

AGENDA

**CITY COUNCIL
CITY OF IMPERIAL
200 WEST 9TH STREET
IMPERIAL, CA 92251-1637
JANUARY 3, 2018
7:00 PM**

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 OPEN SESSION AT 7:00 PM

**ROLL CALL
PLEDGE OF ALLEGIANCE
ADJUSTMENTS TO THIS AGENDA**

B. PUBLIC APPEARANCES:

This is a public meeting. 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. 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**.

C-1. Approval of claims/warrants report.

C-2. Approval of Minutes for Regular Meetings of November 1, 2017 and November 15, 2017.

D. NEW BUSINESS: (DISCUSSION/ACTION – APPROVE-DISAPPROVE)

D-1. SUBJECT: DISCUSSION/ACTION: ORDINANCE NO. 795 – REGARDING MEDICAL CANNABIS DISPENSARIES

- 1. 2ND READING AND ADOPTION OF ORDINANCE NO. 795, AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING THE CODIFIED ORDINANCES TO PROVIDE FOR MEDICINAL CANNABIS DISPENSARIES – WAIVE READING AND ADOPT BY TITLE ONLY.**

D-2. SUBJECT: DISCUSSION/ACTION: GAC TREATMENT SYSTEM FOR REMOVAL OF TTHM LEVELS IN CITY WATER FACILITIES.

- 1. APPROVAL TO TRANSFER FUNDS FROM CAPITAL IMPROVEMENT PROJECT LIST AND WATER CAPACITY TO BE USED FOR TTHM COMPLIANCE MANDATES SET BY CALIFORNIA STATE RESOURCES CONTROL BOARD.**

D-3. SUBJECT: DISCUSSION/ACTION: TRAFFIC SIGNAL LIGHT AND INTERSECTION IMPROVEMENTS AT SR-86 AND NECKEL ROAD

1. APPROVE CONSTRUCTION CHANGE ORDERS #1, #3, #4, AND #7 RELATED TO INTERSECTION IMPROVEMENTS – FEDERAL AID PROJECT #HSIP 5134(013) AS REQUESTED BY HAL HAYS CONSTRUCTION, INC.

D-4. SUBJECT: DISCUSSION/ACTION: MAYOR’S APPOINTMENT OF COUNCIL MEMBERS TO VARIOUS COMMISSIONS AND COMMITTEES.

1. CONSIDERATION OF APPOINTMENT TO VARIOUS COMMISSIONS AND COMMITTEES BY THE MAYOR.
2. DETERMINATION OF METHOD OF APPOINTMENT OF A MEMBER TO THE CENTINELA STATE PRISON CITIZEN ADVISORY COMMITTEE.

E. PUBLIC HEARINGS:

E-1. SUBJECT: PUBLIC HEARING/DISCUSSION/ACTION: AMENDMENT TO ZONING ORDINANCE RELATED TO CONDITIONAL USES IN COMMERCIAL ZONES TO ALLOW MEDICAL CANNABIS DISPENSARIES AND USES.

1. INTRODUCTION AND 1ST READING BY TITLE ONLY OF ORDINANCE AMENDING SECTION 24.05 OF THE ZONING CODE WITH REGARDS TO COMMERCIAL ZONING DISTRICTS TO ALLOW MEDICAL CANNABIS DISPENSARIES AND USES

F. REPORTS:

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

F-2. SUBJECT: DEPARTMENT HEAD AND STAFF REPORTS

F-3. SUBJECT: CITY MANAGER REPORT.

ADJOURN CITY COUNCIL MEETING UNTIL THE NEXT REGULARLY SCHEDULED MEETING, WEDNESDAY, JANUARY 17, 2018 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

C..-1

Date: 12/28 /2017

Time: 1:58 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							
79567	12/07/2017	Printed		6066	EDWARD OTTER		227.50
79568	12/07/2017	Printed		4136	THE RENTAL SHOP		130.00
79569	12/13/2017	Printed		735	ACADEMI AWARDS & TROPHIES		908.76
79570	12/13/2017	Printed		904	ACCAPS		2,000.00
79571	12/13/2017	Printed		2357	ALL VALLEY FENCE		302.89
79572	12/13/2017	Printed		195	ALLIED WASTE		90,257.69
79573	12/13/2017	Printed		147	ALLSTATE INSURANCE		133.00
79574	12/13/2017	Printed		1425	AMERICA'S TIRE CO.		1,013.50
79575	12/13/2017	Printed		6012	AMERICAN EQUITY		30,276.86
79576	12/13/2017	Printed		656	AQUA METRIC		10,639.32
79577	12/13/2017	Printed		1009	ARCTIC AIR		1,700.00
79578	12/13/2017	Printed		4531	ARCTIC GLACIER U.S.A. INC.		5,659.19
79579	12/13/2017	Printed		4531	ARCTIC GLACIER U.S.A. INC.		5,661.02
79580	12/13/2017	Printed		1851	AT&T LONG DISTANCE		205.67
79581	12/13/2017	Printed		6070	BRAD MCLEOD		343.34
79582	12/13/2017	Printed		674	BRENNTAG		4,043.48
79583	12/13/2017	Printed		3329	CI- SOLUTIONS		228.08
79584	12/13/2017	Printed		3029	CLAIREMONT EQUIPMENT		472.50
79585	12/13/2017	Printed		6071	CLAUDIA SALDANA		32.02
79586	12/13/2017	Printed		158	CLEAN RITE		95.00
79587	12/13/2017	Printed		2676	CONSTANCIO S. TORRES		98.00
79588	12/13/2017	Printed		514	CORE & MAIN LP		836.28
79589	12/13/2017	Printed		132	COSTCO WHOLESALE		65.62
79590	12/13/2017	Printed		3135	COUNTY OF SAN DIEGO, RCS		1,539.00
79591	12/13/2017	Printed		4929	DAVID SOLDAN		63.77
79592	12/13/2017	Printed		3386	DON EUHUS		156.43
79593	12/13/2017	Printed		1123	EMPIRE SOUTHWEST		2,079.24
79594	12/13/2017	Printed		6080	ERNESTO ACEVES		84.29
79595	12/13/2017	Printed		2059	ESTRADA SYSTEMS GROUP, INC.		9,210.00
79596	12/13/2017	Printed		1307	EXECUTIVE LANDSCAPE INC		22,700.00
79597	12/13/2017	Printed		2929	EXIT IMPERIAL REALTY		126.87
79598	12/13/2017	Printed		5134	FORENSIC DRUG TESTING SERVICES		193.70
79599	12/13/2017	Printed		4604	FRANCISCO GUERRERO		800.00
79600	12/13/2017	Printed		2181	HARRIS COMPUTER SYSTEMS		5,062.50
79601	12/13/2017	Printed		120	IMPERIAL COUNTY FIRE DEPT.		87,456.78
79602	12/13/2017	Printed		4271	IMPERIAL COUNTY HUMANE SOCIETY		440.00
79603	12/13/2017	Printed		028	IMPERIAL IRRIGATION DISTRICT		37,212.67
79604	12/13/2017	Printed		4264	IMPERIAL IRRIGATION DISTRICT		7,898.00
79605	12/13/2017	Printed		102	IMPERIAL POLICE OFFICERS ASSN.		40.00
79606	12/13/2017	Printed		221	IMPERIAL PRINTERS		145.29
79607	12/13/2017	Printed		122	IMPERIAL STORES		249.46
79608	12/13/2017	Printed		3187	IMPERIAL TRUSS & LUMBER CO.		81.82
79609	12/13/2017	Printed		2099	IMPERIAL VALLEY OCCUPATIONAL M		185.00
79610	12/13/2017	Printed		350	IMPERIAL VALLEY PAINT CENTER		0.66
79611	12/13/2017	Printed		1555	IMPERIAL VALLEY PRESS		203.80
79612	12/13/2017	Printed		6072	JENNIFER SANDERS		545.00
79613	12/13/2017	Printed		6079	JOSHUA DRYE		46.42
79614	12/13/2017	Printed		868	K-C WELDING & RENTALS, INC.		716.60
79615	12/13/2017	Printed		035	KISCO SALES, INC.		23.26
79616	12/13/2017	Printed		5580	KOPPEL & GRUBER PUBLIC FINANCE		5,013.75
79617	12/13/2017	Printed		6073	LAURA LOPEZ &		155.44

Check Register Report

Date: 12/28/2017

Time: 1:58 pm

Page: 2

CITYOFIMPERIAL

BANK: UNION BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK Checks							
79618	12/13/2017	Printed		2673	LEGALSHIELD		31.90
79620	12/13/2017	Printed		401	LOWE'S		692.25
79621	12/13/2017	Printed		6076	LUZ MORENO		38.49
79622	12/13/2017	Printed		260	MALLORY SAFETY AND SUPPLY LLC		213.76
79626	12/13/2017	Printed		3998	NAPA		2,035.41
79627	12/13/2017	Printed		6077	OMAR MEDINA		53.19
79628	12/13/2017	Printed		079	ONE SOURCE DISTRIBUTOR		213.78
79629	12/13/2017	Printed		6074	PHONG DUONG		121.78
79630	12/13/2017	Printed		3179	PITNEY BOWES		602.64
79631	12/13/2017	Printed		3308	PREMIER PRODUCE CO.		340.50
79632	12/13/2017	Printed		2322	PREMIER TOWING		75.00
79633	12/13/2017	Printed		5051	PSOMAS		17,445.13
79634	12/13/2017	Printed		3008	RDO EQUIPMENT COMPANY		44.22
79635	12/13/2017	Printed		5796	RICHARD AGUIRRE		28.18
79636	12/13/2017	Printed		4621	RICOCHET		3,052.00
79637	12/13/2017	Printed		6075	RIGOBERTO LOPEZ		99.14
79639	12/13/2017	Printed		2564	ROGERS & ROGERS CHRYSLER JEEP		2,778.42
79640	12/13/2017	Printed		1637	ROMEO'S CAR WASH		77.00
79641	12/13/2017	Printed		3526	RSD		229.64
79642	12/13/2017	Printed		979	SELLERS PETROLEUM		5,758.89
79643	12/13/2017	Printed		5706	SHI INTERNATIONAL CORP		1,421.15
79644	12/13/2017	Printed		1367	SHRED-IT		54.99
79645	12/13/2017	Printed		2365	SPARKLETTS		579.08
79646	12/13/2017	Printed		091	STAPLES CREDIT PLAN		838.22
79647	12/13/2017	Printed		3570	SWANK MOTION PICTURES		385.00
79648	12/13/2017	Printed		1385	SWRCB		24,183.00
79649	12/13/2017	Printed		957	THE SOCO GROUP, INC		377.80
79650	12/13/2017	Printed		6078	TIMOTHY WRIGHT		136.10
79651	12/13/2017	Printed		2293	TOM WATSON, INC		167.50
79652	12/13/2017	Printed		2293	TOM WATSON, INC		996.00
79653	12/13/2017	Printed		2293	TOM WATSON, INC		826.00
79654	12/13/2017	Printed		2293	TOM WATSON, INC		763.93
79655	12/13/2017	Printed		2545	TOWNSEND PUBLIC AFFAIRS, INC		5,000.00
79656	12/13/2017	Printed		275	UNDERGROUND SERVICE ALERT OF		84.25
79657	12/13/2017	Printed		2008	UNITED PARCEL SERVICE		30.24
79658	12/13/2017	Printed		863	UNIVERSITY OF SOUTHERN CA		120.00
79659	12/13/2017	Printed		1100	USA BLUEBOOK		4,458.92
79660	12/13/2017	Printed		1715	WAXIE SANITARY SUPPLY		82.22
79661	12/13/2017	Printed		1568	WEBB AND ASSOCIATES		3,500.00
79662	12/13/2017	Printed		4223	WIN-911 SOFTWARE		495.00
79666	12/15/2017	Printed		5837	U.S. BANK		5,347.74
79769	12/18/2017	Printed		933	ANTHEM BLUE CROSS		51,058.02
79770	12/19/2017	Printed		3262	SIMNSA HEALTH PLAN		19,399.34

Total Checks: 94

Checks Total (excluding void checks):

491,995.29

Total Payments: 94

Bank Total (excluding void checks):

491,995.29

Total Payments: 94

Grand Total (excluding void checks):

491,995.29

**CITY COUNCIL
CITY OF IMPERIAL
NOVEMBER 1, 2017**

Title: City manager

1

Motion by SAMPSON, seconded by AMPARANO to reconsider the item.

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE MOTION CARRIED 5-0

2. RESCIND OR UPHOLD PREVIOUS ACTION TAKEN ON OCTOBER 18, 2017 TO REJECT ALL BIDS RECEIVED.

Motion by DALE, seconded SAMPSON to rescind previous action rejecting all bids received.

AYES: AMPARANO, DALE, SAMPSON, AND TUCKER

NOES: PECHTL

ABSTAIN: NONE

ABSENT: NONE MOTION CARRIED 4-1

3. AWARD OF BID TO AGGREGATE PRODUCTS, INC. (API) FOR THE DOGWOOD ROAD PAVEMENT REHABILITATION FROM ATEN BOULEVARD TO SOUTHEAST CITY LIMIT PROJECT IN THE AMOUNT OF \$289,913.50

Motion by DALE, seconded by AMPARANO to award bid to API.

AYES: AMPARANO, DALE, SAMPSON, AND TUCKER

NOES: PECHTL

ABSTAIN: NONE

ABSENT: NONE MOTION CARRIED 4-1

4. AWARD OF CONTRACT TO SIERRA MATERIAL TESTING AND INSPECTION FOR INDEPENDENT ASSURANCE GEOTECHNICAL QC SERVICES FOR THE DOGWOOD ROAD PAVEMENT REHABILITATION PROJECT IN THE AMOUNT OF \$9,325.00

Motion by AMPARANO, second by DALE to award contract to Sierra Material Testing and Inspection.

AYES: AMPARANO, DALE, SAMPSON, AND TUCKER

NOES: PECHTL

ABSTAIN: NONE

ABSENT: NONE MOTION CARRIED 4-1

E-2. SUBJECT: ATEN BOULEVARD SIDEWALK PROJECT FROM LA BRUCHERIE ROAD TO OLD SR-86 – BID 2017-05

MAYOR TUCKER announced a Conflict of Interest with this item as he owns property in the project area and stepped out of the room. MAYOR PRO-TEM DALE chaired.

1. AWARD OF BID TO PYRAMID CONSTRUCTION & AGGREGATE IN THE AMOUNT OF \$196,832.90 FOR THE CONSTRUCTION SERVICES RELATED TO THE ATEN BLVD SIDEWALK PROJECT FROM LA BRUCHERIE ROAD TO OLD SR-86.

Motion by AMPARANO, seconded PECHTL to award bid to Pyramid Construction & Aggregate.

AYES: AMPARANO, DALE, PECHTL, SAMPSON

NOES: NONE

ABSTAIN: TUCKER (Conflict of Interest)

ABSENT: NONE MOTION CARRIED 4-1

MAYOR TUCKER returned to the dais.

