



**REGULAR MEETING OF THE  
CANYON LAKE CITY COUNCIL  
Wednesday, November 2, 2016  
Open Session – 6:30 p.m.**

**City Council Chambers  
31516 Railroad Canyon Road  
Canyon Lake, CA 92587**

**Please turn off your cell phones during the meeting**

**OPEN SESSION – 6:30 P.M.**

- 1. Call Open Session to Order**
- 2. Invocation**  
**Flag Salute**
- 3. Roll Call:** Council Members Ehrenkranz, Warren, Zaitz, Mayor Pro Tem Haggerty, Mayor Brown
- 4. Approval of City Council Agenda**
- 5. Special Presentations and Proclamations:**
  - 5.1 Chamber of Commerce Announcements**
- 6. Public Comments** – Any person wishing to address the City Council on any matter within the jurisdiction of the City, whether or not it appears on this agenda, is asked to complete a “Speaker Request Form” available on the back counter. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council. The City Council has adopted a time limitation of three (3) minutes per person. If you are commenting on the agenda item, your comments will be heard at the time that particular item is scheduled on the agenda. *Please note that if you are addressing the City Council on items NOT on the agenda, the Brown Act does not allow discussion of such items. Therefore, the City Council may only do the following: refer the matter to staff, ask for additional information or request a report back, or give a very limited factual response.*
- 7. Consent Calendar:**

All items listed on the Consent Calendar are considered to be routine matters, status reports or documents covering previous City Council action. The items listed on the Consent Calendar may be enacted in one motion. With the concurrence of the City Council, a Council Member may request that an item be removed for further discussion. Staff recommends approval of all items.

- 7.1 **Waiver of Reading in Full of all Ordinances by Title Only**
- 7.2 **City Council Meeting Minutes**
  - 7.2.1 October 12, 2016 – Adjourned Meeting **Pg. 5**
- 7.3 **Adoption of Resolution No. 2016-34, Approving Claims and Demands of the City Pg. 13**
- 8. **Pulled Consent Calendar Items**
- 9. **Schedule of Future Events:**
  - 9.1 Administration and Finance Committee Meeting  
Tuesday, December 6, 2016 at 8:00 a.m., City Council Chambers
  - 9.2 Public Safety Committee Meeting  
Wednesday, November 30, 2016 at 9:30 a.m., City Council Chambers
  - 9.3 Canyon Lake City Council Meeting  
Wednesday, December 14, 2016 at 6:30 p.m., City Council Chambers
  - 9.4 Water Committee Meeting  
Thursday, December 15, 2016 at 9:00 a.m., City Council Chambers
  - 9.5 Planning Committee Meeting  
Meeting Date To Be Determined
  - 9.6 Economic Development and Healthy Communities Meeting  
Meeting Date To Be Determined
  - 9.7 Veterans Committee Meeting  
Meeting Date To Be Determined
- 10. **Business Items**
  - 10.1 **Holiday Closure for City Hall Pg. 27**
  - 10.2 **Council Technology Reimbursement Pg. 29**
  - 10.3 **Introduction and First Reading of Ordinance No. 169, and schedule public hearing - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CANYON LAKE CALIFORNIA, REPEALING AND READOPTING REVISED SECTION 8.02 OF TITLE 8 OF THE CANYON LAKE MUNICIPAL CODE TO ADOPT THE 2016 EDITIONS OF THE CALIFORNIA CODES (INCLUDING BUT NOT LIMITED TO THE GREEN BUILDING CODE) AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO Pg. 31**
  - 10.4 **Interim Urgency Ordinance No. 168 Pg. 35**
    - a. **Adoption of Interim Urgency Ordinance No. 168: AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CANYON LAKE REGULATING PERSONAL CULTIVATION OF MARIJUANA AND BANNING OUTDOOR PERSONAL CULTIVATION, DECLARING THE URGENCY THEREOF**

- b. **Future consideration of a possible City tobacco smoking bans or regulations**

**10.5 Consideration of Approving Fiscal Year 2017/2018 Community Development Block Grant Project and Allocation for Public Service Agencies Pg. 59**

**11. City Manager Comments**

**12. Committee and Council Reports/Comments**

- 12.1 Council Member Ehrenkranz
- 12.2 Council Member Warren
- 12.3 Council Member Zaitz
- 12.4 Mayor Pro Tem Haggerty
- 12.5 Mayor Brown

**13. Announcements**

The next regular City Council meeting on December 7, 2016 will be adjourned to an **Adjourned Council Meeting December 14, 2016 at 5:30 p.m. for Closed Session and 6:30 p.m. for Open Session.**

**14. Adjournment**

**VISION STATEMENT**

The vision of the City of Canyon Lake is to be a City that provides a quality of life that makes Canyon Lake the premier place to live in Southern California.

**ATTENTION RESIDENTS:**

Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at [www.cityofcanyonlake.org](http://www.cityofcanyonlake.org) once the agenda has been publicly posted. Any written materials relating to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting. It is the intention of the City of Canyon Lake to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or participant at this meeting, you will need special assistance beyond what is normally provided, the City of Canyon Lake will attempt to accommodate you in every reasonable manner. Please contact Ariel M. Hall, City Clerk, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

**November 2, 2016 City Council Meeting**

STATE OF CALIFORNIA }  
COUNTY OF RIVERSIDE } **SS. AFFIDAVIT OF POSTING**  
CITY OF CANYON LAKE }

**I, Stephanie N. Hunter, being duly sworn, depose and say that I am the duly appointed and qualified Office Specialist of the City of Canyon Lake and that on October 27, 2016 before the hour of 5:00 p.m., I caused the above notice to be posted as required by Resolution 2015-36 of the City Council of the City of Canyon Lake.**

**Stephanie N. Hunter  
Office Specialist**

**MINUTES**  
**ADJOURNED MEETING OF THE**  
**CANYON LAKE CITY COUNCIL**  
**Wednesday, October 12, 2016**  
**Open Session - 6:30 p.m.**

**City Council Chambers**  
**31516 Railroad Canyon Road**  
**Canyon Lake, CA 92587**

**1. Call Open Session to Order**

Mayor Brown called the meeting to order at 6:32 p.m.

**2. Invocation**

The Invocation was led by resident Nancy Horton.

**Flag Salute**

Flag Salute was led by resident Nancy Carroll.

**3. Roll Call**

Present: Council Members Ehrenkranz, Warren, Zaitz, Mayor Pro Tem Haggerty and Mayor Brown

**4. Approval of the City Council Agenda**

Mayor Brown requested to add an emergency agenda item to new business to discuss a possible marijuana ordinance.

**Moved by Zaitz, seconded by Haggerty, to add Item 10.6 to the agenda**

**Motion carried 5-0 with Council Members Ehrenkranz, Warren, Zaitz, Mayor Pro Tem Haggerty and Mayor Brown voting aye.**

**Moved by Ehrenkranz, seconded by Zaitz, to approve the Agenda as presented with Item 10.6 added.**

**Motion carried 5-0 with Council Members Ehrenkranz, Warren, Zaitz, Mayor Pro Tem Haggerty and Mayor Brown voting aye.**

**5. Special Presentations and Proclamations:**

**5.1 Chamber of Commerce Announcements**

Jim Randall, Chamber of Commerce President, discussed the Octoberfest to be held on Saturday, October 15<sup>th</sup>, the Parade of Frights to be held on Saturday, October 29<sup>th</sup> and the Installation of Officers scheduled for January 28<sup>th</sup> to be held at the Lodge starting at 6:00 p.m. and dinner at 7:00 p.m.

**5.2 Presentation of proclamation and plaque to Nancy Carroll, outgoing President of the Canyon Lake Emergency Preparedness Committee, in recognition of 26 years of volunteering.**

Residents and past Mayors discussed their respect and appreciation for Nancy Carroll and her dedication to the City and the Emergency Preparedness Committee.

Each Council Member discussed their accolades for Nancy Carroll.

Mayor Brown awarded Nancy with a plaque and Proclamation.

Nancy Carroll discussed the work put in by the whole committee and the residents.

There was a break for photos.

Council Member Warren introduced the Canyon Lake Men's Golf Club and discussed the work and donations they had given for the Veteran's Day Event.

There was a break for photos.

**5.3 Presentation from consultants regarding BLM (Bureau of Land Management) Land**

City Manager Palmer introduced the item.

Rick Gomez, representing FORMA, discussed possible development plans for the BLM land if the City chose to develop.

There was discussion that the plans being discussed were not etched in stone and were suggested developments.

There was discussion of the budget increase that the approximate 365 lots could bring in for an additional \$700,000 to the Home Owners Association.

There was discussion that the community lots were sold and developed individually, and there could be the opportunity to have tract homes or individualized homes dependent on what the City and POA (Property Owners Association) decided.

There was discussion that the development time could take 2-3 years from the start of development, and the costs could be paid for by the City, which would then get paid back in building permit fees or a private developer could cover the costs.

There was discussion regarding the possibility of lake front properties on the slalom course and what water access they would have.

City Manager Palmer discussed that what was being discussed was a conceptual idea of what could be done to the existing land.

There was discussion regarding the access and egress to the potential housing.

There was discussion on the estimated time it would take to sell newly developed homes.

There was discussion on possible roads being built that would connect to Highway 74.

There was discussion that the estimated value of the new developed homes would take more research.

There was discussion that this presentation was brought forth to discuss the possible usage of the BLM land and what could be done with the land. It would be 6 months to a year before the BLM administratively surplused the land.

There was discussion regarding the possibility of moving the jump course behind the slalom course for the mixed use waterfront area presented.

City Manager Palmer introduced Ed Sauls with The Sauls Company to discuss the development of land by the City of Lake Elsinore.

There was discussion regarding equestrian access.

There was discussion regarding property lot sizes.

There was a discussion that there would be a maximum of 350 homes per an agreement with the City of Lake Elsinore.

Resident Jack Wamsley discussed a four lane road and it was discussed why the discussed area is under the Sphere of Influence of the City of Lake Elsinore.

It was discussed why the land would be annexed and not become a part of Riverside County.

There was discussion of a possible road between Tuscany Hills and Greenwald.

There was discussion that there was a time that the East Bay was undeveloped like the new areas that were being discussed and the developer could possibly cut in channels like East Bay.

Resident Mary Craton discussed equestrian crossing.

There was discussion of the BLM dropping their replacement requirements.

Resident George Middle questioned if there had been any investigating on the breaking of ground and whether the new properties would be septic or sewer.

**6. Public Comment**

There were no public comments.

Mayor Brown called for a recess at 8:15 P.M.

Mayor Brown called the meeting back to order at 8:20 P.M.

**7. Consent Calendar**

**7.1 Waiver of Reading in Full of all Ordinances by Title only**

**7.2 City Council Meeting Minutes**

7.2.1 September 7, 2016 – Regular Meeting

7.2.2 September 14, 2016 – Special Workshop Meeting

7.2.3 October 5, 2016 – Adjourned Regular Meeting

**7.3 Adoption of Resolution No. 2016-31, Approving Claims and Demands of the City**

**Moved by Zaitz, seconded by Haggerty, to approve the Consent Calendar as presented.**

**Motion carried 5-0 with Council Members Ehrenkranz, Warren, Zaitz, Mayor Pro Tem Haggerty and Mayor Brown voting aye.**

**8. Pulled Consent Calendar Items**

There were no consent items pulled.

**9. Schedule of Future Events:**

There were no objections to the schedule of future events.

