



GRASS VALLEY

City Council Regular Meeting, Capital Improvements Authority and Redevelopment "Successor Agency"

Tuesday, July 12, 2022 at 7:00 PM

Council Chambers, Grass Valley City Hall | 125 East Main Street, Grass Valley, California

Telephone: (530) 274-4310 - Fax: (530) 274-4399

E-Mail: info@cityofgrassvalley.com

Web Site: www.cityofgrassvalley.com

AGENDA

Any person with a disability who requires accommodations to participate in this meeting should telephone the City Clerk's office at (530)274-4390, at least 48 hours prior to the meeting to make a request for a disability related modification or accommodation.

**Mayor Ben Aguilar, Vice Mayor Jan Arbuckle, Councilmember Bob Branstrom,
Councilmember Hilary Hodge, Councilmember Tom Ivy**

MEETING NOTICE

City Council welcomes you to attend the meetings electronically or in person at the City Hall Council Chambers, located at 125 E. Main St., Grass Valley, CA 95945. Regular Meetings are scheduled at 7:00 p.m. on the 2nd and 4th Tuesday of each month. Your interest is encouraged and appreciated.

This meeting is being broadcast "live" on Comcast Channel 17 by Nevada County Media, on the internet at www.cityofgrassvalley.com, or on the City of Grass Valley YouTube channel at <https://www.youtube.com/channel/UCdAaL-uwDN8iTz8bI7SCuPQ>.

Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to public@cityofgrassvalley.com. Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after that will be addressed during the item and/or at the end of the meeting. Council will have the option to modify their action on items based on comments received. Action may be taken on any agenda item.

Agenda materials, staff reports, and background information related to regular agenda items are available on the City's website: www.cityofgrassvalley.com. Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet will be made available on the City of Grass Valley website at www.cityofgrassvalley.com, subject to City staff's ability to post the documents before the meeting.

Council Chambers are wheelchair accessible and listening devices are available. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting by calling (530) 274-4390, we are happy to accommodate.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA APPROVAL - *The City Council reserves the right to hear items in a different order to accomplish business in the most efficient manner.*

REPORT OUT OF CLOSED SESSION

INTRODUCTIONS AND PRESENTATIONS

1. Presentation by Grass Valley Police Department and Bright Futures for Youth related to the summer GREAT Camp

PUBLIC COMMENT - *Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to public@cityofgrassvalley.com. Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after 5pm will be addressed during the item and/or at the end of the meeting. Council will have the option to modify their action on items based on comments received. Action may be taken on any agenda item. There is a time limitation of three minutes per person for all emailed, voicemail, or in person comments, and only one type of public comment per person. For any items not on the agenda, and within the jurisdiction or interest of the City, please come to the podium at this time. If you wish to speak regarding a scheduled agenda item, please come to the podium when the item is announced. When recognized, please begin by providing your name and address for the record (optional).*

CONSENT ITEMS - *All matters listed under the Consent Calendar are to be considered routine by the City Council and/or Grass Valley Redevelopment Agency and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council and/or Grass Valley Redevelopment Agency votes on the motion to adopt, members of the Council and/or Agency, staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action but Council action is required to do so (roll call vote). Unless the Council removes an item from the Consent Calendar for separate discussion, public comments are invited as to the consent calendar as a whole and limited to three minutes per person.*

2. Approval of the Regular Meeting Minutes of June 28, 2022.

Recommendation: Council approve minutes as submitted.

3. Assembly Bill 361 Resolution

Recommendation: Adopt resolution R2022-60 authorizing remote teleconference meetings of the City Council and other legislative bodies of the City pursuant to government code section 54953(e)

4. Local Emergency Proclamation (COVID-19)

Recommendation: Continuance of Novel Coronavirus (COVID-19) proclamation declaring a Local State of Emergency

5. Local Emergency Proclamation (Drought Conditions)

Recommendation: Drought Conditions proclamation declaring a Local State of Emergency

6. Local Emergency Proclamation (Winter Storm of December 27th, 2021)

Recommendation: Winter Storm of December 27th, 2021 proclamation declaring a Local State of Emergency

7. Appointment of Council Member Arbuckle as the voting delegate and Council Member Ivy and Council Member Bob Branstrom as alternates for League of California Cities 2022 Annual Conference meeting

Recommendation: That Council appoint Council Member Arbuckle as the voting delegate and Council Member Ivy and Council Member Bob Branstrom as the alternates for the 2022 League Annual Conference on September 7-9, 2022.

8. 2022 Annual Measure E Street Rehabilitation Project - Authorization to Bid

Recommendation: That Council 1) approve the findings that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA); and 2) authorize the advertisement for bids.

9. Promotion of Deputy Fire Marshal to Fire Marshal

Recommendation: That Council 1) approve the Fire Department's proposal to enhance services with the promotion of the Fire Captain Deputy Fire Marshal to Battalion Chief Fire Marshal 2) approve the updated job description for Fire Marshal Battalion Chief.

ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND / OR ANY ADDED AGENDA ITEMS

REORGANIZATION RELATED ITEMS

PUBLIC HEARING

ADMINISTRATIVE

10. Introduction of an ordinance amending section 9.08.030 of chapter 9.08 of Title 9 of the Grass Valley Municipal Code regarding offenses against public peace and decency

Recommendation: Introduce the attached ordinance, waive full reading, and read by Title Only

11. Fire Prevention Vegetation Inspection Program and Fee (Draft Proposal)

Recommendation: That Council provide staff direction on a potential Fire Prevention Vegetation Inspection Program.

BRIEF REPORTS BY COUNCIL MEMBERS

ADJOURN

POSTING NOTICE

This is to certify that the above notice of a meeting of The City Council, scheduled for Tuesday, July 12, 2022 at 7:00 PM was posted at city hall, easily accessible to the public, as of 5:00 p.m. Friday, July 8, 2022.

Taylor Day, Deputy City Clerk



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MINUTES

CALL TO ORDER

Meeting called to order at 7:02 pm.

PLEDGE OF ALLEGIANCE

Mayor Aguilar led the pledge of allegiance.

ROLL CALL

PRESENT

Council Member Bob Branstrom

Council Member Tom Ivy

Vice Mayor Jan Arbuckle

Mayor Ben Aguilar

ABSENT

Council Member Hilary Hodge

AGENDA APPROVAL -

Motion made to approve the agenda by Vice Mayor Arbuckle, Seconded by Council Member Branstrom.

Voting Yea: Council Member Branstrom, Council Member Ivy, Vice Mayor Arbuckle, Mayor Aguilar

REPORT OUT OF CLOSED SESSION

No closed session.

INTRODUCTIONS AND PRESENTATIONS

PUBLIC COMMENT

Public Comment in person: Greg Lush, Ralph Silberstein

Voicemail: Sandra Spargo

CONSENT ITEMS -

Salary Schedules for Unit 1, 6, & 8, and clarifications of the executive staff were given to the Council

Motion made to approve consent as submitted by Council Member Branstrom, Seconded by Vice Mayor Arbuckle.

Voting Yea: Council Member Branstrom, Council Member Ivy, Vice Mayor Arbuckle, Mayor Aguilar

1. Approval of the Regular Meeting Minutes of June 14th, 2022.

Recommendation: Council approve minutes as submitted.

2. Assembly Bill 361 Resolution

Recommendation: Adopt resolution R2022-59 authorizing remote teleconference meetings of the City Council and other legislative bodies of the City pursuant to government code section 54953(e)

3. Local Emergency Proclamation (COVID-19)

Recommendation: Continuance of Novel Coronavirus (COVID-19) proclamation declaring a Local State of Emergency

4. Local Emergency Proclamation (Drought Conditions)

Recommendation: Drought Conditions proclamation declaring a Local State of Emergency

5. Local Emergency Proclamation (Winter Storm of December 27th, 2021)

Recommendation: Winter Storm of December 27th, 2021 proclamation declaring a Local State of Emergency

6. Conflict of Interest Code Update

Recommendation: That Council approve the City Manager signing of the City of Grass Valley Biennial Notice and adopt the 2022 Conflict of Interest Code and corresponding Resolution 2022-54 approving changes to the code.

7. Nevada County Solid Waste Parcel Tax

Recommendation: That Council approve Resolution 2022-51 give consent to Nevada County to maintain the Solid Waste on the fiscal year 2022-2023 tax roll.

8. Grass Valley Management & Supervisory Professional & Confidential Employees - Unit 1 - Side Letter to July 1, 2019 - June 30, 2023 Approved Memorandum of Understanding

Recommendation: Adopt Resolution No. 2022-55 approving a Side Letter to the Labor Memorandum of Understanding for a three-year period beginning July 1, 2019 through June 30, 2022 between the City of Grass Valley and the Grass Valley Management / Supervisory Professional & Confidential Employees Group (Unit 1).

9. Nevada County Professional Firefighters, IAFF Local 3800 Memorandum of Understanding - July 1, 2021 - June 30, 2023

Recommendation: Adopt Resolution No. 2022 - 56 approving the Labor Memorandum of Understanding for a one-year period beginning July 1, 2022 through June 30, 2023 between the City of Grass Valley and the Nevada County Professional Firefighters, IAFF Local 3800 (Unit 8).

10. Grass Valley Police Officer's Association - July 1, 2021 - June 30, 2023

Recommendation: Adopt Resolution No. 2022 - 57 approving the Labor Memorandum of Understanding for a one-year period beginning July 1, 2022 through June 30, 2023 between the City of Grass Valley and City of Grass Valley and the Grass Valley Police Officer's Association (Unit 6).

11. Approval of Cost of Living Adjustment (COLA) and Executive Contract Appendix

Recommendation: That Council 1) approve the a 5% Cost of Living Adjustment for all Executive Contract Employees and reduction of personal Leave time accrual; 2) review the proposed Amendment to the Employment Agreements (including Appendix A) with Department Directors, Administrative Services Director, Community Development Director, Public Works Director of Operations, City Clerk, Deputy Administrative Services Director, Deputy City Clerk/Management Services Analyst, Police Chief, Deputy Police Chief and Fire Chief; 3) authorize the City Manager to execute the agreements subject to legal review; 4) authorize the attached Amendment to the City Manager's Contract for the COLA and Personal Leave reduction and authorize the Mayor to execute the agreement, subject to legal review; and 5) authorize the Finance Director or the City Manager's designee to make any necessary budget adjustments and/or amendments to complete this action.

12. Confirming the purchase of properties at 11150 and 1207 Idaho Maryland Road for \$275,000

Recommendation: That Council 1) approve the purchase agreement with Daniel McCarthy for the properties at 11150 Idaho Maryland Road (APN 035-412-024) and 1207 Idaho Maryland Road (APN 009-680-023), subject to legal review; 2) approve the purchase amount of \$275,000, 3) authorize the City Manager to sign all real estate documents required to complete the purchase with Daniel McCarthy, subject to legal review; and 4) approve the Finance Director to make the necessary budget adjustments and transfers to complete these actions.

13. City of Grass Valley 2022 Strategic Plan Update

Recommendation: That Council approve the 2022 Strategic Plan update.

14. Local Transportation Fund (LTF) Claim for Transit and Paratransit Operations

Recommendation: That Council adopt a resolution requesting that Nevada County Transportation Commission (NCTC) allocate \$514,877 of the City's FY 2022/23 estimated apportionment of LTF in support of transit and paratransit services.

15. CCTM1, LLC Lease Agreement - Approve First Amendment

Recommendation: That Council authorize the City Engineer to execute the First Amendment to the Ground Lease Agreement with CCTM1, LLC, subject to legal review.

16. Second Reading of Clean Up Ordinance 816

Recommendation: That Council hold a second reading by Title only and adopt Ordinance 816

17. Appointment of Planning Commissioners

Recommendation: That Council approve the appointment of Ari Brouliett as Planning Commissioner for Councilmember Hodge

18. Consideration of the lease of property at 142 East main Street

Recommendation: That Council 1) approve the draft lease agreement with WCS Properties for the property at 142 East Main Street, subject to legal review; 2) authorize the City Manager to execute the lease agreement with WCS Properties; 4) authorize the City Manager to sign all real estate documents required to complete the lease; and 5) approve the Finance Director to make the necessary budget adjustments and transfers to complete these actions.

19. Certification of promotional list for Battalion Chief, Captain, and Engineer

Recommendation: That Council 1) certify the newly developed promotional eligibility list for Captain, and Engineer effective June 29, 2022

ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND / OR ANY ADDED AGENDA ITEMS

REORGANIZATION RELATED ITEMS

PUBLIC HEARING

20. Collection of delinquent sewer and/or water accounts on the Nevada County tax roll

Recommendation: After holding a public hearing, adopt Resolution 2022- 58 requesting that the County of Nevada levy and collect delinquent water and sewer service charges on the tax roll.

Tim Kiser, City Manager, gave presentation to the council. This item requires a 4/5ths vote.

Motion made to hold a public hearing, adopt Resolution 2022- 58 requesting that the County of Nevada levy and collect delinquent water and sewer service charges on the tax roll by Vice Mayor Arbuckle, Seconded by Council Member Branstrom.

Voting Yea: Council Member Branstrom, Council Member Ivy, Vice Mayor Arbuckle, Mayor Aguilar

21. Cannabis Selection Appeals of Sierra Flower Co. LLC and NUG, Inc., d.b.a. NUG Grass Valley regarding storefront retail commercial cannabis permit selection.

Recommendation: That Council approve the Hearing Officer's final findings and recommendations and adopt the proposed resolution.

David Ruderman, City Legal, stepped down for his spot due to his representation of staff in this process. Tom Last, Community Development Director, gave presentation to council.

Council member Branstrom asked for clarification on whether their action was to make a decision on scoring and appeal process or to be able to modify the original ordinance.

Sierra flowers spoke on behalf of their appeal.

