

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

TUESDAY, JANUARY 24, 2017

Immediately Following the January 24, 2017
6:00p.m. Public Financing Authority Meeting

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, Robert Cullen, Carlos DeLeon, Mayor Pro Tem Carlos Victoria, and Mayor Mike LeBarre

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 Any Council Member, the City Manager, or the City Attorney may request that an item be withdrawn from the Consent Agenda to allow for full discussion.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 January 10, 2017 Council Meeting
Recommendation: approve and file.
- B. City Monthly Treasurer's Report- November 2016
Recommendation: approve and file.
- C. Successor Agency Monthly Treasurer's Report- November 2016
Recommendation: approve and file.
- D. City Check Register
Recommendation: approve and file.
- E. Successor Agency Check Register
Recommendation: approve and file.
- F. Consideration: Award of Tree Trimming Contract
Recommendation: 1) award a contract for street tree trimming to Gutierrez Handyman & Tree Service in the amount of \$36,500.00; and 2) appropriate \$36,500.00 from the General Fund for the service.
- G. Consideration: Consideration of 2017 Fireworks Permit Process
Recommendation: adopt a Resolution setting forth the number of permits to sell fireworks and the method of selection of permit holders.
- H. Consideration: Amendment to the City of King Job Classification Plan for FY 2016-17
Recommendation: adopt a Resolution amending the City's Job Classification Plan for FY 2016-17 to adjust the hourly wage for Aquatic Aide, Pool Cashier and Recreation Aide positions.
- I. Consideration: Application Requesting Approval by the Local Agency Formation of Monterey County to Provide Wastewater Services to the College Ville Property
Recommendation: adopt a Resolution of Application requesting the Local Agency Formation Commission (LAFCO) of Monterey County to permit district operation of wastewater treatment services outside City's jurisdiction.
- J. Consideration: Resolution of the Successor Agency to the Former Community Development Agency Approving the Recognized Obligation Payment Schedule 17-18 for the Period of July 1, 2017 Through June 30, 2018
Recommendation: adopt Resolution SA-2017-05 approving the Recognized Obligation Payment Schedule ("ROPS") 17-18 for the period of July 1, 2017 through June 30, 2018.

- K. Consideration: Contract Services Agreement for City Attorney
Recommendation: approve a contract services agreement with Aleshire & Wynder, LLP for City Attorney services.
- L. City Monthly Treasurer's Report – December 2016
Recommendation: approve and file.
- M. Successor Agency Monthly Treasurer's Report – December 2016
Recommendation: approve and file.
- N. Public Financing Authority Monthly Treasurer's Report – December 2016
Recommendation: approve and file.
- O. Consideration: Ordinance Establishing 20-Minute Restricted Parking at 416 Lynn Street
Recommendation: adopt an Ordinance establishing 20-minute restricted parking at 416 Lynn Street.

10. PUBLIC HEARINGS

- A. Consideration: An Urgency Ordinance Amending Section 17.03.030 of Chapter 3 of Title 17 of the King City Municipal Code Regarding the Prohibition of Personal Cultivation of Marijuana Out of Doors.
Recommendation: Consider adopting an urgency Ordinance amending King City Municipal Code Chapter 17.03.030 pertaining to the prohibition of personal (non-commercial) outdoor cultivation of marijuana.
- B. Consideration: An Ordinance Adding Chapter 7.55 to Title 7 of the King City Municipal Code and Pertaining to Regulation of Both Recreational and Medical Marijuana or Cannabis.
Recommendation: Consider introducing the Ordinance to be read by title only, open the hearing, allow for public testimony, close the hearing, waive first reading of the Ordinance and approve the introduction of the proposed Ordinance.

11. REGULAR BUSINESS

- A. Consideration: Comprehensive Plan to End Youth Violence
Recommendation: approve the proposed Comprehensive Plan to End Youth Violence.
- B. Consideration: Facade Improvement Grant Program
Recommendation: 1) adopt a Resolution establishing a Facade Improvement Grant program for the 300 block of Broadway Street; and 2) appropriate \$100,000 from the General Fund for the program costs.

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.

A. Conference with Real Property Negotiators

Properties: APN #026-381-001

Agency Negotiators: Steven Adams

Negotiating Jerry Rava II

13. ADJOURNMENT

**Minutes
City Council Meeting
January 10, 2017**

1. CALL TO ORDER:

Meeting was called to order at 6:01 PM by Mayor LeBarre.

2. FLAG SALUTE:

The flag salute was led by Mayor LeBarre

RJ Rivera announced that there are translating available.

3. ROLL CALL:

City Manager Adams conducted roll call.

City Council: Darlene Acosta, Carlos DeLeon, Mayor Pro Tem Carlos Victoria, Mayor Michael LeBarre.
Council Member Cullen is absent.

City Staff: City Manager Steven Adams, Assistant Interim Attorney Roy Santos

4. CLOSED SESSION ANNOUNCEMENTS:

5. PRESENTATIONS:

Denis Vermette & Kelly Foley, Pilot Power Group, Inc.– Community Power

They presented a power point on Community Choice Energy as they are independent energy advisors that would help the City in procuring energy.

6. PUBLIC COMMUNICATIONS:

None

7. COUNCIL COMMUNICATIONS:

Council Member DeLeon has nothing to report.

Council Member Acosta stated that she attended the Youth Task Force meeting. She will be attending the 4C4P meeting.

Mayor Pro Tem Victoria stated that he also attended the Youth Task Force meeting and he will attend his first AMBAG meeting tomorrow and former Council women Karen Jernigan will attend with him for the first meeting.

Mayor LeBarre announced the death of Lonnie Silva and the birth of Council Member Cullen's 2nd daughter. He attended his first Mayor's association meeting last Friday and is the chair for 2017. Attended MST meeting yesterday. Bicycle pedestrian meeting last week. He passed out certificates at the Youth Task Force meeting to the community participants.

