

**Minutes  
City Council Meeting  
December 8, 2015**

**CALL TO ORDER:** Meeting was called to order at 6:07 pm by Mayor Cullen. He thanked everyone for attending.

**FLAG SALUTE:** The flag salute was led by Chalone Peaks Middle School Students.

**ROLL CALL:**

City Council: Council Members Belinda Hendrickson, Michael LeBarre, Darlene Acosta, Mayor Pro Tem Karen Jernigan, and Mayor Cullen  
City Staff: City Manager, Steven Adams, City Attorney Martin Koczanowicz, Assistant Planner, Maricruz Aguilar, & Chief of Police, Anthony Sollecito

**AGENDA REVIEW**

No reported changes

**CLOSED SESSION ANNOUNCEMENTS:** City Attorney Martin Koczanowicz announced there were no reportable action from closed session.

**PRESENTATIONS:** Litterati Project- Mayor Cullen introduced King City Union School District Superintendent Theresa Rouse. She introduced teacher Pat Judd who joined with Chalone Peaks Middle School students in describing the program which raises awareness for eliminating litter in our schools and around our communities.

Council and Public applauded and thanked students.

**PUBLIC COMMUNICATIONS:**

No Public Comments received.

**COUNCIL COMMUNICATIONS:**

Mayor Pro Tem Jernigan thanked City's Fire Department for their efforts and response to recent fire on Broadway St. She attended King City Facilities committee meeting. Council member Hendrickson attended TAMC meeting and explained they discussed proposed sales tax measure and possible use of funds. She met with Center of Community Advocacy Representative and added recent completed repairs at Komfort Court included tree trimming. She then explained property owner Mr. Murray is moving slow with other repairs. Will met with Juan Uranga to further discuss other Komfort Court issues. Provided Red Cross with list of victims' who were impacted by the recent fire. Council member Acosta reported she will attend 4C4P meeting tomorrow, described community response team duties and encouraged the collaboration between the neighboring cities and Monterey County Sheriff's Office continue. Council member LeBarre attended Mission Community Services Corporation graduation, described program, explained citizens have contacted him concern with water rates, urges to stop consolidation with Salinas's water district. Asked city consider managing water system service. Mayor Cullen reported he met with Greg Bistline Director of Development, California State University Monterey College of Education & College of Health Science & Human Services, discussed implementation of teacher accreditation program in partnership with Hartnell, and added he will also invite him to Rotary. Attended Rotary lunch with Alvarado College of Education, announced account at wells Fargo was set up to assist people displaced by recent fire on Broadway. Reported King City unification meeting at Orradre, encouraged public participate in canned food drive. He then added Senator Canella is scheduled to visit in February.

## **CITY STAFF REPORTS AND COMMENTS**

Chief Sollecito introduced new Police Officer Evan Umstead, King City Native. He added he was city's Code Enforcer Officer prior to attending police academy. He then explained current department staffing levels and clarified the department has 17 authorized sworn positions and currently 15 of those are filled. He added he continues to recruit for two more positions and currently there are three applicants currently on background for positions. Recruitment for Community Service Officer and Police Chief Administrative Assistant has closed, interviews will be conducted after the holidays. Reports department has two new patrol vehicles, new Department Motto has been adopted "Proud to Protect, an Honor to Serve". City Managers Adams continues efforts in meeting with numerous community groups, appreciates and welcomes feedback. Continues work on Disaster Preparedness efforts, currently reviewing City Emergency Plan. Thanked Maricela Herrea for her efforts and feedback. Emergency Flooding Handout soon to be available. City Sewer project currently ongoing. Reviewing city's budget process, financial system and hopes to establish a long range financial plan for city, and has hope to how to overcome City financial challenges. City Attorney Koczanowicz noted he and staff continues to work with City Manager in providing updates on city matters. Wished Council and Staff Happy Holidays.