NUG submitted a letter on behalf of their appeal. (attached)

Provision spoke on behalf of the scoring and appeal process.

Public comments attached.

Council member Branstrom did not find that there were any irregularities in the scoring process. Vice Mayor Arbuckle believes that Judge Dover made a fair assessment of the processes.

Motion made to approve the Hearing Officer's final findings and recommendations and adopt the proposed resolution by Vice Mayor Arbuckle, Seconded by Council Member Branstrom.

Voting Yea: Council Member Branstrom, Vice Mayor Arbuckle, Mayor Aguilar

Voting Abstaining: Council Member Ivy

ADMINISTRATIVE

22. CDBG Memorial Park Facilities Improvement Project - Program Amendment

Recommendation: That Council authorize a Community Development Block Grant (CDBG) program budget amendment to allocate additional Program Income (PI) towards the CDBG Memorial Park Facilities Improvement Project construction contract.

Bjorn Jones, City Engineer, gave presentation to the council.

Motion made to authorize a Community Development Block Grant (CDBG) program budget amendment to allocate additional Program Income (PI) towards the CDBG Memorial Park Facilities Improvement Project construction contract by Vice Mayor Arbuckle and Seconded by Mayor Aguilar

Voting Yea: Council Member Branstrom, Council Member Ivy, Vice Mayor Arbuckle, Mayor Aguilar

BRIEF REPORTS BY COUNCIL MEMBERS

Councilmember Ivy was able to have tour of sierra harvest garden. Councilmember Branstrom Attended the Nevada County Community institute graduation, second annual Juneteenth picnic, GREAT camp Graduation, and the Truckee forest fire exhibit. Vice Mayor Arbuckle attended the RCRC dinner, Wildfire Preparedness meeting, Master Plan on Aging Workshop for Nevada county, GREAT camp Graduation. There will be a July 6 membership meeting for California League of Cities and wanted to give thank you to the people who give positive feedback to the council. Mayor Aguilar attended the RCRC dinner, Mayors Manager's meeting. Thank you to Nevada city for letting the City utilize their masticator to us to help make 4th of July firework area fire safe. On the 4th of July the parade will be held in Nevada City and at 9:30 pm the firework show will be put on by City of Grass Valley over the Dorsey over pass. He would like to give a huge Thank you to all the sponsors who made the fireworks possible this year.

ADJOURN

Meeting adjourned at 8:12 pm.

Ben Aguilar, Mayor

Taylor Day, Deputy City Clerk

Taylor Day

From: Carter Depue <
Sent: Tuesday, June 28, 2022 4:28 PM
To: Public Comments
Subject: Cannabis

[You don't often get email from champagnejane1@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To whom it may concern,

I believe that Nevada county could really use a woman owned, women ran, in support of womens charities business like the Nevada county flower co, now more than ever!

Plus isn't it a monopoly if some of the same partners are involved in the current dispensary in Nevada city? These are hard working local women business owners who grew up in our community and have nothing but it's best interest in mind!

Thank you for your consideration
Rebecca VanMeter

Sent from my iPhone

Dear Honorable Mayor and Council:

My name is Aleta Aplington and I am a resident of Nevada City. Thank you for hearing the agenda item regarding Sierra Flower Co. LLC's appeal of the City's decision on its application for a cannabis retail permit. Please accept this comment in support of allowing two cannabis retail dispensaries in the City of Grass Valley. Specifically, I request the City Council to direct staff to read a broader interpretation of existing Ordinance section 5.60.070(D)(1) and issue a permit to Sierra Flower Co., the second-place applicant.

The City's daytime population is 20,234, more than 5,000 people beyond the threshold the City designated to permit a second cannabis retail dispensary. The City can and should allow two cannabis retail businesses to ensure that consumers have reliable access to cannabis since the daytime population of the City is more than double the threshold established for dispensaries per population.

A second dispensary aligns with the City's Strategic Goal of Economic Development and Vitality by bringing an additional highly taxed business to the City. Since some surrounding cities have not authorized cannabis retail, consumers will travel to Grass Valley to purchase cannabis here if they cannot purchase it in their own cities, further increasing the number of potential customers to be served by Grass Valley retail cannabis dispensaries. Allowing only a single business to operate creates a monopoly. Adding a second retail dispensary license will provide consumers with a choice about where to purchase cannabis, and will support the existing ecosystem of farmers, manufacturers and distributors in Grass Valley and Nevada County, who need licensed retailers to sell their products.

Allowing Sierra Flower Co. to open a second retail cannabis business, as considered in Ordinance section 5.60.070, will ensure that consumers have a choice about where to purchase cannabis, create a fair market, and support licensed cannabis farmers in Nevada County. Sierra Flower Co. was the second-place applicant and should receive the second cannabis permit. They are a devoted, local business that deserves the support of our community, and the City Council's votes.

Thank you for your time and consideration.

Sincerely,

Aleta Aplington

Dear Honorable Mayor and Council:

My name is Aleta Aplington and I am a resident of Nevada City. Thank you for hearing the agenda item regarding Sierra Flower Co. LLC's appeal of the City's decision on its application for a cannabis retail permit. Please accept this comment in support of allowing two cannabis retail dispensaries in the City of Grass Valley. Specifically, I request the City Council to direct staff to read a broader interpretation of existing Ordinance section 5.60.070(D)(1) and issue a permit to Sierra Flower Co., the second-place applicant.

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Thank you for your time and consideration.

Sincerely,

Aleta Aplington

Dear Honorable Mayor and Council:

My name is Chris Ribble and I am a resident of Penn Valley. Thank you for hearing the agenda item regarding Sierra Flower Co. LLC's appeal of the City's decision on its application for a cannabis retail permit. Please accept this comment in support of allowing two cannabis retail dispensaries in the City of Grass Valley. Specifically, I request the City Council to direct staff to read a broader interpretation of existing Ordinance section 5.60.070(D)(1) and issue a permit to Sierra Flower Co., the second-place applicant.

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Thank you for your time and consideration.

Sincerely,

Chris Ribble

Dear Honorable Mayor and Council:

My name is Sherri Ribble and I am a resident of Penn Valley. Thank you for hearing the agenda item regarding Sierra Flower Co. LLC's appeal of the City's decision on its application for a cannabis retail permit. Please accept this comment in support of allowing two cannabis retail dispensaries in the City of Grass Valley. Specifically, I request the City Council to direct staff to read a broader interpretation of existing Ordinance section 5.60.070(D)(1) and issue a permit to Sierra Flower Co., the second-place applicant.

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Thank you for your time and consideration.

Sincerely,

Sherri Ribble

Taylor Day

From: Elizabeth Zapata <
Sent: Tuesday, June 28, 2022 3:54 PM
To: Public Comments
Subject: Dispensary/Sierra Flower Company

You don't often get email from ezlizzapata@gmail.com. [Learn why this is important](#)

My name is Elizabeth Zapata, and I am writing today as a concerned resident of Nevada County.

It is my understanding that the recent application for a second retail cannabis dispensary submitted by Sierra Flower Company has been denied and is currently engaged in the appeals process.

The population of Nevada County is changing. While our area has traditionally been a retirement destination, recently we have welcomed many young families as more and more people discover the magic of the rural, small-town life that can be lived here.

This influx of families makes any population estimates difficult, and renders any previous estimates inaccurate.

According to the estimate used by the City Council in denying the Sierra Flower Co. application, Grass Valley falls short by about 1000 citizens. I submit that with the changing demographics, and fluctuating citizenry, the current population is quickly reaching the benchmark, if it has not surpassed it already. Population estimates should also include the number of tourists visiting Nevada County daily.

Tourism is a major industry in Nevada County. According to The Union newspaper, Nevada County received over \$361 million in total visitor spending in 2018. If the number of daily tourists is factored in, we are well over the population estimates for a second dispensary.

A second dispensary provides competition, which is good for consumers. A second dispensary increases service, which is good for both tourists and residents. A second dispensary is good for tax revenue. A second dispensary is good for Grass Valley.

Thank you.

Taylor Day

From: Juan Garcia
Sent: Tuesday, June 28, 2022 2:42 PM
To: Public Comments
Subject: Grass Valley Retail License

You don't often get email from juan@ajalainc.com. [Learn why this is important](#)

Good Afternoon,

I would like to thank the City of Grass Valley for their consideration and diligence in the selection process for the first Grass Valley retail license. I look forward to being part of an organization that will be an outstanding community business providing safe products and excellent services to all of its patrons.

Thank you,
Juan R. Garcia, Advisor
Grass Valley Provisions, LLC

Taylor Day

From: Ryan Haley
Sent: Tuesday, June 28, 2022 12:24 PM
To: Public Comments
Subject: Public Comment - City Council Meeting - June 28th, 2022

You don't often get email from ryanmhaley@gmail.com. [Learn why this is important](#)

Dear Council Members,

I'd like to thank the City for the privilege to serve this community and its residents. Provisions is dedicated to creating an inclusive and authentic space that exemplifies Grass Valley's heritage and historic significance. We look forward to developing a successful relationship with our city.

**Thanks again,
Ryan Haley, CEO
Grass Valley Provisions LLC**

Taylor Day

From: Lori Prinvale
Sent: Tuesday, June 28, 2022 9:43 AM
To: Public Comments
Subject: Sierra flower co

[You don't often get email from lprinvale49@hotmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dan and Lori Prinvale residents of Grass Valley would like to state their support of two storefront retail cannabis businesses in Grass Valley.

We are in support of Sierra FlowerCo.

Respectfully submitted by,

Dan and Lori Prinvale
Sent from my iPhone

Taylor Day

From: bruce@bruceherring.com
Sent: Tuesday, June 28, 2022 1:11 PM
To: Public Comments
Subject: Consent Agenda Item 12

You don't often get email from bruce@bruceherring.com. [Learn why this is important](#)

Dear Council:

I acknowledge and sincerely thank the City of Grass Valley for the giant leap forward you are taking in regard to the Wolf Creek Trail. Consent Agenda item 12 puts in motion the purchase of the corner lot on Idaho-Maryland Road and Sutton Way. On top of the earlier purchase of 131 Colfax Avenue, this action loudly demonstrates the City's commitment to the trail system.

Senior staff, the Planning Commission, and the City Council should all be applauded for their efforts. In fact it should be a standing ovation!

For over two decades the corner lot has been identified as the ideal location for a principal trailhead of the Wolf Creek Trail. I even recall speaking with Joe Heckel about it. We look forward to the connection from this new "hub" to downtown and the existing trail downstream of the mining museum.

And from the hub connecting trails can wind through the Loma Rica development now under construction. Further connections can also be made across Brunswick Road to the Winds Aloft project - currently in planning stages by the Bear Yuba Land Trust.

Bruce Herring
13963 Meadow Dr
Grass Valley, Ca 95945

Member: Wolf Creek Community Alliance Steering Committee
Member: Bear Yuba Land Trust Trails Planning Committee

Dear Honorable Mayor and Council:

Audrey
My name is Kolden and I am a resident of [Grass Valley]. Thank you for hearing the agenda item regarding Sierra Flower Co. LLC's appeal of the City's decision on its application for a cannabis retail permit. Please accept this comment in support of allowing two cannabis retail dispensaries in the City of Grass Valley. Specifically, I request the City Council to direct staff to read a broader interpretation of existing Ordinance section 5.60.070(D)(1) and issue a permit to Sierra Flower Co., the second-place applicant.

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Allowing Sierra Flower Co. to open a second retail cannabis business, as considered in Ordinance section 5.60.070, will ensure that consumers have a choice about where to purchase cannabis, create a fair market, and support licensed cannabis farmers in Nevada County. Sierra Flower Co. was the second-place applicant and should receive the second cannabis permit. They are a devoted, local business that deserves the support of our community, and the City Council's votes.

Thank you for your time and consideration.

Sincerely,

[NAME]

Audrey Kolden

Dear Honorable Mayor and Council:

My name is Alyssa and I am a resident of [Grass Valley]. Thank you for hearing the agenda item regarding Sierra Flower Co. LLC's appeal of the City's decision on its application for a cannabis retail permit. Please accept this comment in support of allowing two cannabis retail dispensaries in the City of Grass Valley. Specifically, I request the City Council to direct staff to read a broader interpretation of existing Ordinance section 5.60.070(D)(1) and issue a permit to Sierra Flower Co., the second-place applicant.

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A second dispensary aligns with the City's Strategic Goal of Economic Development and Vitality by bringing an additional highly taxed business to the City. Since some surrounding cities have not authorized cannabis retail, consumers will travel to Grass Valley to purchase cannabis here if they cannot purchase it in their own cities, further increasing the number of potential customers to be served by Grass Valley retail cannabis dispensaries. Allowing only a single business to operate creates a monopoly. Adding a second retail dispensary license will provide consumers with a choice about where to purchase cannabis, and will support the existing ecosystem of farmers, manufacturers and distributors in Grass Valley and Nevada County, who need licensed retailers to sell their products.

Allowing Sierra Flower Co. to open a second retail cannabis business, as considered in Ordinance section 5.60.070, will ensure that consumers have a choice about where to purchase cannabis, create a fair market, and support licensed cannabis farmers in Nevada County. Sierra Flower Co. was the second-place applicant and should receive the second cannabis permit. They are a devoted, local business that deserves the support of our community, and the City Council's votes.

Thank you for your time and consideration.

Sincerely,

Alyssa Elaine

Dear Honorable Mayor and Council:

My name is **Isaac** and I am a resident of **[Grass Valley]**. Thank you for hearing the agenda item regarding Sierra Flower Co. LLC's appeal of the City's decision on its application for a cannabis retail permit. Please accept this comment in support of allowing two cannabis retail dispensaries in the City of Grass Valley. Specifically, I request the City Council to direct staff to read a broader interpretation of existing Ordinance section 5.60.070(D)(1) and issue a permit to Sierra Flower Co., the second-place applicant.

