Member-Trustee	Yes	5/7/2019	9/30/2021	Vacant	Vacant			
Coyote Moon (Alternate)	Member-Trustee	Yes	12/17/2019	9/30/2021	Absent	Present			
VACANCY (Cheryl Howrey Seat)	Member-Trustee	Yes		9/30/2021	Vacant	Vacant			
PARK, RECREATION & SENIOR CITIZENS ADVISORY COMMITTEE (7 Members)									
Member	Position	Residency Requirement	Appointed	Term Expires	1/21/2021	2/18/2021			
Nora McMains	Chair	Yes	9/5/2006	9/30/2022	Cancelled	Cancelled			
Yvonne Cordoba	Committee Member	Yes	9/21/2004	9/30/2023	Cancelled	Cancelled			
Florfinia Arce	Committee Member	Yes	9/20/2016	9/30/2021	Cancelled	Cancelled			
Joseph Crawford	Committee Member	Yes	12/17/2019	9/30/2022	Cancelled	Cancelled			
Mike Richards	Committee Member	Yes	2/16/2021	9/30/2021	Cancelled	Cancelled			
Ignacio Navarro Jr.	Committee Member	Yes	2/16/2021	1/1/2023	Cancelled	Cancelled			
Liliana Armenta	Committee Member	Yes	2/16/2021	1/1/2023	Cancelled	Cancelled			
PLANNING COMMISSION (7 Members)									
Member	Position	Residency Requirement	Appointed	Term Expires	1/4/2021	1/18/2021	2/1/2021	2/15/2021	
Dolores Flores	Chair	Yes	6/5/2001	3/31/2021	Cancelled	Cancelled	Cancelled	Cancelled	
Damian Alexander Roman	Commissioner	Yes	1/19/2021	3/31/2022	Cancelled	Cancelled	Cancelled	Cancelled	
Maria DeLa Paz	Commissioner	Yes	4/2/2002	3/31/2022	Cancelled	Cancelled	Cancelled	Cancelled	
Luis Natividad	Commissioner	Yes	5/7/2019	3/31/2023	Cancelled	Cancelled	Cancelled	Cancelled	
Ricardo Sanchez	Commissioner	Yes	7/5/2020	9/30/2024	Cancelled	Cancelled	Cancelled	Cancelled	
William J. Sendt	Commissioner	Yes	4/5/2016	3/31/2024	Cancelled	Cancelled	Cancelled	Cancelled	
Ditas Yamane	Commissioner	Yes	3/3/2015	3/31/2023	Cancelled	Cancelled	Cancelled	Cancelled	
Lorna De La Santos	Ex Officio Housing	Yes	12/15/2020	3/31/2022	Cancelled	Cancelled	Cancelled	Cancelled	
Denisse Newell	Ex Officio Housing	Yes	12/17/2019	3/31/2023	Cancelled	Cancelled	Cancelled	Cancelled	

PORT COMMISSION (1 Member)							
Member	Position	Residency Requirement	Appointed	Term Expires			
Sandy Naranjo	Port Commissioner	Yes	12/2/2020				
PUBLIC ART COMMITTEE (5 Members)							
Member	Position	Residency Requirement	Appointed	Term Expires	1/26/2021		
William A. Virchis	Chair	No	7/20/2004	9/30/2022	Present		
Jose "Pepe" Gonzales	Committee Member	No	2/16/2021	9/30/2021	Vacant		
Nadia Nunez	Committee Member	No	2/20/2018	9/30/2023	Present		
Jacqueline Schiapnik	Committee Member	No	10/20/2020	9/30/2022	Present		
Charles Reilly	Committee Member	No	5/2/2020	9/30/2021	Present		
Jose A. Lopez (Alternate)	Committee Member	No	2/16/2021	9/30/2022	Vacant		
SWEETWATER AUTHORITY (1 Member)							
Member	Position	Residency Requirement	Appointed	Term Expires			
Mona Rios	Commissioner	n/a	1/19/2020	12/31/2022			
TRAFFIC SAFETY COMMITTEE (5 Members)							
Member	Position	Residency Requirement	Appointed	Term Expires	1/13/2021	2/10/2021	
Ryan Whipple	Chair	Yes	5/6/2014	9/30/2023	Cancelled	Present	
VACANCY	Vice-Chair	Yes		9/30/2021	Cancelled	Vacant	
Javier Alvarado	Committee Member	Yes	12/4/2018	9/30/2021	Cancelled	Present	
Christopher Coyote	Committee Member	Yes	3/1/2011	9/30/2022	Cancelled	Present	
Coyote Moon (Resigned 1/19/2021)	Committee Member	Yes	3/21/2017	9/30/2021	Cancelled	Vacant	
Zachariah Trujillo	Committee Member	Yes	9/1/2020	9/30/2022	Cancelled	Absent	
VETERANS & MILITARY FAMILIES ADVISORY COMMITTEE (7 Members)							
Member	Position	Residency Requirement	Appointed	Term Expires	1/28/2021		
Shirely Ferrill	Chair	Yes	10/6/2020	9/30/2023	Present		
Jesse Aguilar-Perez		Yes	10/6/2020	9/30/2024	Present		
Cheryl A. Owolabi	Committee Member	Yes	2/16/2021	9/30/2022	Vacant		
Maria Elena Hernandez	Committee Member	Yes	10/20/2020	9/30/2024	Present		
Jhoana Alvarado	Committee Member	Yes	10/6/2020	9/30/2021	Present		
Lateef Compton	Committee Member	No	10/6/2020	9/30/2022	Absent		
Armando Telles	Committee Member	No	10/6/2020	9/30/2023	Present		
HOUSING ADVISORY COMMITTEE (9 Members consisting of the Planning Commissioners and 2 Committee Members)							
Member	Position	Residency Requirement	Appointed	Term Expires	1/26/2021		
Denisse Newell	Member	Yes	12/17/2019	3/31/2023	Cancelled		
Lorna A. Delos Santos	Member	Yes	12/15/2020	3/31/2022	Cancelled		
Dolores Flores	Commissioner/Member	Yes	6/5/2001	3/31/2021	Cancelled		
Damian Alexander Roman	Commissioner/Member	Yes	1/19/2021	3/31/2022	Cancelled		
Maria DeLa Paz	Chair	Yes	4/2/2002	3/31/2022	Cancelled		
Luis Natividad	Commissioner/Member	Yes	5/7/2019	3/31/2023	Cancelled		
Ricardo Sanchez	Vice Chair	Yes	7/5/2020	9/30/2024	Cancelled		
William J. Sendt	Commissioner/Member	Yes	4/5/2016	3/31/2024	Cancelled		
Ditas Yamane	Commissioner/Member	Yes	3/3/2015	3/31/2023	Cancelled		

The following page(s) contain the backup material for Agenda Item: [Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances or Resolutions that are having a Public Hearing considered at this meeting and providing that such Ordinances or Resolutions shall be introduced and/or adopted after a reading of the title only. \(City Clerk\)](#)

Please scroll down to view the backup material.

Item # ____
03/02/21

MOTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE WAIVING OF THE READING OF THE TEXT OF THE ORDINANCES OR RESOLUTIONS THAT ARE HAVING A PUBLIC HEARING CONSIDERED AT THIS MEETING AND PROVIDING THAT SUCH ORDINANCES OR RESOLUTIONS SHALL BE INTRODUCED AND/OR ADOPTED AFTER A READING OF THE TITLE ONLY.

(City Clerk)

The following page(s) contain the backup material for Agenda Item: [Approval of Meeting Minutes: City Council and Community Development Commission - Housing Authority of the City Of National City: Virtual Regular Meeting: January 19, 2021 City Council of the City Of National City: Virtual Special Meeting January 19, 2021 Virtual Special Meeting January 26, 2021 Joint Special Meeting of the City Council and Community Development Commission and Housing Advisory Committee: Virtual Special Joint Meeting January 26, 2021. \(City Clerk\)](#)

Please scroll down to view the backup material.

Item # _____

03-02-2021

APPROVAL OF MEETING MINUTES

CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY:

Virtual Regular Meeting: January 19, 2021

CITY COUNCIL OF THE CITY OF NATIONAL CITY:

Virtual Special Meeting January 19, 2021

Virtual Special Meeting January 26, 2021

JOINT SPECIAL MEETING OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION AND HOUSING ADVISORY COMMITTEE:

Virtual Special Joint Meeting January 26, 2021

(City Clerk)



**MINUTES OF THE VIRTUAL REGULAR MEETING OF THE
CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION –
HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY**

January 19, 2021

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic.

The City Council minutes are prepared and ordered to correspond to the City Council Agenda. Agenda Items can be taken out of order during the meeting. The Agenda Items were considered in the order presented.

A. CITY COUNCIL

CALL TO ORDER

The meeting was called to order at 6:05 p.m. by Mayor Sotelo-Solis.

ROLL CALL

Councilmembers present: Bush, Morrison, Rios, Rodriguez, Sotelo-Solis

Councilmembers absent: None

Other Elected Officials present: Beauchamp, Molina

Administrative Officials present: Raulston, Winney, Bell, Chapel, Parra, Williams, Davies, Meteau, Denham, Duong, Vergara, Olson, Aguirre, Yano, Tellez

PLEDGE OF ALLEGIANCE TO THE FLAG

Vice-Mayor Rodriguez led the Pledge of Allegiance.

PUBLIC COMMENTS

Six (6) public comments received: David Ozua (animals' nuisance), David Ozua (zoning violation), Joan Rincon (social media concern), Kelly McCormick (DUI awareness), Rebecca Rapp (marijuana opposition), and Ted Godshalk (housing issues).

Read into the record by City Clerk Molina and Deputy City Clerk Chapel.

PROCLAMATIONS AND CERTIFICATES

1. National City Recognizes January 30 as Fred Korematsu Day.

Mayor Sotelo-Solis presented the recognition in honor of Fred Korematsu. Accepting the proclamation were Gary Himaka, Representative of the Japanese American Historical Society of San Diego, and Jack Shu, Councilmember for City of La Mesa.

Public comments: Erin Tsurumoto Grassi (in support), and Ian M. Seruelo (in support). Read by City Clerk Molina.

2. National City Recognizes Human Trafficking Awareness Month.

Mayor Sotelo-Solis presented the recognition.

AWARDS AND RECOGNITIONS

3. Employee of the Quarter 2020

Fire Chief Parra presented the award. Fire Engineer Brian Viora accepted the recognition with his family in attendance.

PRESENTATIONS

None

INTERVIEWS / APPOINTMENTS

4. Interviews and Appointments: City Boards, Commissions and Committees.

City Clerk Molina outlined the procedures for City Council appointments and Mayoral appointments.

Civil Service Commission: One (1) vacancy for term expiring September 30, 2024. The City Council conducted public interviews of two applicants: Jill Milligan and Lissette Rico Miramontes.

Public Comments: None

ACTION: Motion by Councilmember Rios to appoint Miramontes, seconded by Councilmember Bush. Motion withdrawn by Councilmember Rios for clarification.

Motion restated by Councilmember Rios to proceed with ballot vote, seconded by Vice-Mayor Rodriguez. Secunder of the first motion, Councilmember Bush, accepted the restated motion.

Ballots were provided by Deputy City Clerk Chapel. Councilmembers cast their vote virtually by holding up the name of the applicant who received their vote.

Votes cast for Lissette Rico Miramontes - unanimously

Lissette Rico Miramontes was appointed to the Civil Service Commission by unanimous vote.

Planning Commission: One (1) vacancy for term expiring March 31, 2021.

The City Council conducted public interviews of six (6) applicants: Jose 'Pepe' Gonzalez, William Phillips Sr., Damian Alexander Roman, Jill Milligan, and Claudia E. Valenzuela.

Mayor Sotelo-Solis called a recess of the meeting at 8:16 p.m. The meeting reconvened at 8:21 p.m. with all Councilmembers present.

The City Council continued with public interviews: Mike Richards.

Public Comments: None

ACTION: Motion by Councilmember Morrison to extend the appointment term from 03/31/2021 to March 31, 2022, and to proceed with ballot vote, seconded by Councilmember Bush.

Ballots were provided by Deputy City Clerk Chapel. Councilmembers cast their vote virtually by holding up the name of the applicant who received their vote.

Councilmember Bush voted for Roman.
Councilmember Morrison voted for Valenzuela.
Councilmember Rios voted for Richards.
Vice-Mayor Rodriguez voted for Roman.
Mayor Sotelo-Solis voted for Roman.

Damian Alexander Roman was appointed to the Planning Commission by majority vote, 3-2.

Sweetwater Authority Board: One (1) vacancy for term expiring December 31, 2021. Mayor Sotelo-Solis appointed Councilmember Rios to fulfill the remainder of the term expiring December 31, 2021.

ACTION: Motion by Mayor Sotelo-Solis to affirm the appointment, seconded by Councilmember Bush. Motion carried unanimously.

The appointments for Parks, Recreation, & Senior Citizens Advisory Board, Public Art Committee, and Veterans & Military Families Advisory Committee were postponed for a future meeting.

REGIONAL BOARDS AND COMMITTEE REPORTS

Councilmember Rios reported on the operations by the Sweetwater Authority Board and the San Diego County Water Authority that benefit consumers.

Commissioner Sandy Naranjo reported on the Board of Port Commissioners including the commitment to an equitable share of resources for National City.

Councilmember Morrison reported on the Regional Solid Waste Association's discussions on SB-1383 concerning the disposal of organics, infrastructure, and communication to consumers.

Councilmember Bush reported on the activities of the Bayshore Bikeway Working Group, and the South County Economic Development Council.

Vice-Mayor Rodriguez reported on the Revenue & Taxation Committee with the League of California Cities and the funds available to cities.

Mayor Sotelo-Solis reported on the Subcommittee for Litter Abatement and solutions for clean-up efforts. Also, provided an update on San Diego Association of Governments (SANDAG) and Metropolitan Transit System Board (MTS).

CONSENT CALENDAR

Vice-Mayor Rodriguez pulled Item 6 from the Consent Calendar for clarification.

Public Comments: None

ACTION: Motion by Councilmember Bush, seconded by Councilmember Rios, to approve the Consent Calendar Items 5, and 7 through 13. Motion carried by unanimous vote.

5. Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances or Resolutions that are having a Public Hearing considered at this meeting and providing that such Ordinances or Resolutions shall be introduced and/or adopted after a reading of the title only.
7. Ratified Warrant Register #18 for Period of 10/28/20 through 11/03/20 in the amount of \$3,505,352.52.
8. Ratified Warrant Register #19 for Period of 11/04/20 through 11/10/20 in the amount of \$604,944.42.
9. Ratified Warrant Register #20 for Period of 11/11/20 through 11/17/20 in the amount of \$1,552,018.51.
10. Ratified Warrant Register #21 for Period of 11/18/20 through 11/24/20 in the amount of \$1,332,865.94.
11. Ratified Warrant Register #22 for Period of 11/25/20 through 12/01/20 in the amount of \$3,995,994.06.
12. Ratified Warrant Register #23 for Period of 12/02/20 through 12/08/20 in the amount of \$1,187,551.44.
13. Ratified Warrant Register #24 for Period of 12/09/20 through 12/15/20 in the amount of \$2,602,261.14.

ITEM PULLED FROM CONSENT CALENDAR

6. Annual Review of the City Council Policy Manual and Update of Regional Boards and Committee Appointments.

Vice-Mayor Rodriguez asked questions of Staff regarding the footnotes for Item 6. Staff provided clarification for Council.

Public Comments: None

ACTION: Motion by Vice-Mayor Rodriguez to approve Item 6, seconded by Mayor Sotelo-Solis. Motion carried by unanimous vote.

PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS

14. Discussion, Public Hearing, and Second Reading of an Ordinance of the City Council of the City of National City Establishing the compensation of the Mayor and City Council.

Mayor Sotelo-Solis opened the Public Hearing at 9:18 p.m.

Mayor Sotelo-Solis read the title of the resolution into the record.

City Attorney Bell provided the report. City Councilmembers discussed the item.

Public Comments: Moon (in support of a fair increase), Seth Clark (in support of a fair increase).
Read into the record by City Clerk Molina.

ACTION: Motion by Councilmember Rios, seconded by Councilmember Bush, to close the Public Hearing at 9:21 p.m. Motion carried by unanimous vote.

ACTION: Motion by Councilmember Bush in favor of a 5% salary increase for Mayor and Councilmembers. Motion failed due to a lack of a second.

ACTION: Motion by Councilmember Rios to bifurcate the recommendation to support an 5% increase for Councilmembers' salaries only and zero increase for the Mayor's salary, seconded by Mayor Sotelo-Solis.

Councilmember Morrison made a substitute motion to forgo all raises for this cycle, seconded by Vice-Mayor Rodriguez. Motion carried 3-2, with Councilmember Bush and Councilmember Rios voting No. Ordinance not adopted.

Ayes: Morrison, Rodriguez, Sotelo-Solis

Noes: Bush, Rios

NON CONSENT RESOLUTIONS

15. Adopt Resolution No. 2020-01. Resolution of the City Council of the City of National City Authorizing the Amendment of City Council Policy No. 802, "City Support for Special Events, Activities, Programs And Services," Adding Events to the Sponsored and Co-Sponsored List.

Mayor Sotelo-Solis read the title of the resolution into the record.

Staff Report provided by City Manager Raulston, Armando Vergara, Director of Community Development, and Joe Olson, Manager, Neighborhood Services Division.

Public Comments: None

ACTION: Motion by Councilmember Rios, seconded by Councilmember Bush, to adopt the Resolution. Motion carried 3-2 with Councilmember Morrison and Vice-Mayor Rodriguez voting No.

Ayes: Bush, Rios, Sotelo-Solis

Noes: Morrison, Rodriguez

NEW BUSINESS

There were no items.

B. COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY

No agenda items.

C. REPORTS

STAFF REPORTS

16. Fiscal Year 2020 4th Quarter General Fund Budget Review.

City Manager Raulston gave the report and presentation.

Received and Filed.

17. Progress Report on the City's 2020-2025 Strategic Plan.

City Manager Raulston shared the report and presentation.

Public Comments: Joan Rincon (literacy program). Read by City Clerk Molina.

Received and Filed.

Mayor Sotelo-Solis recognized the time of 10:18 p.m. City Council Policy #104: Rules of Procedure and Order for City Council Meetings, requires a vote of the City Council to continue the meeting past 10:30 p.m. to complete as presented. Motion by Councilmember Rios, seconded by Vice-Mayor Rodriguez to continue to hear the remaining agenda items. Motion carried 4-1, with Councilmember Morrison voting No.

Ayes: Bush, Rios, Rodriguez, Sotelo-Solis

Noes: Morrison

18. Housing Report.

Carlos Aguirre, Director of Housing Authority, gave the report.

Received and Filed.

19. Public Safety Report.

City Manager Raulston and Chief Tellez reported on Public Safety..

Received and Filed.

20. City Manager Report.

City Manager Raulston acknowledged the accomplishments of 2020 and expressed optimism for 2021. He provided an update on availability of the COVID-19 vaccine.

Received and Filed.

MAYOR AND CITY COUNCIL

Mayor Sotelo-Solis wished Councilmember Rios a happy birthday.

Councilmember Bush wished Councilmember Rios a happy birthday. Expressed the need for discussion at the next meeting regarding the interview and appointment process for boards, committees, and commissions.

ACTION: Motion by Councilmember Bush, seconded by Councilmember Morrison, to bring back an Item regarding the Boards/Commission/Committee interview and appointment process for Council discussion. Motion carried by unanimous vote.

City Treasurer Beauchamp gave a report on the budget status and wished Councilmember Rios a happy birthday.

Councilmember Morrison discussed the topic of litter clean-up and trash collection.

Councilmember Rios discussed vaccine pods, committee appointments, and unlawful COVID-19 testing sites.

Vice-Mayor Rodriguez wished Councilmember Rios a happy birthday. He is grateful for the peaceful transfer of power at the national level and denounced the insurrection of the national Capital.

Mayor Sotelo-Solis shared a public safety message for Inauguration Day. She announced the upcoming distribution of COVID-19 safety kits and hams. She announced the upcoming State of the City Address which will be occurring via teleconference.

City Clerk Molina thanked the Council for the interest in formalizing the appointment process and welcomes the discussion.

CLOSED SESSION

CLOSED SESSION REPORT

City Attorney Bell stated

Pursuant to California Government Code 54957.1, by a unanimous vote, direction was given by the City Council in the legal action titled Tammy Davis v. City of National City. The case involves a Section 1983 Civil Rights Act claim arising from an in custody death.

ADJOURNMENT

Mayor Sotelo-Solis adjourned the meeting to the next Regular Meeting of the City Council and Community Development Commission of the City of National City to be held Tuesday, February 2, 2021 at 6:00 PM via teleconference.

The meeting adjourned at 11:02 p.m.

City Clerk

The foregoing minutes were approved at the Regular Meeting of March 2, 2021.

Mayor



**MINUTES OF THE VIRTUAL SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF NATIONAL CITY**

January 19, 2021

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic.

OPEN SESSION

CALL TO ORDER

The meeting was called to order at 5:04 p.m. by Mayor Sotelo-Solis.

ROLL CALL

Councilmembers present: Bush, Morrison, Rios, Rodriguez, Sotelo-Solis
Administrative Officials present: Raulston, Winney, Bell,

PUBLIC COMMENTS

No public comments were received.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION:
Existing Litigation under Government Code Section 54956.9(d)(1)
Tammy Davis v. City of National City, et al.
Case No. 19-CV-534-BEN-BGS

CLOSED SESSION REPORT AT END OF REGULAR MEETING

City Attorney Bell stated: Pursuant to California Government Code 54957.1, by a unanimous vote, direction was given by the City Council in the legal action titled Tammy Davis v. City of National City. The case involves a Section 1983 Civil Rights Act claim arising from an in custody death.

ADJOURNMENT

Mayor Sotelo-Solis adjourned the meeting to the next Regular City Council Meeting: Tuesday, January 19, 2021, at 6:00 p.m., City Council Chambers, Civic Center – National City, California, via Zoom

The meeting adjourned at 5:56 p.m.

Luz Molina, City Clerk

The foregoing minutes were approved at the Regular Meeting of March 2, 2021.

Mayor Sotelo-Solis



**MINUTES OF THE VIRTUAL SPECIAL JOINT MEETING –
NATIONAL CITY CITY COUNCIL, COMMUNITY DEVELOPMENT COMMISSION, AND THE
HOUSING ADVISORY COMMITTEE OF THE CITY OF NATIONAL CITY**

January 26, 2021

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic.

CALL TO ORDER

The meeting was called to order at 6:05 p.m. by Mayor Sotelo-Solis.

ROLL CALL

Councilmembers present: Bush, Morrison, Rios, Rodriguez, and Sotelo-Solis

Councilmembers absent: None

Commissioners present: De La Paz, Sanchez, Sendt, Flores, Yamane, Natividad, Newell, De Los Santos, Roman

Commissioners absent: None

Other Elected Officials present: Molina

Administrative Officials present: Raulston, Winney, Aguirre, Vergara, Reeder, Chapel, Hussain, and Gilman.

Spanish Translator: Carlos Diaz de Leon

PLEDGE OF ALLEGIANCE TO THE FLAG

Housing Advisory Committee Vice-Chair Sanchez led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS None.

JOINT MEETING AGENDA ITEMS

Mayor Sotelo-Solis introduced City Manager Raulston who provided an introduction of Director of Housing Aguirre, Director of Community Development Vergara, and Principal Planner Reeder.

City Manager Raulston gave a background on the two overlapping planning efforts known as the Transit-Oriented Development Overlay (TODO) and the Focused General Plan Update (FGPU).

City Manager Raulston announced that the meeting is also simulcast in Spanish for the Spanish-speaking audience.

1. Transit-Oriented Development Overlay (TODO) Workshop #4
 - a. Project overview
 - b. Land Use Recommendations
 - c. Mobility Recommendations
 - d. Next steps

Director of Housing Aguirre introduced the consultant team consisting of Monique Chen, PE. Principal, and Andrew Prescott, Transportation Planner at Chen Ryan Associates, and Diego Velasco, President of Citythinkers.

Principal Planner Reeder provided the TODO project overview. He addressed the correlation to the Westside Specific Plan, and the public outreach plan to inform the public and gather input.

The consultant team provided the TODO presentation which included land use and mobility recommendations.

Housing Advisory Committee members asked questions and received responses from staff and presenters.

PUBLIC COMMENTS:

Ten (10) public comments received: Alicia Sanchez, Angelica Ramirez, Carmen Gaxiola, Francisco Hernandez, Margarita Moreno commented on the need for affordable housing on the Westside, the ongoing concern of housing near industry shops, and related health concerns; Diane Takvorian (environmental concerns and public outreach); Danny Serrano (the need for more public outreach); James Halliday (public art); Silvia Calzada (zoning and affordability); Ted Godshalk (in opposition). Read into the record by City Clerk Molina.

City Councilmembers provided input, asked questions, and received responses from staff and presenters.

- 2. Review and discussion of the draft 6th Cycle Housing Element (2021-2029)
 - a. Focused General Plan Update overview
 - b. Housing Element overview
 - c. Land Use Element overview
 - d. Parking Policy
 - e. Next steps

Mayor Sotelo-Solis introduced Director of Housing Aguirre who introduced Project Manager Tara Lake who provided the FGPU presentation.

City Manager Raulston gave a summary and the next steps for the two overlapping planning efforts discussed.

Housing Advisory Committee Members had no questions on this item.

PUBLIC COMMENT:

One (1) public comment received: Tom Lemmon (Park Apartments). Read into the record by City Clerk Molina.

City Councilmembers provided input, asked questions, and received responses from staff and presenters.

ADJOURNMENT

Mayor Sotelo-Solis adjourned the meeting at 8:53 p.m.

City Clerk

The foregoing minutes were approved at the Regular Meeting of March 2, 2021.

Mayor



**MINUTES OF THE VIRTUAL SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF NATIONAL CITY**

January 26, 2021

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic.

CALL TO ORDER

The meeting was called to order at 8:54 p.m. p.m. by Mayor Sotelo-Solis.

ROLL CALL

Councilmembers present: Bush, Morrison, Rios, Rodriguez, Sotelo-Solis

Other Elected Officials present: Molina

Administrative Officials present: Raulston, Winney, Bell, Gillman, Chapel, Bell, Parra, Williams, Hussain.

PUBLIC COMMENTS

No public comments were received.

NON CONSENT RESOLUTIONS

1. Adopt Resolution No. 2021-02. Resolution of the City Council of the City of National City approving an Agreement with the County of San Diego for the administration of COVID-19 vaccinations via Mobile Service Units.

Assistant City Manager Winney gave the report.

ACTION: Motion by Councilmember Rios, seconded by Councilmember Morrison, to adopt Resolution. Motion carried by unanimous vote.

ADJOURNMENT

Motion by Councilmember Morrison, seconded by Councilmember Rios, to adjourn the meeting. Motion carried by unanimous vote.

Mayor Sotelo-Solis adjourned the meeting to the next Regular Meeting of the City Council and Community Development Commission of the City of National City to be held Tuesday, February 2, 2021 at 6:00 PM via teleconference.

The meeting adjourned at 9:10 p.m.

City Clerk

The foregoing minutes were approved at the Regular Meeting of March 2, 2021.

Mayor

The following page(s) contain the backup material for Agenda Item: [Warrant Register #30 for the period of 1/20/21 through 1/26/21 in the amount of \\$2,266,130.76. \(Finance\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: March 02, 2021

AGENDA ITEM NO.:

ITEM TITLE:

Warrant Register #30 for the period of 1/20/21 through 1/26/21 in the amount of \$2,266,130.76.
(Finance)

PREPARED BY: Karla Apalategui, Senior Accounting Assistant

DEPARTMENT: Finance

PHONE: 619-336-4572

APPROVED BY: 

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for period 1/20/21 - 1/26/21. Consistent with Department of Finance's practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
Basile Construction Inc	350977	646,543.95	CIP 19-43 P1 Sewer Upsize – ENG
City of San Diego	350982	102,938.99	Qtrly Billing for Fire Dispatch Svcs
South Bay Community Services	351032	97,504.62	Home Agreement / Housing Dept

FINANCIAL STATEMENT:

APPROVED: 

FINANCE

ACCOUNT NO.

APPROVED: _____

MIS

Warrant total \$2,266,130.76.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION FINAL ADOPTION

STAFF RECOMMENDATION:

Ratify warrants totaling \$2,266,130.76.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Warrant Register # 30



**WARRANT REGISTER # 30
1/26/2021**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
ACME SAFETY & SUPPLY CORP	CLASS 3 SAFETY APPAREL - PARKS DIVISION	350968	1/26/21	1,005.07
ADVANCED AUTO BODY GROUP	PARTS:FENDER, WHEEL, TIRE, MOUNT / PW	350969	1/26/21	3,512.20
ALDEMCO	FOOD / NUTRITION	350970	1/26/21	1,536.00
ALL FRESH PRODUCTS	COVID 19 CONSUMABLES	350971	1/26/21	960.53
AMAZON	JABRA ENGAGE 75 WIRELESS HEADSET	350972	1/26/21	703.89
APWA	AMERICAN PUBLIC WORKS ASSOCIATION ANNUAL	350973	1/26/21	250.00
AT&T	AT&T SBC ANNUAL PHONE SERVICE FOR FY21	350974	1/26/21	11,575.07
AT&T	AT&T SBC ANNUAL PHONE SERVICE FOR FY21	350975	1/26/21	695.36
BAKER ELECTRIC INC	CIP 19-15 CITYWIDE SAFETY LIGHTING ENHAN	350976	1/26/21	855.00
BASILE CONSTRUCTION INC	CIP 19-43 P1 SEWER UPSIZE - ENG/PW	350977	1/26/21	646,543.95
BENNETT BOWEN & LIGHTHOUSE INC	7 - REVERSABLE JACKET - HI VIZ GREEN	350978	1/26/21	582.63
BOOT WORLD	MOP 64096 SAFETY WEARING APPAREL - PW	350979	1/26/21	125.00
BRINK'S INCORPORATED	ARMORED CAR SVCS 1/1/21-1/31/21	350980	1/26/21	324.72
CDWG	CYLANCE BB GUARD ADV UPG / MIS	350981	1/26/21	4,934.85
CITY OF SAN DIEGO	QUARTERLY BILLING FOR FIRE DISPTACH SVCS	350982	1/26/21	102,938.99
COUNTY OF SAN DIEGO	NEXTGEN REGIONAL COMMUNICATIONS SYSTEM	350983	1/26/21	9,120.00
COX COMMUNICATIONS	COX DATA VIDEO SERVICES FOR FY21	350984	1/26/21	2,163.35
CSA SAN DIEGO COUNTY	CDBG AGREEMENT WITH CSA SAN DIEGO	350985	1/26/21	4,992.87
CUMMINS-ALLISON CORP	JETSCANNER	350986	1/26/21	3,447.88
DALEY & HEFT LLP	LIABILITY CLAIM COST	350987	1/26/21	13,191.05
DALEY & HEFT LLP	LIABILITY CLAIM COST	350988	1/26/21	4,375.00
DALEY & HEFT LLP	LIABILITY CLAIM COST	350989	1/26/21	3,265.90
DALEY & HEFT LLP	LIABILITY CLAIM COST	350990	1/26/21	685.17
DALEY & HEFT LLP	LIABILITY CLAIM COST	350991	1/26/21	440.00
DALEY & HEFT LLP	LIABILITY CLAIM COST	350992	1/26/21	240.00
DAY WIRELESS SYSTEMS	COMPANY MAINTENANCE CONTRACT / FIRE	350993	1/26/21	549.00
DE LAGE LANDEN	LEASE 20 SHARP COPIERS FOR FY21	350994	1/26/21	2,939.63
ESGIL CORPORATION	ESGIL-PROJECT / FIRE	350995	1/26/21	648.90
FIRE ETC	19352-CITROSQUEEZE FS-C-005 PPE / FIRE	350996	1/26/21	579.64
FLEET SERVICES INC	MOP 67084 AUTO SUPPLIES - PW	350997	1/26/21	358.36
GONZALES, G	TUIT REIMB G GONZALES	350998	1/26/21	3,500.00
GRAINGER	MOP 65179 GENERAL SUPPLIES - PW	350999	1/26/21	281.67
HDR ENGINEERING, INC.	PROFESSIONAL SERVICES - ENG/PW	351000	1/26/21	1,256.00
HOME DEPOT CREDIT SERVICES	GENERAL SUPPLIES FOR FY 2021	351001	1/26/21	572.42
INNOVATIVE CONSTRUCTION	CIP 18-10 EUCLID BICYCLE & PED ENHANCE	351002	1/26/21	36,392.00
IPS GROUP INC	PARKING PERMIT PORTAL AND BACK OFFICE	351003	1/26/21	7,115.63
KRONOS INC	KRONOS ANNUAL MAINTENANCE AND LICENSING	351004	1/26/21	142.06
LASER SAVER INC	LASER SAVER MOP FY21	351005	1/26/21	217.45
LEFORT'S SMALL ENGINE REPAIR	MOP 80702 GENERAL SUPPLIES - PW	351006	1/26/21	97.88
LOCAL GOVERNMENT PUBLICATIONS	LEGAL PUBLICATION UPDATES/CAO	351007	1/26/21	143.56
MAN K9 INC	MONTHLY TRAINING / LOKI LEAD / PD	351008	1/26/21	1,170.64
MEYER, GREGORY	LIABILITY CLAIM COST	351009	1/26/21	5,000.00
MV CHENG & ASSOCIATES INC.	FINANCE MGR CONSULTANT SVCS/DECEMBER	351010	1/26/21	4,100.00
NATIONAL CITY MOTORCYCLES	SERVICE AND REPAIR FOR EMERGENCY	351011	1/26/21	491.02
NATIONAL EMBLEM INC	SHOULDER PATCHES	351012	1/26/21	2,670.11
NEXTREQUEST	NEXTREQUEST INVOICES	351013	1/26/21	15,785.33
OFFICE SOLUTIONS BUSINESS	MOP 83778 OFFICE SUPPLIES / NSD	351014	1/26/21	11.08
PACIFIC AUTO REPAIR	SMOG CERTIFICATION / REPAIRS FOR CITY	351015	1/26/21	110.00



**WARRANT REGISTER # 30
1/26/2021**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
PACIFIC REFRIGERATION INC	PROVIDE ON-SITE COMMERCIAL	351016	1/26/21	6,032.14
PARTS AUTHORITY METRO LLC	MOP 75943 AUTO SUPPLIES - PW	351017	1/26/21	44.70
PENSKE FORD	R&M CITY VEHICLES FY 2021	351018	1/26/21	75.49
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES - PW	351019	1/26/21	2,040.94
PROFESSIONAL SEARCH GROUP LLC	TEMP SVC / NSD	351020	1/26/21	3,320.00
PROJECT PROFESSIONALS CORP	CIP 19-43 P1 SEWER UPSIZING - ENG/PW	351021	1/26/21	25,375.75
PROJECT PROFESSIONALS CORP	CIP 19-50 LAS PALMAS POOL FACILITY ROOF	351022	1/26/21	1,012.91
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICES - PW	351023	1/26/21	1,005.74
QUESTYS SOLUTIONS	AGENDA TEMPLATE CHANGES	351024	1/26/21	787.50
RESTAURANT DEPOT, LLC	HAMS FOR GIVEAWAY/MAYORS OFFICE	351025	1/26/21	1,500.00
RIOS, R	REIMBURSEMENT FOR MONA RIOS	351026	1/26/21	35.00
SAM'S ALIGNMENT	WHEEL ALIGNMENT SERVICE FOR CITY	351027	1/26/21	200.00
SAN YSIDRO HEALTH	CARES ACT CDBG-CV AGREEMENT / HOUSING	351028	1/26/21	15,366.96
SDG&E	GAS AND ELECTRIC UTILITIES FOR STREETS	351029	1/26/21	31,528.86
SHARP ELECTRONICS CORPORATION	MAINTENANCE 20 SHARP COPIERS FOR FY21	351030	1/26/21	2,585.26
SILVER & WRIGHT LLP	PROFESSIONAL SERVICES/ CAO	351031	1/26/21	2,231.70
SOUTH BAY COMMUNITY SERVICES	HOME AGREEMENT / HOUSING DEPARTMENT	351032	1/26/21	97,504.62
STAPLES BUSINESS ADVANTAGE	MOP #45704 OFFICE SUPPLIES/RISK MANAGEM	351033	1/26/21	74.07
SUPERIOR READY MIX	DECOMPOSED GRANITE - STREET MATERIAL	351034	1/26/21	272.40
SWAGIT PRODUCTION LLC	SWAGIT WEBCASTING FOR FY21	351035	1/26/21	1,920.83
SWRCB	ANNUAL PERMIT FEE PARADISE CREEK	351036	1/26/21	2,012.00
SYSCO SAN DIEGO INC	FOOD / NUTRITION	351037	1/26/21	2,408.45
TARGET SOLUTIONS LEARNING	PREMIER MEMBERSHIP PLATFORM FOR TRAINING	351038	1/26/21	3,120.00
TERMINIX INTERNATIONAL	ON-SITE PEST CONTROL SERVICES	351039	1/26/21	75.00
THE BUMPER GUY INC	PARTS - FRONT BUMPER, GRILLE, FRONT	351040	1/26/21	7,422.09
THE COUNSELING TEAM INTERNATIO	EMPLOYEE SUPPORT SERVICES COUNSELING	351041	1/26/21	675.00
THE PUN GROUP LLP	PROGRESS BILLING #2/CITY AUDIT FOR YEAR	351042	1/26/21	20,000.00
U S BANK	CREDIT CARD EXPENSES/FIRE DEP	351043	1/26/21	3,497.20
UNDERGROUND SERVICE ALERT	UNDERGROUND SERVICE ALERT FY 2021	351044	1/26/21	414.19
UNITED ROTARY BRUSH CORP	STREET SWEEPER REPAIRS AND MAINTENANCE	351045	1/26/21	1,047.37
VERIZON WIRELESS	VERIZON CELLULAR SERVICES FOR FY21	351046	1/26/21	126.24
VIDEO TRACK LLC	LIABILITY CLAIM COST	351047	1/26/21	3,264.00
VISTA PAINT	MOP 68834 PAINT SUPPLIES / NSD	351048	1/26/21	416.02
VULCAN MATERIALS COMPANY	ASPHALT, TACK, 3/8 SHEET FY 21	351049	1/26/21	1,194.19
WESTFLEX INDUSTRIAL	MOP 63850 GENERAL SUPPLIES - PW	351050	1/26/21	328.30
WILLY'S ELECTRONIC SUPPLY	WILLY'S ELECTRONICS MOP FY21	351051	1/26/21	568.06
WSP USA INC	NAT CITY BIKE MASTER PLAN - ENG/PW	351052	1/26/21	1,413.41
Z A P MANUFACTURING INC	REMOVE AND RESHEET - TRAFFIC SIGNS STREET	351053	1/26/21	1,149.84
			A/P Total	1,144,643.09

PAYROLL				
Pay period	Start Date	End Date	Check Date	
2	12/29/2021	1/11/2021	1/20/2021	1,121,487.67

GRAND TOTAL **\$ 2,266,130.76**

Certification

IN ACCORDANCE WITH SECTION 37202, 37208, 372059 OF THE GOVERNMENT CODE, WE HEREBY CERTIFY TO THE ACCURACY OF THE DEMANDS LISTED ABOVE AND TO THE AVAILABILITY OF FUNDS FOR THE PAYMENT THEREOF AND FURTHER THAT THE ABOVE CLAIMS AND DEMANDS HAVE BEEN AUDITED AS REQUIRED BY LAW.



PHILLIP DAVIS, FINANCE

BRAD RAULSTON, CITY MANAGER

FINANCE COMMITTEE

ALEJANDRA SOTELO-SOLIS, MAYOR-CHAIRWOMAN

JOSE RODRIGUEZ, VICE-MAYOR

MARCUS BUSH, COUNCIL MEMBER

RONALD J. MORRISON, COUNCIL MEMBER

MONA RIOS, COUNCIL MEMBER

I HEREBY CERTIFY THAT THE FOREGOING CLAIMS AND DEMANDS WERE APPROVED AND THE CITY TREASURER IS AUTHORIZED TO ISSUE SAID WARRANTS IN PAYMENT THEREOF BY THE CITY COUNCIL ON THE 2nd OF MARCH, 2021.

AYES _____

NAYS _____

ABSENT _____

The following page(s) contain the backup material for Agenda Item: [Warrant Register #31 for the period of 1/27/21 through 2/02/21 in the amount of \\$1,718,495.28. \(Finance\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: March 02, 2021

AGENDA ITEM NO.:

ITEM TITLE:

Warrant Register #31 for the period of 1/27/21 through 2/02/21 in the amount of \$1,718,495.28.
(Finance)

PREPARED BY: Karla Apalategui, Senior Accounting Assistant

DEPARTMENT: Finance

PHONE: 619-336-4572

APPROVED BY: 

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for period 1/27/21 - 2/02/21. Consistent with Department of Finance's practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
Dick Miller Inc	351152	323,528.43	CIP 18-16 Paradise Creek Park Expansion

FINANCIAL STATEMENT:

APPROVED:  **FINANCE**

ACCOUNT NO.