### **1. SUCCESSOR AGENCY CONSENT ITEMS**

- A. Successor Agency Monthly Treasurer's Report- October 2015
- B. Successor Agency Monthly Check Report- October 2015

Action: No discussion. Motion to approve items A & B made by council member LeBarre seconded by council member Jernigan.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

### **2. CONSENT AGENDA**

- A. Meeting Minutes of: October 20, 2015 7:00 pm, October 27, 2015, November 10, 2015, November 24, 2015.
- B. Monthly Treasurer's Report-October 2015
- C. Monthly Check Register Report-October 2015
- D. Revenue/Expenditure Report
- E. Community Development Department Update
- F. Police Department Update
- G. King City Police Towing Report
- H. Recreation Department Update
- I. Public Works/ Engineering Department Update
- J. Building Department Update
- K. Request by Tourism Group for City Letter for Support for Celebration of the Centennial of the National Park Service with Pinnacles National Park.
- L. Resolution 2015-4488 amending the City's Negotiating Real Property Negotiations Representatives.

Mayor Cullen introduced items. Mayor Pro Tem pulled item D. Council member LeBarre expressed appreciation to Mayor Pro Tem Jernigan for letter in support of Pinnacles National Park and Tourism group.

Mayor Pro Tem Jernigan request a proclamation be presented in honor of 100 years of Pinnacle National Park and expressed interest for City to host mixer event at park during National Park week.

Action: Motion to approve items A-C & E-L made by Mayor pro Tem Jernigan seconded by council member LeBarre.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

Further discussion on Item D. Mayor Pro Tem Jernigan expressed concerns with numbers as stated in report, currently working with City Manager and Finance Director to better understand report and expressed she does not feel comfortable accepting report.

Action: Motion to approve Item D made by council member LeBarre, seconded by Council member Acosta.

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

NOES: Council Members: Mayor Pro Tem Jernigan

ABSENT: Council Members:

ABSTAIN: Council Members:

### **3. PUBLIC HEARING**

- A. Consideration of the approval of an Initial Study/Negative Declaration ("IS/ND") for a proposed zoning boundary change to facilitate commercial use of the vacant area at the southeast corner of Broadway Street and Canal Street and Consideration of a request by *O'Reilly Auto Enterprises, LLC*. ("Applicant") to change the zoning boundary from the Multiple Family Residential and Professional Offices ("R-4") Zoning District to Highway Service ("H-S") Zoning District, adding approximately 0.3 acres of H-S Zone at the rear of the vacant area of the property described above. Planning Commission recommends approval of the proposed request, Case No. P00-000-293.

Assistant Planner Maricruz-Aguilar introduced item and provided background information as described on staff report. She noted Don Funk Principal Planner was not able to be present for presentation. She provided project description and noted Applicant O'Reilly Auto Enterprise has requested the zoning boundary change in order to facilitate the development of a retail commercial building for an auto part store on 743 Broadway Street and noted O'Reilly Auto Enterprise Representatives present if council had further questions. Mrs. Aguilar further explained applicants request and confirmed Planning Commission unanimously approved resolution recommending council adopt Initial Study/Negative Declaration and approve applicants request to change zoning. Mrs. Aguilar answered Councils questions on project and proposed timeline. Council thanked applicants for investment in community.

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

ABSENT: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

Action: Motion to accept first reading of ordinance 717 by tittle only, and 1. approve the Initial Study/Negative Declaration for a proposed zoning boundary change to facilitate commercial use of the vacant area at the southeast corner of Broadway Street and Canal Street and 2. Approve request Applicants by O'Reilly Auto Enterprises, LLC. request to change the zoning boundary from Multiple

Family Residential and Professional Offices (R-4) Zoning district to Highway Services Zoning District, adding approximately 0.3 acres of H-S Zone at the rear of the vacant area of the property described above made by council member LeBarre Seconded by council member Hendrickson.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

Mayor Cullen announced item 4B - will be up for discussion next.