**10. Business Items**

**10.1 Approval of Resolution No. 2016-32 declaring November 8, 2016 as Canyon Lake Pjammin Day; supporting childhood cancer awareness.**

Mayor Brown Introduced the item

**Moved by Brown, seconded by Zaitz, to approve Item 10.1 as presented.**

There was discussion that it would be okay to have a booth set up giving information on childhood cancer during Election Day outside of City Hall.

**Motion carried 5-0 with Council Members Ehrenkranz, Warren, Zaitz, Mayor Pro Tem Haggerty and Mayor Brown voting aye.**

#### **10.2 Proposed increase to the Veteran's Day Budget**

City Manager Palmer introduced the item.

Council Member Warren discussed the reasons why the increase of \$2,000.00 to the Veteran's Day budget was important.

**Moved by Haggerty, seconded by Zaitz, to approve an increase of \$2,000.00 to the Veteran's Day budget.**

**Motion carried 5-0 with Council Members Ehrenkranz, Warren, Zaitz, Mayor Pro Tem Haggerty and Mayor Brown voting aye.**

#### **10.3 Approval of new design and vendor for the City's Entryway Monument Project**

Administrative Services Manager Mike Borja introduced the item.

There was discussion that there could be a rotating light installed in the lighthouse on the monument.

There was discussion that the 2 monuments would be approximately \$14,300.00 plus the cost of the LED light if Council choose to include that in the design and there was originally \$30,000.00 budgeted for the monuments.

There was discussion on a monument not being placed near the north gate but if decided later another monument could be built later.

**Moved by Haggerty to approve Item 10.3 as presented with an additional max of \$800.00 for LED lighting.**

**Motion died for lack of second.**

There was discussion regarding the material of the monument would be made of.

There was discussion whether the monument should read "City of Canyon Lake."  
And the possibility of adding "EST. 1990."

**Moved by Haggerty, seconded by Ehrenkranz, to approve Item 10.3 as presented with the addition of a \$1,000.00 for the LED lights in the lighthouse on the monument.**

**Amended by Warren, seconded by Ehrenkranz to include "Est. 1990" on the sign.**

**No action was taken.**

There was further discussion on the monument saying "Canyon Lake" or "City of Canyon Lake."

**Moved by Haggerty, seconded by Warren, to approve Item 10.3 as presented with the "City of Canyon Lake," the LED light for the light house if it does not exceed \$1,000.00 and "Est. 1990."**

**Motion carried 4-1 with Council Members Ehrenkranz, Warren, Mayor Pro Tem Haggerty and Mayor Brown voting aye and Council Member Zaitz voting no.**

**10.4 Approval for CDBG Sub-Recipient Agreement with the Inland Valley Habitat for Humanity to Administer the City's Home Repair Program for Fiscal Year 2015-2016**

Administrative Services Manager Mike Borja introduced the item.

**Moved by Haggerty, seconded by Zaitz, to approve Item 10.4 as presented.**

**Motion carried 5-0 with Council Members Ehrenkranz, Warren, Zaitz, Mayor Pro Tem Haggerty and Mayor Brown voting aye.**

**10.5 Approval for CDBG Sub-Recipient Agreement with the Inland Valley Habitat for Humanity to Administer the City's Home Repair Program for Fiscal Year 2016-2017**

Administrative Services Manager Mike Borja introduced the item.

**Moved by Haggerty, seconded by Ehrenkranz, to approve Item 10.5 as presented.**

**Motion carried 5-0 with Council Members Ehrenkranz, Warren, Zaitz, Mayor Pro Tem Haggerty and Mayor Brown voting aye.**

**10.6 Discussion Regarding Potential Marijuana Ordinance**

Mayor Brown introduced the item.

Karen Feld, Deputy City Attorney, gave a background on Proposition 64 and examples of what the City can and cannot outlaw.

There was discussion on an ordinance with certain restrictions needing to be put in place by the City before the election November 8, 2016.

There was discussion on the need to enforce the laws.

There was discussion on what could or could not be done to regulate growth or usage in the City.

There was discussion on the ability for code enforcement to enforce City Ordinances.

There was discussion on how to detect driving under the influence of marijuana.

There was discussion on what the maximum number of marijuana plants per household or caregiver.

There was discussion on how to enforce the restrictions on smell if it became bothersome.

There was discussion on having staff make a list of allowable restrictions that the Council could then look at and decide what options would be put in the ordinance and then enforced.

There was discussion regarding holding a Special Meeting of the City Council on Wednesday, October 26, 2016 at 11:00 A.M. to discuss a potential ordinance.

**11. City Manager Comments**

There were no City Manager comments.

**12. Committee and Council Reports/Comments**

12.1 Council Member Ehrenkranz

Council Member Ehrenkranz discussed past events he attended.

12.2 Council Member Warren

Council Member Warren discussed the Veteran's Day Committee and volunteers, announced that help is always appreciated, and the Alum water treatments.

12.3 Council Member Zaitz

Council Member Zaitz discussed the possibility of putting the “Canyon Lake” back onto the curved wall located on entrance to the Canyon Lake Shopping Center. Council Member Zaitz also discussed a bio-degradable device that helped clean up Lake Elsinore water.

12.4 Mayor Pro Tem Haggerty

Mayor Pro Tem Haggerty discussed representing the City at the Memorial for the police who were killed in the line of duty in Palm Springs. Mayor Pro Tem Haggerty also discussed the 91 freeway construction and call boxes located throughout the freeway.

12.5 Mayor Brown

Mayor Brown encouraged the public to vote.

**13. Announcements**

The next Special Meeting of the City Council was scheduled for **October 26, 2016 at 11:00 a.m. for Open Session.**

**14. Adjournment**

Mayor Brown adjourned the meeting at 9:25 p.m.

Respectfully submitted,

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Stephanie Hunter  
Office Specialist

City of Canyon Lake  
City Council  
Staff Report

**Item 7.3**

**TO:** Mayor and City Council  
**FROM:** Michelle Gomez, Accountant  
**DATE:** November 2, 2016  
**SUBJECT:** List of Demands

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**Recommendation:**

That the City Council adopts a resolution entitled: RESOLUTION NO. 2016-34

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF CANYON LAKE ALLOWING CERTAIN  
CLAIMS AND DEMANDS AS SET FORTH IN EXHIBIT A

**Background:**

All claims and demands are reported and summarized for review and approval by the City Council on a routine basis at each City Council meeting. The attached claims represent the paid claims and demands since the City Council meeting of October 12, 2016.

**Budget (or Fiscal) Impact:**

All claims and demands are paid from appropriated funds or authorized resources of the City and have been recorded in accordance with the City's policies.

**Attachments:**

Resolution  
List of Demands



**RESOLUTION NO. 2016-34**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANYON LAKE, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS AS SET FORTH IN EXHIBIT A**

The City Council of the City of Canyon Lake does hereby resolve as follows:

Demands are approved as shown on the Demand\Warrant Register of November 2nd, in the amount of \$398,856.74 as follows:

Payroll Earnings (Gross)	\$	36,948.10	(2nd Half of September & 1st Half of October )
Payroll Taxes - Employer	\$	615.24	(2nd Half of September & 1st Half of October)
On-line Retirement		3,917.21	(2nd Half of September & 1st Half of October)
On-line Health		1,339.85	(For the Month of October)
General		356,036.34	(Accounts Payable)
TOTAL	\$	<u>398,856.74</u>	

PASSED, APPROVED AND ADOPTED this 2nd day of November 2016.

\_\_\_\_\_  
Mayor, Timothy Brown

ATTEST:

\_\_\_\_\_  
Stephanie Hunter, Office Specialist

# 1997-1998

The following table shows the results of the 1997-1998 survey. The data is presented in a table format with columns for the year, the number of respondents, and the percentage of respondents who answered "Yes", "No", and "Don't Know".

Year	Number of Respondents	Yes (%)	No (%)	Don't Know (%)
1997	100	75	20	5
1998	100	70	25	5

## 1997-1998 Survey Results

### 1997-1998 Survey Results

The following table shows the results of the 1997-1998 survey. The data is presented in a table format with columns for the year, the number of respondents, and the percentage of respondents who answered "Yes", "No", and "Don't Know".

Year	Number of Respondents	Yes (%)	No (%)	Don't Know (%)
1997	100	75	20	5
1998	100	70	25	5

**City of Canyon Lake**  
 Check/Voucher Register - Council Report - Expenditures  
 From 10/1/2016 Through 10/31/2016

Check Num...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
22665	10/11/2...	Windwild Group	Veteran's Brick, October 2016	50.00	10	GENERAL
<b>Total 22665</b>	10/11/2...			50.00		
22666	10/12/2...	ANIMAL FRIENDS OF THE VALLEYS	Animal Control Services for August 2016	3,500.00	10	GENERAL
<b>Total 22666</b>	10/12/2...			3,500.00		
22667	10/12/2...	California Bulding Standards Commission	Permit Valuation Fee Report Form, July-September 2016	130.05	10	GENERAL
<b>Total 22667</b>	10/12/2...			130.05		
22668	10/12/2...	CHARLES ABBOTT ASSOCIATES, INC.	Building & Safety - Permit & Plan Review; September 2016	11,361.10	10	GENERAL
<b>Total 22668</b>	10/12/2...			11,361.10		
22669	10/12/2...	Corelogic Information Solutions, INC.	Property Detail Report, September 2016	23.25	10	GENERAL
<b>Total 22669</b>	10/12/2...			23.25		
22670	10/12/2...	Cota Cole LLP	Attorney Services, September 2016	5,959.00	10	GENERAL
<b>Total 22670</b>	10/12/2...			5,959.00		
22671	10/12/2...	CTAI PACIFIC GREENSCAPE	Landscape Maintenance for CL Fire Station, Sept 2016	250.00	10	GENERAL
22671	10/12/2...	CTAI PACIFIC GREENSCAPE	Landscape Maintenance for Median & Parkways, Sept 2016	5,200.00	20	GAS TAX
22671	10/12/2...	CTAI PACIFIC GREENSCAPE	Replace leaking rainbird, 9/29/16	900.00	20	GAS TAX
<b>Total 22671</b>	10/12/2...			6,350.00		

**City of Canyon Lake**  
 Check/Voucher Register - Council Report - Expenditures  
 From 10/1/2016 Through 10/31/2016

Check Num...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
22672	10/12/2...	DEPARTMENT OF CONSERVATION	Strong Motion & Seismic Hazard Mapping Fee, July - Sept 2016	389.82	10	GENERAL
<b>Total 22672</b>	10/12/2...			389.82		
22673	10/12/2...	Eagle Graphic Creations Inc.	Laminate Plaque Engraved Plate; Invoice Date; 10/7/16	63.18	10	GENERAL
<b>Total 22673</b>	10/12/2...			63.18		
22674	10/12/2...	Embassy Suites Brea	Hotel for Nuts & Bolts class for Stephanie Hunter, 10/19/16	330.57	10	GENERAL
<b>Total 22674</b>	10/12/2...			330.57		
22675	10/12/2...	ELSINORE VALLEY MUNI WATER DIS	Billing Period: 8/25/16 to 9/23/16	101.04	10	GENERAL
22675	10/12/2...	ELSINORE VALLEY MUNI WATER DIS	Billing Period: 8/26/16 to 9/26/16	218.13	10	GENERAL
22675	10/12/2...	ELSINORE VALLEY MUNI WATER DIS	Billing Period: 8/26/16 to 9/26/16	1,632.72	20	GAS TAX
<b>Total 22675</b>	10/12/2...			1,951.89		
22676	10/12/2...	Executive Cleaning Services, LLC	Cleaning Services for October 2016	925.00	10	GENERAL
<b>Total 22676</b>	10/12/2...			925.00		
22677	10/12/2...	FRIDAY FLYER	Budget Adoption, Sept 9, 2016	19.50	10	GENERAL
22677	10/12/2...	FRIDAY FLYER	Notice for Nominees for Public Office, Sept 9, 2016	15.75	10	GENERAL
22677	10/12/2...	FRIDAY FLYER	Notice of Election 2016 (English), Sept 6, 2016	29.45	10	GENERAL
22677	10/12/2...	FRIDAY FLYER	Notice of Election 2016 (Spanish), Sept 9, 2016	34.20	10	GENERAL