E-3. SUBJECT: IMPERIAL TRANSIT PARK

COMMUNITY DEVELOPMENT DIRECTOR MORA provided an update to the Council on the project. The project is currently in Phase II of the design work that is being provided by PSOMAS.

E-4. SUBJECT: **SIDEWALK PROJECT – IMPERIAL TOWNSITE – CDBG GRANT 15-CDBG-1077**

COMMUNITY DEVELOPMENT DIRECTOR MORA informed Council that the project improvements are on “F” and “G” Streets between Barioni Boulevard and 15th Street. Bid documents will be completed in early 2018.

E-5. SUBJECT: **MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IMPERIAL AND UNREPRESENTED EMPLOYEES (MANAGEMENT, SUPERVISORY, PROFESSIONAL, CONFIDENTIAL AND POLICE SERGEANTS) FOR FISCAL YEAR 2017-2018**

1. APPROVAL OF RESOLUTION NO. 2017-46, ESTABLISHING SALARIES AND EMPLOYEE BENEFITS FOR THE UNREPRESENTED EMPLOYEES (MANAGEMENT, SUPERVISORY, PROFESSIONAL, CONFIDENTIAL, AND POLICE SERGEANTS) FOR FISCAL YEAR 2017-2018.

Motion by DALE, seconded by PECHTL to approve Resolution No. 2017-46.

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE MOTION CARRIED 5-0

E-6. SUBJECT: **RECLASSIFICATION REQUEST – CITY MANAGER’S OFFICE.**

1. APPROVAL TO RECLASSIFY THE EXECUTIVE ASSISTANT TO NEW CLASSIFICATION OF MANAGEMENT ANALYST AND APPROVE THE JOB DESCRIPTION AND APPROVE NEW SALARY RANGE OF 80 FOR THE POSITION.

COUNCIL MEMBER PECHTL read into the record a letter that was sent to MAYOR TUCKER by Mike Morales, Teamsters requesting Council to table the item to a future meeting.

Motion by DALE, seconded by PECHTL to approve the reclassification to new classification of Management Analyst and approve the job description and new salary range.

AYES: DALE, PECHTL, AND TUCKER

NOES: AMPARANO AND SAMPSON

ABSTAIN: NONE

ABSENT: NONE MOTION CARRIED 3-2

F. REPORTS:

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

AMPARANO reported on meetings and events he attended: Chamber of Commerce, League of California Cities Division Meeting and Movie in the Park.

PECHTL commented on social media comments regarding the upcoming water and sewer rate vote and the open houses scheduled for public outreach.

DALE reported on attending the groundbreaking for the Cross Road Elementary School.

F-2. SUBJECT: DEPARTMENT HEAD AND STAFF REPORTS

COMMUNITY SERVICES DIRECTOR HALLER presented the flyer announcing the Harvest Palooza Market Day.

DEPUTY POLICE CHIEF BARRA reported the Explorer Scouts participated in the previous market day and did an excellent job.

F-3. SUBJECT: CITY MANAGER REPORT.

CITY MANAGER CHATWIN announced that he will be attending Crises Management Training at NAF, El Centro on November 2, 2017.

F-4. SUBJECT: CHAMBER OF COMMERCE REPORT.

SUSAN PARADIS announced the next Chamber Mixer will be on November 9, 2017 and will be combined businesses of Imperial Coffee, Brickhouse Deli, Restoration, and Bliss and others.

CITY COUNCIL MEETING ADJOURNED AT 8:50 PM UNTIL THE NEXT REGULARLY SCHEDULED MEETING, WEDNESDAY, NOVEMBER 15, 2017 AT 7:00 P.M.

MINUTES

CITY COUNCIL CITY OF IMPERIAL NOVEMBER 15, 2017

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

A-1. SUBJECT: PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Section 54954.5(e))

Title: City Manager

B. CITY COUNCIL RE-CONVENED TO OPEN SESSION

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

OTHER OFFICIALS PRESENT: CITY ATTORNEY MORITA, CITY MANAGER CHATWIN, PUBLIC SERVICES DIRECTOR LOPER, FIRE CHIEF ROUHOTAS, DEPUTY POLICE CHIEF BARRA, DEPUTY POLICE CHIEF LUNA, COMMUNITY SERVICES DIRECTOR HALLER, FINANCE DIRECTOR GUTIERREZ, ADMINISTRATIVE SERVICES DIRECTOR GADDIS, COMMUNITY DEVELOPMENT DIRECTOR MORA, AND CITY CLERK JACKSON

MAYOR TUCKER called Open Session to order at 7:17 PM and the Pledge of Allegiance was led by Community Development Director Mora.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

CITY ATTORNEY MORITA announced that no reportable action was taken in Closed Session.

C. PUBLIC APPEARANCES:

Three members of the High Intensity Drug Trafficking Area (HIDTA) for San Diego/Imperial addressed Council in opposition to allowing cannabis dispensaries in the city.

Adam Boutwell, Ironwood Acres resident questioned the proposed water and sewer rates and how those would affect the residents outside city limits who receive city services.

Juan Lopez, Antonio Rivera, Sylvia Preciado, and Mark Gaddis all Imperial residents addressed Council with questions about the proposed rate increases, rate study and Proposition 218 process.

D. CONSENT AGENDA:

D-1. Approval of claims/warrants report.

D-2. Approval of minutes for Regular meetings of September 6, 2017 and September 20, 2017 and Special meeting of September 20, 2017.

Motion by PECHTL, seconded by DALE to approve the Consent Agenda as presented.

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

E. NEW BUSINESS:

E-1. SUBJECT: AMENDMENT TO THE 2017-2018 FISCAL YEAR MUNICIPAL BUDGET AND PURCHASE OF SENSUS AQUA METRIC ADVANCED METERING INFRASTRUCTURE SYSTEM.

1. APPROVAL TO AMEND FISCAL YEAR 2017-2018 MUNICIPAL BUDGET, WATER ENTERPRISE FUND TO INCLUDE AQUA METRIC ADVANCED METERING INFRASTRUCTURE SYSTEM EXPENDITURE NOT TO EXCEED \$24,222.16

Motion by DALE, seconded by SAMPSON to amend the Fiscal Year Municipal budget water enterprise fund to include Aqua Metric advanced metering system.

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE MOTION CARRIED 5-0

2. AUTHORIZE THE EXPENDITURE IN THE AMOUNT OF \$24,222.16 FOR THE PURCHASE OF EQUIPMENT/SOFTWARE AND IMPLEMENTATION OF THE SENSUS AQUA METRIC ADVANCED METERING INFRASTRUCTURE SYSTEM.

Motion by PECHTL, seconded by DALE to approve the expenditure of funds for the purchase of equipment/software and implementation of the Sensus Aqua metric Advanced Metering System.

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE MOTION CARRIED 5-0

E-2. SUBJECT: PURCHASE OF EQUIPMENT – WATER TREATMENT PLANT.

1. APPROVAL TO PURCHASE TWO GORMAN RUPP PUMPS FROM CALIFORNIA ENVIRONMENTAL CONTROLS, INC. IN THE AMOUNT OF \$15,138.88

Motion by DALE, seconded by SAMPSON to approve the purchase of two Gorman Rupp pumps.

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE MOTION CARRIED 5-0

E-3. SUBJECT: PURCHASE OF EQUIPMENT – WATER TREATMENT PLANT.

1. APPROVAL TO PURCHASE TWO LIMITORQUE VALVE CONTROLS FROM INTEGRATED PROCESS TECHNOLOGIES IN THE AMOUNT OF \$19,698.00

Motion by DALE, seconded by SAMPSON to approve the purchase of two Limitorque Valve Controls.

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE MOTION CARRIED 5-0

E-4. SUBJECT: PROPOSED WATER & SEWER RATE INCREASE – PROPOSITION 218 PROCESS, EDUCATION AND OUTREACH UPDATE.

MANAGEMENT ANALYST CHALUPNIK updated the Council on the various methods to reach and educate the community on the proposed water and sewer rate increases.

F. REPORTS:

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

AMPARANO reported on his attendance at the dedication of the Veteran's Memorial and the Chamber of Commerce Mixer.

PECHTL reported he also attended the Veteran's Memorial dedication and Chamber Mixer.

F-2. SUBJECT: DEPARTMENT HEAD AND STAFF REPORTS

COMMUNITY DEVELOPMENT DIRECTOR MORA informed Council of upcoming items for Planning Commission meetings.

ADMINISTRATIVE SERVICES DIRECTOR GADDIS reported that the annual Employee Appreciation event will be held on December 7, 2017.

DEPUTY POLICE CHIEF LUNA announced the annual Kinder Tour will be adding additional informational resources for the students.

COMMUNITY SERVICES DIRECTOR HALLER reminded everyone about the upcoming Market Day on November 18 2017.

F-3. SUBJECT: CITY MANAGER REPORT.

None.

CITY COUNCIL MEETING ADJOURNED AT 8:45 PM UNTIL THE NEXT REGULARLY SCHEDULED MEETING, WEDNESDAY, DECEMBER 6, 2017 AT 7:00 P.M.

DATE SUBMITTED

12/27/2017

SUBMITTED BY

COMMUNITY
DEVELOPMENT
DIRECTOR

DATE ACTION REQUIRED

1/3/2018

COUNCIL ACTION ☐
PUBLIC HEARING REQUIRED ☐
RESOLUTION ☐

ORDINANCE 1ST READING
ORDINANCE 2ND READING
CITY CLERK'S INITIALS

Y

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: DISCUSSION/ACTION: SECOND READING BY TITLE ONLY OF DRAFT MEDICAL CANNABIS DISPENSARY ORDINANCE

- I. Repeal and reenact Chapter 15, Article XII "Medical Cannabis Dispensaries" as outlined in the attached Exhibit "A"

DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT

BACKGROUND/SUMMARY:

On July 10, 2017 the City Council gave direction to staff to initiate the reenactment of Chapter 15, Article XII in order to allow for "Medical Cannabis Dispensaries" within C-2 zones contingent upon the approval of a Conditional Use Permit within the City of Imperial. The draft ordinance was reviewed at the Planning Commission meeting on November 22, 2017. The first reading and introduction to City Council of the draft ordinance occurred on December 20, 2017. Council recommended the item for a second reading with the request of following item be added to the draft ordinance:

- Addition of "E-Cigarettes" to the definitions section.

Item has been added, please reference "Exhibit A (Draft Ordinance)"

FISCAL IMPACT: NO FISCAL IMPACT

ADMIN
SERVICES
SIGN INITIALS _____

STAFF RECOMMENDATION:

Staff recommends approval of Chapter 15, Article XII "Medical Cannabis Dispensaries".

DEPT. INITIALS OM

MANAGER'S RECOMMENDATION:

CITY
MANAGER'S
INITIALS _____

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ☐

DISAPPROVED ☐

REJECTED ☐

DEFERRED ☐

REFERRED TO:

ORDINANCE NO. 795

AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING
THE CODIFIED ORDINANCES TO PROVIDE FOR
MEDICINAL CANNABIS DISPENSARIES

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

Section 1: Article XII (Regulation of Marijuana Under Proposition 64) is hereby renumbered to be Article XIII.

Section 2: Article XII (Medical Marijuana Dispensaries) is hereby repealed and reenacted to read as follows:

Chapter 15, Article XII
Medical Cannabis Dispensaries

- Section 15-85.1. Definitions.
- Section 15-85.2. Business Permit Required.
- Section 15-85.3. On-Site Consumption Permit.
- Section 15-85.4. Regulations.
- Section 15-85.5. Performance and Operating Standards.
- Section 15-85.6. Regulatory Fees; Seller's Permit.
- Section 15-85.7. Sales.
- Section 15-85.8. Revocation, Suspension and Appeals.
- Section 15-85.9. Prohibited Operations; Nonconforming Uses.
- Section 15-85.10. Liability and Indemnification.
- Section 15-85.11. Examination of Books, Records, Witnesses-Penalty.

15-85.1. Definitions.

The following words or phrases, whenever used in this Chapter, shall be given the following definitions:

- (a). "Cannabis" or "Marijuana" shall have the same definition as Business and Professions Code Section 19300.5(f), as may be amended, which, as of March 2016, defines "cannabis" as all parts of the plant 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; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Health and Safety Code Section 11018, "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant which is incapable of germination. "Cannabis" does not mean "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.
- (b). "Cannabis dispensary" or "Dispensary" shall mean a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical cannabis and medical cannabis products as part of a retail sale.
- (c). "City Manager" means the City Manager of the City of Imperial or his/her designee.
- (d). "Collective" means any association, affiliation, or establishment jointly owned and operated by its members that facilitate the collaborative efforts of qualified patients and primary caregivers, as described in State law.
- (e) "Delivery" means the commercial transfer of medical cannabis or medical cannabis products from a dispensary to a primary

caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code, or a testing laboratory. "Delivery" also includes the use by a dispensary of any technology platform that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.

(f). "Delivery only dispensary" means a cannabis dispensary that provides medical cannabis or medical cannabis products to primary caregivers or qualified patients as defined in Section 11362.7 of the Health and Safety Code exclusively through delivery.

(g). "E-Cigarettes" or "Electronic cigarette" means a device used to simulate the experience of smoking, having a cartridge with a heater that vaporizes liquid instead of burning.

(h). "General Application permit" shall mean all applications issued under the Imperial Municipal Code.

(i). "Medical marijuana" or "Medical cannabis" means marijuana authorized in strict compliance with Health and Safety Code Sections 11362.5, 11362.7 et seq., as such sections may be amended from time to time.

(j). "Parcel of land" means one piece of real property as identified by the county assessor's parcel number (APN) that is one contiguous parcel of real property, which is used to identify real property, its boundaries, and all the rights contained therein.

(k). "Primary caregiver" shall have the same definition as California Health and Safety Code Section 11362.7, as may be amended, which, as of March 2016, defines "Primary Caregiver" as an individual designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, and may include a licensed health care facility, a residential care facility, a hospice, or a home health agency as allowed by California Health and Safety Code Section 11362.7(d)(1)-(3)

(l). "Qualified patient" shall have the same definition as California Health and Safety Code Section 11362.7 et seq., as may be amended, which, as of March 2016, means a person who is entitled to the protections of California Health and Safety Code Section 11362.5. For purposes of this ordinance, qualified patient shall include a person with an identification card, as that term is defined by California Health and Safety Code Section 11362.7 et seq.

(m). "Smoking" shall have the same definition as in the Imperial Municipal Code which as of March 2016 includes "inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, weed, "E-cigarette/Electronic cigarette" or other combustible substance."

(n) "Youth Center" means a community or recreation facility that primarily serves persons eighteen (18) years or younger.

15-85.2. Business permit required and application for permit.

(a). Except for hospitals, research facilities, or an entity authorized pursuant to this Ordinance, it is unlawful for any owner, operator, or association to own, conduct, operate or maintain, or to participate therein, or to cause or to allow to be conducted, operated, or maintained, any dispensary, delivery or delivery only dispensary in or into the City unless there exists a valid business permit in compliance with the provisions of this Ordinance and a permit issued under this Chapter. This Chapter, and the requirement to obtain a business permit, does not apply to the individual possession or cultivation of medical marijuana for personal use, nor does this Chapter apply to the usage, distribution, cultivation or processing of medical marijuana by qualified patients or primary caregivers when such group is of three (3) or less individuals, and distributing, cultivating or processing the marijuana from a residential unit or a single non-residential parcel of land. Associations of three (3) or less qualified patients or primary caregivers shall not be required to obtain a permit under this Ordinance, but must comply with applicable State law.