The City's daytime population is 20,234, more than 5,000 people beyond the threshold the City designated to permit a second cannabis retail dispensary. The City can and should allow two cannabis retail businesses to ensure that consumers have reliable access to cannabis since the daytime population of the City is more than double the threshold established for dispensaries per population.

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Allowing Sierra Flower Co. to open a second retail cannabis business, as considered in Ordinance section 5.60.070, will ensure that consumers have a choice about where to purchase cannabis, create a fair market, and support licensed cannabis farmers in Nevada County. Sierra Flower Co. was the second-place applicant and should receive the second cannabis permit. They are a devoted, local business that deserves the support of our community, and the City Council's votes.

Thank you for your time and consideration.

Sincerely,

Isaac **NAME** Williams

Taylor Day

From: kim kirk < >
Sent: Tuesday, June 28, 2022 4:39 PM
To: Public Comments
Subject: Cannabis

You don't often get email from kimberkrk@gmail.com. [Learn why this is important](#)

To Whom it May Concern,

My name is Kimberly Kirk-Riley. I have lived in Grass Valley for over 32 years and work with numerous organizations in Nevada County.

The reason for my email is to show my total support for Sierra Flowers and to have two retail cannabis storefronts in Grass Valley. I feel that giving the community only one option is limiting our residents.

Thank you for your time and consideration

Respectfully,
Kimberly Kirk-Riley

Dear Honorable Mayor and Council:

My name is James McAny and I am a resident of [Grass Valley]. Thank you for hearing the agenda item regarding Sierra Flower Co. LLC's appeal of the City's decision on its application for a cannabis retail permit. Please accept this comment in support of allowing two cannabis retail dispensaries in the City of Grass Valley. Specifically, I request the City Council to direct staff to read a broader interpretation of existing Ordinance section 5.60.070(D)(1) and issue a permit to Sierra Flower Co., the second-place applicant.

The City's daytime population is 20,234, more than 5,000 people beyond the threshold the City designated to permit a second cannabis retail dispensary. The City can and should allow two cannabis retail businesses to ensure that consumers have reliable access to cannabis since the daytime population of the City is more than double the threshold established for dispensaries per population.

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Allowing Sierra Flower Co. to open a second retail cannabis business, as considered in Ordinance section 5.60.070, will ensure that consumers have a choice about where to purchase cannabis, create a fair market, and support licensed cannabis farmers in Nevada County. Sierra Flower Co. was the second-place applicant and should receive the second cannabis permit. They are a devoted, local business that deserves the support of our community, and the City Council's votes.

Thank you for your time and consideration.

Sincerely,

[NAME]

James McAny

June 28, 2022

Good evening, Council and staff:

My name is Pamela Epstein and I am General Counsel and Chief Regulatory and Licensing Officer at Eden Enterprises, Inc., and President of the California Cannabis Industry Association. Please accept this comment in support of allowing two cannabis retail dispensaries in the City of Grass Valley. Specifically, I would like to urge City Council to direct staff to read a broader interpretation of existing Ordinance 5.60.070 and issue a permit to Sierra Flower Co., the second-place applicant.

In the State of California, fewer than 40 percent of jurisdictions license commercial cannabis retail activity. This means that consumers are underserved. When people do not have access to licensed, tested cannabis, they turn to the illicit market. Equally as important, consumers deserve a choice regarding where to purchase cannabis.

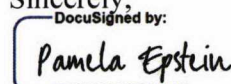
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Finally, the City of Grass Valley's daytime population is 20,234, more than 5,000 people beyond the threshold the City designated to permit a second cannabis retail dispensary. The City can and should allow two cannabis retail businesses to ensure that consumers have reliable access to cannabis since the daytime population of the City is more than double the threshold established for dispensaries per population.

Allowing Sierra Flower Co. to open a second retail cannabis business, as considered in the Ordinance, will ensure that consumers have a choice about where to purchase cannabis, create a fair market, and support licensed cannabis farmers in Nevada County. This second retail dispensary is contemplated within the existing Ordinance. I urge you to please direct staff to interpret the existing Ordinance to allow for two cannabis retail dispensaries.

Thank you for your time and consideration.

Sincerely,

DocuSigned by:

D66B629F06BF41F...
Pamela Epstein

General Counsel, Chief Regulatory and Licensing Officer, Eden Enterprises, Inc.
President, California Cannabis Industry Association

Dear Honorable Mayor and Council:

My name is **Lucy McAny** and I am a resident of **[Grass Valley]**. Thank you for hearing the agenda item regarding Sierra Flower Co. LLC's appeal of the City's decision on its application for a cannabis retail permit. Please accept this comment in support of allowing two cannabis retail dispensaries in the City of Grass Valley. Specifically, I request the City Council to direct staff to read a broader interpretation of existing Ordinance section 5.60.070(D)(1) and issue a permit to Sierra Flower Co., the second-place applicant.

The City's daytime population is 20,234, more than 5,000 people beyond the threshold the City designated to permit a second cannabis retail dispensary. The City can and should allow two cannabis retail businesses to ensure that consumers have reliable access to cannabis since the daytime population of the City is more than double the threshold established for dispensaries per population.

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Allowing Sierra Flower Co. to open a second retail cannabis business, as considered in Ordinance section 5.60.070, will ensure that consumers have a choice about where to purchase cannabis, create a fair market, and support licensed cannabis farmers in Nevada County. Sierra Flower Co. was the second-place applicant and should receive the second cannabis permit. They are a devoted, local business that deserves the support of our community, and the City Council's votes.

Thank you for your time and consideration.

Sincerely,

[NAME]

Lucy McAny

Dear Honorable Mayor and Council:

My name is Amelya Gross and I am a resident of Grass Valley. Thank you for hearing the agenda item regarding Sierra Flower Co. LLC's appeal of the City's decision on its application for a cannabis retail permit. Please accept this comment in support of allowing two cannabis retail dispensaries in the City of Grass Valley. Specifically, I request the City Council to direct staff to read a broader interpretation of existing Ordinance section 5.60.070(D)(1) and issue a permit to Sierra Flower Co., the second-place applicant.

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Thank you for your time and consideration.

Sincerely,

Amelya Gross

Taylor Day

From: Bridget Brandstad
Sent: Tuesday, June 28, 2022 4:16 PM
To: Public Comments
Subject: Cannabis dispensary

You don't often get email from greenhouseadvisorygroup@gmail.com. [Learn why this is important](#)

Dear Mayor and Council:

My name is Eric Brandstad and I am a resident of Grass Valley. Thank you for hearing the agenda item regarding Sierra Flower Co. LLC's appeal of the City's decision on its application for a cannabis retail permit. Please accept this comment in support of allowing two cannabis retail dispensaries in the City of Grass Valley. Specifically, I request the City Council to direct staff to read a broader interpretation of existing Ordinance section 5.60.070(D)(1) and issue a permit to Sierra Flower Co., the second-place applicant.

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Thank you for your time and consideration.

Sincerely,
Eric Brandstad

Dear Mayor and Council:

My name is Bridget Brandstad and I am a resident of Grass Valley. Thank you for hearing the agenda item regarding Sierra Flower Co. LLC's appeal of the City's decision on its application for a cannabis retail permit. Please accept this comment in support of allowing two cannabis retail dispensaries in the City of Grass Valley. Specifically, I request the City Council to direct staff to read a broader interpretation of existing Ordinance section 5.60.070(D)(1) and issue a permit to Sierra Flower Co., the second-place applicant.

The City's daytime population is 20,234, more than 5,000 people beyond the threshold the City designated to permit a second cannabis retail dispensary. The City can and should allow two cannabis retail businesses to ensure that consumers have reliable access to cannabis since the daytime population of the City is more than double the threshold established for dispensaries per population.

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Thank you for your time and consideration.

Sincerely,

Bridget Brandstad

Taylor Day

From: Wade Laughter
Sent: Tuesday, June 28, 2022 4:03 PM
To: Public Comments
Subject: Re: 6.28.22 GV City Council Agenda item #21: Cannabis Selection Appeals of Sierra Flower Co. LLC and NUG, Inc., d.b.a. NUG Grass Valley regarding storefront retail commercial cannabis permit selection

You don't often get email from wade@houseofharlequin.com. [Learn why this is important](#)

Dear Honorable Judge Dover and Grass Valley City Council members;

My name is Wade Laughter, and I am the founder of House of Harlequin, an education and advocacy platform dedicated to cannabis education. My company's partners and I were enthusiastic to join the Grass Valley Provisions LLP group because it represents our local heritage in the community and in the cannabis community. GVP, LLC has the unique combination of industry and legal expertise combined with compassion that inspired us to join GVP, LLC.

We wish to thank Judge Dover for your care in reviewing the positions of the appellant applicants with diligence and objectivity. We also want to thank the City Council for enacting the cannabis ordinance for Grass Valley and for considering whether to accept Judge Dover's recommendation. We understand that the undertaking is time consuming and challenging but consider the effort important for all involved and we are grateful for all your efforts to address any concerns called out in the appeals process.

With respect and gratitude,

Wade Laughter

Founder and Director

House of Harlequin

Taylor Day

From: Emily Porter <eporter.cannabis@gmail.com>
Sent: Tuesday, June 28, 2022 3:49 PM
To: Public Comments
Subject: Public Comment 6/28/22

You don't often get email from eporter.cannabis@gmail.com. [Learn why this is important](#)

As the Project Manager for Grass Valley Provisions the opportunity to participate in the growth of the cannabis industry here has been an exciting experience and I am grateful to be a part of our community effort to provide safe access to cannabis.

No cannabis program is without bumps along the way to success, but the City and its employees who I have interacted with during this process have been gracious and patient in navigating these new horizons together.

I look forward to continued successful collaboration with the City, and appreciate all of the efforts of our community toward together building a strong, safe, and effective licensed cannabis industry here in Grass Valley.

Thank you,

Emily Porter
Cannabis Compliance Consultant
Cell: (925) 303 3143
Email: eporter.cannabis@gmail.com
Available Monday - Friday 9am - 5pm
Mailing: 578 Sutton Way, PMB 307, Grass Valley CA 95945

Taylor Day

From: Huck Ingram
Sent: Tuesday, June 28, 2022 3:10 PM
To: Public Comments
Subject: Provisions Thank You

You don't often get email from huck@ingramlawoffice.com. [Learn why this is important](#)

Thank You City Council. As advisor, counsel, and financial interest holder I want to sincerely thank you for the time and energy you've put into the Grass Valley selection process, and I look forward to assisting the City of Grass Valley in facilitating a successful, compliant, and respectful cannabis retail store front.

Best,

Huck Ingram

Attorney

INGRAM // BRADY

110 Bank Street., Grass Valley, CA 95945

Phone: 530-432-1996

Email: huck@ingrambrady.com

Confidential Communication: The information contained in this communication, including any attachments, is protected by the attorney-client and/or the attorney work product privilege(s). It is intended solely for the use of the individual named herein and the privilege(s) is/are not waived by virtue of this electronic transmission. If the person receiving this communication is not the person intended for its receipt or the employee or agent responsible to deliver it to the person intended for its receipt, any use, dissemination, distribution or copying by any means is strictly prohibited. This communication should not be construed as creating an attorney-client relationship without the express written agreement of Jeffrey C. Ingram. If you received this communication in error, please immediately delete it from your records and notify the sender by return e-mail.

Taylor Day

From: Christopher Corin
Sent: Tuesday, June 28, 2022 2:04 PM
To: Public Comments
Subject: Cannabis

You don't often get email from critter2708@icloud.com. [Learn why this is important](#)

Sent from my iPhone **Dear Honorable Mayor and Council:**

My name is Christopher Corin and I am a resident of Grass Valley. Thank you for hearing the agenda item regarding Sierra Flower Co. LLC's appeal of the City's decision on its application for a cannabis retail permit. Please accept this comment in support of allowing two cannabis retail dispensaries in the City of Grass Valley. Specifically, I request the City Council to direct staff to read a broader interpretation of existing Ordinance section 5.60.070(D)(1) and issue a permit to Sierra Flower Co., the second-place applicant.

The City's daytime population is 20,234, more than 5,000 people beyond the threshold the City designated to permit a second cannabis retail dispensary. The City can and should allow two cannabis retail businesses to ensure that consumers have reliable access to cannabis since the daytime population of the City is more than double the threshold established for dispensaries per population.

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Allowing Sierra Flower Co. to open a second retail cannabis business, as considered in Ordinance section 5.60.070, will ensure that consumers have a choice about where to purchase cannabis, create a fair market, and support licensed cannabis farmers in Nevada County. Sierra Flower Co. was the second-place applicant and should receive the second cannabis permit. They are a devoted, local business that deserves the support of our community, and the City Council's votes.

Thank you for your time and consideration.

Sincerely,

Taylor Day

From: Nell Esterhazy Scannon
Sent: Monday, June 27, 2022 3:25 PM
To: Public Comments
Subject: Support of 2 Storefront Cannabis Businesses

You don't often get email from blackrattusbane@gmail.com. [Learn why this is important](#)

To Grass Valley City Clerk,

My name is Nell Scannon and I am a resident of Grass Valley, and grew up here. I am in support of 2 storefront retail cannabis businesses because I firmly believe that not only our community can support them, but giving one business a monopoly in our large community gives them too much power over cannabis retail prices.

Sierra Flower Co has my full support and is owned by hard working women who have lived in the community their whole lives, are upstanding and outstanding business owners, and are in the cannabis business to offer vital resources to the people of Grass Valley.