8. CITY STAFF REPORTS AND COMMENTS:

City Manager Adams stated that the Youth Task Force completed the Youth Violence Plan last night and will go to council January 24th. RFP's to contract the design for the security cameras system due Friday.

There are meetings set up with agencies that the City is forming partnerships with such as probation department, the County, behavioral services, pro youth and school districts. City newsletter winter issue should be received in the mail next week.

Assistant Interim Attorney Santos stated that working with staff has been a pleasure and many things have been worked on in a short period of time.

Community Comments prior to Consent Agenda:

Karen Jernigan stated that she appreciated item 9D, 9E, and 9I being taken care of. She encouraged council to look at the check register items that are over \$5,000. She wants encourage council to actually go in and look at them. She also wanted to make them aware of the Opterra project promising saving money from putting in solar and those savings would offset the cost. If the savings was not compensated that they would make good on that.

9. CONSENT AGENDA

- A. Meeting Minutes of December 13, 2016 Council Meeting
- B. City Check Register
- C. Successor Agency Check Register
- D. Consideration: Airport T-Hangar Settlement Agreement and Mutual Release
- E. Consideration: Establishment of Police Department Advisory Board
- F. Consideration: Changes to Signature Authority Related to City Municipal Accounts and Investment Accounts
- G. Consideration: Changes to Signature Authority Related to the Successor Agency Municipal Account
- H. Consideration: Sale of APN 245-111-035 and A Portion of APN 245-111-036 (Adjacent to the Wastewater Treatment Plant) to Mission Holdings TIC for \$2,325,000
- I. Consideration: Minor Building, Electrical and Plumbing Permit Fee
- J. Consideration: Notice of Completion – Mesa Del Rey Airport, Visual Aid Improvements – FAA .AIP Project No. 3-06-0113-011-2014

Action: Motion to approve consent agenda by Victoria and seconded by Acosta.

AYES: Council Members: Mayor LeBarre, Acosta, DeLeon and Mayor Pro Tem Victoria

NOES: Council Members:

ABSENT: Council Members: Cullen

ABSTAIN: Council Members:

10. PUBLIC HEARINGS:

- A. Consideration: Ordinance Establishing 20-Minute Restricted Parking at 416 Lynn Street

City Manager Adams presented this item.

Mayor LeBarre opened the public hearing seeing no one come forward, Mayor LeBarre closed the public hearing.

Action: Motion to introduce and conduct the first reading by title only, an Ordinance establishing 20-minute restricted parking at 416 Lynn St. by DeLeon and seconded by Victoria.

AYES: Council Members: Mayor LeBarre, Acosta, DeLeon and Mayor Pro Tem Victoria

NOES: Council Members:

ABSENT: Council Members: Cullen

ABSTAIN: Council Members:

11. REGULAR BUSINESS:

B. Consideration: Acceptance of the City and CDA Successor Agency's Audited Financial Statements for the Fiscal Year 2015-2016

Finance Director Mike Howard presented this item.

Council is in consensus that this is a positive audit.

Karen Jernigan called Council's attention to Riverview Gardens account and explained the problem with the sewer fund being comingled. She would encourage the sewer fund be separated out to a fund that could not be mixed. She is concerned about if the City balanced the budget with the selling of property as that is a onetime fix.

Action: Motion to approve City Council and the Board of Directors of the King City Successor Agency Accept the City and Successor Agency's Audited Financial Statements for Fiscal Year Ended June 30, 2016, with corrections on page 39 and 41 by Acosta and seconded by Victoria.

AYES: Council Members: Mayor LeBarre, Acosta, DeLeon and Mayor Pro Tem Victoria

NOES: Council Members:

ABSENT: Council Members: Cullen

ABSTAIN: Council Members:

A. Consideration: Downtown Streetscape Conceptual Plan

City Manager Adams presented this item introducing Jeff Ferber, RRM design group.

Mr. Ferber introduced this item further with a power point presentation.

City Manager Adams went over the funding for this project.

Joanne Banuelos stated that Sol Treasures and the Library landscaping is beautiful helping out the downtown.

Laurie Slaton, King City in Bloom, handed out ideas and spoke in favor of the Downtown Streetscape Conceptual Plan and suggested more tree ideas.

Sandra Quiroz from the audience spoke positively about this project.

Francisco Chavez, La Potranca, feels that more and more people from out of town are traveling through and stopping. He feels that extra lighting in the downtown would be helpful even something that could be seen from 101. He also stated that electric car charge has been requested several times and more need to be brought into the City.

Council member DeLeon asked about the property behind the proposed museum building.

Council member Acosta is happy about this project and she agrees there needs to be more lighting in this City. She feels that working with the existing business and bringing in new business is great.

Mayor Pro Tem Victoria is happy to know that business owners were involved in the decision making. He clarified about the number of blocks in the first phase.

Mayor is in agreement that this design brings the community together.

Action: Motion to approve the proposed Downtown Streetscape Conceptual Plan with Bulb-Out Option 1A by Acosta and seconded by DeLeon.

AYES: Council Members: Mayor LeBarre, Acosta, DeLeon and Mayor Pro Tem Victoria

NOES: Council Members:

ABSENT: Council Members: Cullen

ABSTAIN: Council Members:

C. Consideration: Alternatives and Issues Regarding Recreational Marijuana Regulations

City Manager Adams presented this item.

Assistant Interim Attorney Roy Santos further presented this items.

Mayor Pro Tem Victoria ask if the council can impose restrictions for closeness to schools. He also wanted to know if someone is applying for a permit if that is public knowledge.

Council member Acosta would like an urgency ordinance be put in place putting a moratorium on it so Council could make a more informed decision.

Council member DeLeon wanted to know if the City could get an ordinance in place by 2018.

Consensus on Council to prohibit outdoor cultivation on any zones and provide regulations on indoor cultivation.

