

**Minutes  
City Council Meeting  
August 23, 2016**

**1. CALL TO ORDER:**

Meeting was called to order at 6:03 PM by Mayor Cullen.

**2. FLAG SALUTE:**

The flag salute was led by Mayor Cullen.

RJ Rivera announced that there are translating services available.

**3. ROLL CALL:**

City Manager Adams conducted roll call.

City Council: Acosta, LeBarre, Hendrickson, Mayor Pro Tem Jernigan, Mayor Cullen.

City Staff: City Manager Steven Adams, Attorney Martin Koczanowicz

**4. CLOSED SESSION ANNOUNCEMENTS:**

**5. PRESENTATIONS:**

Mayor Cullen was ready to present the Jacob's Heart Cancer Awareness Proclamation however no one showed up.

**6. PUBLIC COMMUNICATIONS:**

**7. COUNCIL COMMUNICATIONS:**

Mayor Cullen started with the Chimney fire stating it got within a half mile of the Oak Shores gate. The fire spread to the north so none of the homes of Oak Shores have been lost. He will be attending the Salinas Valley Fair board meeting on Thursday. He will be attending the Monterey County Mayors Association meeting on September 2 which the oil fields Measure Z will be on the agenda. City Manager will be ready by the end of September to make a recommendation. Dr. Llewellyn from Hartnell contacted the City Manager and Mayor to support Measure T. Mayor would like to know if there are any council that would object to having staff do more research on Measure T. Council was in consensus and gave staff direction to look into Measure T. He attended the Salinas Valley Solid Waste Authority meeting. Jolon Rd. landfill being taken over by Salinas Valley Solid Waste Authority. Fort Hunter Liggett Community Expo is rescheduled for September 8<sup>th</sup>.

Council Member Hendrickson reported Joe Murray is making repairs to Komfort court.

Mayor Pro Tem Jernigan attended a Girls Inc. Luncheon which is a worthwhile mentoring program. She attended AMBAG meeting a couple of weeks ago., Maura Twomey is scheduled in September to come and speak to council on the workings of AMBAG. Partners attend the meetings and a Cal Trans rep told her that you can always go to the web page and put in a maintenance request in. She put in a request for the 101 Bridge be swept and for the graffiti be removed. Tomorrow morning there is a King City in Bloom project at the Library she is attending. There are a couple of bills that she is concerned about one is \$80,000 for Opterra solar project and she thought there was no out of pocket and that the savings would

pay for itself. She will be tracking it. She encourages the council to check in to these bills. The other one is Cal water which is \$9,000 for one location at Bedford and San Antonio Dr. She would like the City Manager to work with CalWater and double check this.

Council Member LeBarre stated that August 11 and 13<sup>th</sup> MST scoping held meetings on the new facility that will be here in King City. He attended the Aug. 17<sup>th</sup> Fort Hunter Liggett last celebration. August 22, attended the swearing in of a King City officer, glad the force continues to grow. Tomorrow TAMC meeting, King City will have a seat on the Rail Policy Committee along with Soledad. August 26, 27 United States Citizenship workshops in Greenfield and Soledad. He will be attending National Parks service 100-year celebration and Sol Treasures fund raiser. On September 13 he will be attending the APTA conference but will be back in time for the council meeting.

Council Member Acosta announced that one of two grants with the District Attorney's Office for Victims Services with therapist's and a place for meeting with victims that need services, will be in the Court House here in King City. She will be attending the DDVC meeting in Marina. She attended the last 4C4P meeting where the speaker was a person from transitions that was trying to re-enter after being in trouble with the law she found it quite interesting.

#### **8. CITY STAFF REPORTS AND COMMENTS:**

City Manager Adams stated a Street Scape workshop will be held here Monday, September 12<sup>th</sup> 6:30p.m to 8:30p.m. We are updating the website and it will be unveiled on September 1<sup>st</sup>. He attended an AMBAG meeting and they have a program that will help us retrofit all of our buildings with LED lights so we will be working on that.