APPROVED: _____ **MIS**

Warrant total \$1,718,495.28.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION FINAL ADOPTION

STAFF RECOMMENDATION:

Ratify warrants totaling \$1,718,495.28.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Warrant Register # 31



**WARRANT REGISTER # 31
2/2/2021**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
ACEDO, I	RETIREE HEALTH BENEFITS - FEB 2021	351055	2/2/21	160.00
ANDERSON, E	RETIREE HEALTH BENEFITS - FEB 2021	351056	2/2/21	110.00
BEARD, P	RETIREE HEALTH BENEFITS - FEB 2021	351057	2/2/21	70.00
BECK, L	RETIREE HEALTH BENEFITS - FEB 2021	351058	2/2/21	140.00
BISHOP, R	RETIREE HEALTH BENEFITS - FEB 2021	351059	2/2/21	110.00
BOEGLER, C	RETIREE HEALTH BENEFITS - FEB 2021	351060	2/2/21	260.00
BULL, P	RETIREE HEALTH BENEFITS - FEB 2021	351061	2/2/21	580.00
CAMEON, C	RETIREE HEALTH BENEFITS - FEB 2021	351062	2/2/21	400.00
CARRILLO, R	RETIREE HEALTH BENEFITS - FEB 2021	351063	2/2/21	290.00
COLE, L	RETIREE HEALTH BENEFITS - FEB 2021	351064	2/2/21	165.00
COLLINSON, C	RETIREE HEALTH BENEFITS - FEB 2021	351065	2/2/21	420.00
CONDON, D	RETIREE HEALTH BENEFITS - FEB 2021	351066	2/2/21	280.00
CORDERO, E	RETIREE HEALTH BENEFITS - FEB 2021	351067	2/2/21	520.00
DALLA, M	RETIREE HEALTH BENEFITS - FEB 2021	351068	2/2/21	900.00
DANESHFAR, Z	RETIREE HEALTH BENEFITS - FEB 2021	351069	2/2/21	250.00
DEESE, L	RETIREE HEALTH BENEFITS - FEB 2021	351070	2/2/21	660.00
DESROCHERS, P	RETIREE HEALTH BENEFITS - FEB 2021	351071	2/2/21	110.00
DIAZ, M	RETIREE HEALTH BENEFITS - FEB 2021	351072	2/2/21	680.00
DILLARD, S	RETIREE HEALTH BENEFITS - FEB 2021	351073	2/2/21	480.00
DREDGE, J	RETIREE HEALTH BENEFITS - FEB 2021	351074	2/2/21	250.00
EISER III, G	RETIREE HEALTH BENEFITS - FEB 2021	351075	2/2/21	250.00
ESPIRITU, D	RETIREE HEALTH BENEFITS - FEB 2021	351076	2/2/21	620.00
ETZLER, J	RETIREE HEALTH BENEFITS - FEB 2021	351077	2/2/21	460.00
FABINSKI, D	RETIREE HEALTH BENEFITS - FEB 2021	351078	2/2/21	220.00
FERNANDEZ, R	RETIREE HEALTH BENEFITS - FEB 2021	351079	2/2/21	270.00
FIFIELD, K	RETIREE HEALTH BENEFITS - FEB 2021	351080	2/2/21	540.00
GAUT, A	RETIREE HEALTH BENEFITS - FEB 2021	351081	2/2/21	700.00
GELSKEY, K	RETIREE HEALTH BENEFITS - FEB 2021	351082	2/2/21	115.00
GIBBS JR, R	RETIREE HEALTH BENEFITS - FEB 2021	351083	2/2/21	120.00
GONZALES, M	RETIREE HEALTH BENEFITS - FEB 2021	351084	2/2/21	480.00
HANSON, E	RETIREE HEALTH BENEFITS - FEB 2021	351085	2/2/21	135.00
HARLAN, M	RETIREE HEALTH BENEFITS - FEB 2021	351086	2/2/21	500.00
HAUG, S	RETIREE HEALTH BENEFITS - FEB 2021	351087	2/2/21	120.00
HERNANDEZ, G	RETIREE HEALTH BENEFITS - FEB 2021	351088	2/2/21	500.00
HERNANDEZ, M	RETIREE HEALTH BENEFITS - FEB 2021	351089	2/2/21	600.00
HERNANDEZ, R	RETIREE HEALTH BENEFITS - FEB 2021	351090	2/2/21	400.00
HODGES, B	RETIREE HEALTH BENEFITS - FEB 2021	351091	2/2/21	200.00
IBARRA, J	RETIREE HEALTH BENEFITS - FEB 2021	351092	2/2/21	780.00
JONES, D	RETIREE HEALTH BENEFITS - FEB 2021	351094	2/2/21	480.00
JUNIEL, R	RETIREE HEALTH BENEFITS - FEB 2021	351095	2/2/21	50.00
KIMBLE, R	RETIREE HEALTH BENEFITS - FEB 2021	351096	2/2/21	300.00
KLOS, F	RETIREE HEALTH BENEFITS - FEB 2021	351097	2/2/21	480.00
LAFRENIERE, M	RETIREE HEALTH BENEFITS - FEB 2021	351098	2/2/21	660.00
LEACH, D	RETIREE HEALTH BENEFITS - FEB 2021	351099	2/2/21	600.00
LIMFUECO, M	RETIREE HEALTH BENEFITS - FEB 2021	351100	2/2/21	160.00
MATIENZO, M	RETIREE HEALTH BENEFITS - FEB 2021	351101	2/2/21	100.00
MCCABE, T	RETIREE HEALTH BENEFITS - FEB 2021	351102	2/2/21	280.00
MCDANIEL, P	RETIREE HEALTH BENEFITS - FEB 2021	351103	2/2/21	290.00



**WARRANT REGISTER # 31
2/2/2021**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
MEDINA, D	RETIREE HEALTH BENEFITS - FEB 2021	351104	2/2/21	105.00
MEEKS, J	RETIREE HEALTH BENEFITS - FEB 2021	351105	2/2/21	460.00
MENDOZA, G	RETIREE HEALTH BENEFITS - FEB 2021	351106	2/2/21	290.00
MINER, D	RETIREE HEALTH BENEFITS - FEB 2021	351107	2/2/21	580.00
MORRISON, R	RETIREE HEALTH BENEFITS - FEB 2021	351108	2/2/21	520.00
NAGLE, D	RETIREE HEALTH BENEFITS - FEB 2021	351109	2/2/21	460.00
NOTEWARE, D	RETIREE HEALTH BENEFITS - FEB 2021	351110	2/2/21	120.00
OLIVARES, G	RETIREE HEALTH BENEFITS - FEB 2021	351111	2/2/21	280.00
OLIVERIA, H	RETIREE HEALTH BENEFITS - FEB 2021	351112	2/2/21	360.00
PAUU JR, P	RETIREE HEALTH BENEFITS - FEB 2021	351113	2/2/21	340.00
PEASE JR, D	RETIREE HEALTH BENEFITS - FEB 2021	351114	2/2/21	140.00
PETERS, S	RETIREE HEALTH BENEFITS - FEB 2021	351115	2/2/21	290.00
POST, R	RETIREE HEALTH BENEFITS - FEB 2021	351116	2/2/21	280.00
RAY, S	RETIREE HEALTH BENEFITS - FEB 2021	351117	2/2/21	190.00
ROARK, L	RETIREE HEALTH BENEFITS - FEB 2021	351118	2/2/21	135.00
RODRIGUEZ, M	RETIREE HEALTH BENEFITS - FEB 2021	351119	2/2/21	260.00
RUIZ, J	RETIREE HEALTH BENEFITS - FEB 2021	351120	2/2/21	310.00
SANCHEZ, L	RETIREE HEALTH BENEFITS - FEB 2021	351121	2/2/21	330.00
SERVATIUS, J	RETIREE HEALTH BENEFITS - FEB 2021	351122	2/2/21	340.00
SHOEMAKER, M	RETIREE HEALTH BENEFITS - FEB 2021	351123	2/2/21	480.00
SHORT, C	RETIREE HEALTH BENEFITS - FEB 2021	351124	2/2/21	300.00
SILVA, L	RETIREE HEALTH BENEFITS - FEB 2021	351125	2/2/21	580.00
SMITH, J	RETIREE HEALTH BENEFITS - FEB 2021	351126	2/2/21	320.00
SMITH, M	RETIREE HEALTH BENEFITS - FEB 2021	351127	2/2/21	560.00
STEWART, W	RETIREE HEALTH BENEFITS - FEB 2021	351128	2/2/21	200.00
STRASEN, W	RETIREE HEALTH BENEFITS - FEB 2021	351129	2/2/21	135.00
TIPTON, B	RETIREE HEALTH BENEFITS - FEB 2021	351130	2/2/21	250.00
VERRY, L	RETIREE HEALTH BENEFITS - FEB 2021	351131	2/2/21	280.00
VILLAGOMEZ, J	RETIREE HEALTH BENEFITS - FEB 2021	351132	2/2/21	480.00
WHITE, J	RETIREE HEALTH BENEFITS - FEB 2021	351133	2/2/21	230.00
YBARRA, Y	RETIREE HEALTH BENEFITS - FEB 2021	351134	2/2/21	220.00
	RETIREE HEALTH BENEFITS			27,070.00
CA DEPARTMENT OF TAX AND FEE ADMIN	SALES TAX LIABILITY FOR PER OCT-DEC 2020	351054	1/28/21	423.00
24 HOUR ELEVATOR INC	CITY WIDE ELEVATOR SERVICE AND REPAIR	351135	2/2/21	3,890.64
ACME SAFETY & SUPPLY CORP	6' CONCRETE CAR STOPS - STREETS MATERIAL	351136	2/2/21	364.97
ADVANCED AUTO BODY GROUP	LABOR - BED SIDE BUMPER REPAIR AND PAINT	351137	2/2/21	1,600.00
ALDEMCO	FOOD NUTRITION	351138	2/2/21	1,703.37
ALEMAN, ARTURO	REFUND OF CONSTRUCTION & DEMO REPORT	351139	2/2/21	227.65
ALL FRESH PRODUCTS	COVID 19 CONSUMABLES	351140	2/2/21	430.52
ARJIS	FY 21 CONTRIBUTION FOR GRAFFITI TRACKER	351141	2/2/21	2,435.85
BIDDLE CONSULTING GROUP INC	CRITICAL ELITE ANNUAL ONLINE SOFTWARE D	351142	2/2/21	2,995.00
BMI	MUSIC PERFORMANCE AGREEMENT	351143	2/2/21	651.60
CALIFORNIA ELECTRIC SUPPLY	MOP 45698 ELECTRIC SUPPLIES - PW	351144	2/2/21	58.07
CHEN RYAN ASSOCIATES INC	BAYSHORE BIKEWAY SEGMENT 5 - ENG/PW	351145	2/2/21	39,259.00
CITY OF CHULA VISTA	CONFINED SPACE TUITION FOR SIX FIRE DEPA	351146	2/2/21	3,750.00
CLAIMS MANAGEMENT ASSOCIATES	PROFESSIONAL SERVICES	351147	2/2/21	4,000.00
COMMERCIAL AQUATIC SERVICE INC	CHEMICALS – CHLORINE, ACID TABLETS, AND	351148	2/2/21	2,276.91
COUNTY OF SAN DIEGO	ANNUAL RENEWAL UNIFIED PROGRAM FACILITY	351149	2/2/21	1,373.00



**WARRANT REGISTER # 31
2/2/2021**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
COUNTYWIDE MECHANICAL SYSTEMS	C/O 1/21/21 ADD NEW ACCT & INCREASE BY	351150	2/2/21	9,082.50
DEPARTMENT OF JUSTICE	NEW EMPLOYEE FINGERPRINT TEST RESULTS -	351151	2/2/21	32.00
DICK MILLER INC	CIP 18-16 PARADISE CREEK PARK EXPANSION	351152	2/2/21	323,528.43
D-MAX ENGINEERING INC	NC STORM WATER SERVICES 2020-2021 - ENG/PW	351153	2/2/21	49,219.76
ESGIL CORPORATION	ESGIL - PROJECT /FIRE	351154	2/2/21	1,125.60
FACTORY MOTOR PARTS	MOP 82766. PARTS / PW	351155	2/2/21	22.82
FIRE ETC	PRO WARRINGTON 8 IN LEATHER BOOT / FIRE	351156	2/2/21	603.57
FORTEL TRAFFIC INC	TRAFFIC SAFETY SERVICES - ENG/PW	351157	2/2/21	30,691.75
GRAINGER	BUILDING SUPPLIES AND EQUIPMENT FY 21	351158	2/2/21	7,369.56
HDR ENGINEERING, INC.	PROFESSIONAL SERVICES - ENG/PW	351159	2/2/21	917.00
HILL, ELVIA	REFUND OF CONSTRUCTION & DEMOLITION	351160	2/2/21	98.00
HOME DEPOT CREDIT SERVICES	GENERAL SUPPLIES FOR FY 2021	351161	2/2/21	1,091.62
I LOVE A CLEAN SAN DIEGO	COMM SERVICES MONTH VIRTUAL CLEAN UP	351162	2/2/21	1,200.00
INLAND KENWORTH INC	KIT, TURBOCHARGE ACTUATOR	351163	2/2/21	301.29
JJJ ENTERPRISES	FIRE AND SECURITY ALARM MONITORING	351164	2/2/21	720.00
JONES, A	RETIREE HEALTH BEN - JAN 2021	351165	2/2/21	60.00
JONES, D	FLSA HRS ANALYSIS-4850, HRS OWED TO EMP	351166	2/2/21	1,312.80
KANE, P	FLSA HRS ANALYSIS-4850, HRS OWED TO EMP	351167	2/2/21	74.26
LAFRENIERE, D	EDUCATION REIMBURSEMENT	351168	2/2/21	420.00
LEAGUE OF CALIFORNIA CITIES	2021 MEMBERSHIP DUES LEAGUE OF CITIES	351169	2/2/21	20,252.00
MAZZARELLA & MAZZARELLA LLP	LIABILITY CLAIM COST	351170	2/2/21	725.00
MTS	MTS / NSD	351171	2/2/21	132.16
NAPA AUTO PARTS	MOP 45735 GENERAL SUPPLIES - PW	351172	2/2/21	43.46
NERI LANDSCAPE ARCHITECTURE	KIMBALL PARK CONCEPT MASTER PLAN UPDATE-	351173	2/2/21	960.00
NIGH, C	EDUCATION REIMBURSEMENT	351174	2/2/21	293.37
NV5 INC	GEOTECHNICAL OBSER/TESTING- PARADISE CRK	351175	2/2/21	635.88
OFFICE SOLUTIONS BUSINESS	MOP 83778 OFFICE SUPPLIES / NSD	351176	2/2/21	18.80
O'REILLY AUTO PARTS	MOP 75877 AUTO SUPPLIES - PW	351177	2/2/21	5.56
PACIFIC REFRIGERATION INC	PROVIDE ON-SITE COMMERCIAL	351178	2/2/21	1,735.12
PARTS AUTHORITY METRO LLC	MOP 75943 AUTO SUPPLIES - PW	351179	2/2/21	234.21
PENSKE FORD	R&M CITY VEHICLES FY 2021	351180	2/2/21	563.42
PERRY FORD-NATIONAL CITY LLC	GASKET, SEALANT SILICONE, FLANGED HEX	351181	2/2/21	1,451.60
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES - PW	351182	2/2/21	576.06
PROFESSIONAL SEARCH GROUP LLC	TEMP SVC / NSD	351183	2/2/21	5,134.00
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICES - PW	351184	2/2/21	479.01
R & R CONTROLS, INC	CITYWIDE ON-SITE ENVIRONMENTAL CONTROL	351185	2/2/21	891.00
RAMIREZ, O	TRAINING POST SUB SLI3	351186	2/2/21	422.70
SAN DIEGO COUNTY RECORDER	RECORDED DOCUMENT	351187	2/2/21	44.00
SDG&E	GAS AND ELECTRIC UTILITIES FOR STREETS	351188	2/2/21	29,670.47
SELECT ELECTRIC INC	CIP 19-08 FIBER OPTIC TRAFFIC SIGNAL INT	351189	2/2/21	24,383.81
SHER EDLING LLP	PROFESSIONAL SERVICES / CAO	351190	2/2/21	5,400.30
SHOEMAKER, M	FLSA HRS ANALYSIS-4850, HRS OWED TO EMP	351191	2/2/21	576.74
SILVA, L	FLSA HRS ANALYSIS-4850, HRS OWED TO EMP	351192	2/2/21	1,277.53
SITONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES - PW	351193	2/2/21	942.17
SMART SOURCE OF CALIFORNIA LLC	BUSINESS LICENSE DECALS FOR FY2021	351194	2/2/21	940.60
SMART SOURCE OF CALIFORNIA LLC	MOP 63845 BUSINESS CARDS SORIANO / NSD	351195	2/2/21	60.85
SOUTH BAY FENCE INC	SOUTH BAY FENCE 1 YR RENTAL	351196	2/2/21	300.00
SOUTHERN CALIF TRUCK STOP	MOP 45758 GENERAL AUTO SUPPLIES - PW	351197	2/2/21	59.15



**WARRANT REGISTER # 31
2/2/2021**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
SPEEDPRESS	MODEL 50 CORNER ROUNDERS = 1/2"	351198	2/2/21	412.22
STAPLES BUSINESS ADVANTAGE	MOP 20468 PD SUPPLIES	351199	2/2/21	489.73
STC TRAFFIC	CIP 19-22 HSIP9 CITYWIDE PROT LEFT TURN	351200	2/2/21	34,751.46
STILES, J	EDUCATION REIMBURSEMENT	351201	2/2/21	734.50
SWEETWATER AUTHORITY	WATER BILL FOR PARKS DIVISION FY 2021	351202	2/2/21	2,521.36
SWRCB	SWRCB - PARADISE CREEK SCOUR MITIGATION	351203	2/2/21	3,089.00
TAYLOR, J	TRAINING REIM POST SUPER TAYLR JASON	351204	2/2/21	426.63
TERMINIX INTERNATIONAL	ON-SITE PEST CONTROL SERVICES	351205	2/2/21	1,135.00
THE STAR NEWS	STAR NEWS AD#00102370 - 1/8/2021 HOUSING	351206	2/2/21	893.75
T-MOBILE MOBILE USA INC.	MOBILE HOTSPOTS FOR LITERACY LAPTOPS	351207	2/2/21	4,033.92
T'S & SIGNS	HAND SANITIZER~ COMMUNITY SERVICE MONTH	351208	2/2/21	2,066.25
U S BANK	MONTHLY CREDIT CARD STATEMENT - DECEMBER	351209	2/2/21	74.00
VCA EMERGENCY ANIMAL HOSPITAL	STRAY ANIMAL EMERGENCY VET CARE	351210	2/2/21	4,031.48
VORTEX INDUSTRIES INC	CITYWIDE ON-SITE SERVICE & REPAIRS	351211	2/2/21	615.00
VULCAN MATERIALS COMPANY	3/4 IN CL 2 BASE - STREET MATERIAL	351212	2/2/21	573.18
WAXIE SANITARY SUPPLY	MISCELLANEOUS JANITORIAL SUPPLIES,	351213	2/2/21	2,299.44
WESTAIR GASES & EQUIPMENT INC	PARTS FOR STREET DEPT WELDER- WIRE / PW	351214	2/2/21	13.53
WILLIAMS, G	EDUCATION REIMBURSEMENT	351215	2/2/21	835.20
WILLY'S ELECTRONIC SUPPLY	MOP 45763 ELECTRICAL SUPPLIES - PW	351216	2/2/21	83.15
			A/P Total	677,668.31

SECTION 8 HAPS

Start Date	End Date	
12/30/2021	1/2/2021	1,040,826.97

GRAND TOTAL **\$ 1,718,495.28**

Certification

IN ACCORDANCE WITH SECTION 37202, 37208, 372059 OF THE GOVERNMENT CODE, WE HEREBY CERTIFY TO THE ACCURACY OF THE DEMANDS LISTED ABOVE AND TO THE AVAILABILITY OF FUNDS FOR THE PAYMENT THEREOF AND FURTHER THAT THE ABOVE CLAIMS AND DEMANDS HAVE BEEN AUDITED AS REQUIRED BY LAW.



PHILLIP DAVIS, FINANCE

BRAD RAULSTON, CITY MANAGER

FINANCE COMMITTEE

ALEJANDRA SOTELO-SOLIS, MAYOR-CHAIRWOMAN

JOSE RODRIGUEZ, VICE-MAYOR

MARCUS BUSH, COUNCIL MEMBER

RONALD J. MORRISON, COUNCIL MEMBER

MONA RIOS, COUNCIL MEMBER

I HEREBY CERTIFY THAT THE FOREGOING CLAIMS AND DEMANDS WERE APPROVED AND THE CITY TREASURER IS AUTHORIZED TO ISSUE SAID WARRANTS IN PAYMENT THEREOF BY THE CITY COUNCIL ON THE 2nd OF MARCH, 2021.

AYES _____

NAYS _____

ABSENT _____

The following page(s) contain the backup material for Agenda Item: [Second reading and adoption of an Ordinance of the City Council of the City of National City to require electronic submittal of Campaign Disclosure Statements and Form 700 filings. \(City Clerk\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: March 2, 2021

AGENDA ITEM NO. |

ITEM TITLE:

Second reading and adoption of an Ordinance of the City Council of the City of National City to require electronic submittal of Campaign Disclosure Statements and Form 700 filings (City Clerk)

PREPARED BY: Luz Molina, City Clerk
Shelley Chapel, Deputy City Clerk |

DEPARTMENT: City Clerk's Office

PHONE: (619) 336-4225

APPROVED BY:  _____

EXPLANATION:

On February 16, 2021, the City Clerk's Office proposed Ordinance entitled, "An Ordinance of the City Council of the City of National City, California, Adding Section 2.76 to Title 2 of the National City Municipal Code "Electronic and Paperless Filing of Campaign Disclosure Statements and Statement of Economic Interest, relating to Electronic And Paperless Filing of Fair Political Practices Commission Campaign Disclosure Statements," was introduced after a Public Hearing. It is City Staff's recommendation that at your meeting on March 2, 2021, after first conducting a Public Hearing that the City Council Adopt the Ordinance.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. |

APPROVED: _____ **MIS**

Account No. 629-403-082-281-0000 – Information Systems Maintenance Fund at a cost of \$6,300 annually. |

ENVIRONMENTAL REVIEW:

n/a |

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt the Ordinance.

BOARD / COMMISSION RECOMMENDATION:

n/a |

ATTACHMENTS:

Attachment A - Ordinance |

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, ADDING SECTION 2.76 TO TITLE 2 OF THE NATIONAL CITY MUNICIPAL CODE "ELECTRONIC AND PAPERLESS FILING OF CAMPAIGN DISCLOSURE STATEMENTS AND STATEMENT OF ECONOMIC INTEREST," RELATING TO ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL PRACTICES COMMISSION CAMPAIGN DISCLOSURE STATEMENTS

WHEREAS, California Government Code Section 84615 provides that a legislative body of a local government agency may adopt an ordinance that requires an elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by Chapter 4 of the Political Reform Act to file such statements, reports, or other documents online or electronically with the Office of the City Clerk.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY DOES ORDAIN AS FOLLOWS:

SECTION 1: The purpose of this Ordinance is to add the option of filing Campaign Disclosure Statements by elected officials, candidates, or committees and Statements of Economic Interest electronically. The City Council enacts this Ordinance in accordance with the authority granted to cities by state law. This Ordinance is intended to supplement, and not conflict with, the Political Reform Act.

SECTION 2: The City Council of the City of National City finds and determines as follows:

- A. That California Government Code Section 84615 provides that a legislative body of a local government agency may adopt an ordinance that requires an elected officer, candidate, or committee, required to file statements, reports or other documents required by Chapter 4 of the Political Reform Act to file such statements, reports, or other documents online or electronically with the City Clerk;
- B. In any instance in which the original statement is required to be filed with the Secretary of State and a copy of that statement is required to be filed with the local government agency, the Ordinance may permit, but shall not require, that the copy be filed online or electronically;
- C. The City Council expressly finds and determines that the City Clerk's web-based system contains multiple safeguards to protect the integrity and security of data, it will operate securely and effectively, and it will not unduly burden filers; and. Specifically; (1) the System will ensure the integrity of the data and includes safeguards against efforts to

temper with, manipulate, alter, or subvert the data; (2) the System will only accept a filing in the standardized record format developed by the Secretary of State and compatible with the Secretary of State's system for receiving an online or electronic filing; and (3) the System will be available free of charge to filers and the public for viewing filings on the City's website.

- D. The City Clerk will operate the electronic filing system in compliance with the requirements of California Government Code Section 84615 and any other applicable laws.

TITLE 2 ADMINISTRATION

Section 2.76 - ELECTRONIC FILING OF CAMPAIGN DISCLOSURE STATEMENTS AND STATEMENT OF ECONOMIC INTEREST

2.76.010 – General.

- A. Any elected officer, candidate, committee, or other person required to file statements, reports, or other documents ("Statements") as required by Chapter 4 of the Political Reform Act (California Government Code Section 84100 et seq.) may file such Statements using the City Clerk's online system according to procedures established by the City Clerk. These procedures shall ensure that the online system complies with the requirements set forth in Section 84615 of the Government Code. From and after January 1, 2022, elected officers, candidates, and committees required to file Statements must file such Statements using the City Clerk's online system, unless exempt from the requirement to file online pursuant to Government Code Section 8461 (a) because the officer, candidate, or committee receives less than \$2,000 in contributions and makes less than \$2,000 in expenditures in a calendar year.
- B. The online filing system shall ensure the integrity of the data transmitted and shall include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.
- C. The online filing system shall only accept a filing in the standardized record format that is developed by the California Secretary of State pursuant to Section 84602(a) (2) of the California Government Code and that is compatible with the Secretary of State's system for receiving an online or electronic filing.
- D. The on-line filing system shall include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury pursuant to Section 81004 of the Government Code.

2.76.020 - Procedures for Utilizing Online Filing.

- A. During the period commencing with the effective date of this Ordinance and ending April 2, 2021, an elected officer, candidate, or committee may choose to utilize the electronic filing system by electronically filing a Statement that is required to be filed with the City Clerk pursuant to Chapter 4 of the Political Reform Act. Once the elected officer, candidate, or committee has filed electronically, all subsequent Statements shall be filed electronically. From and after January 1, 2022, electronic filing is mandatory unless the officer, candidate, or committee is exempt as described in Section 1.05.01 O (A).
- B. Any elected officer, candidate, or committee who has electronically filed a statement using the City Clerk's online system is not required to file a copy of that document in paper format with the City Clerk.
- C. The City Clerk shall issue an electronic confirmation that notifies the filer that the Statement was received, which notification shall include the date and the time that the Statement was received and the method by which the filer may view and print the data received by the City Clerk. The date of filing for a Statement filed on line shall be the day that it is received by the City Clerk.
- D. If the City Clerk's system is not capable of accepting a Statement due to technical difficulties, an elected officer, candidate, or committee shall file that Statement in paper format with the City Clerk.
- E. The online filing system shall enable electronic filers to complete and submit filings free of charge.

2.76.030 -Availability of Statements for Public Review; Record Retention.

- A. The City Clerk's system shall make all the data filed available on the City's webpage in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt. Per Fair Political Practices Commission (FPPC) Regulation 18313.6, the data made available on the City's webpage shall not contain the street name and building number, phone number, and signature block of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed by the filer. The City Clerk's office shall make a complete, unredacted copy of the statement, including any street names, building numbers, phone numbers, signature block, and bank account numbers disclosed by the filer, available to any person upon request.

- B. For paper copies, fees will apply as allowed by the Fair Political Practices Commission (FPPC) and Government Code Section 81008. Copies must be provided at a charge not to exceed ten (10) cents per page. In addition, filing officers may charge a retrieval fee of up to five dollars (\$5.00) per request for copies of statements that are five (5) years or older. A single request for more than one (1) report or statement is subject to one (1) retrieval fee. Copies may be provided free of charge.
- C. The City Clerk's Office shall maintain, for a period of at least ten (10) years commencing from the date filed, a secured, official version of each online or electronic statement which shall serve as the official version of that record for purpose of audits and any other legal purpose.

2.76.040 – Severability

- A. If any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Chapter which can be given effect without the invalid provision or application; accordingly, the provisions of this Chapter are hereby declared to be severable.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4: This Ordinance shall become effective in accordance with applicable law sixty (60) days after adoption to provide for sufficient notice and an educational period.

The City Clerk is hereby authorized to use summary publication procedures pursuant to Government Code Section 36933 utilizing a newspaper of general circulation published in the City of National City.

INTRODUCED AND READ at a Regular meeting of the City Council of the City of National City, California, held the 16th day of February 2021, and

THEREAFTER, PASSED AND ADOPTED at a Regular meeting of said City Council held the ____ day of _____, 2021, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Alejandra Sotelo-Solis, Mayor

Attest:

Luz Molina, City Clerk

Approved as to Form:

Charles E. Bell, Jr. City Attorney

The following page(s) contain the backup material for Agenda Item: [Introduction and first reading of an Ordinance of the City Council of the City of National City adding National City Municipal Section 9.60 to regulate commercial cannabis. \(City Manager\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: March 2, 2021

AGENDA ITEM NO.

ITEM TITLE:

Introduction and first reading of an Ordinance of the City Council of National City adding National City Municipal Section 9.60 to regulate commercial cannabis (City Manager)

PREPARED BY:

Megan Gamwell, Economic Development Specialist

PHONE: 619-336-4216

DEPARTMENT: City Manager's Office

APPROVED BY: _____



EXPLANATION:

Staff is reintroducing a draft ordinance to develop regulating commercial cannabis activity in National City based on City Council direction received on February 18, 2020. The attached ordinance is further based on the direction received at City Council meetings on September 17, 2019, and the community survey results from October 22, 2019.

The proposed ordinance addresses the rules and regulations surrounding commercial cannabis activity within the city, initial application procedures and security requirements. Following the adoption of an ordinance staff will begin working on a full cost recovery fee for the application and review process. After the application process is deemed complete, development agreements will be negotiated for City Council approval which will determine local conditions including community benefits and equity programs.

FINANCIAL STATEMENT:

ACCOUNT NO.

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

n/a

ORDINANCE: **INTRODUCTION:** **FINAL ADOPTION:**

STAFF RECOMMENDATION:

The City Council move to introduce the Ordinance by title only, waive further reading, take public comment, direct staff to return to the Regular City Council Meeting of April 6, 2021 to continue the second reading and recommendation to adopt ordinance.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. City Staff Report
2. Ordinance
3. Presentation
4. Community Outreach Survey results
5. Fiscal Analysis

INTRODUCTION AND FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADDING NATIONAL CITY MUNICIPAL SECTION 9.60 TO REGULATE COMMERCIAL CANNABIS (CITY MANAGER)

STAFF RECOMMENDED COUNCIL ACTIONS:

The City Council may consider taking the following actions:

1. After the City Attorney/City Clerk reads the title of the ordinance:
 - a. Motion to introduce first reading of the Ordinance adding Chapter 9.60 to the National City Municipal Code regulating Commercial Cannabis activity.
 - b. Motion to be read by title only, and waive further reading (requires unanimous vote); and
2. Direct staff to schedule second reading and adoption of the ordinance for the April 6, 2021 regular City Council meeting; and
3. Take such additional, related, action that may be desirable

BACKGROUND/ANALYSIS

- 2012 City Council initially prohibited cannabis as part of a land-use update.
- January 19, 2016- City Council passed a ban on cannabis cultivation.
- November 2016- Proposition 64 (Control, Regulate and Tax Adult Use of Marijuana Act) was approved by 57% of voters in California. Voting results in National City were 7,551 (50.04%) against and 7,540 (49.96%) in favor.
- June 18, 2019- City Council authorized staff to retain the services of HdL to assist with community outreach and the development of a draft cannabis ordinance, an application review process and cost recovery fees.
- September 17, 2019- HdL presented its initial findings to the City Council, after which direction was provided to staff to develop an ordinance that would allow up to three cannabis businesses through development agreements to be located in National City's Industrial Zones.
- October 16, 2019- through November 5, 2019- The City developed a survey to gather input from the community to help guide the development of its cannabis regulatory program, including community impacts to be addressed through regulations and programs to be funded through a community benefits fee.
- October 22, 2019- City staff hosted a community workshop on cannabis in the Library community room.
- February 18, 2020- City Council directs staff to establish a set community benefits fee rate of 5% of gross receipts for all cannabis businesses; expand the proposed number of cannabis business operations from 3 to 6 (3 remaining in the originally proposed Industrial Zones and 3 being added to the areas zoned Tourist Commercial (CT) in the Marina District west of I-5); and to include consumption lounges as an allowable business type in the ordinance.
- March 17, 2020- Cannabis ordinance scheduled for first hearing of the ordinance at City Council. Due to COVID-19 the item was pulled from the agenda.
- March 2, 2021- Cannabis ordinance is reintroduced based on City Council Direction and public input.

FIRST READING AND INTRODUCTION OF AN ORDINANCE ALLOWING COMMERCIAL CANNABIS FACILITIES

Consistent with the direction given by Council on September 17, 2020 and February 18, 2020 the ordinance is attached hereto as Attachment 2.

The ordinance declares and determines that commercial cannabis activity may be allowed within the National City Industrial Zones and the Tourist Commercial Zone west of I-5 under the following conditions.

- No person may engage in any authorized commercial cannabis business or in any commercial cannabis activity within the City of National City including cultivation, manufacture, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product unless the person has the following:
 - A valid development agreement jointly negotiated with the City and approved by City Council;
 - A valid commercial cannabis business permit issued by the City of National City;
 - A valid business license issued by the City of National City;
 - A mandatory building inspection and all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), the National City Fire Department approvals, Health Department approvals and other zoning and land use permit(s) and approvals.
 - A valid state license for the commercial cannabis activity corresponding to the business permit issued by the City of National City;
 - Requisite approvals from the Planning Division of the National City Community Development Department;
 - A valid State of California Seller's Permit.
- No permit shall be issued pursuant to this Chapter for outdoor commercial cannabis cultivation, which is prohibited. It is a violation of this Chapter for any person or entity to engage in any outdoor commercial cannabis cultivation of any kind.

NEXT STEPS

- Public Hearing and first reading at the Planning Commission to strike and replace existing 18.30.340 – Commercial Marijuana Activity
- Second reading and adoption of National City Municipal Section 9.60 and changes to 18.30.340.
- Creation and adoption of a full cost recovery of application process
- Process applications until deemed complete
- Negotiate development agreements and bring to City Council for approval. The development agreement will include community benefits and social equity programs

COST RECOVERY AND FISCAL ANALYSIS:

Application fees will be imposed to offset staff and consultant costs for processing applications and approvals for cannabis activities. Additional fees, and other fiscal benefit arrangements will be considered at a later date to offset additional staff and policing costs associated with ongoing cannabis operations, which costs are unknown at this time. Fiscal analysis report drafted by HdL is provided as Attachment 5.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)

An initial review of the proposed ordinance has been conducted pursuant to the California Environmental Quality Act (California Public Resources Code §§21000, et seq., “CEQA”) and CEQA regulations (14 California Code of Regulation 15000, et seq.). The proposed ordinance and resolution would delete the existing prohibition on cannabis uses in the Municipal Code and add provisions to regulate commercial cannabis activity that: (i) will not adversely affect adjoining property as to value or precedent and will not be detrimental to the area; (ii) does not authorize any new construction or use but rather describes a process that will require vetting of environmental, land use and operational issues in connection with each application for a Certificate of Approval and is therefore not a “project” under CEQA because it establishes “general policy and procedure making” (CEQA Guidelines Sec.15378(b)(2)), and constitutes “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” (CEQA Guidelines 15378(b)(5)); (iii) the implementing resolution is self-mitigating insofar as it provides the means for avoiding environmental impacts, if any are identified, as part of each discretionary application and as provided in NCMC Section 18.12.040 (C) each application is subject to separate environmental review under CEQA; and (iv) issuance of ministerial permits for personal, noncommercial cultivation is categorically exempt as a Class 1 or Class 5 project insofar as, at best, the activities that are authorized would constitute a minor alteration of existing public structures involving no expansion of use, or a minor Page 8 of 146 alteration in land use limitations (see 14 CCR Sections 15031, 15305). Based on the foregoing staff has determined that this ordinance is exempt from further environmental review.

Local Coastal Program

The proposed ordinance and implementing resolution do not amend the City’s certified Local Coastal Program (LCP). The ordinance provides licensing and health and safety regulations for cannabis uses under Title 9 of the NCMC. Zoning and development standards of NCMC Title 18 are not changed except for partial repeal of the prohibition on cannabis uses under Chapter 18.30 of Division 3, which chapter is not part of the LCP. Similarly, the proposed implementing resolution is declarative of existing zoning and does not alter the City’s zoning map, development standards or the LCP. Accordingly, no LCP amendment or other Coastal Commission approval is required for the ordinance and resolution

Chapter 9.60

Commercial Cannabis Businesses

Sections:

- Section 9.60.010. Purpose and Intent.
- Section 9.60.020. Legal Authority.
- Section 9.60.030. Cannabis Cultivation and Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter.
- Section 9.60.040. Compliance with State and Local Laws.
- Section 9.60.050. Definitions.
- Section 9.60.060. Authorization to Engage in Commercial Cannabis Business.
- Section 9.60.070. Location and Design of Cannabis Businesses.
- Section 9.60.080. Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted.
- Section 9.60.090. Fees and Charges.
- Section 9.60.100. Development Agreement.
- Section 9.60.110. Evidence of Cannabis Owner(s), Representative(s) and Employee(s) Background Check Required.
- Section 9.60.120. Persons Prohibited from Holding a Commercial Cannabis License.
- Section 9.60.130. Persons Prohibited from Employment by a Commercial Cannabis Business.
- Section 9.60.140. Certification from the Community Development Department.
- Section 9.60.150. Right to Occupy and to Use Property.
- Section 9.60.160. Application Procedure for a Cannabis Business Permit.
- Section 9.60.180. Operations Plan and Standards.

- Section 9.60.190. Limitations on City’s Liability.
- Section 9.60.200. Restriction on Alcohol & Tobacco Sales.
- Section 9.60.225. Restriction on Consumption of Cannabis or other Substances
- Section 9.60.230. General Operating Requirements for all Commercial Cannabis Businesses.
- Section 9.60.240. Amendments to General Operating Requirements.
- Section 9.60.250. Additional Operating Requirements for Store Front Retail Facilities.
- Section 9.60.260. Additional Operating Requirements for Non-Store Front Retail Facilities.
- Section 9.60.265. Operating Requirements for Consumption Lounges.
- Section 9.60.270. In-City Delivery Vehicle Requirements.
- Section 9.60.275. Out-of-City Delivery Vehicle Requirements.
- Section 9.60.280. Additional Operating Requirements for a Cultivation Facility Operation.
- Section 9.60.290. Additional Operating Requirements for Distributors.
- Section 9.60.300. Additional Operating Requirements for Testing Labs.
- Section 9.60.310. Additional Operating Requirements for Cannabis Manufacturing: Edibles and Other Cannabis Products; Sale or Distribution of Edible and Other Cannabis Products.
- Section 9.60.320. Additional Operating Requirements for a Microbusiness-Cultivation Facility.
- Section 9.60.330. Permissible Delivery Locations and Customers.
- Section 9.60.340. Expiration of Commercial Cannabis Business Permits.
- Section 9.60.350. Renewal of Cannabis Business Permits.
- Section 9.60.360. Revocation or Suspension of Permits.
- Section 9.60.370. Effect of State License Suspension, Revocation, or Termination.
- Section 9.60.380. Appeals.

- Section 9.60.390. Written Request for Appeal.
- Section 9.60.400. Appeal Hearing Process.
- Section 9.60.420. Transfer of Cannabis Business Permit.
- Section 9.60.430. Change in location; updated permit application.
- Section 9.60.440. Promulgation of Regulations, Standards and Other Legal Duties.
- Section 9.60.450. Community Relations.
- Section 9.60.460. Fees Deemed Debt to the City of National City.
- Section 9.60.470. Responsibility for Violations.
- Section 9.60.480. Inspection and Enforcement.
- Section 9.60.490. Compliance with State Regulations.
- Section 9.60.500. Violations declared a public nuisance.
- Section 9.60.510. Each violation a separate offense.
- Section 9.60.520. Serious Violations Grounds for Immediate Suspension of License or Permit.
- Section 9.60.530. Criminal Penalties.
- Section 9.60.540. Remedies cumulative and not exclusive.

**NATIONAL CITY ORDINANCE
ADDING CHAPTER 9.60 TO THE NATIONAL CITY MUNICIPAL CODE
REGULATION OF COMMERCIAL CANNABIS ACTIVITY**

Section 9.60.010. Purpose and Intent.

It is the purpose and intent of this Chapter to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) to accommodate the needs of medically-ill persons in need of cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to same. It is also the purpose and intent of this Chapter to provide access to adult-use cannabis for persons aged twenty-one (21) and over as authorized by the Control, Tax & Regulate the Adult Use Cannabis Act (“AUMA” or “Proposition 64” approved by California voters in 2016), while imposing sensible regulations on the use of land to protect the City of National City’s residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this Chapter to regulate the cultivation, processing, manufacturing testing, sale, delivery, distribution and transportation of cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the City of National City and to enforce rules and regulations consistent with state and local law. It is the further purpose of intent of this Chapter to require all commercial cannabis operators to obtain and renew annually a commercial cannabis business permit to operate within the City of National City. Nothing in this Chapter is intended to authorize the possession, use, or provision of cannabis for purposes that violate state or local law. The provisions of this Chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City of National City, and are in addition to any permits, licenses and approval required under state, City, or other law.

Section 9.60.020. Legal Authority.

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of the MAUCRSA, and any subsequent state legislation and/or regulations regarding same, the City of National City is authorized to adopt ordinances that establish standards, requirements and regulations for the licensing and permitting of commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of National City to all commercial cannabis activity.

Section 9.60.030. Cannabis Cultivation and Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter.

Except as specifically authorized in this Chapter, the commercial cultivation, manufacture, processing, storing, laboratory testing, labeling, sale, delivery, distribution or transportation (other than as provided under Bus. & Prof. Code Section 26090(e)), of cannabis or cannabis product is expressly prohibited in the City of National City.

Section 9.60.040. Compliance with State and Local Laws.

It is the responsibility of the owners and operators of the commercial cannabis business, or any other responsible person(s), to ensure that it is, always, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this Chapter shall be construed as authorizing any actions that violate state law or local law with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners and the operators of the commercial cannabis business, or any other responsible person(s), to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable state and local laws, including the MAUCRSA, and any subsequently enacted state or local law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the commercial cannabis business permit.

Section 9.60.050. Definitions.

All definitions pertaining to cannabis regulation that appear in Business and Professions Code Section 26001, as codified by Senate Bill 94, MAUCRSA, are hereby incorporated by reference. Definitions appearing in this ordinance are either those that are not covered by state law, pre-date Proposition 64 and the MAUCRSA, or are outside the scope of Section 26001.

- (a) "Adult Use" means the use of cannabis for recreational purposes by persons twenty-one (21) years of age or older.
- (b) "Canopy" shall have the same meaning as that appearing in Title 3, Section 8000(f) of the California Code of Regulations.
- (c) "Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.
- (d) "Distributor" shall have the same meaning as that appearing in Section 26070 of the Business and Professions Code.
- (e) "Commercial cannabis business" means any business or operation which engages in medicinal or adult-use commercial cannabis activity.

(f) “Commercial cannabis business permit” means a regulatory permit issued by the City of National City pursuant to this Chapter, to a commercial cannabis business and is required before any commercial cannabis activity may be conducted in the City of National City. The initial permit and annual renewal of a commercial cannabis business is made expressly contingent upon the business’ ongoing compliance with all of the requirements of this Chapter, any regulations adopted by the City of National City governing the commercial cannabis activity at issue, and any other state and local laws and regulations.

(g) “Consumption lounge” means an area that is part of the premises of a state-licensed, locally permitted commercial cannabis retail business, and that is designated for consumption of cannabis or cannabis products.