(b). The City Manager shall issue no more than ____1____ new valid permits for the operation of dispensaries in the City per year. Delivery only dispensaries shall not be subject to this limit.

(c). In addition to the requirements specified in this ordinance for business permits, the permit application for a dispensary shall set forth the following information:

Unless the City Manager in his/her discretion determines that the location will not impact the peace, order and welfare of the public evidence that the proposed location of such dispensary is not within six hundred (600) feet of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive (but not including any private school in which education is primarily conducted in private homes), or youth centers, churches/places of assembly, other medical cannabis facilities, daycare services and residential zoning districts. The proposed dispensary or delivery only dispensary must be located in a zone designated as C-2 by the City Ordinance, or its equivalent as may be amended, of the City. In addition to the other requirements of this Ordinance, a dispensary must also obtain a conditional use permit.

A plan of operations that will describe how the dispensary or delivery only dispensary will operate consistent with State law and the provisions of this Chapter, including but not limited to:

- i. Controls to ensure medical marijuana will be dispensed only to qualified patients and primary caregivers, and
- ii. Controls to acquire, possess, transport and distribute marijuana to and from State-licensed medical cannabis entities.

A security plan, as a separate document, outlining the proposed security arrangements to deter and prevent unauthorized entrance into areas containing medical cannabis or medical cannabis products and theft of medical cannabis or medical cannabis products at the dispensary, in accordance with minimum security measures required by State law. The security plan shall be reviewed by the Police Department and the Office of the City Manager and shall be exempt from disclosure as a public record pursuant to Government Code Section 6255(a).

Confirmation of the following criteria:

- i. That the dispensary or delivery only dispensary will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable, with consideration to be given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;
- ii. That the dispensary or delivery only dispensary will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;
- iii. That the dispensary or delivery only dispensary will not interfere with the movement of people;
- iv. That the dispensary or delivery only dispensary will be of an architectural and visual quality and character which harmonizes with, or where appropriate enhances, the surrounding area;
- v. That the design will avoid unduly large or obtrusive signs, bleak unlandscaped parking areas, and an overall garish impression. All proposed signs and methods of on-site advertisement are to be formally submitted via application to the Community Development Department. All proposed signs and methods of on-site advertisement will be reviewed by the Development Review Committee and then taken to the Planning Commission for final approval;
- vi. That adequate litter receptacles will be provided where appropriate;
- vii. That where the dispensary or delivery only dispensary is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep;
- viii. That where the "delivery only" dispensary operator is in close proximity to residential uses it follow the rules set forth in this ordinance and rules set forth in Section 24.11.200 "Home Occupations" on a case by case basis.
- viii. That no cannabis or cannabis odors shall be detectable by sight or smell outside of a permitted facility.

Such other information deemed necessary to conduct any investigation or background check of the applicant, and for the City Manager to determine compliance with this Chapter, the City's Municipal Code and Zoning Code.

- i. Applications for dispensaries shall be subject to a hearing and must provide public notice of the hearing in accordance with City Ordinance. Applications for delivery only dispensaries shall not be subject to a hearing requirement. The City Manager shall be the investigating official referred to in this Ordinance to whom the application shall be referred. In recommending the granting or denying of such permit and in granting or denying the same, the City Manager shall give particular consideration to the capacity, capitalization, and complaint history of the applicant and any other factors that in the City Manager's discretion he/she deems necessary to the peace, order and welfare of the public. All applicants shall pay an application fee, a permit fee, and all inspection fees that may be required as part of the application process, as specified in the City's Fee Schedule.
- ii. At the time of submission of dispensary permit application, the applicant shall pay a dispensary permit application fee. The fee amount shall be set in the City's Fee Schedule.

15-85.3. Onsite consumption permit.

- (a). An applicant must obtain a secondary onsite consumption permit in order for cannabis to be consumed on the premises of the dispensary.
- (b). An onsite consumption permit may be issued at the discretion of the City Manager to a dispensary in good standing following a public hearing conducted according to the requirements of this Ordinance. The City Manager shall take into consideration the operating history and business practices of the applicant, and any other factors that are deemed necessary to promote the peace, order and welfare of the public. An application for an onsite consumption permit may be denied for failure to meet requirements of the City Building Code, City Fire Code, City Planning Code, this Chapter, and/or any violation of State or local law relevant to the operation of dispensaries.
- (c). The City Manager shall establish conditions of approval for each onsite consumption permit, including but not limited to a parking plan, ventilation plan, anti-drug driving plan, and set hours of operation. Set hours of operation may only be adjusted by submitting a written request to and obtaining approval from the City Manager's Office.
- (d). The permit shall be subject to suspension or revocation in accordance with this Ordinance, and the owner/operator shall be liable for excessive police costs related to enforcement.
- (f). The application fee and annual fee for the onsite consumption permit shall be specified in the City's Fee Schedule.

15-85.4. Regulations.

The City Manager shall establish administrative regulations for the permitting of dispensaries and delivery only dispensaries, and may set further standards for operation of dispensaries and delivery only dispensaries. The dispensary shall meet all the operating criteria for the dispensing of medical marijuana required pursuant to State law, the City Manager's administrative regulations, and this Chapter.

15-85.5. Performance and operating standards.

The City Manager shall develop and implement performance, operating and shall modify such Guidelines from time to time as required by applicable law and consistent with public health, welfare and safety. Noncompliance of such operating standards shall constitute a breach of the permit issued hereunder and may render such permit suspended or revoked based upon the City Manager's determination.

The following performance standards shall be included in the City Administrative regulations:

- (a). The dispensary shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic

beverages, or operate a business that sells alcoholic beverages.

(b). Dispensaries and delivery only dispensaries must implement a track and trace program that records the movement of medical cannabis and medical cannabis products in their custody and make these records available to the City Manager upon request.

Section 15-85.6. Regulatory fees; seller's permit.

(a). In addition to the dispensary application fee, the dispensary shall pay an annual regulatory fee at the same as applying for the business tax certificate or renewal thereof. The dispensary shall post a copy of the business tax certificate issued pursuant to this Ordinance together with a copy of the dispensary permit and onsite consumption permit (if applicable) issued pursuant to this Chapter and this ordinance in a conspicuous place in the premises approved as a dispensary at all times.

(b). The State Board of Equalization has determined that medical marijuana transactions are subject to sales tax, regardless of whether the individual or group makes a profit, and those engaging in transactions involving medical marijuana must obtain a seller's permit from the State Board of Equalization.

(c). The fees referenced herein shall be set by the Fee Schedule, as modified from time to time.

15-85.7. Sales.

Retail sales of medical marijuana that violate California law or this Ordinance are expressly prohibited.

15-85.8. Revocation, suspension and appeals.

Any decision by the City Manager, except for the suspensions or revocations of permits, shall be final and conclusive, and there shall be no right of appeal to the City Council or any other appellate body.

For suspensions or revocations the City shall follow the procedures set forth in the City Ordinance involving appeals to City Council related to conditional use permits. Such request for appeal must be made in writing within fourteen (14) days of the City Manager's decision. The decision of the City Council shall be final and conclusive.

15-85.9. Prohibited operations; nonconforming uses.

(a). All dispensaries in violation of California Health and Safety Code Section 11326.7, et seq., 11362.5, and this Chapter are expressly prohibited. It is unlawful for any dispensary in the City, or any agent, employee or representative of such dispensary, to permit any breach of peace therein or any disturbance of public order or decorum by any tumultuous, riotous or disorderly conduct on the premises of the dispensary or during the delivery of medical cannabis.

(b). No use which has not been duly permitted under this Ordinance shall be deemed to have been a legally established use under the provisions of the Imperial Planning Code, this Code, or any other local ordinance, rule or regulation, and such use shall not be entitled to claim legal nonconforming status.

(c). Any violations of this Chapter, including administrative regulations authorized by this Chapter, may be subject to administrative citation and other applicable legal. injunctive or equitable remedies.

15-85.10. Liability and indemnification.

(a). To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this

Chapter shall not become a personal liability of any public officer or employee of the City.

(b). To the maximum extent permitted by law, the permittees under this Chapter shall defend (with counsel acceptable to the City), indemnify and hold harmless the City of Imperial, the Imperial City Council, and its respective officials, officers, employees, representatives, agents and volunteers (hereafter collectively called City) from any liability, damages, actions, claims, demands, litigation, loss (direct or indirect), causes of action, proceedings or judgment (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "action") against the City to attack, set aside, void or annul any medical cannabis related approvals and actions and comply with the conditions under which such permit is granted, if any. The City may elect, in its sole discretion, to participate in the defense of said action and the permittee shall reimburse the City for its reasonable legal costs and attorneys' fees.

(c). Within ten (10) calendar days of the service of the pleadings upon the City of any action as specified in Subsection B. above, the permittee shall execute a letter of agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the letter of agreement shall survive termination, extinguishment or invalidation of the medical cannabis-related approval. Failure to timely execute the letter of agreement does not relieve the applicant of any of the obligations contained in this section or any other requirements or performance or operating standards that may be imposed by the City.

Section 15-85.11. Examination of books, records and witnesses-Penalty.

(a). Permittees must provide the City Manager with access to any licensed dispensary during normal business hours to verify compliance with this Chapter.

(b). Permittees must provide the City Manager with access to any and all financial information regarding the dispensary at any time, as needed to conduct an audit of the permittees under this Chapter to verify tax compliance under this ordinance and/or gross receipts tax requirements.

(c). The City Manager is authorized to examine the books, papers, tax returns and records of any permittee for the purpose of verifying the accuracy of any declaration made, or if no declaration was made, to ascertain the business tax due.

(d). The City Manager is authorized to examine a person under oath, for the purpose of verifying the accuracy of any declaration made, or if no declaration was made, to ascertain the business tax, registration or permit fees due under this Chapter. In order to ascertain the business tax, registration or permit fees due under this Chapter, the City Manager may compel, by administrative subpoena, the production of relevant books, papers and records and the attendance of all persons as parties or witnesses.

(e). Every permittee is directed and required to furnish to the City Manager, the means, facilities and opportunity for making such financial examinations and investigations.

(f). Any permittee refusal to comply with this section shall be deemed a violation of this Chapter, and administrative subpoenas shall be enforced pursuant to applicable law.

Section 3. Article XII.1 of Chapter 15 is hereby enacted to read as follows:

Chapter 15, Article XII.1

MEDICAL CANNABIS CULTIVATION, MANUFACTURING AND OTHER FACILITY PERMITS

Section 15-85.12. Findings and Purpose.

Section 15-85.13. Definitions.

Section 15-85.14. Permit Required.

Section 15.85.15. Cultivation, Distribution, Testing and Transporting of Medical Cannabis

Section 15.85.16. Application for Permit

Section 15.85.17. Operating and Performance Standards.

Section 15.85.18. Examination of Books, Records, Witnesses-Information Confidential-Penalty

Section 15.85.19. Liability and Indemnification.

15-85.12. Findings and purpose.

(a). The City Council finds that the lack of regulation of medical cannabis facilities other than medical cannabis dispensaries, including unregulated cultivation, manufacturing and processing of medical cannabis in the City could cause impacts to the community. These impacts could include damage to buildings containing indoor medical cannabis cultivation facilities, including improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, increased frequency of home-invasion robberies and similar crimes, and that many of these impacts could fall disproportionately on residential neighborhoods. These impacts could create an increase in response costs, including code enforcement, building, fire, and police staff time and expenses.

(b). The City Council further finds that the creation of a permitting process implementing public health and safety standards for medical cannabis facilities other than dispensaries will not only improve public health and safety but provide a measure of certainty for legitimate businesses and thus encourage them to situate in Imperial.

(c). The City acknowledges that the voters of the State have provided an exemption to prosecution for the cultivation, possession of cannabis for medical purposes under the Compassionate Use Act (CUA), but that the CUA does not address land use or building code impacts or issues arising from the resulting increase in cannabis cultivation within the City.

(d). The City acknowledges that sales of medical marijuana are subject to taxation by both the City and the State and that the California State Board of Equalization (BOE) is also requiring that businesses engaging in such retail transactions hold a seller's permit.

(e). The primary purpose and intent of this Chapter is to regulate non-dispensary medical cannabis facilities, including the cultivation of medical cannabis, in a manner that protects the public health, safety and welfare of the community, as authorized by the Medical Marijuana Regulation and Safety Act.

15-85.13 Definitions.

The following words or phrases, whenever used in this Chapter, shall be given the following definitions:

(a). "Applicant" as used only in this Chapter shall be any industrial cannabis cultivation, processing, manufacturing facility that

applies for a permit required under this Chapter.

- (b). "Batch" as used only in this Chapter shall be defined by the City Manager to mean a discrete quantity of dried cannabis produced and sold together.
- (c). "Cannabis" or "Marijuana" as used only in this Chapter shall be the same, and as may be amended, as is defined in this Ordinance.
- (d). "Cannabis concentrate" as used only in this Chapter shall mean manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency.
- (e). "Cannabis Dispensary" as used only in this Chapter shall be the same, and as may be amended, as is defined in this Ordinance and is also referred to herein as "dispensary."
- (f). "City Manager" as used only in this Chapter shall mean the City Manager for the City of Imperial and his or her designee.
- (g). "Cultivate" as used only in this Chapter shall mean to plant, grow, harvest, dry, cure, grade or trim more than forty-eight (48) ounces of dried cannabis and/or to plant, grow, harvest, dry, cure, grade or trim cannabis in an area greater than ninety-six (96) square feet of total area within one parcel of land.
- (h). "Distribute" as used only in this Chapter shall mean the procurement, sale, and transport of medical cannabis and medical cannabis products between State licensed medical cannabis entities.
- (i). "Edible cannabis product" as used only in this Chapter shall mean manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum.
- (j). "Manufactured cannabis" as used only in this Chapter shall mean raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.
- (k). "Manufacture" as used only in this Chapter shall mean to produce, prepare, propagate, or compound manufactured medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.
- (l). "Medical cannabis collective" as used only in this Chapter shall be the same, and as may be amended, as is defined in Section 5.80.010.
- (m). "Medical marijuana" or "Medical cannabis" as used only in this Chapter shall be the same, and as may be amended, as is defined in this ordinance.
- (n). "Parcel of land" as used only in this Chapter shall be the same, and as may be amended, as is defined in this Ordinance.
- (o). "Permittees" as used only in this Chapter are individuals or businesses that have obtained a permit under this Chapter to cultivate, distribute, manufacture, test or transport.
- (p). "Primary caregiver" as used only in this Chapter shall be the same, and as may be amended, as is defined in this Ordinance.
- (q). "Qualified patient" as used only in this Chapter shall be the same, and as may be amended, as is defined in this Ordinance.
- (r). "Testing" as used only in this Chapter shall mean the conducting of analytical testing of cannabis, cannabis-derived products, hemp, or hemp-derived products.
- (s). "Topical cannabis" as used only in this Chapter shall mean a product intended for external use such as with cannabis-enriched lotions, balms and salves.
- (t). "Transport" as used only in this Chapter means the transfer of medical cannabis or medical cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity, as defined by State law.
- (u). "Transporter" as used only in this Chapter means a person licensed to transport medical cannabis or medical cannabis products between State licensed medical cannabis facilities.
- (v). "Volatile solvents" as used only in this Chapter shall mean those solvents used in the cannabis manufacturing process determined to be volatile by the California Department of Public Health or Imperial Fire Department.

