

**AGENDA
CITY COUNCIL
CITY OF IMPERIAL
200 WEST 9TH STREET
IMPERIAL, CA 92251-1637
JULY 15, 2020
6:00 PM CLOSED SESSION
7:00 PM OPEN SESSION**

**THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE
GOVERNOR'S EXECUTIVE ORDER N-29-20**

To protect our constituents, City officials and City staff, the City requests all members of the public to follow the California Department of Health Services' guidance and the County of Imperial Public Health Office Order for the control of COVID-19 restricting group events and gatherings and maintaining physical distancing. Additional information regarding COVID-19 is available on the City's website at www.cityofimperial.org

1. If you choose to attend the Council meeting in person, you will be required to maintain appropriate physical distance, i.e. maintain a 6-foot distance between yourself and other individuals. Please note seating is limited.
2. You are strongly encouraged to observe the City Council meetings via Livestream at the City of Imperial Facebook page.
3. Email public comments to cityclerk@cityofimperial.org by 5:00 pm on Wednesday, July 15, 2020. Comments received by 5:00 pm will be read into the record.

TELECONFERENCE NOTICE

Pursuant to Executive Order N-29-20 issued by Governor Gavin Newsom on March 17, 2020 and to the extent applicable Government Code Section 54953(b), this City Council Meeting may include teleconference participation by the City Council Members and City staff. Consistent with Executive Order N-29-20 teleconference locations utilized by City Council Members shall not be accessible to the public and are not subject to special posting requirements.

The City of Imperial thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

The Imperial City Council meetings, including public comments, are being Livestreamed on the City's social media pages. By remaining in the room, you are giving your permission to be recorded.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE BUILDING & SAFETY DIRECTOR, (760) 355-1152. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28CFR 35.102-35.104 ADA TITLE II]

A. CITY COUNCIL CONVENES TO CLOSED SESSION AT 6:00 PM

This is a **CLOSED SESSION** in which the **COUNCIL** discusses matters in closed as opposed to open session. Only those matters authorized by the Brown Act as permissible **CLOSED SESSION** subjects will be discussed. They are as follows:

- A-1. SUBJECT: PUBLIC EMPLOYEE PERFORMANCE EVALUATION 54954.5 (e)**
TITLE: City Manager

CITY COUNCIL ADJOURNS CLOSED SESSION

B. CITY COUNCIL CONVENES TO OPEN SESSION AT 7:00 P.M.

ROLL CALL

PLEDGE OF ALLEGIANCE

ADJUSTMENTS TO THIS AGENDA

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

C. PUBLIC APPEARANCES:

C-1. Matters not appearing on the agenda. If you wish to address the COUNCIL concerning any item within the COUNCIL'S jurisdiction, please raise your hand and be acknowledged by the MAYOR, and at that time state your name and address for the record. The MAYOR reserves the right to place a time limit on each person's presentation of three (3) minutes. It is requested that longer presentations be submitted to the Council in writing.

C-2. Matters appearing on the agenda. If you wish to address the COUNCIL concerning any item appearing on the agenda, please raise your hand and be acknowledged by the MAYOR, and at that time state your name and address for the record. The MAYOR reserves the right to place a time limit on each person's presentation of three (3) minutes.

D. CONSENT AGENDA:

All items appearing under "Consent Agenda" will be acted upon by the City Council by one motion without discussion. Should any Council member or other person request that any item be considered separately that item will then be taken up at the time as determined by the MAYOR

D-1. Approval of claims/warrants report.

D-2. Approval of minutes of regular and special city council meetings for May 20, 2020, May 29, 2020, June 3, 2020, and June 12, 2020.

D-3. Approval of job description and range reclassification for the Parks Superintendent position.

E. ACTION ITEMS: (DISCUSSION/ACTION – APPROVE-DISAPPROVE)

E-1. SUBJECT: DISCUSSION/ACTION: AMENDMENT TO CHAPTER 3 AND CHAPTER 24 OF THE MUNICIPAL CODE PERTAINING TO SIGNS.

1. APPROVAL TO WAIVE READING IN FULL AND ADOPT ORDINANCE NO. 806., AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING SECTION 24.15.030 DEFINITIONS, SECTION 24.15.050 PROHIBITED SIGNS, SECTION 24.15.080 PERMITTED SIGNS, AND REPEALING SECTION 3-2 OF CHAPTER 3 POLITICAL SIGNS.

E-2. SUBJECT: DISCUSSION/ACTION: ADULT-USE CANNABIS DISPENSARY ORDINANCE AND ZONING TEXT AMENDMENT.

1. APPROVAL TO WAIVE READING IN FULL AND ADOPT ORDINANCE NO. 807, AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING THE CODIFIED ORDINANCES TO PROVIDE FOR SPECIFIED COMMERCIAL CANNABIS ACTIVITY.

2. APPROVAL TO WAIVE READING IN FULL AND ADOPT ORDINANCE NO. 808 AMENDING THE ZONING TEXT SECTION IN SECTION 24.05.120 WITHIN THE COMMERCIAL ZONING ORDINANCE CONDITIONALLY ALLOWING FOR ADULT USE CANNABIS DISPENSARY WITHIN A C-2 ZONE.

E-3. SUBJECT: DISCUSSION/ACTION: STATUS OF EMERGENCY AT NANCE & WORTHINGTON AREA MANHOLE.

1. SUSPEND THE EMERGENCY FOR THE REPAIRS TO THE SINKHOLE-MANHOLE.

E-4. SUBJECT: DISCUSSION/ACTION: DECLARE EMERGENCY AT INTERSECTION OF HWY 86 & NECKEL ROAD.

1. APPROVAL OF RESOLUTION NO. 2020-46 DECLARING AN EMERGENCY AND AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTION AS MAY BE NECESSARY IN RESPONSE THERETO.

E-5. SUBJECT: DISCUSSION/ACTION: LABOR COMPLIANCE SERVICES FOR THE PLATE SETTLER PROJECT – WATER TREATMENT PLANT.

1. AWARD CONTRACT TO LABOR COMPLIANCE CONSULTANTS OF SOUTHERN CALIFORNIA IN THE AMOUNT OF \$4,980.00.

E-6. SUBJECT: DISCUSSION/ACTION: SKY RANCH BLOCK WALL PROJECT – BID NO. 2020-01.

1. ACCEPT PROJECT AS COMPLETED BY PYRAMID CONSTRUCTION.
2. APPROVAL TO FILE THE NOTICE OF COMPLETION.

E-7. SUBJECT: DISCUSSION/ACTION: RECREATIONAL INFRASTRUCTURE REVENUE ENHANCEMENT PROGRAM GRANT FUNDS.

1. APPROVAL OF RESOLUTION NO. 2020-47 TO AUTHORIZE CITY OF IMPERIAL’S APPLICATION FOR PER CAPITA GRANT FUNDS TO THE STATE OF CALIFORNIA DEPARTMENT OF PARKS & RECREATION.

E-8. SUBJECT: DISCUSSION/ACTION: AMENDMENT TO EXECUTIVE LANDSCAPE, INC. AGREEMENT.

1. AUTHORIZE THE REMOVAL OF EAGER, FREDDIE WHITE, JOSHUA TREE, IMPERIAL TRANSIT PARK, CA IRVING PARK, EVANS, AND SUNSET PARKS FROM SCOPE OF SERVICES.

E-9. SUBJECT: DISCUSSION/ACTION: UPDATE OF COVID-19 PANDEMIC.

F. REPORTS:

- F-1. SUBJECT: MAYOR AND COUNCIL MEMBER REPORTS.**
- F-2. SUBJECT: CITY MANAGER REPORT**
- F-3. SUBJECT: DEPARTMENT REPORTS.**

ADJOURN CITY COUNCIL MEETING UNTIL THE NEXT REGULARLY SCHEDULED MEETING, WEDNESDAY, AUGUST 5, 2020 AT 7:00 P.M.

NOTE: Any documents produced by the City and distributed to a majority of the City Council/Agency Board regarding any item on this agenda will be made available at the front counter at City Hall, located at 420 S. Imperial Avenue, during normal business hours.

Check Register Report

D-1

Date: 07/10/2020
Time: 2:55 pm
Page: 1

CITY OF IMPERIAL

BANK: UNION BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK Checks							
94021	06/30/2020	Printed		391	A & R CONSTRUCTION		71,095.00
94022	06/30/2020	Printed		391	A & R CONSTRUCTION		8,348.75
94023	06/30/2020	Printed		7105	ADRIANA ARROYO		26.53
94024	06/30/2020	Printed		023	AIRWAVE COMMUNICATIONS		275.49
94025	06/30/2020	Printed		195	ALLIED WASTE		105,820.01
94026	06/30/2020	Printed		5956	AMAZON CAPITAL SERVICES		1,119.17
94027	06/30/2020	Printed		5287	ANDREA STIFF-RIOS		115.58
94028	06/30/2020	Printed		656	AQUA METRIC		8,252.44
94029	06/30/2020	Printed		2081	ARAMARK UNIFORM SERVICE		3,922.45
94030	06/30/2020	Printed		7102	ARLET TORRES		82.69
94031	06/30/2020	Printed		6933	AT&T		40.50
94032	06/30/2020	Printed		1851	AT&T LONG DISTANCE		295.45
94033	06/30/2020	Printed		5994	AUTOZONE INC		11.06
94034	06/30/2020	Printed		4400	BABCOCK LABORATORIES, INC.		244.00
94035	06/30/2020	Printed		674	BRENNTAG		6,296.22
94036	06/30/2020	Printed		6286	BURKE, WILLIAMS & SORENSEN, LL		600.00
94037	06/30/2020	Printed		6222	CODE EXXPRTS, LLC		778.36
94039	06/30/2020	Printed		6857	COUNTY MOTOR PARTS CO, INC		2,115.31
94040	06/30/2020	Printed		3135	COUNTY OF SAN DIEGO, RCS		1,482.00
94041	06/30/2020	Printed		2725	CREDIT BUREAU OF IMPERIAL		35.00
94042	06/30/2020	Printed		1623	DENNIS H MORITA APC		24,875.00
94043	06/30/2020	Printed		1573	DEPARTMENT OF JUSTICE		66.00
94044	06/30/2020	Printed		7100	DISCOUNT SCHOOL SUPPLY		353.90
94045	06/30/2020	Printed		4049	DIVISION OF THE STATE		17.30
94046	06/30/2020	Printed		2019	DRISCOLLS		311.76
94047	06/30/2020	Printed		6426	EFR ENVIRONMENTAL		4,750.00
94048	06/30/2020	Printed		6250	ENVIRONMENTAL WATER SOLUTIONS,		2,874.88
94049	06/30/2020	Printed		1307	EXECUTIVE LANDSCAPE INC		27,775.00
94050	06/30/2020	Printed		4456	GRAFFIK INDUSTRIES		309.78
94051	06/30/2020	Printed		710	GRAINGER		2,709.82
94052	06/30/2020	Printed		120	IMPERIAL COUNTY FIRE DEPT		144,124.62
94053	06/30/2020	Printed		4271	IMPERIAL COUNTY HUMANE SOCIETY		500.00
94054	06/30/2020	Printed		1403	IMPERIAL COUNTY SHERIFF'S OFFI		60,335.33
94055	06/30/2020	Printed		028	IMPERIAL IRRIGATION DISTRICT		45,836.68
94056	06/30/2020	Printed		221	IMPERIAL PRINTERS		631.67
94057	06/30/2020	Printed		122	IMPERIAL STORES		40.01
94058	06/30/2020	Printed		3187	IMPERIAL TRUSS & LUMBER CO		507.16
94059	06/30/2020	Printed		2099	IMPERIAL VALLEY OCCUPATIONAL M		80.00
94060	06/30/2020	Printed		350	IMPERIAL VALLEY PAINT CENTER		427.26
94061	06/30/2020	Printed		1555	IMPERIAL VALLEY PRESS		1,498.72
94062	06/30/2020	Printed		7103	JOHN CURRIER		919.50
94063	06/30/2020	Printed		7109	JON RAY CAZARES		11.45
94064	06/30/2020	Printed		7101	JUSTIN LILLY		104.21
94065	06/30/2020	Printed		5580	KOPPEL & GRUBER PUBLIC FINANCE		12,793.24
94066	06/30/2020	Printed		7104	KOURTNEY AYERS		167.34
94067	06/30/2020	Printed		1647	LA BRUCHERIE IRRIGATION SUPPLY		168.35
94068	06/30/2020	Printed		5230	LABOR COMPLIANCE CONSULTANTS		1,000.00
94069	06/30/2020	Printed		1996	LEE TIRE CO		913.39
94070	06/30/2020	Printed		7106	MARC SORIANO		93.97
94071	06/30/2020	Printed		7108	MARCELLA PROCSAL		58.64
94072	06/30/2020	Printed		2295	NEW BORDER TACTICAL, INC		1,197.93