(h) “Dispensing” means any activity involving the retail sale of cannabis or cannabis products from a retailer.

(i) “Electronic Smoking Device” means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. “Electronic Smoking Device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. “Electronic Smoking Device” also includes cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, Electronic Smoking Device batteries, Electronic Smoking Device charges, and any other item specifically designed for the preparation, charging, or use of Electronic Smoking Devices.

(j) “Limited-access area” means an area in which cannabis is stored or held and is only accessible to some licensee and authorized personnel.

(k) “Manufactured cannabis” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.

(l) “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 valid commercial cannabis business permit for manufacturing from the City of National City and, a valid state license as required for manufacturing of cannabis products.

(m) “Microbusiness” shall have the same meaning as that contained in Section 26070(a)(3) of the Business and Professions Code.

(n) “Non-volatile solvent” means any solvent used in the extraction process that is not a volatile solvent as defined by state law. For purposes of this chapter, a nonvolatile solvent includes carbon dioxide (CO₂) used for extraction and ethanol used for extraction or post-extraction processing.

(o) “Package” means any container or receptacle used for holding cannabis or cannabis products.

(p) “Patient” or “qualified patient” shall have the same definition as California Health and Safety Code Section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health & Safety Code Section 11362.22.

(q) “Person with an identification card” shall have the meaning given that term by California Health and Safety Code Section 11362.7.

(r) “Processing” means a cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and non-manufactured cannabis products.

(s) “Responsible person(s)” shall include but not be limited to a property owner, tenant, manager, permit holder, or any other person with a legal interest in the affected real property and any person in possession of the affected real property.

(t) “Retailer” shall have the same meaning as the definition appearing in Section 26070(a)(1) of the Business and Professions Code.

(u) “State license” means a permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same to engage in commercial cannabis activity. A state license alone will not authorize the holder to operate a cannabis business, as state law also requires a permit or other authorization issued by a local jurisdiction.

(v) “THC” means Tetrahydrocannabinol, the primary active ingredient in cannabis. It is a psychotropic intoxicant causing euphoria and capable of altering human perception and motor skills.

(x) “Topical cannabis” means a product intended for external application and/or absorption through the skin. 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 products from the permitted business location of one licensee to the permitted business location of

another licensee, for the purposes of conducting commercial cannabis activity authorized by MAUCRSA which may be amended or repealed by any subsequent State of California legislation regarding the same. Transport can only be performed by licensed distributors and does not include deliveries of cannabis or cannabis products.

(z) "Vape cartridge" means a small attachment to a cannabis e-cigarette or vape pen that is a pre-filled container of cannabis oil. Vape cartridges are sold pre-filled with cannabis concentrates which contain cannabis' active ingredients. The liquid in such products usually contains a propylene glycol or vegetable glycerin-based liquid with flavoring and other chemicals and metals. Many vape cartridges are high in THC, but some contain cannabidiol (CBD, a non-psychoactive cannabinoid used as an analgesic), or terpenes (the chemicals that give cannabis its flavorful tastes and aromas).

(aa) "Vaping" means the action or practice of inhaling and exhaling the vapor produced by an electronic cigarette or similar device.

(bb) "Volatile solvent" means a solvent as defined by Health and Safety Code Section 11362.3(b)(3) as of the effective date of this article and as subsequently amended.

(cc) "Youth center" means any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades where 10 or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on city, county or state parks. This definition shall not include any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any private gym, athletic training facility, pizza parlor, dentist office, doctor's office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations.

Section 9.60.060. Authorization to Engage in Commercial Cannabis Business.

- (a) No person may engage in any authorized commercial cannabis business or in any commercial cannabis activity within the City of National City including cultivation, manufacture, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product unless

the person has the following:

- (1) a valid commercial cannabis business permit issued by the City of National City;
 - (2) a valid business license issued by the City of National City;
 - (3) a mandatory building inspection and all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), the National City Fire Department approvals, Health Department approvals and other zoning and land use permit(s) and approvals.
 - (4) a valid state license for the commercial cannabis activity corresponding to the business permit issued by the City of National City;
 - (5) requisite approvals from the Planning Division of the National City Community Development Department;
 - (6) a valid development agreement jointly negotiated with the City of National City;
 - (7) a valid State of California Seller's Permit.
- (b) No permit shall be issued pursuant to this Chapter for outdoor commercial cannabis cultivation, which is prohibited. It is a violation of this Chapter for any person or entity to engage in any outdoor commercial cannabis cultivation of any kind.

Section 9.60.070. Location and Design of Cannabis Businesses.

Cannabis businesses permitted by the City of National City to engage in Cultivation, Distribution, Manufacturing, Microbusiness, Testing Labs, or Retail ancillary to the primary activity of the business, for cannabis and cannabis products are subject to the following zoning and locational requirements:

- (a) Cultivation, Distribution, Testing Laboratories and Microbusinesses must be located in the following zones : IL (Light Industrial), IM (Medium Industrial), IH (Heavy Industrial) and must meet all of the requirements for development in these zones (see Section 18.20.020, National City Municipal Code). The cannabis businesses must also meet all of the following distance requirements:

- (1) It shall be no closer than six hundred (600) feet from any zoned parcel in the City of National City designated by state law as a sensitive use, and pursuant to Section 9.60.070 (a) (3). The distance measured shall be the horizontal distance measured in a straight line from the property line of those parcels in Section 9.60.070 (a) (3) to the closest property line of the lot on which the cannabis business is located.
- (2) It shall be no closer than two hundred fifty (250) feet of any residentially zoned parcel in the City of National City as of the date the cannabis business permit is issued. The distance between the cannabis business and the residential parcel shall be measured from the outer boundaries of the residential parcel to the first structure on the property seeking the commercial cannabis permit.
- (3) It shall be no closer than six hundred (600) feet from any parcel containing any of the following:
 - A. A school providing instruction in kindergarten or any grades 1 through 12, (whether public or private, or charter, including pre-school, transitional kindergarten, and K-12);
 - B. A commercial daycare center licensed by the State, County or City or that is in existence at the time the license is issued, unless the State licensing authority or the City of National City specifies a different radius.
 - C. A youth center that is in existence at the time the license is issued, unless the State licensing authority or the City of National City specifies a different radius.
- (b) Consumption lounges must be located in the following: CT (Tourist Commercial) West of Interstate 5 and must meet all of the requirements for development in these zones (see Section 18.20.020, National City Municipal Code). They must also comply with the buffer zone requirements contained in 9.60.070(a).
- (c) Each proposed cannabis business project shall:
 - (1) Conform with the City of National City's general plan, any applicable specific plans, master plans, and design requirements.
 - (2) Comply with all applicable zoning and related development standards.
 - (3) Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.

- (4) Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.
- (5) Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.
- (6) Be provided with adequate electricity, sewerage, disposal, water, fire protection and storm drainage facilities for the intended purpose.

Section 9.60.080. Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted.

- (a) The number of each type of commercial cannabis business that shall be permitted to operate in the City of National City shall be established by resolution by the City Council.
- (b) Section 9.60.080 is only intended to create a process in determining the maximum number of commercial cannabis businesses that may be issued permits to operate in the City of National City under each category. Nothing in this Chapter creates a mandate that the City Council must issue any or all of the commercial cannabis business permits if it is determined that the applicants do not meet the standards which are established in the application requirements, or by further amendments to the application process, or if the City Council upon further deliberation determines that the issuance of any or all commercial cannabis business permits will negatively impact the public safety, welfare or other public policy concerns.
- (c) Each year following the City Council's initial award of permits, if any, or at any time in the City Council's discretion, the City Council may reassess the number of commercial cannabis business permits which are authorized for issuance. The City Council at its discretion, may determine that the number of commercial cannabis permits should stay the same, or be expanded.

Section 9.60.090. Fees and Charges.

- (a) No person may commence or continue any commercial cannabis activity in the City of National City, without timely paying in full all fees and charges required for the operation of a commercial cannabis activity. Fees and charges associated with the operation of a commercial cannabis activity shall be established by resolution of the City Council which may be amended from time to time.

- (b) All commercial cannabis businesses authorized to operate under this Chapter shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each commercial cannabis business shall cooperate with the City of National City with respect to any reasonable request to audit the commercial cannabis business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

Section 9.60.100. Development Agreement.

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

Section 9.60.110. Evidence of Cannabis Owner(s), Representative(s) and Employee(s) Background Check Required.

- (a) Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorize city authorities to access state and local criminal history information for employment, licensing, or certification purposes, and authorize access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every applicant for a Certificate of Approval (including owners and other representatives of the applicant) and every person to be employed at the facility must submit fingerprints and other information deemed necessary by the City of National City Chief of Police or their designee(s) for a background check by the National City Police Department. A fee for the cost of the background investigation, which shall be the actual cost to the City of National City to conduct the background investigation as it deems necessary and appropriate, including City of National City staff time and costs, shall be paid at the time the person submits for the background check.
- (b) The criminal background check must at a minimum identify the following:

- 1) Whether the individual applying for employment has ever been convicted of a violent felony as defined by California Penal Code 667.5, or equivalent offenses in other states;
 - 2) Whether the individual applying for employment has ever been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in California Penal Code Sections 186.11, 470, 484, and 504a, respectively; or equivalent offenses in other states; or
 - 3) Whether the individual applying for employment has ever been convicted of the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, not including cannabis-related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.
- (c) Evidence of a conviction of any the offenses enumerated in Section 9.60.110(b) shall be grounds for denial of employment.
- (d) Violation of this section shall be grounds for immediate suspension of the business' operating permit. The business operator shall have the right to an appeal pursuant to section 9.60.380.

Section 9.60.120. Persons Prohibited from Holding a Commercial Cannabis License.

- (a) Any person, including but not limited to any 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 ("applicant"), in which any of the following actions or notices have been issued for non-compliance or if they have been engaging or have engaged in the following activity, shall be prohibited from holding a cannabis commercial license or a cannabis business permit in the City of National City:
- (1) The applicant has had a license suspended or revoked by any City, county, City and county or any other state cannabis licensing authority;
 - (2) Evidence that the applicant is delinquent in payment of federal, state or local taxes and/or fees;
 - (3) Applicant was conducting (or has conducted) commercial cannabis activity in the City of National City in violation of local

and/or state law.

- (4) If any person enters into either a verbal or written agreement to lease, sublease, or any other agreement for any terms of use of the premises granted by a property owner, commercial broker or any third party, that is in violation of Section 9.60.060 and Section 9.60.150. Any such lease, sublease or agreement shall not contain terms or conditions requiring the cannabis permit licensee to pay the property owner, commercial broker, or any third party a percentage of gross receipts, royalties, equity, or other unreasonable compensation as determined by the City of National City. In addition, all leases, subleases, or other agreements must be based on a monthly rate.

Section 9.60.130. Persons Prohibited from Employment by a Commercial Cannabis Business.

- (a) Any person, including but not limited to any 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, in which any of the following actions or notices have been issued for non-compliance or if they have been engaging or have engaged in the following activity, shall be prohibited from employment with a cannabis business permittee in the City of National City:
- (1) The person has had a license suspended or revoked by any City, County, or City and County, or any other state cannabis licensing authority;
 - (2) Evidence that the person is delinquent in payment of federal, state or local taxes and/or fees.
 - (3) The person was conducting commercial cannabis activity in the City of National City in violation of local and/or state law.

Section 9.60.140. Certification from the Community Development Department.

Prior to submitting any applications for a commercial cannabis business, applicant must first obtain a certification from the City of National City Community Development Department or its designee(s) certifying that the business is located on a site that meets all of the requirements of Sections 9.60.070 and 9.60.230 of this Chapter.

Section 9.60.150. Right to Occupy and to Use Property.

Prior to submitting any applications for a commercial cannabis business, applicant must obtain approval from the owner of the real property where the proposed commercial cannabis business will be located (if approved). Applicants are not required to have a signed lease, but a letter from the property owner indicating that:

- (a) The property owner is aware of and approves of the use being proposed.
- (b) The property owner will lease the property to the cannabis related use upon approval of the application.
- (c) The property owner understands that licenses for cannabis related uses are for one year and can be revoked at the City of National City's sole discretion with or without reason.

Property owners are permitted to issue letters detailing such contingent lease agreements for a maximum of two (2) independent applicants.

In the event the proposed location will be leased from the property owner, the applicant shall be required to provide a signed and notarized statement from the owner of the property, acknowledging that the property owner has read this Chapter and consents to the operation of the commercial cannabis business on the owner's property.

Section 9.60.160. Application Procedure for a Cannabis Business Permit.

- (a) The City of National City will establish by administrative policies and procedures promulgated by the City Manager or their designee the procedures to prepare the necessary forms, adopt any necessary rules related to the application process, solicit applications, and conduct initial evaluations of the applicants.
- (b) At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the City of National City in the application process.
- (c) The application procedure process shall include a component on community benefits. Any community benefits that a commercial cannabis business agrees to provide shall be incorporated into the terms and conditions under which the commercial cannabis business will operate with the City of National City's approval, if and when a Development Agreement is issued. Such terms and conditions shall be in addition to the

requirements of this Chapter. The City of National City may establish the procedures for determining community benefits by Resolution and/or by the implementation of administrative policies and procedures promulgated by the City Manager or their designee.

(d) The City of National City's Reservation of Rights.

The City of National City reserves the right to reject any or all applications. Prior to permit issuance, the City of National City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California state law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Chapter, may be cancelled at any time prior to permit issuance. The City of National City further reserves the right to request and obtain additional information from any candidate submitting an application.

(e) Grounds for Rejection of Application.

In addition to a failure to comply with other requirements in this Chapter, an application risks being rejected for any of the following reasons:

- (1) The application was received after the designated time and date of the deadline.
- (2) The application did not contain the required elements, exhibits, or was not organized in the required format.
- (3) The application was considered not fully responsive to the request for a permit application, i.e. was substantially incomplete.

Section 9.60.180. Operations Plan and Standards.

A Certificate of Approval issued by the Planning Division of the National City Community Development Department for a facility must include, as conditions of approval, the operating standards set forth below. In addition, the Certificate of Approval must incorporate by reference an Operations Plan approved by the City of National City Chief of Police, that implements not only the operating standards set forth in this Chapter, but such additional conditions that the City of National City Chief of Police finds reasonably necessary to implement this Chapter when considering the location, size and other characteristics of the proposed facility.

Section 9.60.190. Limitations on City's Liability.

To the fullest extent permitted by law, the City of National City shall not assume any liability whatsoever with respect to having issued a commercial cannabis business permit pursuant to this Chapter or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any commercial cannabis business permit, the applicant shall be required to meet all of the following conditions before they can receive the commercial cannabis business permit:

- (a) Execute an agreement, in a form approved by the City of National City City Attorney or their designee, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of National City, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City of National City's issuance of the commercial cannabis business permit, the City of National City's decision to approve the operation of the commercial cannabis business or activity, the process used by the City of National City in making its decision, or the alleged violation of any federal, state or local laws by the commercial cannabis business or any of its officers, employees or agents.
- (b) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the City Manager, City Attorney, and the City's Risk Manager or their designee.
- (c) Reimburse the City of National City for all costs and expenses, including but not limited to legal fees and costs and court costs, which the City of National City may be required to pay as a result of any legal challenge related to the City of National City's approval of the applicant's commercial cannabis business permit, or related to the City of National City's approval of a commercial cannabis activity. The City of National City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

Section 9.60.200. Restriction on Alcohol & Tobacco Sales.

- (a) No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial cannabis business.
- (b) No person shall cause or permit the sale of tobacco products on or about the premises of the commercial cannabis business.

Section 9.60.225. Restriction on Consumption of Cannabis or other Substances.

No person shall consume cannabis, cannabis products, tobacco or alcohol on the premises of any commercial cannabis business. The sole exception shall be authorized cannabis consumption lounges of which tobacco and alcohol shall also be prohibited.

Section 9.60.230. General Operating Requirements for all Commercial Cannabis Businesses.

- (a) Commercial cannabis businesses may operate only during the hours specified in the commercial cannabis business permit issued by the City. No person under the age of twenty-one (21) shall operate, maintain, be employed at, or be issued a permit for, a commercial cannabis business of any kind.
- (b) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.
- (c) Reporting and Tracking of Product and of Gross Sales with an accounting software system capable of providing point of sale data as well as audit trails or both product and cash, where applicable. Each commercial cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the City of National City. The commercial cannabis business shall ensure that such information is compatible with the City of National City's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the City Manager or their designee prior to being used by the permittee.
- (d) 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.
- (e) Emergency Contact. Each commercial cannabis business shall provide the City Manager and the City Chief of Police or their designee with the name, telephone number (both land line and mobile, if available) of an on-site

employee or owner to whom emergency notice can be provided at any hour of the day.

(f) Signage and Notices.

- (1) In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the City of National City ordinance, Chapter 18.47, including, but not limited to, seeking the issuance of a City of National City sign permit.
- (2) No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
- (3) 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. This provision shall not apply to consumption lounges (see Section 9.60.265).
- (4) 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.
- (5) Signage shall not depict any image of cannabis or cannabis products. No banners, flags, billboards or other prohibited signs may be used at any time.
- (6) In accordance with state law and regulations or as stipulated in the City of National City regulatory permit, holders of a commercial cannabis business permit shall agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the holder of the permit shall be prohibited from advertising any commercial cannabis business located in the City of National City utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising. This paragraph is not intended to place limitations on the ability of a commercial cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.

- (g) Minors.
- (1) Persons under the age of twenty-one (21) years shall not be allowed on the premises of a commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Chapter for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age.
 - (2) Notwithstanding Section 9.60.230(g)(1), persons aged eighteen (18) to twenty (20) years shall be allowed on the premises of a commercial cannabis business if they can produce a physician's recommendation. In that event, such persons can lawfully purchase cannabis for the sole purpose of addressing the medical need that is the subject of the physician's recommendation. This provision shall not apply to consumption lounges. Only persons twenty-one (21) and older shall be granted admittance to consumption lounges. Access to persons under twenty-one (21) is prohibited.
 - (3) The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.
- (h) Odor Control. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business 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 or their designee determine is a more effective method or technology:
- (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.

- (i) **Display of Permit and City Business License.** The original copy of the commercial cannabis business permit and the business license issued by the City of National City pursuant to this Chapter shall be posted inside the commercial cannabis business in a location readily visible to the public.
- (j) **Background Check.** Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes City of National City authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, supervisor, employee, contract employee or who otherwise works in a commercial cannabis business must submit fingerprints and other information deemed necessary by the Chief of Police or their designee(s) for a background check by the City of National City Police Department. Pursuant to California Penal Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record. No person shall be issued a permit to operate a commercial cannabis business or a related work permit unless they have first cleared the background check, as determined by the City of National City Chief of Police or their designee, as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the City of National City to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a commercial cannabis business permit is submitted. Evidence of a conviction of any of the offenses enumerated in Business and Professions Code Section 26057(b)(4), absent a Certificate of Rehabilitation, shall be grounds for immediate disqualification of the applicant.
- (k) **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. The cannabis business shall notify the National City Police Department if anyone continues to loiter around the building or premises after all reasonable action has been taken to remove the individual(s) and the action has failed to do so in a timely manner.
- (l) **Employee Training and Customer Education.** Each commercial cannabis operator shall establish minimum training standards for all employees, including but not limited to the variety of products offered for sale, their potency, absorption time if known, and effects of the products. Employees shall educate all customers on these items in an effort to ensure responsible consumption. The retailer shall provide with each purchase educational

brochures containing this information. The City Manager, Chief of Police or their designee shall have the discretion to require other training for the business operations as they find necessary under any circumstances.

- (m) Security Requirements. A permitted commercial cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis business. Except as may otherwise be determined by the City Manager, Chief of Police or their designee, these security measures shall include, but may not be limited to, all of the following:
- (1) Alarm system (perimeter, fire, and panic buttons).
 - (2) Remote monitoring of alarm systems by a security company licensed by the State of California Bureau of Security and Investigative Services.
 - (3) Perimeter lighting systems (including motion sensors) for after-hours security.
 - (4) Perimeter security and lightning as approved by the Chief of Police or the Community Development Department or their designee.
 - (5) Preventing individuals from remaining on the premises of the commercial cannabis business if they are not engaged in an activity directly related to the permitted operations of the commercial cannabis business.
 - (6) Establishing limited access areas accessible only to authorized commercial cannabis business personnel.
 - (7) Except for live growing plants which are being cultivated at a cultivation operation, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.
 - (8) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the

premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weather-proof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. Video recordings shall be maintained for a minimum of ninety (90) days and shall be made available to the City Manager or their designee upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business and shall be capable of enlargement via projection or other means.

(9) Sensors shall be installed to detect entry and exit from all secure areas and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.

(10) Panic buttons shall be installed in all commercial cannabis businesses with direct notification to the National City Police Department dispatch and shall be configured to immediately alert dispatch for the National City Police Department.

(11) Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building in compliance with all federal, state and local laws.

(12) Security personnel shall be on-site 24 hours a day or alternative security as authorized by the City Manager, Chief of Police or their respective designee and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager, Chief of Police or their respective designee, with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty, if authorized by the San Diego County Sheriff's Department.

(13) Each commercial cannabis business shall have the capability to remain secure 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.

(14) Entrance areas are to be locked at all times and under the control of a designated responsible party that is either; (a) an employee of the commercial cannabis business; or (b) a licensed security professional.

(15) Each commercial cannabis business shall demonstrate to the Chief of Police, City Manager or their designee, compliance with the state's track and trace system for cannabis and cannabis products, as soon as it is operational.

(16) Each commercial cannabis business shall have a professionally installed video surveillance system, access control and intrusion alarm systems designed to protect the inventory, facility, and employees. Each business shall have network security protocols that are certified by Underwriters Laboratories.

(17) Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

(18) Emergency access and emergency evacuation plans that are in compliance with state and local fire safety standards.

(19) Each commercial cannabis business shall identify a designated security representative/liaison to the City of National City, who shall be reasonably available to meet with the City Manager or the Chief of Police or their designee regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the commercial cannabis business, annually maintain a copy of the current security plan on the premises of the business, to present to the City Manager and Chief of Police or their designee upon request that meets the requirements of Section 9.60.230(m).

(20) As part of the application and permitting process each commercial cannabis business shall have a storage and transportation plan, which describes in detail the

procedures for safely and securely storing and transporting all cannabis, cannabis products, any hazardous materials that may be used by the business, and any currency.

(21) The commercial cannabis business shall cooperate with the City of National City whenever the City Manager or Chief of Police or their designee makes a request, with or without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this Chapter.

(22) A commercial cannabis business shall notify the City Manager and the Chief of Police or their designee(s) within twenty-four (24) hours of discovering any of the following:

- (a) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager and the Chief of Police or their designee(s).
- (b) Diversion, theft, loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business.
- (c) The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the commercial cannabis business.
- (d) Any other breach of security.

(23) Compliance with the foregoing requirements shall be verified by the City Manager or their designee prior to commencing business operations. The City Manager or their designee may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.

(24) Retailers and microbusinesses authorized to conduct retail activities shall only serve customers who are within the licensed premises, or at a delivery address that meets the requirements of this division.

- (1) The sale and delivery of cannabis goods shall not occur through a pass-through window or a slide-out tray to the exterior of the premises.

- (2) Retailers or microbusinesses shall not operate as or with a drive-in or drive-through at which cannabis goods are sold to persons within or about a motor vehicle.
- (3) No cannabis goods shall be sold and/or delivered by any means or method to any person within a motor vehicle.
- (4) All cannabis goods sold by a retail business shall be contained in child-resistant packaging.
- (5) Retailers shall record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity. A retail licensee or microbusiness licensee who is engaged in retail sale shall hire or contract for security personnel who are at least twenty-one (21) years of age to provide security services for the licensed retail premises. All security personnel hired or contracted for by the licensee shall be licensed by the Bureau of Security and Investigative Services and shall comply with Chapters 11.4 and 11.5 of Division 3 of the Business and Professions Code.

(n) Records and Recordkeeping.

- (1) Each owner and operator of a commercial cannabis business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a commercial cannabis business permit issued pursuant to this Chapter), or at any time upon reasonable request of the City of National City, each commercial cannabis business shall file a sworn statement detailing the number of sales by the commercial cannabis business during the previous twelve (12) month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes and fees paid or due to be paid. On an annual basis,

each owner and operator shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City Manager or their designee(s).

- (2) Each owner and operator of a commercial cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial cannabis business. The register required by this paragraph shall be provided to the City Manager or their designee(s) upon a reasonable request.
 - (3) If an applicant operated a cannabis collective, cooperative, or other business prior to the enactment of MAUCRSA, then once a state license is obtained, the commercial cannabis business must maintain such records only to the extent permitted or required by MAUCRSA.
 - (4) 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 purchase as set forth MAUCRSA.
 - (5) Each commercial cannabis business shall allow the City of National City officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination at any time during the business's business hours. If not otherwise available, books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.
- (o) Sale of Certain Items Prohibited. It shall be a violation of this Chapter for any commercial cannabis business to sell or offer for sale, possess, give, provide, or to possess with intent to sell or offer for sale, give or provide, any vape products including vape cartridges, flavored or unflavored, electronic cigarettes or other electronic smoking devices, or flavored tobacco products. All such sales or possession are strictly prohibited.

Section 9.60.240. Amendments to General Operating Requirements.

The City Manager or their designee may develop other commercial cannabis business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare.

Section 9.60.250. Additional Operating Requirements for Store Front Retail Facilities.

- (a) Retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of eighteen (18) years. If the potential customer is eighteen (18) to twenty (20) years old, retailer shall confirm the customer's possession of a valid doctor's recommendation and/or Health and Safety Code Section 11362.71 identification card (Medical Cannabis Card). For adult use or recreational purchases, retailers shall verify that all customers are twenty-one (21) years of age or older for the purchase of cannabis or cannabis products.
 - (1) Access to the premises of a retail licensee/permittee shall be limited to individuals who are at least twenty-one (21) years of age.
 - (2) Notwithstanding Section 9.60.250 (a)(1), individuals who are at least eighteen (18) years of age and in possession of a valid physician's recommendation shall be granted access to the premises of a retail licensee/permittee for the sole purpose of purchasing medicinal cannabis consistent with the physician's recommendation.
 - (3) All individuals seeking access to the commercial cannabis retail business must show their government-issued identification, and, if appropriate, doctor's recommendation of Medical Cannabis card, in order to gain access into the retailer. These documents must also be shown at the point of sale station at the time of purchase. Doctor recommendations are not to be obtained or provided at the retail location.
- (b) Entrances into the retailer shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access to and entry to the retailer to separate it from the reception/lobby area.
- (c) Retailers may have only that quantity of cannabis and cannabis products to meet the daily demand readily available for sale on-site in the retail sales area of the retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.
- (d) All restroom facilities shall remain locked and under the control of management.

- (e) **Limited Access Areas.** A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least twenty-one (21) years of age, and if not employed by the retailer, shall be escorted at all times by an employee of the licensee/permittee. A retailer shall maintain a log of all individuals who are not employees who are granted access to the limited access area. These logs shall be made available to the City of National City Chief of Police or the Development Services Director upon request.
- (f) **Microbusiness – Commercial Activity.** All cultivation, manufacturing, distribution, and retail activities performed by a licensee under a Type 12-Microbusiness permit shall occur on the same licensed premises. Areas of the premises for manufacturing and cultivation shall be separated from the distribution and retail areas by a wall and all doors between the areas shall remain closed when not in use.
- (g) **Operating hours of the Store Front Retailer License** shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week.
- (h) **Store Front/Retail Security Requirements.** All provisions incorporated within Section 9.60.230(m) of this Chapter (Security Requirements), are directly applicable to and binding on all commercial cannabis businesses, including all Store Front/Retail businesses. Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. Security personnel may be allowed to carry firearms if authorized by San Diego County Sheriff's Department.

Section 9.60.260. Additional Operating Requirements for Non-Store Front Retail Facilities.

All Store Front Retailers, Non-Store Front Retailers (delivery) and Microbusinesses which conduct deliveries into or within the City of National City shall be required to obtain a delivery permit from the City of National City in order to conduct retail sales regardless if they are located in the City or another local jurisdiction.

- (a) **Operating hours of the Non-Store Front Retailer License** shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week.
- (b) **The commercial Non-Store Front Retailer** shall only sell cannabis or cannabis products to a natural person twenty-one (21) years of age or older, or a natural person eighteen (18) years of age or older who possesses a

physician's recommendation for cannabis medical use only. The age and/or any necessary documentation including a valid doctor's recommendation of each medical customer shall be verified. Doctor recommendations are not to be obtained or provided at the retail location.

- (c) The commercial cannabis Non-Store Front Retailer may only have on-site that quantity of cannabis and cannabis products reasonably anticipated to meet the weekly demand for which they may need to be readily available for sale.

Section 9.60.265. Operating Requirements for Consumption Lounges.

- (a) Any consumption lounge operating within the City of National City must be contained within the premises of a state-licensed retail business or microbusiness, must be locally permitted pursuant to Section 9.60.140, must meet the other requirements of this Chapter, and must be compliant with the following additional requirements:
 - (1) Access to the area where cannabis consumption is allowed is restricted to persons twenty-one (21) years of age or older.
 - (2) Cannabis consumption is not visible from any public place or non-age-restricted area.
 - (3) Sale or consumption of alcohol or tobacco is not allowed on the premises.
 - (4) Patrons cannot bring cannabis, tobacco or alcohol or other substances into the consumption lounge – they can only consume whatever cannabis they purchase on site.
- (b) An applicant must obtain a secondary on-site consumption permit in order for cannabis to be consumed on the premises of an adult-use retail business and shall comply with the following
 - (1) Cannabis consumption areas shall be well ventilated private areas of the retail establishment and are designed to prevent the flow of smoke to any other area of the establishment.
- (c) A commercial cannabis retail business with a retail lounge on its premises shall adopt procedures ensuring that its customers may only gain access to the lounge once they have purchased a product or products from the retail business.

- (d) Vaping is strictly prohibited. The possession or use of vape pens, electronic cigarettes, any type of electronic smoking device, or vape cartridges, both flavored and unflavored, on the premises of a consumption lounge shall be a violation of this Chapter.
- (e) The on-site sale of food is permitted. A Permittee shall comply with laws governing Cannabis Businesses and retail food establishments, including but not limited to the California Retail Food Code.
- (g) The owner/operator of the consumption lounge shall be responsible for maintaining dedicated and sufficient staff during operating hours to verify the identity and age of all patrons seeking admittance to the lounge. Persons under twenty-one (21) shall be denied entry without exception.
- (h) The owner/operator of the consumption lounge shall be responsible for ensuring that a state-licensed security guard is on duty during operating hours.
- (i) The City Manager or his/or designee shall establish conditions for approval for each onsite consumption permit including but not limited to a parking plan, ventilation plan, anti-drugged driving plan, design plan, and set hours of operation. Set hours of operation may only be adjusted by submitting a written request to and obtaining approval from city.
- (j) Cannabis consumption areas shall only provide cannabis to an individual in an amount consistent with personal possession and use limits allowed by the state.

Section 9.60.270. In-City Delivery Vehicle Requirements.

Prior to commencing delivery operations, any locally permitted cannabis retail operation shall provide the following information to the City of National City:

- (a) Proof of ownership of the vehicle or a valid lease for all vehicles that will be used to deliver cannabis or cannabis products.
- (b) The year, make, model, color, license plate number, and numerical Vehicle Identification Number (VIN) for all vehicles that will be used to deliver cannabis goods.
- (c) Proof of insurance as required in Section 9.60.210(b) for any and all vehicles being used to deliver cannabis goods.

- (d) The licensee shall provide the City with any changes to the information required by this section in writing within thirty (30) calendar days.

Section 9.60.275. Out-of-City Delivery Vehicle Requirements.

Prior to commencing operations, a cannabis out of City of National City delivery service shall comply with the following requirements:

- (a) Obtain from the City a permit authorizing the delivery of cannabis and cannabis products within the City limits. A copy of this permit shall be retained by all drivers.
- (b) The retail business operating the delivery service shall provide the City Manager or their designee, with evidence of a valid state license for a commercial cannabis business on whose authorization the delivery service is performing the delivery function.
- (c) The retail business operating the delivery service shall furnish to the City Manager or their designee, the year, make, model, color, license plate number, and numerical Vehicle Identification Number (VIN) for any and all vehicles that will be used to deliver cannabis goods.

Section 9.60.280. Additional Operating Requirements for a Cultivation Facility Operation.

- (a) Outdoor Commercial Cultivation is prohibited.
- (b) In no case, shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.
- (c) Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
- (d) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- (e) The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure

the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.

- (f) All applicants for a cannabis cultivation permit shall submit to the following in addition to the information generally otherwise required for a commercial cannabis business:
- (1) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.
 - (2) A description of a legal water source, irrigation plan, and projected water use.
 - (3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.
 - (4) Plan for addressing odor and other public nuisances that may derive from the cultivation site.

Section 9.60.290. Additional Operating Requirements for Distributors.

- (a) A distributor shall not store non-cannabis goods or non-cannabis accessories that are to be sold to another party on any licensed premises. Additionally, a distributor shall not distribute non-cannabis goods or non-cannabis accessories at a licensed premise. For the purposes of this section, non-cannabis goods are any goods that do not meet the definition of cannabis goods as defined in Title 16, Section 5000(c) of the California Code of Regulations.
- (b) After taking physical possession of a cannabis goods batch, the distributor shall contact a testing laboratory and arrange for a laboratory employee to come to the distributor's licensed premises to select a representative sample for laboratory testing.
- (c) A distributor shall ensure that all cannabis goods are stored separately and distinctly from other cannabis goods on the distributor's premises.

- (d) The distributor shall ensure that the batch size from which the sample is taken meets the requirements of state law, specifically the testing provisions within the California Code of Regulations.
- (e) A distributor or an employee of the distributor shall be physically present to observe the laboratory employee obtain the sample of cannabis goods for testing and shall ensure that the increments are taken from throughout the batch. The sampling shall be video-recorded, and the recording kept available to state and local authorities for a minimum of one hundred eighty (180) days, pursuant to Title 16, Section 5305 of the California Code of Regulations.
- (f) A distributor shall not transport cannabis or cannabis products to a licensed retail facility until and unless it has verified that the cannabis or cannabis products have been tested and certified by a testing lab as being in compliance with state health and safety requirements pursuant to Title 16, Sections 5705, 5710 and 5714 of the California Code of Regulations.

Section 9.60.300. Additional Operating Requirements for Testing Labs.

- (a) Testing Labs shall be required to conduct all testing in a manner pursuant to Business and Professions Code Section 26100 and shall be subject to state and local law. Each Testing Lab shall be subject to additional regulations as determined from time to time as more regulations are developed under this Chapter and any subsequent State of California legislation regarding the same.
- (b) Testing Labs shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using verified methods.
- (c) All cannabis testing laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the Bureau of Cannabis Control.
- (d) Testing labs shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the bureau unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the bureau.
- (e) Each operator shall ensure that a testing laboratory employee takes the sample of cannabis or cannabis products from the distributor's premises for testing required by state law and that the testing laboratory employee transports the sample to the testing laboratory.

- (f) Except as provided by state law, a testing laboratory shall not acquire or receive cannabis or cannabis products except from a licensee in accordance with state law, and shall not distribute, sell, or dispense cannabis, or cannabis products, from the licensed premises from which the cannabis or cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.
- (g) A testing laboratory may receive and test samples of cannabis or cannabis products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for cannabis for medicinal purpose. A testing lab shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the cannabis or cannabis products received.

Section 9.60.310. Additional Operating Requirements for Cannabis Manufacturing: Edibles and Other Cannabis Products; Sale or Distribution of Edible and Other Cannabis Products.

Cannabis manufacturing shall only be permitted pursuant to state law, this chapter and or any subsequently created manufacturing state license as defined in MAUCRSA, and may be permitted to operate only within those zone districts as defined in Section 9.60.070 of this Chapter and Section 18.20.020 of the City of National City Municipal Code.

Any compressed gases used in the manufacturing process shall not be stored on any property within the City of National City in containers that exceeds the amount which is approved by the National City Fire Department and authorized by the regulatory permit. Each site or parcel subject to a commercial cannabis business permit shall be limited to a total number of tanks as authorized by the National City Fire Department on the property at any time. Additional operating requirements include:

- (a) Cannabis manufacturing facilities may use heat, screens, presses, steam distillation, ice water, ethanol and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.
- (b) If an extraction process uses a professional grade closed loop CO₂ gas extraction system every vessel must be certified by the manufacturer for its safe use as referenced in Section 9.60.310 (f). The CO₂ must be of at least ninety-nine percent purity.

- (c) Closed loop systems for compressed gas extraction systems must be commercially manufactured and bear a permanently affixed and visible serial number.
- (d) Certification from an engineer licensed by the State of California, or by a certified industrial hygienist, must be provided to the Community Development Department for a professional grade closed loop system used by any commercial cannabis manufacturing manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:
 - (1) The American Society of Mechanical Engineers (ASME);
 - (2) American National Standards Institute (ANSI);
 - (3) Underwriters Laboratories (UL); or
 - (4) The American Society for Testing and Materials (ASTM)
- (e) The certification document must contain the signature and stamp of the professional engineer or industrial hygienist and serial number of the extraction unit being certified.
- (f) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the Fire Department and meet any required fire, safety, and building code requirements specified in the California Building Reference Codes.
- (g) Cannabis Manufacturing Facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. Ethanol should be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.
- (h) Cannabis Manufacturing Facilities creating cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.
- (i) Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.

- (j) Parts per million for one gram of finished extract cannot exceed state standards for any residual solvent or gas when quality assurance tested.

Section 9.60.320. Additional Operating Requirements for a Microbusiness-Cultivation Facility.

Microbusinesses shall comply with all local operating requirements under this Chapter and all requirements imposed by state law that apply to the specific activities operating under the umbrella of the individual microbusiness.

- (a) Outdoor Commercial Cultivation is prohibited.
- (b) In no case, shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.
- (c) Commercial cannabis cultivation which is permitted in the City of National City shall not exceed 10,000 square feet of canopy space permitted by state law as part of a microbusiness license.
- (d) Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
- (e) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- (f) The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.
- (g) All applicants for a cannabis cultivation permit shall submit to the following in addition to the information generally otherwise required for a commercial cannabis business:
 - (1) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities and schedule of activities during each month of growing and

harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.

- (2) A description of a legal water source, irrigation plan, and projected water use.
- (3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.
- (4) Plan for addressing odor and other public nuisances that may derive from the cultivation site.

Section 9.60.330. Permissible Delivery Locations and Customers.

All retail businesses conducting cannabis delivery operations within the City of National City are subject to the following requirements:

- (a) A licensed cannabis business shall not deliver cannabis goods to an address located on publicly owned land or any address on land or in a building leased by a public agency.
- (b) A licensed cannabis business shall comply with all requirements of state and local law pertaining to the cannabis permit and all subsequent policies, procedures and regulations which may be amended by the City Manager from time to time in order to enforce this Chapter.
- (c) Any kiosk, i-Pad, tablet, smartphone, fixed location or technology platform, whether manned or unmanned, other than a retail location permitted by the city, that facilitates, directs, or assists the retail sale or delivery of cannabis or cannabis products is prohibited and shall be a violation of this Chapter.

Section 9.60.340. Expiration of Commercial Cannabis Business Permits.

Each commercial cannabis business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance. Commercial cannabis permits may be renewed as provided in Section 9.60.350.

Section 9.60.350. Renewal of Cannabis Business Permits.

- (a) An application for renewal of a commercial cannabis business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.

- (b) The renewal application shall contain all the information required for new applications.
- (c) The applicant shall pay a fee in an amount to be set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City of National City to administer the program created under this Chapter.
- (d) An application for renewal of a commercial cannabis business permit shall be rejected if any of the following exists:
 - (1) The application is filed less than sixty (60) days before its expiration.
 - (2) The commercial cannabis business permit is suspended or revoked at the time of the application.
 - (3) The commercial cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application.
 - (4) The commercial cannabis business has failed to conform to the requirements of this Chapter, or of any regulations adopted pursuant to this Chapter, or is in violation of any other state or local laws and regulations.
 - (5) The permittee fails or is unable to renew its State of California license.
 - (6) If the state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of the state rules and regulations, and the state has determined that the violation is grounds for termination or revocation of the commercial cannabis business permit.
- (e) The City Manager or the Chief of Police or their designee is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the City Manager or their designee is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the City Manager or their designee shall be handled pursuant to Sections 9.60.380 through 9.60.400.
- (f) If a renewal application is rejected, a person may file a new application pursuant to this Chapter no sooner than one (1) year from the date of the rejection.

Section 9.60.360. Revocation or Suspension of Permits.

Commercial cannabis business permits may be revoked or suspended for any violation of any relevant law and/or any rule, regulation and/or standard adopted pursuant to this Chapter, including any amendments to those standards, or pursuant to any policy, procedure or regulation in this Chapter or in the National City Municipal Code.

Section 9.60.370. Effect of State License Suspension, Revocation, or Termination.

Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the City of National City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also revoke or terminate the ability of a commercial cannabis business to operate within the City of National City. A cannabis business owner wishing to recommence operations shall re-apply for a local permit at such time as it can demonstrate that the grounds for revocation of the license by the state no longer exist, or that the underlying deficiency has otherwise been cured.

Section 9.60.380. Appeals.

Unless specifically provided elsewhere to the contrary, whenever an appeal is provided for in this Chapter from a decision of the City Manager or their designee, the appeal shall be conducted as prescribed in this Chapter.

Section 9.60.390. Written Request for Appeal.

- (a) Within ten (10) calendar days after the date of a decision of the City Manager or their designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an applicant may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper. Reasons shall be stated with specificity.
- (b) At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council.

Section 9.60.400. Appeal Hearing Process.

- (a) Upon receipt of the written appeal, the City Clerk shall schedule the matter for a hearing before a hearing officer.
- (b) The appeal shall be set within a reasonable time after the date of receipt of the written appeal, but in no event shall be set later than thirty (30) City of National City working days from the date of the receipt of the written appeal. The hearing shall be held no later than ninety (90) City of National City working days from the date of the receipt of the written appeal. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing. The appellant can waive the right to have their appeal set no later than thirty (30) City of National City working days and/or held no later than ninety (90) City of National City working days from the date of the receipt of the written appeal.
- (c) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. The applicant may have the assistance of counsel or may appear by counsel.
- (d) After the City Manager or their designee has presented the statement of facts upon which the determination was made, the burden to show that the action taken by the City Manager or their designee was not based on substantial evidence, or was arbitrary, capricious, or unjustified shall be upon the appealing party.
- (e) If the applicant, or counsel representing the applicant, fails to appear at the hearing, the appeal is abandoned and the action of the City Manager or their designee is final.
- (f) The hearing officer may uphold the denial, suspension, or revocation, may allow that which has been denied, reinstate that which has been suspended or revoked, reverse or modify any other decision of the City Manager or their designee that is the subject of the appeal.
- (g) If the decision of the hearing officer is to deny the appeal, then that decision shall be final and conclusive and shall constitute the exhaustion of the administrative remedy.
- (h) A copy of the written decision of the hearing officer specifying findings of fact and the reasons for the decision shall be given to the applicant or the designated representative and the City Manager or their designee within thirty (30) calendar days of the hearing. If the hearing officer determines the complexity of the case required additional time in which to render a decision, the time in which to render the decision is automatically extended another thirty (30) calendar days. Service of the decision shall govern the

commencement of any period of limitation for judicial review under Code of Civil Procedure Section 1094.6 or 1084.8, whichever is applicable.