**City of Canyon Lake**  
 Check/Voucher Register - Council Report - Expenditures  
 From 10/1/2016 Through 10/31/2016

Check Num...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
22677	10/12/2...	FRIDAY FLYER	Notice of Nominees for Public Office (Spanish), Sept 9, 2016	17.85	10	GENERAL
<b>Total</b> 22677	10/12/2...			116.75		
22678	10/12/2...	GENERATOR SERVICES CO., INC.	Repairs to Fire Station Generator, Invoice Date 10/1/16	8,897.71	10	GENERAL
<b>Total</b> 22678	10/12/2...			8,897.71		
22679	10/12/2...	Dawn Haggerty	Reimbursement for League of Cities Convention; October 2016	93.79	10	GENERAL
<b>Total</b> 22679	10/12/2...			93.79		
22680	10/12/2...	Lake Chevrolet	Vehicle Maintenance on 09 GMC Sierra 1500, 10/3/16	1,598.64	10	GENERAL
<b>Total</b> 22680	10/12/2...			1,598.64		
22681	10/12/2...	Optimum, Inc.	Refund for Overpayment on Business License - Optimum, Inc.	1.00	10	GENERAL
<b>Total</b> 22681	10/12/2...			1.00		
22682	10/12/2...	RIV. CO. SHERIFF'S DEPT., Acctg & Fin	Sheriff's Contract 7/21/16 to 8/17/16	112,773.83	10	GENERAL
<b>Total</b> 22682	10/12/2...			112,773.83		
22683	10/12/2...	Round Up Jr. Mart	Gasoline Charges on Card Number 11 & 17; Feb-Sep 2016	972.51	10	GENERAL
<b>Total</b> 22683	10/12/2...			972.51		

**City of Canyon Lake**  
 Check/Voucher Register - Council Report - Expenditures  
 From 10/1/2016 Through 10/31/2016

Check Num...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
22684	10/12/2...	SOUTHERN CALIFORNIA EDISON	Electricity Bill, 8/29/16 to 9/28/16	365.75	20	GAS TAX
<b>Total 22684</b>	10/12/2...			365.75		
22685	10/12/2...	Special District Risk Management Authority	Dental Insurance for October 2016	198.79	10	GENERAL
<b>Total 22685</b>	10/12/2...			198.79		
22686	10/12/2...	STAPLES	Office Supplies, Invoice Date: 9/24/16	118.79	10	GENERAL
22686	10/12/2...	STAPLES	Office Supplies-Coffee & Post-It Notes; Invoice Date: 10/1/16	92.22	10	GENERAL
<b>Total 22686</b>	10/12/2...			211.01		
22687	10/12/2...	Synoptek	Help Desk & Server InfraMGT, October 2016	1,925.00	10	GENERAL
<b>Total 22687</b>	10/12/2...			1,925.00		
22688	10/12/2...	TWO BROS. LOCKSMITH	Service Call to Adjusts Keys for Front Door	74.58	10	GENERAL
<b>Total 22688</b>	10/12/2...			74.58		
22689	10/12/2...	VERIZON CALIFORNIA	Cell Phones, 9/4/16 to 10/3/16	102.41	10	GENERAL
<b>Total 22689</b>	10/12/2...			102.41		
22690	10/12/2...	VERIZON CALIFORNIA	Ipads, Bill Date: 10/3/16	239.10	10	GENERAL
<b>Total 22690</b>	10/12/2...			239.10		

**City of Canyon Lake**  
 Check/Voucher Register - Council Report - Expenditures  
 From 10/1/2016 Through 10/31/2016

Check Num...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
22691	10/12/2...	Jean Voshall	Reimbursement for NPDES Construction Training, 9/21/16	61.56	10	GENERAL
<b>Total</b> 22691	10/12/2...			61.56		
22692	10/12/2...	JOHN ZAITZ	Reimbursement for internet and phone, September 2016	148.05	10	GENERAL
<b>Total</b> 22692	10/12/2...			148.05		
22693	10/19/2...	Fastsigns	Entryway City Monuments, October 2016	7,105.64	40	CAP. PROJ.
<b>Total</b> 22693	10/19/2...			7,105.64		
22694	10/26/2...	AMERICAN FORENSIC NURSES INC	Blood Draw September 2016	120.00	10	GENERAL
<b>Total</b> 22694	10/26/2...			120.00		
22695	10/26/2...	BIO-TOX LABORATORIES	Blood & Alcohol Test, September 2016	177.40	10	GENERAL
<b>Total</b> 22695	10/26/2...			177.40		
22696	10/26/2...	CHARLES ABBOTT ASSOCIATES, INC.	Engineering Services; September 2016	1,452.50	10	GENERAL
22696	10/26/2...	CHARLES ABBOTT ASSOCIATES, INC.	Environmental Services & NPDES, September 2016	1,093.00	10	GENERAL
22696	10/26/2...	CHARLES ABBOTT ASSOCIATES, INC.	Gas Tax & Engineering; September 2016	4,120.00	20	GAS TAX
<b>Total</b> 22696	10/26/2...			6,665.50		
22697	10/26/2...	CTAI PACIFIC GREENSCAPE	Pine Tree Removal; Date: 9/30/16	1,950.00	20	GAS TAX

**City of Canyon Lake**  
 Check/Voucher Register - Council Report - Expenditures  
 From 10/1/2016 Through 10/31/2016

Check Num...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
<b>Total 22697</b>	10/26/2...			1,950.00		
22698	10/26/2...	DATA TICKET	Citation Processing September 2016	100.00	10	<b>GENERAL</b>
22698	10/26/2...	DATA TICKET	Citation September 2016	100.00	10	GENERAL
<b>Total 22698</b>	10/26/2...			200.00		
22699	10/26/2...	Department of Justice Accounting Office	Fingerprint September 2016	35.00	10	GENERAL
<b>Total 22699</b>	10/26/2...			35.00		
22700	10/26/2...	Division of the State Architech	Fee Report for July - September 2016	14.10	10	<b>GENERAL</b>
<b>Total 22700</b>	10/26/2...			14.10		
22701	10/26/2...	FORMA Companies	GIS Mapping/Grading & Lotting Studies; August 2016	5,000.00	10	GENERAL
<b>Total 22701</b>	10/26/2...			5,000.00		
22702	10/26/2...	Frontier	Fios Bill; Billing Period: 10/10/16 to 11/9/16	147.50	10	GENERAL
22702	10/26/2...	Frontier	Phone Bill; Billing Period: 10/10/16 to 11/9/16	64.36	10	GENERAL
22702	10/26/2...	Frontier	Phone Bill; Billing Period: 10/13/16 to 11/12/16	352.47	10	GENERAL
<b>Total 22702</b>	10/26/2...			564.33		
22703	10/26/2...	Johnny Q Auto Detailing	Full Truck Detailing - SUV; Invoice Date 10/8/16	550.00	10	GENERAL
<b>Total 22703</b>	10/26/2...			550.00		
22704	10/26/2...	Premier Party & Tent Rentals	Stage, canopy & supplies for Veteran's Day; 11/11/16	1,319.60	10	GENERAL

**City of Canyon Lake**  
 Check/Voucher Register - Council Report - Expenditures  
 From 10/1/2016 Through 10/31/2016

Check Num...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
<b>Total</b> 22704	10/26/2...			1,319.60		
22705	10/26/2...	Rogers, Anderson, Malody & Scott, LLP	Accounting Services, September 2016	6,700.00	10	GENERAL
<b>Total</b> 22705	10/26/2...			6,700.00		
22706	10/26/2...	Ramsey Backflow & Plumbing	Tested backflow device & sent to water agency; 10/12/16	40.00	10	GENERAL
<b>Total</b> 22706	10/26/2...			40.00		
22707	10/26/2...	JOHN REGUS	Small Conference Room, November 2016	250.00	10	GENERAL
<b>Total</b> 22707	10/26/2...			250.00		
22708	10/26/2...	JOHN REGUS	Library Lease; December 2016	983.45	10	GENERAL
<b>Total</b> 22708	10/26/2...			983.45		
22709	10/26/2...	Rightway	ADA Compliant Portable Restroom for Veterans Day; 10/20/16	270.34	10	GENERAL
<b>Total</b> 22709	10/26/2...			270.34		
22710	10/26/2...	County Executive Office, Finance	SCFA Debt Service Due FY 2016-17	30,654.00	10	GENERAL
22710	10/26/2...	County Executive Office, Finance	SCFA Miscellaneous Expenses FY 16/10-17	875.13	10	GENERAL
22710	10/26/2...	County Executive Office, Finance	Sheltering Services; October - December 2016	12,941.28	10	GENERAL
<b>Total</b> 22710	10/26/2...			44,470.41		

**City of Canyon Lake**  
 Check/Voucher Register - Council Report - Expenditures  
 From 10/1/2016 Through 10/31/2016

Check Num...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
22711	10/26/2...	RIV. CO. SHERIFF'S DEPT., Acctg & Fin	SH - Contract Law BP#3, Billing Period: 8/18/16 to 9/14/16	113,386.93	10	GENERAL
<b>Total 22711</b>	10/26/2...			113,386.93		
22712	10/26/2...	COUNTY OF RIVERSIDE-TLMA	FY16 September SLF Costs	849.35	20	GAS TAX
<b>Total 22712</b>	10/26/2...			849.35		
22713	10/26/2...	SOUTHERN CALIFORNIA EDISON	Electricity Bill; Billing Period 9/20/16 to 10/20/16	36.90	10	GENERAL
22713	10/26/2...	SOUTHERN CALIFORNIA EDISON	Electricity Bill; Billing Period: 9/14/16 to 10/14/16	1,318.60	10	GENERAL
22713	10/26/2...	SOUTHERN CALIFORNIA EDISON	Electricity Bill; Billing Period: 9/14/16 to 10/14/16	194.62	20	GAS TAX
22713	10/26/2...	SOUTHERN CALIFORNIA EDISON	Electricity Bill; Billing Period: 9/8/16 to 10/7/16	300.24	20	GAS TAX
22713	10/26/2...	SOUTHERN CALIFORNIA EDISON	Electricity Bill; Billing Period: 8/19/16 to 9/20/16	13.05	20	GAS TAX
<b>Total 22713</b>	10/26/2...			1,863.41		
22714	10/26/2...	Sparkletts	5.0 Gallon Water for October 2016	52.55	10	GENERAL
<b>Total 22714</b>	10/26/2...			52.55		
22715	10/26/2...	STAPLES	Office Supplies; Invoice Date 10/15/16	150.73	10	GENERAL
22715	10/26/2...	STAPLES	Office Supplies; Invoice Date: 10/8/16	111.75	10	GENERAL
<b>Total 22715</b>	10/26/2...			262.48		
22716	10/26/2...	TelePacific Communications	Phone Bill; Billing Period: 10/16/16 to 11/15/16	498.37	10	GENERAL

**City of Canyon Lake**  
 Check/Voucher Register - Council Report - Expenditures  
 From 10/1/2016 Through 10/31/2016

Check Numb...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
<b>Total</b> 22716	10/26/2...			498.37		
22717	10/26/2...	TWO BROS. LOCKSMITH	Service Call & Key made for City Hall; 9/16/16	67.00	10	<b>GENERAL</b>
<b>Total</b> 22717	10/26/2...			67.00		
22718	10/26/2...	U.S. Postage Service (Postage-By-Phone)	Digital Mailing System & Software; November 2016	54.18	10	<b>GENERAL</b>
<b>Total</b> 22718	10/26/2...			54.18		
22719	10/26/2...	U. S. Bank	Office Supplies, Postage, League of Ca Conference, Sept 2016	3,771.96	10	<b>GENERAL</b>
<b>Total</b> 22719	10/26/2...			3,771.96		
<b>Report Total</b>				<b>356,036.34</b>		



**City of Canyon Lake  
City Council  
Staff Report**

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Aaron Palmer, City Manager  
**DATE:** November 2, 2016  
**SUBJECT:** Consideration of request to close City Hall to the public between noon on December 22<sup>nd</sup> through January 2<sup>nd</sup>

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**Recommendation**

It is recommended that the City Council authorize the City Manager to close City Hall to the public from noon on December 22<sup>nd</sup> through January 2<sup>nd</sup>.