Check Register Report

Date: 07/10/2020

Time: 2:55 pm

Page: 2

CITY OF IMPERIAL

BANK: UNION BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK Checks							
94073	06/30/2020	Printed		2510	NTU TECHNOLOGIES, INC.		8,178.00
94074	06/30/2020	Printed		4481	O'REILLY		8.34
94075	06/30/2020	Printed		4507	PACIFIC PIPELINE SUPPLY		6,774.43
94076	06/30/2020	Printed		219	PADRE USA		213.28
94077	06/30/2020	Printed		7107	PATRICIA GUADALUPE PAZ LOPEZ		93.57
94078	06/30/2020	Printed		5169	PAUL PESCHEL		95.90
94079	06/30/2020	Printed		3308	PREMIER PRODUCE CO.		479.25
94080	06/30/2020	Printed		694	REXEL OF AMERICA, LLC		236.97
94081	06/30/2020	Printed		7064	RINCON CONSULTANTS, INC		201.60
94082	06/30/2020	Printed		1637	ROMEO'S CAR WASH		110.00
94083	06/30/2020	Printed		957	SC FUELS		986.47
94084	06/30/2020	Printed		5706	SHI INTERNATIONAL CORP		422.38
94085	06/30/2020	Printed		2365	SPARKLETTS		416.22
94086	06/30/2020	Printed		091	STAPLES CREDIT PLAN		339.64
94087	06/30/2020	Printed		1265	SUPERIOR READY MIX CONCRETE LP		435.19
94088	06/30/2020	Printed		5855	THE DESERT REVIEW		315.00
94098	06/30/2020	Printed		5837	U.S. BANK		11,913.48
94099	06/30/2020	Printed		2008	UNITED PARCEL SERVICE		40.54
94100	06/30/2020	Printed		611	VERIZON WIRELESS		3,908.97
94101	06/30/2020	Printed		1715	WAXIE SANITARY SUPPLY		191.75
94102	06/30/2020	Printed		487	XPRESS LUBE		57.22
94105	07/09/2020	Printed		7112	AHMAD FEJLEH		12.09
94106	07/09/2020	Printed		5956	AMAZON CAPITAL SERVICES		458.14
94107	07/09/2020	Printed		3527	APPLIED INDUSTRIAL		679.21
94108	07/09/2020	Printed		455	CALIFORNIA STATE DISBURSEMENT		618.46
94109	07/09/2020	Printed		6857	COUNTY MOTOR PARTS CO, INC		81.71
94110	07/09/2020	Printed		3150	CPCA		348.00
94111	07/09/2020	Printed		1302	DAVID TURCH & ASSOCIATES		5,000.00
94112	07/09/2020	Printed		6642	EDD		100.00
94113	07/09/2020	Printed		2377	HAZARD CONSTRUCTION		8,075.00
94114	07/09/2020	Printed		2096	HOME DEPOT CREDIT SERVICES		469.81
94115	07/09/2020	Printed		026	ICMA-RC		1,890.19
94116	07/09/2020	Printed		3160	IMPERIAL COUNTY AUDITOR-CONTRO		16,203.80
94117	07/09/2020	Printed		102	IMPERIAL POLICE OFFICERS ASSN		650.00
94118	07/09/2020	Printed		122	IMPERIAL STORES		11.08
94119	07/09/2020	Printed		320	INTERNAL REVENUE SERVICE		150.00
94120	07/09/2020	Printed		6908	JALEN MORQUECHO		92.13
94121	07/09/2020	Printed		6391	JUAN VACA		22.21
94122	07/09/2020	Printed		5230	LABOR COMPLIANCE CONSULTANTS		3,050.00
94123	07/09/2020	Printed		101	LINCOLN LIFE		1,226.00
94124	07/09/2020	Printed		7113	MARIA SALAZAR		203.27
94125	07/09/2020	Printed		7111	MARIELENA ESCOBAR		33.16
94126	07/09/2020	Printed		7110	MIKE JARAMILLO		34.15
94127	07/09/2020	Printed		275	UNDERGROUND SERVICE ALERT OF		113.73
94128	07/09/2020	Printed		944	UNITED WAY OF IMPERIAL COUNTY		6.00
94129	07/09/2020	Printed		5639	WAGEWORKS, INC		100.00
94130	07/09/2020	Printed		5674	WAGEWORKS, INC		250.00

Total Checks: 98

Checks Total (excluding void checks): 621,705.26

Total Payments: 98

Bank Total (excluding void checks): 621,705.26

Total Payments: 98

Grand Total (excluding void checks): 621,705.26

**MINUTES
CITY COUNCIL
CITY OF IMPERIAL
MAY 20, 2020**

THIS MEETING WAS CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S
EXECUTIVE ORDER N-29-20

A. CITY COUNCIL CONVENED TO CLOSED SESSION AT 6:30 PM

A-1. SUBJECT: PUBLIC EMPLOYEE APPOINTMENT 54957 (b) (1)

TITLE: City Manager

CITY COUNCIL ADJOURNED CLOSED SESSION AT 6:55 PM.

B. CITY COUNCIL RE-CONVENED TO OPEN SESSION

COUNCIL MEMBERS PRESENT: AMPARANO, DALE, EUGENIO, TUCKER, AND
PECHTL

OTHER OFFICIALS PRESENT: CITY ATTORNEY MORITA, ASSISTANT CITY
MANAGER BROWN, PUBLIC SERVICES DIRECTOR
LOPER*, FIRE CHIEF ESTRADA*, POLICE CHIEF
BARRA*, PARKS SUPERINTENDENT LOPEZ*,
COMMUNITY SERVICES DIRECTOR HALLER*, IT
DIRECTOR ESTRADA, ADMINISTRATIVE SERVICES
DIRECTOR GUTIERREZ*, CITY CLERK JACKSON,
AND SGT SHEFFIELD*

*denotes remote attendance via GoToMeeting.

MAYOR PECHTL called the meeting to order at 7:00 P.M. and the Pledge of Allegiance was led by
Council member Amparano.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

MR. MORITA reported that no action was taken in closed session.

C. PUBLIC APPEARANCES:

C-1. Matters not appearing on the agenda.

Mark Gaddis, Imperial resident commented on business and church closures as ordered by state and
county health officer. Would like the city to explore the opening of the splash pad. Expressed
appreciation to the council for trying to keep as many people employed by allowing businesses to open
as may be possible.

C-2. Matters appearing on the agenda.

The following individuals spoke during the discussion for their respective items:
Item E-1: Mr. Hernandez and Mr. Sternberg with Republic Services.
Item E-2: Mr. Arnold and Mr. Moler, developers of the Sky Ranch Hangar project.

D. CONSENT AGENDA:

- D-1.** Approval of claims/warrants report.
- D-2.** Approval of Treasurers' Report for month of April 2020.
- D-3.** Approval of minutes for regular meetings of April 1, 2020 and April 15, 2020 and special meeting of March 24, 2020.

Motion by AMPARANO, second by DALE to approve the Consent Agenda as presented.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

E. ACTION ITEMS:

E-1. SUBJECT: THIRD AMENDMENT TO REPUBLIC SERVICES AGREEMENT.

- 1. APPROVAL OF THIRD AMENDMENT TO AGREEMENT BETWEEN REPUBLIC SERVICES AND CITY OF IMPERIAL REGARDING IMPLEMENTATION OF RECYCLING AND DIVERSION MANDATES.

Motion by TUCKER, second by EUGENIO to approve the third amendment to the agreement.

AYES: EUGENIO, TUCKER, AND PECHTL
NOES: AMPARANO AND DALE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 3-2

E-2. SUBJECT: SKY RANCH AIRPORT LOTS SUBDIVISION FINAL MAP.

- 1. APPROVAL OF FINAL MAP AND SUBDIVISION AGREEMENT FOR SKY RANCH AIRPORT LOTS.

Motion by DALE, second by TUCKER to approve the Final Map and Subdivision Agreement.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

- 2. AUTHORIZE THE CITY CLERK TO RECORD FINAL MAP AND RELATED DOCUMENTS.

Motion by AMPARANO, second by DALE to authorize the City Clerk to record the map and documents.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

F. REPORTS:

F-1. SUBJECT: MAYOR AND COUNCIL MEMBER REPORTS.

Amparano requested a follow-up of traffic concerns at Barioni and P; Neckel and Canon; and Brewer and Monterrey Park. Would like staff to bring options for monuments/signs for placement at locations as one enters the city.

Eugenio spoke about airport noise and the possibility of implementing a curfew or a noise ordinance.

Pechtl offered comments in regards to the city working closely with the county in order to re-open businesses in the city. In addition, asked everyone to follow social distancing guidelines and the wearing of face coverings to slow the spread of COVID.

F-2. SUBJECT: INTERIM CITY MANAGER REPORT

Reported that staff is reviewing the current sign ordinances and will bring proposed changes to Council for review in the near future.

F-3. SUBJECT: DEPARTMENT REPORTS.

Lopez reported he is looking to find a safe way to re-open parks in city.

Haller informed council the library will soon offer curb-side pick-up service to check out books and other library materials and will be offering summer programs virtually.

CITY COUNCIL MEETING ADJOURNED AT 8:09 PM UNTIL THE NEXT REGULARLY SCHEDULED MEETING, WEDNESDAY, JUNE 3, 2020 AT 7:00 P.M.

**MINUTES
SPECIAL MEETING
CITY COUNCIL
CITY OF IMPERIAL
MAY 29, 2020**

**THIS MEETING WAS CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S
EXECUTIVE ORDER N-29-20**

A. CITY COUNCIL CONVENED TO OPEN SESSION

COUNCIL MEMBERS PRESENT: **AMPARANO*, DALE, (in at 5:12), EUGENIO*,
TUCKER*, AND PECHTL***

OTHER OFFICIALS PRESENT: **CITY ATTORNEY MORITA, ASSISTANT CITY
MANAGER BROWN*, POLICE CHIEF BARRA*,
PUBLIC SERVICES DIRECTOR LOPER*, CITY
CLERK JACKSON, POLICE SGT SHEFFIELD*, IT
DIRECTOR ESTRADA, AND FIRE CHIEF MALEK***

*denotes remote participation via GoToMeeting.

MAYOR PECHTL called the meeting to order at 5:00 p.m

B. PUBLIC APPEARANCES:

None.

C. ACTION ITEMS:

C-1. SUBJECT: IMPERIAL HIGH SCHOOL DRIVE THRU GRADUATION.

Mr. Apodaca, Imperial High School Principal and Mr. Thomason, Imperial Unified School District Superintendent participated in the conversation remotely.

1. APPROVAL OF STREET CLOSURES AND SPECIAL EVENT SUPPORT FOR
IMPERIAL HIGH SCHOOL DRIVE THRU GRADUATION VEHICLE PROCESSION ON
JUNE 5, 2020.

Motion by AMPARANO, second by TUCKER to approve the request.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

D. REPORTS:

Assistant City Manager Brown informed council that banners recognizing IHS seniors will be placed on the downtown light poles prior to the graduation event.

SPECIAL CITY COUNCIL MEETING ADJOURNED AT 5:30 PM.

**MINUTES
CITY COUNCIL
CITY OF IMPERIAL
JUNE 3, 2020**

THIS MEETING WAS CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S
EXECUTIVE ORDER N-29-20

A. CITY COUNCIL CONVENED TO CLOSED SESSION AT 5:30 PM

A-1. SUBJECT: PUBLIC EMPLOYEE APPOINTMENT 54957 (b) (1)
TITLE: City Manager

A-2. SUBJECT: PUBLIC EMPLOYEE PERFORMANCE EVALUATION 54954.5 (e)
TITLE: City Manager

A-3. SUBJECT: CONFERENCE WITH LABOR NEGOTIATOR 54957.6
Agency Negotiator: City Manager
Employee Organization: Management, Supervisory, Professional, Confidential, and Police Captain

A-4. SUBJECT: CONFERENCE WITH LABOR NEGOTIATOR 54957.6
Agency Negotiator: City Manager
Employee Organization: Imperial Police Officers Association

A-5. SUBJECT: CONFERENCE WITH LABOR NEGOTIATOR 54957.6
Agency Negotiator: City Manager
Employee Organization: Teamsters Local No. 542

**A-6. SUBJECT: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION**

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision of Section 54956.9
Three (3) potential cases.

CITY COUNCIL ADJOURNED CLOSED SESSION

B. CITY COUNCIL CONVENED TO OPEN SESSION

COUNCIL MEMBERS PRESENT: AMPARANO, DALE, EUGENIO*, TUCKER, AND
PECHTL

OTHER OFFICIALS PRESENT: CITY ATTORNEY MORITA, ASSISTANT CITY
MANAGER BROWN, PUBLIC SERVICES DIRECTOR
LOPER*, FIRE CHIEF ESTRADA*, POLICE CHIEF
BARRA*, PARKS SUPERINTENDENT LOPEZ*,
COMMUNITY SERVICES DIRECTOR HALLER*,
ADMINISTRATIVE SERVICES DIRECTOR GUTIERREZ*,
COMMUNITY DEVELOPMENT DIRECTOR MORA*,
CITY CLERK JACKSON, AND IT DIRECTOR ESTRADA

*denotes participation via GoToMeeting.

PLEDGE OF ALLEGIANCE was led by Dennis Morita.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

There was no reportable action taken in Closed Session.

C. PUBLIC APPEARANCES:

C-1. Matters not appearing on the agenda.

Julie St. Pierre, 2020 Census made a presentation to council on the 2020 Census that is in progress and encouraged everyone to participate.

Shyanne Smith submitted a recorded video of herself speaking on behalf of the Black Lives Matter movement.

C-2. Matters appearing on the agenda.

None.

D. CONSENT AGENDA:

D-1. Approval of claims/warrants report.

D-2. Award contract to The "G" Crew (TGC) for labor compliance services related to the Water Treatment Plant Filter to Waste project in the amount of \$6,700.00.

D-3. Approval of Resolutions for Imperial *Landscape* Maintenance District No. 1. (Paseo del Sol and Wildflower Subdivision):

Resolution No. 2020-18, Initiating Proceedings for the Annual Levy;

Resolution No. 2020-19, Preliminary Approval of the Engineer's Report; and

Resolution No. 2020-20, Intention to Conduct a Public Hearing and Order the Levy of Assessments.

D-4. Approval of Resolutions for Imperial *Lighting* Maintenance District No. 1. (Paseo del Sol and Wildflower Subdivision):

Resolution No. 2020-21, Initiating Proceedings for the Annual Levy;

Resolution No. 2020-22, Preliminary Approval of the Engineer's Report; and

Resolution No. 2020-23, Intention to Conduct a Public Hearing and Order the Levy of Assessments.

D-5. Approval of Resolutions for Imperial *Landscape* Maintenance District No. 2. (Sky Ranch Subdivision, Zone 2005-03):

Resolution No. 2020-24, Initiating Proceedings for the Annual Levy;

Resolution No. 2020-25, Preliminary Approval of the Engineer's Report; and

Resolution No. 2020-26, Intention to Conduct a Public Hearing and Order the Levy of Assessments.

Motion by AMPARANO, second by TUCKER to approve the Consent Agenda as submitted.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

E. ACTION ITEMS:

E-1. SUBJECT: VICTORIA RANCH SUBDIVISION UNIT 3B

1. APPROVAL AND ACCEPTANCE OF OFF-SITE STREET IMPROVEMENTS.

Motion by AMPARANO second by DALE to accept the off-site improvements.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

2. AUTHORIZE SUBSTITUTION OF TRUSTEE AND FULL RECONVEYANCE TO IMPERIAL RANCH PARTNERS, LLC WITH A PERSONAL GUARANTY.

Motion by AMPARANO, second by DALE to approve the request.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

E-2. SUBJECT: STATE OF CALIFORNIA LOCAL EARLY ACTION PLANNING (LEAP) GRANT PROGRAM APPLICATION.

- 1. ADOPTION OF RESOLUTION NO. 2020-27, AUTHORIZING APPLICATION FOR AND RECEIPT OF LOCAL GOVERNMENT PLANNING SUPPORT GRANT PROGRAM FUNDS FOR THE LOCAL EARLY ACTION.**

Motion by AMPARANO, second by DALE to adopt Resolution No. 2020-27.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

E-3. SUBJECT: DECLARE EMERGENCY AT WASTEWATER TREATMENT PLANT – MANHOLES.