Thank you,
Nell Scannon
15630 Mount Olive Road
GV

Taylor Day

From: Blake Heuser
Sent: Monday, June 27, 2022 1:50 PM
To: Public Comments
Subject: Public Comment - Storefront Retail Cannabis Permit Hearing

You don't often get email from heuserb@gmail.com. [Learn why this is important](#)

I want to express my strong support in favor of Grass Valley Provisions LLC receiving the opportunity to apply for the City of Grass Valley's storefront retail cannabis permit. Safe and licensed access to cannabis and cannabis products within the community of Grass Valley is a valuable resource that is important to the growth of our city and is a responsibility that Grass Valley Provisions LLC will handle with the utmost care.

Additionally, I would like to thank the members of the City Council for their time and consideration throughout this application process, and to express my gratitude towards Judge Dover for his diligence in the process of appeals. I am excited for what the future holds for our City!

Sincerely,

Blake Heuser

Taylor Day

From: Belinda Carville <belindacarville@gmail.com>
Sent: Monday, June 27, 2022 11:35 AM
To: Public Comments
Subject: Cannabis Sales

You don't often get email from belindacarville@gmail.com. [Learn why this is important](#)

Belinda Rush Carville
Nevada County resident and business person
V'TAE Parfum and Body Care
South Yuba Club

I support two retail storefronts for cannabis businesses. It is very important to have competition and competitive pricing and choice.

I support Sierra Flower Co. and its owners and business ethic.

Please contact me with me details if you desire.

Taylor Day

From: +15303886491
Sent: Tuesday, June 28, 2022 6:57 PM
To: Public Comments
Subject: Voice Mail (5 minutes)
Attachments: audio.mp3

This is Sandra Spargo. I live at 230 illicium place in Morgan ranch. Dear City Council members, I submitted a letter to you for the City Council meeting of June fourteenth. The letter points out the contrast between Morgan Ranch West and Morgan Ranch unit seven funded resolutions regarding the city 's future drainage improvements. These improvements contrasts with the neglect of the city stormwater drainage on the landscape easement that parallels Rich wrote. The easement is composed of nineteen private lots, nineteen owners who have no expertise regarding stormwater laws, and frankly, they cannot stop the dishes. Pollution directly into Slate Creek. This storm water drainage is a shallow ditch and online built of river rock that is sinking into mud. Drainage was built in two thousand one and is covered with pine needles and flora. There is a dilemma between Morgan ranch restrictions and the cities funded landscape resolutions of June fourteen first Morgan Ranches, declaration of restrictions states owners are responsible for maintaining all such easements and all facilities there in at the same time, home owners pay tax to the city for the landscape easement upkeep that includes a storm water drainage, second stormwater drainage paralleling Ridge Road is an improvement for the city 's definition of Morgan ranch units. Evans and Morgan Ranch, West landscape resolutions. They define stormwater drainage as an improvement. So what takes precedence? A stormwater drainage is an improvement. The city's resolution, supported by the landscaping and Lighting Act of 1972 and the Benefit Assessment Act of 1982, or Morgan Ranch, is declaration of restrictions. I have yet to hear from the City Council regarding this dilemma. A written response from the City Council would be appreciated. Please contact me if you have questions. Thank you. And my phone number is 530-388-6491. Thank you.

You received a voice mail from [WIRELESS CALLER](#).

Thank you for using Transcription! If you don't see a transcript above, it's because the audio quality was not clear enough to transcribe.

[Set Up Voice Mail](#)

Taylor Day

From: Sandra Spargo <writingconnection@icloud.com>
Sent: Tuesday, June 28, 2022 6:50 PM
To: Public Comments
Subject: June 28, 2022, city council public hearing/beginning of meeting

You don't often get email from writingconnection@icloud.com. [Learn why this is important](#)

June 28, 2022

Sandra Spargo
 PO Box 2244
 230 Elysian Place
 Grass Valley, CA 95945
 530-388-6491
writingconnection@icloud.com

Dear City Council Members:

I submitted a letter to you for the city council meeting of June 14. The letter points out the contrast between Morgan Ranch West's and Morgan Ranch Unit 7's funded resolutions regarding the City's future drainage improvements. These improvements contrast with the neglect of the City's stormwater drainage on the landscape easement that parallels Ridge Road. The easement is composed of 19 private lots, 19 owners, who have no expertise regarding stormwater laws, and, frankly, they cannot stop the ditch's pollution directly into Slate Creek.

This stormwater drainage is a shallow ditch, non-lined, built of river rock that is sinking into mud. Drainage was built in 2001 and is covered with pine needles and flora.

There is a Dilemma with Between Morgan Ranch Restrictions and the City's Funded Landscape Resolutions of June 14.

First, Morgan Ranch's *Declaration of Restrictions* states *OWNERS ARE RESPONSIBLE FOR MAINTAINING ALL SUCH EASEMENTS AND ALL FACILITIES THEREIN*. At the same time, homeowners pay tax to the City for the landscape easement's upkeep that includes stormwater drainage.

Second, stormwater drainage paralleling Ridge Road is an *improvement* per the City's definition of Morgan Ranch Unit 7's and Morgan Ranch West's landscape resolutions. They define stormwater drainage as an improvement.

So, what takes precedence? A stormwater drainage is an improvement. The City's Resolutions, supported by the *Landscaping and Lighting Act of 1972* and the *Benefit Assessment Act of 1982* or Morgan Ranch's *Declaration of Restrictions*?

I have yet to hear from the city council regarding this dilemma. A written response from the city council would be appreciated.

Please contact me if you have questions.

Thank you.



June 28, 2022

Good evening, Council, and Staff:

I am General Counsel of the Northern California Cannabis Alliance. Please accept this comment in support of allowing two cannabis retail dispensaries in the City of Grass Valley. Specifically, I would like to urge City Council to direct staff to read a broader interpretation of existing Ordinance 5.60.070 and issue a permit to Sierra Flower Co., the second-place applicant.

In the State of California, fewer than 40 percent of jurisdictions license commercial cannabis retail activity. This means that consumers are underserved. When people do not have access to licensed, tested cannabis, they turn to the illicit market. Restricting access to legal cannabis necessarily results in increased demand for illegal cannabis and adds to the already significant law enforcement and public health burdens in our great state. Equally as important, consumers deserve a choice regarding where to purchase cannabis.

A second dispensary aligns with the City's Strategic Goal of Economic Development and Vitality by bringing an additional, highly taxed business to the City. Since some surrounding cities have not authorized cannabis retail, consumers travel to Grass Valley to purchase cannabis, further increasing the number of potential customers to be served by Grass Valley retail cannabis dispensaries. The demand exists, not only in Green Valley but in surrounding communities, and this should be considered when interpreting Ordinance 5.60.070.

Further, narrowly construing Ordinance 5.60.070 effectively creates a monopoly for retail cannabis in Green Valley. It goes without saying that monopolies are bad for consumers and for the marketplace. The negative externalities a monopoly creates certainly outweigh any concerns about issuing a second retail dispensary license.

Adding a second retail dispensary license will provide consumers with a choice about where to purchase cannabis, will create competition that will benefit the consumer, and will support the existing ecosystem of farmers, manufacturers and distributors in Grass Valley and Nevada County, who need licensed retailers to sell their products.

Finally, the City already has the legal authority to issue a second permit. Grass Valley's daytime population is 20,234. With one permit per 7,500 residents, the daytime population is more than 5,000 people beyond the threshold the City designated to permit a second cannabis retail dispensary. The City therefore has the authority to issue permits for two cannabis retail businesses under paragraph D.1 of Ordinance 5.60.070. No amendment is necessary to grant a permit to Sierra Flower Co.

Allowing Sierra Flower Co. to open a second retail cannabis business, as considered in the Ordinance, will ensure that consumers have a choice about where to purchase cannabis, create a fair market, and support licensed cannabis farmers in Nevada County. This second retail

dispensary is contemplated within the existing Ordinance. I urge you to please direct staff to interpret the existing Ordinance to allow for two cannabis retail dispensaries.

Thank you for your time and consideration.

Sincerely,



Chris Czaplak
General Counsel, Northern California Cannabis Alliance

Taylor Day

From: Alicia Brown <alicia.brownn@outlook.com>
Sent: Tuesday, June 28, 2022 6:46 PM
To: Public Comments
Subject: Support of 2 dispensary's in Grass Valley

[You don't often get email from alicia.brownn@outlook.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Good evening,

We live in the Auburn area and my family supports having 2 dispensaries in Grass Valley. We currently have to drive to Nevada city, I also know of some elderly neighbors that drive that far as well! I also find female ran businesses empowering, Sierra Flower & Co. has our full support!

Alicia Brown
9168657708

Sent from my iPad



June 28, 2022

VIA EMAIL

Ms. Taylor Day, *Deputy City Clerk*
taylor@cityofgrassvalley.com

Re: Item 21; Cannabis Selection Appeal of NUG Inc., dba NUG Grass Valley

Honorable Mayor Aguilar And The Grass Valley City Council:

I am writing you today about Item 21 at tonight's City Council meeting in the City of Grass Valley.

For the past ten years, I have proudly worked with NUG Inc., a premiere cannabis company in Northern California. NUG Inc. is a celebrated leader in the cannabis industry and currently owns and operates five (5) award-winning cannabis retail dispensaries in Sacramento, Redding, Oakland, El Cerrito, and San Leandro. Our company website is www.nug.com.

On August 12, 2021, my team and I submitted a very concise and complete Commercial Cannabis Business Application to the City of Grass Valley. Unlike other cities throughout California, the City of Grass Valley limited our dispensary application to only one hundred (100) pages. In our application, we included a "snap-shot" of our current businesses based on industry "best practices."

Out of a field of seven (7) total retail applicants, when the final "Score Sheets" were released, my team and I could not comprehend, nor could we accept, the City's final "Score Sheets" and its rankings. As industry leaders, NUG Inc. is very familiar with the work and business models of the co-applicants. In fact, all of the dispensary applicants have experience operating multiple retail cannabis dispensaries in California, with the exception of one applicant: Provisions.

In our Appeal and in our arguments before Judge Dover, my team (with the help of legal counsel), after spending hundreds of hours reviewing the applications and score-sheets of the other retail applicants, arrived at an obvious and compelling and dramatic conclusion:

The City of Grass Valley and its decision by the Selection Committee to award a retail cannabis permit to Provisions was based on favoritism, nepotism, and bias. Further, a review of the final Score-Sheets for NUG Inc. and its dispensary application will reveal human error, gross oversight, and unacceptable mistakes.

Please consider the following facts in favor of NUG Inc. and our Commercial Cannabis Business Application to the City of Grass Valley:

- **According to the City's Commercial Cannabis Application Review Criteria, the Selection Committee was asked to evaluate a total twenty-six (26) criteria sections.**



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- In twenty-two (22) out of twenty-six (26) criteria sections on the City's Commercial Cannabis Application Review Criteria, NUG Inc. scored a "perfect score" (or full points) from at least one Selection Committee Member.
- In the four (4) criteria sections that NUG Inc. did not receive a perfect score – in Ownership Team, Employee Training, Customer Education, and Community Benefits – a basic revisit and review of our team's Commercial Cannabis Application will show clear and present evidence in full of these four (4) criteria sections.
- Our team maintains that the City's Selection Committee did not receive the proper professional training, if any, to formally and effectively "judge" or "score" the Commercial Cannabis Application Review Criteria. In short, the final "Score-Sheets" should be deemed invalid or NUG's Commercial Cannabis Business Application should be rescored.

*(*I have attached a copy of NUG's Review Criteria or "Score-Sheet" herein for your review.)*

*(*Please See Attachment)*

Beyond the obvious and compelling legal and technical arguments raised by our attorney during the Appeal Hearing, the following "biases" still need to be recognized and addressed:

1. Initially, the City of Grass Valley appointed Nevada City Planner, Amy Wolfson, to the Commercial Cannabis Application Selection Committee. Ms. Wolfson, in her work in Nevada City, managed all of the permitting requirements and today works very closely with Elevation 2477, the only permitted retail dispensary in Nevada City. The owners of Elevation 2477 and Provisions are nearly identical and closely related. Although Ms. Wolfson resigned from the Selection Committee due to a "conflict of interest," Grass Valley's Selection Committee was tainted from the start.

2. A large portion of the Provisions Commercial Cannabis Application features their team's proposed retail location at 403 Idaho Maryland Road in Grass Valley. At the time, this property housed Ag Natural. NUG Inc. did not include any proposed "Retail Property Information" in our Commercial Cannabis Application simply because it was not required. According to the City's Commercial Cannabis Screening Application Information Packet, it clearly states: "Applicants do not need to have secured a physical location to submit a screening application." NUG Inc. maintains that Provisions earned extra points and received preferential treatment for highlighting their retail property in their application.



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3. If the City of Grass Valley cares about the "retail experience" of its medical marijuana patients and its cannabis consumers in its community, the City of Grass Valley will go beyond just allowing Elevation 2477 of Nevada City to create a duplicate retail dispensary under the label Provisions of Grass Valley. Patients and customers in Grass Valley deserve to have diversity and a quality choice in the selection of their cannabis products. NUG Inc. can provide this "quality choice." NUG Inc. maintains that Provisions was picked as the "dispensary winner" because they were the local group and the Selection Committee unjustly favored their application.

Under section 5(c) of the City's Commercial Cannabis Appeal Procedures, the Grass Valley City Council may adopt or modify the hearing officer's recommendation or remand it to the hearing officer for further consideration. To determine whether to adopt, modify, or remand the hearing officer's recommendation, the City Council has discretion to either: (1) make a final decision based on the administrative record before the hearing officer and the hearing officer's written recommendation without further input from the appellants, City staff, and Grass Valley Provisions; or (2) order an oral hearing on the hearing officer's recommendation. (Comm. Cannabis Appeal Proc., § 5(b).)