**Background**

The City’s current holiday schedule allows for City Hall to be closed at noon on December 22<sup>nd</sup>, and for a full day on December 26<sup>th</sup>. Additionally, City Hall is closed at noon on December 31<sup>st</sup> and for a full day on January 2<sup>nd</sup>. If a holiday closure falls on a Friday or Saturday, the closure moves forward to the last day worked the week prior. If the holiday falls on a Sunday, the holiday moves to the first day worked of the week after the holiday.

By closing City Hall to the public from noon on December 22<sup>nd</sup> through January 2<sup>nd</sup>, this gives all staff members the opportunity to use their accrued vacation or comp time to take the full week off. Due to the placement of holidays, this additional closure would close City Hall an additional 2.5 days (December 27, 28, and half of the day on December 29). If City Hall stays open to the public these three days, due to our limited number of staff members our employees will not have the option to take these three days off. If an employee chooses not to use their vacation or comp time for the week and desires to work instead, there is still work to be done in City Hall while it is closed. For some employees this is valuable time to catch up on assignments without frequent interruptions.

**Budget (or Fiscal) Impact**

There will be no fiscal impact. Employees will not receive any additional paid leave for the closure. They will have the option to use paid time off, or work in the office during the closure.

**Attachments**

None



**City of Canyon Lake  
City Council  
Staff Report**

**Item 10.2**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Aaron Palmer, City Manager

**DATE:** November 2, 2016

**SUBJECT:** City Council Technology Reimbursement – Possible Change to City Council Technology Stipend

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**Recommendation**

Retain the reimbursement in its present form for the reasons explained below.

**Background**

At the September 9, 2016 Administration and Finance Committee Meeting, Councilmember John Zaitz asked Staff if there was an alternative to Councilmembers turning in a monthly reimbursement form for cell phone and internet service. Currently, City Councilmembers can be reimbursed up to forty dollars (\$40.00) per month for their personal cell phone. (Councilmembers have the option of using a City provided cell phone). Councilmembers are also reimbursed up to sixty dollars (\$60.00) per month for home internet service. At present, Councilmembers must show actual expenditures to obtain this reimbursement, even though the reimbursement amount is capped.

Councilmember Zaitz suggested that rather than reimbursement, an alternative could be to give each City Councilmember a monthly technology stipend. Councilmembers will receive forty dollars (\$40.00) per month if they use their own cell phone. They will also receive sixty dollars (\$60.00) per month if they choose to use a City owned cell phone. The maximum stipend per month would be one hundred dollars (\$100.00) that is the current maximum amount a Councilmember is allow to be reimbursed for per month.

**Analysis**

Expense Reimbursements are separate from the salary or statutory stipend received by Councilmembers. Canyon Lake Council members receive those pursuant to the current expense reimbursement policy. It is my recommendation and that of the City Attorney that the current system remain in effect, i.e. Council members present receipts in order to be reimbursed. (See Govt. Code Sections 36514.5, 53235 and Canyon Lake Municipal Code Section 2.01.050).

In the addition to the stipends set by population and provided by state law, AB 1234 provides that City Council members may be reimbursed for actual and necessary expenses incurred in the performance of official duties. (Govt. Code Section 36514.5). In order to provide such reimbursement, the City Council must adopt a policy

at a public meeting. Canyon Lake has adopted such a policy. Both state law and the Canyon Lake policy require receipts for all expenses to be reimbursed. (See also Govt. Code Sections 53232.3, 53235 and CLMC Section 2.01.050).

A 2010 Attorney General opinion indicated a city could provide a flat vehicle allowance pursuant to Govt. Code Section 1223. However, Govt. Code Section 53232.3 requires that Councilmembers submit an expense report form with receipts to document expenses incurred, and such documents are public.

For this reason, it is not legally clear that a flat rate reimbursement amount would be acceptable. Certainly those have been the subject of challenge by public watchdogs and the press. In this case, and given the policy goal of transparency, it seems inappropriate to change from a reimbursement to a stipend system.

If there needs to be an adjustment of the amounts reimbursement pursuant to the receipts provided, then that discussion can occur during a mid-year budget adjustment.

**Budget (or Fiscal) Impact**

None.

**Attachments**

None

City of Canyon Lake  
City Council  
Staff Report

**Item 10.3**

**TO:** Mayor and City Council  
**FROM:** Aaron Palmer, City Manager  
**BY:** Jim Barrett, Building Official  
**DATE:** November 2, 2016  
**SUBJECT:** Introduction and First Reading of Ordinance No. 169, adopting the most recent editions of the Building Codes, and setting a public hearing to accept testimony regarding said Ordinance for December 14, 2016

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**RECOMMENDATION**

That the Council:

1. Introduce and hold first reading of Ordinance No 169; and
2. Set a public hearing for December 14, 2016 to accept testimony for and against the adoption of the 2016 California Building Codes as published by the California Building Standards Commission.

**BACKGROUND**

The State's Health and Safety Code requires local governments to adopt the most recent editions of the model codes related to construction. The construction Codes include: the California Building, Residential, Green Building Standards, Plumbing, Mechanical, Electrical and the International Property Maintenance Codes. If the City Council approves Ordinance No. 169 after the public hearing on December 14, 2016,, the most recent editions of the Construction Codes with the applicable amendments will be in effect within the City of Canyon Lake as required by State law.

The State's Health and Safety Code (Section 17958) mandates that the California Building Standards Commission adopt and publish the California Building Standards Code (Title 24 California Code of Regulations) every three years. The 2016 Edition of the California Code of Regulations Title 24, which incorporates the below-listed model codes, becomes effective on January 1, 2017.

The list below identifies the model codes upon which the 2016 Title 24 is based:

California Building Standards Code	Reference Model
2016 California Building Code	2015 International Building Code (ICC)
2016 California Residential Code	2015 International Residential Code (ICC)

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2016 California Green Building Standards Code	Reference Model
2016 California Plumbing Code	2015 Uniform Plumbing Code (IAPMO)
2016 California Building Standards Code	Reference Model
2016 California Mechanical Code	2015 Uniform Mechanical Code (IAPMO)
2016 California Electrical Code	2014 National Electrical Code (NFPA)
2012 International Property Maintenance Code	

The Construction Codes proposed for adoption by reference with amendments include the Following:

2016 California Building Code  
2016 California Residential Code  
2016 California Green Building Standards Code  
2016 California Plumbing Code  
2016 California Mechanical Code  
2016 California Energy Code  
2012 International Property Maintenance Code

### **FISCAL IMPACT**

No fiscal Impact

### **ATTACHMENTS**

Ordinance No. 169

**ORDINANCE NO. 169**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CANYON LAKE CALIFORNIA, REPEALING AND READOPTING REVISED SECTION 8.02 OF TITLE 8 OF THE CANYON LAKE MUNICIPAL CODE TO ADOPT THE 2016 EDITIONS OF THE CALIFORNIA CODES (INCLUDING BUT NOT LIMITED TO THE GREEN BUILDING CODE) AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO**

THE CITY COUNCIL OF THE CITY OF CANYON LAKE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 8.02 of the Canyon Lake Municipal Code is repealed in its entirety and readopted to read as follows.

Chapter 8.02  
Adoption of California Model Codes

Section

- 8.02.010 Construction Codes Adopted
- 8.02.020 Exceptions

**8.02.010 Construction Codes Adopted.**

For the purpose of prescribing regulations for erecting, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment use, height, and area of buildings and structures, the following construction codes subject to the modifications set forth in this Chapter, are hereby adopted: the California Building Code, 2016 Edition, including Chapter 1 Division II, based on the 2015 International Building Code as published by the International Code Council; the California Residential Code, 2016 Edition, based on the 2015 International Residential Code as published by the International Code Council; the California Green Building Standards Code, 2016 Edition; the California Plumbing Code, 2016 Edition, based on the 2015 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials; the California Mechanical Code, 2016 Edition, based on the 2015 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials; the California Electrical Code, 2016 Edition, based on the 2014 National Electrical Code as published by the National Fire Protection Association; *the International Property Maintenance Code, 2012 Edition, as published by the International Code Council; the Uniform Code For The Abatement of Dangerous Buildings, 1997 Edition, as published by the International Code Council.* The provisions of these Construction Codes as amended by this chapter shall constitute the Building Regulations of the City of Canyon Lake. Where the California Code of Regulations and State Building Standards Code of Regulations differ from any sections of the Construction Codes, State regulations shall prevail over the Construction Codes.

**8.02.020 Exceptions**

Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction. A permit shall not be required for masonry or concrete fences or retaining walls not over three feet high.

City of Canyon Lake  
Ordinance No. 169

Section 2. Effective Date. This ordinance shall take effect 30 days from the date of its adoption.

PASSED, APPROVED and ADOPTED this 14<sup>th</sup> day of December, 2016.

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Mayor

ATTEST:

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Stephanie Hunter  
Office Specialist

I, Stephanie Hunter, Office Specialist of the Canyon Lake, do hereby certify that the foregoing Ordinance No. 169 was first read on November 2, 2016 and duly adopted by the City Council of the City of Canyon Lake at an adjourned meeting held on the 14<sup>th</sup> day of December, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Stephanie Hunter  
Office Specialist

**City of Canyon Lake  
City Council  
Staff Report**

**TO: Honorable Mayor and Members of the City Council**

**FROM: Aaron Palmer, City Manager**

**BY: Elizabeth Martyn, City Attorney**

**DATE: November 2, 2016**

**SUBJECT: Discussion and potential adoption of Interim Urgency Ordinance regulating personal cultivation of marijuana and banning outdoor personal cultivation**

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**Recommendation**

1. It is recommended that the City Council receive information, and follow up on the discussion at the October 26, 2016 special meeting, by determining whether or not to adopt (by 4/5ths vote) Interim Urgency Ordinance No. 168 regulating personal cultivation of marijuana, banning outdoor personal cultivation and banning marijuana use in any City facilities or property.