Section 9.60.420. Transfer of Cannabis Business Permit.

- (a) The owner of a cannabis business permit shall not transfer ownership or control of the permit to another person or entity unless and until the transferee obtains an amendment to the permit from the City Manager or their designee stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the City Manager or their designee in accordance with all provisions of this Chapter (as though the transferee were applying for an original cannabis business permit). The proposed transferee's application shall be accompanied by a transfer fee in an amount set by resolution of the City Council (or if not set, shall be the same amount as the application fee).
- (b) The City Manager or their designee shall conduct a hearing to determine whether the transferee passed the background check required for permittees and meets all other requirements of this Chapter.
- (c) Commercial cannabis business permits issued through the grant of a transfer by the City Manager or their designee shall be valid for a period of one year beginning on the day the City Manager or their designee approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this Chapter.
- (d) Changes in ownership of a permittee's business structure or a substantial change in the ownership of a permittee business entity (changes that result in a change of more than 51% of the original ownership), must be approved by the City Manager or their designee through the transfer process contained in this subsection (a). Failure to comply with this provision is grounds for permit revocation.
- (e) A permittee may change the form of business entity without applying to the City Manager or their designee for a transfer of permit, provided that either:
 - 1. The membership of the new business entity is substantially similar to original permit holder business entity (at least 51% of the membership is identical), or
 - 2. If the original permittee is an unincorporated association, mutual or public benefit corporation, agricultural or consumer cooperative corporation and subsequently transitions to or forms a new business entity as allowed under the MAUCRSA and in compliance with Section 9.60.420, provided that the Board of Directors (or in the case of an

unincorporated association, the individual(s) listed on the City of National City permit application) of the original permittee entity are the same as the new business entity.

Although a transfer is not required in these two circumstances, the permit holder is required to notify the City Manager or their designee in writing of the change within ten (10) days of the change. Failure to comply with this provision is grounds for permit revocation.

- (f) No commercial cannabis business permit may be transferred when the City Manager or their designee has notified the permittee that the permit has been or may be suspended or revoked.
- (g) Any attempt to transfer a commercial cannabis business permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

Section 9.60.430. Change in Location; Updated Permit Application.

- (a) Any time the dispensing, cultivation, manufacturing, transportation and distribution location specified in the regulatory permit is changed, the applicant shall re-file a permit application with the City Manager or their designee(s) containing the updated information. The process and the fees for this re-registration shall be the same as the process and fees set forth for registration in Sections 9.60.420(c) and 9.60.160.
- (b) Within fifteen (15) calendar days of any other change in the information provided in the permit application form or any change in status of compliance with the provisions of this Chapter, including any change in the commercial cannabis business ownership or management members, the applicant shall file an updated permit application form with the City Manager or their designee(s) for review along with a application amendment fee, as set forth in Sections 9.60.420(c) and 9.60.160).

Section 9.60.440. Promulgation of Regulations, Standards and Other Legal Duties.

- (a) In addition to any regulations adopted by the City Council, the City Manager or their designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of commercial cannabis business permits, the ongoing operation of commercial cannabis businesses and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Chapter.
- (b) Regulations may be published on the City's website.

- (c) Regulations promulgated by the City Manager shall become effective upon date of publication. Commercial cannabis businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager or their designee.
- (d) Testing Labs, Distribution facilities, Out of City Delivery Services and Special Events shall be subject to state law and shall be subject to additional City regulations as determined from time to time as more regulations are developed under Section 9.60.020 of this Chapter and any subsequent State of California legislation regarding the same.

Section 9.60.450. Community Relations.

- (a) Each facility must provide the City Manager or designee with the name, telephone number, and email address of an on-site community relations or staff person or other representative to whom the city can provide notice if there are operating problems associated with the facility or refer members of the public who may have any concerns or complaints regarding the operation of the facility. Each facility must also provide the above information to all businesses and residences located within 100 feet of the facility.
- (b) During the first year of operation of a facility authorized under this Chapter, the owner, manager, and community relations representative from each such facility must attend a monthly meeting with the City Manager and Chief of Police and/or their designees to discuss costs, benefits and other community issues arising as a result of implementation of the Certificate of Approval authorized by this Chapter. After the first year of operation, the owner, manager, and community relations representative from each such facility must meet with the City Manager and the Chief of Police or their designee when and as requested by the City Manager or Chief of Police or their designee, with reasonable notice.

Section 9.60.460. Fees Deemed Debt to the City of National City.

The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the City of National City that is recoverable via an authorized administrative process as set forth in the City ordinance, or in any court of competent jurisdiction.

Section 9.60.470. Responsibility for Violations.

All Responsible persons pursuant to this Chapter shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of National City, whether committed by the property owner, permittee or any employee or agent of the property owner or permittee, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence.

Section 9.60.480. Inspection and Enforcement.

- (a) The City Manager, or their designee charged with enforcing the provisions of the City of National City Municipal Code, or any provision thereof, may enter the location of a commercial cannabis business at any time, without notice, to check for compliance with all state and local laws and inspect the location of any commercial cannabis business as well as any recordings and records required to be maintained pursuant to this Chapter or under applicable provisions of State law.
- (b) It is unlawful for any responsible persons, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business under this Chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under this Chapter or under state or local law.
- (c) The City Manager, or their designee charged with enforcing the provisions of this Chapter may enter the location of a commercial cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of National City shall be logged, recorded, and maintained in accordance with established procedures by the City of National City's City Manager or Chief of Police or these regulations.

Section 9.60.490. Compliance with State Regulations.

It is the stated intent of this Chapter to regulate commercial cannabis activity in the City of National City in compliance with all provisions MAUCRSA and any subsequent state legislation.

Section 9.60.500. Violations Declared a Public Nuisance.

Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance and may be enjoined civilly or administratively. In addition, and to the extent not expressly provided elsewhere in this code, it is unlawful and a misdemeanor to maintain a public nuisance.

Section 9.60.510. Each Violation a Separate Offense.

Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of National City. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, any permit issued pursuant to this Chapter being deemed null and void, disgorgement and payment to the City for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of National City may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis business or persons related to, or associated with, the commercial cannabis activity.

Section 9.60.520. Serious Violations Grounds for Immediate Suspension of License or Permit.

The City shall retain the authority, pursuant to Chapter 1.12, to address serious violations that rise to the level of posing an imminent threat to the public health, safety or welfare of the City, by immediately suspending the commercial cannabis license or permit issued by the City with a stop order. Such action by the City may be appealed pursuant to Sections 9.60.380 to 9.60.400 of this Chapter.

Section 9.60.530. Criminal Penalties.

Each and every violation of the provisions of this Chapter may in the discretion of the District Attorney or City Attorney be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment in the County jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

Section 9.60.540. Remedies Cumulative and Not Exclusive.

- (a) The remedies provided herein are not to be construed as exclusive remedies. The City of National City is authorized to pursue any proceedings or remedies provided by law.

- (b) The City Attorney may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal, or enjoinder thereof, in any manner provided by law,



PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF NATIONAL CITY ADDING NATIONAL CITY MUNICIPAL SECTION 9.60 TO REGULATE COMMERCIAL CANNABIS (FIRST READING)

Brad Raulston , City Manager

Megan Gamwell, Economic Development Specialist

Tim Cromartie, Senior Advisor, Cannabis Policy at HdL Companies



CURRENT CITY COUNCIL CANNABIS POLICY TIMELINE

- 2012 City Council initially prohibited cannabis as part of a land-use update.
- January 19, 2016- City Council passed a ban on cannabis cultivation.
- November 2016- Proposition 64 (Control, Regulate and Tax Adult Use of Marijuana Act) was approved by 57% of voters in California. Voting results in National City were 7,551 (50.04%) against and 7,540 (49.96%) in favor.
- June 18, 2019- City Council authorized staff to retain the services of HdL to assist with community outreach and the development of a draft cannabis ordinance, an application review process and cost recovery fees.
- September 17, 2019- HdL presented its initial findings to the City Council, after which direction was provided to staff to develop an ordinance that would allow up to three cannabis businesses through development agreements to be located in National City's Industrial Zones.
- October 16, 2019- through November 5, 2019- The City developed a survey to gather input from the community to help guide the development of its cannabis regulatory program, including community impacts to be addressed through regulations and programs to be funded through a community benefits fee.
- October 22, 2019- City staff hosted a community workshop on cannabis in the Library Community Room.
- February 18, 2020- City Council directs staff to establish a set community benefits fee rate of 5% of gross receipts for all cannabis businesses; expand the proposed number of cannabis business operations from 3 to 6 (3 remaining in the originally proposed Industrial Zone and 3 being added to the areas zoned Tourist Commercial (CT) in the Marina District west of I-5); and to include consumption lounges as an allowable business type in the ordinance.
- March 17, 2020- Cannabis ordinance scheduled for first hearing of the ordinance at City Council. Due to COVID-19 the item was pulled from the agenda.
- March 2, 2021- Cannabis ordinance is reintroduced based on City Council Direction and public input.



RECAP

To permit up to 6 commercial cannabis businesses in the Industrial Zones and Tourist Commercial Zone west of the I-5. Commercial cannabis activity shall include:

- Retailers (as a secondary use)
- Cultivation
- Manufacturing
- Distribution
- Microbusinesses
- Consumption Lounges
- Testing facilities

Each business would be required to pay a Community Benefit Fee that would provide revenue to the City and additional benefits and programs will be negotiated with each business.



PUBLIC OUTREACH

Community Survey

- 56 online and 23 paper surveys completed

Community Forum

- Over 50 attendees

Chamber of Commerce Presentations

- Staff Presentation at Economic Development Committee Meeting
 - October 3, 2019
 - November 7, 2019
 - December 5, 2019



COMMERCIAL CANNABIS APPROVAL

- A valid development agreement jointly negotiated with the City and approved by City Council;
- A valid commercial cannabis business permit;
- A valid business license issued by the City of National City;
- A mandatory building inspection and all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), the National City Fire Department approvals, Health Department approvals and other zoning and land use permit(s) and approvals;
- A valid state license for the commercial cannabis activity corresponding to the business permit issued by the City of National City;
- Requisite approvals from the Planning Division of the National City Community Development Department;
- A valid State of California Seller's Permit.



REGULATORY ORDINANCE

The Local ordinance reduces impacts by regulating:

Time

Place

Manner



COMMUNITY CONCERNS

- Public Safety Impacts
- Impacts on Youth and Other Vulnerable Populations
- Noise, Lighting and Odor Impacts



ORDINANCE LANGUAGE ON COMMUNITY CONCERNS

Public Safety Impacts

Time

Place

Manner

- Limit hours of operation
- Limit to certain land use zones
- Require surveillance systems
- Require security guards
- Require designated security representative
- Require Employee Training and Customer Education



ORDINANCE LANGUAGE ON COMMUNITY CONCERNS

Impacts on Youth and Other Vulnerable Poulations

Time

- Limit hours of operation

Place

- Require buffers from sensitive uses
 - Schools
 - Youth centers
 - Daycare facilities

Manner

- Regulate signage and appearance
- State prohibits employment, access or advertising to anyone under 21
- Prohibit the sale of any vape products



ORDINANCE LANGUAGE ON COMMUNITY CONCERNS

Noise, Lighting and Odor Impacts

Time

- Limit hours of operation

Place

- Limit to certain land use zones where noise and odor may be more acceptable

Manner

- Require odor control systems
- Limit cultivation to indoors
- Require signage and lighting standards



DEVELOPMENT AGREEMENTS

- Each business would be required to enter into a development agreement with the City
- Businesses typically only have to pay fees to cover their direct costs to the City
 - Staff time for permitting
 - Staff time for monitoring and enforcement
 - Proportional costs for infrastructure and City services



COMMUNITY BENEFIT FEES

- Each business would agree to pay a Community Benefit Fee (5% of gross receipts)
- Community Benefit Fees would provide revenue to address indirect costs to the City
 - Drug abuse prevention and treatment
 - Social services
 - Law enforcement
 - Youth programs and education
- Fees and benefits would be negotiated with each business



ORDINANCE / DEVELOPMENT AGREEMENTS

ORDINANCE

Local ordinance reduces impacts by regulating the following-

- Time
- Place
- Manner

And defines

- Zoning
- Types of allowed uses
- Process for obtaining and renewing an annual license
- Process for enforcing rules and regulations consistent with state and local laws

DEVELOPMENT AGREEMENTS

Development Agreement is a mutual contract between the commercial cannabis business and the city and will negotiate the following-

- Requirements in addition to those outlined in the ordinance
- Including but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.
- Similar to CUP required for Liquor license



NEXT STEPS

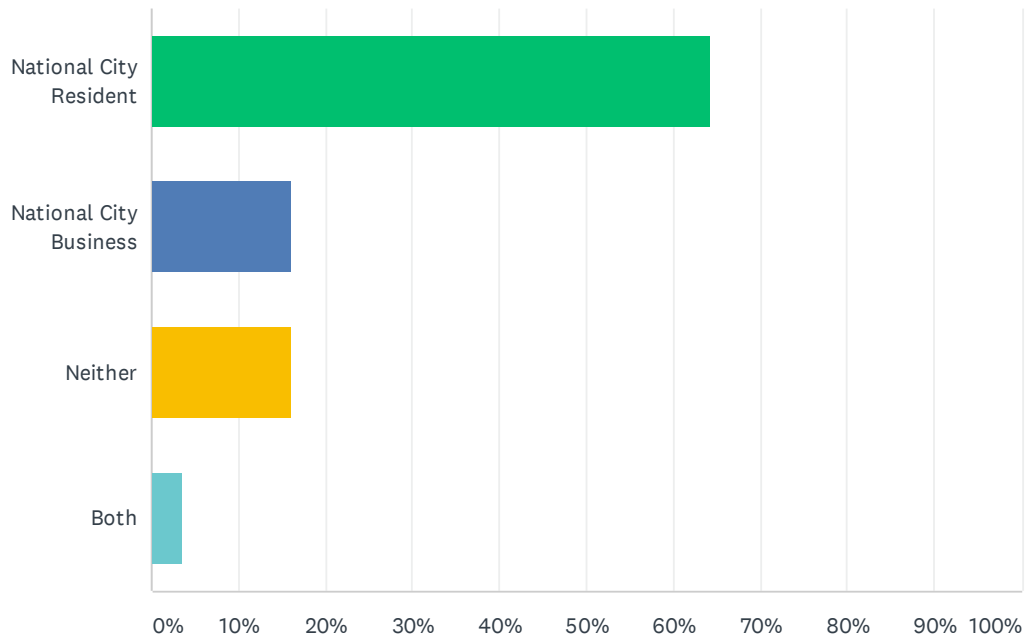
- Public Hearing and first reading at the Planning Commission to strike and replace existing 18.30.340 – Commercial Marijuana Activity.
- Second reading and adoption of National City Municipal Section 9.60 and 18.30.340 – April 6, 2021.
- Creation and adoption of a full cost recovery of application process
- Process applications until deemed complete.
- Negotiate development agreements and bring to City Council for approval. The development agreement will include community benefits and social equity programs.



QUESTIONS

Q1 Please select one category that best describes your relationship to National City.

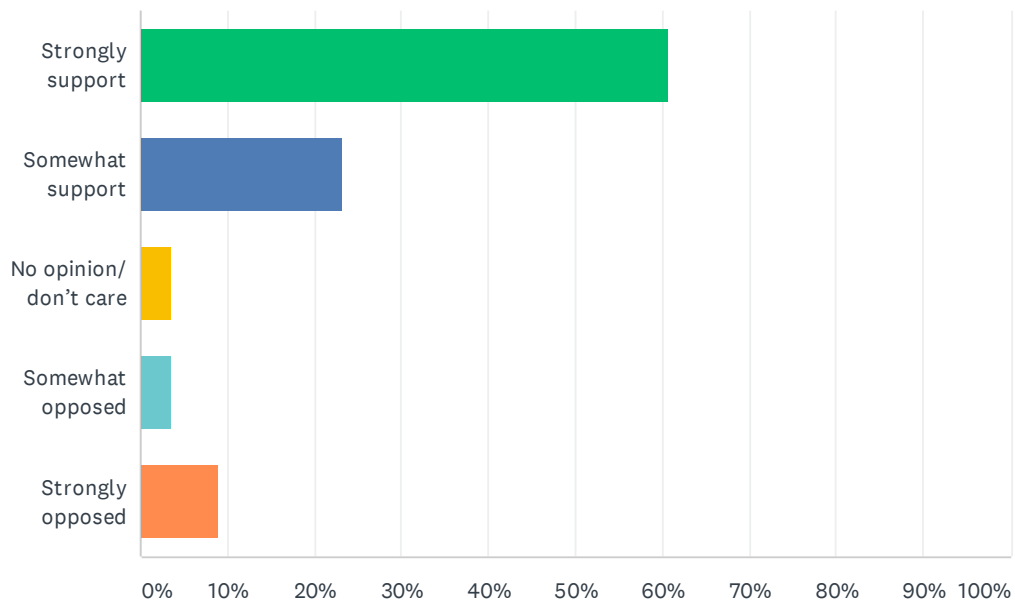
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
National City Resident	64.29%	36
National City Business	16.07%	9
Neither	16.07%	9
Both	3.57%	2
TOTAL		56

Q2 In general, do you support or oppose legalized cannabis for medicinal use?

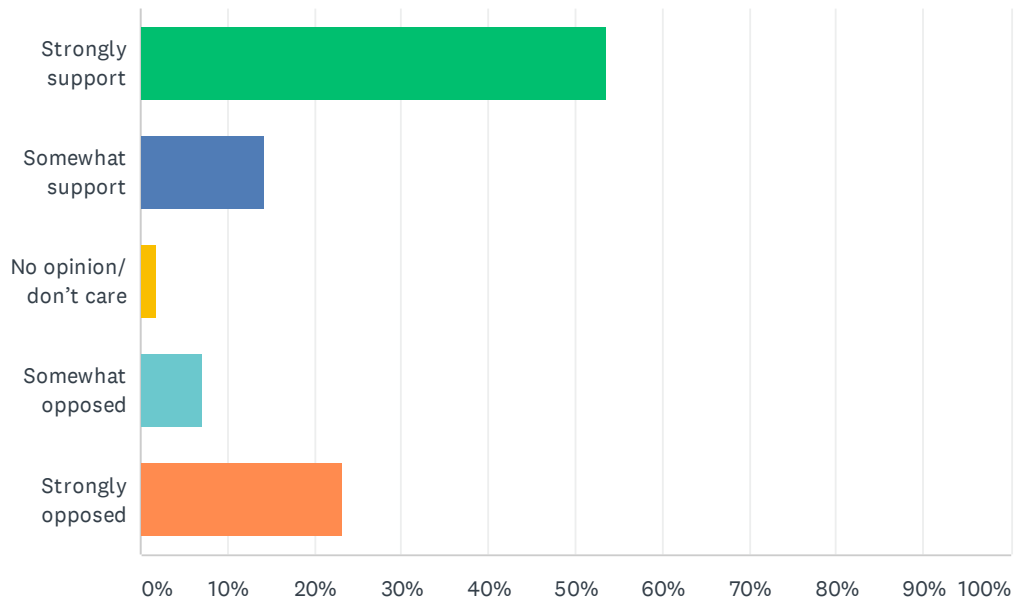
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly support	60.71%	34
Somewhat support	23.21%	13
No opinion/ don't care	3.57%	2
Somewhat opposed	3.57%	2
Strongly opposed	8.93%	5
TOTAL		56

Q3 In general, do you support or oppose legalized cannabis for adult recreational use?

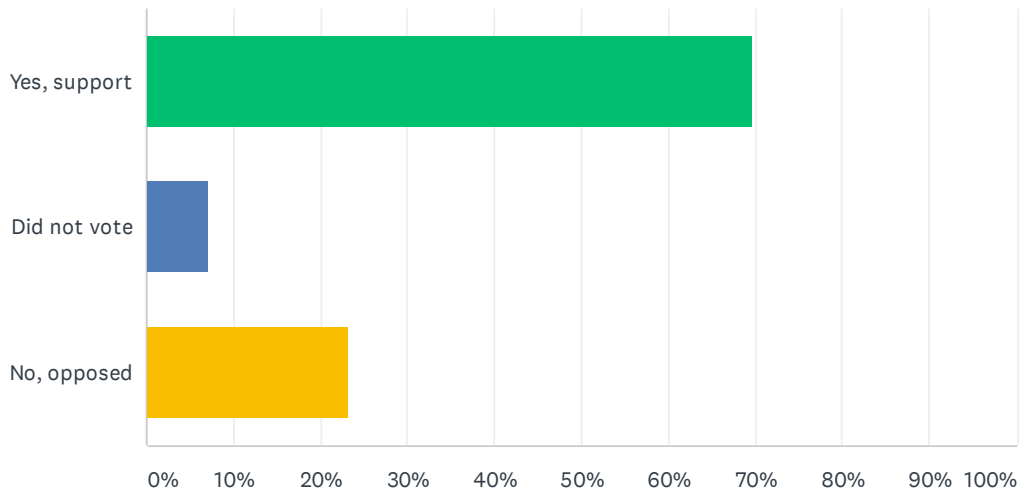
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ANSWER CHOICES	RESPONSES	
Strongly support	53.57%	30
Somewhat support	14.29%	8
No opinion/ don't care	1.79%	1
Somewhat opposed	7.14%	4
Strongly opposed	23.21%	13
TOTAL		56

Q4 How did you vote on Proposition 64, the Adult Use of Marijuana Act of 2016?

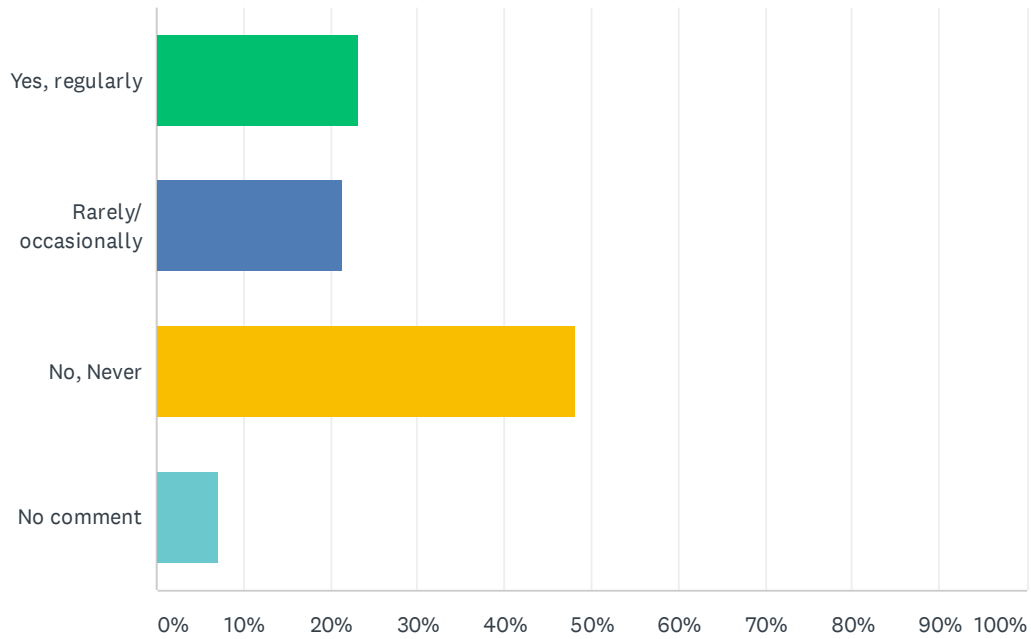
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ANSWER CHOICES	RESPONSES	
Yes, support	69.64%	39
Did not vote	7.14%	4
No, opposed	23.21%	13
TOTAL		56

Q5 Do you personally use cannabis for medicinal use?

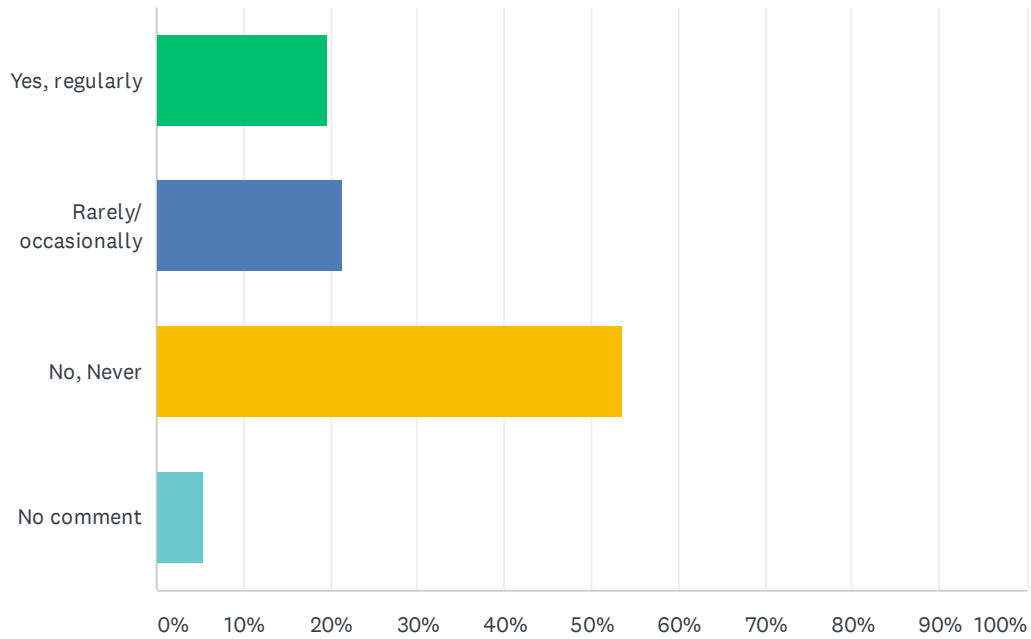
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes, regularly	23.21%	13
Rarely/ occasionally	21.43%	12
No, Never	48.21%	27
No comment	7.14%	4
TOTAL		56

Q6 Do you personally use cannabis for adult recreational use?

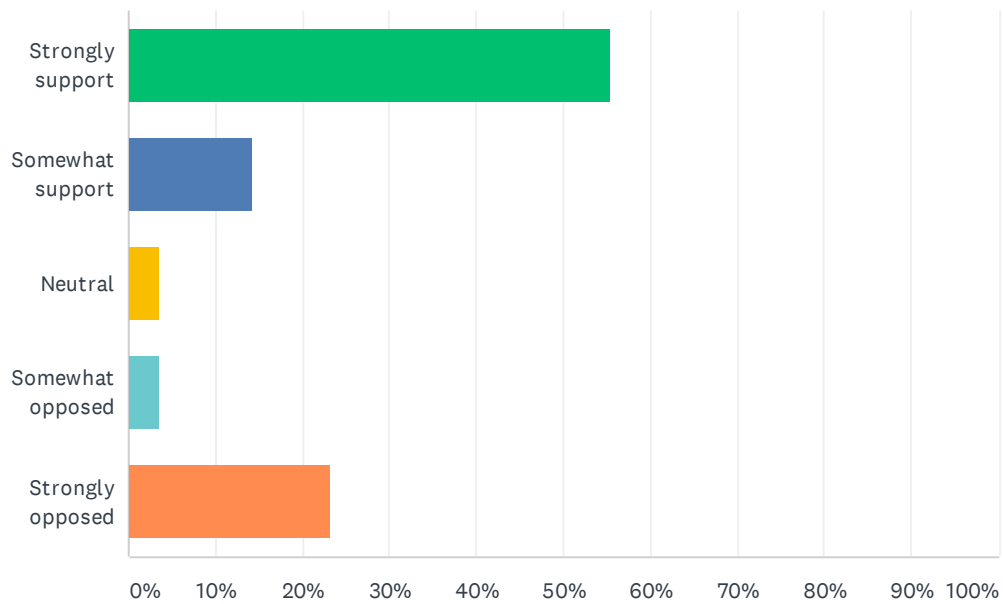
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes, regularly	19.64%	11
Rarely/ occasionally	21.43%	12
No, Never	53.57%	30
No comment	5.36%	3
TOTAL		56

Q7 In general, do you support or oppose allowing cannabis businesses in National City?

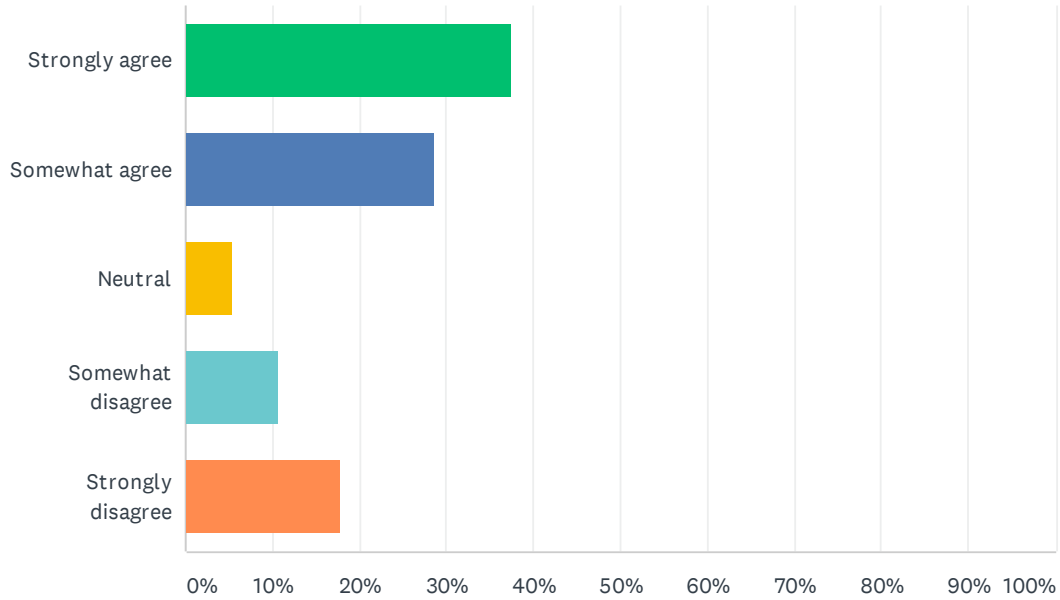
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly support	55.36%	31
Somewhat support	14.29%	8
Neutral	3.57%	2
Somewhat opposed	3.57%	2
Strongly opposed	23.21%	13
TOTAL		56

Q8 I am informed about the City Council direction on September 17th for staff to draft an ordinance to permit up to 3 cannabis businesses in the industrial zones.

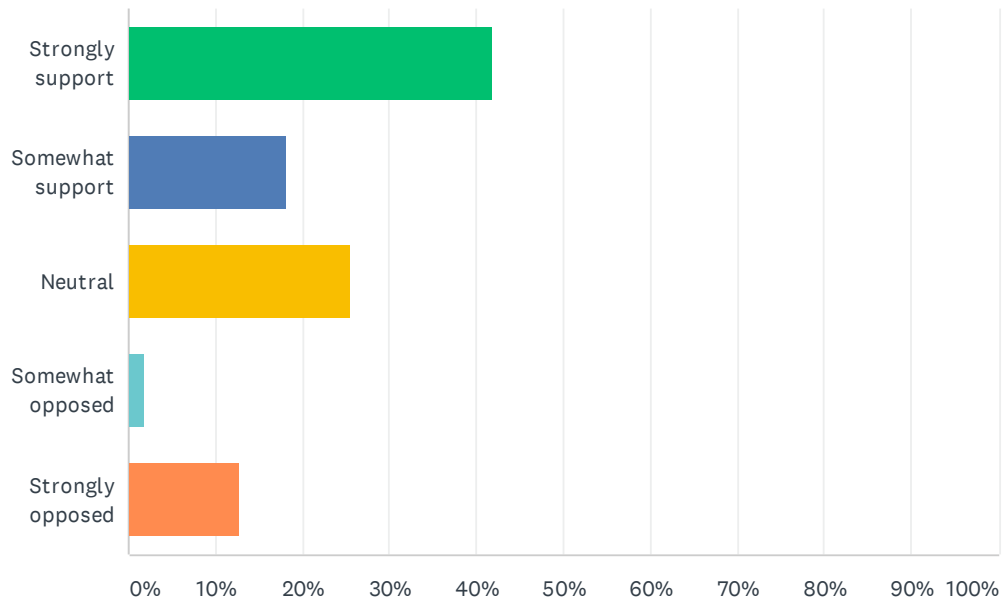
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ANSWER CHOICES	RESPONSES	
Strongly agree	37.50%	21
Somewhat agree	28.57%	16
Neutral	5.36%	3
Somewhat disagree	10.71%	6
Strongly disagree	17.86%	10
TOTAL		56

Q9 I am informed about the City's Commercial Cannabis Community Forum on October 22.

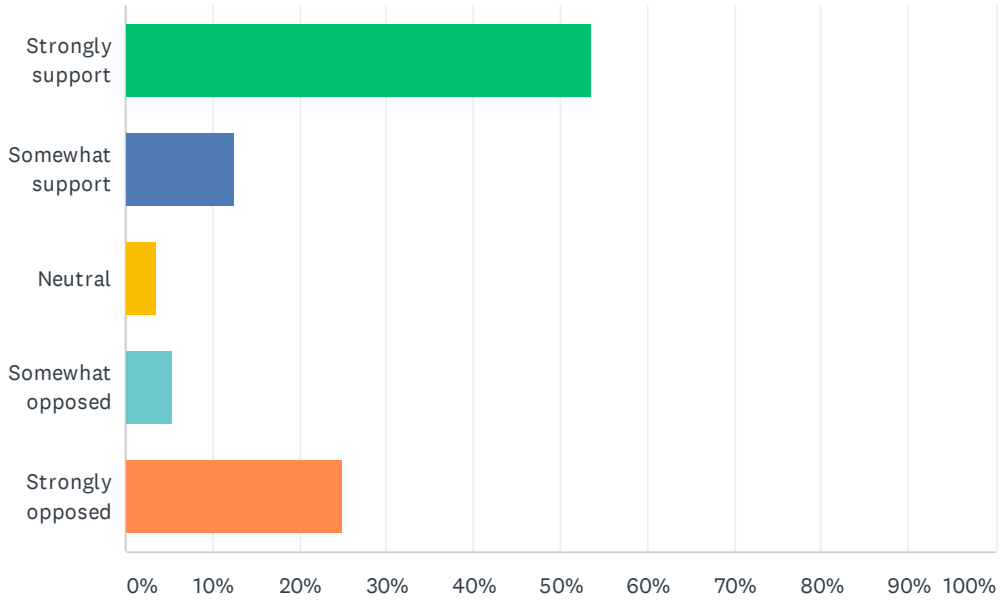
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ANSWER CHOICES	RESPONSES	
Strongly support	41.82%	23
Somewhat support	18.18%	10
Neutral	25.45%	14
Somewhat opposed	1.82%	1
Strongly opposed	12.73%	7
TOTAL		55

Q10 Based on the above information, how strongly would you support or oppose allowing the following type of cannabis business in the City's Industrial Zone: Indoor cannabis cultivation businesses

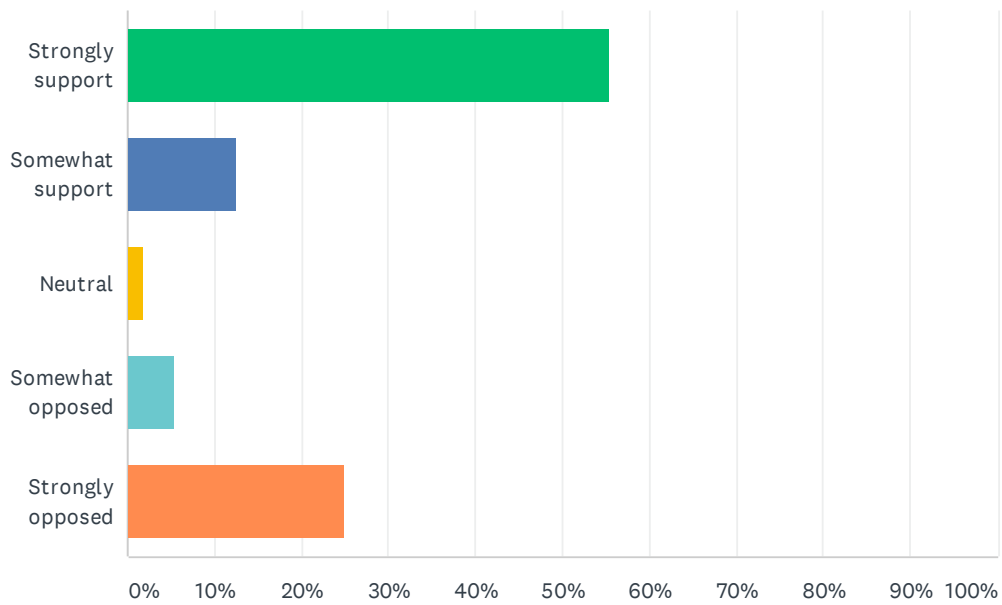
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly support	53.57%	30
Somewhat support	12.50%	7
Neutral	3.57%	2
Somewhat opposed	5.36%	3
Strongly opposed	25.00%	14
TOTAL		56

Q11 Based on the above information, how strongly would you support or oppose allowing the following type of cannabis business in the City's Industrial Zone: Cannabis manufacturing businesses

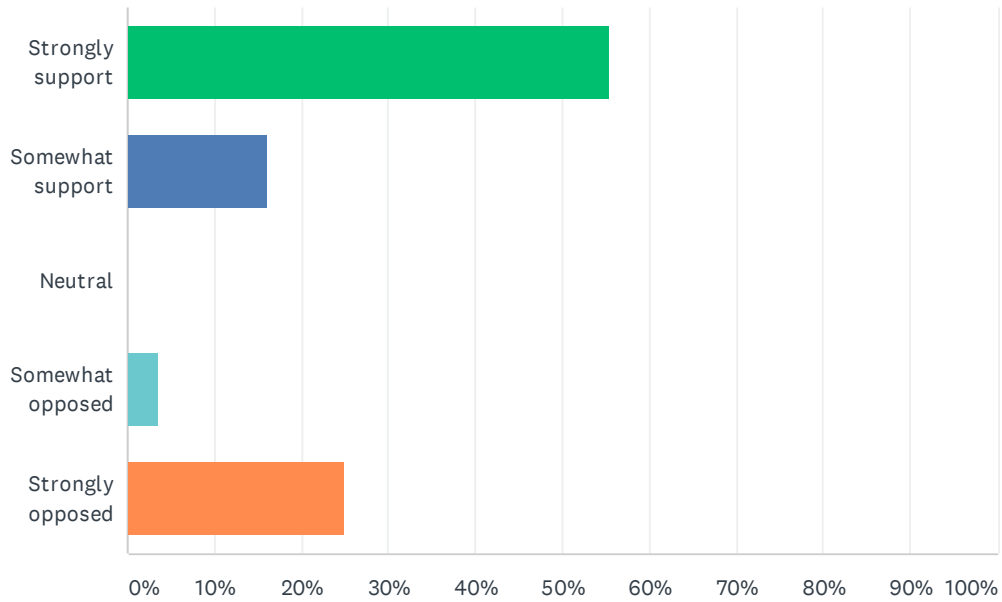
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly support	55.36%	31
Somewhat support	12.50%	7
Neutral	1.79%	1
Somewhat opposed	5.36%	3
Strongly opposed	25.00%	14
TOTAL		56

Q12 Based on the above information, how strongly would you support or oppose allowing the following type of cannabis business in the City's Industrial Zone: Cannabis distribution businesses

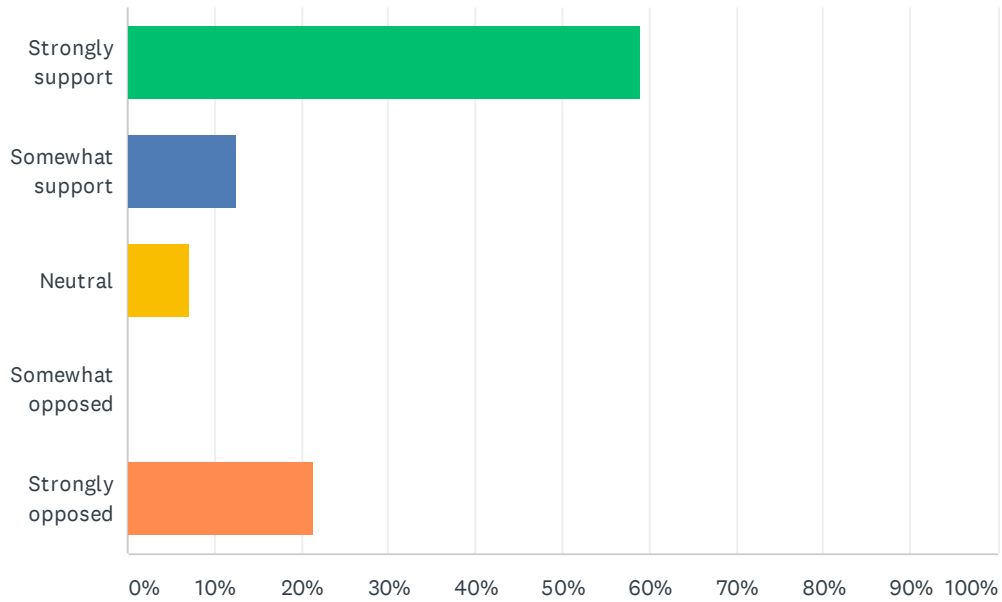
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly support	55.36%	31
Somewhat support	16.07%	9
Neutral	0.00%	0
Somewhat opposed	3.57%	2
Strongly opposed	25.00%	14
TOTAL		56

Q13 Based on the above information, how strongly would you support or oppose allowing the following type of cannabis business in the City's Industrial Zone: Cannabis testing laboratories