- 1. ADOPTION OF RESOLUTION NO. 2020-28, DECLARING AN EMERGENCY AND AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTION AS MAY BE NECESSARY IN RESPONSE THERETO.**

Motion by TUCKER, second by DALE to adopt Resolution No. 2020-28.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

E-4. SUBJECT: WATER TREATMENT PLANT – GAC SYSTEM.

- 1. APPROVE PURCHASE OF FILTER MEDIA FOR THE CARBON COLUMNS FROM CALGON CARBON CORPORATION IN THE AMOUNT OF \$83,200.00**

Motion by AMPARANO, second by TUCKER to approve the purchase.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

E-5. SUBJECT: FISCAL YEAR 2018-2019 MUNICIPAL FINANCIAL AUDIT.

1. ACCEPT THE FY 2018-2019 MUNICIPAL FINANCIAL AUDIT FOR FILING.

Motion by TUCKER, second by DALE to accept the audit for filing.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

E-6. SUBJECT: GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 3, 2020 – CERTAIN OFFICERS: MEMBERS OF THE CITY COUNCIL AND CITY CLERK.

1. APPROVAL OF RESOLUTION NO. 2020-29, CALLING FOR HOLDING OF GENERAL MUNICIPAL ELECTION ON NOVEMBER 3, 2020 FOR ELECTION OF CERTAIN OFFICERS.

Motion by TUCKER, second by AMPARANO to approve Resolution No. 2020-29.

AYES: AMPARANO, DALE, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: EUGENIO

MOTION CARRIED 4-0

2. APPROVAL OF RESOLUTION NO. 2020-30, REQUESTING BOARD OF SUPERVISORS TO CONSOLIDATE GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION.

Motion by TUCKER, second by AMPARANO to approve Resolution No. 2020-30.

AYES: AMPARANO, DALE, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: EUGENIO

MOTION CARRIED 4-0

3. APPROVAL OF RESOLUTION NO. 2020-31, ADOPTING REGULATIONS FOR CANDIDATE STATEMENTS.

Motion by TUCKER, second by DALE to approve Resolution No. 2020-31.

AYES: AMPARANO, DALE, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: EUGENIO

MOTION CARRIED 4-0

*Council member Eugenio lost connection to the meeting and was absent for this item.

E-7. SUBJECT: EAGER PARK SPLASH PAD – OPTIONS FOR SHADE REPLACEMENT

Discussion only. No action taken.

E-8. SUBJECT: IMPERIAL COUNTY AIRPORT.

1. APPROVAL OF JOINT LETTER/POSITION WITH COUNTY OF IMPERIAL REGARDING LIMITATION OF HOURS OF OPERATION FOR FUEL SERVICES AT IMPERIAL COUNTY AIRPORT.

Motion by DALE, second by EUGENIO to approve the joint letter for submittal.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

E-9. SUBJECT: PHASED PLAN TO RE-OPEN CITY FACILITIES.

1. APPROVAL OF CITY'S PHASED PLAN TO RE-OPEN CITY FACILITIES & PARKS AND ADOPTION OF PERMANENT GUIDELINES IN RESPONSE TO COVID-19 PANDEMIC.

Motion by AMPARANO, second by TUCKER to approve the plan.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0

E-10. SUBJECT: UPDATE OF COVID-19 PANDEMIC.

An update was presented to the City Council.

F. REPORTS:

F-1. SUBJECT: MAYOR AND COUNCIL MEMBER REPORTS.

DALE commented on the video played during public appearance portion of the meeting.

PECHTL expressed condolences to the families who lost loved ones recently to COVID; Kiko Guerrero who provided sound and lights for city events for many years and EC police officer Efren Coronel.

F-2. SUBJECT: CITY MANAGER REPORT

None.

F-3. SUBJECT: DEPARTMENT REPORTS.

BROWN informed council that a meeting with residents to discuss Paseo del Sol Park is being planned for early June.

CITY COUNCIL MEETING ADJOURNED AT 8:46 PM UNTIL THE NEXT REGULARLY SCHEDULED MEETING, WEDNESDAY, JUNE 17, 2020 AT 7:00 P.M.

**MINUTES
SPECIAL MEETING
CITY COUNCIL
CITY OF IMPERIAL
JUNE 12, 2020**

THIS MEETING WAS CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S
EXECUTIVE ORDER N-29-20

A. CITY COUNCIL CONVENED TO OPEN SESSION

COUNCIL MEMBERS PRESENT: **AMPARANO*, DALE, EUGENIO*, TUCKER*,
AND PECHTL***

*Denotes remote participation via GoToMeeting.

B. PUBLIC APPEARANCES:

None.

C. CITY COUNCIL CONVENED TO CLOSED SESSION at 5:13 pm.

C-1. SUBJECT: PUBLIC EMPLOYEE APPOINTMENT 54957 (b) (1)

TITLE: City Manager

D. CITY COUNCIL ADJOURNED SPECIAL MEETING.

7/8/2020

City Manager's
Office

7/15/2020

COUNCIL ACTION	(X)
PUBLIC HEARING REQUIRED	()
RESOLUTION	()
ORDINANCE 1 ST READING	()
ORDINANCE 2 ND READING	()
CITY CLERK'S INITIALS	()

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: CONSENT: PARKS SUPERINTENDENT RANGE RECLASSIFICATION		
DEPARTMENT INVOLVED: CITY MANAGER'S OFFICE		
BACKGROUND/SUMMARY: As per Council Action on July 7, 2020, approving Municipal Budget for Fiscal Year 2020-2021, before Council for ratification is the amended job description and range reclassification for the Parks Superintendent position.		
FISCAL IMPACT: \$17,070.56 Funding Source: General Fund (reallocation of \$84K Executive Landscape Contract.) <i>*As approved in FY 20-21 Municipal Budget</i>	ADMIN SERV INITIALS	
STAFF RECOMMENDATION: It is staff's recommendation to ratify the amended job description and range reclassification.	DEPT. INITIALS	
MANAGER'S RECOMMENDATION: Recommend to approve/ratify Park Superintendent Position <i>approve</i>	CITY MANAGER'S INITIALS	
MOTION:		
SECONDED:	APPROVED ()	REJECTED ()
AYES:	DISAPPROVED ()	DEFERRED ()
NAYES:		
ABSENT:	REFERRED TO:	

The Class Title: Park Superintendent
Bargaining Unit: Unrepresented
Group Range: 92
Salary: \$37.91 - 53.35 Hourly
\$3,032.80 - \$4,268.00 Biweekly
\$78,852.80 - \$110,968.00 Annually

Description:

Under the general direction of the Assistant City Manager, plan, organize, manage parks, grounds and related facilities operations of the Parks Department; ensure safe, quality parks and facilities are made accessible to the public; oversee the maintenance of City parks, vehicles, equipment, buildings and grounds; coordinate and direct Parks communications, projects, personnel and information to meet City needs and ensure smooth and efficient Department activities; train, supervise and evaluate the performance of assigned personnel.

Duties and Responsibilities:

- Organize, direct and implement a park maintenance program.
- Plans, prioritizes, and implements park maintenance and repairs.
- Manages, supervises, trains and schedules assigned staff; ensures safe work practices.
- Manages parks, facilities and assigned city properties and ensures the safety and cleanliness of parks equipment; inspects parks grounds and facilities and submits recommendations on the upkeep, upgrade, construction and/or renovation of parks.
- Participates in the development and implementation of city events.
- Manages city anti-graffiti-program.
- Researches and evaluates existing facilities and parks grounds to ensure the safety, general welfare and enjoyment of the public.
- Performs administrative and accounting duties, e.g. purchases Materials and supplies, submits purchase requisitions for payment; generates and submits reports and documentation, and researches special projects and issues.
- Provide communication and enforcement of park and special event policies; resolve problems and citizen complaints.
- Operate standard office equipment including a computer and assigned software.
- Assists in the planning, organization and implementation of parks and facilities goals and objectives; assists in the formulation of division policies and procedures.
- Direct activities to ensure optimal department effectiveness and efficiency; develop and implement Department plans, strategies, goals, objectives, policies and procedures; monitor, evaluate and modify Department activities in response to project progress; coordinate projects with contractors, engineers, developers, consultants and others.
- Estimate and ensure adequate personnel, materials and equipment needed for installation, construction, maintenance and repair projects, work orders and activities; compile and prepare cost estimates; monitor and ensure adequate equipment and supply levels; coordinate the purchase of equipment and supplies as appropriate.
- Plan, schedule, develop and implement construction, installation, maintenance, capital improvement and repair projects; develop plans, RFP's and project specifications; review project plans and specification for compliance with established requirements; inspect City and contractor projects for accuracy, completeness and compliance with established standards and specifications.
- Develop and prepare the annual preliminary budget for the Parks department; analyze and review revenue, expenses, supplemental funding and related budgetary and financial data;

research funding sources and oversee fundraising efforts and grant writing; control and authorize expenditures in accordance with established limitations; administer Department grants in accordance with established requirements.

- Direct Parks projects and activities to ensure compliance with established safety standards and procedures; ensure a safe working environment; instruct employees concerning safety standards, issues and procedures; direct and participate in inspection programs and activities to ensure proper and timely identification and resolution of fire, safety and health hazards.
- Provide consultation to administrators, personnel, outside agencies and the public concerning maintenance, construction, repair and other Department activities; respond to inquiries and provide detailed and technical information regarding related projects, services, timelines, standards, requirements, laws, codes, regulations, ordinances, policies and procedures.
- Participate in City Council meetings; attend staff meetings; provide assistance, information and support to committees, City residents, public and other public agencies.
- Communicate with personnel, administrators, contractors, outside organizations and the public to exchange information, coordinate activities and resolve issues or concerns.
- Operate standard office equipment including a computer and assigned software; utilize testers and various hand and power tools; drive a vehicle to conduct work.

OTHER DUTIES:

- Perform related duties as assigned.

Qualifications:

Education and Experience:

Bachelor's Degree in Parks and Recreation Management or related field or three years combined experience in park maintenance and supervision or any equivalent combination of education and experience.

Licenses and Other Requirements:

Valid California Class C Driver's License and evidence of a safe driving record; Valid First Aid/CPR Certification;
Certified Playground Safety Inspector.

Knowledge of:

- Principles, techniques, practices and procedures involved in planning, scheduling, developing, implementing and inspecting construction, installation, maintenance and repair projects;
- Principles of supervision and training;
- Health and safety regulations and procedures;
- Monitoring the performance of contractors and vendors;
- Developing, recommending, implementing, and monitoring policies, procedures, and work flow;
- Practices, procedures, methods, equipment and materials used in the construction and maintenance of parks, equipment, buildings and grounds.
- Applicable codes, ordinances, requirements, regulations and safety precautions;
- Applicable laws, rules, regulations, policies and procedures;
- Interpersonal skills using tact, patience, and courtesy.

Ability to:

- Seeing to inspect projects and read a variety of materials;
- Hearing and speaking to exchange information;
- Sitting or standing for extended periods of time;
- Lifting, carrying, pushing and pulling heavy objects as assigned by the position;
- Walking over rough or uneven surfaces and to inspect projects;
- Bending at the waist, kneeling or crouching;
- Reaching overhead, above the shoulders and horizontally;
- Heavy physical labor;
- Climbing ladders.

Hazards:

- Working around and with machinery with moving parts;
- Working at heights;
- Exposure to chemicals and fumes.

The information contained in this job description is for compliance with the Americans with Disabilities Act (A.D.A.) and is not an exhaustive list of duties performed.

- Plan, organize and manage operations and maintenance of City parks and city property;
- Coordinate and direct division personnel, resources and communications to meet the City needs and ensure smooth and efficient Parks operations;
- Supervise and train assigned personnel;
- Plan, schedule, develop and implement construction, installation, maintenance and repair projects;
- Inspect projects for accuracy, completeness and compliance with established standards, requirements, specifications and procedures;
- Receive, prioritize, and coordinate response to requests and work orders;
- Operate standard office equipment including a computer and assigned software;
- Analyze situations accurately and adopt an effective course of action;
- Meet schedules and timelines;
- Plan and organize work;
- Communicate effectively both orally and in writing;
- Interpret, apply and explain rules, regulations, policies and procedures;
- Prepare and maintain reports, records, logs and files.

Working Conditions:

Work Environment:

- Indoor/Outdoor environment;
- Seasonal heat and cold or adverse weather conditions;
- Regular exposure to fumes, dust, oil and grease;
- Noise from equipment operation;
- Driving a vehicle to conduct work;
- Variable hours including evening, week-ends and holidays.

Physical Demands: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Dexterity of hands and fingers to operate a computer keyboard, maintenance equipment and tools;

DATE SUBMITTED 07-10-2020
SUBMITTED BY Community Dev.
DATE ACTION REQUIRED 07-15-2020

Agenda Item No E-1

CITY COUNCIL ACTION ☒ (X)
PUBLIC HEARING REQUIRED ☐ ()
RESOLUTION ☐ ()
ORDINANCE 1ST READING ☐ ()
ORDINANCE 2ND READING ☒ (X)
CITY CLERK'S INITIALS 

**IMPERIAL CITY COUNCIL
AGENDA ITEM**

**SUBJECT: DISCUSSION/ACTION: AMENDMENT TO CHAPTER 3 AND
CHAPTER 24 OF THE MUNICIPAL CODE PERTAINING TO SIGNS.**

1. APPROVAL TO WAIVE READING IN FULL AND ADOPT
ORDINANCE NO. 806, AN ORDINANCE OF THE CITY OF
IMPERIAL AMENDING SECTION 24.15.030 DEFINITIONS,
SECTION 24.15.050 PROHIBITED SIGNS, SECTION 24.15.080
PERMITTED SIGNS, AND REPEALING SECTION 3-2 OF CHAPTER
3 POLITICAL SIGNS.

BACKGROUND/SUMMARY:

Ordinance No, 806 was introduced at the July 1, 2020 City Council meeting. During the same meeting council directed staff to prepare a summary for publication. The summary was submitted to The Holtville Tribune for publication to meet legal requirements.

The ordinance is being presented for the second reading and adoption. If adopted another summary will be published identifying adoption and votes for and against it.

FISCAL IMPACT:

STAFF RECOMMENDATION: Council approves to waive reading in full and adopt the Ordinance.