Action: Motion to direct staff to bring back an urgency Ordinance for adoption at January 24th establishing regulations on prohibiting cultivation of recreational medical cannabis in any outdoor residential zones with in the city and provide regulations on indoor cultivation of recreational marijuana in residential areas, prohibit the concentration or manufacturing to concentrate of recreational medical cannabis and update our current ordinance to bring into compliance with prop 64 by Victoria and seconded by DeLeon.

AYES: Council Members: Mayor LeBarre, Acosta, DeLeon and Mayor Pro Tem Victoria

NOES: Council Members:

ABSENT: Council Members: Cullen

ABSTAIN: Council Members:

D. Consideration: New City Mission Statement

City Manager Adams presented this item.

Council member DeLeon would like it to be bilingual.

Action: Motion to approve the following new City Mission Statement: *"Meeting the needs of our entire community through caring, professional and responsive services."* by DeLeon and seconded by Victoria.

AYES: Council Members: Mayor LeBarre, Acosta, DeLeon and Mayor Pro Tem Victoria

NOES: Council Members:

ABSENT: Council Members: Cullen

ABSTAIN: Council Members:

12. CLOSED SESSION:

1. Public Employee Appointment
(Pursuant to Government Code Section 54957(b)(1))
Title: City Attorney

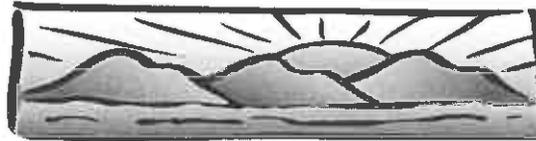
ADJOURNMENT:

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

Approved Signatures:

Mayor, Michael LeBarre
City of King

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: JANUARY 24, 2017
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: STEVEN ADAMS, CITY MANAGER
BY: PATRICIA GRAINGER, ACCOUNTANT
RE: MONTHLY TREASURER'S REPORT – NOVEMBER 2016

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

The California Government Code Section 41004 states "Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances."

DISCUSSION:

The California Government Code authorizes and regulates the investment of local agency (city and county) funds. The City currently invests its funds with the Local Agency Investment Fund (LAIF) Program, administered by the State of California Treasurer's office. The City's housing rehab account is held at 1st Capital Bank, and the City's checking and payroll accounts, as well as developer deposits, are held at Well Fargo Bank, located at 506 Broadway, King City, CA 93930. A summary of investments and returns for the City is provided in the attached report.

COST ANALYSIS:

There is no fiscal impact as a result of this action.

**CITY COUNCIL
MONTHLY TREASURER'S REPORT – NOVEMBER 2016
JANUARY 24, 2017
PAGE 2 OF 2**

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Receive and file the report; or
2. Provide other direction to staff regarding requests for additional information.

Exhibits:

1. Investment Report

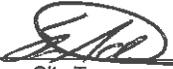
Submitted by: 
Patricia Grainger, Accountant

Approved by: 
Steven Adams, City Manager

City of King
Investment Report
Schedule of Cash and Investments
November 30, 2016

Investment Instrument		Yield	Amount	Maturity	Value
Invested by City Treasurer					
Institution	Investment Type				
State of California LAIF - City	Pooled	0.60%	2,259,344.94	On Demand	N/R
1st Capital Bank	Checking Acct Housing Rehab	-	91,920.07	On Demand	N/R
Wells Fargo Bank	General Checking	-	871,724.95	On Demand	N/R
Wells Fargo Bank	Payroll Checking Account	-	129,122.23	On Demand	N/R
Petty Cash-City Hall/Change Fund	Change Cash Drawer	-	500.00	On Demand	N/R
Invested by City Treasurer (Subtotal):			3,352,612.19		
Total Cash and Investments			3,352,612.19		

Pursuant To Government Code 41004, I hereby certify that this report reflects all City's investments. This investment program complies with the City Investment Policy, approved by the City Council on 01/24/2017. Cash flow liquidity is still limited.

SIGNED:  _____
City Treasurer



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

Item No. 9(C)

REPORT TO THE CITY COUNCIL

DATE: JANUARY 24, 2017

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: STEVEN ADAMS, CITY MANAGER

BY: PATRICIA GRAINGER, ACCOUNTANT

**RE: SUCCESSOR AGENCY MONTHLY TREASURER'S REPORT –
NOVEMBER 2016**

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

The California Government Code Section 41004 states "Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances."

DISCUSSION:

The California Government Code authorizes and regulates the investment of local agency (city and county) funds, including successor agencies. The Successor Agency invests its bond proceeds in US Treasury obligations. All bond reserve funds are held by one bond trustee, U.S. Bank, and invested in accordance with the trustee agreement. The Successor Agency has three tax allocation bonds (TABs) issued. Yield, maturity and investment amount (proceeds) are itemized on the Successor Agency Schedule of Cash and Investments for the Agency.

COST ANALYSIS:

There is no fiscal impact as a result of this action.

**CITY COUNCIL/SUCCESSOR AGENCY
SA MONTHLY TREASURER'S REPORT – NOVEMBER 2016
JANUARY 24, 2017
PAGE 2 OF 2**

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Receive and file the report; or
2. Provide other direction to staff regarding requests for additional information.