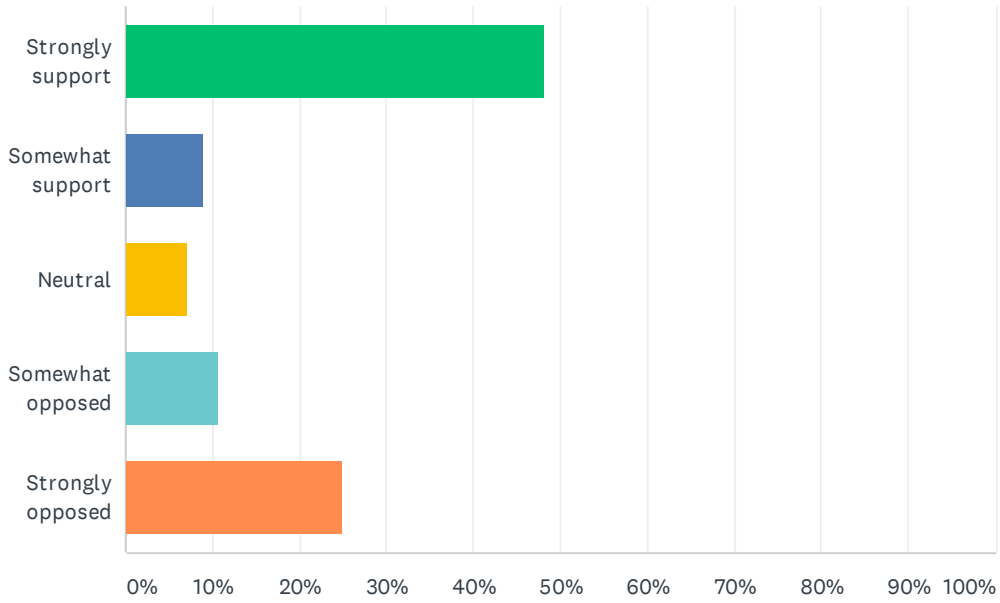
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly support	58.93%	33
Somewhat support	12.50%	7
Neutral	7.14%	4
Somewhat opposed	0.00%	0
Strongly opposed	21.43%	12
TOTAL		56

Q14 Based on the above information, how strongly would you support or oppose allowing the following type of cannabis business in the City's Industrial Zone: Cannabis retailers as an accessory use to other commercial cannabis activities

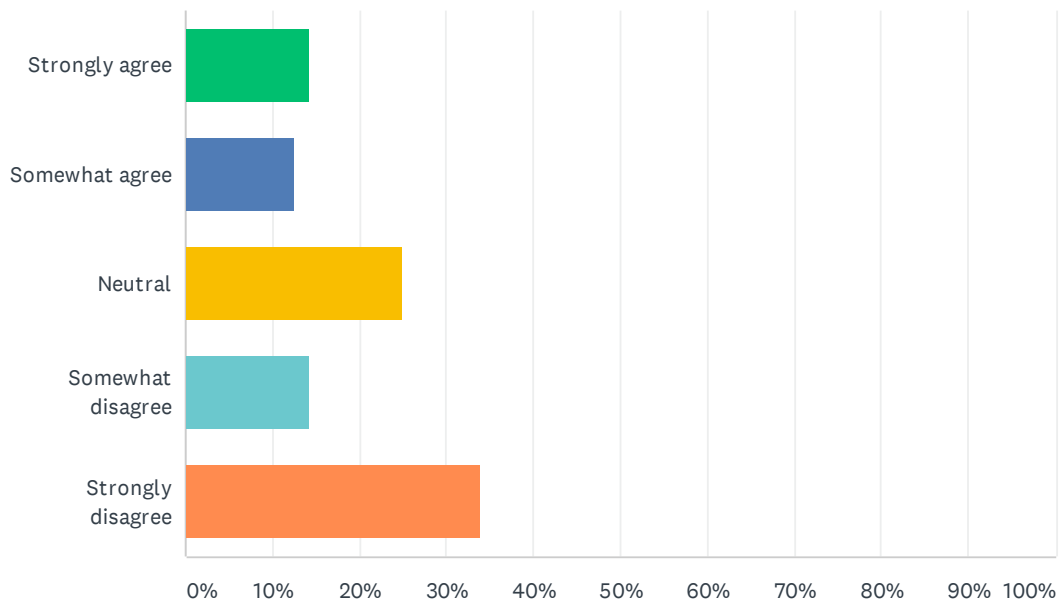
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly support	48.21%	27
Somewhat support	8.93%	5
Neutral	7.14%	4
Somewhat opposed	10.71%	6
Strongly opposed	25.00%	14
TOTAL		56

Q15 I am concerned about traffic impacts from cannabis businesses in the Industrial Zones

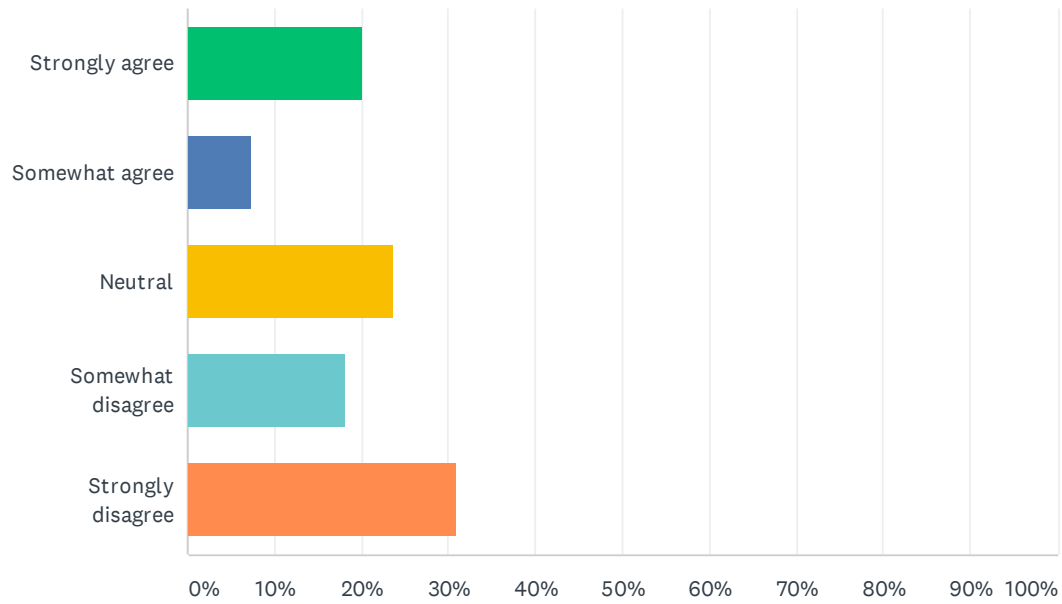
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	14.29%	8
Somewhat agree	12.50%	7
Neutral	25.00%	14
Somewhat disagree	14.29%	8
Strongly disagree	33.93%	19
TOTAL		56

Q16 I am concerned about environmental impacts from cannabis businesses in the Industrial Zones

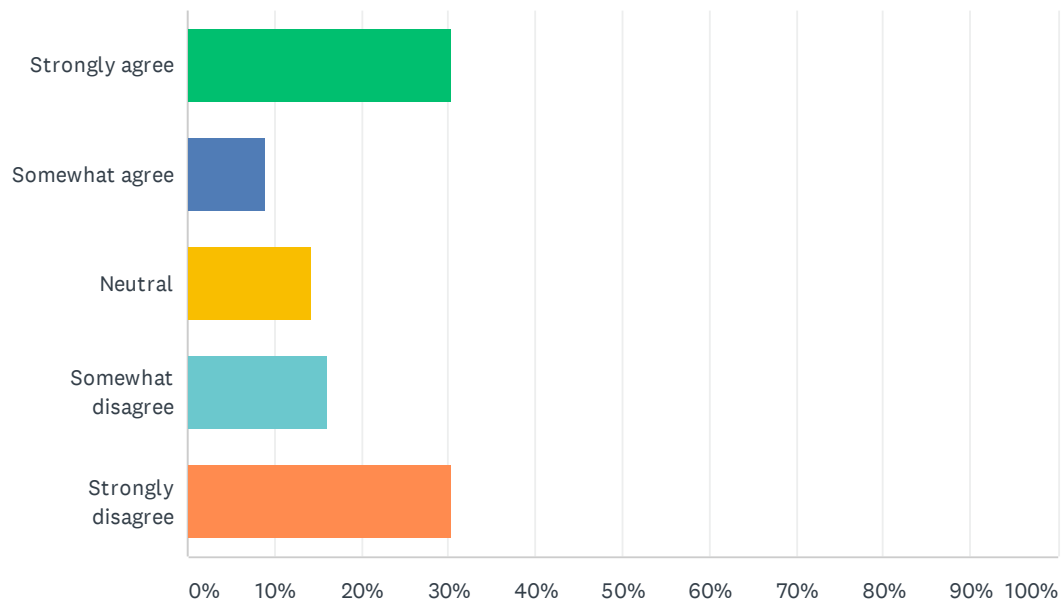
Answered: 55 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly agree	20.00%	11
Somewhat agree	7.27%	4
Neutral	23.64%	13
Somewhat disagree	18.18%	10
Strongly disagree	30.91%	17
TOTAL		55

Q17 I am concerned about public safety impacts from cannabis businesses in the Industrial Zones

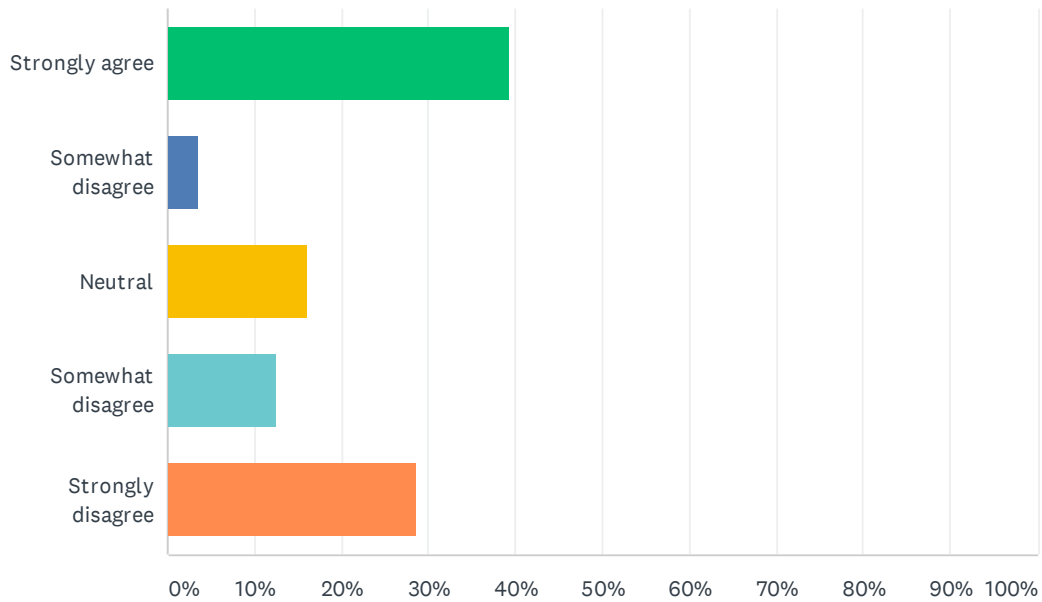
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	30.36%	17
Somewhat agree	8.93%	5
Neutral	14.29%	8
Somewhat disagree	16.07%	9
Strongly disagree	30.36%	17
TOTAL		56

Q18 I am concerned about impacts on youth from cannabis businesses in the Industrial Zones

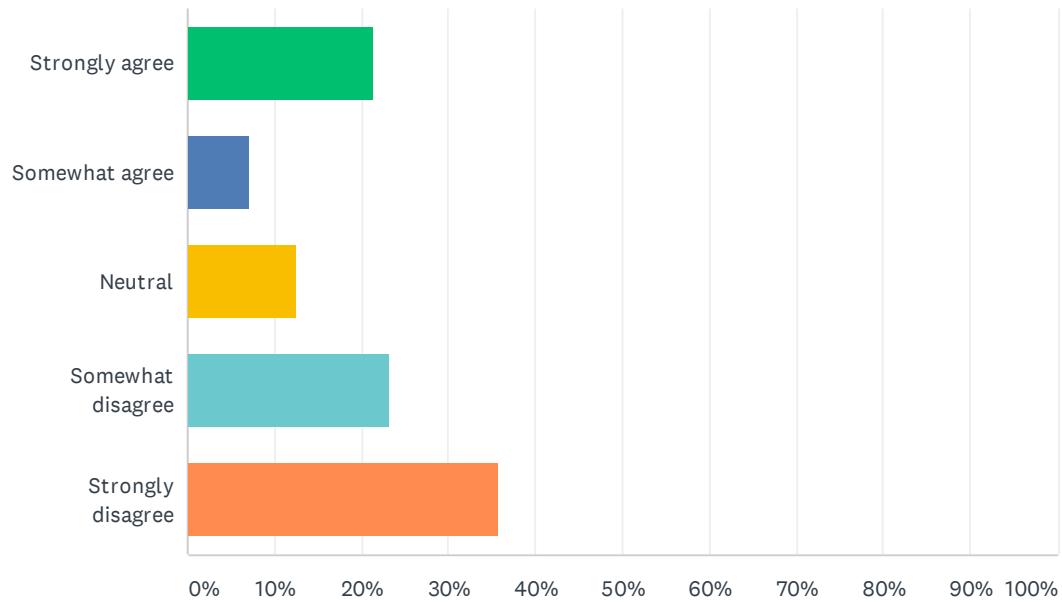
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	39.29%	22
Somewhat disagree	3.57%	2
Neutral	16.07%	9
Somewhat disagree	12.50%	7
Strongly disagree	28.57%	16
TOTAL		56

Q19 I am concerned about noise and odor impacts from cannabis businesses in the Industrial Zones

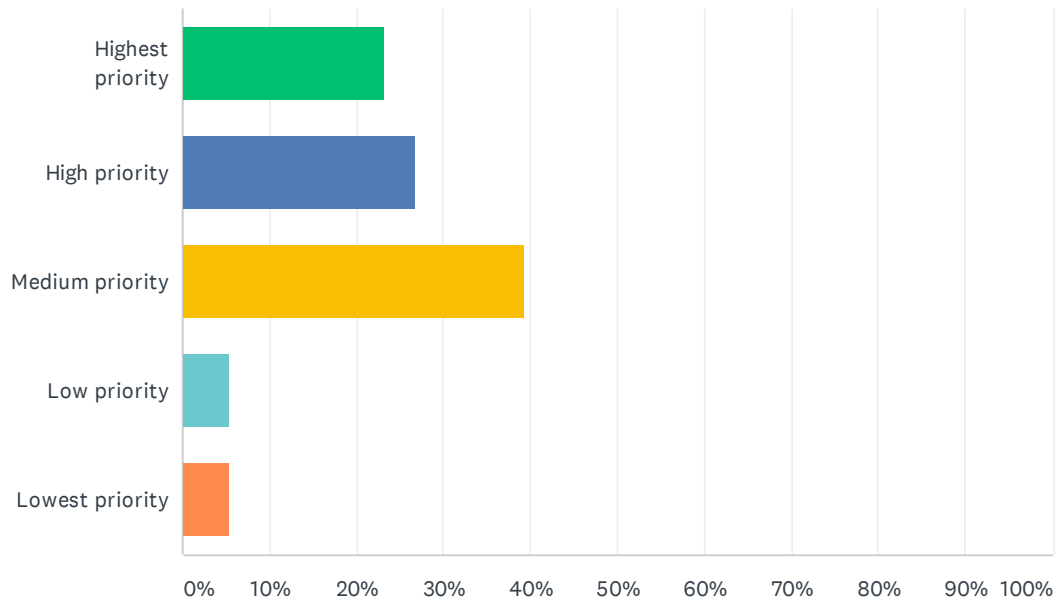
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	21.43%	12
Somewhat agree	7.14%	4
Neutral	12.50%	7
Somewhat disagree	23.21%	13
Strongly disagree	35.71%	20
TOTAL		56

Q20 Community benefit fees should fund drug prevention, awareness and treatment programs

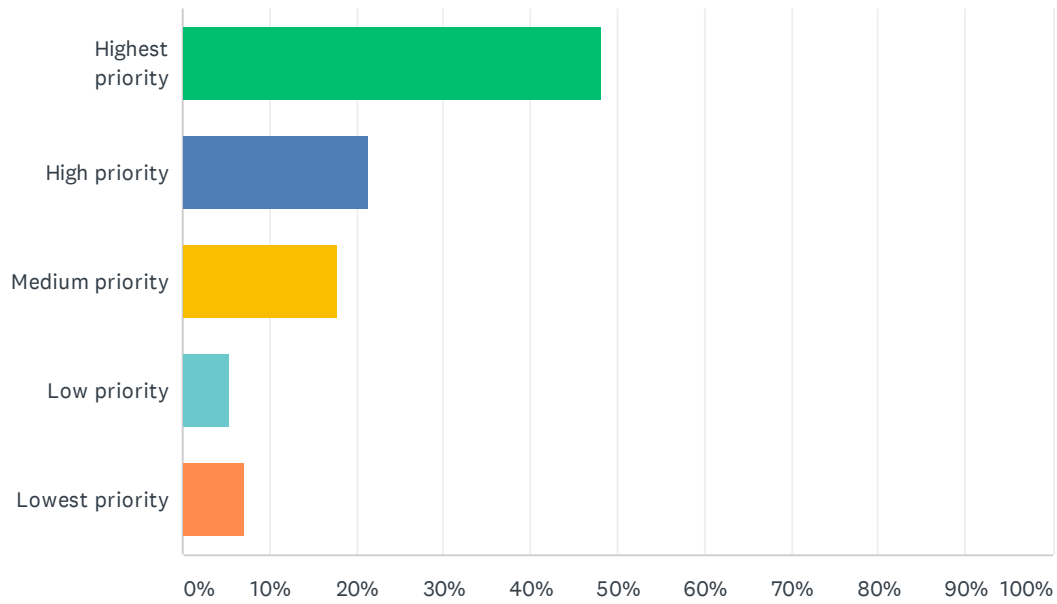
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
Highest priority	23.21%	13
High priority	26.79%	15
Medium priority	39.29%	22
Low priority	5.36%	3
Lowest priority	5.36%	3
TOTAL		56

Q21 Community benefit fees should fund schools and educational programs

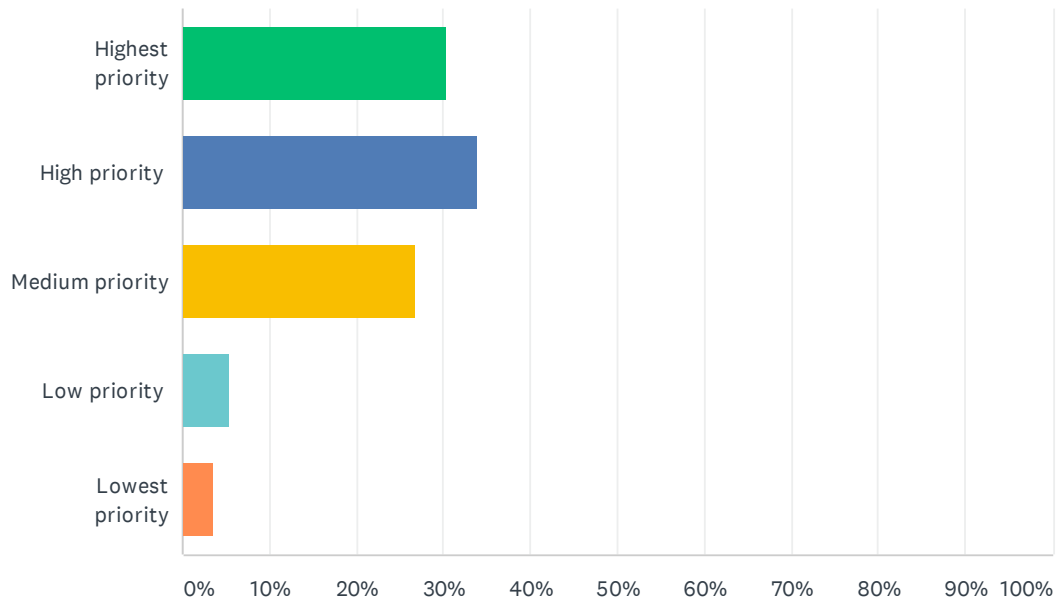
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
Highest priority	48.21%	27
High priority	21.43%	12
Medium priority	17.86%	10
Low priority	5.36%	3
Lowest priority	7.14%	4
TOTAL		56

Q22 Community benefit fees should fund public health, safety and law enforcement

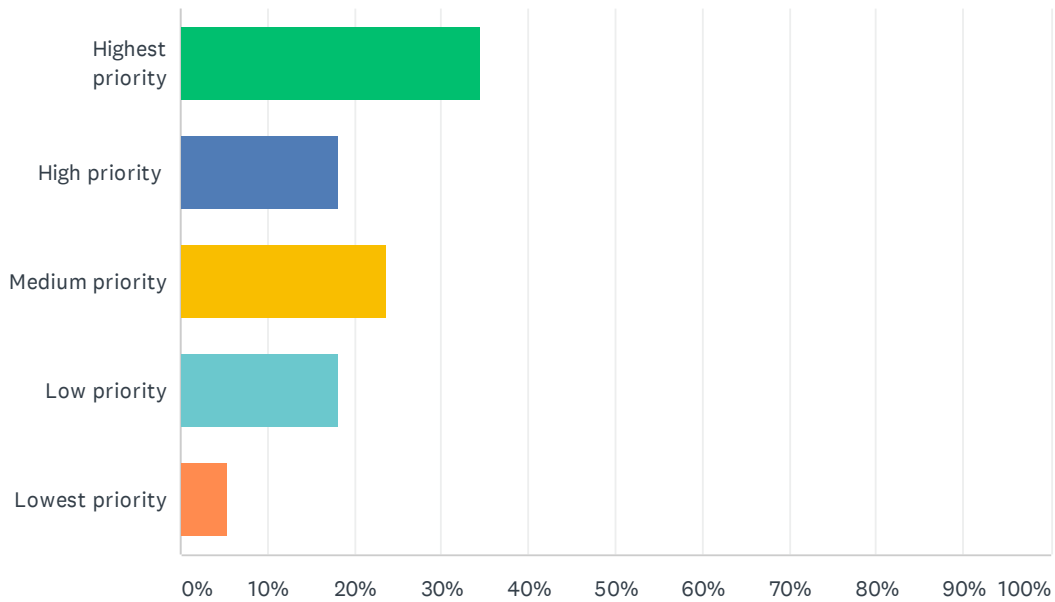
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES
Highest priority	30.36% 17
High priority	33.93% 19
Medium priority	26.79% 15
Low priority	5.36% 3
Lowest priority	3.57% 2
TOTAL	56

Q23 Community benefit fees should fund parks, open space and environmental programs

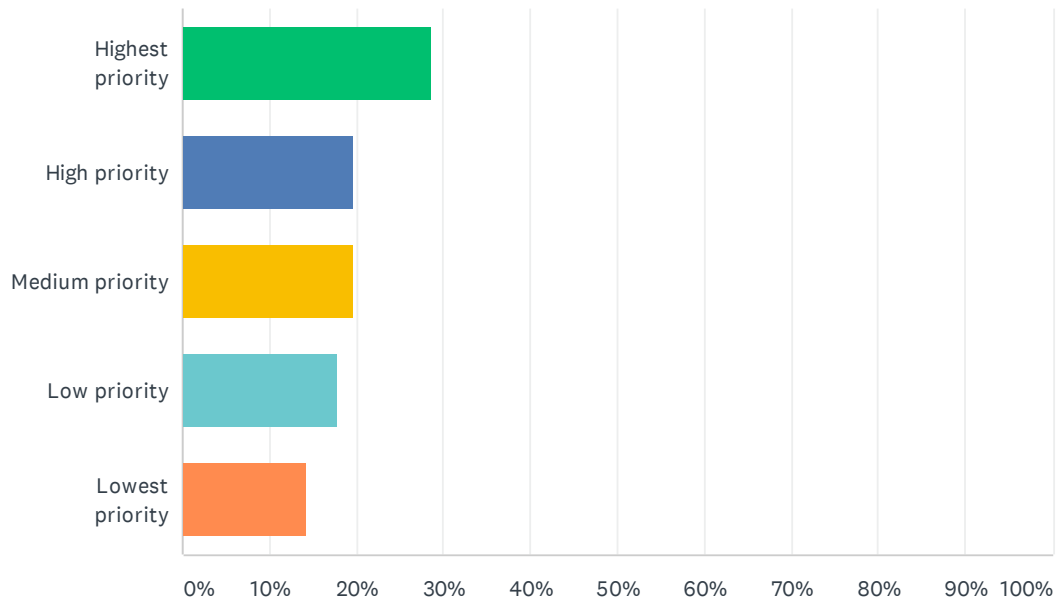
Answered: 55 Skipped: 1



ANSWER CHOICES	RESPONSES
Highest priority	34.55% 19
High priority	18.18% 10
Medium priority	23.64% 13
Low priority	18.18% 10
Lowest priority	5.45% 3
TOTAL	55

Q24 Community benefit fees should fund the arts, community programs and special events

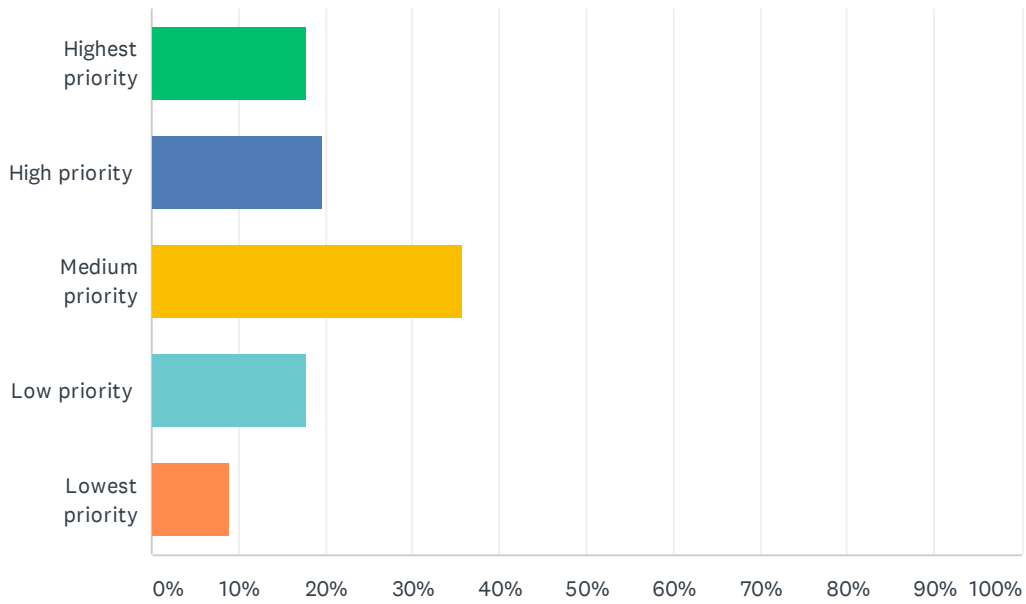
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES	
Highest priority	28.57%	16
High priority	19.64%	11
Medium priority	19.64%	11
Low priority	17.86%	10
Lowest priority	14.29%	8
TOTAL		56

Q25 Community benefit fees should fund road improvements and bike/pedestrian infrastructure

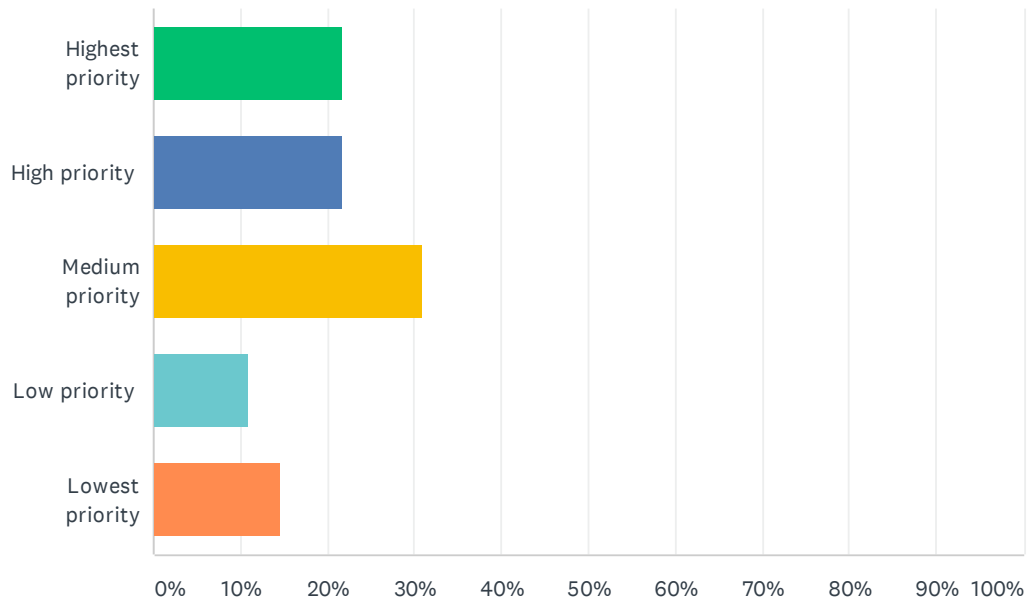
Answered: 56 Skipped: 0



ANSWER CHOICES	RESPONSES
Highest priority	17.86% 10
High priority	19.64% 11
Medium priority	35.71% 20
Low priority	17.86% 10
Lowest priority	8.93% 5
TOTAL	56

Q26 Community benefit fees should fund affordable housing or programs for the homeless

Answered: 55 Skipped: 1



ANSWER CHOICES	RESPONSES	
Highest priority	21.82%	12
High priority	21.82%	12
Medium priority	30.91%	17
Low priority	10.91%	6
Lowest priority	14.55%	8
TOTAL		55

Q27 Please provide any additional comments you may have.

Answered: 29 Skipped: 27



**Delivering Revenue, Insight
and Efficiency to Local Government**

Fiscal Analysis of the Commercial Cannabis Industry

Prepared for

the

City of National City

December 13th, 2019

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Summary and Recommendations

National City is proposing to allow just three cannabis businesses, without specifying what types they may be. HdL anticipates that the limited number of licenses available would tend to attract businesses that conduct more than one type of commercial cannabis activity at a single location, most likely including retail as a component of their operation. This may or may not include cannabis microbusinesses¹.

HdL recommends that the City establish a community benefits fee with a rate between 2.5% and 5% of gross receipts for all cannabis businesses, regardless of type. This range would be slightly higher than the standard tax rates HdL commonly recommends for some types of businesses but would be somewhat lower for others. Applying a single rate to all cannabis business activities provides for a simplified tax or fee structure for businesses conducting more than one type of licensed activity. This is discussed in Section III; *Common Cannabis Tax Rates*.

We have provided revenue estimates using rates of 2.5%, 4.0% and 5.0%, based upon three different scenarios. These scenarios indicate a range of potential revenues from \$275,000 up to \$1,050,000. These scenarios are presented and discussed below.

Scenario 1 shows the potential revenues that could be generated from one of each type of commercial cannabis business². This model assumes that one of the three permitted business would operate two different activities. The most probable combination here is that either the cultivator or the manufacturer would also hold a distribution license. Under this scenario, a community benefits fee with a rate of 2.5% would generate \$275,000 in annual revenue for the City. A rate of 4.0% would generate \$440,000, and a rate of 5.0% would generate \$550,000 in annual revenue. These revenues are shown in Figure 1, below.

Figure 1:

Summary Revenue Estimate; Scenario 1						
Business Type	Number of Operations	Avg Gross Receipts	Total Gross Receipts	Revenue @ 2.5% Tax Rate	Revenue @ 4.0% Tax Rate	Revenue @ 5.0% Tax Rate
Cultivation	1	\$5,000,000	\$5,000,000	\$125,000	\$200,000	\$250,000
Manufacturing	1	\$2,000,000	\$2,000,000	\$50,000	\$80,000	\$100,000
Distribution	1	\$2,000,000	\$2,000,000	\$50,000	\$80,000	\$100,000
Retailer	1	\$2,000,000	\$2,000,000	\$50,000	\$80,000	\$100,000
TOTAL BUSINESSES	3		\$11,000,000	\$275,000	\$440,000	\$550,000

Scenario 2 shows the revenues that could be generated by 2 cultivation operations, 2 retailers, 1 manufacturer and 1 distributor. Because we have estimated the same average gross receipts for both manufacturers and distributors, this scenario could also show the amount of revenue that would be

¹ Microbusinesses may conduct three or more types of cannabis business activities under a single State license, provide that cultivation is limited to no more than 10,000 square feet of canopy. Other licensees may also conduct multiple types of activities under one business entity, but each activity must be separately licensed.

² We have not included cannabis testing laboratories in our estimates as we believe the City is unlikely to attract any of these businesses. The reasoning behind this is explained in Section VII; *Cannabis Testing Laboratories*.

generated by 2 cultivators, 2 retailers, and either 2 manufacturers or 2 distributors. Applying the recommended community benefits fee with a rate of 2.5% would generate \$425,000 in annual revenue for the City. A rate of 4.0% would generate \$680,000 in annual revenue, and a rate of 5.0% would generate \$850,000. These revenues are shown in Figure 2.

Figure 2:

Summary Revenue Estimate; Scenario 2						
Business Type	Number of Operations	Avg Gross Receipts	Total Gross Receipts	Revenue @ 2.5% Tax Rate	Revenue @ 4.0% Tax Rate	Revenue @ 5.0% Tax Rate
Cultivation	2	\$5,000,000	\$10,000,000	\$250,000	\$400,000	\$500,000
Manufacturing	1	\$2,000,000	\$2,000,000	\$50,000	\$80,000	\$100,000
Distribution	1	\$2,000,000	\$2,000,000	\$50,000	\$80,000	\$100,000
Retailer	2	\$1,500,000	\$3,000,000	\$75,000	\$120,000	\$150,000
TOTAL BUSINESSES	3		\$17,000,000	\$425,000	\$680,000	\$850,000

Scenario 3 shows assumes that all three of the available licenses from the City are for microbusinesses, and that all three of these businesses include a retail component. The model assumes that one of the microbusinesses would include retail, cultivation and manufacturing, one would include retail, cultivation and distribution, and one would include retail, manufacturing and distribution. The gross receipts for each licensed activity is listed separately. Under this scenario, a community benefits fee at a rate of 2.5% would generate \$525,000, a rate of 4.0% would generate \$840,000, and a rate of 5.0% would generate \$1,050,000 in annual revenue for the City.

Figure 3:

Summary Revenue Estimate; Scenario 3						
Business Type	Number of Operations	Avg Gross Receipts	Total Gross Receipts	Revenue @ 2.5% Tax Rate	Revenue @ 4.0% Tax Rate	Revenue @ 5.0% Tax Rate
Cultivation	2	\$5,000,000	\$10,000,000	\$250,000	\$400,000	\$500,000
Manufacturing	2	\$2,000,000	\$4,000,000	\$100,000	\$160,000	\$200,000
Distribution	2	\$2,000,000	\$4,000,000	\$100,000	\$160,000	\$200,000
Retailer	3	\$1,000,000	\$3,000,000	\$75,000	\$120,000	\$150,000
TOTAL BUSINESSES	3		\$21,000,000	\$525,000	\$840,000	\$1,050,000

The City has also indicated that it would like to require licensed businesses to commit to a minimum revenue guarantee as a part of their community benefits fee. HdL expresses no opinion on the concept of a minimum revenue guarantee but notes that any flat-rate minimum fee would have to be set at a level that is acceptable and realistic for all business types, including those with lower revenue potential. We recommend that the minimum revenue guarantee be set at no more than \$25,000 per business, regardless of the number or types of activities they may conduct. At this level, the three licenses proposed by the City would generate a guaranteed minimum of \$75,000 in annual revenue.

Scenario 1 shows that, at a 2.5% rate, manufacturers, distributors and retailers might each generate around \$50,000 in annual revenue (assuming \$2 million in gross receipts). Because retailers generally share the same market and customer base, addition retailers would reduce the market share and gross

receipts for each one. In our models, having three retailers could potentially reduce the gross receipts for each one from \$2 million down to \$1 million, in turn reducing the community benefits revenue from each one from \$50,000 per year down to just \$25,000. To require such a business to guarantee that minimum level of revenue to the City may be unreasonable. However, we anticipate that the limited number of licenses available would tend to attract businesses that conduct more than one type of commercial cannabis activity at a single location, thereby increasing their gross receipts and associated revenue potential to the City.

If the City determines to require a minimum revenue guarantee as a part of each development agreement, then as a precaution we would encourage the City to include some mechanism to appeal for relief in the case of demonstrable temporary hardship. Otherwise, the requirement for a suffering business to pay this minimum amount could contribute to the failure and loss of that business, and its associated revenues for the City.

I. The Cannabis Industry in the National City/San Diego Region

The amount of revenue that a city or county may be able to generate from a cannabis business tax (or comparable fees) depends upon the type, number and size of cannabis businesses that may choose to locate within the City. Cannabis retailers, cultivators, manufacturers, distributors and testing facilities are each interdependent upon a network of other cannabis businesses, so understanding the extent of the industry in the region provides some basis for projecting the types of businesses that may vie for the 3 available licenses in National City.

Our analysis of potential revenue from a community benefits fee assessed on cannabis businesses is based on data and assumptions about the total size of the local market. The three cannabis licensing agencies for the State of California (the Bureau of Cannabis Control, the CalCannabis Division of the California Department of Food and Agriculture, and the Manufactured Cannabis Safety Branch of the California Department of Public Health) have all been issuing temporary licenses for commercial cannabis businesses since late December of 2017. In addition, HdL has worked with a number of nearby cities and counties that are developing or implementing their own cannabis regulatory and taxation programs. This data provides a wealth of previously unavailable information about the cannabis industry around the State.

For our analysis, we shall assume that wholesale cannabis businesses such as cultivators, manufacturers and distributors would primarily interact or do business with other cannabis businesses within a one-hour radius of National City. This would roughly include the cities of San Diego, La Mesa, Escondido, Oceanside and Vista, along with unincorporated San Diego County. There are 25 distributors, 26 manufacturers, 2 testing laboratories and 37 retailers within this region, along with 8 cultivators and 4 microbusinesses. Combined, there are 102 active cannabis business licenses in all of San Diego County. These numbers are shown below in Figure 3.

Figure 3:

Active Licenses in Nearby Communities							
City/County	Cultivation	Distributor	Manufacturer	Retailer	Microbusiness	Testing Laboratory	Total
Oceanside	5	3	4	2	0	0	14
Vista	0	0	0	5	0	0	5
Escondido	0	0	0	1	0	0	1
San Diego	2	20	19	17	1	2	61
San Diego County	1	1	0	2	1	0	5
La Mesa	0	1	3	10	0	0	14
El Cajon	0	0	0	0	1	0	1
Ramona	0	0	0	0	1	0	1
Total	8	25	26	37	4	2	102

Moving further out, we find a robust cannabis industry throughout Southern California. There are currently 89 State-licensed cannabis businesses in neighboring Orange County. Riverside County has 316, San Bernardino has 139, and Imperial County has 12. Los Angeles County has 993 State-licensed cannabis businesses. Combined, there are 1,651 licensed cannabis businesses in this 6-county region, the vast majority of which are within 2 hours of National City. Numerous cities and counties within this region are currently in the process of permitting additional cannabis businesses or developing regulatory policies that will allow them to do so in the near future.

We anticipate that the number of licensed cannabis businesses³ in the Southern California region and the number of jurisdictions allowing and permitting them will continue to increase substantially over time. As this occurs, we would expect the decisions as to where these businesses choose to locate will be increasingly driven by the same market-based factors that influence such decisions for other types of businesses, including access to markets and consumers, available and appropriate industrial or commercial space, competitive lease rates, a ready talent pool, and a network of supporting businesses and industries. Differences in regulations and taxes (within reason) will cease to be the overarching consideration.

The high number of licensed cannabis businesses within the greater Southern California region suggests that there is already a large and diverse industry cluster that can both support and provide competition for additional cannabis businesses. Cultivators, manufacturers and distributors in National City would have plenty of options for who to work with in bringing their products to market, and retailers would have lots of options for regionally-sourced products to place on their shelves.

³ The numbers here represent only those licenses listed as “Active” by the three State licensing agencies. The number of State licenses and local licenses or permits may not be the same for a variety of reasons. The three State licensing agencies separately license each individual commercial cannabis activity (except for microbusinesses which may conduct three or more activities under one license). This may or may not be the case for local jurisdictions, which may instead permit a single business to conduct multiple activities from a single location. For cultivators, we have here listed the number of separate businesses, rather than the number of licenses, as it is very common for a cultivator to hold multiple licenses from the State.

II. Common Cannabis Tax Rates

Cannabis tax rates have been settling and stabilizing around the State since the beginning of 2018. Many cities instituted cannabis taxes prior to the implementation of statewide regulations, with a wide range of tax structures and rates as high as \$30 per square foot (for cultivation) or 18% of gross receipts. Some of these “early adopter” cities have since reduced their rates to be more competitive with common rates that are now emerging around the State.

The State of California applies two separate taxes to cannabis: a cultivation tax of \$9.25 per ounce of dried flower (\$2.75 per ounce of dried leaf or trim and an excise tax of 15% on the purchase of cannabis and cannabis products. These two separate State taxes can add up to 26% to consumer cannabis prices, even before any local taxes are contemplated. This leaves very little room for local jurisdictions to work within if they wish to remain under the total cumulative tax rate of 30%. This is an important benchmark to allow the local industry to compete against the illicit market and against other regulated cannabis businesses from around the State (see Attachment C; *State Tax Considerations*).

The City Council has provided direction to develop a revenue mechanism using community benefits fees as a component of a required development agreement for any cannabis businesses. This fee would be keyed to the gross receipts of the business, so as to provide revenues that are consistent with a comparable cannabis tax, and therefore competitive with the tax rates in other nearby jurisdictions. The City also desires that the community benefits fee should provide a guaranteed minimum amount of revenue from each business.

HdL has worked with numerous local agencies around the State to develop cannabis tax measures for the ballot. The initial range of tax rates for cannabis businesses other than cultivation commonly runs from 2% of gross receipts for distributors, to 2.5% for manufacturers, and up to 4% for retailers. These rates may be adjusted up to a maximum of 3%, 4% and 6%, respectively. The most common tax rates that HdL recommends to our clients are shown in Figure 4, below.