15-85.14. Permit required.

- (a). Except for hospitals and research facilities that obtain written permission for cannabis cultivation under federal law, it is unlawful to cultivate, distribute, manufacture, test or transport without a valid business permit issued pursuant to the provisions of this Chapter. Possession of other types of State or City permits or licenses does not exempt an applicant from the requirement of obtaining a permit under this Chapter.
- (b). The City Manager shall issue, as detailed below, special business permits for medical cannabis cultivation, distributing, manufacturing, testing and transporting. All applicants shall pay any necessary fees including without limitation application fees, inspection fees and regulatory fees that may be required hereunder.
- (c). All cultivation, distribution, manufacturing, testing and transporting permits shall be special business permits and shall be issued for a term of one year. No property interest, vested right, or entitlement to receive a future license to operate a medical marijuana business shall ever inure to the benefit of such permit holder as such permits are revocable at any time with or without cause by the City Manager subject to this ordinance.
- (d). Cultivation, distribution, manufacturing, testing, and transporting permits shall only be granted to entities operating legally according to State law.
- (e). More than one medical cannabis operator may situate on a single parcel of land, however, each operator will be required to obtain a permit for their applicable permit category.
- (f). No proposed use under this Chapter shall be located within a 600-foot radius of any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive (but not including any private school in which education is primarily conducted in private homes) nor situate in an area near "daycare facilities" unless the City Manager in his/her discretion determines that the location will not impact the peace, order and welfare of the public.

15-85.15. Cultivation, Distribution, Testing and Transporting of Medical Marijuana.

- (a). Proposed cultivation, distribution, testing or transporting locations shall be in areas where "light manufacturing industrial," "research and development," or their equivalent use, is permitted by right under the Imperial Planning Code, as may be amended; provided, however, that no vested or other right shall inure to the benefit of any cultivation, distribution, testing or transporting facility permittee.
- (b). The aforementioned location restrictions shall not apply to existing dispensary cultivation facilities located at a retail location if the City Manager in his/her discretion determines that the location will not impact the peace, order and welfare of the public.
- (c). The maximum size of any areas of cultivation shall not exceed any limitations or restrictions set forth in State law.

15-85.16. Manufacturing of medical marijuana.

- (a). Proposed locations for manufacturing of medical cannabis products using nonvolatile solvents shall be in areas where "custom manufacturing industrial," or its equivalent use, is permitted by right under the Imperial Planning Code, as may be amended, or in residential zones if the manufacturing is compliant with the restrictions imposed on cottage food operators under the California Homemade Food Act, Chapter 6.1 (commencing with Section 51035) of Part 1 of Division 1 of Title 5 of the Government Code.
- (b). Proposed locations for manufacturing of medical cannabis products using volatile solvents shall be in areas where C-2, or its

equivalent use, is permitted by right pursuant to the acquisition of a Conditional Use Permit or other designations under the Imperial Zoning code, as may be amended.

15-85.17 Application for permit.

- (a). All applicants shall pay an application fee as specified in the Fee Schedule.
- (b). All applicants shall submit written information to the City Manager that shall include, as applicable, plans for security, odor mitigation, waste disposal, pest management, product testing, worker safety and compensation, local hiring, non-diversion of product, facility location, capitalization, business plans, applicant complaint history, criminal background checks, plan for minimizing environmental impacts, compliance with City building and fire codes, and any additional information deemed necessary by the City Manager. The City Manager may design application forms specific to each permitted category and require inspections of proposed facilities before issuing a permit under this Chapter.
- (c). The City Manager shall establish criteria for minimizing the carbon footprint, environmental impact and resource needs of permitted facilities. Applicants that demonstrate they can satisfy the environmental criteria, such as cultivators seeking to operate greenhouse facilities, will be given preference in the processing of their application.
- (d). All applicants shall demonstrate compliance with State law, during the course of the permit application procedure described under this section, prior to issuing any permit, and upon the issuance of a permit, thereafter.

15-85.18. Operating and performance standards.

(a). Facilities permitted under this Chapter shall not be open to the public. The City Manager shall establish operating and performance standards for permittees. The intent of these operating and performance standards is to minimize any negative effects and enhance the benefits of permitted facilities on the surrounding community.

(b). The following standards shall be included in the City Manager's regulations:

No cannabis or cannabis odors shall be detectable by sight or smell outside of a permitted facility.

Permitted facilities must install security cameras capable of documenting activity inside and outside the facility, as determined by the Imperial Police Department. Permitted facilities must implement a track and trace program that records the movement of medical cannabis and medical cannabis products in their custody and make these records available to the City Manager upon request. Noncompliance of such operating standards shall constitute a breach of the permit issued hereunder and may render such permit suspended or revoked based upon the City Manager's determination.

15-85.19 Examination of Books, Records, witnesses-Information Confidential-Penalty

(a). The City Manager shall be provided access to any licensed medical cannabis cultivation, manufacturing, and other facility during normal business hours to verify compliance with this Chapter.

(b). The City Manager shall be provided access to any and all financial information at any time, as needed to conduct an audit of the permittees under this Chapter to verify tax compliance under this Ordinance and/or gross receipts tax requirements.

(c). The City Manager is authorized to examine the books, papers, tax returns and records of any permittee for the purpose of verifying the accuracy of any declaration made, or if no declaration was made, to ascertain the business tax due.

The City Manager is authorized to examine a person under oath, for the purpose of verifying the accuracy of any declaration made, or if no declaration was made, to ascertain the business tax, registration or permit fees due under this Chapter. In order to ascertain the business tax, registration or permit fees due under this Chapter, the City Manager may compel, by administrative subpoena, the production of relevant books, papers and records and the attendance of all persons as parties or witnesses.

- (d). Every permittee is directed and required to furnish to the City Manager, the means, facilities and opportunity for making such financial examinations and investigations.
- (e). Any permittee refusal to comply with this Section shall be deemed a violation of this Chapter, and administrative subpoenas shall be enforced pursuant to applicable law.

15-85.20. Liability and indemnification.

- (a). To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this Chapter shall not become a personal liability of any public officer or employee of the City.
- (b). To the maximum extent permitted by law, the permittees under this Chapter shall defend (with counsel acceptable to the City), indemnify and hold harmless the City of Imperial, the Imperial City Council, and its respective officials, officers, employees, representatives, agents and volunteers (hereafter collectively called "City") from any liability, damages, actions, claims, demands, litigation, loss (direct or indirect), causes of action, proceedings, or judgment (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "action") against the City to attack, set aside, void or annul, any medical cannabis-related approvals and actions and strictly comply with the conditions under which such permit is granted, if any. The City may elect, in its sole discretion, to participate in the defense of said action and the permittee shall reimburse the City for its reasonable legal costs and attorneys' fees.
- (c). Within ten (10) calendar days of the service of the pleadings upon the City of any action as specified in Subsection (b) above, the permittee shall execute a letter of agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the letter of agreement shall survive termination, extinguishment or invalidation of the medical cannabis-related approval. Failure to timely execute the letter of agreement does not relieve the applicant of any of the obligations contained in this section or any other requirements or performance or operating standards that may be imposed by the City.

Section 4: Effective Date. This ordinance shall take effect and shall be in 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 ____ day of _____, 2018.

Mayor of the City of Imperial

ATTEST:

City Clerk

DATE SUBMITTED 12/27/2017
SUBMITTED BY Public Services Dir.
DATE ACTION REQUIRED 01/03/2018

Agenda Item No
CITY COUNCIL ACTION (X)
PUBLIC HEARING REQUIRED ()
RESOLUTION ()
ORDINANCE 1ST READING ()
ORDINANCE 2ND READING ()
CITY CLERK'S INITIALS 

**IMPERIAL CITY COUNCIL
AGENDA ITEM**

**SUBJECT: DISCUSSION/ACTION: GAC TREATMENT SYSTEM FOR
REMOVAL OF TTHM LEVELS IN THE WATER FACILITIES.**

- 1. APPROVAL TO TRANSFER FUNDS FROM CAPITAL IMPROVEMENT
PROJECT LIST AND WATER CAPACITIY MONEY TO BE USED FOR
TTHM COMPLIANCE MANDATES FROM STATE.**

DEPARTMENT INVOLVED: Public Services – Water Treatment

BACKGROUND/SUMMARY

Due to the city being out of compliance on several occasions with state levels for TTHM we are mandated to provide a financing plan State Water Resource Control Board San Diego Division by January 5, 2018. The council took action on December 20, 2017 to accept and agree to the terms and conditions set by the state and to move forward with compliance process. In order to move forward, staff is requesting permission to transfer funds from capital improvement projects for this fiscal year and from water capacity funds in order to move forward with the project and timeline. Funds will be reallocated to the proper funding sources upon receipt from water payments.

FISCAL IMPACT: To be presented at the meeting.

STAFF RECOMMENDATION: City Council authorizes the transfer of funds.as requested.

MANAGER'S RECOMMENDATION:

MANAGER'S INITIAL 

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVED ()

REFERRED TO:

REJECTED ()

DEFERRED ()

DATE SUBMITTED

12/27/2017

SUBMITTED BY

COMMUNITY
DEVELOPMENT
DIRECTOR

DATE ACTION REQUIRED

1/3/2018

COUNCIL ACTION

PUBLIC HEARING REQUIRED ☒
RESOLUTION ☐

ORDINANCE 1ST READING ☐

ORDINANCE 2ND READING ☐

CITY CLERK'S INITIALS JS

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT:

DISCUSSION/ACTION: TRAFFIC SIGNAL LIGHT AND INTERSECTION
IMPROVEMENTS AT SR-86 AND NECKEL RD

1. CONSTRUCTION CHANGE ORDER #1, #3, #4, AND #7 RELATED TO
INTERSECTION IMPROVEMENTS

FEDERAL AID PROJECT # HSIP-5134(013)

CITY OF IMPERIAL BID NO. 2016-07

DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT

BACKGROUND/SUMMARY:

The City was able to obtain funding through the Highway Safety Improvement Program (HSIP) for a new traffic signal light and intersection improvements at Neckel Road & SR-86 intersection. Construction operations begun on November 20th, 2017. Due to unforeseen conditions and minor design changes the following changes were made from the original contract scope of work.

Staff is recommending that contracts be awarded as follows:

1. CO #1 Additional Improvements and traffic control (per revised plans dated 02/01/2017):
\$24,716.24
2. CO #3 Change guardrail type to Caltrans standard plans guardrail A77R3 type 16B: **\$4,756.02**
3. CO #4 Unit Price Adjustment: **\$3,229.67**
4. CO #7 IID Encroachment permit fees: **\$2,070.07**

Total: **\$34,772.00**

The total amount of the contract awarded to Hal Hays Construction Inc. is **\$ 616,161.00**. New contract amount is **\$650,933.22** to be paid with HSIP.

FISCAL IMPACT:

ADMIN
SERVICES
SIGN INITIALS _____

STAFF RECOMMENDATION:

Staff recommend approval of "CONSTRUCTION CHANGE
ORDER No. 1, 3, 4 and 7" in the amount of **\$34,772.00**

DEPT. INITIALS OM

MANAGER'S RECOMMENDATION:

CITY
MANAGER'S
INITIALS _____

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVED ()

REJECTED ()

DEFERRED ()

REFERRED TO:

CHANGE ORDER

CEM-4900 (REV 05/2015)

Sheet 1 of 1Change Requested by: ☐ Engineer ☒ Contractor

CHANGE ORDER NO. 1	SUPPL. NUMBER	CONTRACT NUMBER Bid No. 2016-07	CO-RTE-PM Neckel Rd and SR-86	FEDERAL NUMBER(S) HSIP 5134(013)
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TO

Hal Hays Construction Inc.

, **contractor**

*You are directed to make the following changes from the plans and specifications or do the following described work not included in the plans and specifications for this contract. **NOTE: This change order is not effective until approved by the engineer.***

Description of work to be done, estimate of quantities, and prices to be paid. (Segregate between additional work at contract price, agreed price, and force account.) Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time. The last percentage shown is the net accumulated increase or decrease from the original quantity in the Bid Item List.

Change Order No. 1:

Additional Improvements and Additional Traffic Control (CO Per revised plans dated 02/01/2017). Bid set of plans were originally dated 9/30/16.

Contract Summary:

Original Contract: \$ 616,161.00

Change Order No. 1: \$ 24,716.24

New Contract Amount: \$ 640,877.24

Contract Days Summary:

Original Contract Days: 60 Calendars Days

Original Contract Date of Completion:

Additional Contract Days (Change Order No. 1): 10 Calendar Days

New Contract Date of Completion:

Estimated Cost: ☒ Increase ☐ Decrease \$ 24,716.24

For this order, the time of completion will be adjusted as follows: Additional 10 Calendar Days

SUBMITTED BY

SIGNATURE	(PRINT NAME AND TITLE)	DATE
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APPROVAL RECOMMENDED BY

SIGNATURE	(PRINT NAME AND TITLE) Carlos Beltran, P.E., Resident Engineer	DATE 12/19/2017
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ENGINEER APPROVAL BY

SIGNATURE	(PRINT NAME AND TITLE) Jesus Villegas, City Project Manager	DATE
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We, the undersigned contractor, have given careful consideration to the change proposed and agree to provide equipment, furnish materials, and perform the work specified above, and will accept as full payment the prices shown above. **NOTE: If you do not sign this order, you are directed to proceed with the ordered work. You may file a Request for Information within the time specified.**

CONTRACTOR ACCEPTANCE BY

SIGNATURE	(PRINT NAME AND TITLE)	DATE
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ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 445-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.



COR/NOC NO: 001R
SUBMITTED BY: Tifani Barnes
SUBJECT: Change Order No. 001 Plans

DATE ISSUED: 11/28/2017

CONTRACT NO: HSIP-5134(013)

Drawings & Details:
Location/Building: Imperial, CA
Reference Document: Change Order No. 001 Plans

Specifications: _____
Discipline: _____

DESCRIPTION:

Provide all labor and material to revise pole location "C" type traffic signal from 29A-5-100 to 61-5-100. Additional scope of work not included in the unit price bid line items.

Contractor: Hal Hays Construction Inc.