Exhibits:

1. Investment Report

Submitted by: 
Patricia Grainger, Accountant

Approved by: 
Steven Adams, City Manager

City of King
Investment Report
Schedule of Cash and Investments
November 30, 2016

Investment Instrument		Yield	Amount	Maturity	Value
Invested by City Treasurer					
Institution	Investment Type				
Wells Fargo Bank	SA Checking Account		2,505,153.74	On Demand	N/R
Invested by City Treasurer (Subtotal):			2,505,153.74		
Invested by Trustees (as of October Statements)					
Bond Reserves (1)					
<u>U.S. Bank - 2011 TARB</u>					
US Bank Money Market Ct	Escrow Fund #5050	0.00%	6,050,313.08	8/1/2034	6,050,313.08
<u>U.S. Bank - 2016 A & B TARB</u>					
US Bank Money Market Ct	Interest Account #5001	0.10%	40.76	3/31/2025	40.76
US Bank Money Market Ct	Cost of Issu Acct. #5009	0.10%	9,181.26	3/31/2025	9,181.26
<u>U.S. Bank - 2016 TARB</u>					
US Bank Money Market Ct	Debt Service Fund #6000	0.10%	4.13	3/31/2025	4.13
US Bank Money Market Ct	Interest Account #6001	0.00%	56.48	9/30/2016	56.48
US Bank Money Market Ct	Sinking Account #6003	0.00%	0.00	9/30/2016	0.00
US Bank Money Market Ct	Reserve Account #6005	0.10%	319,580.33	3/31/2025	319,580.33
US Bank Money Market Ct	Cost of Issu Fund #6009	0.10%	0.00	9/30/2016	0.00
US Bank Money Market Ct	Escrow Fund #6050	0.39%	0.00	9/30/2016	0.00
Market Value Provided by U.S. Bank, Trustee					
Invested by Trustees (Subtotal):			6,379,176.04		
Total Cash and Investments			8,884,329.78		

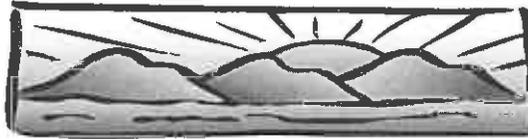
Pursuant To Government Code 41004, I hereby certify that this report reflects all City's investments. This investment program complies with the City Investment Policy, approved by the City Council on 01/24/2017. Cash flow liquidity is still limited.

SIGNED: _____



City Treasurer

Note:
(1) Bonds



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

Item No 9(D)

REPORT TO THE CITY COUNCIL

DATE: JANUARY 24, 2017
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: STEVEN ADAMS, CITY MANAGER
BY: PATRICIA GRAINGER, ACCOUNTANT
RE: CITY CHECK REGISTER

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

At least once a month, the City Treasurer shall submit to the City Council, a copy of the check register.

DISCUSSION:

The purpose of this item is to provide the Council an opportunity to review and monitor ongoing expenditures. These documents are attached.

COST ANALYSIS:

There is no fiscal impact as a result of this action.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Receive and file the report; or
2. Provide other direction to staff regarding requests for additional information.

**CITY COUNCIL/CITY
CITY CHECK REGISTER
JANUARY 24, 2017
PAGE 2 OF 2**

Exhibit(S)