Considering all the influential factors surrounding the key arguments of NUG's Appeal, my team and I humbly request that the Grass Valley City Council modify the hearing officer's final findings and remand the decision for further consideration. NUG Inc. requests that the Grass Valley City Council (1) "rescore" our Commercial Cannabis Application or (2) issue a second retail cannabis permit to NUG Inc.

Due to a scheduling conflict, I will be unable to attend tonight's City Council meeting. My apologies for this unforeseen conflict. With that said, I do ask that my letter be received into the record and shared amongst the City Council.

I can be reached directly for any questions or comments at (916) 717-2664.

Thank you for your leadership in the City of Grass Valley.

Signed,

M. Max Del Real
NUG Inc., *Director of Government Relations*
max.delreal@nug.com



CITY OF GRASS VALLEY

COMMERCIAL CANNABIS APPLICATION REVIEW CRITERIA (EXHIBIT A)

Proposals will be ranked by benchmarking some responses based on the following criteria: "Exceedingly Detailed," "Lacking Detail & Missing Some Information," and "Much Less Detailed" or "Missing Substantial Information." Missing Substantial Information means the Review Committee cannot adequately assess the information to make an informed conclusion.

***NUG Final Scores with Application Corrections.**

***Note: The three-scores recognize the 3x Judges' Scores; please note the multiple inconsistencies in scoring.**

SCREENING APPLICATION POINT SCORING TABLE						
SECTION 1: QUALIFICATIONS OF OWNERS/ OPERATORS						
<i>Special business or professional qualifications and experience, or licenses of the owners and/or operators that would add to the quality of service.</i>	SCORING CRITERIA	Retail or Delivery Only Dispensary	Manufacturer	Testing Laboratory	Nursery	Distribution
			Processor*			
<u>Experience</u> - Business Owner’s experience in owning, managing, and operating the type of cannabis business for which the license is being sought. (Business Owner means the State definition of owner in the State Business and Professions Code 26001 AND all persons, companies, or entities that will be directing, controlling, and/or managing the day-to-day operations of the business.) Only experience from legal activities will be considered. If multiple owners, the City will use the average experience of all owners.	2+ Yrs. = 20 Pts 1-2 Yrs. = 10 Pts 0 Yrs. = 0 Pts	20 20 20				
			*NUG Score with correction: 20			
<u>Cannabis Industry Knowledge</u> - Knowledge of the cannabis industry (as demonstrated throughout this screening application), including identification of how industry best practices and state regulations have been incorporated in existing/prior legal business outside the City of Grass Valley.	Exceedingly detailed = 10 Lacking detail & missing some information = 5 Much less detailed = 0	10 10 10				
			*NUG Score with correction: 10			
<u>Ownership Team</u> - Involvement of the business owners in on site day-to-day operation, by percentage (%), of the business. Percentage is based on expected hours of direct involvement in operations measured against proposed hours of operation (e.g. if owner works 5 hrs./day when business is open 10 hrs./day = 50% involvement).	>75% = 20 26-75% = 10 <25% = 5	5 10 5				
			*NUG Score with correction: 20			
SECTION 2: BUSINESS PLAN						
<i>Sub-Section 2A: OPERATIONS</i>	SCORING CRITERIA	Retail or Delivery Only Dispensary	Manufacturer	Testing Laboratory	Nursery	Distribution
<i>Standard operating procedures; finances; employee training.</i>			Processor			
<u>Standard Operating Procedures (SOP)</u> - Overall quality and detail of the proposed operating procedures for ALL aspects of the proposed business, including the extent to which the applicant incorporated industry best practices into the operating procedures. The Applicant should show specific examples of where the practices they included have worked before.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15 10 10				
			*NUG Score with correction: 15			
<u>Financial Plan</u> - Financial plan and/or budget to start-up and operate the business (e.g. business pro forma, cash flow, accounting procedures, etc.). Proposal should provide clear and complete details about the financial position, plan & operating procedures of business.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15 10 10				
			*NUG Score with correction: 15			
<u>Funding/Proof of Capitalization</u> - Demonstration of access to adequate operational capital and/or on-going line of credit once business is operational.	Provided? Yes = 10 No = 0	0-10-10				
			*NUG Score with correction: 10			

* The City only allows up to 10 Manufacturer – Processor businesses, therefore, applicants must earn a minimum score of 176 to be considered a suitable cannabis Manufacturer – Processor business.

Y / L / N: "Y" = Yes (10 Points) "L" = Lacking some level of detail or information (5 Points) "N" = No (0 Points)						
Records Software - Standard operating procedures include electronic tracking and storage of required records of sales, delivery manifests, and inventory.	Y / L / N	5-10-10	*NUG Score with correction: 10			
Track-and-Trace - Standard operating procedures include detailed California Cannabis Track-and-Trace (CCTT) procedures as outlined by the State.	Y / L / N	5-10-5	*NUG Score with correction: 10			
State Testing Requirements - Standard operating procedures include plans and procedures for ensuring all cannabis products on the premises or held by the applicant have met the testing requirements as defined by the State.	Y / L / N	5-10-10	*NUG Score with correction: 10			
Employee Training - Quality of proposed employee training, for example, training on differences in products, potency of products, customer service, and/or laws governing "adult use" vs medical use.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	5-10-10	*NUG Score with correction: 15			
Customer Education - Quality and detail of plan for educating customers regarding cannabis products, including the potency and effects of products, as well as variety.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	5-10-10	*NUG Score with correction: 15			
Marketing - Detail of the key aspects of the marketing strategy that would be generated and incorporated into the marketing plan. The proposed marketing strategy must describe compliance with local regulations related to advertising (e.g. signage, etc.)	Provided? Y = 5 N = 0	5-5-5	*NUG Score with correction: 5			
Sub-Section 2B: COMMUNITY BENEFITS <i>Benefits the business will provide to the community and its ability to serve Grass Valley.</i>	SCORING CRITERIA	Retail or Delivery Only Dispensary	Manufacturer Processor	Testing Laboratory	Nursery	Distribution
The business will further the City Council's goals to support and promote the quality of life, enhance the local community and charm, and help sustain the local economy through a community engagement plan that demonstrates an understanding of the community, its values and unique aspects, and how the business will integrate into the community. The plan must address:	Awarded on level of detail compared to other proposals.	15-15-10				
1. How the business plans to create well-paying, high quality jobs with benefits via a share in ownership, management, or other employment opportunities.	Completely addresses the questions and provides detailed answer for each component of question = 20					
2. How the business plans to assist organizations in our community that provide help to those persons most harmed by cannabis criminalization and poverty? (e.g. mobile crisis team, crystal ridge rehab)	Answers each component of the question, but with less detail or missing some information = 15					
3. How the business plans to work with local non-profits and other community groups. Non-profits or groups located in Grass Valley or serving Grass Valley are preferred.	Least complete or failing to answer on or more components of the question = 10	15-15-10				
4. How the business plans to educate the youth in the community about the dangers of substance abuse. Such planned outreach may include local schools and youth groups (e.g. high schools, NEO, etc.)	Does not address = 0					
Sub-Section 2C: PRODUCT OFFERINGS <i>Quality and variety of cannabis strains and derivative product offerings.</i>	SCORING CRITERIA	Retail or Delivery Only Dispensary	Manufacturer Processor	Testing Laboratory	Nursery	Distribution
Product Procurement - Detail of procurement plan, such as due diligence performed prior to executing purchase contracts and quality control of incoming products.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15-10-10	*NUG Score with correction: 15			

SECTION 3: NEIGHBORHOOD COMPATIBILITY & ENHANCEMENT						
How the business will fit into the community and the extent to which proposed operation will enhance the neighborhood.	SCORING CRITERIA	Retail or Delivery Only Dispensary	Manufacturer Processor	Testing Laboratory	Nursery	Distribution
Exterior Design Concept - Quality and detail of a contextual exterior design which reflects the best of the City's architectural traditions, the use of quality materials and the level of investment that can be expected for the architecture, landscaping, signage, lighting, entry experience, parking, etc. The quality will be judged, in part, by fit within the city (integration into existing urban fabric and architectural landscape).	Exceedingly detailed design that incorporates the City's design guidelines and architecture = 10 Design incorporates some elements of Grass Valley design and architecture = 5 Minimal to no changes to building design = 0	0-10-10				
			*NUG Score with correction: 10			
Integration of Security Measures - Quality and detail of applicant's plan to integrate security enhancements into the physical design/concept, so as not to be overly noticeable by customers or the public. Applicant should provide details about physical and technological security components as well as crime prevention efforts through environmental and site planning.	Exceedingly detailed plan that demonstrates subtle and effective security measures = 10 Minimal detail = 5 No security enhancements proposed as part of the design = 0	10-5-10				
			*NUG Score with correction: 10			
Air Quality/Odor Control - Describe the proposed ventilation and air purification system, including its demonstrated effectiveness and any geographical nuisance mitigation (should include examples of where a similar system has worked effectively).	Exceedingly detailed = 10 Lacking detail & missing some information = 5 Missing substantial information = 0	10-5-10				
			*NUG Score with correction: 10			

SECTION 4: SECURITY PLAN						
Safety and Security Program (*Security plans will not be made public)	SCORING CRITERIA	Retail or Delivery Only Dispensary	Manufacturer	Testing Laboratory	Nursery	Distribution
			Processor			
Security Experience - Experience of individual/firm designing the security plan. Individual/ firm should be identified, and experience described. If delivery services are proposed with a retail application, include information on the quality of delivery driver security, safety procedures, and vehicle security, including driver education related to potential hazards and response thereto.	Very experienced = 15 Minimal experience or missing information = 10 No experience or missing substantial information = 0	15-10-10				
			*NUG Score with correction: 15			
Background Checks - The City requires the use of background checks in the employee hiring process. Provide detail about level of checks and use of the information obtained.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15-15-15				
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Employee Safety Education - Quality of employee safety education plan, including training regarding product handling, burglary protocols, robbery protocols, and other potential hazards of the cannabis business.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15-15-15				
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Employee Theft Reduction Measures - Quality and extensiveness of employee theft reduction measures, including audits and check in/out.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15-15-10				
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Cash Management Plan - Quality and detail of cash management plan, including cash counting/ reconciliation procedures, cash storage, cash transport, deposit into a banking institution (if any), and employee training.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15-15-10				
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Product Access Protocols - Business plan details product access protocols. Product access protocols must include, but are not limited to, a separate check-in area where identification is checked to ensure that only qualified employees gain access to where cannabis products are stored.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15-15-10				
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Product Deliveries - Quality of plan for securing product deliveries to the business (i.e. from delivery vehicles to building).	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15-15-10				
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Security Guards - Quality of the anticipated security guard plan for the business, including number of guards, hours, protocols, and day-to-day procedures/operations.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15-15-15				
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Video Camera Surveillance - Security plan includes video camera surveillance. Additionally, overall quality of the applicant's plan to use cameras, including number of cameras, locations, resolution, and how long footage is saved and how access is granted by investigative/regulatory agencies	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15-15-10				
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CITY OF GRASS VALLEY

COMMERCIAL CANNABIS APPLICATION REVIEW CRITERIA (EXHIBIT A)

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<u>Experience</u> - Business Owner's experience in owning, managing, and operating the type of cannabis business for which the license is being sought. (Business Owner means the State definition of owner in the State Business and Professions Code 26001 AND all persons, companies, or entities that will be directing, controlling, and/or managing the day-to-day operations of the business.) Only experience from legal activities will be considered. If multiple owners, the City will use the average experience of all owners.	2+ Yrs. = 20 Pts 1-2 Yrs. = 10 Pts 0 Yrs. = 0 Pts	20				
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* The City only allows up to 10 Manufacturer – Processor businesses, therefore, applicants must earn a minimum score of 176 to be considered a suitable cannabis Manufacturer – Processor business.

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<u>Records Software</u> - Standard operating procedures include electronic tracking and storage of required records of sales, delivery manifests, and inventory.	Y / L / N	5				
<u>Track-and-Trace</u> - Standard operating procedures include detailed California Cannabis Track-and-Trace (CCTT) procedures as outlined by the State.	Y / L / N	5				
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<u>Employee Training</u> - Quality of proposed employee training, for example, training on differences in products, potency of products, customer service, and/or laws governing "adult use" vs medical use.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	5				
<u>Customer Education</u> - Quality and detail of plan for educating customers regarding cannabis products, including the potency and effects of products, as well as variety.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	5				
<u>Marketing</u> - Detail of the key aspects of the marketing strategy that would be generated and incorporated into the marketing plan. The proposed marketing strategy must describe compliance with local regulations related to advertising (e.g. signage, etc.)	Provided? Y = 5 N = 0	5				
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<u>Sub-Section 2C: PRODUCT OFFERINGS</u> <i>Quality and variety of cannabis strains and derivative product offerings.</i>	<u>SCORING CRITERIA</u>	Retail or Delivery Only Dispensary	Manufacturer Processor	Testing Laboratory	Nursery	Distribution
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SECTION 3: NEIGHBORHOOD COMPATIBILITY & ENHANCEMENT

<i>How the business will fit into the community and the extent to which proposed operation will enhance the neighborhood.</i>	<u>SCORING CRITERIA</u>	Retail or Delivery Only Dispensary	Manufacturer Processor	Testing Laboratory	Nursery	Distribution
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CITY OF GRASS VALLEY

COMMERCIAL CANNABIS APPLICATION REVIEW CRITERIA (EXHIBIT A)

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<u>Ownership Team</u> - Involvement of the business owners in on site day-to-day operation, by percentage (%), of the business. Percentage is based on expected hours of direct involvement in operations measured against proposed hours of operation (e.g. if owner works 5 hrs./day when business is open 10 hrs./day = 50% involvement).	>75% = 20 26-75% = 10 <25% = 5	10				
SECTION 2: BUSINESS PLAN						
<i>Sub-Section 2A: OPERATIONS</i>						
<i>Standard operating procedures; finances; employee training.</i>	<u>SCORING CRITERIA</u>	Retail or Delivery Only Dispensary	Manufacturer Processor	Testing Laboratory	Nursery	Distribution
<u>Standard Operating Procedures (SOP)</u> - Overall quality and detail of the proposed operating procedures for ALL aspects of the proposed business, including the extent to which the applicant incorporated industry best practices into the operating procedures. The Applicant should show specific examples of where the practices they included have worked before.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	10				
<u>Financial Plan</u> - Financial plan and/or budget to start-up and operate the business (e.g. business pro forma, cash flow, accounting procedures, etc.). Proposal should provide clear and complete details about the financial position, plan & operating procedures of business.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	10				
<u>Funding/Proof of Capitalization</u> - Demonstration of access to adequate operational capital and/or on-going line of credit once business is operational. <i>LOAN FROM PARENT</i>	Provided? Yes = 10 No = 0	10				

* The City only allows up to 10 Manufacturer – Processor businesses, therefore, applicants must earn a minimum score of 176 to be considered a suitable cannabis Manufacturer – Processor business.