Proposed Change in Contract Scope: _____

Cost: \$ 24,716.24 Request Time Extension: 10 Calendar Days

Contractor: Tifani Barnes, Hal Hays Construction Inc. Date: 11/28/2017

Client:

Select One: Agreed Cost / Credit \$ _____ Agreed Time Extension: _____ Calendar Days

Contractor: Tifani Barnes, Hal Hays Construction Date: _____

CM: _____ Date: _____

Owner: _____ Date: _____

Gar

CUSTOMER: PROJECT: CONTRACT NO: HHCI PROJECT NO:	City of Imperial New Traffic Signal Light Highway 86 and Neckel Rd. HSIP-5134(013) 16245	DATE: 11/28/2017
PRICING /COR / NOC NO: SUBJECT:		PCO No. 001R Change Order No. 001 Plans SPEC. SECTION:

CONTRACTOR PERFORMANCE															
DESCRIPTION		MATERIAL					LABOR					EQUIPMENT			
		QTY	UNIT	UNIT COST	EXTENSION		QTY	UNIT	UNIT COST	EXTENSION		QTY	UNIT	UNIT COST	EXTENSION
Demolition of Concrete Sidewalk/Island		1	LS	3,500.00	\$ 3,500.00				\$ -				\$ -		
Grade 4" Native Swale		432	SF	6.40	\$ 2,764.80				\$ -				\$ -		
Install 2"x8" PT Wood Header		218	LF	9.75	\$ 2,106.00				\$ -				\$ -		
Superintendent							1 WK	2,500.00	\$ 2,500.00				\$ -		
Project Manager							0.25 WK	2,500.00	\$ 625.00				\$ -		
Truncated Domes		1	LS	835.28	\$ 835.28										
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SUBCONTRACTOR PERFORMANCE															
DESCRIPTION		MATERIAL & LUMP SUM					LABOR					EQUIPMENT			
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SUBTOTAL FOR CONTRACTOR SELF PERFORMANCE AND SUBCONTRACT WORK	\$ 24,581.05
Bond 0.55%	\$ 135.20
COR TOTAL	\$ 24,716.24

CHANGE ORDER

CEM-4900 (REV 05/2015)

Sheet 1 of 1Change Requested by: ☐ Engineer ☒ Contractor

CHANGE ORDER NO. 3	SUPPL. NUMBER	CONTRACT NUMBER Bid No. 2016-07	CO-RTE-PM Neckel Rd and SR-86	FEDERAL NUMBER(S) HSIP 5134(013)
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TO

Hal Hays Construction Inc.

, contractor

You are directed to make the following changes from the plans and specifications or do the following described work not included in the plans and specifications for this contract. **NOTE: This change order is not effective until approved by the engineer.**

Description of work to be done, estimate of quantities, and prices to be paid. (Segregate between additional work at contract price, agreed price, and force account.) Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time. The last percentage shown is the net accumulated increase or decrease from the original quantity in the Bid Item List.

Change Order No. 3:

Change Guardrail Type to Caltrans Standard Plans Guardrail A77R3 Type 16B

Contract Summary:

Original Contract: \$ 616,161.00

Change Order No. 1: \$ 24,716.24

Change Order No. 3: \$ 4,756.02

New Contract Amount: \$ 645,633.48

Contract Days Summary:

Original Contract Days: 60 Calendars Days

Change Order Contract Days: 10 Calendar Days

Original Contract Date of Completion:

Additional Contract Days (Change Order No. 3): 0 Calendar Days

New Contract Date of Completion:

Estimated Cost: ☒ Increase ☐ Decrease \$ 4,756.02

For this order, the time of completion will be adjusted as follows: 0 Calendar Days

SUBMITTED BY

SIGNATURE	(PRINT NAME AND TITLE)	DATE
-----------	------------------------	------

APPROVAL RECOMMENDED BY

SIGNATURE	(PRINT NAME AND TITLE)	DATE
	Carlos Beltran, P.E., Resident Engineer	12/19/2017

ENGINEER APPROVAL BY

SIGNATURE	(PRINT NAME AND TITLE)	DATE
	Jesus Villegas, City Project Manager	

We, the undersigned contractor, have given careful consideration to the change proposed and agree to provide equipment, furnish materials, and perform the work specified above, and will accept as full payment the prices shown above. **NOTE: If you do not sign this order, you are directed to proceed with the ordered work. You may file a Request for Information within the time specified.**

CONTRACTOR ACCEPTANCE BY

SIGNATURE	(PRINT NAME AND TITLE)	DATE
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ADA Notice

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COR/NOC NO: _____ PCO No. 003
SUBMITTED BY: _____ Tifani Barnes
SUBJECT: _____ Guardrail Type

DATE ISSUED: 11/2/2017
CONTRACT NO: HSIP-5134(013)

Drawings & Details: C-9, Construction Note No. 12
Location/Building: Imperial, CA
Reference Document: RFI No. 001 Response

Specifications: _____
Discipline: _____

DESCRIPTION:

Per RFI #1, Hal Hays Construction has been directed to use Caltrans Standard Plans, Guardrail A77R3, Type 16B in lieu of Guardrail A77G3, Type 16B that was on the project plans. This Change Order is for the price difference.

Contractor: Hal Hays Construction Inc.

Proposed Change in Contract Scope: _____

Cost: \$ 4,756.02 Request Time Extension: 0 Calendar Days

Contractor: Tifani Barnes, Hal Hays Construction Inc. Date: 11/2/2017

Client:

Select One: Agreed Cost / Credit \$ _____ Agreed Time Extension: _____ Calendar Days

Contractor: _____ Date: _____

Per RFI 1, Using Guardrail
A77R3, Type 16B instead
of A77G3, Type 16B
CM:

1 LS \$ 4,300.00

Date: _____

Owner: _____ Date: _____

ALL VALLEY FENCE & SUPPLY, INC.
164 N "O" STREET / P.O. BOX 187
IMPERIAL, CA. 92251
PH 760-355-7007 / FAX 760-355-7010
allvalleyfence@yahoo.com

DATE:

TO:

HAL HAYS

RE:

GUARD RAIL FOR CITY OF IMPERIAL

Please accept this letter as written confirmation to our bid for the above referred project:

Base Bid \$ 7,800⁰⁰ _____ Furnished/Installed

Scope of Work

* 36' OF GUARD RAIL A7763 TYPE 16B
LAYOUT

Exclusion

STAKING, GRADING, GRADING, PERMITS
UNDER GROUND

Addendum

Other

Pricing valid for 90 days from quotation. All pricing based upon the cost of material and labor rates.

If you have any questions, Please do not hesitate to contact me.

DAVID BERNAL
SALES



Tifani Barnes

From: ALL VALLEY FENCE <allvalleyfence@yahoo.com>
Sent: Wednesday, December 7, 2016 1:07 PM
To: Reza Afshar
Subject: Re: Imperial

\$3500.00 for guard rail

Dave

All Valley Fence & Supply, Inc.

Ph 760-355-7007

Fax 760-355-7010

allvalleyfence@yahoo.com

From: Reza Afshar <RAfshar@halhays.com>
To: "allvalleyfence@yahoo.com" <allvalleyfence@yahoo.com>
Sent: Wednesday, December 7, 2016 12:57 PM
Subject: Imperial

Hi Webb;

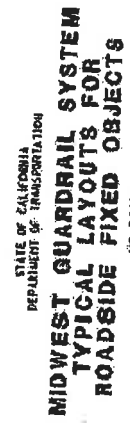
There is about 36' of new Guard Rail that we have to install per attached (callout 12). The job bids at 3 PM today. Could you please price this ite.

Thank you

Reza Afshar
Senior Civil Estimator/ Project Manager
Hal Hays Construction, Inc.
(951) 788-0703 ext 134 - Office
(951) 218-7805 - Cell



CONTRACT NUMBER: 153HSIP4-11-007		REQUEST FOR INFORMATION		RFI NUMBER: 1
CONTRACT TITLE: Neckel Rd Intersection Improvements City of Imperial				
PRIME CONTRACTOR: Hal Hays Construction Inc.		SUBCONTRACTOR/SUPPLIER: All Valley Fencing		
SUBJECT/TITLE OF RFI: Guardrail Type		Contractual:	Originator	Recipient
DRAWING(S): Prefab Bldg	DETAIL(S):	SPECIFICATION:	CPM ACTIVITY NUMBER	
C-9 Pg-9	Const. Notes-12			
COST IMPACT		Yes		
SCHEDULE IMPACT		No		
INFORMATION REQUESTED & RECOMMENDED SOLUTION: As per the CalTrans Standard plans, A77G3, Type 16B Guard Rails shall be used. According to sub-contractor-this type of rail was cancelled from 7-19-2013. Please review and advise.				
Date Response Required By:		Signature:	Alberto Canizalez	Date: 7/27/2017
From: Maria Bautista To: Prime Contractor				
RECOMMENDATION: PLEASE USE CALTRANS STANDARD PLANS A77B3, TYPE 16B				
Signature:		Date: 08/11/17		
The RFI system is intended to provide an efficient mechanism for responding to contractor's request for information ONLY. This system DOES NOT authorize the contractor to proceed with work - to do so, the contractor proceeds at his own risk. If the contractor considers the RFI response a changed condition, written notice to the Contracting Office is required within 20 calendar days.				
DISTRIBUTION: HHCI				



NO SCALE
RSP A77R3 DATED JANUARY 26, 2017 SUPERSEDES RSP 417R3
DATED JULY 19, 2011 THAT SUPPLEMENTS THE STANDARD PLAN 6008 DATED 2010,
REVISED STANDARD PLAN RSP A77R3

CHANGE ORDER

CEM-4900 (REV 05/2015)

Sheet 1 of 1Change Requested by: ☐ Engineer ☒ Contractor

CHANGE ORDER NO. 4	SUPPL. NUMBER	CONTRACT NUMBER Bid No. 2016-07	CO-RTE-PM Neckel Rd and SR-86	FEDERAL NUMBER(S) HSIP 5134(013)
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TO

Hal Hays Construction Inc.

, contractor

You are directed to make the following changes from the plans and specifications or do the following described work not included in the plans and specifications for this contract. **NOTE: This change order is not effective until approved by the engineer.**

Description of work to be done, estimate of quantities, and prices to be paid. (Segregate between additional work at contract price, agreed price, and force account.) Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time. The last percentage shown is the net accumulated increase or decrease from the original quantity in the Bid Item List.

Change Order No. 4:

Unit Price Adjustment

Contract Summary:

Original Contract:	\$ 616,161.00
Change Order No. 1:	\$ 24,716.24
Change Order No. 3:	\$ 4,756.02

Change Order No. 4:	\$ 3,229.67
New Contract Amount:	\$ 648,863.15

Contract Days Summary:

Original Contract Days:	60 Calendars Days
Change Order Contract Days	10 Calendar Days
Original Contract Date of Completion:	

Additional Contract Days (Change Order No. 4):	0 Calendar Days
New Contract Date of Completion:	

Estimated Cost: ☒ Increase ☐ Decrease \$ 3,229.67

For this order, the time of completion will be adjusted as follows: 0 Calendar Days

SUBMITTED BY

SIGNATURE	(PRINT NAME AND TITLE)	DATE
-----------	------------------------	------

APPROVAL RECOMMENDED BY

SIGNATURE	(PRINT NAME AND TITLE)	DATE
	Carlos Beltran, P.E., Resident Engineer	12/19/2017

ENGINEER APPROVAL BY

SIGNATURE	(PRINT NAME AND TITLE)	DATE
	Jesus Villegas, City Project Manager	

We, the undersigned contractor, have given careful consideration to the change proposed and agree to provide equipment, furnish materials, and perform the work specified above, and will accept as full payment the prices shown above. **NOTE: If you do not sign this order, you are directed to proceed with the ordered work. You may file a Request for Information within the time specified.**

CONTRACTOR ACCEPTANCE BY

SIGNATURE	(PRINT NAME AND TITLE)	DATE
-----------	------------------------	------

ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 445-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

COR/NOC NO: _____
SUBMITTED BY: PCO # 04
SUBJECT: Michael Labib
Unit Price Adjustment

DATE ISSUED: 9/21/2017

CONTRACT NO: _____

Drawings & Details: _____
Location/Building: _____
Hot Mix Asphalt _____

Specifications: _____
Discipline: _____

DESCRIPTION:

Hal Hays Construction, Inc. received a unit price increase for the Hot Mix Asphalt because the project was not awarded until a year later from bid time. This Change Order is for the price difference.

Contractor: Hal Hays Construction Inc.

Proposed Change in Contract Scope: _____

Cost: \$ 3,229.67 Request Time Extension: 0 Calendar Days

0%

Contractor: Michael Labib, Hal Hays Construction Inc.

Date: 9/21/2017

Client: _____

Select One: Agreed Cost / Credit \$

Agreed Time Extension: _____ Calendar Days

Contractor: Michael Labib

Date: 9/21/2017

CM: _____

Date: _____

Owner: _____

Date: _____

DATE: 9/21/2017

SPEC. SECTION: 9-1.07

[illegible][illegible]

COR TOTAL \$ 3,229.67

AGGREGATE PRODUCTS INC.

9500 Beverly Road
Pico Rivera, CA 90660-2135

Tel: (323) 558-8000
Fax: (323) 558-8055

FACSIMILE TRANSMITTAL SHEET

TO: <i>Rc2A</i>		FROM: John Velez	
COMPANY OR AGENCY: <i>Hal Pang</i>		DATE: December 7, 2016	TIME:
FAX NUMBER: <i>951-788-6577</i>	TEL NUMBER:	NUMBER OF PAGES INCLUDING COVER: <i>5</i>	
SUBJECT: City of Imperial New Traffic Signal at Rte 86 and Neckel Road			
☐ As Requested	☐ For Your Use	☐ For Your Information	
☐ For Disoussion	☐ Please Call	☐ For Your Comments	
☐ Per Telephone Conversation	☐ Other		

MESSAGE:

Bid Proposal No.1 Class 2 Base, No. 2 Hot Mix Asphalt

Original of this Fax:

☐ WILL FOLLOW

☐ WILL NOT FOLLOW

Fax sent by: _____

December 7, 2016

AGGREGATE PRODUCTS INC. (SELLER)
BID PROPOSAL No. 2
FOR MATERIALS ONLY

City of Imperial
New Traffic Signal Lights at Rte 86 and Neckel Road

Item Description	Unit of Measure	Estimated Quantity	Unit Price
½ Inch Hot Mix Asphalt	Ton	730	\$56.60/Ton

The price(s) set forth in this Bid Proposal is/are predicated upon the following terms and conditions:

- Above-listed price(s) is/are for materials only.
- Price(s) predicated upon specifications contained in the May 2006 [may be updated] Standard Specifications published by the Department of Transportation – State of California and Special Provisions for this contract provided to Seller at bid time.
- Price(s) is/are F.O.B. API - Gateway, Calexico, California (API Gateway Hot Mix Plant 430 Pan American Street, Calexico, California). Seller will provide Caltrans Asphalt-Concrete (Type A) specification material F.O.B. API - Gateway, Calexico, California only, and will not be responsible for any issue including but not limited to transportation, handling, or placement activities which results in out of specification materials after departure from API - Gateway facilities.
- The price(s) set forth in this quote is/are firm through March 2017 and is/are subject to increase thereafter. Bid Proposal price valid only if confirmed acceptance is given within 48 hours of bid opening.
- Price(s) is/are based upon 100% performance by Seller of all available quantities related to the item of work upon which Seller has provided pricing to Buyer.
- **No item split between any bid items or any other bid proposals.**
- Asphalt-binder content for asphalt concrete will be determined in accordance with California Test 367.
- Price(s) is/are predicated upon 8 hour daytime plant shifts (7:00 AM–3:30 PM), Monday thru Friday. For work performed outside of 8 hour daytime plant shifts (7:00 AM–3:30 PM), Monday thru Friday, add \$300.00 per additional hour. All increments will be charged in whole hour units rounded up to the next highest hour. No night productions unless specifically identified in proposal.
- Price(s) is/are predicated upon a maximum supplied quantity of 1,500 tons per 8 hour plant shift provided on a best effort basis. Minimum plant start-up (without plant premium charge) of 250 tons is predicated upon Buyer taking delivery of material within a four (4) hour plant shift. For quantities less than 250 tons taken in 4 hours, plant premium will be charged.
- All materials will be sold and billed on a U.S. tonnage basis, from tickets generated by Seller.