1. Check Register Report

Submitted by:  _____
Patricia Grainger, Accountant

Approved by:  _____
Steven Adams, City Manager

Check Register Report

Date: 01/17/2017

Time: 11:36 am

Page: 1

KING CITY CITY HALL

BANK: WELLS FARGO BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
WELLS FARGO BANK Checks							
58453	12/16/2016	Reconciled		A T T	A T T	Monthly Internet -	145.00
58454	12/16/2016	Reconciled		ASI	ADMINISTRATIVE SOLUTIONS, INC	City Self Funded Medical	5,000.00
58455	12/16/2016	Reconciled		A & W	ALESHIRE & WYNDER LLP	Attorney Services -	12,076.88
58456	12/16/2016	Printed		ALVAREZ	ALVAREZ TECHNOLOGY GROUP INC	Computer Support	10,958.90
58457	12/16/2016	Reconciled		AM SUPPLY	AMERICAN SUPPLY CO.	Janitorial Supplies -	124.82
58458	12/16/2016	Reconciled		AT & T	AT & T	Monthly access charge.	3,365.56
58459	12/16/2016	Reconciled		AT&T - C	AT&T	Phone Bill -	130.08
58460	12/16/2016	Reconciled		BENSON	RICHARD A. BENSON PLUMBING	Snake Bathroom - Skate Park	127.00
58461	12/16/2016	Reconciled		CAL WATER	CALIFORNIA WATER SERVICE CO.	Monthly City's Utility	13,407.33
58462	12/16/2016	Reconciled		CAROLLO	CAROLLO ENGINEERS, INC	Wastewater Facilities.	83,230.91
58463	12/16/2016	Reconciled		CASEY PRIN	CASEY PRINTING, INC.	Sergio Business Cards	184.30
58464	12/16/2016	Reconciled		CNAUTO	CLARK N. CLEVINGER	Oil	290.91
58465	12/16/2016	Reconciled		COASTL	COASTLINE MARKETING GROUP INC	Website Maint-Dec 2016.	190.00
58466	12/16/2016	Reconciled		CONATSER	CONATSER WELDING & MACHINE,LLC	Edger Blades	113.89
58467	12/16/2016	Printed		COMINFO	COUNTY OF MONTEREY	July 2016 - Network Access.	5,248.38
58468	12/16/2016	Reconciled		CPS HR	CPS HR CONSULTING	Sergeant Testing Supplies	354.20
58469	12/16/2016	Printed		CRITICAL R	CRITICAL REACH INC	Services 2017 Year.	285.00
58470	12/16/2016	Reconciled		CSGCON	CSG CONSULTANTS INC	Contract Inspections	595.00
58471	12/16/2016	Reconciled		DAVE'S REP	DAVE'S REPAIR SERVICE	Troubleshoot AVGAS	1,130.01
58472	12/16/2016	Reconciled		DEPT ACNT	DEPARTMENT OF JUSTICE	Fingerprint - Peace Officer	66.00
58473	12/16/2016	Void	12/16/2016			Void Check	0.00
58474	12/16/2016	Printed		EARTH DESI	EARTH DESIGN, INC.	P Layout,BTWN 3rd and	13,942.30
58475	12/16/2016	Reconciled		GEORGE L M	GEORGE L MEE MEMORIAL HOSPITAL	Blood Alcohol Draw -	64.00
58476	12/16/2016	Reconciled		GIS	GONZALES IRRIGATION SYSTEMS,	PVC Fittings	151.29
58477	12/16/2016	Reconciled		GREEN'S	GREEN'S ACCOUNTING	Monthly accounting service.	6,820.34
58478	12/16/2016	Void	12/16/2016			Void Check	0.00
58479	12/16/2016	Reconciled		HANNA	HANNA & BRUNETTI	324 N 3rd St & 325 Copley Ave.	20,558.00
58480	12/16/2016	Reconciled		HDL COREN	HINDERLITER DELLAMAS & ASSOC.	Contract Sales & Trans Tax	2,634.93
58481	12/16/2016	Reconciled		HYDRO TURF	HYDRO TURF, INC.	Blades for Mower.	182.06
58482	12/16/2016	Printed		IDCON	ID CONCEPTS, LLC	ID Card - Aguilar, Admin Asst.	20.44
58483	12/16/2016	Reconciled		INDPUM	INDUSTRIAL PUMP SHOP, INC.	Repair Well - Golf Course	28,862.67
58484	12/16/2016	Reconciled		ICMC	INTEGRATED CROP MANAGEMENT	Round-Up	679.44
58485	12/16/2016	Reconciled		JBTIRE	MIGUEL JACOBO	Unit 106 - Front Roader	718.69
58486	12/16/2016	Reconciled		ROLAND	JOCELYN E. ROLAND, PH.D., ABPP	Psych - M Velazquez	450.00
58487	12/16/2016	Reconciled		LIZAR	JOSEFINA LIZARDI	Employee Purchase Program.	900.00
58488	12/16/2016	Reconciled		KC IND	KING CITY INDUSTRIAL SUPPLY	Gloves and Disposable Suites	155.22
58489	12/16/2016	Reconciled		LCAH	LOS COCHES ANIMAL HOSPITAL	Animal Services for Nov 2016	121.00
58490	12/16/2016	Reconciled		O'REILLY A	O'REILLY AUTOMOTIVE, INC.	Battery for Unit 109 Remote.	6.48
58491	12/16/2016	Reconciled		OFFICE DEP	OFFICE DEPOT	CH Supplies	201.89
58492	12/16/2016	Reconciled		PARTS & SE	PARTS & SERVICE CTR- NAPA, INC	Cleaning Supplies	152.99
58493	12/16/2016	Reconciled		PURE WATER	PENINSULA PURE WATER INC.	Water Service - KCPD	69.45
58494	12/16/2016	Reconciled		PAC	PG&E	City Monthly Utility Service.	28,348.97
58495	12/16/2016	Reconciled		PBGFS	PITNEY BOWES GLOBAL	Leasing Charge -	177.98
58496	12/16/2016	Reconciled		PLIC	PLIC - SBD GRAND ISLAND	Balance Owing on Premium.	226.96
58497	12/16/2016	Reconciled		PNC	PNC EQUIPMENT FINANCE, LLC	Sewer Solar Energy Equip.	80,876.00
58498	12/16/2016	Reconciled		RED SHIFT	RED SHIFT INTERNET SERVICES	City Hall Internet	30.90
58499	12/16/2016	Reconciled		CAOCC	RICHARD A. LIND JR. MD INC	Physical Exam-M Velazquez	135.00
58500	12/16/2016	Printed		RIOSMO	MONICA RIOS	Deposit Refund	200.00
58501	12/16/2016	Printed		FREDERC	ROGER B. FREDERICKSON, PC	Legal Services	1,015.46
58502	12/16/2016	Printed		ROSE BACK	ROSE BACKFLOW SERVICES	Replace Back Flow	487.92