Figure 4:

Commonly Recommended Rates for Various Cannabis Business Types		
Cannabis Business Type	Initial Rate	Maximum Rate
Cultivation (indoors)	\$7 per square foot	\$10 per square foot
Manufacturing	2.5% of gross receipts	4% of gross receipts
Distribution	2% of gross receipts	3% of gross receipts
Retail	4% of gross receipts	6% of gross receipts
Testing	1% of gross receipts	2.5% of gross receipts

The tax or fee rates shown are commonly applied when a jurisdiction has specified the number of licenses or permits they will be issuing for each type of business. For example, if a city determined that it would issue 4 licenses for cultivation, 4 for manufacturing, 4 for distribution and 2 for retail, then the anticipated tax revenue for that city would be a function of applying the specified rates above to the number and anticipated gross receipts (or square footage) for each type of cannabis business. Though the performance and actual gross receipts of each business would vary, the general range of revenues would be somewhat predictable, allowing the city to budget accordingly.

However, National City is currently proposing to allow just three cannabis businesses, without specifying what types they may be. Because of this, the different rates above could produce significant variations in the amount of revenue generated for the City, depending on the types of businesses receiving those 3 licenses. For example, 2 retailers and 1 manufacturer might generate as much as \$170,000 for the City, while 2 distributors and 1 testing laboratory might generate as little as \$70,000.

Because of this, HdL recommends that the City apply a uniform rate for all potential cannabis businesses, so that revenues will be reasonably consistent regardless of the types of businesses receiving the three available licenses. We recommend the City consider a range of 2.5% to 5.0% of gross receipts for all cannabis businesses, regardless of type. This range would be slightly higher than the standard rates shown above for some types of businesses but would be somewhat lower for others.

In addition, HdL anticipates that the limited number of licenses available would tend to attract businesses that conduct more than one type of commercial cannabis activity at a single location, most likely including retail as a component of their operation. This may or may not include cannabis microbusinesses, which may conduct at least three types of licensed cannabis business activities under a single State license, provide that any cultivation is limited to no more than 10,000 square feet of canopy. Applying a single rate to all cannabis business activities provides for a simplified tax or fee structure for businesses conducting more than one type of licensed activity.

Figure 5:

HdL Recommended Rates for National City			
Cannabis Business Type	Conservative Rate	Moderate Rate	Aggressive Rate
Cultivation (indoors)	2.5% of gross receipts	4% of gross receipts	5% of gross receipts
Manufacturing	2.5% of gross receipts	4% of gross receipts	5% of gross receipts
Distribution	2.5% of gross receipts	4% of gross receipts	5% of gross receipts
Retail	2.5% of gross receipts	4% of gross receipts	5% of gross receipts
Testing	2.5% of gross receipts	4% of gross receipts	5% of gross receipts

III. Cannabis Manufacturers

The manufacturing sector is still evolving and expanding, which presents significant opportunities for innovation, business development and job growth. The range of products being produced includes an ever-increasing variety of edibles such as candies, cookies, dressings, and infused (non-alcoholic) drinks. Manufacturers may produce their own extract on site, or they may buy extract from other Type 6 or Type 7 licensees. Much like any other industry, cannabis manufacturers often depend upon other businesses to supply them with the various materials or components that go into their final product. These suppliers do not have to be located in or even near the same jurisdiction as the final manufacturer, and may be located anywhere throughout the state.

Some manufacturers may handle all steps from extraction to packaging the end product in the form of vape pens or other such devices. Others may handle only discreet steps, such as making the raw cannabis concentrate, which is then sold either directly to retailers or to a Type N manufacturer who will package it into vapor cartridges or other end consumer products. Manufacturers also produce a wide variety of tinctures, as well as topicals such as cannabis infused lotions, salves, sprays, balms, and oils.

As of July 30th, 2019, the Manufactured Cannabis Safety Branch (MCSB) of the California Department of Public Health shows 871 cannabis manufacturing licenses statewide, held by 841 separate companies. Of these, 464 are for non-volatile extraction, 243 are for volatile extraction, 123 are for non-extraction manufacturing, 25 are for packaging and labeling, and 16 are for manufacturers using shared-use facilities.

In its regulatory impact statement, the MCSB estimated that 1,000 cannabis manufacturing businesses in California would employ around 4,140 people, for an average of 4 jobs per manufacturer. HdL believes this average is on the low side, as we are aware of individual manufacturers which have over 100 employees. While this figure is clearly an outlier, it demonstrates that cannabis manufacturers have the potential to far exceed the MCSB's estimate.

HdL has reviewed pro-formas for numerous cannabis manufacturers seeking permits in counties and cities throughout California. From our review we have seen a range of gross receipts from around \$1 million to well over \$20 million, with an average in the range of \$2 million to \$3 million. For National City, we anticipate that cannabis manufacturers would likely tend towards the lower side of this range.

We have provided three scenarios to estimate the potential revenue that could be generated from a fee in the range of 2.5% to 5.0% applied to 1, 2 or 3 manufacturers, with a conservative average of \$2.0 million each. We anticipate that the revenues that could be generated from 2 manufacturers ranges from \$100,000 to \$200,000 per year.

Figure 5:

Cannabis Manufacturers; HdL Recommended Rates						
Type 6/7/N/P Manufacturer	# of Licenses	Avg Gross Receipts	Total Gross Receipts	Revenue @ 2.5% Tax Rate	Revenue @ 4.0% Tax Rate	Revenue @ 5.0% Tax Rate
Scenario 1	1	\$2,000,000	\$2,000,000	\$50,000	\$80,000	\$100,000
Scenario 2	2	\$2,000,000	\$4,000,000	\$100,000	\$160,000	\$200,000
Scenario 3	3	\$2,000,000	\$6,000,000	\$150,000	\$240,000	\$300,000

IV. Cannabis Distributors

Perhaps more than any other part of the cannabis supply chain, distributors are greatly dependent upon the number and variety of other cannabis business types within their service area. Essentially, distributors need a certain “critical mass” of other cannabis businesses for them to serve. Because of this, distributors tend to be located in cities or regions which have a large base of cultivation or manufacturing, as well as a large surrounding customer base.

As a very general figure, the number of cannabis distributors statewide is roughly 1/4 of the number of all other cannabis licenses, combined, or 1 distributor for every 4 other cannabis businesses. In addition, virtually all (260 out of 262) licensed microbusinesses in California include distribution as one of their licensed activities. We can reasonably extrapolate from this to assume that a similar ratio of distributors to other businesses is necessary within any defined region.

The business model for distributors is based on a percentage markup on the price paid to their suppliers. This markup commonly averages 20% to 30%, though this depends upon the actual services being provided. However, it is important to note that the distributor category may include a variety of services, not all of which are provided by all licensed distributors. Just under 11% of distributors hold Type 13 licenses that allow self-distribution or transport only. A distributor which is only buying and reselling cannabis at wholesale may make as little as 10% on a transaction, while a distributor which is purchasing raw flower and packaging it as pre-rolls for retail sale may make 50% or more on such a value-added transaction.

Distributors may have annual revenues ranging from less than \$1 million to over \$70 million. The vast majority of distributors would fall at the lower end of that range, with those at the high end qualifying as outliers. While there is not yet an abundance of data to determine the average gross receipts for distributors, HdL has reviewed a number of pro-formas for distributors seeking licenses in other jurisdictions. These indicate anticipated gross receipts commonly in the range of \$2 million to \$3 million per year, with an average of \$2.5 million. HdL anticipates that distributors in National City would tend towards the lower end of that range, with an average of \$2 million in gross receipts.

We have provided three scenarios to estimate the potential revenue that could be generated from a fee in the range of 2.5% to 5.0% applied to 1, 2 or 3 distributors, with a conservative average of \$2.0 million in gross receipts. Under these scenarios, a community benefits fee of 2.5% could generate between \$50,000 and \$150,000 in annual revenue for the City, depending upon the number of distributors, and a rate of 4.0% could generate between \$80,000 and \$240,000. A rate of 5.0% could generate between \$100,000 and \$300,000. These numbers are shown in Figure 7, below.

Figure 7:

Cannabis Distributors; HdL Recommended Rates						
Distributors	# of Licenses	Avg Gross Receipts	Total Gross Receipts	Revenue @ 2.5% Tax Rate	Revenue @ 4.0% Tax Rate	Revenue @ 5.0% Tax Rate
Scenario 1	1	\$2,000,000	\$2,000,000	\$50,000	\$80,000	\$100,000
Scenario 2	2	\$2,000,000	\$4,000,000	\$100,000	\$160,000	\$200,000
Scenario 3	3	\$2,000,000	\$6,000,000	\$150,000	\$240,000	\$300,000

V. Cultivation

The CalCannabis Division of the California Department of Food and Agriculture has been issuing temporary cultivation licenses since January 1, 2018. As of October 11th, CalCannabis shows 3,637 active cultivation licenses statewide, held by 1,756 distinct businesses comprising 647 acres of cultivation which are conservatively estimated to be capable of producing over 6 million pounds of cannabis per year. This is more than double the estimated 2.5 million pounds per year consumed by all Californians, combined.

The cannabis cultivation market in California has already far exceeded its saturation point, which suggests that there is not enough room for those growers already licensed, much less new entrants into the market. Entry into this highly competitive marketplace can be filled with risk, and requires ample capitalization and a clear branding and marketing strategy to win shelf space.

As discussed in Section III; *Common Cannabis Tax Rates*, HdL commonly recommends that cannabis cultivation be taxed per square foot, rather than by gross receipts. However, due to the limited number of licenses the City will be allowing, we anticipate that these businesses will likely conduct more than one type of permitted activity from a single location. For vertically-integrated businesses such as this, we recommend that the City's community benefits fee provide a single rate for all cannabis business types, based on gross receipts.

Determining an equivalent rate between a fee based on square footage and one based on gross receipts can be accomplished using a few basic assumptions. In Figure 7 we have projected the amount of cannabis that can be produced from a typical 10,000 square foot indoor cultivation facility. We have assumed that the facility will achieve four harvest cycles per year, which is fairly standard (though many operators are able to achieve more). Yield is assumed to average one pound of cannabis flower for every 8 square feet of cultivation area. Using this figure, a 10,000 square foot cultivation facility operating 4 cycles would produce around 5,000 pounds of cannabis per year.

The wholesale price per pound is conservatively assumed to be \$1,000. This figure is somewhat lower than the current average for indoor-grown cannabis, but there is still great variability in the market and, over the long term we anticipate that wholesale prices for raw cannabis will continue to decline. Applying this figure, our 10,000 square foot facility would generate \$5 million in gross receipts.

Figure 11 (below) shows the equivalent rates for square footage, gross receipts and yield (per-pound), based on these assumptions. A rate of 2.5% would be equivalent to a rate of \$12.50 per square foot. A rate of 4.0% would be equivalent to \$20.00 per square foot, and a rate of 5.0% would be equivalent to \$25.00 per square foot.

Figure 11:

Cultivation Tax Rate Converter; Proposed Gross Receipts Rates									
Cultivation Type	Harvest Cycles /Year	Sample Area (sq ft)	Yield @ 1 lb/8 sf /cycle	Price per pound	Gross Receipts	Tax Rate % Gross Receipts	Total Annual Tax Paid	Tax Rate per Pound	Tax Rate per SF
Indoors	4	10,000	5,000	\$1,000	\$5,000,000	2.50%	\$125,000	\$25.00	\$12.50
Indoors	4	10,000	5,000	\$1,000	\$5,000,000	4.00%	\$200,000	\$40.00	\$20.00
Indoors	4	10,000	5,000	\$1,000	\$5,000,000	5.00%	\$250,000	\$50.00	\$25.00

These conversion rates are significantly higher than the \$7.00 to \$10.00 per square foot range that we commonly recommend for indoor cultivation. However, in this case we believe these rates are justified by the limited availability of permits and the high likelihood that any cultivation would be part of a vertically-integrated business which would sell a substantial portion of its product at retail prices, rather than wholesale, or as value-added manufactured products.

We have provided 3 scenarios, assuming 1, 2 or 3 cultivation sites with up to 10,000 square feet of canopy each. Under these scenarios, applying a community benefits fee of 2.5% of gross receipts would generate between \$125,000 and \$375,000 in annual revenue for the City. A fee of 4.0% would generate between \$200,000 and \$600,000, and a fee of 5.0% would generate between \$250,000 and \$750,000. These estimates are shown in Figure 9, below.

Figure 9:

Cannabis Cultivation; HdL Recommended Rates						
Cultivation Type	# of Sites	Average Square Feet	Total Gross Receipts	Revenue @ 2.5% Tax Rate	Revenue @ 4.0% Tax Rate	Revenue @ 5.0% Tax Rate
Indoor	1	10,000	\$5,000,000	\$125,000	\$200,000	\$250,000
Indoor	2	10,000	\$10,000,000	\$250,000	\$400,000	\$500,000
Indoor	3	10,000	\$15,000,000	\$375,000	\$600,000	\$750,000

V. Testing Laboratories

California law requires that all dried cannabis flower or leaf must be tested for tetrahydrocannabinol (THC) and cannabidiol (CBD) content, contaminants, impurities and other factors before it can be sold to a manufacturer, distributor, dispensary or end user. The cost of this mandated testing and the loss of product for a testing sample can add around 0.7% to the wholesale cost.

The Bureau of Cannabis Control shows only 29 active licenses for testing laboratories in all of California, 3 of which are in the City of San Diego. 6 more facilities are within roughly an hour of the City. This high concentration of testing facilities suggests that the local cannabis industry is already well-served, so that additional facilities may not be needed. Virtually all of the cannabis businesses that would be served by a testing laboratory in National City would come from the north and would have to pass by numerous closer facilities to get their product to the lab. Because of this, we believe it is highly unlikely that National City would attract any additional testing facilities.

Testing is an independent, semi-regulatory function mandated by the State to protect consumer health and safety, and which amounts to a State-imposed cost on the product. HdL is not aware of any similar testing of agricultural products that is subject to a separate tax on top of the cost of mandated testing. More commonly, the costs for similar services for other agricultural products may be subsidized by the USDA or other sources that are not available to cannabis farmers.

Tax (or fee) rates for cannabis testing laboratories tend to fall between 1% and 2%, in recognition of the quasi-regulatory function they provide. Some jurisdictions choose to not apply any tax to testing laboratories, in recognition of the semi-regulatory function they serve. The recommended rates of 2.5% to 5% are well above the common range for cannabis testing facilities and would likely serve as a powerful disincentive for any testing facilities seeking to locate in the City. Were the City to provide a lower fee rate for testing laboratories, it would effectively be giving up higher potential revenues from some other potential use of one of the 3 limited permits.

For these reasons, we believe it is highly unlikely that the City would succeed in attracting any cannabis testing laboratories.

VI. Cannabis Retailers

Retailers are the only cannabis business type that specifically serves the local community, rather than feeding into the statewide market, and so the number of retailers can be assumed to be somewhat proportional to the local population. Cannabis retailers address a local market demand which is generally assumed to exist within a given community regardless of whether there is any legal access. Consumer demand for cannabis is assumed to generally be a constant, regardless of its legal status or the availability of retailers, and so it's reasonable to expect that more retailers would mean fewer customers for each and, thus, lower gross receipts.

It is anticipated that providing greater access to retailers would initially facilitate a shift in cannabis purchases happening through legal, regulated means rather than through the illicit market. Eventually, though, the local cannabis market will reach saturation, at which point new cannabis retailers will simply cannibalize sales from existing retailers. Essentially, both licensed and unlicensed cannabis retailers all divide the same pie. The taxable amount of gross sales will likely plateau at some point, regardless of the number of retailers.

Under California's regulatory program, it is anticipated that consumers will have little reason to purchase cannabis in the medical segment rather than buying in the adult use segment. Both medical and adult use cannabis will pay the State cultivation tax and excise tax, with the only advantage being an exemption from regular sales tax for qualifying patients with a State-issued identification card. Currently there are only 6,172 such cardholders in California, and just 436 cards were issued in all of San Diego County in FY 2017/2018ⁱ. Eligibility for this limited sales tax exemption will cost consumers approximately \$100 per year, plus time and inconvenience, for a savings of 8.75% in National City. It's anticipated that this will provide no price advantage for the majority of cannabis consumersⁱⁱ.

The Bureau of Cannabis Control projects that more than half of the adult use purchases currently in the illicit market will transition to the legal market to avoid the inconvenience, stigma and risks of buying unknown product through an unlicensed sellerⁱⁱⁱ. Essentially, the easier, cheaper and more reliable it is for consumers to access quality cannabis legally, the less reason they will have to purchase it through the illicit market. That same study projects that 60% of those currently in the legal, medical cannabis market will shift to the adult use market, for the reasons noted above. The availability of legal adult use cannabis is also anticipated to produce a small 9.4% increase in consumer demand. It must be noted, though, that this transition to legal sales is dependent upon the availability of legal access. The majority of cities and counties in California do not allow or permit cannabis retailers, which has buoyed a persistent black market.

The shift from medical to adult use sales is not expected to change the overall volume of sales, only the category into which they fall. Once the legal, adult use market is properly functioning and available throughout the state, it is anticipated to capture about 61.5% of the overall cannabis market in California. The legal medical cannabis market is projected to decline to just 9% of the overall market, though this projection may change due to the increasing popularity of CBD products. The other 29.5% is expected to remain in the illicit market^{iv}. The vast majority of retail licenses issued by the Bureau of Cannabis Control are for retailers who will operate both medical and adult use from the same premises.

Sales tax is collected at the point of purchase, which allows storefront cannabis retailers to capture sales tax dollars from outside of their host cities. This applies to cannabis retail taxes, too. Retail studies show that 93% of consumers are willing to travel 15 to 20 minutes to make most routine purchases^v, meaning that storefront retailers in National City may be able to capture sales tax (and cannabis tax) from a much larger area extending generally from as far away as San Diego, La Mesa, Chula Vista and Imperial Beach.

For purchases made via delivery, however, the point of purchase is considered to be the location where the goods trade hands. Thus, while storefront retailers may capture voter-approved sales taxes and community benefits fees from outside of National City, delivery services cannot. Storefront cannabis sales in National City would collect a total of 2.00% sales tax plus any applicable community benefits fees for the City, while delivery to addresses outside of the City would only be subject to the base 1.00% sales tax. Though both storefront and non-storefront retailers would serve the same customer base, the City would collect a significantly higher amount of revenue from sales made at storefront retail locations than from those made via delivery to addresses outside of the City.

Estimates of the percentage of the population that uses cannabis on a regular basis vary from around 10% to 13%^{vi}, up to as high as 22%^{vii}. This percentage is influenced by social acceptance of cannabis within the local community. Applying these estimates to the City's population of 60,000 would yield between roughly 6,000 and 13,000 potential cannabis consumers.

HdL has seen a general range of revenues for cannabis retailers of between \$1 million and \$4 million, though some outliers have gross receipts as high as \$20 million. Receipts for retailers are directly related to the size of the market, so more retailers in a city would generally indicate lower gross receipts for each. Retailers in National City would have to compete for market share with 17 retailers in San Diego and 10 in La Mesa, both of which are within reasonable driving or delivery distance. In addition, retailers would lose some portion of sales to unlicensed delivery services. The Weedmaps website shows between 30 and 50 unlicensed cannabis delivery services that all appear to deliver to addresses in National City⁴.

HdL estimates that one retailer in National City would average \$2 million in gross receipts, 2 would average \$1.5 million, and 3 would average \$1 million. Applying the recommended community benefits fee of 2.5% of gross receipts to these figures would generate between \$50,000 and \$75,000 in annual revenue for the City. A rate of 4.0% would generate between \$80,000 and \$120,000, and a rate of 5.0% would generate between \$100,000 and \$150,000.

Cannabis Retailers						
License Type	# of Licenses	Avg Gross Receipts	Total Gross Receipts	Revenue @ 2.5% Tax Rate	Revenue @ 4.0% Tax Rate	Revenue @ 5.0% Tax Rate
Retailers	1	\$2,000,000	\$2,000,000	\$50,000	\$80,000	\$100,000
Retailers	2	\$1,500,000	\$3,000,000	\$75,000	\$120,000	\$150,000
Retailers	3	\$1,000,000	\$3,000,000	\$75,000	\$120,000	\$150,000

⁴ Businesses listed on Weedmaps are often shown multiple times to show multiple locations they will deliver to.

APPENDIX

a. Legal and Regulatory Background for California	Page 19
b. State Tax Considerations	Page 22
c. General Economic Impacts	Page 24
d. References	Page 26

a. Legal and Regulatory Background for California

The legal and regulatory status of cannabis in the State of California has been continually evolving ever since the passage of Proposition 215, the Compassionate Use Act of 1996 (CUA), which de-criminalized the use, possession and cultivation of cannabis for qualifying patients and their primary caregivers when such use has been recommended by a physician. The CUA did not create any regulatory program to guide implementation, nor did it provide any guidelines for local jurisdictions to establish their own regulations. The lack of legal and regulatory certainty for medical marijuana (or cannabis) continued for nearly 20 years, until the passage of the Medical Cannabis Regulation and Safety Act (MCRSA) in October of 2015. MCRSA created a State licensing program for commercial medical cannabis activities, while allowing counties and cities to maintain local regulatory authority. MCRSA required that the State would not issue a license without first receiving authorization by the applicable local jurisdiction.

On November 8, 2016, the voters of the State of California approved Proposition 64, the Adult Use of Marijuana Act (AUMA), which allows adults 21 years of age or older to legally grow, possess, and use marijuana for personal, non-medical “adult use” purposes, with certain restrictions. AUMA requires the State to regulate non-medical marijuana businesses and tax the growing and selling of medical and non-medical marijuana. Cities and counties may also regulate non-medical marijuana businesses by requiring them to obtain local permits or restricting where they may be located. Cities and counties may also completely ban marijuana related businesses if they so choose. However, cities and counties cannot ban transport of cannabis products through their jurisdictions, nor can they ban delivery of cannabis by licensed retailers to addresses within their jurisdiction (added later through regulations).

On June 27, 2017, the Legislature enacted SB 94, which repealed MCRSA and incorporated certain provisions of MCRSA into the licensing provisions of AUMA. These consolidated provisions are now known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). MAUCRSA revised references to “marijuana” or “medical marijuana” in existing law to instead refer to “cannabis” or “medicinal cannabis,” respectively. MAUCRSA generally imposes the same requirements on both commercial medicinal and commercial adult-use cannabis activity, with certain exceptions. MAUCRSA also made a fundamental change to the local control provisions. Under MCRSA, an applicant could not obtain a State license until they had a local permit. Under MAUCRSA, an applicant for a State license does not have to first obtain a local permit, but they cannot be in violation of any local ordinance or regulations. The State licensing agency shall contact the local jurisdiction to see whether the applicant has a permit or is in violation of local regulations, but if the local jurisdiction does not respond within 60 days, then the applicant will be presumed to be in compliance and the State license will be issued.

MAUCRSA authorizes a person to apply for and be issued more than one license only if the licensed premises are separate and distinct. With the passage of AB 133 in 2017, a person or business may co-locate multiple license types on the same premises, allowing a cultivator to process, manufacture or distribute their own product from a single location. This includes the allowance to cultivate, manufacture, distribute or sell cannabis for both medical and adult use from a single location. Licensees of cannabis testing operations may not hold any other type of license. However, these allowances are still subject to local land use authority, so anyone seeking to operate two or more license types from a single location would be prohibited from doing so unless local regulations allow both within the same zone.

The table below provides a detailed overview of the license types available under MAUCRSA and state cannabis regulations:

State License Types Under MAUCRSA					
Type	Activity	Description	Details	Licensing Agency	Notes
1	Cultivation	Outdoor; Specialty, Small	Up to 5,000 sf, or 50 plants on non-contiguous plots	CDFA	A, B
1A	Cultivation	Indoor; Specialty, Small	501 sf - 5,000 sf	CDFA	A, B
1B	Cultivation	Mixed-Light; Specialty, Small	2,501 sf - 5,000 sf	CDFA	A, B
1C	Cultivation	Outdoor/indoor/mixed; Specialty Cottage, Small	Up to 25 plants outdoor; up to 2,500 sf mixed light; up to 500 sf indoor	CDFA	A, B
2	Cultivation	Outdoor; Small	5,001 sf - 10,000 sf	CDFA	A, B
2A	Cultivation	Indoor; Small	5,001 sf - 10,000 sf	CDFA	A, B
2B	Cultivation	Mixed Light, Small	5,001 sf - 10,000 sf	CDFA	A, B
3	Cultivation	Outdoor; Medium	10,001 sf - one acre	CDFA	A, B, C
3A	Cultivation	Indoor; Medium	10,001 sf - 22,000 sf	CDFA	A, B, C
3B	Cultivation	Mixed-Light; Medium	10,001 sf - 22,000 sf	CDFA	A, B, C
4	Cultivation	Nursery		CDFA	A, B
-	Cultivation	Processor	Conducts only trimming, drying, curing, grading and packaging of cannabis	CDFA	A, B, E
5	Cultivation	Outdoor; Large	Greater than 22,000 sf	CDFA	A, B, D
5A	Cultivation	Indoor; Large	Greater than 22,000 sf	CDFA	A, B, D
5B	Cultivation	Mixed-Light; Large	Greater than 22,000 sf	CDFA	A, B, D
6	Manufacturer 1	Extraction; Non-volatile	Allows infusion, packaging and labeling	OMCS	A, B
7	Manufacturer 2	Extraction; Volatile	Allows infusion, packaging and labeling, plus non-volatile extraction	OMCS	A, B
N	Manufacturer	Infusion for Edibles, Topicals	No extraction allowed	OMCS	A, B, E
P	Manufacturer	Packaging and Labeling	No extraction allowed	OMCS	A, B, E
S	Manufacturer	Shared-use manufacturer	Manufacturing in a shared-use facility	OMCS	A, B, E
8	Testing		Shall not hold any other license type	BCC	A
9	Retailer	Non-storefront retail delivery	Retail delivery without a storefront	BCC	A, F
10	Retailer	Retail sale and delivery		BCC	A, B
11	Distributor			BCC	A, B
12	Microbusiness	Cultivation, Manufacturer 1, Distributor and Retailer	< 10,000 sf of cultivation; must meet requirements for all license types	BCC	A, B
CDFA	California Department of Food and Agriculture				
OMCS	California Department of Public Health, Office of Manufactured Cannabis Safety				
BCC	Bureau of Cannabis Control				
A	All license types valid for 12 months and must be renewed annually				
B	All license types except Type 8 Testing must be designated "A" (Adult Use), "M" (Medical) or "A/M" (Both)				
C	CDFA shall limit the number of licenses allowed of this type				
D	No Type 5 licenses shall be issued before January 1, 2023				
E	Established through rulemaking process				

AUMA, and its successor MAUCRSA, required three state agencies, the Bureau of Cannabis Control, the California Department of Food and Agriculture, and the California Department of Public Health, to permit commercial cannabis licensees and to adopt regulations for the cannabis industry. On January 16, 2019, all three agencies announced that the State's Office of Administrative Law officially approved the proposed regulations, which took immediate effect and replaced the emergency regulations that had been in effect since 2017. The final regulations were largely similar to the emergency regulations, but somewhat controversially, Section 5416(d) of the Bureau of Cannabis Control regulations authorizes deliveries of cannabis products into any city or county in the state, even if a city or county has banned commercial deliveries.

b. State Tax Considerations

To determine what local tax rates might be most appropriate, they must be considered in the context of other taxes imposed by the State. Any local taxes will be in addition to those taxes applied through the Adult Use of Marijuana Act (AUMA), which imposes both a 15% excise tax on purchases of cannabis or cannabis products and a separate cultivation tax on harvested cannabis that enters the commercial market, as well as sales tax. Taxes are most commonly expressed as a percent of price or value, so some method of conversion is necessary to allow development of an appropriate cultivation tax based on square footage.

The State tax rate for cultivation is set at \$9.25 per ounce of dried flower or \$2.75 per ounce of dried leaf. Because these rates are set per ounce, rather than as a percentage of price paid, the tax is the same whether the cultivator is producing commercial-grade cannabis at \$500 per pound or top-grade cannabis at \$2,500 per pound. The cultivator is generally responsible for payment of the tax, though that responsibility may be passed along to either a manufacturer or distributor via invoice, at the time the product is first sold or transferred. The distributor is responsible for collecting the tax from the cultivator upon entry into the commercial market, and remitting it to the California Department of Tax and Fee Administration.

Cumulative Cannabis Taxes			
Category	Amount	Increase	Cumulative Price
Producer Price	\$1,000	\$1,000	\$1,000
State Cultivation Tax	\$9.25/oz	\$148	\$1,148
Local Tax	3.75%	\$38	\$1,186
Batch Testing	\$75/lb, + 0.75%	\$75	\$1,261
Wholesale Price w/ Taxes		\$1,261	
Total Tax at Wholesale		\$261	
Tax as %		26.05%	
Distributor Markup	20.00%	\$252	\$1,513
Local Tax	10.00%	\$151	\$1,664
Total Distributor Price		\$1,664	
Total Taxes at Distributor		\$412	
Total Tax as %		24.75%	
Retailer Markup	100.00%	\$1,664	\$3,328
Local Tax	10.00%	\$333	\$3,660
State Excise Tax	15.00%	\$499	\$4,160
Total Retailer Price		\$4,160	
Total Taxes at Retail		\$1,244	
Total Tax as %		29.90%	
CA Sales Tax (non-medical)	6.25%	\$260	\$4,420
Local Sales Tax	2.00%	\$83	\$4,503
Total Taxes at Retail		\$1,587	
Total Tax as %		35.24%	
Total Local Tax		13.43%	\$604.73

The cultivation tax of \$9.25 per ounce of dried flower is equivalent to \$148 per pound. Just a year ago, HdL would have assumed an average wholesale market price for dried flower of around \$1,480 per pound, which would make that \$148 equal to 10% of value. Since then, however, prices have plummeted. Competitive market forces enabled by legalization have brought the average price for indoor cannabis down to around \$1,000 per pound, or even less (cannabis prices vary greatly based on quality of the product).

Conversations with cannabis industry trade groups suggest that the cumulative tax rate on the end product should remain at or around 30%. Higher rates create too much price disparity between legal and illegal cannabis, making it harder for the regulated industry to compete with the illicit market. Higher local tax rates can also make a county or city less attractive to the industry, especially for manufacturers and distributors, which have greater flexibility in choosing where to locate. We believe that setting rates that adhere to this 30% rule will help keep the local cannabis industry competitive with other cultivators across California, thus encouraging the transition to a legal industry.

The above table shows how the cumulative tax rate on adult-use cannabis builds as the product moves towards market. The value of the product increases as it moves through the supply chain towards market, with manufacturers, distributors and retailers each adding their own markup. Testing laboratories do not add a direct markup to the product, but the cost of testing and the loss of a small test sample can add around \$75 per pound. Any or all of these activities may be taxed.

This model assumes a hypothetical case where cultivation, manufacturing, testing, distribution and retail sale all happen within the same jurisdiction and are thus all subject to that jurisdiction's tax rates. In actuality, this is unlikely to be the case. Manufacturers may work with product purchased from anywhere in California, and may sell their product to retailers elsewhere, as well. The cumulative tax burden for any product at retail sale will almost always include a variety of tax rates from numerous jurisdictions.

c. General Economic Impacts

Discussion of regulating and taxing the cannabis industry can too often overshadow the larger jobs and economic development issues that typically accompany efforts to attract new industry. Word that a new business or industry is looking to bring hundreds of new jobs to a community is more commonly met with open arms and offers of tax incentives. The cannabis industry is perhaps completely unique in that the inherent jobs and economic development benefits are welcomed more grudgingly and met with the disincentive of special taxes.

As with any other industry, the cannabis industry does not exist in a vacuum. Those businesses that actually grow, process, manufacture, distribute and sell cannabis products support a wide variety of other businesses that may never touch the actual product itself. Cultivators support garden supply stores, green house manufacturers, irrigation suppliers, soil manufacturers, and a wide variety of contractors including building and construction, lighting and electrical, HVAC, permitting, and engineering. Manufacturers support many of these same businesses, plus specialized tooling and equipment manufacturers, and product suppliers for hardware, packaging, and labeling. All of these businesses support, and are supported by, a host of ancillary businesses such as bookkeepers, accountants, tax preparers, parcel services, marketing and advertising agencies, personnel services, attorneys, mechanics, facilities maintenance, security services, and others.

The economic benefits are not limited to those in the cannabis industry, itself. Cultivators bring new money into the community by selling their products into a statewide market. Their profits and the salaries they pay move into the general local economy, supporting stores, restaurants, car dealerships, contractors, home sales and other businesses. In Humboldt County, a study done in 2011 found that at least \$415 million dollars in personal income was entering the local economy annually from the cannabis industry, roughly equal to one quarter of the county's entire \$1.6 billion economy.

While Humboldt is likely an outlier, research done by HdL for other clients suggests that other counties and cities see similar, if smaller, economic inputs from this industry, with some in the range of \$100 million dollars or more annually. As this industry adapts to a legal paradigm, the challenge for some counties will be mitigating and minimizing the economic loss as the black market slowly fades away.

Because of the emerging nature of this industry, it is currently populated primarily (but not solely) by small, independently-owned businesses. Numerous studies have demonstrated that locally-owned, independent businesses recirculate a far higher percentage of every dollar back into the local community than large, corporately-owned businesses do. The same economic development arguments that are used to support other independent, locally-owned businesses apply to this industry, too. Host cities or counties should expect to see typical economic benefits from these new (or newly daylighted) businesses on par with other new businesses, separate from any tax revenue that may be generated.

Industry experts believe that California's current statewide production is five to eight times higher than the State's population consumes, a figure derived from the SRIA done for CDFA's cannabis cultivation program. That assessment found that California's cannabis industry produces some 13.5 million pounds of cannabis per year, which would be enough to provide over half a pound of cannabis per year for every Californian 21 and over. However, the assessment also found that California's 4.5 million cannabis users only consume about 2.5 million pounds of cannabis per year.

The Bureau of Cannabis Control projects that more than half of the adult use purchases currently in the illicit market will transition to the legal market to avoid the inconvenience, stigma and risks of buying unknown product through an unlicensed seller. Essentially, the easier, cheaper and more reliable it is for consumers to access quality cannabis legally, the less reason they will have to purchase it through the illicit market. That same study projects that 60% of those currently in the legal, medical cannabis market will shift to the adult use market, for the reasons noted above. The availability of legal adult use cannabis is also anticipated to produce a small 9.4% increase in consumer demand.

Given these figures, cities and counties should expect to see some increase in retail sales as these shifts occur in the market. More significantly, the existence of legally permitted cannabis retailers will allow a far greater portion of existing cannabis sales to be captured by legal (and tax-paying) retailers.

The shift from medical to adult use sales is not expected to change the overall volume of sales, only the category into which they fall. Once the legal, adult use market is properly functioning, it is anticipated to capture about 61.5% of the overall cannabis market in California. The legal medical cannabis market is projected to decline to just 9% of the overall market. The other 29.5% is expected to remain in the illicit market.

These numbers only apply to the 2.5 million pounds of cannabis that is consumed in California, representing the potential size of the legal cannabis market. If 29.5% of the cannabis consumed in California continues to come from the illicit market, then the size of the market for legal cannabis must be adjusted downward accordingly. This would reduce the size of the legal market in California to 1.76 million pounds.

California has been issuing temporary licenses for commercial cannabis businesses since the beginning of the year. As of July 30th, 2019, CDFA's CalCannabis division shows 2,619 active cultivation licenses, capable of producing over 5.6 million pounds of cannabis per year. This amounts to over twice as much cannabis as the State's legal buyers are anticipated to consume. Were the State to issue no more licenses, we would still expect a failure rate of at least 40% in the next two years.

d. References

ⁱ California Department of Public Health (2018) *“Medical Marijuana Identification Card Program”*
<https://www.cdph.ca.gov/Programs/CHSI/Pages/Medial-Marijuana-Idenfication-Card.aspx>

ⁱⁱ *“Economic Costs and Benefits of Proposed Regulations for the Implementation of the Medical Cannabis Regulation and Safety Act (MCRSA)”* (February 23, 2017) University of California Agricultural Issues Center

ⁱⁱⁱ *“Economic Costs and Benefits of Proposed Regulations for the Implementation of the Medical Cannabis Regulation and Safety Act (MCRSA)”* (February 23, 2017) University of California Agricultural Issues Center

^{iv} *“Economic Costs and Benefits of Proposed Regulations for the Implementation of the Medical Cannabis Regulation and Safety Act (MCRSA)”* (February 23, 2017) University of California Agricultural Issues Center

^v Ross Marchant (2014) *“Consumers will Travel 17 Minutes to Reach a Local Business”*
<https://www.brightlocal.com/2014/05/01/local-business-travel-times/> Bright Local

^{vi} CBS News (2018) *“17 stoner states: Where’s marijuana use highest?”* <https://www.cbsnews.com/pictures/17-stoner-states-wheres-marijuana-use-highest/9/>

^{vii} Christopher Ingraham (April 20, 2017) *“How many Americans regularly use pot? The number is, errr, higher than you think”* Sacramento Bee <http://www.sacbee.com/news/nation-world/national/article145681414.html>

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City: 1\) authorizing the filing of a Proposition 68 Statewide Park Development and Community Revitalization Program \(SPP\) application for the Kimball Park Project in the amount of \\$7,738,273; 2\) authorizing the City Manager or designee to execute the grant agreement if selected for funding; and 3\) if selected for funding, approving the establishment of an Engineering Grants Fund Appropriation of \\$7,738,273 and corresponding revenue budget to allow for reimbursement of eligible project expenditures through the SPP for the Kimball Park Project. \(Engineering/Public Works\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: March 2, 2021

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City, 1) authorizing the filing of a Proposition 68 Statewide Park Development and Community Revitalization Program (SPP) application for the Kimball Park Project in the amount of \$7,738,273; 2) authorizing the City Manager or designee to execute the grant agreement if selected for funding; and 3) if selected for funding, approving the establishment of an Engineering Grants Fund Appropriation of \$7,738,273 and corresponding revenue budget to allow for reimbursement of eligible project expenditures through the SPP for the Kimball Park Project.

PREPARED BY: Roberto Yano, City Engineer/Director of Public Works **DEPARTMENT:** Engineering/Public Works

PHONE: 619-336-4383

APPROVED BY: 

EXPLANATION:

See attached.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

Rev. 296-*

Exp. 296-409-500-598-*

ENVIRONMENTAL REVIEW:

CEQA Notice of Exemption has been recorded with the County Clerk.

ORDINANCE: INTRODUCTION: **FINAL ADOPTION:**

STAFF RECOMMENDATION:

Adopt the Resolution to authorize the filing of the grant application.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Explanation w/ exhibits
2. Resolution
3. Presentation

Explanation

Staff is requesting authorization to file a Proposition 68 Statewide Park Development and Community Revitalization Program (SPP) application for the Kimball Park Project. The grant request is for \$7,738,273.

The SPP competitive grants will create new parks and new recreation opportunities in critically underserved communities across California. Eligible projects must involve either development or a combination of acquisition and development to 1) create a new park, or 2) expand an existing park, or 3) renovate and existing park.

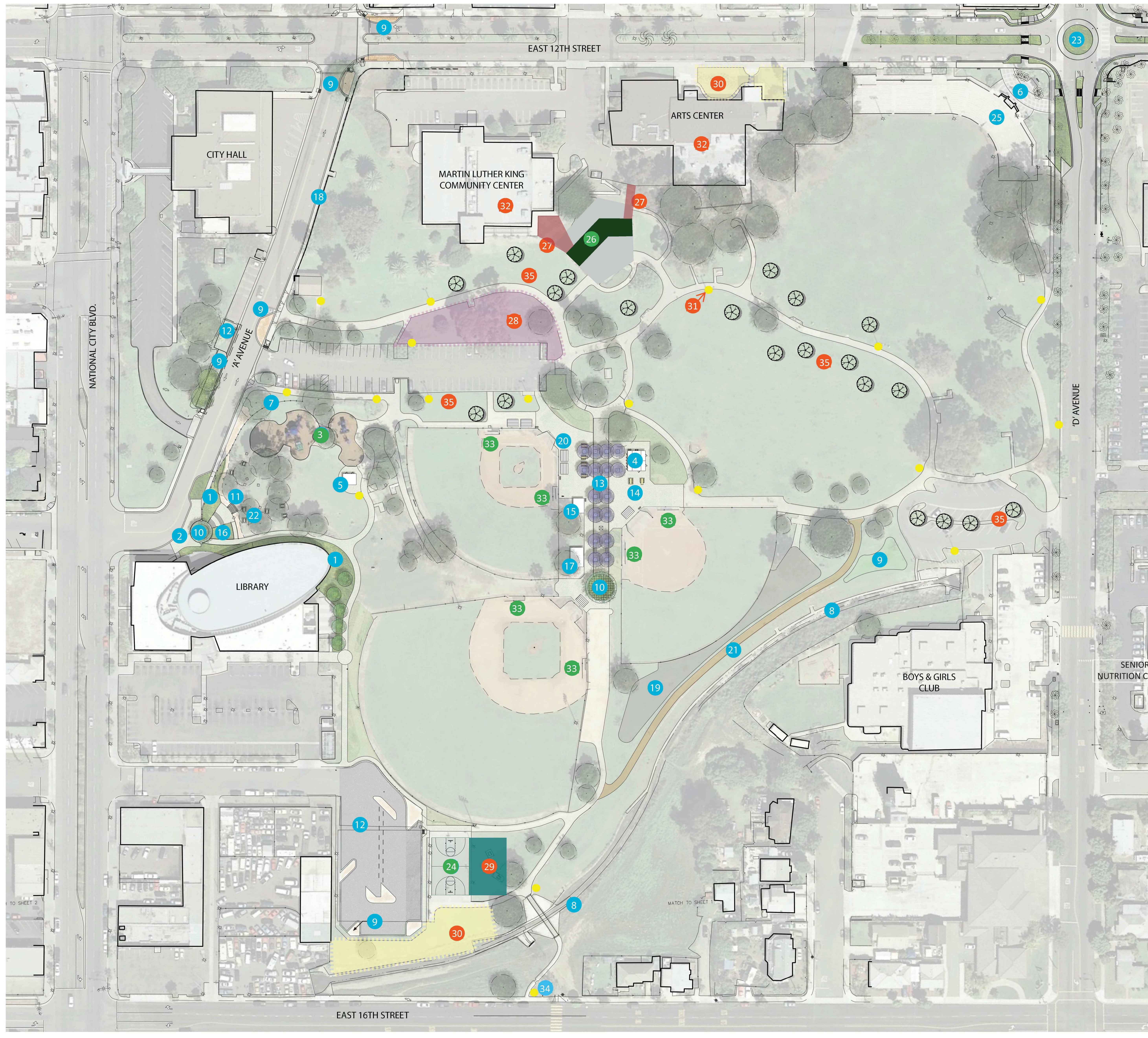
The proposed project will renovate Kimball Park through the improvement of the existing recreation center, shared use paths, solar lighting, dog park, dugout, community garden, and basketball courts. The project will also harvest rainwater by capturing runoff from buildings (See master plan and cost estimate attached).