#### **4. REGULAR BUSINESS**

- B. Discussion regarding consideration of District Elections- City Manager Adams introduced item and provided background information. He explained council has been considering District Elections since summer 2013 when the item was first brought to council. He proceeded to describe types of City Council Elections systems as outlined in staff report. He then explained ongoing concerns and potential benefits of establishing district elections. He briefly described process to change election process and explained recent legislature changes will not require for city to place a measure on ballot to establish district elections. He clarified there will be a significant cost for city to change election procedure. Mr. Adams clarified item is on agenda in efforts to receive further public comment. Staff request direction from council. Mayor Cullen added that he understands the complexity of issue and appreciates as much feedback as possible. Mayor Cullen open discussion to receive public comment. Approximately ten public comments were received describing potential benefits and concerns of establish district elections, district election process, strategies to increase Community involvement in local government. Assemblyman Luis Alejo welcomed new City Manager Adams and expressed his support for district elections and mentioned he looks forward to having item on for a formal action in the near future. Council thanked public for feedback. Mayor Cullen expressed council hopes to come to a decision that is best for the Community. Mayor Pro Tem Jernigan expressed support in establishing district elections in hopes of making a positive difference in community. Upon Council consensus staff to provide further research in efforts for all factors be considered to allow council make best decision. Further discussion on areas for further research involving district elections and timeline for council to make decision followed. Item to be placed on agenda for potential action at end of February. Staff to follow up with establishing public workshops in efforts to continue to receive community feedback on item.
- A. Discussion regarding Medical Marijuana Cultivation and cannabis ordinance-City Manager Adams briefly introduced the item and clarified staff is recommend action is for city council to make an interpretation whether cultivation of cannabis is a permitted use in the General Commercial (C-2) Zoning District and provide direction to staff on how to proceed with preparing a cannabis ordinance. He further clarified that the item only pertains to cultivation. The City has received several requests to locate and cultivate cannabis plants within the C-2 Zoning District. Mr. Adams He briefly described recent amendments to state law changing medical marijuana regulations, changes to medical marijuana licensing system and upcoming state deadlines. He noted, this item was noticed as a public hearing. Assistant Planner Maricruz Aguilar conducted a power point presentation. She outlined and described recent changes to State Laws regulating medical marijuana as outlined in staff report. The presentation included commercial cannabis activity definitions per state law, history, and new State deadlines. She then explained prospective proponents have has expressed interest in beginning cultivation

operations prior to January 1, 2016 and added council direction is requested to determine if cultivation is allowed under the current city standards of C-2 District. City Attorney Koczanowicz noted, Planning Commission has referred this item to Council for an interpretation. He then provided clarification of current city municipal code and explained that current code is silent to cultivation of medical marijuana as a permitted use. He noted that State Law requires that if cities who want to maintain local control over dispensing, cultivating, and transportation of cannabis within city limits, must have an ordinance in effect by March 1, 2016. Further discussion on ordinance adoption and state deadlines followed. He explained if council does not have ordinance in place by March 1, 2016 cities will be subject to state law. City Attorney clarified staff is asking for direction on how to proceed with ordinance or not. Further discussion on timeline for first and second reading of potential ordinance followed. Mayor Cullen clarified after consulting with City Attorney Koczanowicz no conflict of interest determine being that Council Member Acosta is employed by Sun Street Centers as a social worker. Mayor Cullen suggested having two discussion to address item. He then open discussion for public comment. Approximately 15 comments were received supporting medical marijuana use, explained consequences of using marijuana for recreational use, community safety concerns and potential benefits for city to allow cultivation of medical marijuana within city limits. Comments opposed to marijuana usage and morale values were also received. Mayor Cullen asked discussion be focused on cultivation of medical marijuana within city limits. Discussion on prospective proponents interested to cultivate medical marijuana followed. Brandon Gesicki, Representing prospective proponents, expressed his client business operates in a professional and transparent way, and confirmed they hold strong professional standards and adds they work closely with local law enforcement. He confirms their work is secure, and asked city consider application as they are very interested in working closely with city. End of public comment. Council thanked public for comments. Council member LeBarre expressed he has met with prospective proponents, and confirms professionalism and expressed he strongly believes this is a great opportunity for city. Further discussion on sensitive timeline to adopt ordinance followed. Chief Sollecito answered council's questions on staffing levels and safety measures to included in possible ordinance. Further review on possible security measures followed. Chief Sollecito expressed concerns with community safety and possible increase in crime activity if cultivation of marijuana is allowed. He then advised council implement necessary security measures to be included if cultivation is approved. City Attorney Koczanowicz clarified the specific action needed includes making determination and direct staff on ordinance language. Mayor Pro Tem Jernigan expressed she respects the benefits of medical marijuana but is reluctant to allow cultivation in city, and request the city focus on other opportunities. Council member Hendrickson expressed concerns with recreational use of marijuana and expresses she also is concern with violence in community, but also appreciates the medical benefits of using medical marijuana and adds she supports allowing cultivation of cannabis within C-2 zone. Mayor Cullen expressed the importance of applicants working closely with City and Police Department to assure all safety precautions are met. Mr. Gesicki reassured the council location will be secure and will work closely with city. Council member Acosta expressed she strongly believes city is not equipped to assist with possible consequences that might evolved from allowing cultivation and strongly expressed she is not in favor of allowing cultivation of medical marijuana in city.