Check Register Report

Date: 01/17/2017

Time: 11:36 am

Page: 2

KING CITY CITY HALL

BANK: WELLS FARGO BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
WELLS FARGO BANK Checks							
58503	12/16/2016	Printed		RRM DESIGN	RRM DESIGN GROUP, INC.	Engineering Consulting Service	12,509.00
58504	12/16/2016	Reconciled		SAN BENITO	SAN BENITO SUPPLY INC.	Directinal Signs	278.75
58505	12/16/2016	Printed		SAYLER LEG	SAYLER LEGAL SERVICE, INC.	Rocha Legal Service	224.80
58506	12/16/2016	Reconciled		SIEMENS	SIEMENS INDUSTRY INC.	Traffic Signal Maint.	97.19
58507	12/16/2016	Reconciled		SO CO NEWS	SO CO NEWSPAPERS	Ad for Basetball -	624.00
58508	12/16/2016	Reconciled		SOLIS	CELSO SOLIS	Business License Refund	157.00
58509	12/16/2016	Reconciled		SPEAK	SPEAKWRITE BILLING DEPT	Novemer 2016 Serviccs	129.91
58510	12/16/2016	Reconciled		SPRINT	SPRINT	City's Long Distance Phone	191.20
58511	12/16/2016	Reconciled		STAND INS	STANDARD INSURANCE COMPANY	Balance Owing on Premium.	34.70
58512	12/16/2016	Reconciled		SWRCB - AC	SWRCB - ACCOUNTING OFFICE	WWTP Permit	56,448.00
58513	12/16/2016	Reconciled		TACOS LA P	TACOS LA POTRANCA DE JALISCO	Food for Employee Holiday	500.00
58514	12/16/2016	Reconciled		TAVERNETTI	TAVERNETTI, LAYOUS & CLARK	PD telephone & Radio	3,125.00
58515	12/16/2016	Reconciled		THE SALINA	THE SALINAS CALIFORNIAN	Public Hearing USA	443.56
58516	12/16/2016	Reconciled		TORO	TORO PETROLEUM CORP.	City's Vehicle Gasoline.	2,774.06
58517	12/16/2016	Reconciled		TRANSU	TRANSUNION RISK AND ALTERNATIV	November 2016 Services	25.00
58518	12/16/2016	Reconciled		TYLERB	TYLER BUSINESS FORMS	W-2's & Misc 1099 Forms.	335.13
58519	12/16/2016	Reconciled		U.S. BAN	U.S. BANK CORP PAYMENT SYSTEM	Various Charges -	2,155.18
58520	12/16/2016	Reconciled		WEDGE	WEDGE & FOBES INVESTIGATIONS	Investigation - Oct 2016	5,409.83
58521	12/21/2016	Reconciled		KCBLOOM	KING CITY IN BLOOM	America in Bloom -2017	1,200.00
58522	12/27/2016	Printed		AGUILARF	FRANCISCA AGUILAR	Mileage Reimbursement -	164.59
58523	12/27/2016	Reconciled		AM SUPPLY	AMERICAN SUPPLY CO.	Janitorial Supplies	305.24
58524	12/27/2016	Reconciled		CANYON PLU	CANYON PLUMBING	Repair Toilet - KC Golf Course	125.29
58525	12/27/2016	Printed		INTERACT P	COLOSSUS INCORPORATED	Annual Maint. 2/2017 -	1,916.90
58526	12/27/2016	Printed		DAVE'S REP	DAVE'S REPAIR SERVICE	Airport Fuel Inspections	80.00
58527	12/27/2016	Reconciled		LIBERTY	GENESIS BUSINESS MANAGEMENT	CC Interpretation Services.	243.75
58528	12/27/2016	Printed		GOLDST	GOLDEN STATE ROOFING	Repair Roof - City Hall	1,800.00
58529	12/27/2016	Printed		HERDE	DEION HERNANDEZ	Soccer Official -	40.00
58530	12/27/2016	Printed		INTTIRE	INTERNATIONAL TIRES	Flat Repair - Unit 20	40.00
58531	12/27/2016	Void	12/27/2016			Void Check	0.00
58532	12/27/2016	Reconciled		KC TRUE	KING CITY TRUE VALUE	Post Hole Digger	159.78
58533	12/27/2016	Reconciled		MALLORYCO	MALLORY SAFETY AND SUPPLY LLC	Safety Gear	1,049.97
58534	12/27/2016	Printed		MASTERSON	ROBERT MASTERSON	Sgt Panel Interview Lunch	111.53
58535	12/27/2016	Printed		MBAS	MBAS, INC.	Lab Work WWTP	1,135.00
58536	12/27/2016	Printed		M B C I C	MBCICC	Membership Renewal in	250.00
58537	12/27/2016	Printed		MELEC	JANET MELECIO	Rec Center Deposit Refund	200.00
58538	12/27/2016	Reconciled		O'REILLY A	O'REILLY AUTOMOTIVE, INC.	Wiper Blades	325.26
58539	12/27/2016	Printed		OFFICE DEP	OFFICE DEPOT	Office Supplies	211.62
58540	12/27/2016	Reconciled		PARTS & SE	PARTS & SERVICE CTR- NAPA, INC	Wiper Blades - Street Sweeper	6.36
58541	12/27/2016	Printed		PURCHASE P	PURCHASE POWER*PITNEY BOWES	Postage Refill -	100.00
58542	12/27/2016	Printed		QUILL CORP	QUILL CORPORATION	Office Supplies for C H,	466.59
58543	12/27/2016	Reconciled		FORD	SALINAS VALLEY FORD	Vehicle #115- Seatbelt	591.77
58544	12/27/2016	Reconciled		SAL VALLEY	SALINAS VALLEY FORD	Repair Dump Truck	312.00
58545	12/27/2016	Printed		SPECIALTY	SPECIALTY CONSTRUCTION INC.	Water Golf Course	8,750.00
58546	12/27/2016	Printed		STARK	BARBARA STARKEY	Overpayment on Serwer	1,848.00
58547	12/27/2016	Printed		STERI	STERICYCLE, INC	Quarterly Service -	950.76
58548	12/27/2016	Reconciled		VALSA	TAVIT & ARAM KARABETYAN PARTNE	Blower & Pole Saw.	482.17
58549	12/27/2016	Printed		TEMP UNIF	TEMPLETON UNIFORMS	R Robles Annual Uniform	317.22
58550	12/27/2016	Reconciled		SPCA	THE SPCA FOR MONTEREY COUNTY	Animal Services for	1,860.00
58551	12/27/2016	Reconciled		TRI	TRI-COUNTY FIRE PROTECTION INC	16 Fire Extinguishers Serviced	468.15
58552	12/27/2016	Printed		U.S. BANCO	U.S. BANCORP EQUIPMENT FINANCE	Copier Contract Services	278.42