Ordinance No. 168 is in your packet in both clean and redlined form to reflect changes requested at the October 26, 2016.

2. It is further recommended that the City Council discuss dealing with issues arising from marijuana smoking by considering the adoption of an ordinance restricting the smoking of tobacco.

**Background**

In light of Proposition 64, also known as the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA) on the November 8, 2016 General Election ballot, the City Council should discuss and decide what measures, if any, should be taken to protect the public health, safety, and welfare in the event the proposition passes. The issue before the Council now only is personal cultivation, however. Issues regarding commercial dispensaries and cultivation will be addressed shortly after November 8. As discussed at the special meeting, the ordinance in front of you does the following:

1. Regulates personal indoor cultivation (i.e. plant height, location in home, residency requirement, smoke alarms, odor control, etc.). Specific regulations for the “authorized grower” to get a permit will be addressed by City Council resolution

after November 8 as well. The Council DOES NOT have an option to completely ban personal indoor cultivation.

2. Bans any personal outdoor cultivation.
3. Bans marijuana use in any City facility or on any City property, as allowed by Proposition 64.
4. Provides that, as allowed by State law, tobacco-smoking bans also apply to marijuana smoking.

As discussed at the special meeting, the League of Cities has confirmed that their interpretation of Proposition 64 is that personal use could be restricted by extension of current no-smoking regulations. That advice was given with the caveat that smokers would have input into such regulations. At present, however, the authorization for such no-smoking bans extends only to state or local public agency regulations. It is not known whether private regulations, such as the POA's, would be included (and they are not explicitly included now). Therefore, the Council may wish to discuss placing on the agenda some type of city smoking regulations that also would apply to marijuana use. That action should be taken after coordinating with law enforcement, the POA and smokers in the community (like the Mayor).

The ordinance sunsets in 45 days unless otherwise extended after a noticed public hearing.

#### **Budget (or Fiscal) Impact**

Unknown at this time. There will be costs associated with an increase in Code Enforcement to deal with these issue, although some cost-recovery may be possible.

#### **Attachments**

1. Ordinance No. 168 - redlined **Pg. 37**
2. Ordinance No. 168 – adoption copy **Pg. 47**

**ORDINANCE NO. 168**

**AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CANYON LAKE REGULATING PERSONAL CULTIVATION OF MARIJUANA, ~~AND~~ BANNING OUTDOOR PERSONAL CULTIVATION AND PROHIBITING MARIJUANA USE IN ANY CITY FACILITY OR PROPERTY AND DECLARING THE URGENCY THEREOF**

The City Council of the City of Canyon Lake hereby does ordain as follows:

**SECTION 1. FINDINGS**

In light of Proposition 64 (also known as the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA")) on the November 8, 2016 statewide general election, the purpose of this Ordinance is to adopt an urgency land use ordinance under the authority set out in Govt. Code Section 65858 a in order to regulate personal indoor cultivation of marijuana and ban outdoor cultivation, but only in the event said Proposition passes at said general election and subject to its provisions.

The City Council finds that this urgency ordinance is necessary for the protection of public health safety and welfare and that there is a current and immediate threat to the public health, safety, or welfare that will arise from the approval of Proposition 64, the Adult Use of Marijuana Act without appropriate regulation from the personal cultivation of marijuana plants and a ban on outdoor cultivation. This urgency ordinance is not related to the development of multifamily housing.

This ordinance is not related to the regulation or prohibition of medical marijuana cultivation or sale.

The City Council finds that significant health, safety and welfare issues as associated with marijuana use, sale and cultivation, some of which has been derived from experience with medical marijuana, is as follows:

(a) In 1970, Congress enacted the Controlled Substances Act ("CSA") (21 U.S.C. Section 801 et seq.) that, among other things, makes it illegal to import, manufacture, distribute, possess, or use marijuana for any purpose in the United States and further provides criminal penalties for marijuana use.

(b) Marijuana still is listed as a federal Schedule 1 drug under the CSA. As a Schedule 1 drug, the CSA provides that the manufacture, cultivation, distribution, and dispensing of marijuana is illegal for any purpose, and establishes criminal penalties for marijuana use.

(c) On November 5, 1996, the voters of the State of California approved Proposition 215, codified as Health and Safety Code Section 11362.5 et seq. and entitled "The Compassionate Use Act of 1996" ("CUA"). The express intent of Proposition 215

was to enable persons who are in need of medical marijuana for specified medical purposes to obtain and use it under limited, specified circumstances.

(d) The California Legislature adopted Senate Bill 420, effective January 1, 2004, adding Article 2.5, "Medical Marijuana Program," to Division 10 of the California Health and Safety Code §11362.7 et seq. ("Medical Marijuana Program Act" or "MMPA"). The MMPA created a state-approved medical marijuana identification card program and provided certain additional immunities from state marijuana laws.

(e) On August 25, 2008, then California Attorney General Edmund G. Brown issued "Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use" ("Guidelines"). These Guidelines were intended to clarify the state's laws governing medical marijuana and provide clear guidance for patients and law enforcement to ensure that medical marijuana is not diverted to illicit markets. However, as reflected by the acknowledgement of the current Attorney General, Kamala Harris, these guidelines have proven to be inadequate and require revision to prevent continued abuses.

(f) In April 2009, the California Police Chiefs Association issued a "White Paper" which explains that throughout California, many violent crimes have been committed that can be traced back to the proliferation of marijuana dispensaries, including armed robberies and murders. Increased noise and pedestrian traffic, including nonresidents in pursuit of marijuana and out of area criminals in search of prey, are commonly encountered just outside marijuana dispensaries. The City Council hereby finds the report contains persuasive anecdotal and documentary evidence that both storefront and mobile medical marijuana dispensaries pose a threat to public health, safety and welfare, and therefore this report, which is part of the record before the City in this matter, is hereby incorporated into the City Council's findings in this ordinance.

(g) Other California cities that have permitted the establishment of medical marijuana dispensaries have experienced an increase in crime, such as burglary, robbery, and assaults; the distribution of tainted marijuana; the sale of illegal drugs in the areas immediately surrounding such medical marijuana dispensaries, collectives and cooperatives; the unavoidable exposure of school-age children and other sensitive residents to medical marijuana; fraud in issuing, obtaining, or using medical marijuana recommendations; and the diversion of marijuana for non-medical and recreational uses.

(h) [Federal and state courts have recognized](#) concerns about non-medical marijuana use in connection with medical marijuana distribution operations. [See, for example, \*People v. Leal\*, 210 Cal.App.4th 829 \(2012\):](#)

*"Not surprisingly, it seems that the enhanced protection from arrest has proven irresistible to those illegally trafficking marijuana, for if there is even rough accuracy in the anecdotal estimate by the arresting detective in this case -that nearly 90 percent of those arrested for marijuana sales possess either a CUA recommendation or a card -then there is obviously widespread abuse of the*

*CUA and the MMP identification card scheme by*

*illicit sellers of marijuana. Ninety percent far exceeds the proportion of legitimate medical marijuana users one would expect to find in the populace at large. For this and other reasons, it is impossible for us not to recognize that many citizens, judges undoubtedly among them, believe the CUA has become a charade enabling the use of marijuana much more commonly for recreational than for genuine medical uses."*

(i) A May 27, 2013 study published in the Journal of the American Medical Association Pediatrics showed that, as marijuana appears in an increasing number of homes, so too does evidence of accidental ingestion of marijuana and marijuana-infused food by young children. According to the study, more children appear to access marijuana-laced brownies, cookies and beverages sold through marijuana dispensaries, leading to increased emergency room visits. These children often suffer anxiety attacks when they start to feel unexpected symptoms of being under the influence: hallucinations, dizziness, altered perception, and impaired thinking. In addition, the study found that ingestion of highly potent marijuana by young children can suppress respiration and even induce coma.

(j) Successful enforcement actions involving storefront dispensaries have coincided with an increase in mobile marijuana dispensaries. In parts of the state, shuttered marijuana dispensaries have converted their operations to mobile delivery services. An attorney in the region is also advising his marijuana dispensary clients to change their business model to distribution from a mobile source to avoid bans on storefront enterprises.

(k) Mobile medical marijuana dispensaries have been associated with criminal activity. Delivery drivers, for example, have been targets of armed robbers who seek cash and drugs. As a result, many of the drivers for medical marijuana dispensaries reportedly carry weapons or have armed guards as protection. Examples of such criminal activity reported in the media include the following, each of which the City Council finds contain persuasive, documented evidence that mobile medical marijuana dispensaries and deliveries pose a threat to public health, safety and welfare.

1. A West Covina deliveryman was reportedly robbed after making a delivery. The deliveryman told police that he was approached by two subjects in ninja costumes who chased him with batons and took the marijuana and money he was carrying.
2. A Temecula deliveryman was reportedly robbed of cash outside of a restaurant, which led to a vehicular chase that continued until the robbers' vehicle eventually crashed on a freeway on-ramp.
3. Marijuana deliverymen in Imperial Beach were reportedly robbed after being stopped by assailants (one with a semiautomatic handgun) after making

astop.

4. A deliveryman was reportedly robbed of three ounces of marijuana while making a delivery outside a restaurant in Riverside, and he told police that the suspect may have had a gun.

5. A deliverywoman in La Mesa was reportedly shot in the face with a pellet gun by assailants who subsequently carjacked her vehicle.

6. A marijuana delivery from a Los Angeles mobile marijuana dispensary turned deadly in Orange County when four individuals reportedly ambushed the dispensary driver and his armed security guard and tried to rob them. One of the suspects approached the delivery vehicle and confronted the driver and a struggle ensued. A second suspect armed with a handgun, approached the security guard, who fired as the suspect hitting him multiple times.

7. A deliveryman was reportedly robbed of \$20,000 worth of marijuana (approximately 9 pounds) and a cellular phone in Fullerton, and suffered a head injury during the crime.

(1) Since the approval of recreational marijuana use, COLORADO has had a 500% increase in citations for driving intoxicated or smoking in public places.

(m) The provisions of Proposed Proposition 64 on the November 2016 ballot reserve to cities the ability to regulate personal marijuana cultivation of more than six mature plants, outdoor cultivation as well as cultivation and sale.

(n) Having reviewed the new laws, the City Council continues to believe that there is a high likelihood that personal marijuana cultivation above that allowed by law poses a significant risk of harm, including fires resulting from indoor growth in homes, odors, building code and related violations.

(o) Absent this ordinance, personal cultivation both indoors and outdoors will be regulated only by state law, and may increase in the City without the adoption of this ordinance. The City does not wish to cede to the state its authority to regulate indoor personal marijuana cultivation or to prohibit personal outdoor cultivation, and, for all these reasons, finds that this ordinance is necessary to preserve the public peace, health and/or safety.

(p) Nothing herein is intended to prevent the legal use of medical cannabis, by patients or caregivers pursuant to the Compassionate Care Act, as that may be amended from time to time and Canyon Lake Municipal Code Chapter 9.03.

(q) The Council further has determined that this interim ordinance is necessary to determine the results of the November 8 general election and to review and

study implementations of the provisions of Proposition 64 if it passes at that election. [The City Council remains very concerned about the impacts of personal cultivation on persons under 21 and specifically on young children present in the home.](#)

(r) Therefore, this interim urgency ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including but not limited to Article XI, Section 7 of the California Constitution and Govt. Code Section 65858.