December 7, 2016**FOR MATERIALS ONLY**

- **Payment Terms:** Payment in full due within 30 days (upon pre-approved credit meeting the requirements of Seller) from date of delivery. Seller looks solely to the Buyer for payment (progress payments and /or retention), which payment is not conditioned upon whether the Buyer is or is not paid by the person or entity to whom the Buyer is providing services, or otherwise.
- Timely payment is a condition of Seller's performance.
- Any siloed material will become the property of Buyer and will be charged accordingly.
- No claims will be honored unless written notification with a detailed itemization is provided to Seller within 10 calendar days from material shipment date.
- In the event that Seller and Buyer ("Parties") have a dispute which relates to or arises out of this Bid Proposal, such dispute or disputes shall be resolved through arbitration under the auspices of the American Arbitration Association located in Los Angeles, California, pursuant to the Construction Industry Rules of arbitration. The party which prevails in such arbitration, or if arbitration is waived, then in such other proceeding, including a lawsuit, shall be entitled to recover its actual attorneys' fees incident to the arbitration (or other proceeding), interest at the rate of 1.5% per month, as well as its actual costs including, but not limited to, expert witness fees, costs and expenses, fees and costs paid to the American Arbitration Association, all administrative fees, costs and expenses, all fees, costs and expenses incident to any post-hearing or post-trial motions, appeals, etc.
- In the event of a conflict between the terms and conditions of this Bid Proposal and those terms and conditions of another document or documents, the terms and conditions of this Bid Proposal shall take precedence and be controlling.
- Performance of any work on this order by Seller or delivery of any of the material described herein constitutes acceptance of this order and all of the terms and conditions in their entirety by the Buyer.
- This Bid Proposal constitutes a single integrated contract relative to the subject matter thereof. There are no covenants, agreements, representations or warranties of any kind, be they written or oral whatsoever, made by any party except as specifically set forth in this Bid Proposal. All prior discussions and negotiations have been, and are merged, integrated and are superseded by this Bid Proposal. This Bid Proposal may not be amended or revised except by a written authorization signed by both the Buyer and the Seller.

The following items are specifically excluded:

- Haul and trucking time.
- Installation.
- Bond premium costs.
- Sales or use tax. (Buyer to be responsible for payment of sales or use tax if required, and any other interest and/or penalties associated with non-payment of sales tax at time of sale.)
- All testing and test fees including but not limited to tests set forth in the Manual for Quality Control and Quality Assurance for Asphalt Concrete dated April 1996.
- Add mixture additives including but not limited to anti-strip agents, latexes, etc.
- Inspection costs.
- Mix designs.
- Binder content tests.

TO: Michael Habib		FROM: John Velez	
COMPANY OR AGENCY: Hal Hays		DATE: September 15, 2017	TIME:
FAX NUMBER: 951-788-1517	TEL NUMBER:	NUMBER OF PAGES INCLUDING COVER: 3	
SUBJECT: City of Imperial New Traffic Signal at Rte 86 and Neckel Road			

- | | | |
|---|---------------------------------------|---|
| ☐ As Requested | ☐ For Your Use | ☐ For Your Information |
| ☐ For Discussion | ☐ Please Call | ☐ For Your Comments |
| ☐ Per Telephone Conversation | ☐ Other | |

MESSAGE:

Bid Proposal for HMA

Original of this Fax:

☐ **WILL FOLLOW**☐ WILL NOT FOLLOW

Fax sent by:

September 15, 2017

AGGREGATE PRODUCTS INC. (SELLER)
BID PROPOSAL No. 2
FOR MATERIALS ONLY

City of Imperial
New Traffic Signal Lights at Rte 86 and Neckel Road

Item Description	Unit of Measure	Estimated Quantity	Unit Price
½ Inch Hot Mix Asphalt	Ton	730	\$61.00/Ton

The price(s) set forth in this Bid Proposal is/are predicated upon the following terms and conditions:

- Above listed price(s) is/are for materials only.
- Price(s) predicated upon specifications contained in the May 2006 Standard Specifications published by the Department of Transportation – State of California and Special Provisions for this contract provided to Seller at bid time.
- Price(s) is/are F.O.B. API - Gateway, Calexico, California (API Gateway Hot Mix Plant 430 Pan American Street, Calexico, California). Seller will provide Caltrans Asphalt-Concrete (Type A) specification material F.O.B. API - Gateway, Calexico, California only, and will not be responsible for any issue including but not limited to transportation, handling, or placement activities which results in out of specification materials after departure from API - Gateway facilities.
- The price(s) set forth in this quote is/are firm through **December 2017** and is/are subject to increase thereafter. Bid Proposal price valid only if confirmed acceptance is given within 48 hours of bid opening.
- Price(s) is/are based upon 100% performance by Seller of all available quantities related to the item of work upon which Seller has provided pricing to Buyer.
- **No item split between any bid items or any other bid proposals.**
- Asphalt-binder content for asphalt concrete will be determined in accordance with California Test 367.
- Price(s) is/are predicated upon 8 hour daytime plant shifts (7:00 AM–3:30 PM), Monday thru Friday. For work performed outside of 8 hour daytime plant shifts (7:00 AM–3:30 PM), Monday thru Friday, add \$300.00 per additional hour. All increments will be charged in whole hour units rounded up to the next highest hour. No night productions unless specifically identified in proposal.
- Price(s) is/are predicated upon a maximum supplied quantity of 1,500 tons per 8 hour plant shift provided on a best effort basis. Minimum plant start-up (without plant premium charge) of 250 tons is predicated upon Buyer taking delivery of material within a four (4) hour plant shift. For quantities less than 250 tons taken in 4 hours, plant premium will be charged.
- All materials will be sold and billed on a U.S. tonnage basis, from tickets generated by Seller.

*September 15, 2017***FOR MATERIALS ONLY**

- **Payment Terms:** Payment in full due within 30 days (upon pre-approved credit meeting the requirements of Seller) from date of delivery. Seller looks solely to the Buyer for payment (progress payments and /or retention), which payment is not conditioned upon whether the Buyer is or is not paid by the person or entity to whom the Buyer is providing services, or otherwise.
- Timely payment is a condition of Seller's performance.
- Any siloed material will become the property of Buyer and will be charged accordingly.
- No claims will be honored unless written notification with a detailed itemization is provided to Seller within 10 calendar days from material shipment date.
- In the event that Seller and Buyer ("Parties") have a dispute which relates to or arises out of this Bid Proposal, such dispute or disputes shall be resolved through arbitration under the auspices of the American Arbitration Association located in Los Angeles, California, pursuant to the Construction Industry Rules of arbitration. The party which prevails in such arbitration, or if arbitration is waived, then in such other proceeding, including a lawsuit, shall be entitled to recover its actual attorneys' fees incident to the arbitration (or other proceeding), interest at the rate of 1.5% per month, as well as its actual costs including, but not limited to, expert witness fees, costs and expenses, fees and costs paid to the American Arbitration Association, all administrative fees, costs and expenses, all fees, costs and expenses incident to any post-hearing or post-trial motions, appeals, etc.
- In the event of a conflict between the terms and conditions of this Bid Proposal and those terms and conditions of another document or documents, the terms and conditions of this Bid Proposal shall take precedence and be controlling.
- Performance of any work on this order by Seller or delivery of any of the material described herein constitutes acceptance of this order and all of the terms and conditions in their entirety by the Buyer.
- This Bid Proposal constitutes a single integrated contract relative to the subject matter thereof. There are no covenants, agreements, representations or warranties of any kind, be they written or oral whatsoever, made by any party except as specifically set forth in this Bid Proposal. All prior discussions and negotiations have been, and are merged, integrated and are superseded by this Bid Proposal. This Bid Proposal may not be amended or revised except by a written authorization signed by both the Buyer and the Seller.

The following items are specifically excluded:

- Haul and trucking time.
- Installation.
- Bond premium costs.
- Sales or use tax. (Buyer to be responsible for payment of sales or use tax if required, and any other interest and/or penalties associated with non-payment of sales tax at time of sale.)
- All testing and test fees including but not limited to tests set forth in the Manual for Quality Control and Quality Assurance for Asphalt Concrete dated April 1996.
- Add mixture additives including but not limited to anti-strip agents, latexes, etc.
- Inspection costs.
- Mix designs.
- Binder content tests.

CHANGE ORDER

CEM-4900 (REV 05/2015)

Sheet 1 of 1Change Requested by: ☐ Engineer ☒ Contractor

CHANGE ORDER NO. 7	SUPPL. NUMBER	CONTRACT NUMBER Bid No. 2016-07	CO-RTE-PM Neckel Rd and SR-86	FEDERAL NUMBER(S) HSIP 5134(013)
-----------------------	---------------	------------------------------------	----------------------------------	-------------------------------------

TO

Hal Hays Construction Inc.

, **contractor**

You are directed to make the following changes from the plans and specifications or do the following described work not included in the plans and specifications for this contract. **NOTE: This change order is not effective until approved by the engineer.**

Description of work to be done, estimate of quantities, and prices to be paid. (Segregate between additional work at contract price, agreed price, and force account.) Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time. The last percentage shown is the net accumulated increase or decrease from the original quantity in the Bid Item List.

Change Order No. 7:

IID Encroachment Permit Fees

Contract Summary:

Original Contract:	\$ 616,161.00
Change Order No. 1:	\$ 24,716.24
Change Order No. 3:	\$ 4,756.02
Change Order No. 4:	\$ 3,229.67

Change Order No. 7:	\$ 2,070.07
New Contract Amount:	\$ 650,933.22

Contract Days Summary:

Original Contract Days:	60 Calendars Days
Change Order Contract Days	10 Calendar Days
Original Contract Date of Completion:	

Additional Contract Days (Change Order No. 7):	0 Calendar Days
New Contract Date of Completion:	

Estimated Cost: ☒ Increase ☐ Decrease \$ 2,070.07

For this order, the time of completion will be adjusted as follows: 0 Calendar Days

SUBMITTED BY

SIGNATURE	(PRINT NAME AND TITLE)	DATE
-----------	------------------------	------

APPROVAL RECOMMENDED BY

SIGNATURE 	(PRINT NAME AND TITLE) Carlos Beltran, P.E., Resident Engineer	DATE 12/19/2017
--	---	--------------------

ENGINEER APPROVAL BY

SIGNATURE	(PRINT NAME AND TITLE) Jesus Villegas, City Project Manager	DATE
-----------	--	------

We, the undersigned contractor, have given careful consideration to the change proposed and agree to provide equipment, furnish materials, and perform the work specified above, and will accept as full payment the prices shown above. **NOTE: If you do not sign this order, you are directed to proceed with the ordered work. You may file a Request for Information within the time specified.**

CONTRACTOR ACCEPTANCE BY

SIGNATURE	(PRINT NAME AND TITLE)	DATE
-----------	------------------------	------

ADA Notice

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COR/NOC NO: _____ PCO No. 007R
SUBMITTED BY: _____ Tifani Barnes
SUBJECT: _____ IID Encroachment Permit

DATE ISSUED: 11/28/2017

CONTRACT NO: HSIP-5134(013)

Drawings & Details: _____
Location/Building: Imperial, CA
Reference Document: IID Encroachment Permit

Specifications: _____
Discipline: _____

DESCRIPTION:

All costs associated with submitting for the Encroachment Permit for Imperial Irrigation District for work in their easement as required for the installation of at traffic lights and sidewalks.

Contractor: Hal Hays Construction Inc.

Proposed Change in Contract Scope: _____

Cost: \$ 2,070.07 Request Time Extension: 0 Calendar Days

Contractor: Tifani Barnes, Hal Hays Construction Inc. Date: 11/28/2017

Client: _____

Select One: Agreed Cost / Credit \$ 2,070.07 Agreed Time Extension: 0 Calendar Days

Contractor: Tifani Barnes, Project Manager Date: _____

CM: _____ Date: _____

Owner: _____ Date: _____

GERK

DATE: 11/28/2017

SPEC. SECTION:

DESCRIPTION		MATERIAL					LABOR					EQUIPMENT			
		QTY	UNIT	UNIT COST	EXTENSION		QTY	UNIT	UNIT COST	EXTENSION		QTY	UNIT	UNIT COST	EXTENSION
Project Management					\$ -		6	HRS	82.5	\$ 375.00				\$ -	
					\$ -					\$ -				\$ -	
IID Encroachment Permit		1	EACH	1350	\$ 1,350.00					\$ -				\$ -	
					\$ -					\$ -				\$ -	
					\$ -					\$ -				\$ -	
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COLUMN TOTALS					\$ 1,350.00					\$ 375.00				\$ -	
MARK-UPS	15%				\$ 202.50	35%				\$ 131.25	15%			\$ -	
CONTRACTOR TOTAL					\$ 1,552.50					\$ 506.25				\$ -	

DESCRIPTION		MATERIAL & LUMP SUM					LABOR					EQUIPMENT			
		QTY	UNIT	UNIT COST	EXTENSION		QTY	UNIT	UNIT COST	EXTENSION		QTY	UNIT	UNIT COST	EXTENSION
					\$ -				\$ -				\$ -		
					\$ -				\$ -				\$ -		
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					\$ -				\$ -				\$ -		
SUB TOTAL					\$ -				\$ -				\$ -		
TAX	0%				\$ -				\$ -				\$ -		
GC MARKUP ON SUBCONTRACTOR	15%				\$ -				\$ -				\$ -		
SUBCONTRACTOR TOTAL					\$ -				\$ -				\$ -		

COR TOTAL \$ 2.070.07



4181 Latham Street
Riverside, CA 92501
(951) 788-0703

CITIBANK, N.A.
80-7172/3222

19954

11/01/2017

PAY TO THE
ORDER OF Imperial Irrigation District

\$ *250.00

EXACTLY TWO HUNDRED FIFTY DOLLARS

DOLLARS

Imperial Irrigation District
PO Box 937
Imperial CA 92251

MEMO

Irrigation District Permit


AUTHORIZED SIGNATURE

⑆019954⑆ ⑆322271724⑆ 205536436⑆

19954

Check#: 19954

Date: 11/01/2017

Vendor#: 6999 Imperial Irrigation District

Invoice#	Job/Description	Balance	Retain	Discount	This Check
110117-1	16245 Neckel Rd Intersectl	250.00			250.00



IMPERIAL IRRIGATION DISTRICT
Water Engineering Services
ENCROACHMENT PERMIT NOTIFICATION

Application No.: 2017-0083 Applicant: Hal Hays Construction

- ☐ APPROVED WITH COMMENTS
☒ APPROVED, WITH THE FOLLOWING CONDITIONS
☐ REVISE AND RESUBMIT
☐ REJECTED

LOCATION: Dahlia Lateral 8 at intersection of Highway 86 and Neckal Road Near W ¼ Corner, SEC 7, T.15S-R.14E., SBM.