Check Register Report

Date: 01/17/2017

Time: 11:36 am

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KING CITY CITY HALL

BANK: WELLS FARGO BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
WELLS FARGO BANK Checks							
58553	12/27/2016	Printed		U.S. BAN	U.S. BANK CORP PAYMENT SYSTEM	Various Charges -	688.87
58554	12/27/2016	Printed		WOODK	KRISTIAN WOOD	Unit #104 - Window Wipers	45.39
58555	01/13/2017	Printed		A T T	A T T	Monthly Internet -	154.00
58556	01/13/2017	Printed		ACEHIGH	ACE HIGH DESIGNS INC	Basketball Uniforms	1,604.14
58557	01/13/2017	Printed		KCPHOTO	ALEX ARCE	CC Pictures	798.95
58558	01/13/2017	Printed		ALLIANT	ALLIANT INSURANCE SERVICES INC	Insurance "ACIP Crime"	595.00
58559	01/13/2017	Printed		ALVAREZ	ALVAREZ TECHNOLOGY GROUP INC	Feb Services -	3,470.89
58560	01/13/2017	Printed		AT & T	AT & T	Monthly Access Charge.	3,409.66
58561	01/13/2017	Printed		AT&T - C	AT&T	Phone Bill -	543.00
58562	01/13/2017	Printed		BENSON	RICHARD A. BENSON PLUMBING	Clean City Hall Lateral.	127.00
58563	01/13/2017	Printed		CARMEL FIR	ART BLACK	Fire Sprinkler inspections &	4,250.00
58564	01/13/2017	Printed		CAREER	CAREER TRACK	Human Resources Seminar	149.00
58565	01/13/2017	Printed		CAROLLO	CAROLLO ENGINEERS, INC	Wastewater Facilites	33,242.95
58566	01/13/2017	Printed		CASEY PRIN	CASEY PRINTING, INC.	City of King - (Acct 2025)	791.48
58567	01/13/2017	Printed		CCACA	CITY CLERKS ASSOCIATION OF	Annual Membership	130.00
58568	01/13/2017	Printed		CONATSER	CONATSER WELDING & MACHINE,LLC	Repair Skill Saw.	26.00
58569	01/13/2017	Printed		CSFA	CSFA	Dues - Acct ID 27050	1,950.00
58570	01/13/2017	Printed		DAVE'S REP	DAVE'S REPAIR SERVICE	Monthly Site Inspection	1,083.30
58571	01/13/2017	Void	01/13/2017			Void Check	0.00
58572	01/13/2017	Printed		EARTH DESI	EARTH DESIGN, INC.	Sign Ordinance Amendment	13,614.55
58573	01/13/2017	Printed		GEORGE L M	GEORGE L MEE MEMORIAL HOSPITAL	DUE Blood Draw	128.00
58574	01/13/2017	Printed		GIS	GONZALES IRRIGATION SYSTEMS,	PVC Fittings	235.24
58575	01/13/2017	Void	01/13/2017			Void Check	0.00
58576	01/13/2017	Printed		HANNA	HANNA & BRUNETTI	KC Cultivation	20,526.79
58577	01/13/2017	Printed		JBTIRE	MIGUEL JACOBO	Replace Light Bulb	2,171.08
58578	01/13/2017	Printed		JOLLEY/BRY	BRYANT L. JOLLEY	FY 15-16 Audit & Financial	33,500.00
58579	01/13/2017	Printed		KC CHAMBER	KING CITY CHAMBER OF COMMERCE	P G & E Grant for	1,000.00
58580	01/13/2017	Printed		KC TRUE	KING CITY TRUE VALUE	1 Key	49.36
58581	01/13/2017	Printed		MASSEY HEA	MASSEY HEATING & AIR COND.	Server Room Ventilation	3,658.81
58582	01/13/2017	Printed		MBAS	MBAS, INC.	Lab Work	675.00
58583	01/13/2017	Printed		M BASIA	MBASIA	Claimant: Khalid, M	3,537.38
58584	01/13/2017	Printed		MO CO INFO	MO CO INFORMATION TECHNOLOGY	Network Access/Labor	13,444.56
58585	01/13/2017	Printed		MO BAY SYS	MONTEREY BAY OFFICE PRODUCTS	Monthly Copier Contract	2,378.77
58586	01/13/2017	Printed		NICHOP	N. I. CHOPPERS, INC.	Uniforms	1,419.57
58587	01/13/2017	Printed		O'REILLY A	O'REILLY AUTOMOTIVE, INC.	Court Car Wipers Replaced	51.29
58588	01/13/2017	Printed		OFFICE DEP	OFFICE DEPOT	Office Supplies	293.86
58589	01/13/2017	Printed		PARTS & SE	PARTS & SERVICE CTR- NAPA, INC	Cable Tie	360.44
58590	01/13/2017	Printed		PURE WATEF	PENINSULA PURE WATER INC.	City Hall Monthly Water.	60.95
58591	01/13/2017	Printed		PETTY CASH	PETTY CASH-PATRICIA GRAINGER	Misc Petty Cash Reimb	304.92
58592	01/13/2017	Printed		PIT	PITNEY BOWES INC	Toner Cartridge Postage	66.16
58593	01/13/2017	Printed		PERESEARC	POLICE EXECUTIVE RESEARCH	2017 Subscribing PERF	200.00
58594	01/13/2017	Printed		PURCHASE P	PURCHASE POWER*PITNEY BOWES	Postage Refill	487.69
58595	01/13/2017	Printed		QUILL CORP	QUILL CORPORATION	Front Desk Toner.	281.85
58596	01/13/2017	Printed		RAINBOW	RAINBOW PRINTING	Business Cards -	85.96
58597	01/13/2017	Printed		RED SHIFT	RED SHIFT INTERNET SERVICES	City Hall Internet -	30.90
58598	01/13/2017	Printed		SV FAIR	SALINAS VALLEY FAIR	Open Gym Lease	3,075.00
58599	01/13/2017	Printed		SALINAS V	SALINAS VALLEY PRO SQUAD	Annual Uniform Allowance.	1,243.15
58600	01/13/2017	Printed		SAN BENITO	SAN BENITO SUPPLY INC.	1 Yd Cement	280.05
58601	01/13/2017	Printed		SIEMENS	SIEMENS INDUSTRY INC.	Signal Light Service	97.19
58602	01/13/2017	Printed		SO CO NEWS	SO CO NEWSPAPERS	Newspaper Publishing	826.00
58603	01/13/2017	Printed		SPEAK	SPEAKWRITE BILLING DEPT	December 2016	95.84