(s) The adoption of this ordinance is exempt from CEQA as it does not have any significant impact on the environment as it simply continues existing provisions of the City Code as to restricts on marijuana cultivation.

## **SECTION 2 - INDOOR MARIJUANA CULTIVATION**

### **A. Purpose and Intent.**

The City Council finds as follows:

1. Purpose. The purpose and intent of this ordinance is to regulate the cultivation of marijuana in a manner that protects the health, safety and welfare of the community consistent with Proposition 64, also known as the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA"). This Chapter is not intended to interfere with a patient's right to medical marijuana, as provided for in California Health & Safety Code Section 11362.5, nor does it criminalize medical marijuana possession or cultivation by specifically defined classifications of persons, pursuant to state law. This Chapter is not intended to give any person unfettered legal authority to grow marijuana; it is intended simply to impose zoning restrictions on the personal indoor cultivation of marijuana permitted under AUMA when it is authorized by California state law for medical or other lawful purposes under the state law.

2. Applicability. As set out in Canyon Lake Municipal Code Chapter 9.03, and authorized by AB 243 (Section 11362.777 of the Health and Safety Code), marijuana cultivation as defined in Section 17.114.02, remains prohibited in all zones and districts of the City of Canyon Lake until and unless AUMA is passed at the November 8, 2016 statewide general election. Upon the passage of AUMA at said election, the cultivation of non-medical marijuana in the City shall be controlled and regulated by the provisions of this Ordinance which is an uncodified portion of the Zoning Code.

3. Non-conflicting enactment. No part of this Chapter shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. §§ 800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, state or federal law, statute, rule or regulation.

### **B. Definitions.**

As used herein the following definitions shall apply:

1. "Authorized Grower" means a person 21 years and older who is authorized by, and in compliance with, federal or state law to cultivate marijuana indoors for personal use. There may be only one authorized grower per private residence who can present written evidence that any and all other persons 21 years old or over have authorized that person to obtain the permit referenced below.

2. "City" means the City of Canyon Lake.

3. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or otherwise processing of marijuana plants or any part thereof.

4. "Fully enclosed and secure structure" means a fully-enclosed space within a building that complies with the California Building Code ("CBSC"), as adopted in the City, or if exempt from the permit requirements of the CBSC, that has a complete roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, is accessible only through one or more lockable doors, and is not visible from a public right-of-way. Walls and roofs must be constructed of solid materials that cannot be easily broken through such as two inch by four-inch nominal or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement. If indoor grow lights or air filtration systems are used, they must comply with the California building, electrical, and fire codes as adopted in the City of Folsom.

5. "Immature marijuana plant" means a marijuana plant, whether male or female, that has not yet flowered and which does not yet have buds that are readily observed by unaided visual examination.

6. "Indoors" means within a fully enclosed and secure structure as that structure is defined above.

7. "Mature marijuana plant" means a marijuana plant, whether male or female, that has flowered and which has buds that are readily observed by unaided visual examination.

8. "Public places" means any area open to the public or exposed to public view and includes but is not limited to streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

9. "Outdoors" means any location within the City that is not within a fully enclosed and secure structure.

109. "Parcel" means property assigned a separate parcel number by the Sacramento County assessor.

110. "Private residence" means a house, apartment unit, mobile home, or other similar

dwelling unit. A second unit does not constitute a “private residence.”

**C. Outdoor Cultivation.**

It is hereby declared to be unlawful, a public nuisance, and a violation of this Ordinance for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the City to cause or allow such premises to be used for the outdoor cultivation of marijuana plants.

**D. Cultivation of Marijuana Only for Personal Use; Regulations for Residential Zones.**

1. When authorized by state law, [an](#) authorized grower shall be allowed to cultivate marijuana only in a private residence in a residential zone, only indoors, and only for personal use, subject to the following regulations:

2. The marijuana cultivation area shall be located indoors. The total area cultivated shall not exceed fifty square feet and not exceed ten feet in height, nor shall it come within twelve (12) inches of the ceiling or any cultivation lighting. Cultivation in a greenhouse on the property of the residence but not physically part of the home is permitted, as long as it is fully enclosed, secure, not visible from a public right-of-way and meeting all requirements in this Chapter.

3. Marijuana cultivation lighting shall not exceed one thousand two hundred watts in total for the total cultivation area within the residence.

4. The use of gas products such as but not limited to CO2, butane, methane, or any other flammable or non-flammable gas for marijuana cultivation or processing is prohibited.

5. There shall be no exterior visibility or evidence of marijuana cultivation outside the private residence from the public right-of-way, including but not limited to any marijuana plants, equipment used in the growing and cultivation operation, and any light emanating from cultivation lighting.

6. The authorized grower shall reside full-time in the residence where the marijuana cultivation occurs.

7. It is the legal responsibility of the authorized grower to prevent access to marijuana and marijuana products by persons under 21 years of age in the residence. The cultivation area within the residence shall be capable of being locked and shall not be accessible to persons under 21.

8. The authorized grower shall not participate in marijuana cultivation in any other location within the City. There may be only one authorized grower per private residence as defined herein.

9. The residence shall include fully functional and usable kitchen, bathroom, and bedroom areas actually utilized for their intended use by the resident authorized grower, and the premises shall not be used primarily or exclusively for marijuana cultivation.

9. The marijuana cultivation area shall be in compliance with the current adopted edition of the California Building Code § 1203.4 Natural Ventilation or § 402.3 Mechanical Ventilation (or equivalent), as amended from time to time.

10. The building official may require additional specific standards to meet the California Building Code and Fire Code, including but not limited to installation of fire suppression sprinklers and may require annual or other inspections.

11. The marijuana cultivation area shall not result in a nuisance or adversely affect the health, welfare, or safety of the resident or nearby residents by creating dust, glare, heat, noise, noxious gasses, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

12. No more than 6 living marijuana plants, mature or immature, are permitted for indoor personal cultivation under this Chapter.

13. Marijuana in excess of 28.5 grams produced by plants kept for indoor personal cultivation under this Chapter must be kept in a locked space on the grounds of the private residence not visible from the public right-of-way.

14. Outdoor cultivation of marijuana and cultivation of marijuana for non-personal uses are expressly prohibited in all zones and districts of the City.

#### **E. Indoor Cultivation of Marijuana Restricted to Authorized Growers.**

1. It is hereby declared to be unlawful, a public nuisance and a violation of this Chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within the City to cause or allow such parcel to be used for the cultivation of marijuana, unless the person is authorized by state law to grow marijuana for a specifically authorized purpose within a private residence in a residential zone, and such authorized grower is complying with all requirements of this Ordinance.

2. No person shall grow marijuana upon any parcel until and unless he or she first secures a permit from the building department and pay such fee as may be required and set forth by resolution of the City Council for issuance of the permit and or inspections. Only one building permit shall be granted per private residence and that permit shall be granted in the name of the single authorized grower.

#### **F. Public Nuisance Prohibited.**

It is hereby declared to be unlawful and a public nuisance for any person owning, leasing,

occupying, or having charge or possession of any parcel within the City to create a public nuisance in the course of cultivating marijuana plants or any part thereof in any location, indoor or outdoor. A public nuisance may be deemed to exist, if such activity produces:

1. Odors which are disturbing to people of reasonable sensitivity residing or present on adjacent or nearby property or areas open to the public.
2. Repeated responses to the parcel by law enforcement or fire personnel.
3. A repeated disruption to the free passage of persons or vehicles in the neighborhood, excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public.
4. Any other impacts on the neighborhood which are disruptive of normal activity in the area including, but not limited to, grow lighting visible outside the dwelling, excessive vehicular traffic or parking occurring at or near the dwelling, and excessive noise emanating from the dwelling.
5. Outdoor growing and cultivation of marijuana.

**G. Penalties Not Exclusive; Violation Constitutes a Crime.**

The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by, or set forth in, the Canyon Lake Municipal Code. None of the penalties or remedies authorized by, or set forth in, the Canyon Lake Municipal Code shall prevent the City from using any other penalty or remedy under state statute which may be available to enforce this section or to abate a public nuisance. Violation of this Chapter shall constitute a crime punishable as a misdemeanor or infraction in the discretion of the City Attorney.

**H. Sunset Clause.**

1. The provisions of this Ordinance shall automatically sunset and have no force of effect in the event AUMA fails to pass at the November 8, 2016 statewide general election.
2. In the event AUMA fails to pass at the November 8, 2016 statewide general election, marijuana cultivation whether indoors or [outdoors](#), shall be prohibited in all zones and districts of the City of City as authorized by AB 243 (Section 11362.777 of the Health and Safety Code and Canyon Lake Municipal Code Chapter 9.03).

**I. Prohibition on Possession and Smoking of Marijuana in City Buildings**

The possession, smoking or other use of marijuana is prohibited in buildings owned, leased or occupied by the City. As an employer, the City maintains a drug and alcohol free

workplace by prohibiting the use, consumption, possession, transfer, transportation, sale, display and growth of marijuana in the workplace. [As allowed by state law, marijuana smoking is prohibited in all areas of the City where tobacco smoking is prohibited by state law, City ordinance or by regulations of the Canyon Lake Property Owners' Association.](#)

**SECTION 3 - SCOPE**

Except as set forth in this ordinance, all other provisions of the Canyon Lake Municipal Code shall remain in full force and effect.

**SECTION 4 - SEVERABILITY**

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the [final](#) decision of [a](#) court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

**SECTION 5 - EFFECTIVE DATE**

This Ordinance shall become effective immediately upon adoption and shall terminate and be of no force and effect 45 days after that date, unless otherwise extended by action of the City Council pursuant to Govt. Code Section 65858.

PASSED, APPROVED AND ADOPTED by 4/5ths vote as follows:

AYES:	
NOES:	
ABSENT:	
ABSTAIN:	

Timothy Brown, MAYOR

ATTEST:

Ariel M. Hall, CITY CLERK

## ORDINANCE NO. 168

### AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CANYON LAKE REGULATING PERSONAL CULTIVATION OF MARIJUANA, BANNING OUTDOOR PERSONAL CULTIVATION AND PROHIBITING MARIJUANA USE IN ANY CITY FACILITY OR PROPERTY AND DECLARING THE URGENCY THEREOF

The City Council of the City of Canyon Lake hereby does ordain as follows:

#### **SECTION 1. FINDINGS**

In light of Proposition 64 (also known as the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA")) on the November 8, 2016 statewide general election, the purpose of this Ordinance is to adopt an urgency land use ordinance under the authority set out in Govt. Code Section 65858 a in order to regulate personal indoor cultivation of marijuana and ban outdoor cultivation, but only in the event said Proposition passes at said general election and subject to its provisions.

The City Council finds that this urgency ordinance is necessary for the protection of public health safety and welfare and that there is a current and immediate threat to the public health, safety, or welfare that will arise from the approval of Proposition 64, the Adult Use of Marijuana Act without appropriate regulation from the personal cultivation of marijuana plants and a ban on outdoor cultivation. This urgency ordinance is not related to the development of multifamily housing.

This ordinance is not related to the regulation or prohibition of medical marijuana cultivation or sale.

The City Council finds that significant health, safety and welfare issues as associated with marijuana use, sale and cultivation, some of which has been derived from experience with medical marijuana, is as follows:

(a) In 1970, Congress enacted the Controlled Substances Act ("CSA") (21 U.S.C. Section 801 et seq.) that, among other things, makes it illegal to import, manufacture, distribute, possess, or use marijuana for any purpose in the United States and further provides criminal penalties for marijuana use.