Y / L / N: "Y" = Yes (10 Points) "L" = Lacking some level of detail or information (5 Points) "N" = No (0 Points)						
<u>Records Software</u> - Standard operating procedures include electronic tracking and storage of required records of sales, delivery manifests, and inventory.	Y / L / N	Y 10				
<u>Track-and-Trace</u> - Standard operating procedures include detailed California Cannabis Track-and-Trace (CCTT) procedures as outlined by the State.	Y / L / N	Y 10				
<u>State Testing Requirements</u> - Standard operating procedures include plans and procedures for ensuring all cannabis products on the premises or held by the applicant have met the testing requirements as defined by the State.	Y / L / N	Y				
<u>Employee Training</u> - Quality of proposed employee training, for example, training on differences in products, potency of products, customer service, and/or laws governing "adult use" vs medical use.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	10				
<u>Customer Education</u> - Quality and detail of plan for educating customers regarding cannabis products, including the potency and effects of products, as well as variety.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	10				
<u>Marketing</u> - Detail of the key aspects of the marketing strategy that would be generated and incorporated into the marketing plan. The proposed marketing strategy must describe compliance with local regulations related to advertising (e.g. signage, etc.)	Provided? Y = 5 N = 0	5				
<u>Sub-Section 2B: COMMUNITY BENEFITS</u> <i>Benefits the business will provide to the community and its ability to serve Grass Valley.</i>	<u>SCORING CRITERIA</u>	Retail or Delivery Only Dispensary	Manufacturer Processor	Testing Laboratory	Nursery	Distribution
The business will further the City Council's goals to support and promote the quality of life, enhance the local community and charm, and help sustain the local economy through a community engagement plan that demonstrates an understanding of the community, its values and unique aspects, and how the business will integrate into the community. The plan must address:	Awarded on level of detail compared to other proposals. Completely addresses the questions and provides detailed answer for each component of question = 20 Answers each component of the question, but with less detail or missing some information = 15 Least complete or failing to answer on or more components of the question = 10 Does not address = 0	15				
1. How the business plans to create well-paying, high quality jobs with benefits via a share in ownership, management, or other employment opportunities. 2. How the business plans to assist organizations in our community that provide help to those persons most harmed by cannabis criminalization and poverty? (e.g. mobile crisis team, crystal ridge rehab) 3. How the business plans to work with local non-profits and other community groups. Non-profits or groups located in Grass Valley or serving Grass Valley are preferred. 4. How the business plans to educate the youth in the community about the dangers of substance abuse. Such planned outreach may include local schools and youth groups (e.g. high schools, NEO, etc.)						
<u>Sub-Section 2C: PRODUCT OFFERINGS</u> <i>Quality and variety of cannabis strains and derivative product offerings.</i>	<u>SCORING CRITERIA</u>	Retail or Delivery Only Dispensary	Manufacturer Processor	Testing Laboratory	Nursery	Distribution
<u>Product Procurement</u> - Detail of procurement plan, such as due diligence performed prior to executing purchase contracts and quality control of incoming products.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	10				

SECTION 4: SECURITY PLAN						
Safety and Security Program (*Security plans will not be made public)	SCORING CRITERIA	Retail or Delivery Only Dispensary	Manufacturer	Testing Laboratory	Nursery	Distribution
			Processor			
<u>Security Experience</u> - Experience of individual/firm designing the security plan. Individual/ firm should be identified, and experience described. If delivery services are proposed with a retail application, include information on the quality of delivery driver security, safety procedures, and vehicle security, including driver education related to potential hazards and response thereto.	Very experienced = 15 Minimal experience or missing information = 10 No experience or missing substantial information = 0	10				
<u>Background Checks</u> - The City requires the use of background checks in the employee hiring process. Provide detail about level of checks and use of the information obtained.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15				
<u>Employee Safety Education</u> - Quality of employee safety education plan, including training regarding product handling, burglary protocols, robbery protocols, and other potential hazards of the cannabis business.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15				
<u>Employee Theft Reduction Measures</u> - Quality and extensiveness of employee theft reduction measures, including audits and check in/out.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15				
<u>Cash Management Plan</u> - Quality and detail of cash management plan, including cash counting/ reconciliation procedures, cash storage, cash transport, deposit into a banking institution (if any), and employee training.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15				
<u>Product Access Protocols</u> - Business plan details product access protocols. Product access protocols must include, but are not limited to, a separate check-in area where identification is checked to ensure that only qualified employees gain access to where cannabis products are stored.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15				
<u>Product Deliveries</u> - Quality of plan for securing product deliveries to the business (i.e. from delivery vehicles to building).	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15				
<u>Security Guards</u> - Quality of the anticipated security guard plan for the business, including number of guards, hours, protocols, and day-to-day procedures/operations.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15				
<u>Video Camera Surveillance</u> - Security plan includes video camera surveillance. Additionally, overall quality of the applicant's plan to use cameras, including number of cameras, locations, resolution, and how long footage is saved and how access is granted by investigative/regulatory agencies	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15				

SECTION 3: NEIGHBORHOOD COMPATIBILITY & ENHANCEMENT

How the business will fit into the community and the extent to which proposed operation will enhance the neighborhood.	SCORING CRITERIA	Retail or Delivery Only Dispensary	Manufacturer Processor	Testing Laboratory	Nursery	Distribution
<u>Exterior Design Concept</u> - Quality and detail of a contextual exterior design which reflects the best of the City's architectural traditions, the use of quality materials and the level of investment that can be expected for the architecture, landscaping, signage, lighting, entry experience, parking, etc. The quality will be judged, in part, by fit within the city (integration into existing urban fabric and architectural landscape).	Exceedingly detailed design that incorporates the City's design guidelines and architecture = 10 Design incorporates some elements of Grass Valley design and architecture = 5 Minimal to no changes to building design = 0	10				
<u>Integration of Security Measures</u> - Quality and detail of applicant's plan to integrate security enhancements into the physical design/concept, so as not to be overly noticeable by customers or the public. Applicant should provide details about physical and technological security components as well as crime prevention efforts through environmental and site planning.	Exceedingly detailed plan that demonstrates subtle and effective security measures = 10 Minimal detail = 5 No security enhancements proposed as part of the design = 0	5				
<u>Air Quality/Odor Control</u> - Describe the proposed ventilation and air purification system, including its demonstrated effectiveness and any geographical nuisance mitigation (should include examples of where a similar system has worked effectively).	Exceedingly detailed = 10 Lacking detail & missing some information = 5 Missing substantial information = 0	5				



CITY OF GRASS VALLEY

COMMERCIAL CANNABIS APPLICATION REVIEW CRITERIA (EXHIBIT A)

Proposals will be ranked by benchmarking some responses based on the following criteria: "Exceedingly Detailed," "Lacking Detail & Missing Some Information," and "Much Less Detailed" or "Missing Substantial Information." Missing Substantial Information means the Review Committee cannot adequately assess the information to make an informed conclusion.

NUG

Item # 2.

JONATHAN COLLIER

SCREENING APPLICATION POINT SCORING TABLE						
SECTION 1: QUALIFICATIONS OF OWNERS/ OPERATORS						
<i>Special business or professional qualifications and experience, or licenses of the owners and/or operators that would add to the quality of service.</i>	<u>SCORING CRITERIA</u>	Retail or Delivery Only Dispensary	Manufacturer Processor*	Testing Laboratory	Nursery	Distribution
<u>Experience</u> - Business Owner's experience in owning, managing, and operating the type of cannabis business for which the license is being sought. (Business Owner means the State definition of owner in the State Business and Professions Code 26001 AND all persons, companies, or entities that will be directing, controlling, and/or managing the day-to-day operations of the business.) Only experience from legal activities will be considered. If multiple owners, the City will use the average experience of all owners.	2+ Yrs. = 20 Pts 1-2 Yrs. = 10 Pts 0 Yrs. = 0 Pts	20				
<u>Cannabis Industry Knowledge</u> - Knowledge of the cannabis industry (as demonstrated throughout this screening application), including identification of how industry best practices and state regulations have been incorporated in existing/prior legal business outside the City of Grass Valley.	Exceedingly detailed = 10 Lacking detail & missing some information = 5 Much less detailed = 0	10				
<u>Ownership Team</u> - Involvement of the business owners in on site day-to-day operation, by percentage (%), of the business. Percentage is based on expected hours of direct involvement in operations measured against proposed hours of operation (e.g. if owner works 5 hrs./day when business is open 10 hrs./day = 50% involvement).	>75% = 20 26-75% = 10 <25% = 5	5				
SECTION 2: BUSINESS PLAN						
<i>Sub-Section 2A: OPERATIONS</i>						
<i>Standard operating procedures; finances; employee training.</i>	<u>SCORING CRITERIA</u>	Retail or Delivery Only Dispensary	Manufacturer Processor	Testing Laboratory	Nursery	Distribution
<u>Standard Operating Procedures (SOP)</u> - Overall quality and detail of the proposed operating procedures for ALL aspects of the proposed business, including the extent to which the applicant incorporated industry best practices into the operating procedures. The Applicant should show specific examples of where the practices they included have worked before.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	10				
<u>Financial Plan</u> - Financial plan and/or budget to start-up and operate the business (e.g. business pro forma, cash flow, accounting procedures, etc.). Proposal should provide clear and complete details about the financial position, plan & operating procedures of business.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	10				
<u>Funding/Proof of Capitalization</u> - Demonstration of access to adequate operational capital and/or on-going line of credit once business is operational.	Provided? Yes = 10 No = 0	10				

* The City only allows up to 10 Manufacturer – Processor businesses, therefore, applicants must earn a minimum score of 176 to be considered a suitable cannabis Manufacturer – Processor business.

Y / L / N: "Y" = Yes (10 Points) "L" = Lacking some level of detail or information (5 Points) "N" = No (0 Points)						
Records Software - Standard operating procedures include electronic tracking and storage of required records of sales, delivery manifests, and inventory.	Y / L / N	10				
Track-and-Trace - Standard operating procedures include detailed California Cannabis Track-and-Trace (CCTT) procedures as outlined by the State.	Y / L / N	5				
State Testing Requirements - Standard operating procedures include plans and procedures for ensuring all cannabis products on the premises or held by the applicant have met the testing requirements as defined by the State.	Y / L / N	10				
Employee Training - Quality of proposed employee training, for example, training on differences in products, potency of products, customer service, and/or laws governing "adult use" vs medical use.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	10				
Customer Education - Quality and detail of plan for educating customers regarding cannabis products, including the potency and effects of products, as well as variety.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	10				
Marketing - Detail of the key aspects of the marketing strategy that would be generated and incorporated into the marketing plan. The proposed marketing strategy must describe compliance with local regulations related to advertising (e.g. signage, etc.)	Provided? Y = 5 N = 0	5				
Sub-Section 2B: COMMUNITY BENEFITS Benefits the business will provide to the community and its ability to serve Grass Valley.	SCORING CRITERIA	Retail or Delivery Only Dispensary	Manufacturer Processor	Testing Laboratory	Nursery	Distribution
The business will further the City Council's goals to support and promote the quality of life, enhance the local community and charm, and help sustain the local economy through a community engagement plan that demonstrates an understanding of the community, its values and unique aspects, and how the business will integrate into the community. The plan must address:	Awarded on level of detail compared to other proposals. Completely addresses the questions and provides detailed answer for each component of question = 20 Answers each component of the question, but with less detail or missing some information = 15 Least complete or failing to answer on or more components of the question = 10 Does not address = 0	10				
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Sub-Section 2C: PRODUCT OFFERINGS Quality and variety of cannabis strains and derivative product offerings.	SCORING CRITERIA	Retail or Delivery Only Dispensary	Manufacturer Processor	Testing Laboratory	Nursery	Distribution
Product Procurement - Detail of procurement plan, such as due diligence performed prior to executing purchase contracts and quality control of incoming products.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	10				

SECTION 3: NEIGHBORHOOD COMPATIBILITY & ENHANCEMENT						
How the business will fit into the community and the extent to which proposed operation will enhance the neighborhood.	SCORING CRITERIA	Retail or Delivery Only Dispensary	Manufacturer Processor	Testing Laboratory	Nursery	Distribution
<u>Exterior Design Concept</u> - Quality and detail of a contextual exterior design which reflects the best of the City's architectural traditions, the use of quality materials and the level of investment that can be expected for the architecture, landscaping, signage, lighting, entry experience, parking, etc. The quality will be judged, in part, by fit within the city (integration into existing urban fabric and architectural landscape).	Exceedingly detailed design that incorporates the City's design guidelines and architecture = 10 Design incorporates some elements of Grass Valley design and architecture = 5 Minimal to no changes to building design = 0	10				
<u>Integration of Security Measures</u> - Quality and detail of applicant's plan to integrate security enhancements into the physical design/concept, so as not to be overly noticeable by customers or the public. Applicant should provide details about physical and technological security components as well as crime prevention efforts through environmental and site planning.	Exceedingly detailed plan that demonstrates subtle and effective security measures = 10 Minimal detail = 5 No security enhancements proposed as part of the design = 0	10				
<u>Air Quality/Odor Control</u> - Describe the proposed ventilation and air purification system, including its demonstrated effectiveness and any geographical nuisance mitigation (should include examples of where a similar system has worked effectively).	Exceedingly detailed = 10 Lacking detail & missing some information = 5 Missing substantial information = 0	10				