CONDITIONS:

1. Applicant is required to notify IID Division office (Mr. Paul Lopez, 1-760-427-2381) a minimum of 48 hours prior to commencement of work (2 working days). In addition, applicant is required to provide a construction schedule of work to be performed prior to commencement of work. Any changes in construction schedule shall be provided to IID on a timely basis.
2. No heavy equipment and/or loads shall be allowed directly above IID's Dahlia Lateral 8 pipelines during the course of construction.
3. Applicant is required to send record drawings (as-built) to IID Water Engineering within 30 calendar days after completion of construction of this project.
4. The edge of the proposed laydown area shall maintain a 30-ft. minimum clearance away from IID Water Department facilities.
5. The applicant is responsible for all damages to IID facilities caused by the construction of this project. Under no circumstance is IID liable or responsible for any damage caused by applicant to other facilities impacted or damaged within IID right of way, including privately owned, State owned, County owned or Federally owned facility/property, unless entirely IID's fault.

6. A fee in the amount of \$1,100 to cover Engineering Services permit review and administration shall be submitted prior to issuance of this encroachment permit. Please remit the amount requested along with a copy of these comments and the permit application to:

Imperial Irrigation District
Water Department
Attn: Water Engineering Services
333 E. Railroad Boulevard
Imperial, CA 92251

Julia Romo
Engineering Services

11/15/2017
Date

✓ 11/15/17

on a lump sum reimbursement basis up to the federal amounts shown for construction and construction engineering.

RAW utility relocation costs is approximately 36% of total project costs. Allowable RW cost per HSIP guidelines is limited to 10%.

12/28/2015 SEQ #2: Obligated \$445,500.00 of MS3E for Utility Re-location Cost . NAA

03/17/2016 Seq 3, avp: City of Imperial request RFA-CON (CON & CE).

03/21/2016 SEQ#3: Obligated \$666,450 of ZS30 for CON & CENG. EPSP is approved by the CT HSIP Coordinator to move funds from FY14/15 to FY 15/16. NAA
Encroachment Permit No. 11-14-NSN-0279-R1

FEDERAL REMARKS

AUTHORIZATION

AUTHORIZATION TO PROCEED WITH REQUEST: CON
FOR: CON & CE
DOCUMENT TYPE: AMOD

PREPARED IN FADS BY: PHAM, ANH-VU
REVIEWED IN FADS BY: ABDIN, NAHED
SUBMITTED IN FADS BY: ABDIN, NAHED
PROCESSED IN FADS BY: FOGLE, JERILYNN
APPROVED IN FMIS BY: ROBERTO RODRIGUES

ON 2016-03-17 220-5406
ON 2016-03-21 653-7928
ON 2016-04-05 FOR CALTRANS
ON 2016-04-06 FOR FHWA
ON 2016-04-22 14:47:31.0

SIGNATURE HISTORY FOR PROJECT NUMBER 5134(013) AS OF 04/28/2016

MOD #	SIGNED BY	SIGNED ON
2	JERILYNN FOGLE	04/11/2016
	JACOB WACLAW	04/18/2016
	ROBERTO RODRIGUES	04/22/2016
1	JERILYNN FOGLE	01/06/2016
	JACOB WACLAW	01/07/2016
	JIYOUNG AHN	01/11/2016
0	JERILYNN FOGLE	08/22/2011
	ZYLKIA MARTIN-YAMBO	08/23/2011
	RODNEY WHITFIELD	08/24/2011

FHWA FMIS 3.0 SIGNATURE HISTORY

CALTRANS SIGNATURE HISTORY	SIGNED ON
DOCUMENT TYPE SIGNED BY	
AMEND/MOD ABDIN, NAHED	04/05/2016

FEDERAL AID PROGRAM

DLA LOCATOR: HSIPL
 PREFIX: 5134(013)
 PROJECT NO: 3
 SEQ NO: 1112000025L-N
 AGENCY: IMPERIAL
 ROUTE: SCAG
 TIP DATA: 15/16
 MPO: 20970001052
 FSTIP YR:
 STIP REF:
 DISASTER NO:
 BRIDGE NO:

AMENDMENT MODIFICATION SUMMARY - (E-76)

PROJECT LOCATION:
 SR-86 AND NECKEL RD.
 TYPE OF WORK:
 NEW TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS
 FED RR NO'S:
 PUC CODES:
 PROJ OVERSIGHT: ASSUMED/LOCAL ADMIN
 ENV STATUS / DT: DELEG TO STATE USC 326/SEC 6004 12/09/2015
 INV RTE: 1 02/29/2016
 BEG MP:
 END MP:

CALIFORNIA DEPARTMENT OF TRANSPORTATION

PREV AUTH / AGREE DATES:
 PE: 2011-08-24 00:00:00.0
 RW: 2016-01-11 00:00:00.0
 CON:
 SPR:
 MCS:
 OTH:

PROG CODE	LINE NO	IMPV TYPE	FUNC SYS	URBAN AREA	URB/RURAL	DEMO ID
LS30	10	15				
MS3E	20	16				
ZS30	30	01				
ZS30	31	17				
FUNDING SUMMARY						
PHASE			PROJECT COST		FEDERAL COST	AC COST
PE	PREV. OBLIGATION		\$143,500.00		\$129,150.00	\$0.00
	THIS REQUEST		\$0.00		\$0.00	\$0.00
	SUBTOTAL		\$143,500.00		\$129,150.00	\$0.00
R/W	PREV. OBLIGATION		\$495,000.00		\$445,500.00	\$0.00
	THIS REQUEST		\$0.00		\$0.00	\$0.00
	SUBTOTAL		\$495,000.00		\$445,500.00	\$0.00
CON	PREV. OBLIGATION		\$0.00		\$0.00	\$0.00
	THIS REQUEST		\$932,824.00		\$666,450.00	\$0.00
	SUBTOTAL		\$932,824.00		\$666,450.00	\$0.00
OTH	PREV. OBLIGATION		\$0.00		\$0.00	\$0.00
	THIS REQUEST		\$0.00		\$0.00	\$0.00
	SUBTOTAL		\$0.00		\$0.00	\$0.00
TOTAL:			\$1,571,324.00		\$1,241,100.00	\$0.00

STATE REMARKS

08/03/2011 RFA for PE
 08/03/2011 RFA for PE, Total is \$143,500 = \$129,150 LS30 funds + \$14,350 local
 12/10/2015 avp - City of Imperial requests RFA-RW for Utility Relocation with Imperial Irrigation District (IID). \$495K=\$445.5K (Fed) + \$49.5K (Local)
 12/17/2015 avp: Re-transmitted E76 RFA-RW after EPSP is approved.
 12/24/2015 SEQ 2- This is a request for RW Utility Relocation. Utility Relocation is for the Imperial Irrigation District (IID) on IDD facilities. Work consists of extension and up-sizing of existing storm drainage pipeline across Neckel Road adjacent west and parallel to SR 896 and relocation of north existing irrigation canal headwall and a pipeline NE corner of intersection.

Cycle 4 Proj. No. 153, HSIP ID #HSIP4-011-007, CRS 18Y15, NEPA re-validation was issued on 3/12/2012, EPSP 12/17/2015, Agency Finance Letter dated 10/05/2015, Adv. ID 1112000025.

12/24/2015 Project proposed to improve the intersection of Neckel Road and SR-86 in Imperial County. Activities include installation of new traffic signal lights, extension of left turn lanes on SR-86, new pavement areas at the NE corner and NW corner, existing pavement resurfacing and striping of roadway and curb and gutter installation and ADA installation. The project uses Highway Safety and Improvement Program (HSIP) funds awarded for on 2/26/2011 as a HSIP Cycle 4, Benefit Cost Ratio programmed in Amendment #11 approved on 7/22/2015 to SCAG's 2015 FTIP and EPSP'd to FY 15-16. Additional funding for \$445,500 was approved on 4/20/2015. Federal funding is now capped at \$1,241,100 for all phases of work with a maximum reimbursement ratio of 90%. Reimburse with MS3E MAP-21 HSIP funds at approximately 90%

on a lump sum reimbursement basis up to the federal amounts shown for construction and construction engineering.

R/W utility relocation costs is approximately 36% of total project costs. Allowable R/W cost per HSIP guidelines is limited to 10%.

12/28/2015 SEQ #2: Obligated \$445,500.00 of MS3E for Utility Re-location Cost . NAA
03/17/2016 Seq 3, avp: City of Imperial request RFA-CON (CON & CE).
03/21/2016 SEQ#3: Obligated \$666,450 of ZS30 for CON & CENG. EPSP is approved by the CT HSIP Coordinator to move funds from FY14/15 to FY 15/16. NAA
Encroachment Permit No. 11-14-NSN-0279-R1

FEDERAL REMARKS

AUTHORIZATION

AUTHORIZATION TO PROCEED WITH REQUEST: CON
FOR: CON & CE
DOCUMENT TYPE: AMOD

PREPARED IN FADS BY: PHAM, ANH-VU
REVIEWED IN FADS BY: ABDIN, NAHED
SUBMITTED IN FADS BY: ABDIN, NAHED
PROCESSED IN FADS BY: FOGLE, JERILYNN
APPROVED IN FMIS BY: ROBERTO RODRIGUES

ON 2016-03-17 220-5406
ON 2016-03-21 653-7928
ON 2016-04-05 FOR CALTRANS
ON 2016-04-06 FOR FHWA
ON 2016-04-22 14:47:31.0

SIGNATURE HISTORY FOR PROJECT NUMBER 5134(013) AS OF 04/26/2016

MOD #	SIGNED BY	SIGNED ON
2	JERILYNN FOGLE JACOB WACLAW ROBERTO RODRIGUES	04/11/2016 04/18/2016 04/22/2016
1	JERILYNN FOGLE JACOB WACLAW JIYOUNG AHN	01/06/2016 01/07/2016 01/11/2016
0	JERILYNN FOGLE ZYLKIA MARTIN-YAMBO RODNEY WHITFIELD	08/22/2011 08/23/2011 08/24/2011

FHWA FMIS 3.0 SIGNATURE HISTORY

CALTRANS SIGNATURE HISTORY	SIGNED ON
DOCUMENT TYPE SIGNED BY	
AMEND/MOD ABDIN, NAHED	04/05/2016

FEDERAL AID PROGRAM

DLA LOCATOR: HSIPL
 PREFIX: 5134(013)
 PROJECT NO: 3
 SEQ NO: IMPERIAL
 STATE PROJ NO: 1112000025L-N
 AGENCY: IMPERIAL
 ROUTE:
 TIP DATA
 MPO: SCAG
 FSTIP YR: 15/16
 STIP REF: 20970001052
 DISASTER NO:
 BRIDGE NO:

AMENDMENT MODIFICATION SUMMARY - (E-76)

PROJECT LOCATION:
 SR-86 AND NECKEL RD.
 TYPE OF WORK:
 NEW TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS
 FED RR NO'S:
 PUC CODES:
 PROJ OVERSIGHT: ASSUMED/LOCAL ADMIN
 ENV STATUS / DT: DELEG TO STATE USC 326/SEC 6004 12/09/2015
 RW STATUS / DT: 1 02/29/2016
 INV RTE:
 BEG MP:
 END MP:

CALIFORNIA DEPARTMENT OF TRANSPORTATION

PREV AUTH / AGREE DATES:
 PE: 2011-08-24 00:00:00.0
 RW: 2016-01-11 00:00:00.0
 CON:
 SPR:
 MCS:
 OTH:

PROG CODE	LINE NO	IMPV TYPE	FUNC SYS	URBAN AREA	URB/RURAL	DEMO ID
LS30	10	15				
MS3E	20	16				
ZS30	30	01				
ZS30	31	17				
FUNDING SUMMARY						
PHASE		PROJECT COST			FEDERAL COST	AC COST
PE	PREV. OBLIGATION	\$143,500.00			\$129,150.00	\$0.00
	THIS REQUEST	\$0.00			\$0.00	\$0.00
	SUBTOTAL	\$143,500.00			\$129,150.00	\$0.00
R/W	PREV. OBLIGATION	\$495,000.00			\$445,500.00	\$0.00
	THIS REQUEST	\$0.00			\$0.00	\$0.00
	SUBTOTAL	\$495,000.00			\$445,500.00	\$0.00
CON	PREV. OBLIGATION	\$0.00			\$0.00	\$0.00
	THIS REQUEST	\$932,824.00			\$666,450.00	\$0.00
	SUBTOTAL	\$932,824.00			\$666,450.00	\$0.00
OTH	PREV. OBLIGATION	\$0.00			\$0.00	\$0.00
	THIS REQUEST	\$0.00			\$0.00	\$0.00
	SUBTOTAL	\$0.00			\$0.00	\$0.00
TOTAL:					\$1,241,100.00	\$0.00

STATE REMARKS

08/03/2011 RFA for PE
 08/03/2011 RFA for PE, Total is \$143,500 = \$129,150 LS30 funds + \$14,350 local
 12/10/2015 avp - City of Imperial requests RFA-RW for Utility Relocation with Imperial Irrigation District (IID). \$495K=\$445.5K (Fed) + \$49.5K (Local)
 12/17/2015 avp: Re-transmitted E76 RFA-RW after EPSP is approved.
 12/24/2015 SEQ 2- This is a request for RW Utility Relocation. Utility Relocation is for the Imperial Irrigation District (IID) on IDD facilities. Work consists of extension and up-sizing of existing storm drainage pipeline across Neckel Road adjacent west and parallel to SR 896 and relocation of north existing irrigation canal headwall and a pipeline NE corner of intersection.

Cycle 4 Proj. No. 153, HSIP ID #HSIP4-011-007. CRS 18Y15. NEPA re-validation was issued on 3/12/2012. EPSP 12/17/2015. Agency Finance Letter dated 10/05/2015. Adv. ID 1112000025.