MANAGER'S RECOMMENDATION:

MANAGER'S INITIAL _____

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ☐ ()

DISAPPROVED ☐ ()

REJECTED ☐ ()

DEFERRED ☐ ()

REFERRED TO:

DRAFT

ORDINANCE NO.806

AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING SECTION 24.15.030 DEFINITIONS,
SECTION 24.15.050 PROHIBITED SIGNS, SECTION 24.15.080 PERMITTED SIGNS AND
REPEALING SECETION 3-2 OF CHAPTER 3 POLITICAL SIGNS

THE CITY COUNCIL OF THE CITY OF IMPERIAL, STATE OF CALIFORNIA
DOES HEREBY ORDAIN AS FOLLOWS:

Section 1:

3-2 of Chapter 3 of the Municipal Code is hereby repealed.

Section 2:

Section 24.15.030 of Section 24.15 of the Sign Ordinance is amended as follows:

Section 24.15.030 Definitions:

27. Mobile billboard: Any permanent or temporary advertisement on the side of a truck, trailer, bus or any moving or stationary vehicle or equipment. Stationary mobile billboards are prohibited, excepting public transit.
28. Mobile sign: Any permanent of temporary advertisement painted, wrap, or marquee sign mounted on a vehicle, trailer, or on portable supports, includes moving advertisement vehicles.
29. Outdoor Advertisement: Any advertising done outdoors that publicizes a business' or entities' position, products or services. Types of outdoor advertisement include, but are not limited to, billboards, private bus bench signs, interiors and exteriors of private buses, taxis and business vehicles and signs posted on the outside of the entities' place of business.
30. Non-conforming Sign: Any sign that does not conform to the requirements of this ordinance.
31. Parapet: That portion of a building or extension of a false front or wall that rises above the roof line.
32. Political Sign: Any temporary sign which displays the name and/or picture of an individual seeking election or appointment to a public office or pertaining to a forthcoming public election or referendum, or pertaining to or advocating political views or policies.
33. Portable Sign: Any sign not permanently attached to the ground or other permanent structure.
34. Poster Name Sign: Signs which are used to advertise a specific event or direct people to the location of such event, Signs are mounted on power poles and/or stakes.
35. Projecting Signs: Signs other than wall signs which are suspended from or supported by a building or wall and which project beyond the surface of the building.
36. Public Right-of-Way Width: The perpendicular distance across a public street, measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the City Engineer.
37. Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for sale, lease, or rent.

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38. Roof Line: The top edge of a roof or building parapet, whichever is higher, excluding any mansard, pylon, chimneys or minor projections.
39. Roof Signs: Signs erected, constructed and maintained upon, or connected to, the roof of any building.
40. Sign: Any device, fixture, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce, identify or communicate information of any kind to the public.
41. Sign Width: Maximum horizontal dimension of a sign or sign structure.
42. Special Event Sign: Any sign advertising or pertaining to any civic, patriotic, religious, cultural, community, or political event taking place on a specific date or dates.
43. Subdivision Identification Sign: A freestanding or wall sign identifying recognized subdivisions, condominium complexes or residential developments.
44. Temporary Signs: Any sign, banner, pennant, valance, balloon, poster, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time only, not to exceed forty-eight (48) days within a twelve-month period or as specified in table 22.1-1. Temporary signs, such as political, real estate, or special event, are short-term, impermanent communication devices that do not possess a real property interest; they are considered personal property. These signs may be either on-premise or off-premise.
45. Total Sign Area: The combined permitted sign sizes of all signs on any one lot, size, building, structure or other premises, excluding temporary signs, banner signs, special event signs, public information signs and traffic signs.
46. Undercanopy Signs: Unlighted or luminous signs attached to the underside of a projecting canopy perpendicular to the building frontage.
47. Vehicle Mounted Sign: Any sign, erected, mounted, attached to, secured, set or fastened to a stationary car, motorcycle, truck, bicycle or other means of personal material conveyance, used for the purpose of advertising a business transacted or conducted, services rendered, goods sold or produced, the name of a business, and the name of the person, firm or corporation; whether occupying or not occupying the premises on which the vehicle is located.
48. Wall Signs: Signs which are in any manner affixed to any exterior wall of a building or structure, the exposed face of which is in a plane parallel to the plane of the wall and which projects not more than twelve inches from the building or structure wall.
49. Window Signs: Signs painted, attached, glued or otherwise affixed to a window or otherwise easily visible from the exterior of the building.

Section 3:

Section 24.15.050 of Section 24.15 of the Sign Ordinance is amended and repealed as follows:

Section 24.15.050 Prohibited Signs:

Except as otherwise provided in this chapter, the following prohibitions apply to all signs:

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1. Signs that obstruct any window, door or other opening used as means of regular ingress and egress, or for required legal light and ventilation; or fire escapes and other openings for emergency access and escape; or that create a safety hazard by obstructing clear view of pedestrians or vehicular traffic.
2. Signs placed on public property or within the public street right-of-way, (e.g., snipe signs, human directional, etc.) except for marquee signs and signs for neighborhood watch, contingent upon review and approval of a sign permit by the assistant community development director.
3. Signs with an intensity of illumination or location that interferes with the proper operation of motor vehicles on a public street.
4. Signs that are lewd, indecent or otherwise offensive to the public morals.
5. Murals of any kind, unless approved by the administrative committee and community services commission, where applicable.
6. Signs that identify or advertise a product or business not located on the property on which said sign is located.
7. Revolving signs. Any sign or portion thereof that physically rotates about an axis.
8. Painted wall signs. Any sign painted on the wall of a building or structure, with the exposed face of the sign in plane parallel to the plane of said wall.
9. Animated, flashing, audible and intermittent signs.

Billboards

10. Bench signs, except at designated public bus stops when the proposed advertising will pay for the construction use and maintenance of said bench.
11. Exposed lamps, spot lights and "goose neck" reflectors.

~~Flags, banners, streamers and pennants, unless specified different under specific design criteria in the Master Sign Program.~~

~~Portable signs.~~

~~Poster Signs.~~

12. Roof signs.

~~Signs located in or projecting into the public right-of-way.~~

13. Signs that by color, wording, design, location, illumination resemble or conflict with any traffic control device or with safe and efficient flow of traffic.
14. Signs that create a safety hazard by obstructing clear view of pedestrian and/or vehicular traffic.
15. Signs that project above a parapet or the highest point of a roof.
16. Sign Appendages
17. Signs which use guy wires or cables.

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Section 4:

Section 24.15.080 of Section 24.15 of the Sign Ordinance is amended as follows:

Section 24.15.080 Permitted Signs:

SIGN USE	SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM SIZE	NUMBER OF SIGNS	COMMENTS
Business Identification (Commercial and Industrial Zones)	Outdoor Advertisement	15 feet	150 sq. ft.	Maximum of 3 per business	Must obtain City Sign Permit before placement of signs Any advertising done outdoors that publicizes a business' or entities' position, products or services. Types of outdoor advertisement include, but are not limited to, billboards, private bus bench signs, interiors and exteriors of private buses, taxis and business vehicles and signs posted on the outside of the entities' place of business.
	Mobile Signs	Depends on Sign, structure, and approval by the Development Review Committee.	Requires administrative review and approval	Depends on Mobile and approval from Development Review Committee	Must obtain City Sign Permit before placement of signs Mobile signs may be allowed with a mobile food vendor or sidewalk vendor permit.
	Temporary Sign	15 feet	150 sq. ft.	Maximum of 3 signs per business or event	Must obtain City Sign Permit before placement of signs. Any commercial or non-commercial sign, banner, pennant, valance, balloon, poster or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light material with or without frames, intended to be displayed for a limited time period of forty-eight (48) days, within a twelve-month (12) period. A temporary event sign must be removed within 10 days of the event it publicizes.

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Section 5. Effective Date.

This ordinance shall take effect and shall be force thirty (30) days after the date of adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, together with the names of the members of the City Council voting for and against the same.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial this 15th day of July 2020.

Mayor

ATTEST:

City Clerk

DATE SUBMITTED

07-10-2020

SUBMITTED BY

Community Dev.

DATE ACTION REQUIRED

07-15-2020

Agenda Item No

15-2

CITY COUNCIL ACTION (X)

PUBLIC HEARING REQUIRED ()

RESOLUTION ()

ORDINANCE 1ST READING ()ORDINANCE 2ND READING (X)

CITY CLERK'S INITIALS ()

IMPERIAL CITY COUNCIL AGENDA ITEM

**SUBJECT: DISCUSSION/ACTION: ADULT-USE CANNABIS DISPENSARY
ORDINANCE AND ZONING TEXT AMENDMENT.**

1. APPROVAL TO WAIVE READING IN FULL AND ADOPT ORDINANCE NO. 807, AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING THE CODIFIED ORDINANCES TO PROVIDE FOR SPECIFIED COMMERCIAL CANNABIS ACTIVITY.
2. APPROVAL TO WAIVE READING IN FULL AND ADOPT ORDINANCE NO. 808 AMENDING THE ZONING TEXT SECTION IN SECTION 24.05.120 WITHIN THE COMMERCIAL ZONING ORDINANCE CONDITIONALLY ALLOWING FOR ADULT USE CANNABIS DISPENSARY WITHIN A C-2 ZONE.

BACKGROUND/SUMMARY:

Ordinance No. 807 and Ordinance No. 808 were introduced at the July 1, 2020 City Council meeting. During the meeting council directed staff to prepare a summary of the ordinances for publication. The summary was submitted to the Holtville Tribune for publication to meet legal requirements.

Both ordinances are presented for the second reading and adoption. If adopted another summary will be published identifying adoption and votes for and against it.

FISCAL IMPACT:

STAFF RECOMMENDATION:

MANAGER'S RECOMMENDATION:

MANAGER'S INITIAL _____

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVED ()

REJECTED ()

DEFERRED ()

REFERRED TO:

ORDINANCE NO. 807

**AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING
THE CODIFIED ORDINANCES TO PROVIDE FOR
SPECIFIED COMMERCIAL CANNABIS ACTIVITY**

The City Council of the City of Imperial does ordain as follows:

Section 1: Article XII of Chapter 15 is hereby amended to include Sections 15-90 through 15-90.9.

**Chapter 15, Article XII
Adult Use Cannabis
Dispensaries**

Article XII

Section 15-90	Purpose and Intent.
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Sec. 15-90. Purpose and Intent

(a) 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 provide access to adult-use of cannabis for persons over the age of 21 as authorized by the Control, Tax & Regulate the Adult Use Cannabis Act (“AUMA” or “Proposition 64” passed by California voters in 2016) and by the final regulations adopted by the Bureau of Cannabis Control, while imposing regulations on the use of land to protect the City’s residents, neighborhoods, and businesses from disproportionate and potentially negative impacts.

(b) As such, it is the purpose and intent of this Chapter to regulate storefront retail, commercial cannabis sales so as to protect the health, safety and welfare of the residents of the City of Imperial and to enforce rules and regulations consistent with State law.

(c) It is the further purpose and intent of this Chapter to require all commercial cannabis operators to obtain and renew, annually, a permit to operate within the City. Nothing in this Chapter is intended to authorize the possession, use, or provision of cannabis for purpose, or in any manner, that violates state or federal law.

(d) 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, and are in addition to any permits, licenses and approval required under State, City or other law.

(e) Except as otherwise provided, nothing in his Chapter regulates the personal use of cannabis as set out in this Ordinance.

Sec. 15-90.1 Legal Authority

Any standards, requirements, and regulations regarding health and safety, security, reporting and worker protections established by the State of California, or any of its departments or divisions, shall be minimum standards applicable in the City to all Commercial cannabis activity. It is the intent of this Chapter to regulate Commercial cannabis activity in the City in Compliance with all provisions of MAUCRSA and any subsequent state legislation and regulation as well as the provisions of this Chapter.

Sec. 15-90.2 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, delivery from a non-storefront retailer, distribution or transportation (other than as provided under Section 26090(e) of the Business and Professions Code) of or special events involving cannabis or cannabis product or special events are expressly prohibited in the City.

Sec. 15-90.3 Compliance with Laws

Nothing in this Chapter shall be construed as authorizing any actions that violate federal, State or local laws with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners, the operators, and the employees of the Commercial cannabis business to ensure that the Commercial cannabis business is, at all times, operating in a manner compliant with all applicable federal, State and local laws and regulations, specifically including those promulgated by the Bureau of Cannabis Control, and any subsequently enacted State 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.

Sec. 15-90.4 Definitions

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

(a) “*Act*” means the Medicinal and Adult-Use Cannabis Regulation and Safety Act as that may be amended from time -to- time (MAUCRSA).

(b) “*Applicant*” means a person applying for a permit pursuant to this Chapter.

(c) “*Branded merchandise*” means clothing, hats, pencils, pens, key chains, mugs, water bottles, beverage glasses, notepads, lanyards, cannabis accessories, or other types of merchandise approved by the Bureau with the name or logo of a commercial cannabis business licensed pursuant to the Act. Branded merchandise does not include items containing cannabis or any items that are considered food as defined by Health and Safety Code section 109935.

(d) “*Bureau*” means the Bureau of Cannabis Control, previously named the Bureau of Marijuana Control, Bureau of Medical Cannabis Regulation, and Bureau of Medical Marijuana Regulation.

(e) “*Business day*” is a day Monday through Friday from 8:00 a.m. to 5:00 p.m. Pacific Time, excluding state holidays, during which the Bureau is closed for business.

(f) “*Cannabis*” means all parts of the *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; any every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “*Cannabis*” also means the separated resin, whether crude or purified, obtained from cannabis. “*Cannabis*”

does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivate, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

(g) "*Cannabis accessories*" has the same meaning as in health and Safety Code Section 11018.2

(h) "*Cannabis product*" means a product containing cannabis, including, but not limited to, manufactured cannabis, intended to be sold for use by cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code (as the same may be amended from time to time) or pursuant to the Adult Use of Cannabis Act. For purposes of this Chapter, "cannabis" does not include industrial hemp as defined by Section 81000 of the California food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

(i) "*City*" means the City of Imperial

(j) "*Commercial cannabis activity*" as allowed by this ordinance means the retail sale of commercial cannabis and cannabis products only at a storefront location and associated delivery of retail products from such storefront location as provided in this Chapter and excludes the delivery, delivery from a non-storefront retailer, cultivation, manufacture, special events, distribution, processing, storing, laboratory testing, packaging, labeling, or transportation of cannabis as well as the consumption of cannabis on the retail premises, except as otherwise provided in this Code or state law and regulations for personal use.

(k) "*Commercial cannabis business*" or "*cannabis business*" means any person or entity which engages in commercial cannabis activity as defined herein.

(l) "*Commercial cannabis business permit*" means a regulatory permit issued by the City to a commercial cannabis business pursuant to this Chapter; the commercial cannabis business permit is required before any commercial cannabis activity may be conducted in the City. The initial permit and annual renewal of a commercial cannabis business permit are made expressly contingent upon the business' ongoing compliance with all of the requirements of this Chapter and any regulations adopted by the City governing the commercial cannabis activity to issue.