In 2019, Kimball Park Master Plan Workshops occurred during the City's annual Community Service Day event, the monthly Kimball Neighborhood Council meeting and a youth design workshop. In 2021, staff held additional community outreach at the MLK Community Center vaccination clinic, the Nutrition Center senior meal program, and Kimball Park. A variety of methods were used to invite residents to participate in the workshops, including social media, email blasts, flyers, mailers, and incentives, such as food, refreshments, and kids activities. At both the 2019 and 2021 workshops, approximately 101 people participated and included 16 youth, 20 teens, 22 adults and 43 seniors. Participants identified the following recreation, safety and beautification features as priorities for Kimball Park:

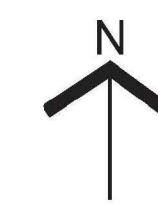
- Recreation center with services and programs for all ages.
- Additional security lighting for safety and evening park usage.
- Resurface basketball court and add another basketball court to accommodate high usage.
- Community education garden.
- Renovate baseball dugouts.
- Add a dog park so dogs and their owners can enjoy the park safely.

Council Resolution authorizing filing of the grant application is required. Additionally, City Council delegates the authority to the City Manager or designee to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope. If selected for funding, City Council approves the establishment of an Engineering Grants Fund Appropriation of \$7,738,273 and corresponding revenue budget to allow for reimbursement of eligible project expenditures through the SPP for the Kimball Park Project.

If grant funding is awarded, staff will return to Council with a recommendation to accept the grant. There is no local match required.



- KEY**
- X EXISTING TO REMAIN
 - X EXISTING WITH IMPROVEMENTS
 - X NEW
- 1 CONVERTED TURF TO DROUGHT TOLERANT LANDSCAPING
 - 2 GATEWAY PLAZA
 - 3 EXISTING TOT-LOT WITH EDUCATIONAL IMPROVEMENTS, SIGNAGE, ART, SURFACING & PLAY EQUIPMENT
 - 4 RESTROOM / STORAGE - 6 PACK
 - 5 RESTROOM / COMFORT STATION - 2 PACK
 - 6 WAR MEMORIAL
 - 7 DECORATIVE FENCING
 - 8 PARADISE CREEK RESTORATION
 - 9 INFILTRATION BASIN
 - 10 SPECIMEN TREE IN RAISED PLANTER
 - 11 TRELLIS
 - 12 PARKING SPACES
 - 13 TREE LINED CONCRETE PROMENADE
 - 14 PICNIC TABLES
 - 15 SCORE SHACK / CONCESSION STAND
 - 16 STAIRS WITH HANDRAILS
 - 17 EXISTING ELECTRICAL ENCLOSURE
 - 18 "A" AVENUE EDUCATIONAL ART WALL
 - 19 SKATE PARK
 - 20 BLEACHERS
 - 21 DECOMPOSED GRANITE PARADISE CREEK TRAIL
 - 22 EXISTING PICNIC TABLES
 - 23 ROUNDABOUT
 - 24 EXISTING BASKETBALL COURT (RESURFACED)
 - 25 KIMBALL BOWL / AMPHITHEATER
 - 26 COMMUNITY HUB (ARTS, EDUCATION & WELLNESS, 2-STORY LEED-CERTIFIED, ADA, RECREATION CENTER, SIGNAGE & ART)
 - 27 BRIDGE DECK LINKS TO HUB WITH SIGNAGE & ART
 - 28 DOG PARK (FENCING & FURNISHINGS)
 - 29 NEW BASKETBALL COURT (FENCING & AGE-FRIENDLY HOOPS)
 - 30 COMMUNITY EDUCATION GARDEN WITH SIGNAGE & ART
 - 31 SOLAR LIGHTING (TYPICAL SYMBOL)
 - 32 RAINWATER/GREYWATER HARVESTING FROM BUILDINGS WITH SIGNAGE & ART
 - 33 EXISTING DUGOUTS (UPGRADED ROOF AND SKIRTING)
 - 34 PARADISE TRAIL PARKWAY CONNECTION
 - 35 TREE PLANTING THROUGHOUT PARK



GRANT SCOPE/COST ESTIMATE FORM

Follow the directions starting on page **Error! Bookmark not defined.**

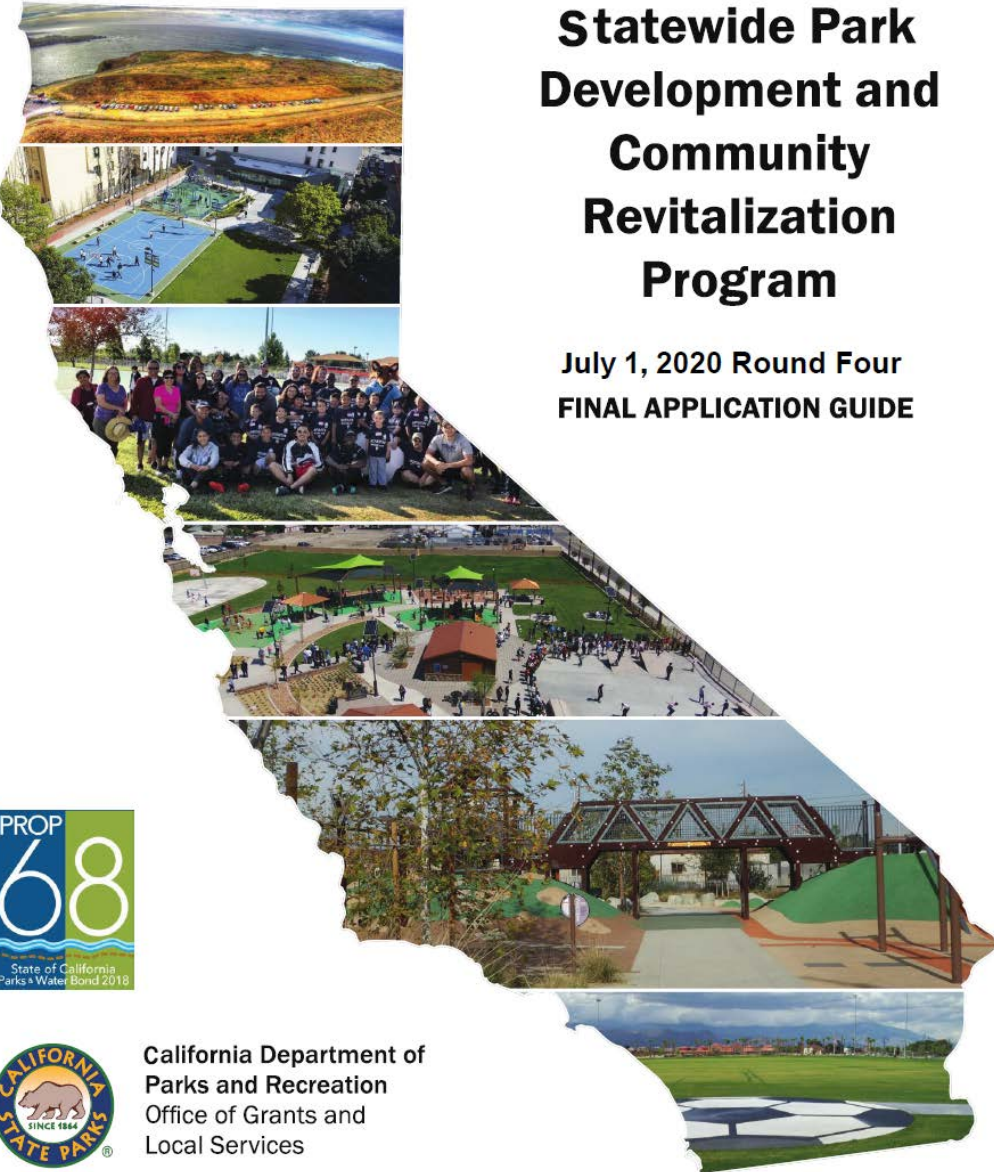
GRANT SCOPE ITEMS ACQUISITIONS: List each parcel number, acreage, estimated date of purchase, and cost DEVELOPMENT: List each RECREATION FEATURE and MAJOR SUPPORT AMENITY	ESTIMATED COST
Renovate an existing Tot Lot (educational improvements, art, signage, surfacing and equipment)	\$80,000
Renovate an existing Basketball Court (resurface)	\$6,500
Construct a new Community Hub (Arts, Education & Wellness, 2-story, LEED-Certified, Accessible, Recreation Center, Signage and Art)	\$3,250,000
Construct new bridge deck links to Community Hub with Signage and Art	\$877,500
Construct a new Dog Park (fencing and furnishings)	\$101,250
Construct a new Basketball Court (concrete with fencing and age-friendly hoop heights)	\$45,000
Construct a new Community Education Garden (paths, planting, fencing, signage and art)	\$156,876
Construct new Solar Lighting	\$189,125
Construct new Rainwater Greywater Harvesting from existing/new buildings with signage and art	\$48,000
Renovate existing (6) Baseball Dugouts (upgrade with roof and skirting)	\$810,000
Tree Planting throughout Park	\$13,000
Construction Administration	\$613,367
Total Estimated Cost for the RECREATION FEATURES and MAJOR SUPPORT AMENITIES (A)	\$6,190,618
Total Estimated PRE-CONSTRUCTION COST(B)	\$1,547,655
TOTAL PROJECT COST (A+B)	\$7,738,273

(Continued from page 1)	
Requested GRANT Amount	\$7,738,273
Estimated amount of the GRANT to be charged to PRE-CONSTRUCTION COSTS(cannot exceed 25% of the GRANT)	\$

The APPLICANT understands that this form will be used to establish the expected GRANT deliverables; all of the RECREATION FEATURES and MAJOR SUPPORT AMENITIES listed on this form must be completed and open to the public before the final GRANT payment will be made. The APPLICANT also understands that no more than 25% of the GRANT amount may be spent on PRE-CONSTRUCTION costs. See the ELIGIBLE COSTS charts starting on page **Error! Bookmark not defined.** before creating a cost estimate.

 AUTHORIZED REPRESENTATIVE Signature

 Date



Statewide Park Development and Community Revitalization Program

July 1, 2020 Round Four
FINAL APPLICATION GUIDE



Kimball Park and El Toyon Projects



California Department of Parks and Recreation
Office of Grants and Local Services

Prop 68 Grant Application

Proposition 68 - \$650,275,000

- Statewide Park Development and Community Revitalization Program (Round Four) by the California Department of Parks and Recreation.
- \$254,972,845 funded in 2019 rounds
- \$395,302,155 expected funding for this round
- At least \$134,125,000 expected to fund park expansion and renovations
- Proposition 68 (2018 Bond Act) §80008(a)(1) requires that at least \$130,055,000 of the \$650,275,000 is allocated to projects in severely disadvantaged communities with a median household income below \$42,737 (60% of the statewide average). **Kimball Park Project Eligible**

Kimball Park Project

Prop 68 Grant Application



Kimball Park Project Outreach

Hosted 3 Workshops in 2019

- City's annual Community Service Day event
- Kimball Neighborhood Council meeting
- Youth design workshop

Hosted 3 workshops in 2021

- MLK Community Center vaccination clinic
- Nutrition Center senior meal program
- Kimball Park

101 Participants

- 16 youth
- 20 teens
- 22 adults
- 43 seniors



Kimball Park Project Outreach

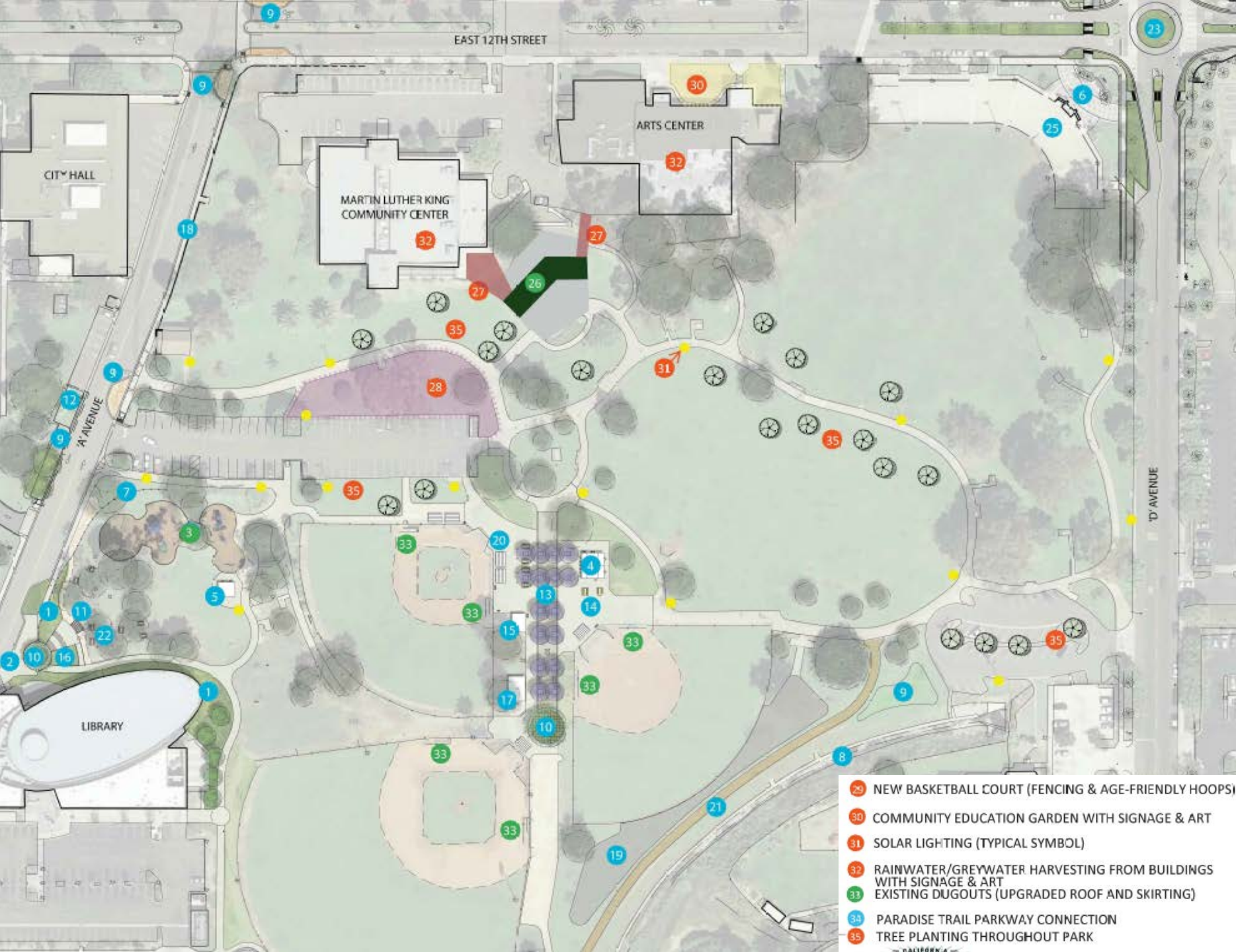
Resident Selected Recreation Features:

- Recreation center
- Resurface basketball court
- Add another basketball court
- Community education garden
- Renovate baseball dugouts
- Dog park
- Additional lighting for security
- Public art (murals & sculptures)

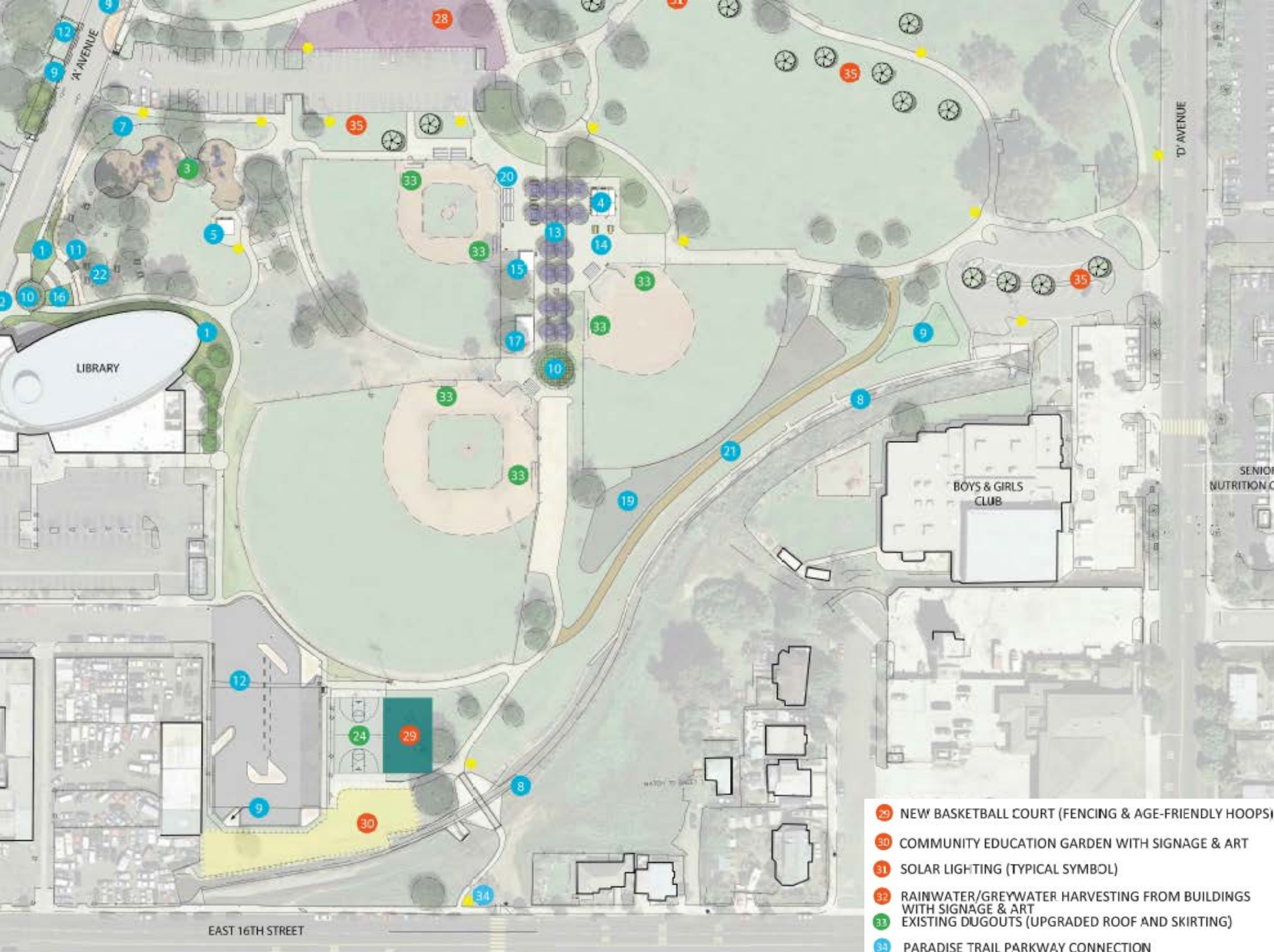


Funding Priorities Identified by the Public

- Recreation center with services and programs for all ages.
- Additional security lighting for safety and evening park usage.
- Resurface basketball court and add another basketball court to accommodate high usage.
- Community education garden.
- Renovate baseball dugouts.
- Add a dog park so dogs and their owners can enjoy the park safely.



- 1 CONVERTED TURF TO DROUGHT TOLERANT LANDSCAPING
- 2 GATEWAY PLAZA
- 3 EXISTING TOT-LOT WITH EDUCATIONAL IMPROVEMENTS, SIGNAGE, ART, SURFACING & PLAY EQUIPMENT
- 4 RESTROOM / STORAGE - 6 PACK
- 5 RESTROOM / COMFORT STATION - 2 PACK
- 6 WAR MEMORIAL
- 7 DECORATIVE FENCING
- 8 PARADISE CREEK RESTORATION
- 9 INFILTRATION BASIN
- 10 SPECIMEN TREE IN RAISED PLANTER
- 11 TRELLIS
- 12 PARKING SPACES
- 13 TREE LINED CONCRETE PROMENADE
- 14 PICNIC TABLES
- 15 SCORE SHACK / CONCESSION STAND
- 16 STAIRS WITH HANDRAILS
- 17 EXISTING ELECTRICAL ENCLOSURE
- 18 "A" AVENUE EDUCATIONAL ART WALL
- 19 SKATE PARK
- 20 BLEACHERS
- 21 DECOMPOSED GRANITE PARADISE CREEK TRAIL
- 22 EXISTING PICNIC TABLES
- 23 ROUNDABOUT
- 24 EXISTING BASKETBALL COURT (RESURFACED)
- 25 KIMBALL BOWL / AMPHITHEATER
- 26 COMMUNITY HUB (ARTS, EDUCATION & WELLNESS, 2-STORY LEED-CERTIFIED, ADA, RECREATION CENTER, SIGNAGE & ART)
- 27 BRIDGE DECK LINKS TO HUB WITH SIGNAGE & ART
- 28 DOG PARK (FENCING & FURNISHINGS)
- 29 NEW BASKETBALL COURT (FENCING & AGE-FRIENDLY HOOPS)
- 30 COMMUNITY EDUCATION GARDEN WITH SIGNAGE & ART
- 31 SOLAR LIGHTING (TYPICAL SYMBOL)
- 32 RAINWATER/GREYWATER HARVESTING FROM BUILDINGS WITH SIGNAGE & ART
- 33 EXISTING DUGOUTS (UPGRADED ROOF AND SKIRTING)
- 34 PARADISE TRAIL PARKWAY CONNECTION
- 35 TREE PLANTING THROUGHOUT PARK



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EAST 16TH STREET

Kimball Park Project - \$7,738,273*



Renovate an existing Tot Lot (educational improvements, art, signage, surfacing and equipment)	\$80,000
Renovate an existing Basketball Court (resurface)	\$6,500
Construct a new Community Hub (Arts, Education & Wellness, 2-story, LEED-Certified, Accessible, Recreation Center, Signage and Art)	\$3,250,000
Construct new bridge deck links to Community Hub with Signage and Art	\$877,500
Construct a new Dog Park (fencing and furnishings)	\$101,250
Construct a new Basketball Court (concrete with fencing and age-friendly hoop heights)	\$45,000
Construct a new Community Education Garden (paths, planting, fencing, signage and art)	\$156,876
Construct new Solar Lighting	\$189,125
Construct new Rainwater Greywater Harvesting from existing/new buildings with signage and art	\$48,000
Renovate existing (6) Baseball Dugouts (upgrade with roof and skirting)	\$810,000
Tree Planting throughout Park	\$13,000

* Total includes Pre-construction Activities and Construction Administration

El Toyon Park Project

Prop 68 Grant Application



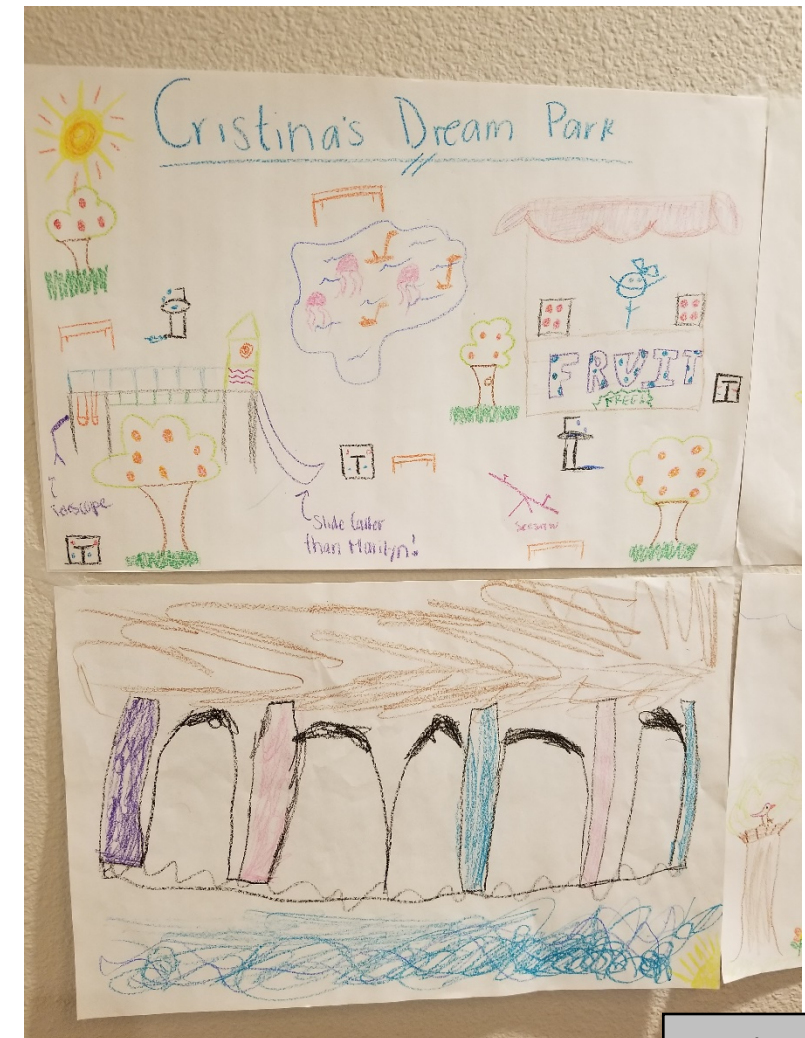
El Toyon Park Community Outreach

Hosted 6 Workshops in 2019

- City's annual Community Service Day event
- El Toyon Neighborhood Council meeting
- Parks, Recreation, and Senior Citizen Advisory Board meeting
- El Toyon Recreation Center (1 evening & 2 Saturday workshops)

61 Participants

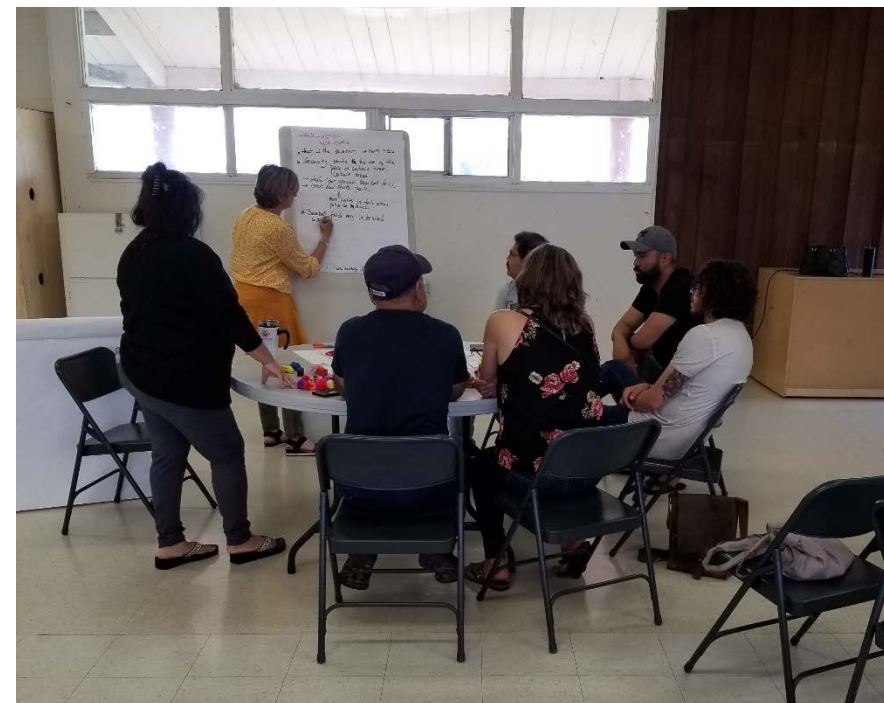
- 7 youth
- 13 teens
- 28 adults
- 13 seniors



El Toyon Park Community Outreach

Resident Selected Recreation Features:

- Community garden
- Playground (ages 5-12)
- Tot lot playground (ages 2-5)
- Resurface basketball courts
- Add 4 pickle ball courts
- Renovate multipurpose field and lighting
- Add trees and benches to the dog park



El Toyon Park Community Outreach

Resident Selected Safety & Beautification Features:

- Security lighting
- Fence and gate multipurpose field parking lot
- Security cameras
- Improved entrance signage
- Informational kiosks
- Gazebos with barbeques
- More picnic areas
- Public art (murals & sculptures)



Funding Priorities Identified by the Public

- Community garden with fruit trees, raised planter beds for vegetables, and space for outdoor gardening classes.
- Playground with rubber surface, shade, swings, giant slide and rock climbing wall (ages 5-12).
- Tot lot playground with rubber surface, slide, climber and activity panels (ages 2-5).
- Resurface basketball courts so community has a safe space to play.
- Add 4 pickle ball courts with fencing.
- Renovate multipurpose field and lighting, create a turf warm-up area, replace bleachers and scoreboard, and update the snack shack.
- Add trees and benches to the dog park.
- Improve lighting to deter illegal activity and make the park safer in the evening.
- Fence and gate multipurpose field parking lot.
- Security cameras throughout the park to deter illegal activity.
- Improved entrance signage.
- Kiosks to post news, volunteer opportunities, programs, and events.
- Gazebos with barbeques and picnic areas for family gatherings and celebrations.
- Public art near park entrances to create a fun and vibrant space and make the park more interesting and inviting for the community.

El Toyon Park

- KEY**
- # EXISTING TO REMAIN
 - # EXISTING WITH IMPROVEMENTS
 - # NEW
- 1 CLASS I BIKEWAY (10' WIDE PERVIOUS CONCRETE WITH STAIN)
 - 2 GATEWAY (STEEL FRAME WITH DIRECTIONAL SIGNAGE)
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 - 4 ARTIFICIAL TURF SPORTS FIELD (NEW SURFACING & ENERGY-EFFICIENT LIGHTING)
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- 15 PICNIC LAWN (INSTALL TABLES AND BENCHES)
- 16 PLAYGROUND (INSTALL NEW AGES 5-12 EQUIPMENT & SURFACING)
- 17 RESTROOMS (INSTALL FURNISHINGS & MURAL)
- 18 PARK FRONTAGE (INSTALL TRASH/RECYCLE, BENCHES, BIKE RACKS IN PARK)
- 19 TENNIS COURTS (RESURFACE)
- 20 PICKLEBALL COURTS (4 CONCRETE COURTS & FENCING)
- 21 FRUIT TREES
- 22 PERIMETER TREE PLANTING (BY VOLUNTEERS, CITY-FUNDED)
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- 24 CLASS I PATH CONNECTOR (WIDEN EXISTING 6' CONCRETE PATH TO 10' AND CONSTRUCT NEW 10' CONCRETE PATH TO CORNER)
- 25 SECURITY LIGHTING (SOLAR THROUGHOUT PARK-TYPICAL SYMBOL)

- 26 SHADE STRUCTURES / PICNIC SHELTERS (3 ON CONCRETE WITH BBQ)
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- 34 HORSESHOE PIT
- 35 INFORMATION KIOSKS
- 36 PUBLIC ART
- 37 ADULT FITNESS AREA (IMPROVED TURF AREA AND FURNISHINGS)
- 38 PEDESTRIAN WALK AND RETAINING WALL (CONCRETE)
- 39 COMMUNITY HUB (FARMER'S MARKET AND EVENTS)



El Toyon Park Project - \$5,632,571*

Construct a new Class II bikeway (10' wide pervious concrete with stain)	\$434,259	Renovate existing Bleachers (replace old steel and wood bleachers with two aluminum bleachers)	\$100,000
Construct a new Gateway (steel frame with directional signage)	\$7,500	Renovate an existing Class I path connector (widen existing 6' path to 10' and construct new 10' concrete path to corner)	\$16,065
Construct a new Water Quality Basin (engineered with drought-tolerant biofiltration planting)	\$187,500	Construct new Security lighting (solar throughout park-typical symbol)	\$222,500
Renovate an existing Artificial turf sports field (replacement surfacing & energy-efficient lighting)	\$1,012,500	Construct new Shade structures / picnic shelters (3 on concrete pad with barbecues)	\$450,000
Construct a new Sports warm up area (improved turf area and furnishings)	\$6,567	Construct new Security cameras (5 on select light poles)	\$175,000
Construct a new Scoreboard (LED scoreboard)	\$180,000	Construct new Park signage (2 entry monuments & informational signs)	\$28,000
Renovate an existing Storage building (repair and paint)	\$14,586	Renovate an existing Dog park (new irrigation, drought-tolerant trees &Furnishings)	\$108,820
Renovate an existing Restroom building (new accessible welcome plaza paving)	\$40,744	Renovate existing Basketball courts (resurface)	\$8,000
Renovate an existing Parking lot (fence/gate, curb, paving overlay, and drought-tolerant planting)	\$36,312	Renovate an existing Tot Lot (replace old equipment with ages 2-5 equipment & surfacing)	\$200,000
Construct a new Community garden (pervious pathways and decorative fencing)	\$37,850	Renovate existing irrigation system with Water-conserving irrigation upgrades throughout park	\$100,000
Renovate an existing Parking lot (gate curve between rows of stalls to create a community event area)	\$24,000	Construct new Drought-tolerant tree and shrub plantings	\$44,200
Renovate an existing Picnic lawn (install tables and benches)	\$12,500	Construct new Information kiosks (2)	\$15,600
Renovate an existing Playground (replace old equipment and sand with new ages 5-12 equipment & surfacing)	\$150,000	Construct new Public art	\$50,000
Renovate existing Restrooms (install furnishings & mural)	\$25,000	Renovate an existing Adult fitness area (improved turf area and furnishings)	\$8,000
Renovate existing Park frontage (install trash/recycle, benches, bike racks in park)	\$25,000	Construct a new Pedestrian walk and retaining wall (concrete)	\$40,944
Renovate existing Tennis courts (resurface)	\$16,000	Construct a new Community Hub (Farmer's Market and Event Area)	\$100,000
Construct new Pickleball courts (4 concrete courts & fencing)	\$180,000		

* Total includes Pre-construction Activities and Construction Administration

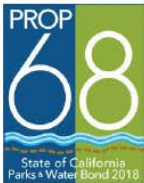
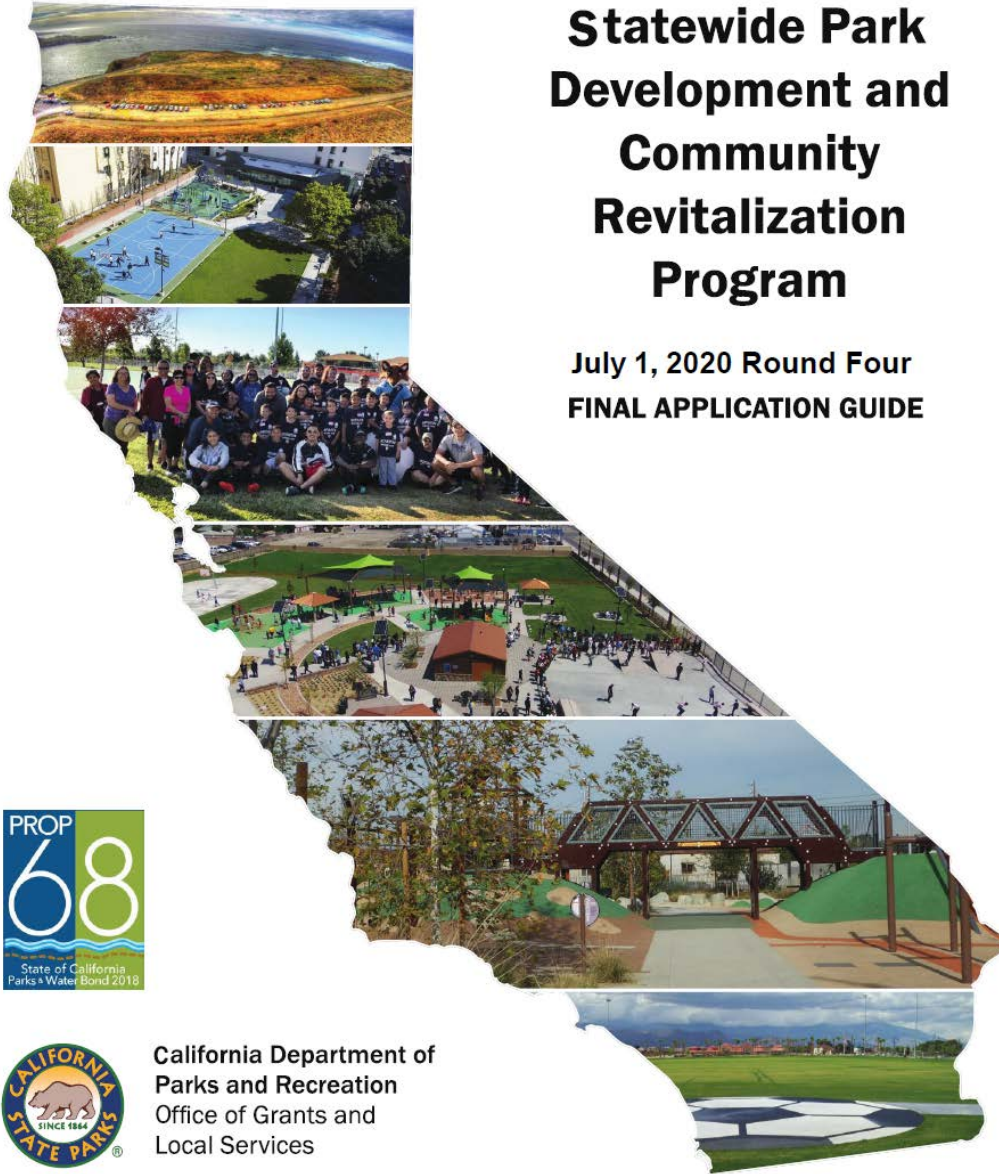
Timeline Round 4

- March 12, 2021 - Applications Due
- Late Summer 2021 - Grant awards for \$395,302,155
- March 2025 – Deadline to complete project
- June 30,2025 – End of Grant Performance Period

Statewide Park Development and Community Revitalization Program

July 1, 2020 Round Four
FINAL APPLICATION GUIDE

Questions?



California Department of
Parks and Recreation
Office of Grants and
Local Services

RESOLUTION NO. 2021 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING THE APPLICATION OF STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: Approves the filing of an application for the Kimball Park Project; and

Section 2: Certifies that said City of National City has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and

Section 3: Certifies that if the project is awarded, the City of National City has or will have sufficient funds to operate and maintain the project, and

Section 4: Certifies that the City of National City has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and

Section 5: Delegates the authority to the City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and

Section 6: Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines; and

Section 7: Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G); and

Resolution No. 2021 –
Page Two

Section 8: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 2nd day of March 2021.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City: 1\) authorizing the filing of a Proposition 68 Statewide Park Development and Community Revitalization Program \(SPP\) application for the El Toyon Park Project in the amount of \\$5,632,571; 2\) authorizing the City Manager or designee to execute the grant agreement if selected for funding; and 3\) if selected for funding, approving the establishment of an Engineering Grants Fund Appropriation of \\$5,632,571 and corresponding revenue budget to allow for reimbursement of eligible project expenditures through the SPP for the El Toyon Park Project. \(Engineering/Public Works\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: March 2, 2021

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City, 1) authorizing the filing of a Proposition 68 Statewide Park Development and Community Revitalization Program (SPP) application for the El Toyon Park Project in the amount of \$5,632,571; 2) authorizing the City Manager or designee to execute the grant agreement if selected for funding; and 3) if selected for funding, approving the establishment of an Engineering Grants Fund Appropriation of \$5,632,571 and corresponding revenue budget to allow for reimbursement of eligible project expenditures through the SPP for the El Toyon Park Project.

PREPARED BY: Roberto Yano, City Engineer/Director of Public Works **DEPARTMENT:** Engineering/Public Works

PHONE: 619-336-4383

APPROVED BY: 

EXPLANATION:

See attached.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

Rev. 296-*

Exp. 296-409-500-598-*

ENVIRONMENTAL REVIEW:

CEQA Notice of Exemption has been recorded with the County Clerk.

ORDINANCE: INTRODUCTION: **FINAL ADOPTION:**

STAFF RECOMMENDATION:

Adopt the Resolution to authorize the filing of the grant application.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Explanation w/ exhibits
2. Resolution

Explanation

Staff is requesting authorization to file a Proposition 68 Statewide Park Development and Community Revitalization Program (SPP) application for the El Toyon Park Project. The grant request is for \$5,632,571.

The SPP competitive grants will create new parks and new recreation opportunities in critically underserved communities across California. Eligible projects must involve either development or a combination of acquisition and development to 1) create a new park, or 2) expand an existing park, or 3) renovate and existing park.

The proposed project will renovate El Toyon Park through the construction and/or renovation of: new shared use paths, shade structures, sports lighting, resurfacing the artificial turf sports field, dog park, new scoreboard, community garden, children play structure, community event area, pickleball courts, basketball courts, tennis courts, and park lighting. The project will also implement Low-Impact Development (LID) to improve water quality from urban runoff by installing a water quality basin with biofiltration (See master plan and cost estimate attached).

In 2019, staff held six workshops with the community to design the El Toyon Park Master Plan. Three workshops were held during the City's annual Community Service Day event, the El Toyon Neighborhood Council meeting, and the Parks, Recreation, and Senior Citizen Advisory Board meeting. In addition, staff hosted three workshops at the El Toyon Recreation Center. A variety of methods were used to invite residents to participate in the workshops, including social media, email blasts, flyers, mailers, and incentives, such as food, refreshments, and kids activities. At the 2019 workshops, 61 people participated with 7 youth, 13 teens, 28 adults and 13 seniors. Participants identified the following recreation, safety and beautification features as priorities for El Toyon Park:

- Community garden with fruit trees, raised planter beds for vegetables, and space for outdoor gardening classes.
- Playground with rubber surface, shade, swings, giant slide and rock climbing wall (ages 5-12).
- Tot lot playground with rubber surface, slide, climber and activity panels (ages 2-5).
- Resurface basketball courts so community has a safe space to play.
- Add 4 pickle ball courts with fencing.
- Renovate multipurpose field and lighting, create a turf warm-up area, replace bleachers and scoreboard, and update the snack shack.
- Add trees and benches to the dog park.
- Improve lighting to deter illegal activity and make the park safer in the evening.
- Fence and gate multipurpose field parking lot.
- Security cameras throughout the park to deter illegal activity.