SECTION 4: SECURITY PLAN						
<i>Safety and Security Program</i> <i>(*Security plans will not be made public)</i>	<u>SCORING</u> <u>CRITERIA</u>	Retail or Delivery Only Dispensary	Manufacturer Processor	Testing Laboratory	Nursery	Distribution
<u>Security Experience</u> - Experience of individual/firm designing the security plan. Individual/ firm should be identified, and experience described. If delivery services are proposed with a retail application, include information on the quality of delivery driver security, safety procedures, and vehicle security, including driver education related to potential hazards and response thereto.	Very experienced = 15 Minimal experience or missing information = 10 No experience or missing substantial information = 0	10				
<u>Background Checks</u> – The City requires the use of background checks in the employee hiring process. Provide detail about level of checks and use of the information obtained.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15				
<u>Employee Safety Education</u> - Quality of employee safety education plan, including training regarding product handling, burglary protocols, robbery protocols, and other potential hazards of the cannabis business.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15				
<u>Employee Theft Reduction Measures</u> - Quality and extensiveness of employee theft reduction measures, including audits and check in/out.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	10				
<u>Cash Management Plan</u> - Quality and detail of cash management plan, including cash counting/ reconciliation procedures, cash storage, cash transport, deposit into a banking institution (if any), and employee training.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	10				
<u>Product Access Protocols</u> - Business plan details product access protocols. Product access protocols must include, but are not limited to, a separate check-in area where identification is checked to ensure that only qualified employees gain access to where cannabis products are stored.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	10				
<u>Product Deliveries</u> - Quality of plan for securing product deliveries to the business (i.e. from delivery vehicles to building).	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	10				
<u>Security Guards</u> - Quality of the anticipated security guard plan for the business, including number of guards, hours, protocols, and day-to-day procedures/operations.	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	15				
<u>Video Camera Surveillance</u> - Security plan includes video camera surveillance. Additionally, overall quality of the applicant's plan to use cameras, including number of cameras, locations, resolution, and how long footage is saved and how access is granted by investigative/regulatory agencies	Exceedingly detailed = 15 Lacking detail & missing some information = 10 Missing substantial information = 0	16				



City of Grass Valley City Council Agenda Action Sheet

Title: Assembly Bill 361 Resolution

Recommendation: Adopt resolution R2022-60 authorizing remote teleconference meetings of the City Council and other legislative bodies of the City pursuant to government code section 54953(e)

Prepared by: Taylor Day, Deputy City Clerk

Council Meeting Date: 7/12/2022

Date Prepared: 7/7/2022

Agenda: Consent

Background Information: On March 4, 2020, the Governor of California proclaimed a state of emergency pursuant to government code section 8625. Assembly Bill 361 went into effect October 1st, 2021, it allows legislative bodies to hold public meetings by teleconference without reference to otherwise applicable requirements in the Government Code section 54953(b)(3). The option for teleconferencing is allowed so long as the legislative body complies with certain requirements, there exists a declared state of emergency, and one of the following circumstances is met: 1) State or local officials have imposed or recommended measures to promote social distancing. 2) The legislative body (City Council) is holding the meeting for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees. 3) The legislative body (City Council) has determined, by majority vote, that meeting in person would present imminent risks to the health or safety of attendees. This action will allow City Council and all other legislative bodies to continue with virtual meetings as has been done throughout the COVID-19 pandemic. Live streamed meetings will continue to be available via the City's website, as will the option to leave public comments in real time via voicemail or email.

Council Goals/Objectives: Approval of AB 361 Resolution executes portions of City Strategic Goal #6: Public Safety. The City of Grass Valley is devoted to providing a safe Place to Live, Work and Play.

Fiscal Impact: N/A

Funds Available: N/A

Account #: N/A

Reviewed by: ___ City Manager

Attachments: R2022-60

RESOLUTION NO. 2022-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY
AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY COUNCIL
AND OTHER LEGISLATIVE BODIES OF THE CITY PURSUANT TO GOVERNMENT
CODE SECTION 54953(e)

WHEREAS, Government Code section 54953(e), as amended by Assembly Bill No. 361, allows legislative bodies to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as the legislative body complies with certain requirements, there exists a declared state of emergency, and one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is holding the meeting for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body has determined, by majority vote, that meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, the Governor of California proclaimed a state of emergency pursuant to Government Code section 8625 on March 4, 2020; and

WHEREAS, the City Council previously adopted Resolution No. 59 on October 26, 2021 finding that the requisite conditions exist for the City Council and other legislative bodies of the City, including the Planning Commission, Development Review Commission, and Historical Commission to conduct teleconference meetings under California Government Code section 54953(e); and

WHEREAS, Government Code section 54953(e)(3) requires the legislative body adopt certain findings by majority vote within 30 days of holding a meeting by teleconference under Government Code section 54953(e), and then adopt such findings every 30 days thereafter; and

WHEREAS, the City Council desires to continue holding its public meetings by teleconference consistent with Government Code section 54953(e), and to authorize other legislative bodies of the City, including the Planning Commission, Development Review Commission, and Historical Commission to do the same.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRASS VALLEY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Conditions are Met. The City Council hereby finds and declares the following, as required by Government Code section 54953(e)(3):

1. The City Council has reconsidered the circumstances of the state of emergency declared by the Governor pursuant to his or her authority under Government Code section 8625; and
2. The state of emergency continues to directly impact the ability of members of the City Council and other legislative bodies of the City to meet safely in person.

Section 3. Meeting Requirements. All meetings held pursuant to Government Code section 54953(e) shall comply with the requirements of that section and all other applicable provisions of the Ralph M. Brown Act (Government Code section 54950 et seq.).

Section 4. Regular Findings. Pursuant to Government Code section 54953(e)(3), if the Town Council desires to continue holding its public meetings by teleconference consistently with Government Code section 54953(e), it shall make findings not later than 30 days after the meeting at which this Resolution was adopted, and every 30 days thereafter, as required by that section.

Section 5. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of City of Grass Valley, this 12th day of July, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ben Aguilar, Mayor

ATTEST:

APPROVED AS TO FORM:

Taylor Day, Deputy City Clerk

Michael Colantuono, City Attorney



City of Grass Valley City Council Agenda Action Sheet

Title: Local Emergency Proclamation (COVID-19)

Recommendation: Continuance of Novel Coronavirus (COVID-19) proclamation declaring a Local State of Emergency

Prepared by: Timothy M. Kiser, City Manager

Council Meeting Date: 7/12/2022

Date Prepared: 7/7/2022

Agenda: Consent

Background Information: On March 5, 2020 the City Manager, acting as the Director of Emergency Services for the City of Grass Valley and the Disaster Council (Vice Mayor Aguilar and Councilmember Arbuckle), declared a local State of Emergency to ensure emergency personnel can obtain equipment and resources in the most timely and effective manner. In accordance with the Emergency Services Act Section 8630 (b) the governing body must ratify the declared emergency within 7 days for it to remain in effect. On March 10, 2020, at the Grass Valley City Council Meeting, the City Council approved Resolution 2020-09, Proclamation of Local Emergency. The City Council shall review, at its regularly scheduled meeting until the local emergency is terminated, the need for continuing the local emergency.

Council Goals/Objectives: Continuance of the proclamation declaring a Local State of Emergency due to prepare against coronavirus COVID-19 executes portions of City Strategic Goal #6: Public Safety. The City of Grass Valley is devoted to providing a safe Place to Live, Work and Play.

Fiscal Impact: The changing variants of COVID19 make it very difficult to anticipate the Fiscal Impact moving forward. For FY 2022/23, it appears the impacts will be minimal compared to previous years, but due to the constantly changing impacts of COVID-19 the actual fiscal impact may change.

Funds Available: N/A

Account #: N/A

Reviewed by: ___ City Manager

Attachments: None



City of Grass Valley City Council Agenda Action Sheet

Title: Local Emergency Proclamation (Drought Conditions)

Recommendation: Drought Conditions proclamation declaring a Local State of Emergency

Prepared by: Timothy M. Kiser, City Manager

Council Meeting Date: 7/12/2022

Date Prepared: 7/7/2022

Agenda: Consent

Background Information: On May 10, 2021, Governor Newsom modified a State of Emergency Proclamation that declared that a State of Emergency to exist in California due to severe drought conditions to include 41 counties, including Nevada County. The Proclamation directed state agencies to partner with local water suppliers to promote conservation through the Save Our Water campaign, a critical resource used by Californians during the 2012-2016 drought. Some municipalities have already adopted mandatory local water-saving requirements, and many more have called for voluntary water use reductions.

Nevada Irrigation District (NID) declared a drought emergency throughout the District's service area on April 28, 2021, which includes portions of the City of Grass Valley, and requested that customers conserve 10 percent of their normal water usage. Both NID and Nevada City have now mandated at least 20% conservation requirements.

On June 22, 2021, City Council approved Resolutions No. 2021-41 declaring a local emergency due to drought conditions and No.2021-42 mandating water conservation. All treated Water Customers are required to reduce water use by 20%.

Council Goals/Objectives: This resolution executes portions of work tasks towards achieving/maintaining Strategic Plan - Water and Wastewater Systems and Underground Infrastructure. The City of Grass Valley is devoted to providing a safe Place to Live, Work and Play.

Fiscal Impact: The Fiscal Impact to the Water Fund should be minor, but if the drought continues for several years the impact could be more significant.

Funds Available: N/A

Account #: N/A

Reviewed by: ___ City Manager



City of Grass Valley City Council Agenda Action Sheet

Title: Local Emergency Proclamation (Winter Storm of December 27th, 2021)

Recommendation: Winter Storm of December 27th, 2021 proclamation declaring a Local State of Emergency

Prepared by: Timothy M. Kiser, City Manager

Council Meeting Date: 7/12/2022

Date Prepared: 7/7/2022

Agenda: Consent

Background Information: Due to conditions of extreme peril to the safety of persons and property have arisen within the City of Grass Valley, caused by the winter storm of December 26 and 27, 2021 which has cut power, downed trees, blocked roads and created other hazards to health and human safety commencing on or about 12:00 midnight on the 26th day of December, 2021, at which time the City Council of the City of Grass Valley was not in session. The city found it necessary to proclaim the existence of a local emergency throughout the city.

Council Goals/Objectives: This resolution executes portions of work tasks towards achieving/maintaining Strategic Plan - Public Safety. The City of Grass Valley is devoted to providing a safe Place to Live, Work and Play.

Fiscal Impact: The Fiscal Impact of the December 2021 Storm is being estimated at \$590,000 for City related property and public right of way. Hopefully, about 75% of these cost should be reimbursable due to the County of Nevada and the State of California declaring a State of Emergency for our area.

Funds Available: N/A

Account #: N/A

Reviewed by: ___ City Manager



City of Grass Valley City Council Agenda Action Sheet

Title: Appointment of Council Member Arbuckle as the voting delegate and Council Member Ivy and Council Member Bob Branstrom as alternates for League of California Cities 2022 Annual Conference meeting

Recommendation: That Council appoint Council Member Arbuckle as the voting delegate and Council Member Ivy and Council Member Bob Branstrom as the alternates for the 2022 League Annual Conference on September 7-9, 2022.

Prepared by: Taylor Day, Deputy City Clerk

Council Meeting Date: 07/12/2021

Date Prepared: 07/07/2021

Agenda: Consent

Background Information: The Council is required to appoint voting delegates and alternates for the Annual Business meeting which takes place as part of the annual conference. It is recommended that Vice Mayor Arbuckle be appointed as the primary voting delegate (she has served in this capacity previously) and Council Member Ivy and Council Member Bob Branstrom be appointed as alternates.

Council Goals/Objectives: The item executes portions of work tasks towards achieving/maintaining Strategic Plan -High Performance Government and Quality Service.

Fiscal Impact: N/A

Funds Available: N/A

Account #: N/A

Reviewed by: _____ City Manager



City of Grass Valley City Council Agenda Action Sheet

Title: 2022 Annual Measure E Street Rehabilitation Project - Authorization to Bid

Recommendation: That Council 1) approve the findings that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA); and 2) authorize the advertisement for bids.

Prepared by: Bjorn P. Jones, PE, City Engineer

Council Meeting Date: 7/12/2022

Date Prepared: 7/6/2022

Agenda: Consent

Background Information: The 2022 Annual Measure E Street Rehabilitation Project involves the resurfacing of Idaho Maryland Road from E Main Street (including the roundabout) to approximately 250 feet east of Railroad Avenue, the entire length of Scandling Avenue, and Sierra College Drive from E Main Street to Litton Dr (including the roundabout). Project work includes pavement grinding, overlay and replacements, utility adjustments, striping and marking.

The street improvements associated with this project are exempt from environmental review pursuant to Section 15301 "Existing Facilities" of the CEQA Guidelines.

Copies of the plans and specifications for the 2022 Annual Measure E Street Rehabilitation Project are available for review in the Engineering Division office at City Hall. The total project cost is estimated at \$1,000,000.

The award of a construction contract is anticipated to occur in August 2022, with construction to follow in Fall 2022. Staff requests that Council authorize the bidding process for construction of this project.