(m) "*Community Development Director*" means the City Community Development Director or his or her designee

(n) "*Cultivation*" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(o) "*Customer*" means a natural person at least 21 years of age.

(p) "*Day care center*" has the same meaning as in Section 1596.76 of the Health and Safety Code.

(q) "*Delivery*" means the commercial transfer of cannabis or cannabis

products from a retail location to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer. Delivery from a non-storefront retailer or any location other than a licensed and permitted commercial cannabis business or prohibited.

(r) "*Delivery employee*" means an individual employed by a licensed storefront retailer authorized to engage in retail sales who delivers cannabis goods from the licensed retailer to a customer at a physical address pursuant to state regulations.

(s) "*Dispensing*" means any activity involving the retail sale of cannabis or cannabis products from a retailer.

(t) "*Distribution*" means the procurement, sale, and transport of cannabis and cannabis products between licensees.

(u) "*Employee*" means any natural person who is employed or retained as an independent contractor by any permittee in consideration for direct or indirect monetary wages or profit, or any natural person who volunteers his or hers services for an employer.

(v) "*Free cannabis goods*" means any amount of cannabis goods provided to any person without cost or payment or exchange of any other thing of value.

(w) "*License*" means a permit or license issued by the State of California, or one of its departments or divisions, under Division 10 of the Business and Professions Code to engage in commercial cannabis activity as that may be amended from time-to-time.

(x) "*Licensee*" means any person holding a state license under Division 10 of the Business and Professions Code as that may be amended from time-to-time.

(y) "*Licensing authority*" means the Bureau of Cannabis Control or any other state agency responsible for the issuance, renewal or reinstatement of the License, or the state agency authorized to take disciplinary action against the Licensee

(z) "*Limited-access are*" means an area in which cannabis goods are stored or held and is only accessible to a Licensee and its employees and authorized individuals.

(aa) "*Manufacture*" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

(ab) "*Operation*" means any act for which a commercial cannabis business permit is under the provisions of the Chapter.

(ac) "*Owner*" means any of the following:

(1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a permit, license or a licensee, unless the interest is solely a security interest, lien, or encumbrance.

(2) The Executive Director of a nonprofit or other entity.

(3) A member of the board of directors of a nonprofit.

(4) An individual who will be participating in the direction, control, or management of the person applying for a commercial cannabis business permit or

who has a financial interest in the commercial cannabis business other than a fixed lease of real property or security interest, lien or encumbrance.

(ad) *"Package"* and *"Packaging"* means any container or wrapper that may be used for enclosing or containing any cannabis goods for final retail sale. *"Package"* and *"packaging"* does not include a shipping container or outer wrapping used solely for the transport of cannabis goods in bulk quantity to a licensee.

(ae) *"Permit"* means a commercial cannabis business permit issued by the City only for the purpose authorized by this Chapter.

(af) *"Permittee"* means any person holding a permit under this Chapter.

(ag) *"Person"* includes 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, and the plural as well as the singular.

(ah) *"Premises"* means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or permittee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one permittee.

(ai) *"Promotional materials"* means any form, letter, circular, pamphlet, publication or other written material directed to a customer or prospective customer to induce retail sales. Promotional material does not include permitted signs, displays, decorations, cannabis accessories, or cannabis goods furnished by a licensed cultivator, licensed manufacturer, licensed distributor, licensed microbusiness, or licensed cannabis event organizer to a retail licensee for advertising purposes. Promotional materials shall have no intrinsic or secondary value.

(aj) *"Publicly owned land"* means any building or real property that is owned, leased, or occupied by a city, county, state, federal, or other government entity.

(ak) *"Purchaser"* means the customer who is engaged in a transaction with a permittee for purposes of obtaining cannabis or cannabis products.

(al) *"Residential area"* is an area that is within 600 feet of any single-family or multifamily residence, other than commercial hotels, motels, and similar establishments for temporary lodging.

(am) *"Retail area"* means a building, room, or other area that is open to the public, upon the licensed retailer premises authorized to engage in retail sales in which cannabis goods are sold or displayed.

(an) *"Retailer"* means a storefront commercial cannabis business that offers cannabis, cannabis products, or devices for the use of cannabis or cannabis products, either individually or in any combination, for retail sales, including delivery from that storefront location, pursuant to express authorization, cannabis and cannabis products as part of a retail sale, and where the operator holds a valid commercial cannabis business permit for the City Authorizing that operation of a retailer and a valid state license as required by state law to operate a retail cannabis business.

(ao) *"Sell," "sale," and "to sell"* include any transaction whereby, for any

consideration, title to cannabis or cannabis products are transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return by the original purchaser to the location where the products was purchased.

(ap) "*Sublet*" means to lease or rent all or part of a leased or rented property.

(aq) "*Testing laboratory*" means a laboratory, facility, or entity in that state that offers or performs tests of cannabis or cannabis products and that is both of the following:

- (1) Accredited by an accrediting body that is independent from all other persons involving in commercial cannabis activity in that State; and
- (2) Holds a valid commercial cannabis business permit from the City and a State license required.

(ar) "*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 purpose of conducting commercial cannabis activity.

(as) "*Vehicle alarm system*" is a device installed to discourage theft of the vehicle or its contents and is intended to summon general attention or to summon law enforcement as a result of an indication of an attempted breach of the vehicle.

(at) "*Youth center*" means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

Sec. 15-90.5 Commercial Cannabis Business Permit Required to Engage in Commercial Cannabis Business

(a) No person may engage in any commercial cannabis business or in any commercial cannabis activity within the City, including but not limited to cultivation, manufacture, processing, laboratory testing, transporting, dispensing, special events, distribution, or sale of cannabis or a cannabis product unless the person (1) has a valid, current commercial cannabis business permit from the City; (2) has a valid, current State Seller's Permit; and (3) is currently in compliance with all applicable state or local laws and regulations pertaining to the commercial cannabis business and the commercial cannabis activities, including the duty to obtain a City business permit and business license and any required state license. Engaging in a commercial cannabis business or in any commercial cannabis activity includes establishing, owning, managing, conducting, leasing to, operating, causing, permitting, aiding, abetting, suffering or concealing that fact of such an act.

(b) The requirements for issuance of a City permit are in addition to all those required for a state license as provided by state law and Chapter 3 of the final regulations issued by the Bureau of Cannabis Control, as those may be amended from time to time. Location and design of a Commercial cannabis shall be in accordance with the terms of this Chapter.

Sec. 15-90.6 Eligibility to Seek a Commercial Cannabis Business Permit

(a) The Community Development Director shall develop and make available written procedures, rules and forms to govern that application process for a City permit, the manner in which the decision will ultimately be made regarding ranking of applications for such permit as well as the nature of and steps for issuance of any commercial cannabis business permit(s). Such procedures will set out the detailed, objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria. The criteria shall include provisions for payment of a community benefit fee to the City.

(b) Based upon review criteria, a preliminary determination of eligibility will be made by the Community Development Director based upon completion and submission of an application and payment of the application fee during a defined application period. Late and incomplete applications will not qualify. Applications which do not meet the requirements of this chapter shall be returned without consideration. No fees will be returned.

(c) Those applicants remaining after the preliminary review will be asked to submit additional, more detailed information such as (by way of example only) a business plan and structure of a community benefit fee in order to continue in the eligibility process. There will be an additional city fee charges for the review of the more detailed submission. Such submission shall be made during a defined period. At the end of that period, the Community Development Director, Police Chief and Finance shall review, rank and recommend to the City Manager the top two applicants.

(d) The City Manager shall determine the final two applicants. The City Manager may determine there is only one final applicant or that there are no such applicants. The City Manager may designate applicants eligible if one or more of the two applicants does not apply for or receive a commercial cannabis permit. The City Manager's determination may be appealed pursuant to Section 13-163, below.

(e) Each applicant also must execute an agreement, in a form approved by the City Attorney, indemnifying, defending (at applicant's sole cost and expense with counsel chosen by the City), and holding the City, its elected officials, officers, employees, representatives, attorneys, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities, fines, penalties or losses which arise out of, or which are in any way related to, the City's review or issuance of a commercial cannabis business permit, the City's decision to approve the operation of the commercial cannabis business or activity, including but not limited to the process used by the 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.

Sec. 15-90.7 Process to Obtain Commercial Cannabis Permit

(a) An applicant determined to be eligible to obtain a commercial cannabis permit shall have ninety (90) calendar days to file a complete application for the commercial cannabis business permit and pay the fee to begin that entitlement process.

(b) The application for a commercial cannabis permit shall be processed in the same manner as a conditional use permit pursuant to the Imperial Municipal Code. Official issuance of the commercial cannabis business permit(s), however, is conditioned upon the prevailing applicant(s) obtaining all required land use approvals with associated environmental review as well as agreeing to all terms and conditions of the permit.

(c) An applicant which already holds a Medicinal Cannabis Dispensary permit issued pursuant to this Chapter and that is in good standing may, in the discretion of the Community Development Director, proceed by to operate as both a medicinal and adult use dispensary with the existing conditional use permit, which can be subject to additionally imposed Conditions of Approval at the discretion of the Community Development Director; provided the City Manager determines the applicant is in full and complete compliance with its already existing permit.

Sec. 15-90.8 Terms and Conditions of the Commercial Cannabis Permit.

(a) The permit shall include all requirements of the state law and regulations and of this Chapter and specifically those regarding recordkeeping, security measures, minors, hours of operation and other matters.

(b) The commercial cannabis business permit shall only be for a term of one year and shall expire at the end of each one-year period unless renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the state and local laws and regulation, including but not limited to the requirements of this Chapter, applicable building permits, and conditions of the commercial cannabis business permit, have been met.

(c) Commercial cannabis business permits may be renewed annually as provided in this Chapter.

Sec. 15-90.9 Effect of State License Suspension, Revocation, or Termination

Suspension of a license issued by the State of California, or by any of its department or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the 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 division, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also immediately revoke or terminate the ability of a commercial cannabis business to operate within the City without further action by the Community Development Director other than notice of such automatic termination.

Sec. 15-90.10 City's Reservation of Rights

The City's determination is discretionary. The City reserves the right to reject any and all initial applications. Prior to permit issuance, the 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 by 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 further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to any other justification provided, including 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;
- (2) The application did not contain the required elements, exhibits, or was not organized in the required format; or
- (3) The application was not considered fully responsive to the request for permit application.

Notwithstanding anything in this Chapter to the contrary, the City Council reserves the right to reject any and all applications if it determines it would be in the best interest of the City, taking into account any health, safety and welfare impacts on the community.

Applicants shall have no right to a commercial cannabis business permit until a permit is actually issued, and then only for the duration of the permit term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the City Council may terminate or delay the program created under this Chapter or otherwise revise, amend, or repeal this Chapter.

Sec. 15-90.11 Persons Prohibited from Holding a Commercial Cannabis Business Permit or Being Employed by a Commercial Cannabis Business

- (a) No person may hold a commercial cannabis business permit, or be employed by a commercial cannabis business in the City if any of the following conditions exist:
 - (1) The applicant, permittee, or employee has been denied a commercial cannabis business permit, or similar license, or has such a permit or license suspended or revoked by any city, county, city, and county or any state cannabis licensing authority, or is in violation of the terms of such license or of state law or regulations, whether or not the license has been denied, suspended or revoked;
 - (2) The applicant, permittee, or employee, or the owner of the property upon which the proposed commercial cannabis activity is to occur, was found by the appropriate taxing agency to have been in non-compliance with federal, state or local tax laws or failed to report income from commercial cannabis activities to federal, state, or local government in violation of law.

Within fifteen (15) calendar days of any other change in the information provided in the application form or any change in status of compliance with the provisions of this Chapter, including any change in the commercial cannabis business location or ownership or management members, the applicant shall file an updated application form with the Community Development Director for review along with an application amendment fee. Failure to provide such information is a violation of this Chapter.

Sec. 15-90.12 Cannabis Employee Requirements

(a) Any person who is an employee within a commercial cannabis business must be legally authorized to do so under applicable state law. Additional requirements of state law and regulations shall be applicable to delivery employees.

(b) A commercial cannabis business shall keep the following records of each of its employees on file at the premises of the business:

- (1) Name, address, and phone number of the employee;
- (2) Age and verification of employee. A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at least twenty-one (21) years of age must be on file with the business;
- (3) A list of any crimes enumerated in California Business and Professions Code Section 26057(b)(4) for which the employee has been convicted;
- (4) Name, address, and contact person for all previous employers of the employee for the last ten (10) years, including, but not limited to, all employers from which the applicant was fired, resigned, or asked to leave and the reason for such dismissal or firing;
- (5) The fingerprints and a recent photograph of the employee;
- (6) An annual reporting system for monitoring employee status.

(c) The permittee shall provide to the Chief of Police or his/her designee, upon request, the records described above in subsection (b). The Chief of Police or his/her designee may review the records and may require and/or conduct a background check (at the expense of the applicant) to determine whether the employee has been convicted of a crime that shows the employee:

- (1) Is dishonest; or
- (2) Has committed a felony or misdemeanor involving fraud, deceit, embezzlement; or
- (3) Was convicted of a violent felony, a crime of moral turpitude; or
- (4) The illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

Sec. 15-90.13

Change in Ownership

(a) The person granted a commercial cannabis business permit shall not transfer ownership or control of the permit to another person unless and until the transferee obtains an amendment to the permit from the Community Development Director stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Community Development in accordance with all provisions of this Chapter (as though the transferee were applying for an original commercial cannabis business permit) accompanied by a transfer fee in amount set by Resolution of the City Council (or if not set, shall be the same amount as the application fee), and the Community Development Director determines in accordance with this Chapter that the transferee passed the background check required for permittees and meets all other requirements of this

Chapter. No transfer of ownership may occur within year (1) of the date the commercial cannabis business permit is originally issued, except as provided below in subsection (d).

(b) Commercial cannabis business permits issued through the grant of a transfer by the City Manager or his/her designee shall be valid for a period of one year beginning on the day the City Manager or his/her 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.

(c) Changes in ownership of a permittees 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 Community Development Director through the transfer process contained in subsection (a). Failure to comply with the provisions is grounds for permit revocation.

(d) A permittee may change the form of business entity without applying to the Community Development for a transfer of permit; provided that the membership of the new business entity is substantially similar to the original permit holder business entity (at least 51% of the membership is identical). The permit holder is required to notify the City Manager in writing of the change within ten (10) calendar days of the change. Failure to comply with this provision is ground for permit revocation.