Action: Motion to approve Resolution 2015-4489 made by Council member LeBarre, Seconded by council member Hendrickson. Motion Carried 3-2.

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

NOES: Council Members: Acosta, and Mayor Pro Tem Jernigan

ABSENT: Council Members:

ABSTAIN: Council Members:

Council engaged in discussion on draft ordinance and the need to present ordinance at next regular City Council meeting January 12, 2016. Mayor Cullen provided clarification on the need for city to have the ordinance adopted in order to meet the state deadline and the city be able to regulate medical marijuana cultivation, dispensing, and mobile delivery so that ultimately the City maintains local control and state does not become the regulatory agency. Further discussion on ordinance guidance language to be included in the first draft in January. Mayor Cullen expressed he is in favor in formulating an ordinance that allows cultivation with the proper safety precautions, procedures regulations, and continue to ban dispensaries. He open discussion for public comment. About 13 public comments were received. Speakers spoke in support of city allowing medical marijuana as an economic investment for city, shared safety concerns with allowing cultivation, and personal experiences with use of medical marijuana and potential regulations to include in ordinance. Comments opposing cultivation, and marijuana usage were also received. Mayor Pro Tem Jernigan thanked public for sharing concerns and comments. Mayor Cullen clarified prior banned against marijuana dispensaries is no longer applicable with new state regulations. Further discussion on current banned against dispensaries followed. City Attorney provided clarification on various elements to add in ordinance and provided suggestions on how staff should move forward and added that ordinance will regulate commercial cultivation. Further discussion on provisions for ordinance. Mayor Pro Tem Jernigan expressed she is against cultivation operation and rather focus in other city business, but respects councils decision. Further discussion on potential locations of establishing cultivation within the (C-2) zone followed. Council reached consensus and provided direction on the ordinance to allow commercial cultivation, follow the Conditional Use Permit process, analyze appropriate zones, potentially prohibiting smaller growers of cultivation, ban mobile dispensaries and ban dispensaries.

**CORRESPONDENCE:** Salinas Valley Fair Strategic Plan- Mayor Pro Tem thanked staff for including plan and asked for clarification on future plan to hold strategic planning – City Manager Adams expressed he plans to further discuss item during budget review discussion at next regular council meeting.

**ADJOURNMENT:** There being no further business to come before the City Council, Mayor Cullen adjourned the meeting at 10:45 pm.

**Approved Signatures:**



Mayor, Robert Cullen  
City of King



City Clerk, Steven Adams  
City of King