#### **9. CONSENT AGENDA**

- A. Meeting Minutes of August 9, 2016 Council Meeting
- B. Consideration: City Check Register – Current
- C. Consideration: Successor Agency Check Register – Current
- D. Consideration: Public Financing Authority Check Register – Current
- E. City Monthly Treasurer's Report- June 2016
- F. Successor Agency Monthly Treasurer's Report- June 2016
- G. Public Financing Authority Monthly Treasurer's Report- June 2016
- H. Consideration: Side Letter of Agreement with the King City Confidential Employees Association to Modify the Salary Range of Classification of Police Captain
- I. Consideration: Creation of New Classification of Maintenance Worker/Wastewater Services
- J. Consideration: Part-time Human Resources Coordinator Position
- K. Consideration: Amendment to the City of King Job Classification Plan Worker/Wastewater Services and Part-time Human Resources Coordinator.
- L. Consideration: Successor Agency to the Community Development Agency of the City of King Senior Lien Tax Allocation Refunding Bonds, Series 2016A and Senior Lien Tax Allocation refunding Bonds 2016B (Taxable)
- M. Consideration: Creation of New Classification of Public Works Maintenance Aide

Mayor mentioned for the record the following changes to the agenda material for this evening: Item 9A modification of the minutes of items reported from closed session have been added. Item 9K modification to the proposed Classification Plan. The annual amount of the City Council was incorrect and did not match what was adopted by the City Council, which has been corrected.

Action: Motion to approve consent agenda, by Acosta and seconded by Hendrickson

AYES: Council Members: Mayor Cullen, Acosta, LeBarre and Hendrickson

NOES: Council Members: Mayor Pro Tem Jernigan

ABSENT: Council Members:

ABSTAIN: Council Members:

Mayor Pro Tem Jernigan stated she voted no because of concerns in the check register. She also feels maintenance aide position being able to strip the streets is important. Council member Acosta thanked staff for working Item L she is very appreciative of Finance Director Mike Howard and City Manager Adams.

## **10. PUBLIC HEARINGS:**

10(a) Consideration: Medical Marijuana Regulatory Ordinance and Zoning Code Amendments to Allow Manufacturing, Nurseries and Testing

City Manager Adams introduced the item.

Principal Planner Scott Bruce further introduced this item with a power point.

### **INFORMATION SESSION**

- CONTINUE SECTION 17.03 AMENDMENT and ERBPSP AMENDMENT. ALSO CONTINUE IS / MND CONSIDERATION
- INTRODUCE PROPOSED EFFORT
- DEFINE PROPOSED AMENDMENTS and PROPOSED SCHEDULE
- DEFINE "PROJECT" and ANTICIPATED IMPACTS
- PROVIDE PLANNING COMMISSION COMMENT
- DISCUSSION

### **EXISTING CODE**

- JANUARY 2016 CODE AMENDMENT: ALLOWED TYPES 2A and 3A (plant canopy of up to 10,000 or 22,000 sf using all artificial light)

He went over the 600ft. zoning map.

### **EXISTING LAND AREA**

- EAST RANCH BUSINESS PARK = 107 AC
- M-1 DISTRICT = 20 AC
- M-2 DISTRICT (adjacent to ERBP) = 40 AC

M-2 DISTRICT (First Street/Lonoak) = 20 AC

CURRENT EFFORT: Allow Expanded Uses

- ADD USE TYPES:
  - MIXED LIGHT CULTIVATION
  - NURSERIES
  - MANUFACTURING
  - TESTING
- AMEND CODE:
  - SECTION 17.03 (Regulatory)

- SECTIONS 17.30.020, 17.31.020 (M-1 and M-2)
- EAST RANCH BUSINESS PARK SPECIFIC PLAN

**CODE AMENDMENTS: To Expand Uses**

- SECTION 17.03: Defines, Allows, Regulates
- ERBP SPA: Allows Uses in ERBP
- SECTION 17.30.020: Allows Uses in M- 1
- SECTION 17.31.020: Allows Uses in M-2
- A separate Conditional Use Permit (CUP) "Checklist" is being developed and will be Codified

**PROPOSED AMENDMENT(S): Specific Uses**

- CODE AMENDMENT(S) WOULD ALLOW:
  - Type 2B (10,000 sf canopy with mixed light)
  - Type 3B (22,000 sf canopy with mixed light)
  - Type 4 (Nursery up to 25,000 sf growing area)
  - Type 6 (Manufacturing)
  - Type 8 (Testing)

**PROPOSED-AMENDMENT(S):**

**Estimated Development**

- MAXIMUM CANOPY AREA 1,350,000 (Section 17.03.230)
- ESTIMATED USE BY TYPE (for environmental review)
  - 4 Type 2A Buildings                      Cultivation
  - 13 Type 2B Buildings                    Cultivation
  - 8 Type 3A Buildings                    Cultivation
  - 34 Type 3B Buildings                   Cultivation
  - 10 Type 4 Buildings                    Nursery
  - 6 Type 6 Buildings                    Manufacturing
  - 2 Type 8 Buildings                    Testing