(e) No commercial cannabis business permit may be transferred when the City has notified the permittee that the permit has been or may be suspended or revoked.

(f) 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 violation of this Chapter as well as grounds for revocation of the permit.

Sec. 15-90.14 Change of Location

The location specified in the commercial cannabis business permit may not change without a amendment to the permit, processed in the same manner as an initial permit pursuant to the process and fees set forth in this Chapter.

Sec. 15-90.15 Business License

Notwithstanding any other requirements of this Chapter, prior to commencing operations, and at all times thereafter, a commercial; cannabis business shall maintain a valid City business license, renewable annually.

Sec. 15-90.16 Limitations on City's Liability

To the fullest extent permitted by law, the City does not and 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 receipt of the commercial cannabis business permit:

(a) Provide evidence of commercial liability, workers' compensation and other insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the Risk Manager.

(b) Reimburse the City for all direct and indirect costs and expenses, including but not limited to legal fees and costs and court costs, which the City may be required to pay as a result of any legal challenge related to the City's approval of the applicant's commercial cannabis business permit, or related to the City's approval of a commercial cannabis activity.

Sec. 15-90.17 Restrictions on Alcohol & Tobacco Sales

(a) No person shall cause or permit the sale, dispensing, or consuming of alcoholic beverages to any person, including minors, on or about the property occupied by the commercial cannabis business

(b) No person shall cause or permit the sale of tobacco products to any person, including minors, on or about the property occupied by the commercial cannabis business.

Sec. 15-90.18 Operating Requirements

(a) No more than one (1) retailer may operate within the City at any one time and no more than that number shall be issued a permit by the City. Only a retailer offering storefront purchase (customer purchase and obtain cannabis onsite) may deliver such products. There is no obligation for the City to issue that number or any commercial cannabis permits.

(b) Commercial cannabis businesses may operate only during the hours specified in the commercial cannabis business permit issued by the City or as specified by state regulations (open for sale and delivery between 6:00 a.m. and 10:00 pm. PST)

(c) Adult Use on-site consumption of cannabis is prohibited at all times by all individuals on the property and will be grounds for city permit revocation.

(d) 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 or storage of cannabis or cannabis products is permitted at any time.

(e) Reporting and tracking of Product and of Gross Sales. Each commercial cannabis business shall comply with state laws and regulations regarding tracking and tracing the movement of cannabis. The commercial cannabis business shall ensure that such information is either compatible with the City's record-keeping systems or provided to the City at the same time as to the Bureau of Cannabis Control. Such information shall include but is not limited to the identification of the delivery vehicles used, including the number and type of delivery vehicles used.

(f) All cannabis and cannabis products sold or delivered shall be solid and delivered in full conformance with the State and local regulations. No cannabis or cannabis products may be sold, distributed, or transferred out of the State.

(g) **Emergency Contact.** Each commercial cannabis business shall provide the Community Development Director and Police Chief 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. The commercial cannabis business shall notify the Community Development Director and Police Chief within 24 hours of any changes in such designation and provided updated contact information.

(i) **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 this sub-section as well as those of Chapter 22.1 of this Code, including, but not limited to, seeking the issuance of the City sign permit if and when required.
- (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
- (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) Advertising shall meet the requirements of federal, state and local laws regulations specifically including those of the Bureau of Cannabis Control.

(h) **Minors.**

- (1) As set out in state regulations, 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) 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.
- (3) Retailers must verify the age of customers to ensure persons under the age of twenty-one (21) are not permitted.

(j) **Display of Permit and City Business License.** The original copy of

the commercial cannabis business permit issued by the City pursuant to this Chapter and the City issued business license shall be posted inside the commercial cannabis business at all times in a location readily visible to the public.

(k) Littering and 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 and shall be responsible for removing debris, litter and other discarded materials from that area, and keeping it clean.

(l) The interior and exterior of the premises of the commercial cannabis business shall be well lit at all times. The windows of the building shall provide an unobstructed view into the interior.

(m) Entrances into the retailer shall be locked at all times with entry strictly controlled so that there is no entry without verification the customer is authorized to enter based upon a confirmation of age and identity based upon a valid form of identification as provided by the final regulations of the Bureau. A "buzz-in" electronic/mechanical entry system may be utilized to limit access to and entry to the retailer to separate it from the reception/lobby area.

(n) Retailers may sell only those amounts of cannabis products authorized by state regulations, as those may be amended from time to time.

(o) Retailers may have only that quantity of cannabis and cannabis products reasonably anticipated to meet the daily demand readily available for sale on-site in the retail sales area of the retailer accessible to the public.

(p) All restroom facilities shall remain locked and under the control of management.

(q) Any graffiti on the property must be removed within 24 hours of discovery.

Sec. 15-90.19 Promulgation of Regulations. Standards and Other Legal Duties

(a) The City Manager is authorized to establish any additional rules, regulations, interpretations and standards governing the issuance, denial or renewal of commercial cannabis business and the City's oversight, or concerning any other subject determined to be necessary to carry out the purpose of this Chapter.

(b) Regulations shall be provided to all commercial cannabis businesses permit applicants and published on the City's website.

(c) Regulations shall become effective upon date of posting. Commercial cannabis businesses shall be required to comply with all state and

local laws and regulations, including but not limited to such rules, regulations or standards adopted pursuant to this Section.

Sec. 15-90.20 Fees and Charges

(a) No person may commence or continue any commercial cannabis activity in the 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 this City Council which may be amended from time to time. Such fees and charges may include, but are not limited to, a regulatory fee imposed for the reasonable regulatory costs to the City for issuing licenses and permits, performing investigations, inspections, and audits, and the administrative and criminal enforcement and adjudication thereof.

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

(c) All commercial cannabis business authorized to operate under this Chapter shall pay all sales, use, business, employment 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 City with respect 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.

Sec. 15-90.21 Community Benefit Fee; Community Relations

(a) The City has determined that it is not in the interest of a commercial cannabis business to seek approval of an additional local tax on cannabis sales. Therefore, the City seeks to negotiate a community benefit fee with the successful commercial cannabis business.

(b) Upon request of the Police Chief, Community Development Director, or other City staff, the owner, manager, and community relations representative from each commercial cannabis business holding a permit issued pursuant to this Chapter shall attend meeting with the City staff and other interested parties as requested to discuss costs, benefits, and other community issues arising as a result of implementation of this Chapter.

(c) Commercial cannabis businesses to which a permit is issued pursuant to this Chapter shall develop a public outreach and educational program for youth organizations and educational institutions that outlines the risks of youth addiction to cannabis, and that identifies resources available to youth related to drugs and drug addiction.

Sec. 15-90.22 Permittee Responsible for Violations

The person to whom a permit is issued 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, whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the commercial business whether or not said violations occur within the permittees presence.

Sec. 15.90-23 Inspections and Enforcement

(a) The Community Development Director, Building Official, and Chief of Police are charged with enforcing the provisions of this Chapter, and any provision hereof, and may enter the location of a commercial cannabis business at any time, without notice, and inspect the location of any commercial cannabis business as well a 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 person having responsibility over the operation of a commercial cannabis business, 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 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 Community Development Director, Building Official or Chief of Police charges 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 purpose. Any samples obtained by the City shall be logged, recorded, and maintained in accordance with established procedures by the Police Department or regulations adopted pursuant to the authority if this Chapter.

Sec. 15.-90.24 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 abated as provided by the City Code and the costs of such abatement and enforcement recovered. Such violations also may be the subject of administrative citations.

Sec. 15.-90.25 Each Violation a Separate Offense

Each and every violation of this Chapter shall constitute a separate violation. 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, attorneys fees, and any other relief or remedy available at

law or in equity. The City may also pursue any and all remedies and action available and applicable under state and local laws for any violations committed by the commercial cannabis business or persons related to, or persons related to, or associated with, the commercial cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the City Manager, Community Development Director, or Chief of Police may, take immediate action to temporarily suspend a commercial cannabis business permit issued by the City, pending an appeal hearing as provided in this Chapter. The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

Sec. 15-90.26 Criminal Penalties

Any person causing, permitting, aiding, abetting, suffering or concealing a violation of this Chapter shall be guilty of a misdemeanor, and may, in the discretion of the 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 city or county jail for a period of not more than six (6) months or by both such fine and imprisonment. The City Attorney, in his or her sound discretion, may prosecute a violation of this Chapter as an infraction, rather than a misdemeanor, or reduce or agree to the reduction of a previously filed misdemeanor to an infraction.

Any person convicted of an infraction under this provision of this Chapter shall be punished by a fine not exceeding one hundred dollars (\$100) for the first violation, a fine not exceeding two hundred dollars (\$200) for a second violation within one year, and a fine not exceeding five hundred dollars (\$500) for a third violation within one year. A fourth violation of this Chapter within one year shall be charged as a misdemeanor and may not be reduced to an infraction. Each day a violation is committed or permitted to continue shall constitute a separate offense. Alternatively, the City finds and declares that the maximum administrative fines allowed by law are necessary to protect the public health, safety and welfare and that a fine in the amount of \$1000 per violation may be levied.

SECTION 3. EFFECTIVE DATE

This Ordinance shall be effective 30 days from the date of its adoption.

SECTION 4. SEVERABILITY

While it is the intent of the City Council to adopt a comprehensive regulatory system for commercial cannabis activities within the City, if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or application of this Ordinance which can be given in effect without the valid provisions or application, and to this end, the provisions of this Ordinance are severable. The City Council declares that they would

have adopted this Ordinance irrespective of that invalidity of any particular portion thereof.

I HEREBY CERTIFY that the foregoing Ordinance was duly adopted by the City Council of the City of Imperial at a _____ meeting thereof, held on the _____ day of _____, 2020, by the following vote, to wit:

<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Debra Jackson, City Clerk

The foregoing Ordinance is hereby approved this _____ day of _____, 2020.

Darrell Pechtl, Mayor

ATTEST:

Debra Jackson, City Clerk

ORDINANCE NO. 868

AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING THE ZONING TEXT IN SECTION 24.05.120 #35 WITHIN THE COMMERCIAL ZONING ORDINANCE CONDITIONALLY ALLOWING FOR ADULT-USE CANNABIS DISPENSARY WITHIN A C-2

The City Council of the City of imperial does ordain as follows:

24.05.120 PERMITTED AND CONDITIONAL USES: C ZONES

The following uses shall be permitted uses where the symbol "P" appears and shall be permitted uses subject to a Conditional Use Permit where the symbol "C" appears in the column beneath each zone designation; where the symbol "X" appears the use is prohibited.

<i>A. Administrative and Professional Services</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
Including, but not limited to administrative offices; financial institutions, accounting and auditing services; clerical and legal services; counseling services; public utility company offices; medical dental, and related health services.	P	P	P

<i>B. General Commercial Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
1. Adult Businesses (see Section 24.11.800)	X	C	X
2. Antique shops (sale of previously owned goods)	X	P	X
3. Apparel stores	P	P	P
4. Art, music, and photographic studios and supply stores	P	P	P
5. Appliance stores and repair	C	P	P

B. General Commercial Uses (cont.)	C-1	C-2	VC
6. Arcades and electronic games (see Section 24.11.600)	C	C	X
7. Athletic and Health Club	P	P	P
8. Automobile and or truck services, including, but not limited to, sales, rental agencies, body repair, painting, and car washes.	C	P	X
9. Bakeries – retail only	P	P	P
10. Barber and beauty shops	P	P	P
11. Bicycle shops, non-motorized	P	P	P
12. Blueprint and photocopy services when operated in conjunction with a professional office of engineering, planning, surveying, architecture, drafting.	P	P	P
13. Boat and camper sales and services	X	C	X
14. Book, gift, and stationery stores	P	P	P
15. Candy stores and confectioneries	P	P	P
16. Carpet and flooring stores	P	P	P
17. Catering establishments	P	P	X
18. Cleaners including dry cleaning with or without cleaning machinery on-site	P	P	P
19. Commercial Recreation Facilities not otherwise listed	C	C	C
20. Eating and drinking establishments			
a. Bars (no entertainment)	X	C	C
b. Night Clubs, cabarets, restaurants, coffee shops, delicatessens:			
1. With alcoholic beverages and/or entertainment	C	C	C

<i>B. General Commercial Uses (cont.)</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
2. Without alcoholic beverage but including entertainment	C	C	C
3. Without alcoholic beverage	P	P	P
c. Snack bars, take-out only, refreshment stands contained within a building	P	P	P
d. Fast food restaurants with drive-in or drive through	C	C	X
e. Fast food restaurants with drive through in conjunction with a shopping center development	C	C	C
21. Equipment rental yards including, but not limited to, trucks, trailers, hitches, service thereof	C	C	X
22. Feed and tack stores (outdoor storage shall be consistent with Section 24.05.140)	C	P	C
23. Florist shops	P	P	P
24. Furniture stores, with or without repair and upholster	C	P	P
25. Hardware stores	P	P	C
26. Hobby shops	P	P	P
27. Hotels and motels with meeting rooms	C	P	P
28. Janitorial services and supplies	C	P	X
29. Jewelry stores	P	P	P
30. Junior department, department stores, discount department stores and membership stores	C	P	P
31. Food stores and supermarkets, drug stores with and/or without pharmacies, variety stores, sporting goods store, shoe stores (sales and/or repair), toy stores	P	P	P

B. General Commercial Uses (cont.)	C-1	C-2	VC
32. Kiosks, including, but not limited to photo sales located in parking lots	C	C	C
33. Charity drop off, recycling drop off located in the parking lot or other suitable area with property owners' permission.	C	C	X
34. Liquor stores	C	C	C
35. Medical Cannabis Dispensaries and uses outlined in Chapter 15, Article XII "Medical Cannabis and Adult Use Dispensaries" of the City of Imperials' Municipal Code.	X	C	X
36. Mortuaries	C	P	X
37. Motorcycle sales and services including motorized vehicles	C	C	X
38. Newspaper and magazine stores, including printing and publishing	P	P	P
39. Nurseries and garden supply stores; provided, all equipment and supplies shall be kept within an enclosed area	P	P	P
40. Parking facilities (commercial) where fees are charged	C	P	C
41. Pharmacies	P	P	P
42. Printing shop	C	P	X
43. Gasoline dispensing and/or automotive service stations	C	C	C
44. Sign painting shop within a completely enclosed building	C	P	X
45. Stamp and coin shops	P	P	P
46. Swap Meet (See City Code Chap. 12 Art. V)	X	P	C
47. Swimming pool supplies (outdoor storage shall comply with Section 24.05.140J)	P	P	P
48. Television, radio sales and repair	P	P	P
49. Theatres (motion picture and playhouse)	C	C	C
50. Tire sales and service	C	C	X
51. Travel agencies	P	P	P

B. General Commercial Uses (cont.)	C-1	C-2	VC
52. Animal hospitals or veterinary offices			
a. Small animal	C	C	X
b. Large animal	X	C	X
53. Vehicle storage yard	X	C	X

C. Public and Semi-Public Uses	C-1	C-2	VC
1. Day nurseries, day care schools	C	C	C
2. Convalescent homes and hospitals on sites two net acres or greater in size	X	C	X
3. Clubs and lodges including YMCA, YWCA, and similar youth group uses	C	C	C
4. Educational institutions, public or private, including vocational schools	C	C	C
5. Post office branch	P	P	P
6. Churches, convents, monasteries, and other religious institutions	C	C	C
7. Group care facilities and residential retirement hotels	X	C	C
8. Public facilities including, but not limited to City headquarters, libraries, public offices, sub-stations, reservoirs, pumping plants, and similar installations.	C	C	C

<i>D. Mixed Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
1. The mixing of residential uses with office and/or commercial uses is encouraged within the Village Commercial Zone. On any parcel within the Village Commercial Zone, the mixing of residential and nonresidential uses as outlined above under "Permitted Uses" shall be permitted by right subject to the following requirements: a. All residential components of a mixed use project shall be located either above at least one story of a nonresidential use or to the rear of a nonresidential use building; residential uses shall not be permitted on the ground floor unless they are located behind a nonresidential use.	X	X	P

<i>E. Accessory Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
1. Accessory structures and uses located on the same site as a permitted use.	P	P	P
2. Accessory structures and uses located on the same site as a Conditional Use	C	C	C

<i>F. Temporary Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
2. Temporary uses as prescribed in Section 24.11.120	P	P	P

PASSED AND ADOPTED by the City Council of the City of Imperial at a regular meeting duly held on July 1, 2020.