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DATE SUBMITTED 12/27/2017

SUBMITTED BY City Clerk

DATE ACTION REQUIRED 01/03/2018

Agenda Item No 0-4

CITY COUNCIL ACTION (X)

PUBLIC HEARING REQUIRED ()

RESOLUTION ()

ORDINANCE 1ST READING ()

ORDINANCE 2ND READING ()

CITY CLERK'S INITIALS (J)

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: DISCUSSION/ACTION: MAYOR'S APPOINTMENT OF COUNCIL MEMBERS TO VARIOUS COMMISSIONS AND COMMITTEES.			
1. CONSIDERATION OF APPOINTMENT TO VARIOUS COMMISSIONS AND COMMITTEES BY THE MAYOR. 2. DETERMINATION OF METHOD OF APPOINTMENT OF A MEMBER TO THE CENTINELA STATE PRISON CITIZEN ADVISORY COMMITTEE.			
DEPARTMENT INVOLVED:			
BACKGROUND/SUMMARY			
Annually the Mayor recommends appointment of City Council members to various committees and liaison positions. These appointments vary from Airport Land Use Commission to the Imperial Chamber of Commerce liaison. Some of the committees may include members from City staff. In addition it is requested that Council consider the method of appointment of a representative to the Centinela State Prison Citizens Advisory Committee. The city's appointee to the committee has resigned thereby creating a vacancy. Under consideration at this time is whether to continue with appointment of a community member or appoint a member of the council to this committee. The Council members are asked to accept or reject their individual appointments and to further ratify the Mayor's recommendations.			
FISCAL IMPACT: None			
STAFF RECOMMENDATION: The City Council members consider the appointments as recommended and provide comments to the Mayor.			
MANAGER'S RECOMMENDATION:	MANAGER'S INITIAL _____		
MOTION:			
SECONDED: AYES: NAYES: ABSENT:	<table style="width: 100%;"> <tr> <td style="width: 50%;"> APPROVED () DISAPPROVED () REFERRED TO: </td> <td style="width: 50%;"> REJECTED () DEFERRED () </td> </tr> </table>	APPROVED () DISAPPROVED () REFERRED TO:	REJECTED () DEFERRED ()
APPROVED () DISAPPROVED () REFERRED TO:	REJECTED () DEFERRED ()		

**MAYOR JAMES TUCKER
CITY COUNCIL APPOINTMENTS 01-04-2017**

CITY MANAGEMENT LIAISONS:

DEPARTMENT	APPOINTEE	ALTERNATE
<i>DEVELOPMENT /DESIGN REVIEW COMMITTEE</i>	<i>DALE & PECHTL</i>	
ECONOMIC DEVELOPMENT & MARKETING	DALE & PECHTL	
<i>FINANCE & ADMINISTRATION</i>	<i>PECHTL</i>	<i>SAMPSON</i>
LIBRARY	SAMPSON	TUCKER
<i>PARKS & RECREATION</i>	<i>AMPARANO & TUCKER</i>	<i>DALE</i>
PUBLIC SAFETY (FIRE & POLICE)	AMPARANO	SAMPSON
<i>PUBLIC SERVICES (WATER & SEWER)</i>	<i>SAMPSON</i>	<i>DALE</i>

COMMITTEES/COMMISSIONS:

AIRPORT ADVISORY BOARD	DALE	
AIRPORT LAND USE COMMISSION	LUCAS	TUCKER
AIR POLLUTION CONTROL ADVISORY BOARD	TUCKER	DALE
ASSOCIATION OF CALIFORNIA CITIES ALLIED WITH PUBLIC SAFETY (ACCAPS)	TUCKER	
CENTINELA CITIZENS ADVISORY BOARD (WARDENS APPOINTEE- MARK GRAN /GAYLLA FINNELL-COUNCIL)	GAYLLA FINNELL	TUCKER
CALIFORNIA JOINT POWERS INSURANCE AUTHORITY (CJPIA).	SAMPSON	GADDIS
CHAMBER OF COMMERCE	AMPARANO	SAMPSON
IMPERIAL COUNTY FILM COMMISSION	SAMPSON	PECHTL
IMPERIAL COUNTY TRANSPORTATION COMMISSION (ICTC)/(LTA)(SAFE)	AMPARANO	TUCKER
NORTH COUNTY COALITION OF THE ARTS (NoCCA)	PECHTL	TUCKER

DATE SUBMITTED

12/27/2017

SUBMITTED BY

COMMUNITY
DEVELOPMENT
DIRECTOR

DATE ACTION REQUIRED

1/3/2018

COUNCIL ACTION

PUBLIC HEARING REQUIRED
RESOLUTION

☒

☒

☒

ORDINANCE 1ST READING

☒

ORDINANCE 2ND READING

☐

CITY CLERK'S INITIALS

☐

☒

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: DISCUSSION/ACTION: AMENDMENT TO THE ZONING ORDINANCE RELATED TO
CONDITIONAL USES IN COMMERCIAL ZONES

1. Introduction/ 1st Reading by Title Only of Zoning Text Amendment to Section 24.05 of the
Zoning Code with regard to All Commercial Zoning Districts.

DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT

BACKGROUND/SUMMARY:

On July 10, 2017 the City Council gave direction to staff to initiate the reenactment of Chapter 15, Article XII in order to allow for "Medical Cannabis Dispensaries" within C-2 zones contingent upon the approval of a Conditional Use Permit within the City of Imperial. Changes to the conditionally permitted uses in commercial zones are necessary to promote the orderly and economic growth of the City's commercial areas. The proposed change includes "Medical Cannabis Dispensaries and Uses" to be added to the Commercial District Zoning Table, which are outlined in "Chapter 15, Article XII Medical Cannabis Dispensaries" of the Imperial Municipal Code. A Public Hearing was held by the Planning Commission on December 13, 2017 and the commission recommends adoption of the text amendment.

Please see "Exhibit A"

FISCAL IMPACT: NO FISCAL IMPACT

ADMIN
SERVICES
SIGN INITIALS _____

STAFF RECOMMENDATION:

Staff recommends approval of Zoning Text Amendment.

DEPT. INITIALS CM

MANAGER'S RECOMMENDATION:

CITY
MANAGER's
INITIALS _____

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ☐

DISAPPROVED ☐

REJECTED ☐

DEFERRED ☐

REFERRED TO:

“EXHIBIT A”

SECTION 24.05.110 PURPOSES

In addition to the objectives outlined in Section 24.01 (Purposes and Scope), the Commercial Zones are included in the Zoning Regulations to achieve the following purposes:

- A. To provide appropriately located areas for office use, retail stores, service establishments, and wholesale businesses, offering commodities and services required by residents of the City and its surrounding market area.
- B. To encourage office and commercial uses to concentrate for the convenience of the public and for a more mutually beneficial relationship to each other.
- C. To provide adequate space to meet the needs of modern commercial development, including off-street parking and loading areas.
- D. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.
- E. To protect commercial properties from noise, odor, smoke, unsightliness, and other objectionable influences incidental to industrial uses.
- F. To promote high standards of site planning, architecture and landscape design for office and commercial developments within the City of Imperial.

C-1 Commercial Neighborhood Zone

This zone is intended for professional, administrative offices, restaurant, theatre, health clubs, and for neighborhood shopping centers which provide limited retail business service and office facilities for the convenience of residents of the neighborhood. These stopping centers are intended to be compatible with residential environment as at locations indicated on the General Plan.

C-2 Commercial General Zone

This zone is intended as an area for the location of highway oriented retail service and wholesale commercial activities.

V-C Village Commercial Zone

The Village Commercial Zone is intended as the social and civic heart of the City of Imperial with attractive housing, small retail shops, outdoor dining, parks, and civic facilities in a vibrant, pedestrian friendly and family-oriented atmosphere.

SECTION 2: Section 24.05.120 of Chapter 24 of the Imperial Municipal Code is hereby amended to read 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

<i>B. General Commercial Uses (cont.)</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
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

<i>B. General Commercial Uses (cont.)</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
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 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
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<i>B. General Commercial Uses (cont.)</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
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

<i>C. Public and Semi-Public Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
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

SECTION 3: Section 24.05.130 of Chapter 24 of the Imperial Municipal Code is hereby amended to read as follows:

24.05.130 PROPERTY DEVELOPMENT STANDARDS: C ZONES

Prior to the construction of any building or structure on any lot within the C Zones a Site Plan Review is required, pursuant to Section 24.19.500. The following property development standards shall apply to all land and building permitted in their respective commercial zones. Any legal lot/parcel may be used as a building site, except no building permit shall be issues for

any lot having lot size of less than 3,000 square feet. Each building site shall have a minimum 20-foot wide vehicular access to a public street.

The following requirements are minimums unless otherwise stated.

A. General Requirements	C-1	C-2	VC
1. Lot area, sq. ft. or acres	N/A	N/A	N/A
2. Lot width, in feet	50	60	25
3. Lot depth, in feet	135	100	100
4. Front yard setback, in feet	12	12	0
5. Side yard setback each side, in feet. Total of combined side yard setbacks must equal 10 feet.	0/10	0/10	0
6. Side yard setback, street side, in feet	20	12	0
7. Rear yard, in feet	0	0	0
8. Side and rear yards abutting any residential zones	20	20	0
9. Lot coverage, maximum	60%	60%	40%
10. Building height	35 feet maximum or three stories whichever is less		
11. Off-street parking In all C-1 and C-2 Zones, all provisions of Section 24.13 shall apply. Within the VC Zones, 50% percent of the required parking for the same use under Section 24.13 shall apply. On-street parking and off-site parking may be counted towards the parking requirement for all uses within the VC Zone.			
12. Signs In all C-1 and C-2 Zones, all provisions of Section 24.16 shall apply. Within the VC Zones, Section 24.16 shall also apply, except that projecting signs and hanging signs are permitted for ground floor uses. The size and location of projecting and hanging signs shall be reviewed by the Downtown Review Committee.			

SECTION 4: Section 24.05.140 of Chapter 24 of the Imperial Municipal Code is hereby created to read as follows:

24.05.140 SPECIAL REQUIREMENTS FOR THE VILLAGE COMMERCIAL ZONE

The City recognizes that architectural design and treatment of buildings and structures, integrity of design, orientation and configuration of buildings and structures upon a site, compatibility of development with adjacent development, traffic circulation and parking, and landscaping and open areas are all factors which should be addressed with respect to development of any property within the City's downtown village area. The City's objective is to create attractive, desirable and healthy neighborhoods for work and residence by encouraging and to promoting development which is not only functional and attractive, but is also functionally and aesthetically compatible with surrounding development and enhancing to the area in which it is located.

- A. Downtown Imperial Redevelopment Master Plan.** The Downtown Imperial Redevelopment Master Plan is hereby incorporated as reference.
- B. Downtown Review Committee.** There is created a Downtown Review Committee consisting of members appointed by the Mayor; the City Manager; the Public Works Director; and the Planning Director; or their designated representatives. The purpose of the Downtown Review Committee is to promote and implement the Downtown Imperial Redevelopment Master Plan and to ensure diverse and high quality architecture in the Village Commercial Zone. The Committee shall meet regularly in open meetings at a time to be determined by the Downtown Review Committee. The decision of the Downtown Review Committee may be appealed to the City Council.
- C. Review Required.** No person shall construct any building or structure, or relocate, rebuild, alter, enlarge or modify any existing building or structure, until a development plan has been reviewed and approved by the Downtown Review Committee, and no building permit, relocation permit or business license shall be issued until the requirements of this chapter are met. In furtherance of the Downtown Imperial Master Plan, this Zoning Ordinance and other regulations of the City, the Downtown Review Committee may impose such conditions as the Committee deems necessary.
- D. Submission of Development Plan.** Application for any development activity in the Village Commercial Zone shall be filed with the Planning Director on a form prescribed by the Downtown Review Committee and shall include the following information:
 - 1. Parcel or lot dimensions;
 - 2. Walls and Fences: Location, height, materials and colors;

3. Off-Street Parking and Loading: Location, number of spaces, dimensions of parking area and loading facilities, internal circulation pattern;
4. Access and Circulation: Pedestrian, vehicular, service; points of ingress and egress, internal circulation;
5. Buildings and Structures: Location, floor plans, elevations, size, height, proposed use; type and pitch of roofs; size and spacing of windows, doors and other openings; materials, colors and architectural treatment;
6. Spaces Between Buildings: Location, size and dimension; yards and setbacks;
7. Open spaces, recreation areas or greenbelts; location, size and facilities;
8. Public improvements; street dedications and improvements; public utilities installations including poles, transformers, vaults and meters; design and location;
9. Signs: Location, size, color, design and materials;
10. Lighting: Location and general nature; hooding devices;
11. Towers, chimneys, roof structures, flagpoles, radio and television masts, all mechanical equipment external to main or accessory structures; location, design, size, height, materials, colors and architectural treatment;
12. Such other data as the planning staff or Committee may require to make necessary findings.

E. Architectural Design Standards. New construction and reconstruction or rehabilitation of existing buildings and/or sites shall be reflective of high quality in design. One or more of the following architectural styles shall be utilized: Mission, Spanish, Monterey, Western, and Traditional Downtown. Contemporary styles may be used where local materials are incorporated and design elements from surrounding structures are likewise incorporated. Creative interpretations of traditional design elements will be reviewed on a case-by-case basis. All development activity within the Village Commercial Zone shall adhere to the design guidelines outlined in the Downtown Imperial Redevelopment Master Plan as it relates to the following:

1. Site planning;
2. Architecture;
3. Architectural form and composition;
4. Compatibility;
5. Roof articulation;
6. Storefronts;
7. Porticos, colonnades, arcades, and awnings;
8. Rear entrances;
9. Lighting;
10. Building materials;

11. Building color; and
12. Landscaping and public spaces.

F. Sidewalk Cafes, Porticos and Other Structures Located in the Public Right-of-Way

1. The Downtown Review Committee may approve a sidewalk permit for sidewalk cafes and other structures located in the public right-of-way provided they are in compliance with the regulations of this Section. A sidewalk permit shall be a license to use the sidewalk and shall not grant nor shall it be construed or considered to grant any person any property right or interest in the sidewalk.
2. Sidewalk cafes and other structures located in the public right-of-way shall be located in a manner that promotes efficient and direct pedestrian movement. A minimum of one unobstructed pedestrian path at least five feet wide shall be maintained at all times. In areas of congested pedestrian activity, the Downtown Review Committee may require a wider pedestrian path.
3. The perimeter around the sidewalk cafe or permanent outdoor display area may be delineated using nonpermanent fixtures such as railings, potted plants, decorative chains, or other approved fixtures. Tables, chairs, umbrellas, canopies, awnings and any other fixtures shall be of uniform design and shall be made of quality materials and workmanship to ensure the safety and convenience of users and to enhance the visual quality of the urban environment.
4. By use of any permit granted hereunder, the permittee agrees to indemnify, defend, save, and hold harmless any government agency and its agents and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of this permit or the permittee's activity regarding the sidewalk. The permittee shall enter into a written agreement with the City to evidence this indemnification.
5. Tables, chairs, and other fixtures located within the sidewalk must be secured or anchored to one another or removed from the sidewalk at the close of business to ensure that the fixtures will be stable during inclement weather conditions and to deter theft. No tables, chairs, or any other fixtures used in connection with a sidewalk permit shall be attached, chained, or in any manner affixed to any tree, post, sign, or other public fixture.
6. The sidewalk cafe or permanent outdoor display area including the area extending from the sidewalk cafe area to the street and five feet beyond either end, shall be maintained by the permittee in a neat and orderly appearance at all times and shall be cleared of all debris on a periodic basis during the day and at the close of each business day.
7. The permittee is responsible for repair of any damage to the sidewalk caused by the sidewalk cafe or permanent outdoor display.