Council Goals/Objectives: The 2022 Annual Measure E Street Rehabilitation Project executes portions of work tasks towards achieving/maintaining Strategic Plan Goal - City Infrastructure Investment

Fiscal Impact: The 2022 Annual Measure E Street Rehabilitation Project was fully funded in the FY 22/23 CIP Budget with Measure E funds.

Funds Available: Yes

Account #: 300-406-63850

Reviewed by: ____ City Manager



City of Grass Valley City Council Agenda Action Sheet

Title: Promotion of Deputy Fire Marshal to Fire Marshal

Recommendation: That Council 1) approve the Fire Department's proposal to enhance services with the promotion of the Fire Captain Deputy Fire Marshal to Battalion Chief Fire Marshal 2) approve the updated job description for Fire Marshal Battalion Chief.

Prepared by: Mark Buttron - Fire Chief

Council Meeting Date: 07-05-2022

Date Prepared: 07-12-2022

Agenda: Consent

Background Information: As the fire service expectations for our community expand, the demand for expansion of the fire department increases. There are various components that impact the Fire Department's delivery of Fire Prevention and associated tasks. One of the main priorities we need to address is the need for improved oversight to ensure each component is operating at the highest level. Our current structure hinders our ability to prepare for the future growth of the City effectively and efficiently. We need to ensure we can adequately address Fire Department needs related to staffing, future planning, and general daily operational and administrative functions through personnel development and succession planning.

To ensure we are prepared to address existing and future demands, the Fire Department is proposing to promote the current Captain Deputy Fire Marshal to Battalion Chief Fire Marshal. The position will allow greater autonomy within the Fire Prevention sector and help ensure the Grass Valley Fire Department is prepared to address the quickly increasing current and future service demands of the City.

Council Goals/Objectives: The enhanced services and staffing of the Fire Department are consistent with the City Strategic Plan related to Public Safety.

Fiscal Impact: The estimated annualized fiscal impact of the cost difference between Fire Captain Deputy Fire Marshal to Battalion Chief Fire Marshal is \$18,000. Funding for this position will be provided from a split between the City's General Fund and Measure E Fund at 80% and 20%, respectively. These funds are currently available through anticipated salary savings and fund balances; and will be incorporated into the base budget with the FY 2022-23 Mid-Year update to be presented to the City Council in late February 2022.

Funds Available:

Account #: Measure E Fund \$ 14,400
General Fund \$ 3,600

Reviewed by:

Attachments: Fire Marshal Battalion Chief Job Description



**FIRE MARSHAL
Battalion Chief**

Department: Fire Department

FSLA Status: Exempt

Reports To: Fire Chief or Designee

Unit: 1

Working Title: Fire Marshal

Work Week: 40 Hour

Adopted: June 28, 2022

Revised: June 22, 2022

SUMMARY OF JOB PURPOSE

The Fire Marshal is responsible for managing and/or performing the functions of the Fire Prevention Bureau and responding to emergency incidents at the discretion of the fire chief. Responsibilities may include fire investigation, code enforcement, plan review, public education, fire and permit inspections, public information, and emergency response.

SUPERVISION RECEIVED AND EXERCISED

Immediate supervision may be provided by the Fire Chief or the Fire Chief's designee. The incumbent may supervise subordinate positions within the Fire Prevention Bureau.

ESSENTIAL FUNCTIONS (includes but is not limited to listed tasks)

- Perform fire and life safety inspections and other fire related inspections on commercial, industrial, residential or state licensed facilities;
- Perform plan checks on all building, development, fire protection systems, site and grading plans;
- Inspect new and modified fire protection systems;
- Conduct fire and life safety inspections for special events and public gatherings;
- Investigate complaints regarding violations of fire related codes and ordinances;
- Provide technical information related to fire prevention to the public, cooperators and the development community;
- Provide and/or supervise fire prevention public education programs to schools, businesses and organized groups;
- Conduct new construction inspections for compliance with fire and fire related codes, test fire protection systems and alarms;
- Investigate and resolve complaints regarding fire prevention code and ordinance violations;
- Provide fire prevention related technical information to various stakeholders within the community;
- Attend and participate in professional group meetings; stay informed of trends in fire prevention and investigation codes, ordinances and standards;
- Manage and/or provide fire prevention public education programs;
- Manage the company inspection program and provide related training as required;
- Implement and manage hazardous vegetation inspection/abatement program. Prepare and process liens for non-compliance/code violators;
- Maintain records and prepare reports on fire prevention bureau activities.



FIRE MARSHAL

In the areas of fire law enforcement and fire investigation:

- Enforce fire related laws, codes and ordinances;
- Conduct fire investigations and prepare case reports;
- Assist other agencies in investigative activities;
- Plan, write, and execute search warrants. May make arrests or issue citations for crimes committed under fire related laws, codes or ordinances;

In the areas of emergency operations:

- Respond to emergencies and fire alarms as necessary. May be assigned ICS staff positions for which he/she has been qualified;
- Support incident operations as Safety Officer, Staging Area Manager, Accountability Officer, Public Information Officer, and other ICS positions as required;
- Prepare media releases and distribute to media;
- Conduct and/or participate in training exercises and classes.

In the areas of personnel management and administration

- Supervise, direct, coordinate, and evaluate the work of assigned subordinate staff;
- Provide training to subordinate staff;
- Make necessary purchases consistent with city policy and department approval processes;
- Perform related duties as required or directed.

QUALIFICATIONS

The following generally describes the knowledge and ability required to enter the job and/or be learned within a short period of time in order to successfully perform the assigned duties.

Knowledge of:

- Fire, Building, Residential and Municipal Codes;
- Code enforcement and inspection methods;
- Commercial and residential construction;
- Fire protection system and inspection testing methods
- Building pre-plans;
- Fire behavior;
- The Incident Command System;
- Personnel Management and Supervision
- Basic computer skills;
- English language usage, spelling, grammar and punctuation.

Skills in:

- Working effectively with other city department employees in the development review process;
- Working effectively with the development and construction industry;
- Maintaining accurate records, files, and reports.



FIRE MARSHAL

Ability to:

- Administer the Fire Prevention Bureau objectives on a daily basis;
- Work with minimal supervision;
- Recognize, prioritize and complete necessary tasks;
- Communicate clearly and concisely both verbally and in writing;
- Establish and maintain cooperative relationships with those contacted in the course of work;
- Work in a rapidly changing environment.

EDUCATION AND EXPERIENCE

Any combination of education and experience that would demonstrate the knowledge, skills and abilities as outlined above is qualifying.

- High school diploma or General Education Degree (two- or four-year degree preferred);
- Minimum eight years fire experience with experience in fire prevention/code enforcement.

CERTIFICATES, LICENSES, REGISTRATIONS

- Must have a valid Class C California Driver's License appropriate for operating all fire apparatus with an acceptable driving record and pass an appropriate background check prior to hire date;
- Certification from the California P.O.S.T., governing laws of arrest, search, and seizure as described in Section 832 of the California Penal Code within 6 months from date of appointment;

At time of application the applicant shall have completed:

Course work for Fire Inspector I
Course work for Fire Inspector II
Fire Investigation 1A and 1B

The Fire Marshal shall complete the California State Fire Marshal Task book for Fire Inspector I within 13 months of appointment.

Required Course Work:

1. Fire Inspector 1 A
2. Fire Inspector 1 B
3. Fire Inspector 1C
4. Fire Inspector 1D
5. Fire Investigation 1A
6. Fire Investigation 1B
7. Fire Investigation 1C
5. Fire Inspector 2 A
6. Fire Inspector 2 B
7. Fire Inspector 2 C
8. Fire Inspector 2 D
9. PC 832 Arrest Search and Seizure

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.



FIRE MARSHAL

LANGUAGE SKILLS

Ability to read, write and communicate in English at a level required for successful job performance.

MATHEMATICAL SKILLS

Ability to use and understand basic mathematical concepts such as: adding, subtracting, multiplying, dividing, simple fractions and percentages.

REASONING ABILITY

Ability to understand and carry out instructions provided in written, oral or diagram form; analyze and resolve problems involving circumstances and or events using standardized methods or procedures.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

While performing the duties of this job the employee is regularly required to stand, walk, sit, drive, use hands and fingers, handle or feel, reach with hands and arms, grasp, hold, and manipulate tools, and talk and hear. The employee is occasionally required to climb, balance and stoop, kneel, crouch, or crawl and must frequently lift and/or carry up to 100 pounds. Hear in the normal audio range with or without correction. Specific vision ability required by this job includes close vision, color vision, peripheral vision, depth perception and ability to adjust focus with or without ocular aids. The employee must be able to work in variable temperatures and weather conditions and have the ability and willingness to work around and to tolerate unpleasant odors and objectionable substances common to the field.

Must be free from any physical, emotional, and/or mental condition which might adversely affect the ability to perform essential job functions.

WORKING ENVIROMENT

While performing the duties of this job the employee is regularly exposed to outside conditions, wet and/or humid conditions, rain, snow, and heat. The employee is occasionally exposed to risk of extreme temperatures, inclement weather, hazardous chemicals, biohazards, and injury.

GENERAL

The City reserves the right to revise or change classification duties and responsibilities as the need arises. This description does not constitute a written or implied contract of employment.



City of Grass Valley City Council Agenda Action Sheet

Title: Introduction of an ordinance amending section 9.08.030 of chapter 9.08 of Title 9 of the Grass Valley Municipal Code regarding offenses against public peace and decency

Recommendation: Introduce the attached ordinance, waive full reading, and read by Title Only

Prepared by: Alexander K. Gammelgard, Chief of Police

Council Meeting Date: July 12, 2022

Date Prepared: July 7, 2022

Agenda: Administrative

Background Information:

Section 9.08.030 of the Grass Valley Municipal Code generally prohibits possessing an open container of an alcoholic beverage or consuming an alcoholic beverage in most public spaces, and under existing code makes violation of that rule a misdemeanor. State law categorizes the same violation as an infraction (Bus. & Prof. Code, § 25620). Generally, a local ordinance cannot be more punitive than a similar state law.

The attached ordinance will amend existing Grass Valley Municipal Code to designate the violation of section 9.08.030 as an infraction rather than a misdemeanor.

Council Goals/Objectives: The execution of this action attempts to achieve Strategic Goal #6 - Exceptional Public Safety

Fiscal Impact: None.

Funds Available: N/A

Account #: N/A

Reviewed by:

Attachments: Ordinance amending 9.08.030

ORDINANCE NO. 817**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AMENDING SECTION 9.08.030 OF CHAPTER 9.08 OF TITLE 9 OF THE GRASS VALLEY MUNICIPAL CODE REGARDING OFFENSES AGAINST PUBLIC PEACE AND DECENCY**

WHEREAS, Section 9.08.030 of the Grass Valley Municipal Code generally prohibits possessing an open container of an alcoholic beverage or consuming an alcoholic beverage in most public spaces, and makes violation of that rule a misdemeanor; and

WHEREAS, state law categorizes the same violation as an infraction (Bus. & Prof. Code, § 25620); and

WHEREAS, the City Council wishes to align the Municipal Code with state law on this subject.

NOW THEREFORE, THE COUNCIL OF THE CITY OF GRASS VALLEY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. CODE AMENDMENT. Subsection E of Section 9.08.030 of Chapter 9.08 of Title 9 of the Grass Valley Municipal Code is amended to read as follows:

E. Violation of this section constitutes an infraction.

SECTION 2. CEQA FINDINGS. This Ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential to result in physical change in the environment, directly or indirectly. This Ordinance is also exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The City Council of the City of Grass Valley declares that it would have adopted this Ordinance and each section, subsection,

sentence, clause, phrase, or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect 30 days after its adoption.

SECTION 5. PUBLICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once in *The Union*, a newspaper of general circulation printed, published, and circulated within the City.

INTRODUCED and first read at a regular meeting of the City Council on the ____ day of _____ 2022.

FINAL PASSAGE AND ADOPTION by the City Council was at a meeting held on the ____ day of _____ 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Ben Aguilar, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael G. Colantuono, City Attorney

Andy Heath, Acting City Clerk



City of Grass Valley City Council Agenda Action Sheet

Title: Fire Prevention Vegetation Inspection Program and Fee (Draft Proposal)

Recommendation: That Council provide staff direction on a potential Fire Prevention Vegetation Inspection Program.

Prepared by: Timothy M. Kiser, City Manager

Council Meeting Date: 7/12/2022

Date Prepared: 7/7/2022

Agenda: Administrative

Background Information: Over the last few years, the City's Fire Department has put together and implemented a vegetation management program. This program has been very successful in bringing properties into compliance with our current ordinance. The next step would be to put together a program to inspect every parcel (approximately 5700) in the city annually. The purpose of these inspections would be to identify and mitigate hazards that could contribute to the spread, growth, and intensity of fires. The property owners would be required to actively maintain their parcels in a fire safe condition throughout fire season. To make this program successful, staff would need to modify our current ordinance to increase the fire safe conditions requirements for parcels and develop a nominal fee for inspections (around \$20 per parcel). Staff would also create a self-reporting process that would avoid the initial inspection fee. We would also address increased fees for second inspections due to non-compliance. Additionally, the City may leverage resources and strengthen our cooperative and coordinated Fire Service Agreement with the City of Nevada City to include a vegetation inspection program.

As this will take some time to develop, staff is looking for input and direction on this proposed next step to ensure our ability to have it ready for next fire season.

Council Goals/Objectives: This item executes portions of work tasks towards achieving/maintaining Strategic Plan - - Public Safety. The City of Grass Valley is devoted to providing a safe Place to Live, Work and Play.

Fiscal Impact: The Fiscal Impact due to a potential Fire Prevention Vegetation Inspection program should be minor with an offsetting fee.

Funds Available: N/A

Account #: N/A

Reviewed by: __ City Manager