- Improved entrance signage.
- Kiosks to post news, volunteer opportunities, programs, and events.
- Gazebos with barbeques and picnic areas for family gatherings and celebrations.
- Public art near park entrances to create a fun and vibrant space and make the park more interesting and inviting for the community.

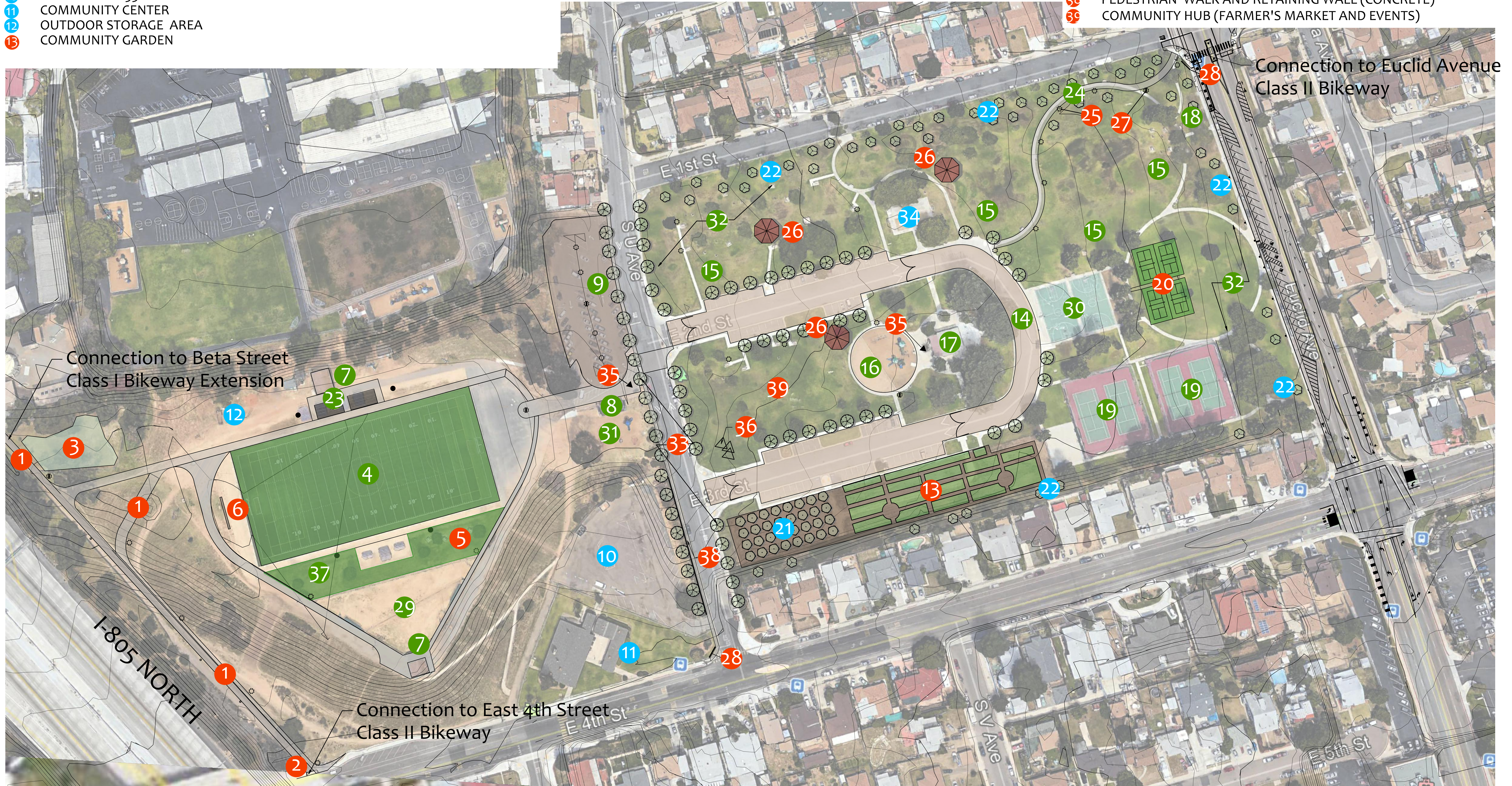
Council Resolution authorizing filing of the grant application is required. Additionally, City Council delegates the authority to the City Manager or designee to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope. If selected for funding, City Council approves the establishment of an Engineering Grants Fund Appropriation of \$5,632,571 and corresponding revenue budget to allow for reimbursement of eligible project expenditures through the SPP for the El Toyon Park Project.

If grant funding is awarded, staff will return to Council with a recommendation to accept the grant. There is no local match required.

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MASTER PLAN COST ANALYSIS

El Toyon Park, National City - Conceptual Cost Analysis

Date: February 23, 2021

NLA

Plan#	ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST
	PARK FEATURES				
1	Class II bikeway (10' wide pervious concrete with stain)	38,430	SF	\$11.30	\$434,259
2	Gateway (steel frame with directional signage)	1	EA	\$7,500.00	\$7,500
3	Water quality basin (with drought-tolerant biofiltration planting)	7,500	SF	\$25.00	\$187,500.00
4	Artificial turf sports field (new surfacing & energy-efficient lighting)	67,500	SF	\$15.00	\$1,012,500.00
5	Sports warm up area (improved turf area and furnishings)	6,567	EA	\$1.00	\$6,567.00
6	Scoreboard (replace existing with led scoreboard)	1	EA	\$180,000.00	\$180,000.00
7	Storage buildings (repair and paint)	663	SF	\$22.00	\$14,586.00
8	Restroom building (new accessible welcome plaza paving)	5,093	SF	\$8.00	\$40,744.00
9	Parking lot (fence/gate, paving overlay, and drought-tolerant planting)	24,208	SF	\$1.50	\$36,312.00
13	Community garden (pervious pathways and decorative fencing)	37,850	SF	\$1.00	\$37,850.00
14	Parking (gate curve to create community event area)	2	EA	\$12,000.00	\$24,000.00
15	Picnic lawns (install tables and benches)	1	LS	\$12,500.00	\$12,500.00
16	Playground (install new ages 5-12 equipment & surfacing)	1	LS	\$150,000.00	\$150,000.00
17	Restrooms (install furnishings and mural)	1	LS	\$25,000.00	\$25,000.00
18	Park frontage (install trash/recycle, benches, bike racks in park)	1	LS	\$25,000.00	\$25,000.00
19	Tennis Courts (resurface)	4	EA	\$4,000.00	\$16,000.00
20	Pickleball courts (4 concrete courts & fencing)	4	EA	\$45,000.00	\$180,000.00
23	Bleachers (two aluminum)	2	EA	\$50,000.00	\$100,000.00
24	Class I path connector (widen existing park path to 10' to corner)	1,890	SF	\$8.50	\$16,065.00
25	Security lighting (solar throughout park-typical symbol)	25	EA	\$8,900.00	\$222,500.00
26	Shade structures / picnic shelters (3 on concrete pad with barbecues)	3	EA	\$150,000.00	\$450,000.00
27	Security cameras (5 on select light poles)	5	EA	\$35,000.00	\$175,000.00
28	Park signage (2 entry monuments & informational signs)	1	LS	\$28,000.00	\$28,000.00
29	Dog park (new irrigation, drought-tolerant trees & Furnishings)	10,882	SF	\$10.00	\$108,820.00
30	Basketball Courts (resurface)	2	EA	\$4,000.00	\$8,000.00
31	Tot lot with ages 2-5 equipment & surfacing	1	LS	\$200,000.00	\$200,000.00
32	Water-conserving Irrigation Upgrades throughout park	1	LS	\$100,000.00	\$100,000.00
33	Drought-tolerant tree and shrub plantings	68	EA	\$650.00	\$44,200.00
35	Information kiosks	2	EA	\$7,800.00	\$15,600.00
36	Public Art	1	LS	\$50,000.00	\$50,000.00
37	Adult Fitness (improved turf and furnishings)	1	LS	\$8,000.00	\$8,000.00

MASTER PLAN COST ANALYSIS

El Toyon Park, National City - Conceptual Cost Analysis

Date: February 23, 2021

NLA

Plan#	ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST
38	Pedestrian walk and retaining wall (concrete)	3,412	SF	\$12.00	\$40,944.00
39	Community Hub (Farmers Market & Event area)	1	LS	\$100,000.00	\$100,000.00
	Construction Administration	1	10%		\$448,610.00
					\$4,506,057.00
	Engineering & Design	1	25%		\$1,126,514.00
	Grand Total				<u>\$5,632,571.00</u>

RESOLUTION NO. 2021 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: Approves the filing of an application for the El Toyon Project; and

Section 2: Certifies that said City of National City has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and

Section 3: Certifies that if the project is awarded, the City of National City has or will have sufficient funds to operate and maintain the project, and

Section 4: Certifies that the City of National City has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and

Section 5: Delegates the authority to the City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and

Section 6: Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines; and

Section 7: Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G); and

Resolution No. 2021 –
Page Two

Section 8: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 2nd day of March 2021.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Time Extension Request – Tentative Subdivision Map for a 29-unit multi-unit residential project located at East 16th Street and “M” Avenue. \(Applicant: Renova Properties, LLC\) \(Case File 2021-01 TE\) \(Planning\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: | March 2, 2021 |

AGENDA ITEM NO. |

ITEM TITLE:

|Time Extension Request – Tentative Subdivision Map for a 29-unit multi-unit residential project located at East 16th Street and “M” Avenue. (Applicant: Renova Properties, LLC) (Case File 2021-01 TE) |

PREPARED BY: | Martin Reeder, AICP | *MR*

DEPARTMENT: Community Development

PHONE: | 619-336-4313 |

APPROVED BY: 

EXPLANATION:

|The project site is an undeveloped property at the northwest intersection of East 16th Street and “M” Avenue. The property was approved for a 29-unit condominium development in February of 2019. The original project included the closure of “M” Avenue in this location, as well as a General Plan Amendment and Zone Change to change the zoning from Small Lot Residential (RS-2) to Medium Density Multi-Unit Residential (RM-1).

All Tentative Subdivision Maps are approved with an expiration date of two years from approval unless a time extension has been granted. No Final Map has been recorded for the approved project; therefore the Tentative Subdivision Map would have expired on February 5, 2021. The applicant has filed a timely request, as required by NCMC §17.04.070. The Subdivision Ordinance allows up to three time extensions for a total of 36 months. The owner is requesting a three year extension of the Tentative Subdivision Map.

The applicant has stated that additional time is needed to complete final engineering, develop a transplanting schedule for the habitat being displaced, and address financing changes due to COVID-19. |

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. |

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

|That Tentative Subdivision Map 2017-04 S be extended for three years to February 5, 2024 |

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. |City Council Resolution 2019-15
2. |Overhead
3. |Site Plan

RESOLUTION NO. 2019 – 15

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
APPROVING A GENERAL PLAN AMENDMENT AND TENTATIVE
SUBDIVISION MAP FOR THE REZONING OF PROPERTY
LOCATED AT EAST 16TH STREET AND “M” AVENUE FROM
SMALL LOT RESIDENTIAL (RS-2) TO MEDIUM-DENSITY
MULTI-UNIT RESIDENTIAL (RM-1) IN ORDER TO
CONSTRUCT A 29-UNIT RESIDENTIAL DEVELOPMENT

WHEREAS, the City Council of the City of National City considered said certification at a duly advertised public hearing held on February 5, 2019, at which time the City Council considered evidence; and

WHEREAS, at said public hearing the City Council considered the staff report provided for Case File No. 2017-04 GPA S, which is maintained by the City and incorporated herein by reference, along with any other evidence presented at said hearing; and

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and

WHEREAS, the action hereby taken is found to be essential for the preservation of the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of National City that the evidence presented to the City Council at the public hearing held on February 5, 2019, support the following findings:

FINDING FOR APPROVAL
OF THE GENERAL PLAN AMENDMENT

1. The proposed development is consistent with General Plan Land Use Policies LU-2.3, LU 4.3, and LU-7.1 because the area is vacant and prime for development. Having a comprehensive residential project in this area will contribute to the City’s housing needs. The area is not homogenous in nature with regard to residential housing types – there are single-family residences on larger lots located to the west, with a mix of medium to higher-density properties to the south across East 16th Street. These lots are developed with everything from duplexes, to triplexes, to apartments.

FINDINGS FOR APPROVAL
OF THE TENTATIVE SUBDIVISION MAP

1. The proposed map is consistent with the National City General Plan and applicable specific plans, because the project is in compliance with all required density and zoning requirements, provides additional home ownership opportunities consistent with the General Plan and Housing Element, and meets all requirements of the Subdivision Ordinance (NCCM Title 17), including minimum lot size and dimension. There are no specific plans in the area.
2. The site is physically suitable for the proposed type of development, because the 1.7-acre property can accommodate the requested number of units within the limits for density and lot coverage established by the General Plan and Land Use Code.

3. The site is physically suitable for the proposed density of development, because the proposed multi-family residential development, at a density of 17 units per acre, is less than the 23 units per acre allowed in the Medium-Density Multi-Unit Residential (RM-1) zone, and the proposed infill development increases the available housing units in the City.
4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife, or their habitat, because the property is surrounded by urban development and there are no bodies of water present on-site. While there is plant habitat on site in the form of native and non-native grassland, San Diego Ambrosia, and onsite drainage, the Mitigated Negative Declaration for this project provides for mitigation that will reduce potential impacts to a level of less than significance.
5. The design of the subdivision and the proposed/required improvements are not likely to cause serious public health problems, because the property is currently vacant and surrounded by existing urban development. In addition, the land use and zoning designations as proposed allow for the density requested, which has been analyzed as part of the Mitigated Negative Declaration associated with this project.
6. The design of the subdivision and the proposed/required improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision, because no such easements exist or would be affected by the proposed development.
7. The discharge of sewerage waste from the subdivision into the City of National City sewer system will not result in violation of existing requirements prescribed by the California Regional Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6, because the project is required to install sewerage systems that meet current requirements for sewage disposal by the Conditions of Approval of this permit.
8. The subdivision has been considered by the Planning Commission with regard to its effect on the housing needs of the region, and these needs are balanced by the public service needs of the residents and available fiscal and environmental resources, the project will provide twenty-nine new homeownership opportunities, which is consistent with and encouraged by the City's Housing Element.
9. The design of the subdivision provides, to the extent feasible, for future passive and natural heating and cooling opportunities in the subdivision, based on consideration of local climate, topography, property configuration and other design and improvement requirements without requiring reduction in allowable density or lot coverage, because the landscape plan submitted as part of the proposal provides in excess of the required common open space area for such developments. All new construction proposed will be in compliance with the California Building Code, which takes such factors in to consideration.

BE IT FURTHER RESOLVED that the application for Tentative Subdivision Map is approved subject to the following conditions:

General

1. This Tentative Subdivision Map authorizes a 29-unit residential condominium project located northwest of the intersection of East 16th Street and the former "M" Avenue right-of-way. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibits "A" and "B", Case File No. 2017-04 GPA, ZC, S, IS, dated 6/18/2018).
2. The General Plan Amendment, Zone Change, and Tentative Subdivision Map shall not become effective until the Mitigated Negative Declaration associated with the project has been certified and the Notice of Determination filed.
3. This Tentative Subdivision Map shall not become effective until the General Plan Amendment and Zone Change have been approved.
4. Before the General Plan Amendment, Zone Change, and Tentative Subdivision Map shall become effective, the applicant, and/or the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. **Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the General Plan Amendment, Zone Change, and Tentative Subdivision Map.** The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *General Plan Amendment, Zone Change, and Tentative Subdivision Map* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assign prior to recordation.
5. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. **Checks shall be made payable to the County Clerk.** The current fee to record the Notice of Determination for a Mitigated Negative Declaration is \$2,280.25, but may be subject to change.
6. Approval of the Tentative Subdivision Map expires two (2) years after adoption of the resolution of approval at 6:00 p.m. unless prior to that date a request for a time extension not exceeding three (3) years has been filed as provided by National City Municipal Code §17.04.070.

Building

7. Plans submitted for improvements must comply with the current editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

Engineering

8. A Hydrology study (100 year flood) is required for the new project. The study should consider the proposed project area to the closest municipal storm drain collection point. The study should consider the adequacy of the existing storm drain system to convey any additional run off. All Hydrology study findings and recommendations are part of Engineering Department requirements.
9. The Priority Project Applicability checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Department. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.
10. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. An approved SWPPP will be required prior to issuing of a construction permit.
11. All surface run-off shall be treated with an approved Standard Urban Runoff Mitigation Plan (SUSMP) Best Management Practice (BMP) for all Priority SUSMP projects. No runoff will be permitted to flow over the sidewalk. Adjacent properties shall be protected from surface run-off resulting from this development.
12. The property owner, or its successors and assigns shall be responsible for the maintenance, repair, or reconstruction of all irrigation and landscaping improvements installed within the public right-of-way. Sprinkler heads shall be adjusted so as to prevent overspray upon the public sidewalk or the street. The proposed sprinkler heads shall be installed behind the sidewalk, and the irrigation mainline upon private property only, as required by the City. The property owner or, its successors or assigns, shall be remove and relocate all irrigation items from the public right-of-way at no cost to the City, and within a reasonable time frame upon a written notification by the City Engineer.
13. Metallic identification tape shall be placed between the bottom layer of the finished surface and the top of all irrigation lines in the public right-of-way.
14. A grading and drainage plan shall be submitted showing all of the proposed and existing on-site and off-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm

drain system from the proposed parking lot or development shall be implemented with the design of the grading. This shall include the provision of such devices as storm drain interceptors, clarifiers, or filters. Best Management Practices for the maintenance of the parking lot, including sampling, monitoring, and cleaning of private catch basins and storm drains, shall be undertaken in accordance with the National Pollution Discharge Elimination System (NPDES) regulations. A private storm water treatment maintenance agreement shall be signed and recorded. A check list for preparation of the grading plan/drainage plan is available at the Engineering Department.

15. All existing and proposed curb inlet on property shall be provided with a “No Dumping” signage in accordance with the NPDES program.
16. A sewer permit will be required. The method of sewage collection and disposal shall be shown on the grading/drainage plan. Any new sewer lateral in the City right-of-way shall be 6 inch in size with a clean out. A sewer stamp “S” shall be provided on the curb to mark the location of the lateral.
17. Separate street and sewer plans prepared by Registered Civil Engineer, shall be submitted showing all of the existing and proposed improvements. The plans shall be in accordance with City requirements.
18. A soils engineering report shall be submitted for the Engineering Department’s review, after Planning Commission approval. The report shall address the stability of all of the existing and proposed slopes on the property. It shall also address the adequacy of the building pads, the criteria for any new retaining wall design, the maximum allowable soil bearing pressure and the required pavement structural sections for the proposed streets, the parking areas, and the driveways. As a minimum, the parking lot pavement sections shall be 2 inch A.C. over 4 inch Class II aggregate base. The street pavement sections shall be in accordance with National City modified Standard Drawing G-34. All soils report findings and recommendations shall be part of the Engineering Department requirements.
19. The deteriorated portions of the existing street improvements along the property frontages shall be removed and replaced.
20. The existing street improvements along the property frontage(s) shall be kept free from weed growth by the use of special weed killers, or other approved methods.
21. All existing survey monuments, including any benchmark, within the boundaries of the project shall be shown on the plans. If disturbed, a licensed land surveyor or civil engineer shall restore them after completion of the work. A Corner Record shall be filed with the County of San Diego Recorder. A copy of the documents filed shall be given to the City of National City Engineering Department as soon as filed.
22. A permit shall be obtained from the Engineering Department for all improvement work within the public right-of-way, and any grading construction on private property.

23. Street improvements shall be in accordance with the City Standards. All missing street improvements shall be constructed. Abandoned driveway aprons shall be replaced with curb, gutter, and sidewalks.
24. A title report shall be submitted to the Engineering Department, after the City Council approval, for review of all existing easements and the ownership at the property.
25. All new dwellings are subject to a Transportation Development Impact Fee. This includes new homes, condos, and apartments. The current fee is \$2,484 and typically increases by approximately 2% per fiscal year (July 1 to June 30).
26. All electrical, telephone and similar distribution service wires for the new structure(s) shall be placed underground.
27. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping and retaining wall work shall be submitted with the plans. A performance bond equal to the approved cost estimate shall be posted. Three percent (3%) of the estimated cost shall also be deposited with the City as an initial cost for plan checking and inspection services at the time the plans are submitted. The deposit is subject to adjustment according to actual worked hours and consultant services.
28. A hydromodification plan or a letter sealed and signed by the Engineer of Work explaining why the project is exempt from hydromodification requirements shall be submitted.
29. The final parcel map shall meet all of the requirements of the Subdivision Map Act, and the City of National City Municipal Codes including certification, acknowledgement, complete boundary information, and monumentation.
30. The developer shall submit to the Fire Department a letter from Sweetwater Authority stating existing fire flow. If determined by the Fire Department that additional improvements are needed, the developer shall enter into an agreement for the water improvements with the Sweetwater Authority prior to obtaining the final map approval.
31. The developer shall bond for the monumentation, the public improvements and the on-site grading, drainage, landscaping, and other improvements through an agreement with the City prior to the approval of the final map.
32. SUSMP documentation, as necessary, must be submitted and approved.
33. The final map shall be recorded prior to issuance of any building permit.
34. All new property line survey monuments shall be set on private property, unless otherwise approved.
35. The parcel map/final map shall use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearings in terms of the system.

The angle of grid divergence from a true meridian and the north point shall appear on the map. Two measured ties from the boundary of the property to existing horizontal control stations shall be shown.

36. A formal Stopping Sight Distance evaluation for the project driveway shall be performed by a registered civil or traffic engineer consistent with American Association of State Highway and Transportation Officials (AASHTO) standards. Based on the results of the evaluation, the engineer shall provide recommendations for ingress / egress and access control to the satisfaction of the City Engineer. The owner will be required to pay for the full cost of constructing improvements that may be required as a result of the evaluation, including all costs associated with obtaining permits, plan reviews and site inspections. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA), and the current edition of the California Code of Regulations at the time of plan submittal.

Fire

37. Fire apparatus access roads shall comply with the requirements of this section (CFC 2016 Edition - Section 503.1.1) and shall extend to within 150 feet of **all** portions of the facility and **all** portions of the exterior walls of the first story of the building as measured by an **approved** route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. This comment shall apply to new residential structures.
38. The required width of emergency fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. All access roads shall be no less than 20 feet wide, no less than 14 feet high and shall have an all-weather road with the ability to support 75 thousand pounds or greater. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet. A 28 foot turning radius is required for fire department access through site. All fire department access roads shall be painted and signed to prevent parking in these required designated emergency areas.
39. Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
40. Fire hydrants that may be located throughout the project as not to have a separation distance greater than 400 feet. Fire hydrants to be located within 400 feet of all locations which are roadway accessible (Measurement starts from nearest public fire hydrant to project).
41. The following items pertain to fire hydrants:
 - a. Size and location, including size and number of outlets, and whether outlets are to be equipped with independent gate valves.

- b. Fire hydrant to be of three outlet design.
42. Provide calculation confirming flow availability to meet fire flow demands and supply large diameter hose (4 inch).
 43. Fire hydrants to be marked by use of blue reflective marker in the roadway.
 44. Upon submittal for an underground permit, the following shall be included:
 - Data sheet for Back-Flows
 - Data sheets for Private and Commercial Hydrants
 - Data sheets for Post Indicator Valves

Information on required fire hydrants back-flow devices, etc., can be acquired from Sweetwater Authority. All pipes and their appliances, shall meet industry/code standards for underground use.

45. Fire Sprinklers will be required for this project.
46. If entrance/exit gates are used, gates shall be equipped with Knox Box and Emergency Strobes so as to provide emergency vehicle access and egress. A Knox Key Switch shall be required in conjunction with strobe for emergency access, and shall be placed at front of property. Please contact the National City Fire Department for exact field location.
47. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.

Planning

48. Plans submitted for construction shall comply with Land Use Code requirements and design guidelines related to bulk, façade and roof articulation, scale that is sensitive to surrounding uses, balconies and porches, adequate disposal facilities, minimum amount of laundry facilities, and adequate storage space.
49. Plans submitted for construction shall include a landscape and irrigation plan in compliance with Land Use Code Chapter 18.44 (Landscaping), including Section 18.44.190, related to water efficient landscape requirements. The landscaping required by this approval shall be maintained for the life of the project.
50. If any cultural resources are found during grading or construction, work is to stop, and the lead agency and a qualified archaeologist be consulted to determine the importance of the find and its appropriate management. In the event of the accidental discovery or recognition of any human remains during construction, the applicant is required take all appropriate steps as required by relevant federal, state, and local laws.

51. All trash enclosures shall be in compliance with Municipal Code Title 7, Section 7.10.080 (Enclosures required), including the use of flame retardant materials.
52. All site and project lighting shall in compliance with Municipal Code Title 18.46 (Outdoor lighting).
53. The developer shall provide a declaration of covenants, conditions and restrictions, running with the land, clearly setting forth the privileges and responsibilities, including maintenance, payment of taxes, etc. involved in the common ownership of parking areas, walks, buildings, utilities and open spaces prior to approval of the final map. Said CC&R's shall be subject to approval as to content and form by the City Attorney. The CC&R's shall allow the City the authority but not the obligation to assume maintenance of the property and assess the full cost including overhead costs therefore as a lien against the property if said property is not adequately maintained per the agreement. The CC&R's shall include a determination that the funds provided by the maintenance provisions will be sufficient to cover all contemplated costs.
54. A corporation, association, property owners' group, or similar entity shall be formed with the right to assess all the properties which are jointly owned with interests in the common areas and facilities in the entire development to meet the expenses of such entity, and with authority to control, and the duty to maintain, all of said mutually available features of the development. Such entity shall operate under recorded conditions, covenants, and restrictions approved by the City Attorney as to form and content, which shall include compulsory membership of all owners and flexibility of assessments to meet changing costs of maintenance, repairs and services.
55. Impacts to native and non-native grasslands shall be mitigated off site. Impacts to native grasslands (e.g., grasslands having at least 10% native cover) shall be mitigated at a minimum of 2: 1 and non-native grasslands be mitigated at a 1: 1 ratio.
56. There is a patch of several hundred specimens of San Diego Ambrosia (*Ambrosia pumila*) located at the northern end of the property. This is a high-profile sensitive species. Project conditions require mitigation in the form of salvage and translocation. Approval of a translocation plan is required prior to initiating ground disturbing activities. The translocation plan should specify: 1) the methods used for translocation (e.g., timing of translocation, seed collection, soil retention, etc.); 2) the location and suitability of the receptor site; 3) a long-term management plan for the receptor site; and 4) a long-term funding mechanism. The translocation receptor site should have long-term conservation value, be contiguous with other large, conserved tracts of land, and be managed and protected in perpetuity. The translocation plan should be submitted for review and approval by the Department of Fish & Wildlife prior to the onset of project impacts.
57. The onsite drainage is considered as Freshwater Emergent Wetland, which qualifies as jurisdictional wetlands/waters. State and federal permitting to allow this drainage to be impacted will be required by the US Army Corps of Engineers, San Diego Regional Water Quality Control Board, and California Department of Fish and Wildlife. All required permits or related authorizations for the project related to impacting

wetlands/waters are a condition of project approval and will need to be secured prior to any development activities taking place.

58. The landscape design and planting palette shall use native plants to the greatest extent feasible in landscaped areas. The Project applicant shall not plant, seed, or otherwise introduce invasive exotic plant species to landscaped areas adjacent and/or near native habitat areas. Exotic plant species not to be used include those species listed on the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory. This list includes (but is not limited to) the following: pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom.
59. In order to prevent potential impacts regarding the spread of invasive species during vegetation clearing activities, prior to any such work being undertaken all new equipment introduced to the project area shall be cleaned, and all equipment shall be maintained daily. Additional techniques for minimizing the spread of invasive plant species during construction activities can be found at <https://www.calipc.org/solutions/prevention/>.
60. The landscape plan submitted with construction documents shall include preservation and/or replanting of the existing specimens of San Diego Ambrosia, to the extent possible based on comments from the Department of Fish and Wildlife.

Sweetwater Authority

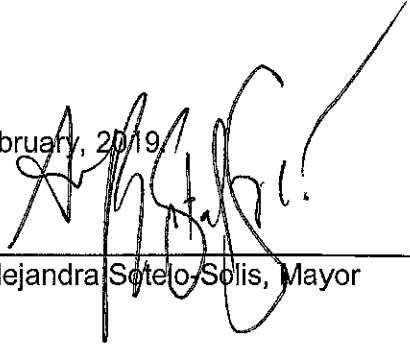
61. Water service must be provided from an Authority owned water main located within the public right-of-way or an Authority owned easement. Following vacation of the undeveloped portion of "M" Avenue, all water to serve the site shall be required to be obtained from an existing 16-inch PVC water main located within the right-of-way on East 16th Street.
62. The Final Map shall be submitted to the Authority for its review and comments prior to recordation.

BE IT FURTHER RESOLVED that the City Council hereby approves a General Plan Amendment and Tentative Subdivision Map for the rezoning of property located at East 16th Street and "M" Avenue from Small Lot Residential (RS-2) to Medium-Density Multi-Unit Residential (RM-1) in order to construct a 29-unit residential development.

BE IT FURTHER RESOLVED that this Resolution amending the General Plan and Tentative Subdivision Map for the rezoning of property located at East 16th and "M" Avenue shall take effect thirty (30) days after its passage.

[Signature Page to Follow]

PASSED and ADOPTED this 5th day of February, 2019.



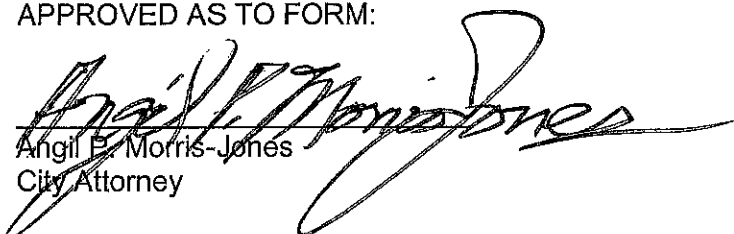
Alejandra Sotelo Solis, Mayor

ATTEST:



Michael R. Dalla, City Clerk

APPROVED AS TO FORM:



Angil E. Morris-Jones
City Attorney

Passed and adopted by the Council of the City of National City, California, on February 5, 2019 by the following vote, to-wit:

Ayes: Councilmembers Morrison, Rios, Sotelo-Solis.

Nays: Cano.

Absent: None.

Abstain: None.

AUTHENTICATED BY: ALEJANDRA SOTELO-SOLIS
Mayor of the City of National City, California

MICHAEL R. DALLA
City Clerk of the City of National City, California

By: _____
Deputy

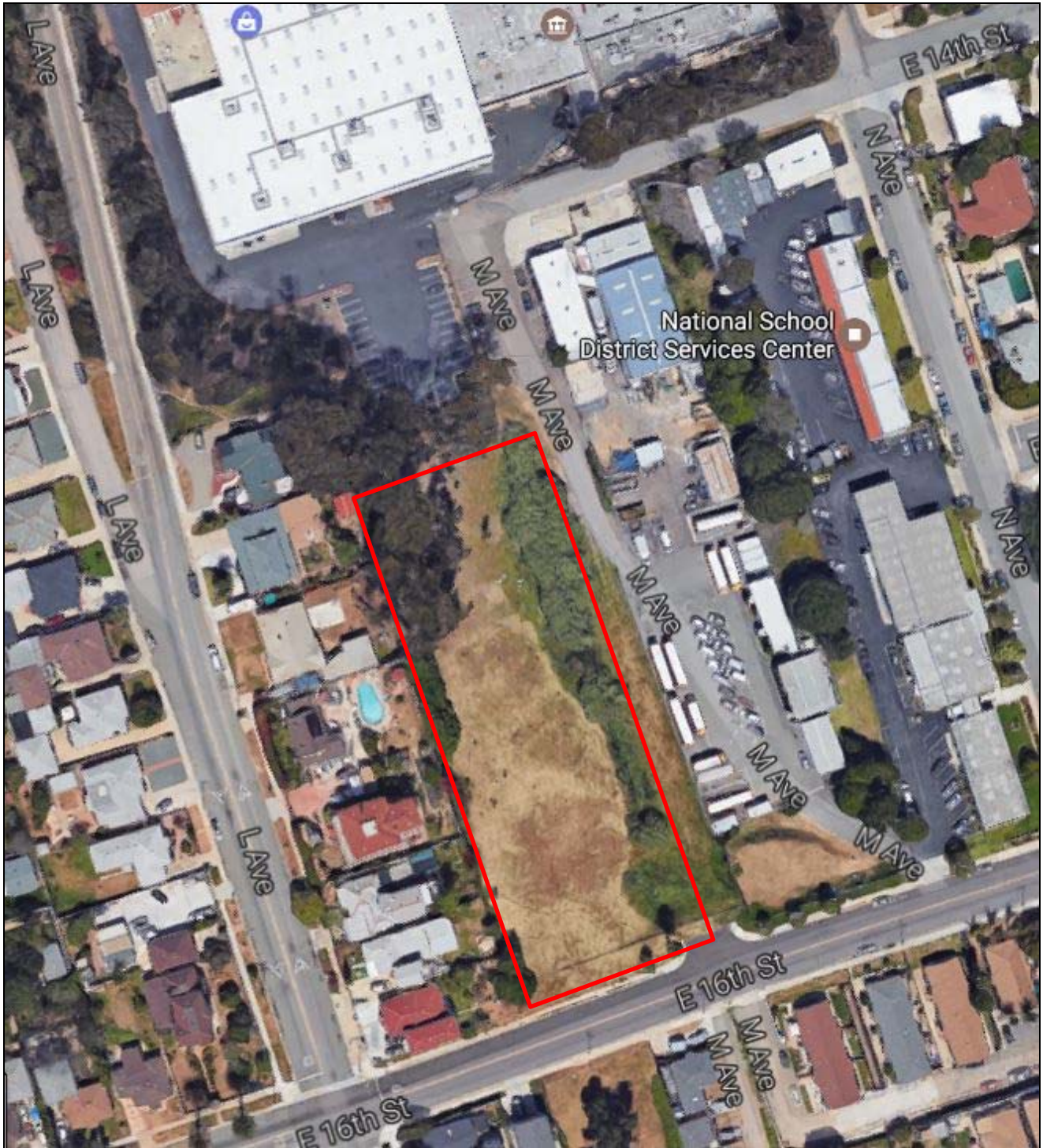
I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. 2019-15 of the City of National City, California, passed and adopted by the Council of said City on February 5, 2019.

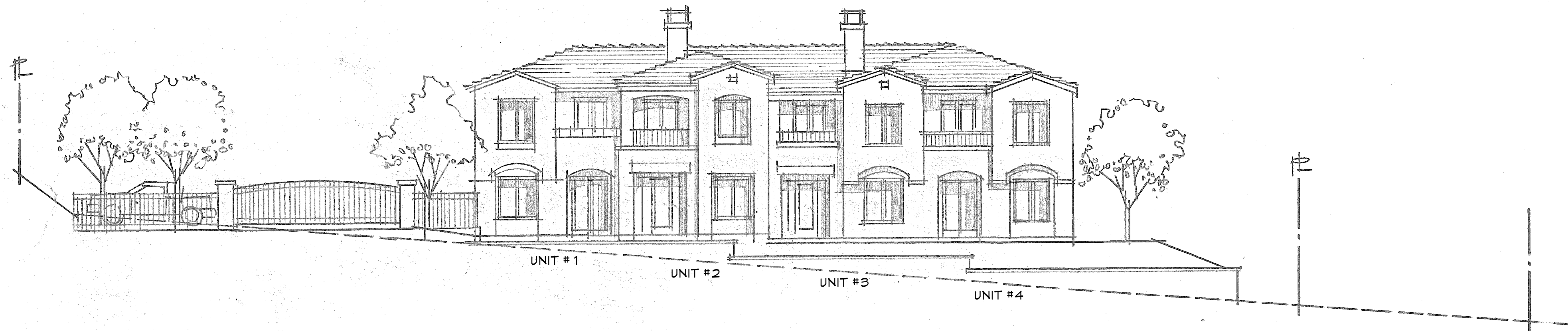


Richard D. Dalla
City Clerk of the City of National City, California

By: _____
Deputy

2021-01 TE (2017-04 GPA, ZC, S, IS) – 16th & “M” – Overhead





16th STREET LOOKING NORTH
SCALE: 1" = 10'-0"

ADDRESS 16TH & M AVE, NATIONAL CITY, CA 91950

UNIT NO.	TYPE	SIZE (SF)	PARKING	STORAGE AREA (CF)	TOWNHOUSE	PRIVATE SPACE (SF)
6	A	1430	2 ATTACHED	250 CF	TOWNHOUSE	100 SF BALCONY 120 SF PATIO
8	B	1446	2 ATTACHED	250 CF	TOWNHOUSE	100 SF BALCONY 100 SF PATIO
4	C	1430	1 ATTACHED	250 CF	TOWNHOUSE	100 SF BALCONY
5	D	1430	1 ATTACHED	250 CF	TOWNHOUSE	100 SF BALCONY
2	E	1200	2 DETACHED	250 CF	FLAT	100 SF PATIO
4	F	1450	1 ATTACHED	250 CF	TOWNHOUSE	260 SF BALCONY

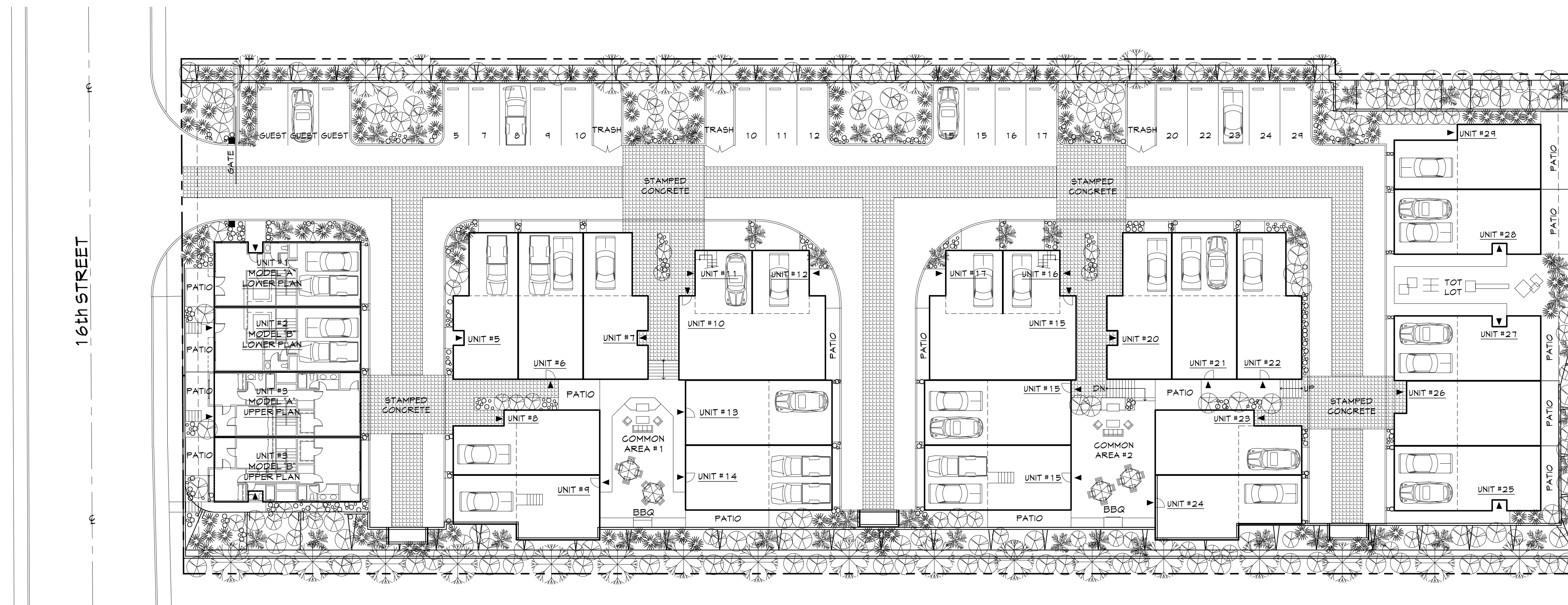
29 TOTAL

AREA CALCULATIONS

PRIVATE SPACE REQUIRED 29 UNITS x 60 SF = 1740 SF
PRIVATE SPACE SHOWN 4885 SF

COMMON SPACE REQUIRED 29 UNITS x 900 SF = 8700 SF
COMMON SPACE PROVIDED ON SITE (3 AREAS x 1200 SF) = 3600 SF
DIFFERENCE 5100 SF

EXCESS PRIVATE SPACE 4885 SF - 1740 SF = 3145 SF
EXCESS PRIVATE SUBSTITUTED FOR COMMON SF / 3145 SF x 2 = 6290 SF LARGER THAN 5100 SF



SITE PLAN
SCALE: 1" = 20'-0"

CITY VILLAGE IS A GROUPING OF 29 THREE BEDROOM TWO AND 1/2 BATHS TWO STORY TOWNHOMES. FOR MOST UNITS THERE ARE INDIVIDUAL ENTRIES, ONE OR TWO CAR GARAGES, AND PRIVATE PATIOS AND BALCONIES. THE BUILDING MASSING SUGGESTS ELEMENTS FOR THE AREAS EARLY SPANISH HERITAGE. A GATED COMMUNITY IN A SUBURBAN SETTING, PROVIDING BOTH SAFETY ALONG WITH COMMON USE AREAS FOR GROWING FAMILIES. ABUNDANT LANDSCAPING PROVIDES MINIMAL VISUAL IMPACT TOWARD THE SURROUNDING AREAS.

PROJECT LOOK



ROOF MATERIALS



COMMON AREA



INTERIOR STREET ELEVATION LOOKING EAST
SCALE: 1" = 10'-0"

ATTACHMENT 3

CITY VILLAGE
16TH STREET, NATIONAL CITY

CCRdesigns
10192 EMERALDAS DRIVE
SAN DIEGO, CA 92124
PHONE: 619.890.4116
EMAIL: CCRDESIGNS@BANKR.COM
WEB: CCR-DESIGNS.COM

The following page(s) contain the backup material for Agenda Item: [Update on the County of San Diego COVID-19 2021 Emergency Rental Assistance Program. \(Housing Authority\)](#)
Please scroll down to view the backup material.

Item # ____
3/2/21

**Update on the County of San Diego COVID -19 2021 Emergency
Rental Assistance Program.**

(National City Housing Authority)

The following page(s) contain the backup material for Agenda Item: [City Manager Report.](#)
[\(City Manager\)](#)

Please scroll down to view the backup material.

Item # ____
03/02/21

City Manager Report

(City Manager)