Mayor

ATTEST:

City Clerk

DATE SUBMITTED 07/08/2020
 SUBMITTED BY Public Services
 DATE ACTION REQUIRED 07/15/2020

COUNCIL ACTION
 PUBLIC HEARING REQUIRED ☒
 RESOLUTION ☐
 ORDINANCE 1ST READING ☐
 ORDINANCE 2ND READING ☐
 CITY CLERK'S INITIALS B

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: DISCUSSION/ACTION: STATUS OF EMERGENCY OF THE SINKHOLE – MANHOLE REPAIRS AT NANCE RD. & WORTHINGTON RD. 1. SUSPEND THE EMERGENCY FOR THE REPAIRS TO THE SINKHOLE-MANHOLE				
DEPARTMENT INVOLVED: Public Services - WW				
BACKGROUND/SUMMARY: On the evening of Monday, June 22, 2020, it was discovered that there was a sink hole that had developed on Nance Rd. near the intersection of Worthington Rd. The manhole was partially collapsed, causing the formation of a sinkhole. Council declared an emergency on July 1, 2020 authorizing necessary repairs without formal bidding process. A & R Construction has performed the necessary work to repair the sinkhole and affected manhole. This was completed on Monday, June 29, 2020. Staff is requesting council suspend the emergency. The cost of repairs has been received.				
FISCAL IMPACT: \$64,206.88 A&R Construction	FINANCE INITIALS <u></u>			
STAFF RECOMMENDATION: City Council suspend the emergency.	DEPT. INITIALS <u></u>			
MANAGER'S RECOMMENDATION:	CITY MANAGER'S INITIALS _____			
MOTION:				
<table style="width: 100%;"> <tr> <td style="width: 33%;"> SECONDED: AYES: NAYES: ABSENT: </td> <td style="width: 33%;"> APPROVED ☐ DISAPPROVED ☐ REFERRED TO: </td> <td style="width: 33%;"> REJECTED ☐ DEFERRED ☐ </td> </tr> </table>		SECONDED: AYES: NAYES: ABSENT:	APPROVED ☐ DISAPPROVED ☐ REFERRED TO:	REJECTED ☐ DEFERRED ☐
SECONDED: AYES: NAYES: ABSENT:	APPROVED ☐ DISAPPROVED ☐ REFERRED TO:	REJECTED ☐ DEFERRED ☐		



TERRY ROBERTSON, INC., dba

LICENSE NO. 787760

OFFICE (760) 344-4653 • FAX (760) 344-4146
1631 RIVER DRIVE • BRAWLEY, CA 92227-1747

CONTRACT INVOICE

TO: City of Imperial
420 South Imperial Ave.
Imperial CA 92251

Invoice#: 2007
Invoice Date: 07/07/2020
Due Date: 08/06/2020
Phase# 0

Description	Amount
-------------	--------

JOB# 2020-61

JOB NAME: Manhole Repair City of Imperial

JOB LOCATION: Nance & Worthington

JOB DESCRIPTION: Per your request we mobilized men, equipment & Traffic Control to secure off the Manhole and street failure. Rain for rent wad contacted to by pass the sewage around the failed Manhole, with all equipment in place the old manhole was removed the shoring was installed and the rebuilding was done, the new manhole was stacked and then backfilled & compacted to grade. The failed road section was removed recompacted and a new base and asphalt section installed. The new manhole was coated with Epoxy then released for service.

Mobilization	2,500.00
Materials:	
La Brucherie Irrigation	312.97
12 Ton 3/4 Rock @ \$16.50	198.00
25 Ton Crusher Fines @ \$12.25	306.25

Non-Taxable Amount:	62,043.93
Taxable Amount:	2,007.38
Sales Tax:	155.57
Retention:	0.00
Amount Due:	64,206.88

Please Pay This Amount

\$64,206.88

A service charge of 0.00 % per annum will be charged on all amounts overdue on regular statement dates.
Please make check payable to Terry Robertson, Inc. dba: A&R Construction
Thank You for your prompt payment!

Contract Invoice

Continued...

Invoice # 2007
Page # 2 of 2

Description	Amount
50 Ton CL II Base @ \$18.25	912.50
11 VF 48" ID Manhole Shaft @ \$125 VF	1,375.00
Sub Contractors:	
Masters Construction Paving	11,118.78
Donahue Painting & Coatings	3,270.00
ACME Barracades	5,350.00
Rentals:	
Rain For Rent (Pipe & Pump for Sewage By Pass)	2,007.38
Rain For Rent Service for Sewage By Pass	4,753.68
Trebor Shoring & Rentals Trench Shield	544.96
Clairmont Equipment (Compactor)	371.55
Freight	1,950.00
Equipment:	
330 Excavator 11 hrs @ \$245.00	2,695.00
210 Skiploader 10.5 hrs @ \$120.00	1,260.00
938 Loader 9 hrs @ \$160.00	1,440.00
Water Truck 4.5 hrs @ \$130.00	585.00
Asphalt Zipper 3 hrs @ \$95.00	285.00
Service Truck 40.5 hrs @ \$65.00	2,632.50
Labor:	
Foreman Reg 22 hrs @ \$110.00	2,420.00
Foreman OT 16.5 hrs @ \$135.00	2,227.50
Labor Reg 64.5 hrs @ \$95.00	6,127.50
Labor OT \$28.00 hrs @ \$108.00	3,024.00
5% Overhead & Profit on Subcontractors	986.93
15% Overhead & Profit on \$35,978.79	5,396.81



OFFICE (760) 344-4653 • FAX (760) 344-4146
1631 RIVER DRIVE • BRAWLEY, CA 92227-1747

CONDITIONAL WAIVER AND RELEASE ON FINAL PAYMENT
California Civil Code Section 8136

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

IDENTIFYING INFORMATION:

Name of Claimant: Terry Robertson, Inc. dba: A&R Construction
Name of Customer: City of Imperial
Job Location: Nance & Worthington Manhole Repair
Owner: City of Imperial

CONDITIONAL WAIVER AND RELEASE

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

Maker of Check: City of Imperial
Amount of Check: 64,206.88
Check Payable To: Terry Robertson, Inc. dba: A&R Construction

EXCEPTIONS:

This document does not affect any of the following:

Disputed claims for extras in the amount of: _____

SIGNATURE:

Claimant's Signature: Melissa Plunkett

Claimant's Title: Office Personnel

Date of Signature: 07/07/2020

INVOICE

24/7 Emergency 800-742-7246
www.rainforrent.com

Rain For Rent Imperial
3397 Hwy 86
Imperial CA 92251
United States
760-344-5850

Your sales person	REMIT PAYMENTS TO:
JOSE A BRISENO	Rain for Rent
	RAIN FOR RENT
	FILE 52541
	LOS ANGELES, CA 90074-2541

CONTRACT # 1101527
CUSTOMER A & R CONSTRUCTION

CUSTOMER # 107594

NAME A & R CONSTRUCTION

ADDRESS 1631 RIVER DRIVE
BRAWLEY CA 92227

INVOICE#

1504330

INVOICE DATE

6/30/2020

PO or JOB#

JOB #

PAYMENT

7/30/2020

PLEASE PAY	\$6,761.06
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SHIPPED TO JOBSITE:

NAME A & R CONSTRUCTION

ADDRESS CITY OF IMPERIAL
Worthington And Nance Road
Imperial CA 92261

PHONE**PHONE**[illegible]

ENVIRONMENTAL FEE:	\$48.36
TOTAL SALES:	\$0.00
TOTAL RENTALS:	\$1,758.52
TOTAL SERVICES:	\$4,763.08
TOTAL OTHER:	\$42.83
SUBTOTAL:	\$6,603.19
TAX:	\$157.87

TOTAL: \$6,761.06

FOR PROPER CREDIT, PLEASE INCLUDE INVOICE NUMBER ON YOUR PAYMENT.
PAST DUE AMOUNTS ARE SUBJECT TO A SERVICE CHARGE OF 1.50%
CUSTOMER, (RENTER OR BUYER as context requires), shall be deemed to accept
all terms, conditions and provisions hereof upon execution of this agreement;
ordering; or delivery of equipment to customer, whichever comes first.

SIGNATURE: _____ DATE: _____

Printed Date: 7/7/2020

PAYMENT TERMS: NET 30

Trebor Shoring Rentals ...

P.O. Box 13641
Scottsdale, AZ 85267
www.tsrca.com

800-321-5285 Phone
619-441-3650 Fax

Status: Closed

Invoice #: 218049-3
Invoice Date: Thu 7/2/2020
Date Out: Wed 6/24/2020 7:00AM

Operator: Matilde Cabrera
Terms: On Account

A&R CONSTRUCTION

1631 RIVER DR
Brawley, CA 92227

Customer #: 1302
760-344-4653 Phone
760-344-4146 Fax

Job Descr: IMPERIAL: W WORTHINGTON RD & AUSTIN RD**PO #: 20-61****Job No: 20-61****Salesman: Waymon Koger waymon@tsrca.com**

Qty	Key	Items	Status	Returned Date	Price
1	21252	MANHOLE BOX 4 SIDED 8 X 10 1week \$352.00 4weeks \$1,056.00 SMALL DOORS	Returned	Fri 6/26/2020 7:00AM	\$246.40
1	21588	MANHOLE BOX 4 SIDED 4 X 10 1week \$300.00 4weeks \$900.00 STACKER	Returned	Fri 6/26/2020 7:00AM	\$210.00
1	STPIN-3	STACKING PIN SET OF 4 1week \$13.20 4weeks \$39.60	Returned	Fri 6/26/2020 7:00AM	\$9.24
1	BRID4W12CH-3	BRIDLE, 4-WAY BOX 12' CHAIN 1week \$113.32 4weeks \$339.96 WITH ADJUSTERS	Returned	Fri 6/26/2020 7:00AM	\$79.32
1	DEL-DELPP-3	DELIVERY, PORT TO PORT CRANE 5-930	Pulled		\$500.00
1	DEL-PUPP-3	PICKUP, PORT TO PORT	Pulled		\$500.00

Total for Not Defined \$1,544.96

Delivery Wed 6/24/2020 6:30AM
RON 760-455-1772

Pickup Fri 6/26/2020 9:03AM
RON 760-455-1772

W WORTHINGTON RD & AUSTIN RD
Imperial, CA 92251

W WORTHINGTON RD & AUSTIN RD
Imperial, CA 92251

6/24/20 CRAIG
6/26/20 Contract called off rent by WK
CPU #m7790
7/1/20 cpu ever

Please Pay from this invoice.**Rental Contract**

This is a contract. The back of this contract contains important terms and conditions including lessor's disclaimer from all liability for injury or damage and details of customer's obligations. These terms and conditions are a part of this contract - READ THEM!

If equipment does not function properly notify lessor within 30 minutes of occurrence or no refund or allowance will be made. If this is a reservation, a reservation cancellation fee up to 1/2 of the total amount may be charged if reservation is cancelled within 72 hours of the scheduled "time and date out".

I certify that I have read and agree to all terms of this contract.

REMIT TO: P.O. BOX 13641
SCOTTSDALE, AZ 85267

Rental w/ 30% Disc:	\$544.96
Delivery Charge:	\$1,000.00
Subtotal:	\$1,544.96
Total:	\$1,544.96
Paid:	\$0.00
Amount Due:	\$1,544.96

Signature:**A&R CONSTRUCTION**

Monday - Friday 8:00 A.M - 5:00 P.M.
Printed On Tue 7/7/2020 11:02:45AM

Software by Point-of-Rental Software www.point-of-rental.com

Modification #6
contract-params.SQL.rpt (1)



ACME SAFETY & SUPPLY CORP.

CAUTION CAUTION CAUTION
EVERY JOB BEGINS & ENDS WITH OUR SERVICE

CUSTOMER LIABLE FOR
DAMAGES AND LOST MATEF
PER THE TERMS AND CONDIT
ON REVERSE. And subject to a 1
late charge over 30 days. (But t
exceed the maximum legal rate).

HUBZONE/SBA/WBE CSLB No. 791667

Remit To: 1616 West Avenue, National City, CA 91950 • (619) 299-5100 • Fax (619) 542-0763

Branch: 105 W. Main Street, El Centro, CA 92243 • (760) 336-3044 • Fax (760) 336-3067

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INVOICE

ACME SAFETY & SUPPLY CORP.