**ESTIMATING DEVELOPMENT IMPACTS**

- METHOD: ESTIMATED BY COMBINING INFORMATION FROM POTENTIAL APPLICANTS and FROM STAFF RESEARCH
- MAXIMUM ULTIMATE PROJECT: 1,350,000 sf of CANOPY AREA
- PRIMARY ANTICIPATED IMPACTS FROM CULTIVATION: WATER, POWER, WASTEWATER and TRAFFIC
- MANUFACTURING AND TESTING: MINIMAL IMPACTS

**ENVIRONMENTAL REVIEW**

- IS / MND PREPARED BASED ON THE ESTIMATES
- CAL WATER, PG&E, PW and TRAFFIC ENGINEER CONTACTED
- ADDITIONAL ENVIRONMENTAL REVIEW WILL BE NEEDED ON A PROJECT BY PROJECT BASIS (particularly to evaluate water and power use)

**CODE AMENDMENT SCHEDULE**

- August 16: Planning Commission Information Session (Complete)
- August 23: City Council Information Session

- September 06: Planning Commission Action (Sections 17.03, 17.30.020; 17.31.020; ERBP SPA; IS/MND)
- September 13: City Council First Reading
- September 27: City Council Second Reading

CODE WILL ALLOW AND REGULATE ADDITIONAL MEDICAL CANNABIS RELATED USES

MND AVAILABLE FOR PUBLIC REVIEW AT CITY HALL AND LIBRARY

DRAFT REGULATORY and LAND CODE AMENDMENTS IN FINAL STAFF REVIEW

PLANNING COMMISSION TO MEET ON SEPTEMBER 06

CONTINUE: Ordinance 2016-728 (Section 17.03; ERBPSPA; Action re: IS / MND)

#### **PLANNING COMMISSION COMMENTS**

- **SEPARATION:** No definitive comment. Churches have been known to locate in the M Districts. Should be considered.
- **LIMITS ON LICENSES:** 6 appears to be appropriate. Staff comment. One Licensee may have two (2) different types of licenses.
- **USE OF ALCOHOL:** Asked for clarification regarding heat of water used to recover the alcohol (122 degrees)
- **CO2 Tanks:** Commission appears to be supportive of a 150lb per tank limit with a maximum of eight (8) tanks on-site.
- **OTHER:**
  - Water Source
  - Transport Vehicle Size and Number of Vehicles
  - Private Cultivation
  - "Branding" for King City

Doug Wood, consultant spoke to the Initial Study and Mitigated Negative Declaration.

Mayor Cullen opened the public hearing

Brandon Gesicki thanked staff for their hard work. He went on to comment on schools being in the area of cultivations facilities and he does not see it being an issue at this time. He also spoke on a handout on the alcohol used for the cleaning process. It is food grade alcohol that is used. He spoke to limits on the licenses he said less than 6 would be fine. CO2 tanks are tied together on a pallet and are safe.

RJ Rivera wanted to toss out about the hazmat license from the County he thought it may want to be added to the checklist.

John Jernigan asked about odor and it being a concern. 3-1 pg.25 in the Initial Study was read in from the consultant Doug Wood "All proposed project structures and facilities shall be subject to permit conditions that monitor and prevent the production of odors outside of the building as well as the monitoring and prevention of mold within and near the buildings by the inclusion of air filters, recirculation of internal air or other appropriate means of filtering odors that may otherwise escape from the subject facilities". Brandon Gesicki stated that they have mitigations for the odor, charcoal etc.

#### **FOUR QUESTIONS**

- PROXIMITY TO SENSITIVE USES
- LIMITS ON MANUFACTURING LICENSES
- CANNABIS EXTRACTION and MANUFACTURING (alcohol use)
- COMPRESSED GAS (CO2)

City Attorney Koczanowicz stated legally speaking the state law is 600ft separation from schools.

City Manager Adams spoke to staff's recommendations not to include restrictions at this time. These uses are restricted to a particular zone and all activities are indoors. Concern of staff is unintended consequences.

Mayor Cullen is in favor of not having on any restrictions.

Council Member Acosta disagrees with not having restrictions she is totally in favor of the 600ft. restrictions.

Council Member LeBarre he would like to comply with the state and he would be in favor of not having restrictions.

Council Member Hendrickson has mixed emotions she goes with staff recommendations.

Mayor Pro Tem Jernigan supports staff recommendations. She is not interested in more regulations.

Council Member Acosta would like to have more education for Council on problems Colorado and Washington are having.

City Attorney Koczanowicz clarified state law for 600ft of separation is for a store front (Dispensary) uses. The City is not allowing dispensarys.

City Manager clarified the 600ft. goes beyond the industrial area.

Gabe Trujillo stated that there have been explosion proof rooms being put in for volatile material in Colorado.

Mayor got consensus from City Council to have staff look into more information for restrictions of 600ft.

Consensus from City Council on 6 license limit.

Food grade alcohol for cleaning and secondary use in level 1

Brandon Gesicki spoke to an Assembly Bill 2679 that is going before the Governor provides a little more clarity on food grade alcohol.

City Council does not have any concerns about the food grade alcohol.

Consensus from City Council is no issue on 8- 150lbs. canisters on site of CO2.

Council Member Acosta would like more factual data on extraction and CO2. Scott Bruce stated that he would be willing to send out information that can be studied prior to the meeting.

Mayor Pro Tem Jernigan thanked staff for their hard work on professional documents. She finds them complex and expensive. She feels that we should not spend more money into looking into these. She would prefer using the time and money into crime prevention. She had questions on the glass roof. She also wanted to know if the power plant was taken into consideration for power. She likes that it talks about being on the way to the Pinnacles National Park. She would like to know if the water on watering the plants could be recycled on the facility. She appreciates the document talking about 24-hour security cameras.

Council Member LeBarre wanted bring to the attention of the City Attorney that there is conflict in 17.03. 250 and 17.03. 270 of the ordinance.

Mayor Cullen ask for a motion to continue the public hearing to the meeting of September 13, 2016 by the following vote.

Action: Motion by Hendrickson to continue the public hearing to September 13, 2016. Seconded by LeBarre.

AYES: Council Members: Mayor Cullen, Mayor Pro Tem Jernigan, Acosta, LeBarre, and Hendrickson

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

#### **11. REGULAR BUSINESS:**

11(a) Consideration: Presentation on Monterey Bay Community Power Project

City Manager Adams introduced this item.

Patrick Mathews further introduced this item, showing a video explaining Monterey Bay Community Power Project. The Monterey Bay Community Power project is a region-wide collaborative partnership comprised of all 21 local governments within the greater Monterey Bay area, including the Counties of Santa Cruz, Monterey, San Benito and all 18 cities located within the three counties. The purpose of the project is to investigate the viability of establishing a local community choice energy (CCE) agency. Enabled by California legislation (AB117), CCE allows cities and counties to pool their residential, business and municipal electricity loads and purchase and/or generate electricity on their behalf.

Council Member LeBarre had issue with this project. He is fine with more information. He feels it shouldn't have eminent domain and that they should not be superior or equal to the authority or powers of our council or board of supervisors. There should be strict regulations on rate increases.

City Manager Adams feels it is good project and it can be successful. He would like to continue with a couple more meetings.

Mayor Cullen is in favor of the City Manager attending more meetings.

Mayor Pro Tem Jernigan feels there are too many government agencies. She is not interested in moving ahead with this until she has more time to research the other side. She feels it is going to take up too much time for the City Manager to go to meetings and she is concerned about the startup cost. She likes that we can join later.

Council Member Hendrickson she would like to have more information and she likes the idea that we can join later.

Council Member Acosta was intrigued with this but she feels that she may not have enough information.

Mayor Cullen would be interested in the City Manager continuing attending meetings as currently PG&E charges go to a lot of overhead costs and shareholders. This process would allow us to look at this matter and to have what goes to shareholders possibly go back to our city.

City Manager Adams stated that the likelihood of this program is going to provide an opportunity for cheaper rates and cleaner energy to our customers. If the City agrees to go with this program the customers have an opportunity to choose if the City doesn't go with the program the customers do not have the choice. He feels joining later on would be a good way to go.

City Council directed staff to work on continuing discussions and give more information.

**ADJOURNMENT:**

There being no further business to come before the City Council, Mayor Cullen adjourned the meeting at 9:09 pm to closed session with the Mayor stating what would be discussed in closed session.

- A. Conference with Real Property Negotiators  
Properties: City owned property bound by San Lorenzo Avenue to the west, the golf course to the south, the little league baseball field to the east and the parking lot to the north  
Agency Negotiators: Steven Adams  
Negotiating Party: TJ Plew
  
- B. Conference with Real Property Negotiators

**Approved Signatures:**



**Mayor, Robert Cullen  
City of King**



**City Clerk, Steven Adams  
City of King**