(b) Marijuana still is listed as a federal Schedule 1 drug under the CSA. As a Schedule 1 drug, the CSA provides that the manufacture, cultivation, distribution, and dispensing of marijuana is illegal for any purpose, and establishes criminal penalties for marijuana use.

(c) On November 5, 1996, the voters of the State of California approved Proposition 215, codified as Health and Safety Code Section 11362.5 et seq. and entitled "The Compassionate Use Act of 1996" ("CUA"). The express intent of Proposition 215

was to enable persons who are in need of medical marijuana for specified medical purposes to obtain and use it under limited, specified circumstances.

(d) The California Legislature adopted Senate Bill 420, effective January 1, 2004, adding Article 2.5, "Medical Marijuana Program," to Division 10 of the California Health and Safety Code §11362.7 et seq. ("Medical Marijuana Program Act" or "MMPA"). The MMPA created a state-approved medical marijuana identification card program and provided certain additional immunities from state marijuana laws.

(e) On August 25, 2008, then California Attorney General Edmund G. Brown issued "Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use" ("Guidelines"). These Guidelines were intended to clarify the state's laws governing medical marijuana and provide clear guidance for patients and law enforcement to ensure that medical marijuana is not diverted to illicit markets. However, as reflected by the acknowledgement of the current Attorney General, Kamala Harris, these guidelines have proven to be inadequate and require revision to prevent continued abuses.

(f) In April 2009, the California Police Chiefs Association issued a "White Paper" which explains that throughout California, many violent crimes have been committed that can be traced back to the proliferation of marijuana dispensaries, including armed robberies and murders. Increased noise and pedestrian traffic, including nonresidents in pursuit of marijuana and out of area criminals in search of prey, are commonly encountered just outside marijuana dispensaries. The City Council hereby finds the report contains persuasive anecdotal and documentary evidence that both storefront and mobile medical marijuana dispensaries pose a threat to public health, safety and welfare, and therefore this report, which is part of the record before the City in this matter, is hereby incorporated into the City Council's findings in this ordinance.

(g) Other California cities that have permitted the establishment of medical marijuana dispensaries have experienced an increase in crime, such as burglary, robbery, and assaults; the distribution of tainted marijuana; the sale of illegal drugs in the areas immediately surrounding such medical marijuana dispensaries, collectives and cooperatives; the unavoidable exposure of school-age children and other sensitive residents to medical marijuana; fraud in issuing, obtaining, or using medical marijuana recommendations; and the diversion of marijuana for non-medical and recreational uses.

(h) Federal and state courts have recognized concerns about non-medical marijuana use in connection with medical marijuana distribution operations. See, for example, *People v. Leal*, 210 Cal.App.4th 829 (2012):

*"Not surprisingly, it seems that the enhanced protection from arrest has proven irresistible to those illegally trafficking marijuana, for if there is even rough accuracy in the anecdotal estimate by the arresting detective in this case -that nearly 90 percent of those arrested for marijuana sales possess either a CUA recommendation or a card -then there is obviously widespread abuse of the*

*CUA and the MMP identification card scheme by*

*illicit sellers of marijuana. Ninety percent far exceeds the proportion of legitimate medical marijuana users one would expect to find in the populace at large. For this and other reasons, it is impossible for us not to recognize that many citizens, judges undoubtedly among them, believe the CUA has become a charade enabling the use of marijuana much more commonly for recreational than for genuine medical uses."*

(i) A May 27, 2013 study published in the Journal of the American Medical Association Pediatrics showed that, as marijuana appears in an increasing number of homes, so too does evidence of accidental ingestion of marijuana and marijuana-infused food by young children. According to the study, more children appear to access marijuana-laced brownies, cookies and beverages sold through marijuana dispensaries, leading to increased emergency room visits. These children often suffer anxiety attacks when they start to feel unexpected symptoms of being under the influence: hallucinations, dizziness, altered perception, and impaired thinking. In addition, the study found that ingestion of highly potent marijuana by young children can suppress respiration and even induce coma.

(j) Successful enforcement actions involving storefront dispensaries have coincided with an increase in mobile marijuana dispensaries. In parts of the state, shuttered marijuana dispensaries have converted their operations to mobile delivery services. An attorney in the region is also advising his marijuana dispensary clients to change their business model to distribution from a mobile source to avoid bans on storefront enterprises.

(k) Mobile medical marijuana dispensaries have been associated with criminal activity. Delivery drivers, for example, have been targets of armed robbers who seek cash and drugs. As a result, many of the drivers for medical marijuana dispensaries reportedly carry weapons or have armed guards as protection. Examples of such criminal activity reported in the media include the following, each of which the City Council finds contain persuasive, documented evidence that mobile medical marijuana dispensaries and deliveries pose a threat to public health, safety and welfare.

1. A West Covina deliveryman was reportedly robbed after making a delivery. The deliveryman told police that he was approached by two subjects in ninja costumes who chased him with batons and took the marijuana and money he was carrying.
2. A Temecula deliveryman was reportedly robbed of cash outside of a restaurant, which led to a vehicular chase that continued until the robbers' vehicle eventually crashed on a freeway on-ramp.
3. Marijuana deliverymen in Imperial Beach were reportedly robbed after being stopped by assailants (one with a semiautomatic handgun) after making

astop.

4. A deliveryman was reportedly robbed of three ounces of marijuana while making a delivery outside a restaurant in Riverside, and he told police that the suspect may have had a gun.

5. A deliverywoman in La Mesa was reportedly shot in the face with a pellet gun by assailants who subsequently carjacked her vehicle.

6. A marijuana delivery from a Los Angeles mobile marijuana dispensary turned deadly in Orange County when four individuals reportedly ambushed the dispensary driver and his armed security guard and tried to rob them. One of the suspects approached the delivery vehicle and confronted the driver and a struggle ensued. A second suspect armed with a handgun, approached the security guard, who fired as the suspect hitting him multiple times.

7. A deliveryman was reportedly robbed of \$20,000 worth of marijuana (approximately 9 pounds) and a cellular phone in Fullerton, and suffered a head injury during the crime.

(1) Since the approval of recreational marijuana use, COLORADO has had a 500% increase in citations for driving intoxicated or smoking in public places.

(m) The provisions of Proposed Proposition 64 on the November 2016 ballot reserve to cities the ability to regulate personal marijuana cultivation of more than six mature plants, outdoor cultivation as well as cultivation and sale.

(n) Having reviewed the new laws, the City Council continues to believe that there is a high likelihood that personal marijuana cultivation above that allowed by law poses a significant risk of harm, including fires resulting from indoor growth in homes, odors, building code and related violations.

(o) Absent this ordinance, personal cultivation both indoors and outdoors will be regulated only by state law, and may increase in the City without the adoption of this ordinance. The City does not wish to cede to the state its authority to regulate indoor personal marijuana cultivation or to prohibit personal outdoor cultivation, and, for all these reasons, finds that this ordinance is necessary to preserve the public peace, health and/or safety.

(p) Nothing herein is intended to prevent the legal use of medical cannabis, by patients or caregivers pursuant to the Compassionate Care Act, as that may be amended from time to time and Canyon Lake Municipal Code Chapter 9.03.

(q) The Council further has determined that this interim ordinance is necessary to determine the results of the November 8 general election and to review and

study implementations of the provisions of Proposition 64 if it passes at that election. The City Council remains very concerned about the impacts of personal cultivation on persons under 21 and specifically on young children present in the home.

(r) Therefore, this interim urgency ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including but not limited to Article XI, Section 7 of the California Constitution and Govt. Code Section 65858.

(s) The adoption of this ordinance is exempt from CEQA as it does not have any significant impact on the environment as it simply continues existing provisions of the City Code as to restricts on marijuana cultivation.

## **SECTION 2 - INDOOR MARIJUANA CULTIVATION**

### **A. Purpose and Intent.**

The City Council finds as follows:

1. Purpose. The purpose and intent of this ordinance is to regulate the cultivation of marijuana in a manner that protects the health, safety and welfare of the community consistent with Proposition 64, also known as the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA"). This Chapter is not intended to interfere with a patient's right to medical marijuana, as provided for in California Health & Safety Code Section 11362.5, nor does it criminalize medical marijuana possession or cultivation by specifically defined classifications of persons, pursuant to state law. This Chapter is not intended to give any person unfettered legal authority to grow marijuana; it is intended simply to impose zoning restrictions on the personal indoor cultivation of marijuana permitted under AUMA when it is authorized by California state law for medical or other lawful purposes under the state law.

2. Applicability. As set out in Canyon Lake Municipal Code Chapter 9.03, and authorized by AB 243 (Section 11362.777 of the Health and Safety Code), marijuana cultivation as defined in Section 17.114.02, remains prohibited in all zones and districts of the City of Canyon Lake until and unless AUMA is passed at the November 8, 2016 statewide general election. Upon the passage of AUMA at said election, the cultivation of non-medical marijuana in the City shall be controlled and regulated by the provisions of this Ordinance which is an uncodified portion of the Zoning Code.

3. Non-conflicting enactment. No part of this Chapter shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. §§ 800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, state or federal law, statute, rule or regulation.

### **B. Definitions.**

As used herein the following definitions shall apply:

1. "Authorized Grower" means a person 21 years and older who is authorized by, and in compliance with, federal or state law to cultivate marijuana indoors for personal use. There may be only one authorized grower per private residence who can present written evidence that any and all other persons 21 years old or over have authorized that person to obtain the permit referenced below.
2. "City" means the City of Canyon Lake.
3. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or otherwise processing of marijuana plants or any part thereof.
4. "Fully enclosed and secure structure" means a fully-enclosed space within a building that complies with the California Building Code ("CBSC"), as adopted in the City, or if exempt from the permit requirements of the CBSC, that has a complete roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, is accessible only through one or more lockable doors, and is not visible from a public right-of-way. Walls and roofs must be constructed of solid materials that cannot be easily broken through such as two inch by four-inch nominal or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement. If indoor grow lights or air filtration systems are used, they must comply with the California building, electrical, and fire codes as adopted in the City of Folsom.
5. "Immature marijuana plant" means a marijuana plant, whether male or female, that has not yet flowered and which does not yet have buds that are readily observed by unaided visual examination.
6. "Indoors" means within a fully enclosed and secure structure as that structure is defined above.
7. "Mature marijuana plant" means a marijuana plant, whether male or female, that has flowered and which has buds that are readily observed by unaided visual examination.
8. "Public places" means any area open to the public or exposed to public view and includes but is not limited to streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.
9. "Outdoors" means any location within the City that is not within a fully enclosed and secure structure.
10. "Parcel" means property assigned a separate parcel number by the Sacramento County assessor.
11. "Private residence" means a house, apartment unit, mobile home, or other similar

dwelling unit. A second unit does not constitute a “private residence.”

**C. Outdoor Cultivation.**

It is hereby declared to be unlawful, a public nuisance, and a violation of this Ordinance for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the City to cause or allow such premises to be used for the outdoor cultivation of marijuana plants.