INVOICE #: 148657-00 DATE: 00/00/0000

A&R CONSTRUCTION
1631 RIVER DRIVE.
BRAWLEY, CA 92227

JOB: CLOSURE
LOCATION: NANCE & WORTHINGTON
AREA: TAX AREA: RC
CITY: IMPERIAL
SUPER: ROB
PO: 20-61
JOB ID: CLOSURE

(760)344-4653

CUST #: 003011

INVEN ID	QUANTITY	DESCRIPTION	DELIVERY/PICKUP DATE	TAX	CHARGE
L (OTHER)	1 UNIT PRICE: 2,500.00	ROAD CLOSURE	ORDER:130582-00 06/23/2020	N	2,500.00
L (OTHER)	1 UNIT PRICE: 1,200.00	3 CMS BOARDS	ORDER:130582-00 06/23/2020	N	1,200.00
L (OTHER)	1 UNIT PRICE: 450.00	8 CUSTOM SIGNS/BARRICADE	ORDER:130582-00 06/23/2020	N	450.00
L (OTHER)	1 UNIT PRICE: 600.00	4 TRAFFIC TRUCKS/150each	ORDER:130582-00 06/23/2020	N	600.00
L (OTHER)	1 UNIT PRICE: 600.00	24 HOUR MAINTENANCE	ORDER:130582-00 06/23/2020	N	600.00
		RENTALS	SALES	OTHER	
NONTAXABLE				5,350.00	5,350.00
DISCOUNTS					
TAXABLE					
TAX					
TOTAL			5,350.00		5,350.00

EVERY ORDER IS SUBJECT TO A MINIMUM JOB CHARGE

Form INV2-C Copyright © 1996-2019 ACT Contractors Forms (800) 820-5656 www.calform.com

Farmers Land Leveling Inc.
DBA Masters Construction
1610 East Main Street
Brawley, CA 92227
(760) 344-2900 Fax (760) 344-2668

CUSTOMER #: 140**INVOICE #: 23184****INVOICE DATE: 06/30/20****DUE DATE: 06/30/20****BILL TO:**

A & R Construction
1631 River Drive
Brawley, CA 92227

JOB: 202011

Worthington Road Emergency
Job #20-61

CODE	DESCRIPTION	CURRENT CONTRACT	PREVIOUS BILLED	PREV %	% COMPL	CURRENT BILLING
09	ASPHALT PAVING	11,118.78			100.0	11,118.78
TOTALS:		11,118.78			100.0	11,118.78

NET DUE: 11,118.78

Thank you for your business!

COUNCIL ACTION
PUBLIC HEARING REQUIRED
RESOLUTION
ORDINANCE 1ST READING
ORDINANCE 2ND READING
CITY CLERK'S INITIALS

DATE SUBMITTED	07/07/2020
SUBMITTED BY	Public Services
DATE ACTION REQUIRED	07/15/2020

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: Signal Lights Hwy 86 & Neckel Rd.	DISCUSSION/ACTION: Declare Emergency at Intersection of HWY 86 & Neckel Rd.		
	1. Approval of Resolution NO. 2020-46 Declaring an emergency and authorizing the City Manager to take such action as may be necessary in response thereto.		
DEPARTMENT INVOLVED: Public Services - Streets			
BACKGROUND/SUMMARY: On the morning of Wednesday, March 11, 2020 a signal light was taken out by a tow truck accident. On the early morning, Sunday, July 5, 2020, a hit and run accident took out a controller box in this same intersection. This triggered the entire signal & camera system at Hwy 86 & Neckel Rd. to not function and fail, thereby causing motorist & pedestrian safety & traffic hazards. Currently, this intersection is operating as a four way stop. An emergency was declared by the City Manager that morning, Sunday, July 5th and clean up & repairs to the area was authorized. Repairs & replacement to the damage are currently underway. Staff is requesting City Council ratify the emergency action taken and approve Resolution No. 2020- . Staff is currently working with different Signal Light & Electrical Engineer companies to get replacement parts and schedule installation that are CalTrans and U.S. compliant. At this time, there is no estimate of time or costs. An update will be provided to Council as information becomes available.			
FISCAL IMPACT: Unknown	FINANCE INITIALS		
STAFF RECOMMENDATION: Council declares emergency and ratifies action already taken and approve resolution.	DEPT. INITIALS		
MANAGER'S RECOMMENDATION: <i>approve</i>	CITY MANAGER'S INITIALS		
MOTION:			
SECONDED: AYES: NAYES: ABSENT:	APPROVED () DISAPPROVED () REFERRED TO:	REJECTED () DEFERRED ()	

RESOLUTION NO. 2020-46

**RESOLUTION DECLARING AN EMERGENCY,
AUTHORIZING THE CITY MANAGER TO TAKE SUCH
ACTION AS MAY BE NECESSARY IN RESPONSE TO
THERETO AND RATIFYING ACTION TAKEN TO
ADDRESS THE EMERGENCY**

WHEREAS, the City operates and maintains a signal light ("Signal") at the intersection of Highway 86 and Neckel Road ("Intersection"); and

WHEREAS, Highway 86 consists of two northbound and two southbound lanes and includes right and left turn pockets for traffic turning east or west onto Neckel Road; and

WHEREAS, the Signal controls north and south bound traffic on Highway 86 and east and west bound traffic on Neckel Road and also controls traffic turning east or west onto Neckel Road from Highway 86; and

WHEREAS, on or about July 4, 2020, an incident occurred at the Intersection in which a hit and run driver struck and damaged beyond repair the controller for the Signal; and

WHEREAS, the absence of the controller renders the Signal to be non-operational; and

WHEREAS, temporary signs have been placed to make traffic travelling in all directions stop before proceeding; and

WHEREAS, a fully operational Signal is preferred to signs and maximizes the safety for vehicles traversing the Intersection; and

WHEREAS, the sudden absence of a fully operational Signal renders the intersection less safe and potentially exposes persons and property to injury and damage; and

WHEREAS, repair and replacement of equipment to make the Signal fully operational constitutes an emergency under applicable law and such emergency does not reasonably permit delays associated with a competitive solicitation for bids and the actions authorized herein are necessary to respond to the emergency; and

WHEREAS, in order to safeguard the public health and safety and to protect property, it is necessary to take immediate action to order replacement parts and equipment and undertake repair of the signal; and

WHEREAS, the city council wishes to delegate authority to the city manager to take such action as may be necessary to repair the Signal and otherwise address the emergency as described herein.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The above-referenced recitals are true and correct and are incorporated herein.

2. The City Council declares that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and hereby delegates to the city manager the authority to take such immediate further action as may be necessary to safeguard life, health or property in connection with repair to the Signal and provide temporary traffic controls in accordance with Public Contracts Code Sections 20168 and 22050 and without otherwise complying with bid requirements required by law.

3. The City Council ratifies action taken to date to address the absence of a working Signal and repair and replace the Signal and related equipment on the basis that the emergency described herein will not permit a delay resulting from a competitive solicitation of bids and the action is necessary to respond to the emergency.

APPROVED, PASSED AND ADOPTED, at the regular meeting of the City Council this 15th day of July, 2020.

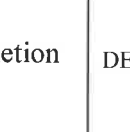
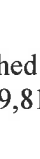
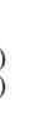
Mayor

ATTEST:

City Clerk

COUNCIL ACTION	(X)
PUBLIC HEARING REQUIRED	()
RESOLUTION	()
ORDINANCE 1 ST READING	()
ORDINANCE 2 ND READING	()
CITY CLERK'S INITIALS	<i>[Signature]</i>

()
()
8 ✓

SUBJECT: DISCUSSION/ACTION: SKY RANCH BLOCK WALL PROJECT			
1. ACCEPT PROJECT AS COMPLETED; 2. APPROVAL TO FILE NOTICE OF COMPLETION.			
DEPARTMENT INVOLVED: PARKS			
BACKGROUND/SUMMARY: On March 18, 2020, City Council accepted the bid in the amount of \$724,281.50 from Pyramid Construction for the Demolition and construction of a new 1,800 LF section of CMU block wall located in the Sky Ranch Development. On June 11, 2020, the project was deemed complete. Please reference the attached Letter of Completion submitted by Pyramid Construction Aggregates Inc. Final project cost was \$629,810.00.			
FISCAL IMPACT: \$629,810.00 .LD		FINANCE INITIALS 	
STAFF RECOMMENDATION: It is the department's recommendation for City Council to approve the projects completion and filing of the Notice of Completion.		DEPT. INITIALS 	
MANAGER'S RECOMMENDATION: 		CITY MANAGER's INITIALS 	
MOTION:			
SECONDED: AYES: NAYES: ABSENT:		APPROVED () DISAPPROVED () REFERRED TO: REJECTED () DEFERRED ()	



**PYRAMID
CONSTRUCTION
AND AGGREGATES, INC.**

General Engineering Contractor
State Contractor Lic. No. 866533

June 25, 2020

Tony Lopez
City of Imperial
420 South Imperial Ave.
Imperial, CA 92251

Reference: Sky Ranch Block Wall

Dear Mr. Lopez,

This is to notify you that all work on the above-mentioned project that started on April 27, 2020 has been completed as of June 11, 2020.

Sincerely,



Archie Abeyta
Project Manager

DATE SUBMITTED

7/8/2020

SUBMITTED BY

CITY MANAGER'S
OFFICE

DATE ACTION REQUIRED

7/15/2020

COUNCIL ACTION (X)
PUBLIC HEARING REQUIRED ()
RESOLUTION (X)
ORDINANCE 1ST READING ()
ORDINANCE 2ND READING ()
CITY CLERK'S INITIALS 28

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: DISCUSSION/ACTION: RESOLUTION TO APPROVE CITY OF IMPERIAL'S APPLICATION TO STATE OF CALIFORNIA DEPT OF PARKS & RECREATION

1. APPROVAL OF RESOLUTION NO. 2020-47 TO AUTHORIZE CITY OF IMPERIAL'S APPLICATION FOR PER CAPITA GRAND FUNDS TO THE STATE OF CALIFORNIA DEPARTMENT OF PARKS & RECREATION

DEPARTMENT INVOLVED: City Manager's Office - Parks

BACKGROUND/SUMMARY:

The City of Imperial applied in June of 2019 to the State of California Parks & Recreation Office in an effort to obtain Per Capita Funding through the Prop 68 program. On June 24, 2020 the City of Imperial received notice that their application had been approved and forwarded to the next round. Funds allocated are to be used for capital infrastructure improvements to the City's parks. If approved, City staff will be submitting four applications for our per capita allocations. Applications will include the following improvements:

- Eager Park Splash Pad Shade Structure
- Joshua Park Field Perimeter Fence
- Evans Park Perimeter Fence & Lighting
- Freddie White Field Fence
- Sunset Park Ball Fields - Upgrade Irrigation System and Reseeding

FISCAL IMPACT: \$177,952 Per Capita Funds

ADMIN SERV
INITIALS

158

STAFF RECOMMENDATION: It is Staff's recommendation for the City Council to approve the resolution and allow staff to apply for capital improvements to Eager Park.

DEPT. INITIALS

AB

MANAGER'S RECOMMENDATION: It is the recommendation of the City Manager's Office to approve the resolution as presented.

CITY
MANAGER'S
INITIALS

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MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVED ()

REFERRED TO:

REJECTED ()

DEFERRED ()

RESOLUTION OF THE CITY OF IMPERIAL CITY COUNCIL APPROVING APPLICATION(S) FOR RECREATIONAL
INFRASTRUCTURE REVENUE ENHANCEMENT 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 Recreational Infrastructure Revenue Enhancement Grant Program, setting up necessary procedures governing application(s); and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the grantee's City Council to certify by resolution the approval of project application(s) before submission of said applications to the State; and

WHEREAS, the grantee will enter into contracts with the State of California to complete project(s);

NOW, THEREFORE, BE IT RESOLVED that the grantee's City Council hereby:

1. Approves the filing of project application(s) for Recreational Infrastructure Revenue Enhancement Grant Program grant project(s); and
2. Certifies that said grantee has or will have available, prior to commencement of project work utilizing Recreational Infrastructure Revenue Enhancement funding, sufficient funds to complete the project(s); and
3. Certifies that the grantee has or will have sufficient funds to operate and maintain the project(s); and
4. Certifies that it will comply with the provisions of §1771.5 of the State Labor Code; and
5. (PRC §80001(b)(8)(A-G)) To the extent practicable, as identified in the "Presidential Memorandum--Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters," dated January 12, 2017, the (city/county/district) will consider a range of actions that include, but are not limited to, the following:
 - (A) Conducting active outreach to diverse populations, particularly minority, low income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific programs and opportunities.
 - (B) Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation across these areas.
 - (C) Creating new partnerships with state, local, tribal, private, and nonprofit organizations to expand access for diverse populations.
 - (D) Identifying and implementing improvements to existing programs to increase visitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities.

(E) Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations.

(F) Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs.

(G) Identifying possible staff liaisons to diverse populations.

6. Agrees that to the extent practicable, the project(s) will provide workforce education and training, contractor and job opportunities for disadvantaged communities (PRC §80001(b)(5)); and

7. Certifies that the grantee has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide; and

8. Delegates the authority to the (designated position, not name of person occupying position), 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(s); and

9. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

Approved and adopted the ____ day of _____, 20____.

Darrell Pechtl, Mayor

I, the undersigned, hereby certify that the foregoing Resolution Number ____ was duly adopted by the grantee's (Governing Body) following a roll call vote:

Ayes: ____ Noes: ____ Absent: ____

ATTEST:

Debra Jackson, City Clerk

DATE SUBMITTED

7/8/2020

SUBMITTED BY

City Manager's
Office

DATE ACTION REQUIRED

7/15/2020

COUNCIL ACTION (X)
PUBLIC HEARING REQUIRED ()
RESOLUTION ()
ORDINANCE 1ST READING ()
ORDINANCE 2ND READING ()
CITY CLERK'S INITIALS 8

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: DISCUSSION/ACTION: Amendment to Executive Landscape, Inc. Agreement

1. Authorize the removal of Eager, Freddie White, Joshua Tree, Imperial Transit Park, CA Irving, Evans, and Sunset Parks from Scope of Services;

DEPARTMENT INVOLVED: Parks

BACKGROUND/SUMMARY:

As per Council Action on July 7, 2020, the City of Imperial has filed a notice of termination for that portion of the contract that references general fund parks. Moving forward, maintenance and landscaping for general fund parks will be handled by the City Parks Department.

FISCAL IMPACT: Savings of \$84,000.00 to the general fund

ADMIN SERV
INITIALS

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STAFF RECOMMENDATION: It is staff's recommendation to amend the existing contract with Executive Landscape, Inc. and authorize the removal of general fund parks from their scope of services.

DEPT. INITIALS

ab

MANAGER'S RECOMMENDATION: City Manager recommends the authorization of the removal of general fund parks.

CITY
MANAGER'S
INITIALS

am

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVED ()

REJECTED ()

DEFERRED ()

REFERRED TO: