

**AGENDA**  
**REGULAR MEETING OF THE**  
**CITY OF KING CITY COUNCIL**  
**AND**  
**Sitting as SUCCESSOR AGENCY OF**  
**THE RDA FOR THE CITY OF KING**

**TUESDAY OCTOBER 11, 2016**  
**6:00 P.M.**

**CITY HALL**  
**212 S. VANDERHURST AVENUE**  
**KING CITY, CALIFORNIA 93930**

*\*Spanish interpretation services will be available at meeting*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting, Please contact the City Clerk's Office (831-386-5925) at least 48 hours prior to the Meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting.*

*\* Please submit all correspondence for City Council PRIOR to the meeting with a copy to the City Clerk.*

- 1. CALL TO ORDER**
- 2. ROLL CALL:** Council Members Darlene Acosta, Belinda Hendrickson, Mike LeBarre, Mayor Pro Temp. Karen Jernigan, and Mayor Robert Cullen
- 3. FLAG SALUTE**
- 4. CLOSED SESSION ANNOUNCEMENTS**
- 5. SPECIAL PRESENTATIONS**
- 6. PUBLIC COMMENT**  
Any member of the public may address the Council for a period not to exceed *three minutes'* total on any item of interest within the jurisdiction of this Council that is not on the agenda. The Council will listen to all communications; however, in compliance with the Brown Act, the Council cannot act on items not on the agenda. Comments should be directed to the Council as a whole and not to any individual Council Member. Slanderous, profane or personal remarks against any Council Member, staff member or member of the audience is not permitted.
- 7. COUNCIL COMMUNICATIONS & COMMITTEE REPORTS**  
Individual Council Members may comment on Council business, his or her Council activities, City operations, projects or other items of community interest. Council Members may also request staff to report back at a subsequent meeting on any matter or take action to direct staff to prepare a staff report for a future agenda.
- 8. STAFF COMMUNICATIONS**  
Comments presented by the City Manager, City Attorney or other staff on City business and/or announcements.

## **9. CONSENT AGENDA**

The following items listed below are scheduled for consideration as a group. The recommendations for each item are noted. Members of the audience may speak on any item(s) listed on the Consent Agenda. Any Council Member, the City Manager, or the City Attorney may request that an item be withdrawn from the Consent Agenda to allow for full discussion. The Council may approve the remainder of the Consent Agenda on one motion. Items withdrawn from the Consent Agenda may be considered by separate motions at the conclusion of the discussion of each item.

- A. Meeting Minutes of September 27, 2016 Council Meeting  
Recommendation: approve and file.
- B. Consideration: Cancellation of Regular Meeting on December 27, 2016  
Recommendation: cancel the regularly scheduled meeting on December 27, 2016.
- C. Consideration: Closure of City Offices December 23<sup>rd</sup> through January 2<sup>nd</sup>  
Recommendation: adopt a resolution approving closure of City offices and non-safety City operations December 23, 2016 through January 2, 2017.
- D. Consideration: Police Department Recruitment and Selection Policy  
Recommendation: review and approve the suggested draft King City Police Department policy entitled "Recruitment and Selection."
- E. Consideration: Expenditure for Support of Community Task Force to End Youth Violence and Victims' Center Opening  
Recommendation: approve an expenditure of \$550 from the City Council Community Promotion account for the Community Task Force to End Youth Violence and Victims' Center Opening.
- F. Consideration: Appropriation for Well Repairs  
Recommendation: approve an appropriation and expenditure of \$30,000 for emergency repairs to the well that serves the Golf Course and the City Park.
- G. Consideration: Resolution Approving a Master Equipment Lease-Purchase Agreement with PNC Equipment Finance, LLP for Purchase of Police Vehicles  
Recommendation: adopt a Resolution approving a Master Equipment Lease-Purchase Agreement with PNC Equipment Finance, LLP for purchase of police vehicles.

## **10. PUBLIC HEARINGS**

None

## **11. REGULAR BUSINESS**

- A. Consideration: Change of City Hall and Police Station Public Business Hours and Employee Work Schedules  
Recommendation: 1) adopt a resolution approving a change of City Hall and Police Station public business hours to Monday through Friday 9:00 a.m. to 5:00 p.m.; 2) adopt a Resolution approving a side letter of agreement with the Service Employees International Union Local 521 ("SEIU") to implement a 9/80 work schedule for

selected City Hall employees; and 3) adopt a Resolution approving a side letter of agreement with King City Confidential Employees Association ("KCCEA") to implement a 9/80 work schedule for selected City Hall employees.

- B. Consideration: Planning Commission Request to Modify Sign Regulations  
Recommendation: City Council direct staff to prepare modifications to the City's sign regulations.
- C. Consideration: Use of PG&E Rule 20A Credits  
Recommendation: It is recommended the City Council: 1) authorize the City Manager to negotiate an agreement for sale of the City's PG&E Rule 20A credits for \$300,000; and 2) direct staff to proceed with steps necessary to utilize the Rule 20A credits to underground utilities on the east side of Canal Street between the Mee Memorial Hospital entrance and the shopping center entrance and concurrently attempt to sell a maximum of \$250,000 in Rule 20A credits if an agreement is not reached to sell the full amount of Rule 20A credits for at least \$300,000.

## **12. CITY COUNCIL CLOSED SESSION**

Announcement(s) of any reportable action(s) taken in Closed Session will be made in open session, and repeated at the beginning of the next Regular City Council meeting as this portion of the meeting is not recorded.

- 1. Government Code Section 54957(b) (1) - Public Employee Appointment:  
Interim City Attorney
- 2. Liability Claims, by Jose Silva  
Claim against City of King  
Gov. Code Section: 54956.95

## **13. ADJOURNMENT**

**Minutes  
City Council Meeting  
September 27, 2016**

**1. CALL TO ORDER:**

Meeting was called to order at 6:02 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, Assistant Attorney Dave Hale

**4. CLOSED SESSION ANNOUNCEMENTS:****5. PRESENTATIONS:****A. September National Addiction and Recovery Month Proclamation**

Sandy Pineda spoke on National Addition and Recovery Month bringing awareness. Council member Acosta spoke in appreciation of the acknowledgement.  
Mayor Cullen presented the proclamation to Sandy.

**B. Binational Health Week October 7 to October 16, 2016 Proclamation**

Eric Lopez, Clinica de Salud announced that they will be having free vaccinations Monday Oct. 10<sup>th</sup> at the Daycare Center at 521 N. Russ St., from 6-7p.m.  
Mayor Cullen presented the proclamations to Eric Lopez.

**6. PUBLIC COMMUNICATIONS:**

Frank Padilla complemented the City Council on the streets being done. He lives at 415 Haven Dr. and has for 48 years. He would like to see Haven Dr., Carlson Ave. and Vivian St. redone as they are walking on rocks. He also spoke on someone up town across from Pozzi's next to the Chamber of Commerce wasting water he would like to see him stopped. The Mayor stated he would contact Cal water about the wasting water. City Manager Adams stated that the blocks of streets Mr. Padilla is talking about will be the next project.

**7. COUNCIL COMMUNICATIONS:**

Council Member Hendrickson participated on October 17th in the King City in Bloom clean-up day. She and her husband and Erica cleaned up the sidewalk/street area just south of the old Lynn's Liquor. She couldn't believe the amount of garbage. She also took her mother to the Golden Jubilee for lunch and bingo it was fun, very well put together.

Mayor Pro Tem Jernigan spent two full days September, 15<sup>th</sup> and 16<sup>th</sup> up in Salinas for Pinnacle Gateway Partners workshop on promoting the park. She would like to bring back to the Council some of the ideas and see what the Council would like to do and how involved the City wants to be. Last Saturday was the ribbon cutting of the Bacon Ranch at Pinnacles and it was National Public Service Day so the girl scouts were there. Pinnacles is a great asset. There is a link on the King City website to Pinnacles National Park website. On Thursday September 22<sup>nd</sup> she helped with a forum at the Hartnell College for the 5 candidates to answer questions from Political Sciences class. She appreciates seeing the crosswalks being painted in. She is going to the America in Bloom national conference to see what other cities are doing to bring back to King City. She has a different outlook on the wasting of water she would like to see more clean sidewalks in town.

Council Member Acosta stated that announced at the 4C4P meeting it was announced that along with Victim's Witness will be sharing a space with YMCA along with Monterey rape crisis in the old court house. She is so proud. She will be attending Domestic Violence County Council and she will get all the particulars.

Council Member LeBarre stated that in response to the gentlemen and the streets stated that TAMC has a sales tax Measure X if it passes will provide \$270,000 a year for 30 years to the city for its streets and sidewalks, pot holes. He attended the CPUC hearing, he appreciated RJ showing up and speaking. It was a mixed bag King City is looking at a reduction and then slowly seeing an increase. In the compromise they decided to keep the money separate so we can keep our money in King City.

Mayor Cullen stated on Oct. 17<sup>th</sup> was the King City in Bloom City wide clean-up which was attended by over 60 people and the Solid Waste Authority gave bags for the clean-up as well as gloves. He attended the Chamber Business Expo was a great set up and he wished there would have been a better turn out. He was talking to people about supporting Measure J. At the last Solid Waste Authority Meeting the approved the annual report and he will circulate. He clarified with Councilmember Acosta for her to file in for him at the Solid Valley Waste Authority Meeting. City is had a Youth Violence Task Force meeting on September 19<sup>th</sup> and the next meeting October 3<sup>rd</sup> and these meetings are open to the public. He will be attending the Fair Board Meeting. Oct. 6<sup>th</sup> – Oct.10<sup>th</sup> the Vietnam moving wall will be down at the Fairgrounds, they need volunteers to sit with the wall. The VFW would like a representative to go to represent the City and Council member Acosta will be attending. Today is the City Attorney Koczanowicz last meeting he will be missed and he has done a great job for the City.

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

City Attorney Koczanowicz thanked the Mayor for his words. His circumstances have made it such that he can no longer work for the City.

City Manager Adams is thankful for all of Martin's help with the City and for reaching out to him to apply for the job.

City Manager Adams stated that City is having a Youth Violence Task Force meeting on October 3<sup>rd</sup> at 6:00p.m at the Recreation Center it is open to the public. October 6, at 6:30p.m. the Monterey County Elections will be doing a workshop at the Recreation Center on where to vote as some of the precincts have changed and so will be vote by mail. He attended a meeting that involves all the south county cities that identifies needs for employment and match them to employers with Hartnell College. He wants to make the Council aware that the well at the golf course that waters the City park as well is broken. City staff is on the job to get it repaired.

## **9. CONSENT AGENDA**

- A. Meeting Minutes of September 13, 2016 Council Meeting
- B. Consideration: City Check Register – Current
- C. Consideration: City Monthly Treasurer’s Report- August 2016
- D. Consideration: Successor Agency Monthly Treasurer’s Report- August 2016
- E. Consideration: Public Financing Authority Register – August 26th
- F. Consideration: Public Financing Authority Register – September 12th
- G. Consideration: Public Financing Authority Monthly Treasurer’s Report- July 2016
- H. Consideration: Public Financing Authority Monthly Treasurer’s Report- August 2016
- I. Consideration: Ordinance to Repeal and Re-enact Chapter 12 of the King City Municipal Code and Thereby Adopt the 2016 California Code of Regulations Title 24 with Local Administrative Amendments

Mayor Pro Tem pulled Item E.

Action: Motion to approve consent agenda A-D and F-I by LeBarre and seconded by Acosta.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

Mayor Pro Tem Jernigan has questions which is Item E about a check for 38,000 to Hanna and Brunetti  
Mayor Pro Tem Jernigan pulled the wrong item so it should have had been Item F.

Action: Motion to approve consent agenda E by LeBarre and seconded by Hendrickson.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

## **10. PUBLIC HEARINGS:**

10(a) Consideration: Second Reading RE: Amending the King City Municipal Code - Repealing and Replacing Section 17.03; Amending Sections 17.30.020 and 17.31.020; Amending the East Ranch Business Park Specific Plan; Adoption of Related Environmental Document

Principal Planner Scott Bruce further introduced this item showing his power point.

Mayor Cullen opened the public hearing.

Brandon Gesicki expressed gratitude for the thoroughness and the professionalism has been great and lots of cities are copying what King City is doing.

Mayor Cullen closed the public hearing seeing no one else come forward.

Mayor Cullen ask for a motion to adopt the Ordinances by title only and adopt Related Environmental Document.

Action: Motion by LeBarre to adopt MND. Seconded by Hendrickson.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

Action: Motion by Hendrickson to adopt Ordinance 2016- 728 by title only. 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:

Action: Motion by Hendrickson to introduce the Ordinance 2016-729 by title only. 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:

Action: Motion by Hendrickson to introduce the Ordinance 2016-730 by title only. 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:

10 (b) Consideration: Revised and Restated Franchise Agreement with USA Waste of California (DBA Waste Management) for Solid Waste, Recycling and Organics Collection Services and Approving New Customer Rates.

City Manager Adams introduced this item.

Patrick Mathews introduced this item as well showing his power point.

One other issue is the delinquent accounts where people are dumping their garbage in other people's haulers.

Mayor Cullen opened the public hear and closed the public hearing seeing no one come forward.

John Buttgerreit is a landlord he had questions about putting the burden of the lean on the property because of a tenant.

Mayor Cullen continued the public hearing to continue the public hearing to a date uncertain to address additional issues that have been identified.

## **11. REGULAR BUSINESS:**

### **11(a) Consideration: Request to Remodel Two Racquetball Courts to Accommodate King City Boxing Club**

City Manager Adams introduced this item.

Recreation Coordinator Andrea Wasson introduced this item in greater detail.

Rodolfo Tapia, brought two of his students with him. He started his program in San Ardo but moved to King City when a police officer came to see if he would move his program so that he could pick up more kids. He had one student tell him he needed to be there so he was not on the streets. He has had good success with making better citizens.

John Buttgereit spoke in favor of keeping the racquetball courts

Connie Bauer spoke to support the program and Rodolfo. He has codes of conduct for the kids to follow. She has seen special needs kids in his program too. She has looked for other options.

Carol Umbarger spoke in support of Rodolfo and his program.

Gerri Ramirez knows that the City needs activities for the kids and she hopes that they approve this.

Peggy Keirn started in July looking for a new building for the boxing club however everyone that the Mayor brought up she had talked to them and it wouldn't work out as it would take too long or the rent was too high.

Mayor Cullen ask for a motion to approve by motion: 1) the recommendation of the Recreation Commission to convert two racquetball courts to accommodate the King City Boxing Club program; and 2) an appropriation not to exceed \$10,000 for improvements to the Recreation Center from the Public Use Facilities Impact Fee Fund

Action: Motion by LeBarre to approve by motion: 1) the recommendation of the Recreation Commission to convert two racquetball courts to accommodate the King City Boxing Club program; and 2) an appropriation not to exceed \$10,000 for improvements to the Recreation Center from the Public Use Facilities Impact Fee Fund. Seconded by Hendrickson.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

### **11(b) Consideration: Update on Status of the King City Police Progress to the State Auditors Report 2015-129**

Chief Masterson introduced this item.

City Council received and filed this report.

**12. CLOSED SESSION:**

1. Government Code Section 54957(b) (1)- Public Employee Appointment: Interim City Attorney

**ADJOURNMENT:**

There being no further business to come before the City Council, Mayor Cullen adjourned the meeting at 8:30pm to closed session with the Mayor stating what would be discussed in closed session.

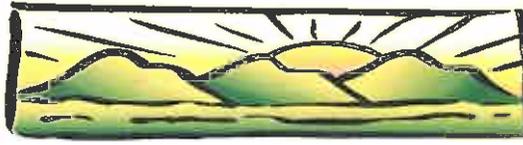
**Approved Signatures:**

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**Mayor, Robert Cullen**  
**City of King**

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



**KING CITY**  
C A L I F O R N I A

Item No. **9 (B)**

**REPORT TO THE CITY COUNCIL**

**DATE: OCTOBER 11, 2016**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: STEVEN ADAMS, CITY MANAGER**

**RE: CONSIDERATION OF CANCELLATION OF REGULAR MEETING  
ON DECEMBER 27, 2016**

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**RECOMMENDATION:**

It is recommended that the City Council cancel the regularly scheduled meeting on December 27, 2016.

**BACKGROUND:**

The City Council has traditionally cancelled the second regularly scheduled meeting in December. This year, this meeting would fall on the 27th of December.

**DISCUSSION:**

It is proposed to close City Hall the week between the Christmas and New Year's Day holidays as has been done the last few years. Therefore, staff would not be available for the regularly scheduled meeting. Cancelling the meeting allows the Council and staff to enjoy the holidays with their families and friends. Given the holidays, it would also be difficult for staff to prepare the necessary agenda materials for the meeting.

**COST ANALYSIS:**

Cancelling the meeting will likely result in a minor decrease in costs.

**CITY COUNCIL  
CONSIDERATION OF CANCELLATION OF REGULAR MEETING ON  
DECEMBER 27, 2016  
OCTOBER 11, 2016  
PAGE 2 OF 2**

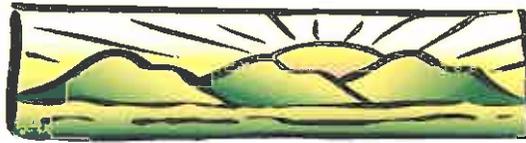
**ALTERNATIVES:**

The following alternatives have been identified for City Council consideration:

1. Cancel the December 27, 2016 regularly scheduled meeting;
2. Reschedule the meeting to an alternate date;
3. Do not cancel the meeting; or
4. Provide staff other direction.

Prepared and Approved by:

  
\_\_\_\_\_  
Steven Adams, City Manager



**KING CITY**  
C A L I F O R N I A

Item No. **9 (C)**

**REPORT TO THE CITY COUNCIL**

**DATE: OCTOBER 11, 2016**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: STEVEN ADAMS, CITY MANAGER**

**RE: CONSIDERATION OF CLOSURE OF CITY OFFICES  
DECEMBER 23, 2016 THROUGH JANUARY 2, 2017**

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**RECOMMENDATION:**

It is recommended that the City Council adopt a Resolution approving closure of City offices and non-safety City operations December 23, 2016 through January 2, 2017.

**BACKGROUND:**

The last several years, the City Council has approved closure of City offices and non-safety City operations the week between the Christmas and New Year's Day holidays. Staff recommends this be approved again this year.

**DISCUSSION:**

According to the City's Memorandums of Understanding with its employee groups, since Christmas and New Year's holidays take place on weekend days this year, holidays will occur on December 23rd, December 26th, and January 2nd. Therefore, in order to close the week between the holidays, employees have agreed to utilize floating holidays, vacation leave or compensatory time on the days of December 27th through December 30th.

If Council approves the proposed employee 9/80 schedules, it is also recommended that those employees not scheduled to work their alternate Friday shifts on November 25th or December 23rd will receive credit for those holidays on December 27th and December 28th. These arrangements are all included in the side letters of agreement with the unions proposed under a separate item.

**CITY COUNCIL  
CONSIDERATION OF CLOSURE OF CITY OFFICES DECEMBER 23, 2016  
THROUGH JANUARY 2, 2017  
OCTOBER 11, 2016  
PAGE 2 OF 2**

Many businesses and organizations are closed during this week. In addition, many employees take vacation leave at this time. As a result, it tends to be a difficult time to accomplish much work. Since the public is largely occupied with the holidays, there are normally few requests. Therefore, it is efficient for employees to utilize their leave at the same time while offices are closed. It provides a good year-end break for staff, which produces a well rested organization to begin the year, enhancing morale and productivity.

All public safety operations are maintained. Minimal Public Works Department staff are also schedule to handle minimally required tasks.

**COST ANALYSIS:**

Closing City offices during the holiday week results in a minor cost savings.

**ALTERNATIVES:**

The following alternatives have been identified for City Council consideration:

1. Adopt the Resolution;
2. Do not adopt the Resolution and do not close City offices and operations;
3. Close City offices, but negotiate alternative arrangements with the employee groups; or
4. Provide staff other direction.

Prepared and Approved by:

  
\_\_\_\_\_  
Steven Adams, City Manager

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING  
APPROVING A CLOSURE OF CITY OFFICES AND  
OPERATIONS DURING THE PERIOD OF DECEMBER 27, 2016  
THROUGH DECEMBER 30, 2016**

**WHEREAS**, it has been the City's practice to close City offices during the week between the Christmas and New Year's Day holidays; and

**WHEREAS**, the City Council has approved side letters of agreement to the Memorandums of Understanding with the City's labor unions to confirm that staff will utilize leave days during this period; and

**WHEREAS**, the City Council has determined that closure of City offices during this week is in the best interest of the City to maintain efficient operations and an effective work force with good morale: and

**WHEREAS**, public safety and critical services will be maintained during this period.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of King approves the closure of City offices and non-safety operations during the period of December 27, 2016 through December 30, 2016.

This resolution was passed and adopted this 11<sup>th</sup> day of **October, 2016** by the following vote:

**AYES**, Council Members:

**NAYS**, Council Members:

**ABSENT**, Council Members:

**ABSTAIN**, Council Members:

**APPROVED:**

\_\_\_\_\_  
Robert Cullen, Mayor

**ATTEST:**

\_\_\_\_\_  
Steven Adams, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David Hale, Interim City Attorney



Item No. **9 (D)**

**REPORT TO THE CITY COUNCIL**

**DATE: OCTOBER 11, 2016**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: ROBERT MASTERSON, CHIEF OF POLICE**

**BY: DARIUS ENGLER, INTERIM POLICE CAPTAIN**

**RE: CONSIDERATION OF POLICE DEPARTMENT RECRUITMENT AND SELECTION POLICY**

**RECOMMENDATION:**

It is recommended the City Council review and approve the suggested draft King City Police Department policy entitled "Recruitment and Selection."

**BACKGROUND:**

The King City Police Department's recruitment and selection process of police officers comply with the provisions and requirements of California Law. The California Commission of Peace Officer Standards and Training (aka POST) was established by the California Legislature in 1959 to set minimum selection and training standards for California law enforcement. All of the King City Police Officers are hired per the POST criteria. The recruitment and selection process is extensive and the various components can be reviewed at the POST web site (<https://post.ca.gov/post-administrative-manual.aspx>).

**DISCUSSION:**

The California State Auditor's Report (#2015-129) that was released in July 2016, suggested that the City should develop additional screening for police officer candidates. The report stated in part, "...To ensure that it (*the police department*) uses consistent standards to evaluate whether information found in an assessment of an officer candidate's moral character could lead to conflicts of interest, the city council should establish screening criteria for the types of activities and circumstances it considers incompatible with the official duties of an officer, such as a candidate's connections to drug use, amount of debt and traffic citations."

**CITY COUNCIL  
POLICE DEPARTMENT RECRUITMENT AND SELECTION POLICY  
OCTOBER 10, 2016  
PAGE 2 OF 2**

While staff does not completely agree with the State Auditor's assessment (as noted in the City's June 29, 2016 response to the State Auditor), we do see areas in our policy that could be improved. Our current policy provides for no "automatic disqualifications" other than those disqualifications as prescribed for by law. Staff believes that establishing automatic disqualifiers based on the selection dimensions establish by POST is good policy.

Staff has included the current "Recruitment and Selection" policy and the proposed draft policy for Councils review.

**COST ANALYSIS:**

The Police Department will not incur any additional cost to revise the Recruitment and Selection Policy.

**ALTERNATIVES:**

The following alternatives are provided for Council consideration:

1. Approve staff's recommendations;
2. Make appropriate changes and approve the policy;
3. Maintain the existing policy; or
4. Provide staff other direction.

**Attachments:**

1. Existing King City Police Department Policy entitled "Recruitment and Selection."
2. Draft policy entitled "Recruitment and Selection."

Submitted by:

  
\_\_\_\_\_  
Robert Masterson, Chief of Police

Approved by:

  
\_\_\_\_\_  
Steven Adams, City Manager

## Recruitment and Selection

### 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the King City Police Department and that are promulgated and maintained by the Personnel Department.

### 1000.2 POLICY

In accordance with applicable federal, state and local law, the King City Police Department provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### 1000.3 RECRUITMENT

The Administration Captain should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Administration Captain shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

# King City Police Department

## Policy Manual

### *Recruitment and Selection*

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#### **1000.4 SELECTION PROCESS**

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Citizenship verification, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents
- (e) Information obtained from public Internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

#### **1000.4.1 VETERAN'S PREFERENCE**

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

#### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the King City Police Department (11 CCR 1953).

#### **1000.5.1 NOTICES**

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d; 16 CFR 600 et seq.).

#### **1000.5.2 STATE NOTICES**

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

*Recruitment and Selection*

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**1000.5.3 REVIEW OF SOCIAL MEDIA SITES**

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Captain shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Labor Code § 980).

The Administration Captain should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, Internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Captain should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

**1000.5.4 DOCUMENTING AND REPORTING**

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

**1000.5.5 RECORDS RETENTION**

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

**1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors

# King City Police Department

## Policy Manual

### *Recruitment and Selection*

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- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

#### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Department should maintain validated standards for all positions.

##### **1000.7.1 STANDARDS FOR OFFICERS**

Candidates shall meet the following minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship
- (c) At least 18 years of age
- (d) Fingerprinted for local, state and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or obtained a two year, four year or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional or mental condition which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
  1. Reading and writing ability assessment (11 CCR 1951)
  2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

##### **1000.7.2 STANDARDS FOR [DISPATCHER**

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

# King City Police Department

## Policy Manual

### *Recruitment and Selection*

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- (a) A verbal, reasoning, memory and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

# King City Police Department

## Policy Manual

### Recruitment and Selection *(Draft)*

#### **1000.1 PURPOSE AND SCOPE**

The employment policy of the King City Police Department shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the King City Personnel Department.

#### **1000.2 APPLICANT QUALIFICATIONS**

Candidates for job openings will be selected based on merit, ability, competence and experience.

All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this department.

#### **1000.3 STANDARDS**

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The King City Personnel Department maintains standards for all positions.

The challenge facing law enforcement today is one of developing a job valid and nondiscriminatory set of policies which will allow it to lawfully exclude persons who do not meet the City of King or the State of California hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations. The subsequent selection criteria is based on the POST Job Dimensions.

The following standards have been adopted for public safety applicants:

##### **1000.3.1 OPERATION OF A MOTOR VEHICLE**

- (a) The ability to possess a valid California driver's license
- (b) The ability to drive safely
- (c) The ability to control a motor vehicle at high speeds
- (d) The ability to operate a motor vehicle in all types of weather conditions
- (e) The following shall be disqualifying:
  - 1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
  - 2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.

# King City Police Department

## Policy Manual

### *Recruitment and Selection*

3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

#### **1000.3.2 INTEGRITY**

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel
- (c) Showing strong moral character and integrity in dealing with the public
- (d) Being honest in dealing with the public
- (e) The following shall be disqualifying:
  - 1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
  - 2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

#### **1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW**

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
- (b) The following shall be disqualifying:
  - 1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application
  - 2. Conviction for two or more misdemeanor offenses under California law as an adult
  - 3. Conviction of any offense classified as a misdemeanor under California law while employed as a peace officer (including military police officers)
  - 4. Admission(s) of having committed any act amounting to a felony (including felony and misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers)
  - 5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft
  - 6. Admission(s) of any act of domestic violence as defined by law, committed as an adult
  - 7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts
  - 8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying

# King City Police Department

## Policy Manual

### *Recruitment and Selection*

#### **1000.3.4 DEPENDABILITY**

- (a) Having a record of submitting reports on time and not malingering on calls, etc.
- (b) A record of being motivated to perform well
- (c) A record of dependability and follow through on assignments
- (d) A history of taking the extra effort required for complete accuracy in all details of work
- (e) A willingness to work the hours needed to complete a job
- (f) The following shall be disqualifying:
  - 1. Missing any scheduled appointment during the process without prior permission
  - 2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations
  - 3. Having been involuntarily dismissed (for any reason other than layoff) from two or more employers as an adult
  - 4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement
  - 5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability
  - 6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
  - 7. Having any outstanding warrant of arrest at time of application.

#### **1000.3.5 LEARNING ABILITY**

- (a) The ability to comprehend and retain information
- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer
- (e) The following shall be disqualifying:
  - 1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
  - 2. Having been academically dismissed from any POST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement

#### **1000.3.6 PERSONAL SENSITIVITY**

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
- (b) Empathy
- (c) Discretion, not enforcing the law blindly
- (d) Effectiveness in dealing with people without arousing antagonism

# King City Police Department

## Policy Manual

### *Recruitment and Selection*

- (e) The ability to understand the motives of people and how they will react and interact
- (f) The following shall be disqualifying:
  1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination
  2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation
  3. Having been disciplined by any employer as an adult for fighting in the workplace

#### **1000.3.7 JUDGMENT UNDER PRESSURE**

- (a) The ability to apply common sense during pressure situations
- (b) The ability to make sound decisions on the spot
- (c) The ability to use good judgment in dealing with potentially explosive situations
- (d) The ability to make effective, logical decisions under pressure
- (e) The following shall be disqualifying:
  1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
  2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

#### **1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS**

- (a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
  1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment
  2. Any adult use or possession of marijuana within one year prior to application for employment
  3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment
  4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college accredited courses related to the criminal justice field
  5. Any adult manufacture or cultivation of a drug or illegal substance
  6. Failure to divulge to the Department any information about personal illegal use or possession of drugs
  7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected
- (b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
  1. Any illegal use or possession of a drug as a juvenile
  2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago.)
  3. Any illegal or unauthorized use of prescription medications



Item No. 9 (E)

**REPORT TO THE CITY COUNCIL**

**DATE: OCTOBER 11, 2016**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: STEVEN ADAMS, CITY MANAGER**

**RE: CONSIDERATION OF EXPENDITURE FOR SUPPORT OF  
COMMUNITY TASK FORCE TO END YOUTH VIOLENCE AND  
VICTIMS' CENTER OPENING**

**RECOMMENDATION:**

It is recommended City Council approve an expenditure of \$550 from the City Council Community Promotion account for the Community Task Force to End Youth Violence and Victims' Center opening.

**BACKGROUND:**

The City Council approved formation of a community task force to develop a plan to end youth violence at the March 22<sup>nd</sup> meeting and appointed the membership at the August 9<sup>th</sup> meeting. Council Member Acosta recently reported to the Council that a victims' center has been approved to open at the former County Courthouse building, which will include the YWCA, District Attorney's Victims' Witness Program, and the Monterey County Rape Crisis Center. The center is expected to open within the next couple weeks.

**DISCUSSION:**

Mayor Cullen suggested food be provided at the Community Task Force meetings in order to improve attendance since many members need to come to the meeting directly from their work. In addition, Council Member Acosta requested funding to assist with expenses related to opening of the Victims' Center, which was added to the agenda given it is a time sensitive item. Staff is recommending both items be paid for from funds budgeted in the City Council Community Promotions account.

**CITY COUNCIL  
CONSIDERATION OF EXPENDITURE FOR SUPPORT OF COMMUNITY  
TASK FORCE TO END YOUTH VIOLENCE AND VICTIMS' CENTER  
OPENING  
OCTOBER 11, 2016  
PAGE 2 OF 2**

**COST ANALYSIS:**

There is a balance of \$19,482 available in the Community Promotion account. The recommendation is for \$350 for the Task Force activities and \$200 for the Victims' Center opening.

**ALTERNATIVES:**

The following alternatives are provided for Council consideration:

1. Approve the recommendation;
2. Modify the dollar amount and approve the expenditure;
3. Do not approve the recommendation; or
4. Provide other direction to staff.

Approved by: \_\_\_\_\_



Steven Adams, City Manager



Item No. 9 (F)

**REPORT TO THE CITY COUNCIL**

**DATE:** OCTOBER 11, 2016  
**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL  
**FROM:** STEVEN ADAMS, CITY MANAGER  
**RE:** CONSIDERATION OF APPROPRIATION FOR WELL REPAIRS

**RECOMMENDATION:**

It is recommended City Council approve an appropriation and expenditure of \$30,000 for emergency repairs to the well that serves the Golf Course and the City Park.

**BACKGROUND:**

The City Manager reported at the last meeting that the well that serves the Golf Course and the City Park had broken down. The original cost estimate was \$22,000, which was within the City Manager's authorized expenditure amount. When the contractor began the work, it was determined additional repairs were needed and the well depth needed to be increased. This increased the cost to nearly \$30,000.

**DISCUSSION:**

Given the recent high temperatures that were experienced, staff determined it was necessary to proceed with the repair immediately rather than delaying it until the Council meeting. Therefore, retroactive approval of the appropriation and expenditure is being requested retroactively.

**COST ANALYSIS:**

The actual most recent estimate is \$28,000. Therefore, the total cost is not projected to exceed \$30,000. The appropriation will be from the General Fund, which could potentially reduce the reduction in the General Fund negative fund balance budgeted in FY 2016-17. However, staff projects that salary savings from vacant positions should compensate for the difference.

**CITY COUNCIL  
CONSIDERATION OF APPROPRIATION FOR WELL REPAIRS  
OCTOBER 11, 2016  
PAGE 2 OF 2**

**ALTERNATIVES:**

The following alternatives are provided for Council consideration:

1. Approve the recommendation;
2. Request additional information;
3. Direct staff to pay for the expenditure with funds from an existing account; or
4. Provide other direction to staff.

Approved by:  \_\_\_\_\_  
Steven Adams, City Manager



Item No. 9 (G)

**REPORT TO THE CITY COUNCIL**

**DATE: OCTOBER 11, 2016**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: STEVEN ADAMS, CITY MANAGER**

**RE: CONSIDERATION OF RESOLUTION APPROVING A MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT WITH PNC EQUIPMENT FINANCE, LLP FOR PURCHASE OF POLICE VEHICLES**

**RECOMMENDATION:**

It is recommended City Council adopt a Resolution approving a Master Equipment Lease-Purchase Agreement with PNC Equipment Finance, LLP for purchase of police vehicles.

**BACKGROUND:**

At the August 9, 2016 meeting, the City Council approved the purchase of three new Police vehicles, one through a full purchase and two through a lease-purchase agreement.

**DISCUSSION:**

In implementing the lease-purchase agreement, the financing company requested adoption of a Resolution, which was not included with the staff report when originally approved by the City Council. There are no changes to the purchase that was originally approved by the City Council. The company utilized for the lease-purchase is the same used for the Opterra solar and LED project.

**COST ANALYSIS:**

The total cost of the vehicles will be approximately \$78,000. The annual payment is 20,247.

**CITY COUNCIL  
CONSIDERATION OF RESOLUTION APPROVING A MASTER EQUIPMENT  
LEASE-PURCHASE AGREEMENT WITH PNC EQUIPMENT FINANCE, LLC  
FOR PURCHASE OF POLICE VEHICLES  
OCTOBER 11, 2016  
PAGE 2 OF 2**

**ALTERNATIVES:**

The following alternatives are provided for Council consideration:

1. Adopt the Resolution;
2. Do not adopt the Resolution and appropriate funding to purchase the vehicles in full; or
3. Provide other direction to staff.

Approved by:



\_\_\_\_\_  
Steven Adams, City Manager

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING CITY AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT WITH PNC EQUIPMENT FINANCE, LLC, AS LESSOR, AND SEPARATE LEASE SCHEDULES THERETO AND ESCROW AGREEMENT FOR THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT WITHIN THE TERMS HEREIN PROVIDED; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION**

**WHEREAS**, City of King City (the "*Lessee*"), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of California is authorized by the laws of the State of California to purchase, acquire and lease certain equipment and other property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and

**WHEREAS**, the governing body of the Lessee (the "*Board*") has determined that a true and very real need exists for the acquisition, purchase and financing of certain property consisting of public safety vehicles (collectively, the "*Equipment*") on the terms herein provided; and

**WHEREAS**, in order to acquire such Equipment, the Lessee proposes to enter into that certain Master Equipment Lease-Purchase Agreement (the "*Master Lease*") with PNC Equipment Finance, LLC, as lessor (the "*Lessor*"), substantially in the proposed form presented to the Board at this meeting, and separate Lease Schedules thereto substantially in the form attached to the Master Lease and a separate Escrow Agreement substantially in the proposed form presented to the City Council at this meeting; and

**WHEREAS**, the City Council deems it for the benefit of the Lessee and the efficient and effective administration thereof to enter into the Master Lease and the separate Lease Schedules relating thereto from time to time as provided in the Master Lease and an Escrow Agreement for the purchase, acquisition, financing and leasing of the Equipment to be therein more specifically described on the terms and conditions provided therein and herein;

**NOW, THEREFORE, BE IT AND IT IS HERBY RESOLVED BY THE CITY COUNCIL THE CITY OF KING (THE LESSEE) AS FOLLOWS:**

*Section 1.* It is hereby found and determined that the terms of the Master Lease (including the form of Lease Schedule, Payment Schedule and Escrow Agreement attached thereto), in the form presented to this meeting, are in the best interests of the Lessee for the acquisition, purchase, financing and leasing of the Equipment.

*Section 2.* The form, terms and provisions of the Master Lease (including the form of Lease Schedule, Payment Schedule and Escrow Agreement attached thereto) are hereby approved in the forms presented at this meeting, with such insertions, omissions and changes as shall be approved by the City Manager and Mayor of the City of King of the Lessee (the "Authorized Officers"), executing the same, the execution of such documents being conclusive evidence of such approval. The Authorized Officers of the Lessee are each hereby authorized and directed to sign and deliver the Master Lease, each Lease Schedule thereto, each Payment Schedule relating thereto, each Escrow Agreement relating thereto and any related exhibits attached thereto if and when required; *provided, however,* that, without further authorization from the governing body of the Lessee, (a) the aggregate principal component of Rent Payments under all Leases entered into pursuant to the Master Lease shall not exceed \$78,808.00; (b) the maximum term under any Lease entered into pursuant to the Master Lease shall not exceed years; and (c) the maximum interest rate used to determine the interest component of Rent Payments under each Lease shall not exceed the lesser of the maximum rate permitted by law or ten percent (10%) per annum. The Authorized Officers may sign and deliver Leases to the Lessor on behalf of the Lessee pursuant to the Master Lease on such terms and conditions as they shall determine are in the best interests of the Lessee up to the maximum aggregate principal component, maximum term and maximum interest rate provided above. The foregoing authorization shall remain in effect for a period of two years from the date hereof during which the Authorized Officers are authorized to sign and deliver Leases pursuant to the Master Lease and related Escrow Agreements on the terms and conditions herein provided and to be provided in each such Lease.

*Section 3.* The Authorized Officers and other officers and employees of the Lessee shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by the Master Lease and each Lease Schedule (including, but not limited to, the execution and delivery of the certificates contemplated therein, including appropriate arbitrage certifications) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Master Lease, each Lease Schedule and each Escrow Agreement.

*Section 4.* If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

*Section 5. Effective Date.* This Resolution shall be effective immediately upon its approval and adoption.

This resolution was passed and adopted this 11<sup>th</sup> day of **October, 2016** by the following vote:

**AYES**, Council Members:

**NAYS**, Council Members:

**ABSENT**, Council Members:

**ABSTAIN**, Council Members:

**APPROVED:**

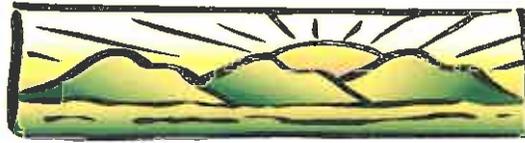
\_\_\_\_\_  
Robert Cullen, Mayor

**ATTEST:**

\_\_\_\_\_  
Steven Adams, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David Hale, Interim City Attorney



**KING CITY**  
C A L I F O R N I A

Item No. **11 (A)**

**REPORT TO THE CITY COUNCIL**

**DATE:** OCTOBER 11, 2016

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** STEVEN ADAMS, CITY MANAGER

**RE:** CONSIDERATION OF CHANGE OF CITY HALL AND POLICE STATION PUBLIC BUSINESS HOURS AND EMPLOYEE WORK SCHEDULES

**RECOMMENDATION:**

It is recommended that the City Council: 1) adopt a Resolution approving a change of City Hall and Police Station public business hours to Monday through Friday 9:00 a.m. to 5:00 p.m.; 2) adopt a Resolution approving a side letter of agreement with the Service Employees International Union Local 521 ("SEIU") to implement a 9/80 work schedule for selected City Hall employees; and 3) adopt a Resolution approving a side letter of agreement with King City Confidential Employees Association ("KCCEA") to implement a 9/80 work schedule for selected City Hall employees.

**BACKGROUND:**

Current City Hall hours are Monday through Thursday 8:00 a.m. to 5:00 p.m. Police Station hours are Monday through Friday 8:00 a.m. to 5:00 p.m. City Hall and Public Works staff currently work 4-10 shifts. Police administrative staff work traditional 5-day workweeks.

Several Council Members have expressed a desire to open City Hall on Fridays. Staff has established a goal of enhancing customer service and expanded office hours would be a good step in accomplishing this goal.

**DISCUSSION:**

Staff proposes to modify City Hall and Police Station public business hours to Monday through Friday 9:00 a.m. to 5:00 p.m. Opening on Fridays will represent a significant service level enhancement to the public. It is proposed to be

**CITY COUNCIL  
CONSIDERATION OF CHANGE OF CITY HALL HOURS AND EMPLOYEE  
WORK SCHEDULES  
OCTOBER 11, 2016  
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accomplished by converting the majority of City Hall staff to 9/80 work schedules and increasing the hours of front counter part-time staff. Under a 9/80 schedule, employees will work from 8:00 a.m. to 6:00 p.m. Monday through Thursday and every other Friday from 8:00 a.m. to 5:00 p.m. As a result, Fridays will be minimally staffed.

Amendments to the City's MOU's with SEIU and KCCEA to implement the 9/80 work schedule have been agreed upon and are attached for City Council consideration. Police Department, Public Works Department and Building Department staff will maintain their current work schedules. No changes in work schedules for KCCEA employees are proposed at this time, but an amendment to the MOU is recommended in order to allow for adjustments in the future.

The purpose of changing the City Hall and Police Station opening time to 9:00 a.m. is to provide dedicated staff time to address data entry, e-mail communications, plan check and other administrative work. Since data communications is now such a critical part of the City's operations, ensuring that the City responds in a timely manner to these needs plays a critical role in providing quality customer service to the public. In addition, a key goal of opening on Fridays is to demonstrate the City can provide service levels consistent with the private sector. Staff believes the recommendations accomplish this since typical private business office hours are Monday through Friday 9:00 a.m. to 5:00 p.m.

**COST ANALYSIS:**

Increasing part-time staff hours will increase costs by an estimated \$10,000 annually.

**ALTERNATIVES:**

The following alternatives have been identified for City Council consideration:

1. Approve staff's recommendations;
2. Modify public office hours to be Monday through Friday 8:00 a.m. to 5:00 p.m.;
3. Do not approve the recommendations and maintain existing office hours;  
or
4. Provide staff other direction.

Prepared and Approved by:

  
\_\_\_\_\_  
Steven Adams, City Manager

**RESOLUTION NO. \_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING  
ESTABLISHING CITY HALL AND POLICE STATION PUBLIC  
BUSINESS HOURS AS MONDAY THROUGH FRIDAY 9:00 A.M.  
TO 5:00 P.M.**

**WHEREAS**, City Hall is now closed on Fridays and the City Council desires to improve customer service and increase City Hall hours; and

**WHEREAS**, the City Council desires to provide staff time to effectively address data entry, plan check, and other administrative work necessary to provide responsive customer service; and

**WHEREAS**, the City Council has deemed it is in the public's interest to modify hours that the City Hall and Police Station are open to the public.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of King hereby establishes City Hall and Police Station public business hours to be Monday through Friday 9:00 a.m. to 5:00 p.m.

This resolution was passed and adopted this 11<sup>th</sup> day of **October, 2016** by the following vote:

**AYES**, Council Members:

**NAYS**, Council Members:

**ABSENT**, Council Members:

**ABSTAIN**, Council Members:

**APPROVED:**

\_\_\_\_\_  
Robert Cullen, Mayor

**ATTEST:**

\_\_\_\_\_  
Steven Adams, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David Hale, Interim City Attorney

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING  
APPROVING A SIDE LETTER OF AGREEMENT TO THE  
SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 521  
FY 2015/16 - FY 2016/17 MEMORANDUM OF UNDERSTANDING**

**WHEREAS**, the City Council of the City of King ("City") deems it in the best interest of the City to approve a Side Letter of Agreement amending the Service Employees International Union Local 521 ("SEIU") current Memorandum of Understanding, which includes modifications to work schedules, as hereinafter provided.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of King that:

1. An amendment to the Memorandum of Understanding ("MOU") with SEIU is hereby approved, a copy of said amendment entitled "Side Letter of Agreement, Modification to Memorandum of Understanding" is attached hereto, marked Exhibit "A", and incorporated herein by this reference.
2. This Resolution shall become effective October 12, 2016.

This resolution was passed and adopted this **12<sup>th</sup>** day of **October, 2016** by the following vote:

**AYES**, Council Members:

**NAYS**, Council Members:

**ABSENT**, Council Members:

**ABSTAIN**, Council Members:

**APPROVED:**

\_\_\_\_\_  
Robert Cullen, Mayor

**ATTEST:**

\_\_\_\_\_  
Steven Adams, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David Hale, Interim City Attorney

**SIDE LETTER OF AGREEMENT  
MODIFICATON TO MEMORANDUM OF UNDERSTANDING**

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City of King ("City") and the Service Employees International Union Local 521 ("SEIU") hereby agree to modify the current Memorandum of Understanding ("MOU") between the City and SEIU as follows:

**ARTICLE II - SECTION 8 - OVERTIME COMPENSATION**

- 8.1 Employees shall receive overtime paid at one and one-half (1 ½) times their prevailing pay rate; or compensatory leave time, credited at one and one half (1 ½) hours, for the overtime work performed as follows:
- a. Work performed in excess of eight (8) hours in a workday in a five (5) day work week;
  - b. Work performed in excess of ten (10) hours in a workday in a four (4) day work week;
  - c. Work performed in excess of nine (9) hours in any of the eight (8) scheduled nine (9) hour workdays, or in excess of eight (8) hours on the sole scheduled eight (8) hour workday in a 9/80 work week.
  - d. Work performed in excess of forty (40) hours in a work week.
- 8.2 For purposes of determining an employee's eligibility for overtime compensation, only actual hours worked shall be considered toward overtime calculation.

**ARTICLE II - SECTION 9 - HOLIDAY COMPENSATION**

- 9.1 Full time employees shall be allowed time off with pay at the employee's straight time hourly rate for any holiday provided in this MOU, with the amount of pay equal to the hours that the employees would normally be scheduled to work for that day, unless required to report to work by the department head in order to maintain City services.
- 9.2 Employees required to work on a holiday may, at their option, receive either: (1) paid time at one and one-half (1 ½) times their regular hourly rate; or (2) compensatory time off ("CTO"), credited at one and one-half (1 ½) hours, for each hour worked on the holiday. Employees shall request either compensatory leave or paid time for all hours worked on a holiday. In the absence of an advance written request for (CTO) by an employee, the employee shall be paid for any holiday worked. The right of an employee to elect (CTO) in lieu of pay under this provision shall be subject to and limited to existing (CTO) caps.

## **Article IV - SECTION 4 - HOLIDAY LEAVE**

4.1 The City shall provide employees holiday pay as stated herein.

4.2 The following days shall be approved City holidays:

January 1 (New Year's Day)

The third Monday in January (Dr. Martin Luther King, Jr.)

The third Monday in February (President's Day)

The last Monday in May (Memorial Day)

July 4 (Independence Day)

The first Monday in September (Labor Day)

Columbus Day (Celebrated in October consistent with Federal holiday)

November 11 (Veteran's Day)

Thanksgiving Day

Day after Thanksgiving

December 24 (Christmas Eve)

December 25 (Christmas)

4.3 Every day proclaimed by the President, Governor or Mayor of this City as a public holiday.

4.4 Under a 4/10 work schedule, when any day, granted as holiday, falls on a Friday, the preceding Thursday shall be considered the holiday; if the holiday falls on a Saturday or Sunday, the following Monday shall be considered the holiday.

4.3 Under a 9/80 work schedule, when any day, granted as holiday, falls on the Friday the employee would not be scheduled to work, the preceding Thursday shall be considered the holiday; if the holiday falls on a Saturday or Sunday, the following Monday shall be considered the holiday.

4.4 In order to be paid for a holiday, the employee must work the scheduled work period immediately before and after the holiday, unless the employee is absent from the scheduled work period immediately before and after as a result of authorized paid leave.

4.5 City operations shall be closed December 27 through December 30, 2016. Employees will utilize vacation leave, compensatory time, and/or floating holidays during those days. Employees on a 9/80 work week that are not normally scheduled to work on the holidays that fall on the Fridays of November 25, 2016 and December 23, 2016 shall instead receive those holidays on December 27, 2016 and December 28, 2016.

For City of King:

\_\_\_\_\_  
Steven Adams, City Manager

\_\_\_\_\_  
Date

For the Union:

\_\_\_\_\_  
Mark Weirick, Lead Internal Organizer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Patricia Grainger, Steward

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sal Morales, Steward

\_\_\_\_\_  
Date

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING  
APPROVING A SIDE LETTER OF AGREEMENT TO THE KING CITY  
CONFIDENTIAL EMPLOYEES ASSOCIATION  
FY 2015/16 - FY 2016/17 MEMORANDUM OF UNDERSTANDING**

**WHEREAS**, the City Council of the City of King ("City") deems it in the best interest of the City to approve a Side Letter of Agreement amending the King City Confidential Employees Association ("KCCEA") current Memorandum of Understanding, which includes modifications to work schedules, as hereinafter provided.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of King that:

1. An amendment to the Memorandum of Understanding ("MOU") with the KCCEA is hereby approved, a copy of said amendment entitled "Side Letter of Agreement, Modification to Memorandum of Understanding" is attached hereto, marked Exhibit "A", and incorporated herein by this reference.
2. This Resolution shall become effective October 12, 2016.

This resolution was passed and adopted this **12<sup>th</sup>** day of **October, 2016** by the following vote:

**AYES**, Council Members:

**NAYS**, Council Members:

**ABSENT**, Council Members:

**ABSTAIN**, Council Members:

**APPROVED:**

\_\_\_\_\_  
Robert Cullen, Mayor

**ATTEST:**

\_\_\_\_\_  
Steven Adams, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David Hale, Interim City Attorney

**SIDE LETTER OF AGREEMENT  
MODIFICATON TO MEMORANDUM OF UNDERSTANDING**

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City of King ("City") and the King City Confidential Employees Association ("KCCEA") hereby agree to modify the current Memorandum of Understanding ("MOU") between the City and SEIU as follows:

**Article IV - SECTION 4 - HOLIDAY LEAVE**

4.1 The City shall provide employees holiday pay as stated herein.

4.2 The following days shall be approved City holidays:

January 1 (New Year's Day)

The third Monday in January (Dr. Martin Luther King, Jr.)

The third Monday in February (President's Day)

The last Monday in May (Memorial Day)

July 4 (Independence Day)

The first Monday in September (Labor Day)

Columbus Day (Celebrated in October consistent with Federal holiday)

November 11 (Veteran's Day)

Thanksgiving Day

Day after Thanksgiving December 24 (Christmas Eve) December 25 (Christmas)

4.3 Every day proclaimed by the President, Governor or Mayor of this City as a public holiday.

4.4 Under a 4/10 work schedule, when any day, granted as holiday, falls on a Friday, the preceding Thursday shall be considered the holiday; if the holiday falls on a Saturday or Sunday, the following Monday shall be considered the holiday.

4.3 Under a 9/80 work schedule, when any day, granted as holiday, falls on the Friday the employee would not be scheduled to work, the preceding Thursday shall be considered the holiday; if the holiday falls on a Saturday or Sunday, the following Monday shall be considered the holiday.

4.4 In order to be paid for a holiday, the employee must work the scheduled work period immediately before and after the holiday, unless the employee is absent from the scheduled work period immediately before and after as a result of authorized paid leave.

4.5 City operations shall be closed December 27 through December 30, 2016. Employees will utilize vacation leave, compensatory time, and/or floating holidays during those days. Employees on a 9/80 work week that are not normally scheduled to work on the holidays that fall on the Fridays of November 25, 2016

and December 23, 2016 shall instead receive those holidays on December 27, 2016 and December 28, 2016.

For City of King:

\_\_\_\_\_  
Steven Adams, City Manager

\_\_\_\_\_  
Date

For the Association:

\_\_\_\_\_  
Paul Hodges, Chief Building Official

\_\_\_\_\_  
Date

**REPORT TO THE CITY COUNCIL**

**DATE:** OCTOBER 11, 2016

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** DOREEN LIBERTO-BLANCK, AICP, COMMUNITY DEVELOPMENT DIRECTOR

**BY:** DONALD J. FUNK, PRINCIPAL PLANNER

**RE:** CONSIDERATION OF PLANNING COMMISSION REQUEST TO MODIFY SIGN REGULATIONS

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**RECOMMENDATION:**

It is recommended by the Planning Commission the City Council direct staff to prepare modifications to the City's sign regulations.

**BACKGROUND:**

On **May 3, 2016**, the Commission ("**Commission**") conducted a public hearing to review a sign variance request by O'Reilly Auto Parts. As a result of that review, on **May 17, 2016**, the Planning Commission issue also recommended City sign regulations be modified to be more business-friendly. (Reference Exhibit 1.)

**DISCUSSION:**

The Commission recommends the Council direct staff to prepare changes to the sign regulations based on the items listed below:

- **Double-sided (Multi-Face) Signs:** The Commission indicated that the provisions applicable to the determination of sign area for double-sided signs should be reconsidered. Currently, the total sign area of double-sided monument signs is determined by calculating the area of both sides of each sign. (See **Section 17.55.070(a)(1)** Multi-Faced Signs) The Commission requested the sign area calculation for double-sided signs be changed, suggesting that the City look at the County's method of calculation of counting

CITY COUNCIL  
PLANNING COMMISSION REQUEST TO MODIFY SIGN REGULATIONS  
OCTOBER 11, 2016  
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counting the area of only one side of the sign for double-sided signs (faced back-to-back).

- **Maximum Sign Area:** The Commission commented that the current maximum sign area of one-hundred (100) square feet be increased, based on the linear footage of each building. **Section 17.55.080(b)(Table 2)** limits all businesses to a maximum of 100 square feet of total signage. The Commission indicated that the maximum total sign area square footage be increased to allow larger than 100 square feet in instances where the building frontages are greater than 100 lineal feet (as in the instance of the future O'Reilly Auto Parts building proposed for the southeast corner of Broadway and Canal Streets).
- **Light Bulb Wattage:** The Commission commented that Section 17.55.070(h)(6) Sign Lighting regarding maximum of 15 watt sign light-bulb wattage may no longer be relevant due to changes in technology and bulb efficiency, and new lighting technology should be incorporated into the sign regulations. Other language would be recommended to address the general concern for glare caused by sign lighting.
- **Findings of Fact:** Section 17.55.030(d) requires eight (8) primary specific findings of fact be made to approve a sign plan. Other separate findings are required for various types of signs, such as those findings required for signs in the Downtown Historic Area (**Section 17.55.080(d)(2)**) and for free-standing signs (**Section 17.55.080(e)(5)**) as well as other criteria related to sign design and construction such as those contained in **Section 17.55.070(f), (g) and (h)**. The Commission would like the findings to be reduced and/or consolidated to make sign review more efficient and reduce staff time (and thereby reduce permit review time and reduce costs to applicants).

Revised sign regulations would be a benefit to business owners by allowing a shortened permit review time, as well as allowing additional sign area in some instances. The revision to the regulations would benefit the City by reducing staff time in reviewing sign proposals. Modifications to the sign regulations would not significantly impact the aesthetics of the community. It would be good timing to make these changes because staff recommends future enforcement of the City's sign regulations be applied more consistently.

**CITY COUNCIL  
PLANNING COMMISSION REQUEST TO MODIFY SIGN REGULATIONS  
OCTOBER 11, 2016  
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**COST ANALYSIS:**

Staff estimates that the total cost of this item will be approximately \$4,000. Costs involve preparation of draft sign standards, distribution for staff and community input, possible environmental analysis, preparation of Commission and Council staff reports, attendance at Commission and Council hearings, and public hearing noticing cost. No additional appropriation at this time is proposed, but may be required when the mid-year budget report is presented.

**ALTERNATIVES:**

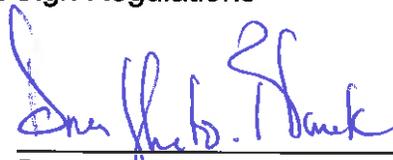
The following alternatives are presented for Council consideration:

1. Accept the Planning Commission recommendation and direct staff to prepare amendments to the sign regulations for consideration;
2. Delay the item until other higher priority items are completed;
3. Do not initiate changes to ordinance; or
4. Provide staff other direction.

**Exhibits:**

1. Current Sign Regulations

Submitted by:



Doreen Liberto-Blanck, Community Development Director

Approved by:



Steven Adams, City Manager

**Exhibit 1**  
**Chapter 17.55**  
**Existing King City Sign Regulations**

**Chapter 17.55 SIGNS**

**Note**

\* Prior ordinance history: Ords. 660, 631, 621, 593, 562, 555, 545, 542 and 532.

**17.55.010 Purpose.**

The regulations established by this chapter are intended to appropriately limit the placement, type, size, and number of signs allowed within the city, and to require the proper maintenance of signs. The purposes of these limitations and requirements are to:

- (a) Avoid traffic safety hazards to motorists, bicyclists, and pedestrians caused by visual distractions and obstructions;
- (b) Promote the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the city as a place to live, work, and shop;
- (c) Provide for signs as an effective channel of communication, while ensuring that signs are aesthetically proportioned to adjacent structures and the structures to which they are attached; and
- (d) Safeguard and protect the public health, safety, and general welfare. (Ord. 679 § 1, 2009)

**17.55.020 Applicability.**

The requirements in this chapter shall apply to all signs within the city. This chapter, however, does not regulate the message or content of signs.

In the event of any conflict between this chapter and any law, rule, or regulation of the state of California, that requirement that establishes the higher standard of safety shall govern. Failure to comply with such standard or safety shall be a violation of this chapter.

If any provision or provisions of this chapter becomes illegal, invalid, or unenforceable, the legality, validity, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. (Ord. 679 § 1, 2009)

**17.55.030 Sign permit requirements and procedures.**

**(a) General Requirements.**

- (1) Approval Required. No sign shall be constructed, installed, or modified, unless a sign permit and, where applicable, master sign program approval is obtained in compliance with all the regulations within this chapter. Except for signs allowed without sign permit by Section 17.55.050 (Exemptions from sign permit requirements).

(2) **Building Permit Required.** The chief building official shall examine sign permit applications. When, in his or her determination, a separate building or electrical permit is required, the applicant shall be notified and the sign permit shall not be issued until such other permits are obtained from the community development department ("department").

(3) **Compliance with Permit and Master Sign Program.** After approval, the sign(s) must comply with the sign permit and master sign program (Section 17.55.040), if applicable.

(b) **Review Authority.**

(1) **Community Development Director.** The community development director ("director") shall review sign permit applications and approve only those that comply with the findings required in subsection (d) of this section (Findings for approval). The director may also refer a sign permit application to the planning commission for review and decision, either for the individual sign permit, or as part of a development project that is otherwise subject to a conditional use permit ("CUP") or architectural review ("AR").

(2) **Planning Commission.**

(A) The planning commission shall review all master sign programs (Section 17.55.040), and shall approve only those that comply with the findings required in subsection (d) of this section (Findings for approval).

(B) In limited circumstances, the planning commission may approve a sign permit application that does not meet finding (d)(1) of this section.

(3) **Conditions of Approval.** The review authority may require conditions of approval that are deemed reasonable and necessary to achieve the purpose, intent, and objectives of this chapter.

(c) **Sign Permit Procedures.**

(1) **Application Requirements.** An application for a sign permit and master sign program (Section 17.55.040) shall be prepared, filed, and processed.

(2) **Application Contents.** Each application shall include all of the following:

(A) Plans for the sign, drawn to scale, showing the proposed location of the sign in relation to other signs on the site and adjacent properties, structures, and uses;

(B) A complete color scheme and drawing of the sign;

(C) Sufficient other details of the proposed sign to show that it complies with the provisions of this chapter;

(D) Written permission from the property owner for the placement of the proposed signs on the site;

(E) Computation of the total sign area, the area of each individual sign, the height of each sign, and the total number of existing and proposed signs on the parcel;

(F) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not;

- (G) If a sign permit application is filed for a site with existing signs, the application shall detail how the applicant will correct all nonconforming signs on the site as part of the installation of the proposed signs; and
- (H) Other information as required by the department.
- (d) Findings for Approval. The approval of a sign permit or master sign program shall require that the review authority make the following findings, as applicable:
  - (1) The proposed sign(s) do not exceed the standards of Sections 17.55.080 (Zoning district sign standards) and 17.55.090 (Standards for specific types of signs), and are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;
  - (2) That the placement of the sign on the site is appropriate for the height and area of a freestanding or projecting sign;
  - (3) That a flush or projecting sign relates to the architectural design of the structure;
  - (4) That signs do not unreasonably impair the visibility of existing signs on adjacent properties;
  - (5) The placement and size of the sign(s) will not impair pedestrian or vehicular safety;
  - (6) The design, height, location, and size of the sign(s) are visually complementary and compatible with the scale and architectural style of the primary structures on the site, any prominent natural features on the site, and structures and prominent natural features on adjacent properties on the same street;
  - (7) The proposed sign(s) are in substantial conformance with the design criteria in Section 17.55.070(f) (Design criteria for signs); and
  - (8) The proposed sign(s) are of a color, height, letter type, location, material, shape, size, and style that is appropriate for the use of the premises, enhancing to the premises, and harmonious with the surrounding neighborhood.
- (e) Expiration and Extension of Sign Permits.
  - (1) Approval of a sign permit or master sign program permit shall expire twelve months from the date of approval unless the sign has been installed or a different expiration date is stipulated at the time of approval. Before the expiration of a sign permit or master sign program permit, the applicant may apply to the department for an extension of an additional twelve months from the original date of expiration. Only one extension may be granted. In response to an extension request, the director may make minor modifications or deny further extensions.
  - (2) The expiration date of the sign permit or master sign program permit shall be automatically extended to concur with the expiration date of the companion building permit or other applicable permits. (Ord. 679 § 1, 2009)

**17.55.040 Master sign program requirements.**

- (a) When Required. A master sign program shall be:
  - (1) Required for new nonresidential projects with three or more tenants;

- (2) Required for existing nonresidential project with three or more tenants that complete either:
  - (A) A major renovation, for the purposes of this chapter, major renovation means adding more than fifty percent to the gross floor area of the structure(s) or exterior work on more than fifty percent of the length of any façade, or
  - (B) The modification of fifty percent or more of the existing signs on the site within a twelve-month period;
- (3) Submitted with other planning permits required by the city for development of the parcel on which the sign is proposed to be located and shall be processed simultaneously with the other planning permit(s).
- (b) Contents. A master sign program shall include all the information and materials required by Section 17.55.030 (c)(2) (Application contents), and shall provide standards for the uniform style, construction, height, size, and placement of the signs.
- (c) Review Authority. The planning commission shall review all master sign programs and shall approve only those that comply with the findings required in Section 17.55.030(d) (Findings for approval).
- (d) Revisions. The director may approve revisions to an approved master sign program. (Ord. 679 § 1, 2009)

**17.55.050 Exemptions from sign permit requirements.**

The following signs are allowed without sign permit or master sign program approval, provided that they comply with Section 17.55.070 (General requirements for all signs), and any required building permit is obtained.

(a) Nonstructural Modifications and Maintenance.

- (1) Modifications to sign copy on conforming signs or changes to the face or copy of conforming changeable copy signs;
- (2) Nonstructural modifications of the face or copy of an existing conforming sign installed in compliance with a master sign program; provided, the modifications are consistent with the approved master sign program;
- (3) The normal maintenance of conforming signs, except as identified in Section 17.55.100(b) (Nonconforming signs).

(b) Identification Signs. Street identification and house identification signs not exceeding one square foot.

(c) Temporary Signs. The following temporary signs are allowed without a sign permit.

- (1) Real Estate Signs. Real estate signs are allowed without a sign permit in compliance with California Civil Code Section 713, and subject to the following requirements:
  - (A) A site within a commercial, industrial, or other nonresidential zoning district shall be allowed one real estate sign of no more than ten square feet, with a maximum height for freestanding signs of six feet, adjacent to each parcel frontage.

**(B) Residential Zoning Districts.**

- (i) On-site Signs.** One residential real estate sign not more than ten square feet in area, advertising the sale or lease of a parcel or structure, may be located on the property it advertises.
- (ii) Off-site Directional Signs.** Off-site real estate directional signs not more than six square feet in area may be located on private property with the property owner's consent, provided that they do not obstruct or impede pedestrian or vehicular traffic, and are not secured to prevent removal. No real estate sign shall be permitted within the public right-of-way.

**(2) Political or Social Issue Signs.** Political or social issue signs are allowed without a sign permit provided that the signs:

- (A)** Are placed on private property with the property owner's consent, and do not exceed a total aggregate area of twelve square feet within a residential zoning district, or twenty square feet within a nonresidential zoning district;
- (B)** Are not placed so as to impede the visibility of street or traffic control signs to motorists or pedestrians; and
- (C)** Are not placed unlawfully. The placement of a sign in the public right-of-way in violation of this chapter or any other provision of the Municipal Code is a nuisance, and any sign so placed may be removed and disposed of by the city.

**(3) Temporary Window Signs.** Temporary signs on commercial properties that are painted directly on a window, affixed to the inside of a window, or hung within twelve inches of a window promoting a message, including but not limited to, grand openings and special events (commercial and noncommercial), provided the sign or signs do not exceed five percent of the window area or two square feet per window, whichever is greater. Temporary window signs may be allowed for a thirty-day period.

**(d) Governmental Signs.** Signs installed by the city, county, or a federal or state governmental agency, are allowed without a sign permit including, but not limited to, the following:

- (1)** Emergency and warning signs necessary for public safety or civil defense;
- (2)** Traffic signs erected and maintained by an authorized public agency;
- (3)** Legal notices, licenses, permits, and other signs required to be displayed by law;
- (4)** Signs showing the location of public facilities (e.g., public telephones, restrooms, and underground utilities); and
- (5)** Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety, and general welfare.

**(e) Miscellaneous Signs.** The following signs are also allowed without a sign permit:

- (1) Street Addresses.** Street address numbers not exceeding twelve inches in height.
- (2) Official Flags.** Flags of national, state, or local governments, or nationally recognized

religious, fraternal, or public service agencies; provided that:

- (A) The length of a flag shall not exceed one-fourth the height of the flagpole;
- (B) The height of the flag pole shall not exceed twelve feet within a residential zoning district and thirty feet within a nonresidential zoning district; and
- (C) No private flagpole shall be located within a public right-of-way or required setback.
- (3) Ornamentation and Decoration. Symbols, pictures, patterns, and illumination approved as architectural ornamentation or decoration by the planning commission.
- (4) Historical Markers. Historical markers erected and maintained by nonprofit organizations, memorials, building cornerstones, and date-constructed stones, provided that none of these exceed four square feet.
- (5) Service Station Price Signs. Service station price signs required by state law. (Ord. 679 § 1, 2009)

#### **17.55.060 Prohibited signs.**

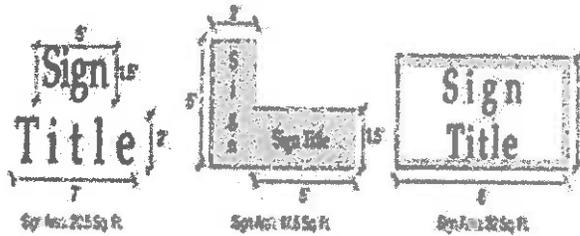
All signs not expressly allowed by this chapter shall be prohibited. Examples of prohibited signs include, but are not limited to, the following:

- (a) Animated and moving signs. Includes electronic message display signs, blinking, or flashing signs, or signs that emit a varying intensity of light or color, except time and temperature displays (which are not considered signs) and barber poles.
- (b) Billboard signs except as allowed by Section 17.55.090(b) (City billboard signs).
- (c) Off-site signs except as allowed by Section 17.55.090(i)(3) (Offsite directional signs).
- (d) Signs that emulate traffic control signals. Because of the city's interest in ensuring traffic safety, signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that interferes with, misleads, or confuses pedestrian or vehicular traffic are prohibited.
- (e) Directional signage. A sign in the form or shape of a directional arrow, or otherwise displaying a directional arrow, unless approved by the planning commission. This is to protect the safety, convenience and control of vehicular and pedestrian traffic within the premises of the subject use.
- (f) Signs attached to boats, vehicles, or other moving objects. A sign attached to or suspended from a boat, vehicle, or other movable object that is parked within a public right-of-way, or located on private property so that it is visible from a public right-of-way, unless approved by the planning commission. This standard does not include signs painted directly upon, magnetically affixed to, or permanently affixed to the body or other integral part of a vehicle that covers no portion of a vehicle window.
- (g) A sign burned, cut, or otherwise marked on or affixed to a natural feature.
- (h) A sign placed within a public right-of-way, except as provided by Section 17.55.070(d) (Signs placed within the public right-of-way); and
- (i) A-board and other portable sidewalk signs. (Ord. 679 § 1, 2009)

**17.55.070 General requirements for all signs.**

(a) Sign Area Measurement. The measurement of sign area to determine compliance with the sign area limitations of this chapter shall be regulated as follows:

(1) Surface Area. The surface area of a sign shall be calculated by enclosing the extreme limits of all framing, emblem, logo, representation, writing, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines. See Figure 1.



**Figure 1 Surface Area Calculation**

- (2) Sign Structure. Supporting bracing or framework that is clearly incidental to the display itself shall not be computed as sign area.
- (3) Multi-faced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces.
- (4) Three-dimensional Objects. Where a sign consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured at their maximum projection upon a vertical plane. See Figure 2.



**Figure 2 Three-dimensional Objects**

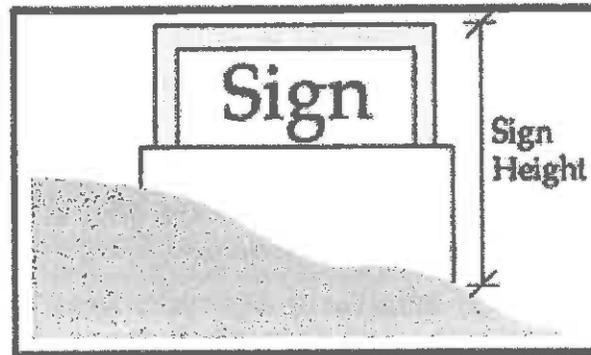
- (5) Time and/or Temperature Device. The area of any time and/or temperature device incorporated into a sign shall not be included in the calculation of total sign area.
- (6) Sign Lighting. Permanently installed illuminated panels, visible tubing, and strings of lights outlining all or a portion of a structure shall be deemed "signs" subject to this chapter and shall be counted as part of the allowed sign area. Each line of tubing or lights shall be deemed to have a minimum width of at least six inches for the

purpose of area calculation. Indirect lighting that is primarily for illuminating architectural features or landscaping is not included in sign area.

- (b) **Sign Height Measurement.** The height of a sign shall be computed as the vertical distance from the lowest point of the base of the sign at normal grade, to the top of the highest attached component of the sign. See Figure 3.

Normal grade shall be construed to be the lower of either the:

- (1) Existing grade before construction; or
- (2) Newly established grade after construction, exclusive of any berming, filling, mounding, or excavating solely for the purpose of locating the sign.



**Figure 3 Sign Height Measurement**

- (c) **Sign Location Requirements.** Each sign shall be located in compliance with the following requirements, and all other applicable provisions of this chapter.

- (1) Each sign shall be located on the same site as the subject of the sign, except as otherwise allowed by Section 17.55.090 for a specific sign type.
- (2) No sign shall project over public property, or the public right-of-way, except where the city has granted an encroachment permit in addition to a sign permit.
- (3) No sign shall be placed so as to interfere with the operation of a door or window. A sign that covers architectural features shall be discouraged.

- (d) **Signs Placed within the Public Right-of-way.**

- (1) No sign shall be allowed in the public right-of-way except for the following:

(A) Public signs erected by or on behalf of a governmental agency to convey public information, identify public property, post legal notices, or direct or regulate pedestrian or vehicular traffic;

(B) Bus stop signs installed by a public transit company.

(C) Informational signs of a public utility regarding its lines, pipes, poles, or other facilities.

(D) Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized work within the public right-of-way;

- (E) Projecting signs that comply with Section 17.55.090(h) (Projecting signs).
- (F) Temporary local community group signs located at the corner of San Antonio and Broadway, adjacent to the cemetery. The signs shall meet the following requirements:
  - (i) Size. The sizes shall be no larger than four square feet.
  - (ii) Location. Signs shall be positioned so they do not obstruct visual line of sight.
  - (iii) Affixed to Ground/Structure. Signs shall be safely installed so they do not blow away, fall over, or create other safety problems.
- (2) Any sign installed or placed within the public right-of-way other than in compliance with this section shall be forfeited to the public and be subject to confiscation.
- (3) The city shall have the right to recover from the owner, or person placing the sign, the full costs related to the removal and disposal of the sign.
- (4) A sign permit shall not be required for city signs placed within the public right-of-way.
- (e) Sign Design, Construction and Maintenance. All signs shall be designed, constructed, and continuously maintained in compliance with the following standards:
  - (1) Compliance with Applicable Provisions. All signs shall comply with the applicable provisions of the uniform codes of the city, any other applicable city ordinances, resolutions, or regulations, and this chapter.
  - (2) Permanent Materials and Attachment. Except for banners, flags, temporary signs, and window signs conforming with the requirements of this chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
  - (f) Design Criteria for Signs. The following design criteria shall be used in reviewing the design of individual signs. Substantial conformance with each of the following design criteria shall be required before a sign permit or building permit can be approved:
    - (1) Color. Colors on signs and structural members should be harmonious with one another and relate to the dominant colors of the other structures on the site. Contrasting colors may be utilized if the overall effect of the sign is still compatible with the structure colors and prevailing colors in the surrounding neighborhood (where a theme can be identified).
- (2) Design and Construction.
  - (A) All permanent signs shall be designed by professionals (e.g., architects, building designers, landscape architects, interior designers, or those whose principal business is the design, manufacture, or sale of signs) who are capable of producing professional results.
  - (B) All permanent signs shall be constructed by persons whose principal business is building construction or a related trade including sign manufacturing and installation businesses, or others capable of producing professional results. The intent is to

ensure public safety, achieve signs of careful construction, neat and readable copy, and durability so as to reduce maintenance costs and to prevent dilapidation.

**(3) Materials and Structure.**

**(A) Sign materials (including framing and supports) shall be characteristic of the type and scale of materials used on the site of the sign. Sign materials shall match those used on the structure and on other signs on the site.**

**(B) No sign shall include reflective material.**

**(C) Materials for permanent signs shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.**

**(D) The size of the structural members (e.g., columns, crossbeams, and braces) shall be proportional to the sign panel they are supporting. In general, fewer larger supporting members are preferable to many smaller supports.**

**(E) The use of individual letters incorporated into the building design is encouraged, rather than a sign with background and framing other than the structure wall.**

**(4) Street Address.** The review authority may require that a sign include the street address of the site, where it determines that public safety and emergency vehicle response would be more effectively served than if the street address were displayed solely on one or more structures on the site.

**(g) Copy Design Guidelines.** The city does not regulate the message content (copy) of signs; however, the following are principles of copy design and layout that can enhance the readability and attractiveness of signs. Copy design and layout consistent with these principles is encouraged, but not required.

**(1) Sign copy should relate only to the name and/or nature of the business or commercial center.**

**(2) Permanent signs that advertise continuous sales, special prices, or include phone numbers, etc., shall be avoided.**

**(3) Information should be conveyed briefly or by logo, symbol, or other graphic manner. The intent should be to increase the readability of the sign and thereby enhance the identity of the business.**

**(4) The area of letters or symbols should not exceed forty percent of the background area in commercial districts or sixty percent in residential districts.**

**(5) Freestanding signs should contain the street address of the parcel or the range of addresses for a multitenant center.**

**(h) Sign Lighting.** Sign lighting shall be designed to minimize light and glare on surrounding rights-of-way and properties.

**(1) A sign should be illuminated by lights shining on the sign rather than by lights within the sign.**

**(2) External light sources shall be directed and shielded so that they do not produce glare off the site, on any object other than the sign.**

- (3) Sign illumination shall not blink, flash, flutter, or change light intensity, brightness, or color.
- (4) Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.
- (5) Neither the direct nor reflected light from primary light sources shall create hazards for pedestrians or operators of motor vehicles.
- (6) No lamp that exceeds fifteen watts shall be placed so that the face of the lamp is visible from a public right-of-way or adjacent property.
- (7) Light sources shall utilize hard-wired florescent or compact florescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent lamps shall be prohibited.
- (i) Maintenance of Signs.
  - (1) Each sign and supporting hardware, including temporary signs, shall be maintained in good repair and functioning properly at all times.
  - (2) Any repair to a sign shall be of materials and design of equal or better quality as the original sign.
  - (3) A sign that is not properly maintained and is dilapidated shall be deemed a public nuisance, and may be abated in compliance with the Municipal Code.
- (4) When an existing sign is removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed. (Ord. 679 § 1, 2009)

**17.55.080 Zoning district sign standards.**

Each sign shall comply with the sign type, area, height, and other restrictions provided by this section, in addition to the provisions of Section 17.55.090 (Standards for specific types of signs).

Sign standards for specific plans and planned developments will be determined during the discretionary review process. If such standards follow the citywide standards in this chapter, the review authority will determine the zoning districts that most closely match the proposed project.

- (a) Residential and Open Space Districts. Each sign in the A, R-1, R-2, R-3, R-4 and O districts shall comply with the requirements in Table (1)

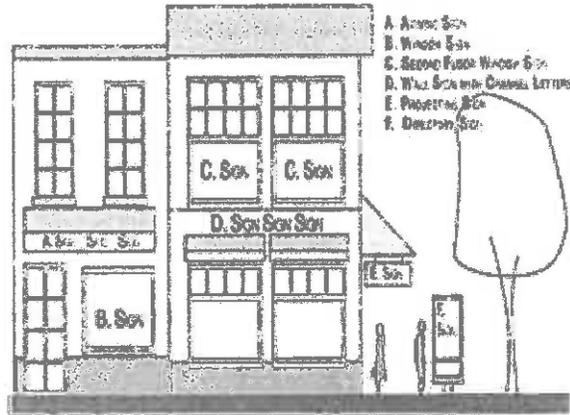
<b>Allowed Sign Types</b>	<b>Maximum Sign Height</b>	<b>Maximum Number of Signs Allowed per Parcel</b>	<b>Maximum Sign Area Allowed per Parcel</b>
Wall	Two feet below edge of roof	One per street frontage	Twelve sf maximum each
Freestanding	Four feet		Twenty-four sf total for all signs

**Table 1  
Sign Standards for Residential Neighborhoods**

(b) Commercial and Industrial Districts. Each sign in the C-N, C-1, C-1-TD, C-2, H-S, M-1, M-2, and M-3 districts shall comply with the requirements in Table 2 except for signs located in the historic downtown area, which are regulated by subsection (c) of this section. Figure 4 shows examples of several sign types.

**Table 2**  
**Sign Standards for Commercial and Industrial Districts**

Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area Allowed per Parcel
<b>Ground mounted and ground floor signs</b>			
Awning	At least one foot below the top of a parapet, the sill of a second story window or the lowest point of any cornice or roof overhang	Three of any combination of allowed sign types per primary structure frontage	The total sign area on a parcel shall comply with the following requirements:  (1) One sf for each linear ft of primary building frontage (2) One-half sf for each linear foot of secondary building frontage (3) Each use is allowed a total sign area of at least twenty-five sf regardless of the frontage (4) The total sign area shall not exceed one hundred sf
Freestanding	Six feet		
Projecting	See Section 17.55.090(h) (Projecting signs)		
Roof	Two feet above highest point	One of any allowed sign type per secondary frontage	
Suspended	Below eave/canopy; the lower edge at least eight feet above a walking surface		
Wall	At least one foot below the top of a parapet, the sill of a second story window or the lowest point of any cornice or roof overhang		
Window	See Section 17.55.090(k) (Window signs)		
<b>Other signs</b>			
Freeway	See Section 17.55.090(e) (Freeway signs)		
Murals	See Section 17.55.090(g) (Murals)		
Temporary	See Section 17.55.090(i) (Temporary signs)		
<b>Second floor signs</b>			
Awning	At least one foot below the top of a parapet or the lowest point of any cornice or roof overhang	One per tenant	Twelve sf for each tenant
Projecting			
Wall			
Window	See Section 17.55.090(k) (Window signs)		



**Figure 4 Examples of Sign Types**

- (c) Historic Downtown Area. Each sign in the historic downtown area shall comply with the requirements in Table 3. For purposes of this section, the historic downtown area is defined as Broadway Street between North Mildred Avenue and North 1st Street.
- (1) Purpose. The purpose of establishing sign standards for the historic downtown area is to preserve and protect the historic integrity and cultural resources of the downtown area.
- (2) Required Findings. The director must find that the sign is compatible with the character of the building and the historic downtown area.

Table 3

Sign Standards for the Historic Downtown Area

Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area Allowed per Parcel
<b>Ground mounted and ground floor signs</b>			
Awning	At least one foot below the top of a parapet, the sill of a second story window or the lowest point of any cornice or roof overhang	Three of any combination of allowed sign types per primary structure frontage  One of any allowed sign type per secondary frontage	The total sign area on a parcel shall comply with the following requirements:  (1) One sf for each two linear ft of primary building frontage (2) One-half sf for each linear foot of secondary building frontage (3) Each use is allowed a total sign area of at least twenty sf regardless of the frontage (4) The total sign area shall not exceed one-hundred sf
Projecting	See Section 17.55.090(h) (Projecting signs)		
Suspended	Below eave/canopy; the lower edge at least eight feet above a walking surface		
Wall	At least one foot below the top of a parapet, the sill of a second story window or the lowest point of any cornice or roof overhang		
Window	See Section 17.55.090(k) (Window signs)		
<b>Other signs</b>			
Freestanding	In addition to the permanent on-site signs permitted by this chapter, a parcel may have a freestanding sign not to exceed twenty-five square feet. The sign may not be illuminated higher than five feet.		
Murals	See Section 17.55.090(g) (Murals)		
Temporary	See Section 17.55.090(i) (Temporary signs)		
<b>Second floor signs</b>			
Awning	At least one foot below the top of a parapet or the lowest point of any cornice or roof overhang	One per tenant	Twelve sf for each tenant
Projecting			
Wall			
Window			

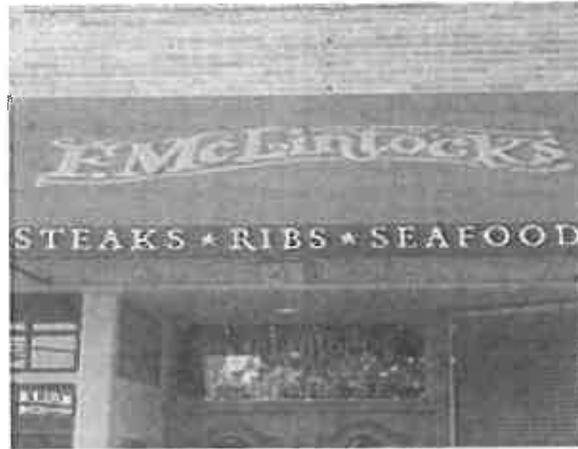
**17.55.090 Standards for specific sign types.**

Proposed signs shall comply with the following standards applicable to the specific sign type. Each sign type listed in this section shall be included in the calculation of the total sign area allowed on a parcel by Section 17.55.080 (Zoning district sign standards), unless this section explicitly provides otherwise. Each sign shall also comply with the requirements of Section 17.55.070 (General requirements for all signs), and all other applicable provisions of this chapter.

(a) Awning Signs. The following standards apply to awning signs (Figure 5) in all districts where allowed by Section 17.55.080 (Zoning district sign standards).

(1) Signs on awnings are limited to ground level or second story occupancies only.

- (2) Awnings shall be indirectly illuminated. Translucent awning materials are prohibited.
- (3) Signs on awning shall not exceed twenty-five square feet.



**Figure 5 Awning Signs**

- (b) Cabinet Signs. Cabinet signs are internally illuminated and come in different shapes and sizes. Cabinet signs can be incorporated into monument signs, walls signs, projecting signs and pole signs. Cabinet signs should have a dark background and light lettering.
- (c) City Billboard Signs. The planning commission may allow a city-owned and maintained billboard in the PD zoning district along State Highway 101.
- (d) Freestanding Signs. The following standards apply to freestanding signs in all districts where allowed by Section 17.55.080 (Zoning district sign standards). See Figure 6.
  - (1) Multiple signs shall be separated by a minimum of seventy-five feet to ensure adequate visibility for all signs. The review authority may waive this requirement where the locations of existing signs on adjacent properties would make the seventy-five foot separation impractical, or there is no other alternative.
  - (2) A sign shall not project over public property, vehicular easements, or rights-of-way, and shall not obstruct a traffic safety sight area, as determined by the review authority.
  - (3) To assist emergency response personnel in locating the site, freestanding signs shall contain an illuminated street address plate. Numbers shall be a minimum of six inches in height.



**Figure 6 Freestanding Signs**

- (e) **Freeway-oriented Signs.** A freeway-oriented sign may be approved in compliance with the following requirements. See Figure 7.
  - (1) **Permit Requirement.** CUP approval is required for a freeway-oriented sign.
  - (2) **Where Allowed.** The planning commission may allow a freeway-oriented sign:
    - (A) Within the H-S zoning district; and
    - (B) On a parcel with a property line within five hundred feet of the State Highway 101 right-of-way.
  - (3) **Design.** The city shall limit the number, height and visual impact of freeway-oriented signs when considering a CUP. Pole signs shall be discouraged if adequate signage can be provided on the sides of buildings and in the form of monument signs.
  - (4) **Height.** The height of permitted signs shall be limited to the lowest practical elevation when considering the line of sight from nearby highways. However, the planning commission may require minimum clearances beneath a freeway-oriented sign if necessary to protect the public health and safety. Freeway signs shall not exceed a maximum height of sixty feet.
  - (5) **Required Findings.** The approval of a CUP for a freeway-oriented sign shall require that the planning commission find that the use or site cannot be adequately identified by other signs allowed within the applicable zoning district.



**Figure 7 Freeway-oriented Signs**

- (f) **Information Kiosks.** Kiosks for the permanent and/or temporary display of information including community and civic activities, and advertising for local commercial establishments may be allowed. Approval of the size, location, and maintenance requirements for such kiosks shall be established by the planning commission.
- (g) **Murals.** A mural placed on the wall of a structure or noise barrier may be allowed in any commercial or industrial zoning district subject to planning commission approval, and as follows:
  - (1) **Requirements.**
    - (A) A mural without text visible from a public right-of-way may be approved in addition to (not counted as part of) the sign area allowed by Section 17.55.080 (Zoning district sign standards); a mural with text shall comply with the sign area limitations applicable to the site;
    - (B) Murals should illustrate the local setting and history as sources of inspiration; and
    - (C) Murals should not contain any commercial message. See Figure 8.
  - (2) **Required Findings.** Prior to approving a mural, the planning commission shall find that the:
    - (A) Mural's size, colors, and placement are visually compatible with the structure architecture;
    - (B) Mural serves to enhance the aesthetics of the city; and
    - (C) Mural illustrates the local history.



**Figure 8 Murals**

- (h) **Projecting Signs.** The following standards apply to projecting signs in all zoning districts where allowed by Section 17.55.080 (Zoning district sign standards). See Figure 9.
- (1) The maximum projection of a sign from a structure wall over a public right-of-way shall not exceed thirty-six inches over a sidewalk. Larger projections from the structure wall over private property may be approved by the review authority. Any projection over a public right-of-way shall require an encroachment permit.
  - (2) The top of a projecting sign shall exceed the lesser of: fourteen feet, eave height, one foot below top of parapet, or sill of a second floor window. No portion of the sign shall project above the eave line of a sloped roof or the top of the parapet on a flat roof.
  - (3) A projecting sign shall maintain a minimum clearance of eight feet from the bottom of the sign to the finished grade below.
  - (4) Icon signs using shapes or symbols uniquely suited to the business, creative shapes, and three-dimensional signs are encouraged.
  - (5) Each sign shall be graphically designed for pedestrians, with a maximum area of nine square feet on each sign face, regardless of the length of the building frontage.
  - (6) Sign supports shall be well-designed and compatible with the design of the sign.



**Figure 9 Projecting Signs**

- (i) **Temporary Signs.** The following standards apply to temporary signs in all zoning

districts where allowed by Section 17.55.080 (Zoning district sign standards).

- (1) Banners, Balloons and Pennants. Temporary banners, balloons, and pennants on private property shall comply with the following requirements:
  - (A) The use of banners, balloons, or pennants may be allowed no more than forty-five days in a row or no more than one hundred eighty days within any three hundred sixty-five day period.
  - (B) The application for a sign permit for banners, balloons, or pennants shall include the dates proposed by the applicant for scheduled use.
  - (C) A bond may be required by the director. The bond may be called if the temporary banners are not removed within two days after the date when the sign permit required their removal.
  - (D) Sign permits for temporary banners, balloons, and pennants shall expire three hundred sixty-five days after issuance and must be applied for annually.
  - (E) Schools, parks, and nonprofit organizations require a sign permit for temporary banners, balloons, and pennants.
  - (F) Exceptions to these requirements may be approved by the planning commission for automobile dealerships.
- (2) Construction Signs. Construction identification signs may be allowed in all zoning districts with sign permit approval, in compliance with the following standards:
  - (A) Only one sign, located on-site, shall be allowed;
  - (B) The area of the sign shall not exceed thirty-two square feet;
  - (C) Sign height shall not exceed six feet;
  - (D) The sign shall not be illuminated; and
  - (E) Construction signs shall be removed within thirty days after completion of construction.
- (3) Subdivision Directional Signs, Off-site. Off-site signs providing directions to a new subdivision may be allowed with sign permit approval, and shall comply with the following standards:
  - (A) A maximum of two offsite signs may be located on private property (not within any public right-of-way).
  - (B) The total area of each sign shall not exceed eighteen square feet;
  - (C) The height of each sign shall not exceed six feet;
  - (D) The signs shall not be illuminated;
  - (E) The signs may be displayed only during the two years following date of recordation of the final map, or until all of the units have been sold, whichever occurs first; and
  - (F) The signs shall not affect pedestrian or vehicular safety.
- (4) Subdivision Signs, Onsite. Onsite subdivision identification signs may be allowed

with sign permit approval, in compliance with the following standards:

- (A) A maximum of two onsite signs may be located within the project boundaries; provided, no more than one sign for each street frontage is allowed, and multiple signs shall be separated by a minimum of seventy-five feet.
- (B) The area of each sign shall not exceed twenty-four square feet;
- (C) Sign height shall not exceed six-feet;
- (D) The signs shall not be illuminated; and
- (E) The signs may be displayed only during the two years following date of recordation of the final map, or until all of the units have been sold, whichever occurs first.
- (j) Wall Signs. The following standards apply to wall signs in all zoning districts where allowed by Section 17.55.080 (Zoning district sign standards). See Figure 10.
  - (1) Sign Location. A wall sign may be located on any primary or secondary structure frontage.
  - (2) Maximum Sign Area. In addition to the limitations on sign area in Tables 1, 2, and 3, (Section 17.55.080), the area of the largest wall sign shall not exceed seven percent of the area of the building facade on which the sign is mounted or painted, including the area of windows, doors, and recesses.
  - (3) Projection from Wall Surface. A wall sign shall not project more than twelve inches from the surface to which it is attached.



**Figure 10 Wall Signs**

- (k) Window Signs. The following standards apply to permanent window signs where allowed by Section 17.55.080 (Zoning district sign standards). See Figure 11.
  - (1) Sign Location. Window signs shall be allowed on the ground level and second story windows.
  - (2) Maximum Sign Area. Permanent window signs shall not occupy more than twenty percent of the total window area.
  - (3) Sign Materials. Window signs shall consist of individual letters, logos, or symbols applied to, stenciled on, or etched into the glass surface; however, neon signs with transparent backgrounds may be hung inside the window glass.



**Figure 11 Window Signs**  
(Ord. 679 § 1, 2009)

#### **17.55.100 Nonconforming signs.**

A nonconforming sign is any permanent or temporary sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not now comply with the provisions of this chapter. Pursuant to the Business and Professions Code, the city shall identify and inventory illegal or abandoned signs pursuant to the regulations in effect prior to the adoption of this chapter. The identification and inventory shall commence not later than one hundred twenty days from the date on which this chapter is adopted and shall be completed in a timely manner.

(a) General Requirements. A nonconforming sign shall not be:

- (1) Changed to another nonconforming sign;
- (2) Structurally altered to extend its useful life;
- (3) Enlarged;
- (4) Re-established after a business is discontinued for thirty days; or
- (5) Re-established after damage or destruction to fifty percent or more of the value of the sign, or its components, as determined by the chief building official.

(b) Maintenance and Changes. Sign copy and face changes, nonstructural modifications, and nonstructural maintenance (e.g., painting, rust removal) are allowed without a sign permit up to a maximum of twenty-five percent of the existing total area of the sign. Face changes not including copy, and any nonstructural modifications exceeding twenty-five percent of the existing total area of the sign, and any structural changes shall comply with all applicable standards of this chapter.

(c) Amortization. Signs that lawfully existed and were maintained and became nonconforming after adoption of this chapter, shall be removed or made to conform based on the following schedule with written notice by the director:

**Amortization Period (in  
years)  
If the Original Value of  
the Sign is:**

Less than \$499	2
\$500 to \$1,499	3
\$1,500 to \$2,999	5
More than \$3,000	7

- (1) The time periods shall commence on the effective date of the ordinance codified in this chapter;
- (2) If more than one sign on a premises is or becomes nonconforming, the cost of all such nonconforming signs shall be aggregated for the purpose of determining the amortization period;
- (3) The owner or user of a nonconforming sign shall, upon written request of the department, furnish acceptable proof of the initial cost in the form of:
  - (A) An original bill of sale,
  - (B) A description schedule from state or federal income tax returns, or
  - (C) A written appraisal by a sign manufacturer.
- (4) The owner or user of a nonconforming sign may appeal to the planning commission in writing within sixty days of receipt of the director's notice for a longer amortization period. The city council is the appeal board with respect to any actions taken by the planning commission as specified in Section 2.12.040 of the Municipal Code. (Ord. 679 § 1, 2009)

**17.55.110 Public nuisance, abatement and violation.**

- (a) **Public Nuisance Declared by Director.** Any sign erected or maintained contrary to the provisions of this chapter may be declared to be a public nuisance by the director and proceedings for its removal may take place in compliance with the Municipal Code.
- (b) **Public Nuisance Declared by City Council.** The director may ask the city council to declare a sign a public nuisance under the following conditions:
  - (1) The sign is significantly damaged either in support structure or sign face, as determined by the chief building official;
  - (2) The sign is illegible either through erosion, fading, or rusting of the sign face or through faulty or missing illumination; or
  - (3) The sign is unsafe for pedestrians or vehicles.
- (c) **Removal of Abandoned Sign.** A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business that it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the director shall give the owner thirty days' written notice to remove it. Upon failure to comply with the notice, the director may have the sign removed at the property

owner's expense.

(d) Violations.

(1) Any of the following shall be deemed a violation of this chapter and shall be subject to all penalties and procedures identified in the Municipal Code.

(A) To create, erect, install, or maintain any sign in a way that is inconsistent with any plan or permit governing the sign or the parcel on which the sign is located;

(B) To fail to remove any sign that is created, erected, installed, or maintained in violation of this chapter or for which the sign permit has lapsed.

(2) Each sign created, erected, installed, or maintained in violation of this chapter shall be considered a separate violation.

(3) Each day of a continued violation shall be considered a separate violation. (Ord. 679 § 1, 2009)

**17.55.120 Appeal.**

Applicants denied a sign permit by the decision of the director may appeal to the planning commission in writing within fifteen days of receipt of the director's decision. Thereafter, appeal from any action of the planning commission must be made in writing by an aggrieved party within fifteen calendar days from the date of receipt of notice of action of the planning commission, as per Municipal Code Section 2.12.050 (Planning commission—Decision appeal procedure). The city council is the appeal board with respect to any actions taken by the planning commission as specified in Section 2.12.040 of the Municipal Code. (Ord. 679 § 1, 2009)

**17.55.130 Judicial review.**

Any permit issued or denied in compliance with this chapter shall be subject to expedited judicial review to the extent provided by the time limits identified in Code of Civil Procedure Section 1094.8 et seq. (Ord. 679 § 1, 2009)

**17.55.140 Definitions.**

**A-Board Sign.** A portable "a-frame" or "sandwich board" sign.

**Abandoned Sign.** A sign that no longer advertises a business, lessor, owner, product, service or activity on the premises where the sign is displayed.

**Animated or Moving Sign.** A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

**Awning Sign.** A sign copy or logo attached to or painted on an awning.

**Banner, Flag or Pennant.** Cloth, bunting, plastic, paper, or similar nonrigid material used for advertising purposes attached to a structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the state of California, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

**Cabinet Sign (Can Sign).** A sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet that contains the

lighting fixtures, which illuminate the sign face from behind.

**Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

**Construction Sign.** A sign placed at a construction site that provides information regarding the project architect, owner, contractors, etc.

**Directional Sign.** A sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.

**Electronic Message Sign.** A sign with a fixed or changing display composed of a series of lights, but not including time and temperature displays.

**Flashing Sign.** A sign that contains an intermittent or sequential flashing light source.

**Freestanding Sign.** A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign. Includes monument signs and pole signs.

**Freeway-oriented Signs.** A freestanding sign located near State Highway 101 that identifies tourist-oriented businesses, such as gasoline service stations, restaurants, motels and regional commercial uses. A freeway sign is located on the same property as the business it identifies.

**Illegal Sign.** A sign that includes any of the following:

- (1) A sign installed without complying with all regulations in effect at the time of its construction or use;
- (2) A sign installed or maintained contrary to any applicable provision of Chapter 17.55 (Signs).
- (3) A sign which is a danger to the public or is unsafe; or
- (4) A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the city.

**Indirectly Illuminated Sign.** A sign whose light source is external to the sign and which casts its light onto the sign from a distance; or where the light source is behind an opaque sign element and causes it to be outlined by light reflected from the surface to which the sign is mounted.

**Internally Illuminated Sign.** A sign whose light source is located in the interior of the sign so that light passes through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.

**Monument Sign.** An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.

**Mural.** A painting, picture or graphic illustration applied to and made part of an exterior wall.

**Nonconforming Sign.** An advertising structure or sign which was lawfully erected and maintained prior to the adoption of this chapter, but does not now completely comply with current regulations.

**Off-site Sign.** A sign identifying a use, facility, service, or product that is not located, sold, or manufactured on the same premises as the sign, or that identifies a use, service, or product by a brand name which, although sold or manufactured on the premises, is not a principal item for sale or manufactured on the premises.

**Permanent Sign.** A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

**Pole Sign.** An elevated freestanding sign, typically supported by one or two poles or columns.

**Political or Social Issue Sign.** A sign that addresses:

- (1) The passage or defeat of a measure appearing on the ballot in any national, state, or local election;
- (2) The election or defeat of any candidate for any public office in any national, state, or local election; or
- (3) An international, national, state, or local political or social issue.

**Portable Sign.** A sign that is not permanently affixed to a structure or the ground.

**Projecting Sign.** A sign other than a wall sign suspending from, or supported by, a structure and projecting outward.

**Real Estate Sign.** A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.

**Roof Sign.** A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.

**Sign.** A structure, device, figure, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to otherwise provide information, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

**Sign Area.** The entire area within a perimeter defined by a continuous line composed of right angles using no more than eight lines which enclose the extreme limits of lettering, logo, trademark, or other graphic representation.

**Sign Height.** The vertical distance from the uppermost point used in measuring the area of a sign to the normal grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest.

**Subdivision Directional Sign.** A sign that provides directions to a new subdivision with on-site model homes and/or sales office, where parcels and/or housing units are, or will be, for sale.

**Suspended Sign.** A sign oriented toward pedestrians that is suspended from the underside of an arcade or other covered walkway.

**Temporary Sign.** A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area, or neighboring property.

**Vehicle Sign.** A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

**Wall Sign.** A sign that is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

**Window Display.** A window display is an arrangement of merchandise displayed in a building window. Window displays located more than twelve inches from the face of a window are not considered signs. Window displays do not include the storage of merchandise or other items blocking windows.

**Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within twelve inches of the window. Window signs do not include business hours of operation and open/closed signs. Window displays, including merchandise displays that are located more than twelve inches from the face of a window, are not considered signs. (Ord. 679 § 1, 2009)



Item No. **11 (C)**

**REPORT TO THE CITY COUNCIL**

**DATE: OCTOBER 11, 2016**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: STEVEN ADAMS, CITY MANAGER**

**RE: CONSIDERATION OF USE OF PG&E RULE 20A CREDITS**

**RECOMMENDATION:**

It is recommended the City Council: 1) authorize the City Manager to negotiate an agreement for sale of the City's PG&E Rule 20A credits for \$300,000; and 2) direct staff to proceed with steps necessary to utilize the Rule 20A credits to underground utilities on the east side of Canal Street between the Mee Memorial Hospital entrance and the shopping center entrance and concurrently attempt to sell a maximum of \$250,000 in Rule 20A credits if an agreement is not reached to sell the full amount of Rule 20A credits for at least \$300,000.

**BACKGROUND:**

PG&E provides each jurisdiction Rule 20A credits each year, which can be accumulated and used for utility undergrounding projects. The City currently receives approximately \$27,000 worth of credits each year and has accumulated roughly \$750,000. When a jurisdiction constructs a project, they are allowed to borrow forward for a five-year period.

It is also possible to sell the Rule 20A credits to another jurisdiction. This is not frequently done and there is no established value. However, there are instances in California where Rule 20A credits have been sold for anywhere from 10 cents to almost 50 cents on the dollar.

The City has also previously identified a potential project that the Rule 20A credits may be used to fund, which would include undergrounding utilities on Canal Street between the Mee Memorial Hospital entrance and the shopping center entrance. This would remove the four utility poles in that area. Complaints have been received in the past regarding the poles since they create

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an access barrier on the sidewalk. The City has widened the sidewalk around the poles to help improve access.

**DISCUSSION:**

The City Manager has identified a jurisdiction that has provided a preliminary indication that they would be interested in purchasing the City's Rule 20A credits for up to \$300,000. This represents a purchase of 40 cents on the dollar, which would be considered a good value. Rule 20A credits cannot be used in residential areas, which limits the alternatives available for their use in King City.

The project identified on Canal Street would be a good use of the Rule 20A credits. Staff has met with the PG&E Rule 20A representative, who has confirmed that the project is both eligible and feasible. Therefore, staff believes there are a number of acceptable alternatives and this item primarily involves a Council policy decision on priorities.

The total preliminary projected cost of the Canal Street undergrounding project is approximately \$350,000. This means the City could potentially sell the credits for close to the value of the project and use the funds for higher priority items. Another important factor to note is that two of the four utility poles have been included in the request to PG&E to add streetlights to. Therefore, if undergrounded, staff would likely recommend at least two of the utility poles be replaced with streetlight poles. As a result, the project would not entirely eliminate the obstructions on the sidewalk.

If the City ends up receiving an offer for less than \$300,000, it is then recommended the City proceed with the project since it would obtain a substantially overall higher value for the Rule 20A credits. The first step would be to adopt a resolution establishing the undergrounding district and submit a base map to PG&E. Once submitted, the City would be in the queue behind other project applications. It is estimated the wait time will be at least 7 months. PG&E would then prepare the design, which may take up to 12 months, followed by a construction period of approximately 6 months. The entire process is projected to take at least 2 ½ years and potentially up to 5 years. The fact that this is a relatively small and simple project should help achieve a shorter timeline.

**COST ANALYSIS:**

If Council approves the recommendations and staff is successful, it would increase the City's FY 2016-17 revenues by \$300,000. Staff recommends \$100,000 be used to help fund the proposed Police security camera system and \$200,000 be used to help fund streetscape related improvements in the downtown area.

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If the City proceeds with the Canal Street undergrounding project, it would only utilize a portion of its Rule 20A credits. The City is not able to sell future credits, but it can borrow future credits for a project. Therefore, by the time the project was constructed, the City would likely have an additional \$50,000 in credits accumulated during the project planning and design period and \$135,000 in credits that could be borrowed. When added to the existing \$750,000, this would equal a total amount of \$935,000. Actual project costs could significantly exceed the preliminary estimates so it is not recommended that all the excess credits be sold. However, it appears the City could safely sell \$250,000 to \$300,000 and still have sufficient credits to cover cost increases. Of course, any sale of credits would come at some risk. In this scenario, staff estimates that \$50,000 to \$75,000 in revenues could be generated, which is recommended to be appropriated for the Police security camera project.

**ALTERNATIVES:**

The following alternatives are provided for Council consideration:

1. Approve staff's recommendation;
2. Direct staff to proceed with steps necessary to utilize the Rule 20A credits to underground utilities on the east side of Canal Street between the Mee Memorial Hospital entrance and the shopping center entrance and concurrently attempt to sell a maximum of \$250,000 in Rule 20A credits;
3. Direct staff to proceed with the project, but instead concurrently attempt to sell a maximum of \$300,000 in Rule 20A credits;
4. Direct staff to proceed with the project, but instead concurrently attempt to sell a higher amount of Rule 20A credits with the understanding the project may be delayed if cost increases exceed the available credits;
5. Direct staff to proceed with steps necessary to utilize the Rule 20A credits to underground utilities on the east side of Canal Street between the Mee Memorial Hospital entrance and the shopping center entrance and do not sell any credits until the project is complete to ensure enough credits are available; or
6. Provide other direction to staff.

Approved by:



\_\_\_\_\_  
Steven Adams, City Manager