**D. Cultivation of Marijuana Only for Personal Use; Regulations for Residential Zones.**

1. When authorized by state law, an authorized grower shall be allowed to cultivate marijuana only in a private residence in a residential zone, only indoors, and only for personal use, subject to the following regulations:

2. The marijuana cultivation area shall be located indoors. The total area cultivated shall not exceed fifty square feet and not exceed ten feet in height, nor shall it come within twelve (12) inches of the ceiling or any cultivation lighting. Cultivation in a greenhouse on the property of the residence but not physically part of the home is permitted, as long as it is fully enclosed, secure, not visible from a public right-of-way and meeting all requirements in this Chapter.

3. Marijuana cultivation lighting shall not exceed one thousand two hundred watts in total for the total cultivation area within the residence.

4. The use of gas products such as but not limited to CO2, butane, methane, or any other flammable or non-flammable gas for marijuana cultivation or processing is prohibited.

5. There shall be no exterior visibility or evidence of marijuana cultivation outside the private residence from the public right-of-way, including but not limited to any marijuana plants, equipment used in the growing and cultivation operation, and any light emanating from cultivation lighting.

6. The authorized grower shall reside full-time in the residence where the marijuana cultivation occurs.

7. It is the legal responsibility of the authorized grower to prevent access to marijuana and marijuana products by persons under 21 years of age in the residence. The cultivation area within the residence shall be capable of being locked and shall not be accessible to persons under 21.

8. The authorized grower shall not participate in marijuana cultivation in any other location within the City. There may be only one authorized grower per private residence as defined herein.

9. The residence shall include fully functional and usable kitchen, bathroom, and bedroom areas actually utilized for their intended use by the resident authorized grower, and the premises shall not be used primarily or exclusively for marijuana cultivation.

9. The marijuana cultivation area shall be in compliance with the current adopted edition of the California Building Code § 1203.4 Natural Ventilation or § 402.3 Mechanical Ventilation (or equivalent), as amended from time to time.

10. The building official may require additional specific standards to meet the California Building Code and Fire Code, including but not limited to installation of fire suppression sprinklers and may require annual or other inspections.

11. The marijuana cultivation area shall not result in a nuisance or adversely affect the health, welfare, or safety of the resident or nearby residents by creating dust, glare, heat, noise, noxious gasses, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

12. No more than 6 living marijuana plants, mature or immature, are permitted for indoor personal cultivation under this Chapter.

13. Marijuana in excess of 28.5 grams produced by plants kept for indoor personal cultivation under this Chapter must be kept in a locked space on the grounds of the private residence not visible from the public right-of-way.

14. Outdoor cultivation of marijuana and cultivation of marijuana for non-personal uses are expressly prohibited in all zones and districts of the City.

#### **E. Indoor Cultivation of Marijuana Restricted to Authorized Growers.**

1. It is hereby declared to be unlawful, a public nuisance and a violation of this Chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within the City to cause or allow such parcel to be used for the cultivation of marijuana, unless the person is authorized by state law to grow marijuana for a specifically authorized purpose within a private residence in a residential zone, and such authorized grower is complying with all requirements of this Ordinance.

2. No person shall grow marijuana upon any parcel until and unless he or she first secures a permit from the building department and pay such fee as may be required and set forth by resolution of the City Council for issuance of the permit and or inspections. Only one building permit shall be granted per private residence and that permit shall be granted in the name of the single authorized grower.

#### **F. Public Nuisance Prohibited.**

It is hereby declared to be unlawful and a public nuisance for any person owning, leasing,

occupying, or having charge or possession of any parcel within the City to create a public nuisance in the course of cultivating marijuana plants or any part thereof in any location, indoor or outdoor. A public nuisance may be deemed to exist, if such activity produces:

1. Odors which are disturbing to people of reasonable sensitivity residing or present on adjacent or nearby property or areas open to the public.
2. Repeated responses to the parcel by law enforcement or fire personnel.
3. A repeated disruption to the free passage of persons or vehicles in the neighborhood, excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public.
4. Any other impacts on the neighborhood which are disruptive of normal activity in the area including, but not limited to, grow lighting visible outside the dwelling, excessive vehicular traffic or parking occurring at or near the dwelling, and excessive noise emanating from the dwelling.
5. Outdoor growing and cultivation of marijuana.

**G. Penalties Not Exclusive; Violation Constitutes a Crime.**

The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by, or set forth in, the Canyon Lake Municipal Code. None of the penalties or remedies authorized by, or set forth in, the Canyon Lake Municipal Code shall prevent the City from using any other penalty or remedy under state statute which may be available to enforce this section or to abate a public nuisance. Violation of this Chapter shall constitute a crime punishable as a misdemeanor or infraction in the discretion of the City Attorney.

**H. Sunset Clause.**

1. The provisions of this Ordinance shall automatically sunset and have no force of effect in the event AUMA fails to pass at the November 8, 2016 statewide general election.
2. In the event AUMA fails to pass at the November 8, 2016 statewide general election, marijuana cultivation whether indoors or outdoors, shall be prohibited in all zones and districts of the City of City as authorized by AB 243 (Section 11362.777 of the Health and Safety Code and Canyon Lake Municipal Code Chapter 9.03).

**I. Prohibition on Possession and Smoking of Marijuana in City Buildings**

The possession, smoking or other use of marijuana is prohibited in buildings owned, leased or occupied by the City. As an employer, the City maintains a drug and alcohol free

workplace by prohibiting the use, consumption, possession, transfer, transportation, sale, display and growth of marijuana in the workplace. As allowed by state law, marijuana smoking is prohibited in all areas of the City where tobacco smoking is prohibited by state law, City ordinance or by regulations of the Canyon Lake Property Owners' Association.

**SECTION 3 - SCOPE**

Except as set forth in this ordinance, all other provisions of the Canyon Lake Municipal Code shall remain in full force and effect.

**SECTION 4 - SEVERABILITY**

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

**SECTION 5 - EFFECTIVE DATE**

This Ordinance shall become effective immediately upon adoption and shall terminate and be of no force and effect 45 days after that date, unless otherwise extended by action of the City Council pursuant to Govt. Code Section 65858.

PASSED, APPROVED AND ADOPTED by 4/5ths vote this 2nd day of November, 2016 as follows:

\_\_\_\_\_  
Timothy Brown, MAYOR

Attest:

Approve as to form:

\_\_\_\_\_  
Ariel M. Hall, CITY CLERK

\_\_\_\_\_  
Elizabeth Martyn, CITY ATTORNEY

State of California     )  
County of Riverside    ) ss  
City of Canyon Lake    )

I, Ariel M. Hall, City Clerk of the City of Canyon Lake, do hereby certify that the foregoing Interim Ordinance No. 168 was introduced at a special meeting of the City Council held on the 26th day of October, 2016 and was duly adopted by the City Council of the City of Canyon Lake at a special meeting thereof held on the 2nd day of November, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Ariel M. Hall, City Clerk



**City of Canyon Lake  
City Council  
Staff Report**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Aaron Palmer, City Manager

**BY:** Mike Borja, Administrative Services Manager

**DATE:** November 2, 2016

**SUBJECT:** Consideration of Approving Fiscal Year 2017/2018 Community Development Block Grant Project and Allocation for Public Service Agencies

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**Recommendation**

It is recommended that the City Council: Direct staff to apply for CDBG funding for a Home Repair Program, and allocate 15% of its grant funding to Public Service Agencies.

**Background**

The City participates in the Community Development Block Grant Program (CDBG) through the Riverside County Economic Development Agency (EDA). Each year, the City is allocated grant funding that may be used to benefit low-income individuals in the City. Additionally, up to 15% of the funding received by the City may be provided to a Public Service Agency that serves Canyon Lake residents and qualifies through the EDA as a non-profit serving low-income individuals. The application for funding was due by October 28, 2016, but since has been extended to December 28, 2016

In the past, the City Council has used CDBG funds for a Home Repair Program. In December of 2014, the City Council approved an application that included additional projects (including graffiti removal, and code enforcement funding); however, only the Home Repair Program was approved by the EDA. Therefore, staff suggests that the City Council move forward with applying for funding for a Home Repair Program.

Traditionally, the City Council has also allocated 15% of its funding to a non-profit Public Service Agency that serves Canyon Lake residents. Most recently, the allocation has been provided to HOPE (Helping Our People of Elsinore) to provide food and supplies for low income individuals and families in Canyon Lake. Staff has recommended that the City Council continue this practice. If the City Council decides to proceed with staff's recommendation, staff will set a public hearing at the December 14, 2016 City Council meeting for consideration and approval of the funding allocation.

**Budget (or Fiscal) Impact**

It is estimated that the City will receive a total of \$22,712 in grant funding for an eligible project. Should the City Council approve staff's recommendation to allocate 15% of the \$22,712 to a non-profit that serves the City, the amount awarded to the selected non-profit would be approximately \$3,407.

**Attachments**

Notice of Funding Availability (NOFA) - County of Riverside FY17/18 CDBG Program



October 20, 2016

Dear Mr. Palmer:

Attached please find a copy of the Notice of Funding Availability (NOFA) for the County of Riverside's 2017-2018 Urban County CDBG program for Cooperating Cities. The County is opening the 2017-2018 CDBG application cycle starting **August 1, 2016**.

Applications will be accepted from cooperating cities for both internal, city-administered projects, as well as applications from the cities' subrecipients including non-profits organizations, special districts, or other entities. **All applications are due no later than December 28, 2016.**

A copy of the approved 2017-2018 CDBG application form has been attached to this NOFA. The County will only accept hard-copy, paper applications from the cooperating cities for the 2017-2018 cycle. A fillable pdf version of the CDBG application is available upon request. An original and one copy of each proposal must be submitted to the County together with a resolution or minute order from your Council approving the projects and authorizing the submittal of the applications.

Your city's 2017-2018 CDBG allocation is estimated to be **\$22,712**; this allocation is based upon updated information from HUD and is subject to change.

Each cooperating city is responsible for planning, designing, and carrying out their own CDBG application process that best meets the needs of their city. The cities can decide to fund only internal city-administered projects, only external subrecipient projects, or a combination of the two. The city council for each city will make the final funding decisions.

The County has established several minimum thresholds concerning the cooperating cities' CDBG application process:

1. The process must be open and fair;
2. The city must publically notice (newspaper and city website) the opening of the city's CDBG application cycle;
3. The notice should reference the County's Notice of Funding Availability (NOFA) for the County of Riverside's 2017-2018 Urban County CDBG program for Cooperating Cities;
4. The notice should be published in both English and Spanish if a significant portion of the city's residents speak Spanish;
5. The notice will provide direction as to where application can be obtained, when the applications are due, and other application submittal instructions;

6. The notice will identify any funding priorities established by the city (e.g., senior programs, youth, code enforcement, etc.);
7. The city must allow at least 30 days for the application process;
8. The public notice must provide information on the application review and approval process (e.g., staff review/council approval; staff review/committee review/ council approval, etc.);
9. The public notice must identify a contact person for questions and assistance; and
10. The notice must contain the date, time, and location where the city council will make the final CDBG funding determinations.

For additional information regarding the 2017-2018 CDBG application cycle, please contact the CDBG Program Manager assigned to your city or:

Elizabeth Dearen, CDBG Program Manager  
3403 Tenth Street, Suite 400  
Riverside, CA 92501  
(951) 955-8916  
(951) 955-9505 FAX  
[edearen@rivcoeda.org](mailto:edearen@rivcoeda.org)

We look forward to receiving your city's applications for the 2017-2017 Cooperating Cities CDBG program, and we thank you for your city's participation in the County's CDBG program.

Sincerely,



Melissa Valdivia  
CDBG Program Manager