Check Register Report

Date: 01/17/2017

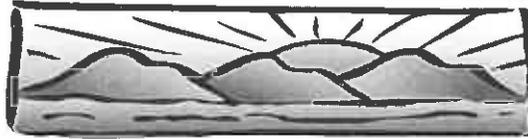
Time: 11:36 am

Page: 4

KING CITY CITY HALL

BANK: WELLS FARGO BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
WELLS FARGO BANK Checks							
58604	01/13/2017	Printed		SPRINT	SPRINT	Long Distance -	161.67
58605	01/13/2017	Printed		TAVERNETTI	TAVERNETTI, LAYOUS & CLARK	Agri-Business Installment	5,352.10
58606	01/13/2017	Printed		TEMP UNIF	TEMPLETON UNIFORMS	Perez - Annual Allowance	327.58
58607	01/13/2017	Printed		THE SALINA	THE SALINAS CALIFORNIAN	Public Notices	971.73
58608	01/13/2017	Printed		TIRE KING	TIRE KING & AUTO EXPRESS	November 2016 Car Wash	176.00
58609	01/13/2017	Printed		TORO	TORO PETROLEUM CORP.	Gasoline City Vehicle -	3,602.63
58610	01/13/2017	Printed		TRANSU	TRANSUNION RISK AND ALTERNATIV	December 2016 Services.	25.00
58611	01/13/2017	Printed		U.S. BANCO	U.S. BANCORP EQUIPMENT FINANCE	City Hall Copier Contract.	330.32
58612	01/13/2017	Printed		U.S. BAN	U.S. BANK CORP PAYMENT SYSTEM	Operating Services.	445.14
58613	01/13/2017	Printed		UHEALTH	UNITED HEALTHCARE PAYMENTS	Medical Premium Balance	660.56
58614	01/13/2017	Printed		VERIZON WI	VERIZON WIRELESS	Cell Phone Services -	937.30
58615	01/13/2017	Printed		VETERINARY	VETERINARY EMERGENCY	Emerg Animal Services	250.00
58616	01/13/2017	Printed		WM J. CLAR	WM J. CLARK TRUCKING SVC, INC.	Cold Mix	186.84
58617	01/13/2017	Printed		XTEL	XTELESIS CORPORATION	Wallmont Kits & Shoretel	209.63
Total Checks: 165						Checks Total (excluding void checks):	607,343.72
Total Payments: 165						Bank Total (excluding void checks):	607,343.72
Total Payments: 165						Grand Total (excluding void checks):	607,343.72



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

Item No 9(E)

REPORT TO THE CITY COUNCIL

DATE: JANUARY 24, 2017
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: STEVEN ADAMS, CITY MANAGER
BY: PATRICIA GRAINGER, ACCOUNTANT
RE: SUCCESSOR AGENCY CHECK REGISTER

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

At least once a month, the City Treasurer shall submit to the City Council, a copy of the check register and invoice approval fund list.

DISCUSSION:

The purpose of this item is to provide the Council an opportunity to review and monitor ongoing expenditures. These documents for the Successor Agency are attached.

COST ANALYSIS:

There is no fiscal impact as a result of this action.

ALTERNATIVES:

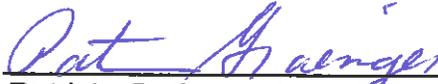
The following alternatives are provided for Council consideration:

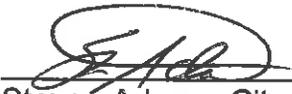
1. Receive and file the report; or
2. Provide other direction to staff regarding requests for additional information.

**CITY COUNCIL/SUCCESSOR AGENCY
SUCCESSOR AGENCY CHECK REGISTER
JANUARY 24, 2017
PAGE 2 OF 2**

Exhibit(S)

1. Check Register Report

Submitted by: 
Patricia Grainger, Accountant

Approved by: 
Steven Adams, City Manager

Check Register Report

Date: 01/17/2017

Time: 11:38 am

Page: 1

KING CITY CITY HALL

BANK: SUCCESSOR AGENCY OF

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
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SUCCESSOR AGENCY OF Checks

201	12/16/2016	Reconciled		GREEN'S	GREEN'S ACCOUNTING	Monthly Accounting -	560.00
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Total Checks: 1	Checks Total (excluding void checks):	560.00
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Total Payments: 1	Bank Total (excluding void checks):	560.00
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Total Payments: 1	Grand Total (excluding void checks):	560.00
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Item No. 9(F)

REPORT TO THE CITY COUNCIL

DATE: JANUARY 24, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

BY: SAL MORALES, PUBLIC WORKS SUPERINTENDENT

RE: CONSIDERATION OF AWARD OF TREE TRIMMING CONTRACT

RECOMMENDATION:

It is recommended City Council: 1) award a contract for street tree trimming to Guterrez Handyman & Tree Service in the amount \$36,500.00; and 2) appropriate \$36,500.00 from the General Fund for the service.

BACKGROUND:

Over the past several years, the City has discontinued street tree trimming work due to budget constraints and transferred the responsibility to the adjacent property owner. However, this has resulted in minimal and inconsistent maintenance of trees in the public right-of-way, which has negatively impacted the appearance of the City's streets and health of the urban forest. Lack of appropriate tree maintenance may also cause hazards. To address this, the City Council recently increased the City's refuse and recycling collection franchise fee to generate additional General Fund revenue, which could be used for tree trimming.

DISCUSSION:

The City has not performed any street tree trimming over several years. With a very small crew, the tree work has been placed on hold and trees are in need of maintenance. The proposed strategy is to utilize funding from the increased refuse and recycling collection franchise fee to contract for annual tree trimming services. Contracting for tree trimming service is cost efficient because the City can obtain less expensive service if a specialized firm is contracted to do a large number of adjacent trees at one time. They can work from tree to tree and accomplish a large amount of trimming within a short period of time. They also

**CITY COUNCIL
CONSIDERATION OF AWARD TREE TRIMMING CONTRACT
JANUARY 24, 2017
PAGE 2 OF 3**

have the expertise to utilize appropriate pruning standards to best protect the health of the trees. The goal is to establish a program where all street trees are trimmed in a four-year cycle. The City will continue to use in-house staff and equipment for parks and to respond to requests for special trims that arise due to problems that occur.

Tree trimming service went out to bid for the southeast quadrant of the City. The City plans to go out to bid yearly to trim trees in the remaining quadrants. The following three bids were received:

Gutierrez Handyman & Tree Service 1261 Bluff Ave King City 93930	\$36,500.00
Tope's Tree Service Inc. PO box 51964 Pacific Grove, CA 93950	\$38,000.00
Spencer's Tree Service PO Box 222786, Carmel, CA 93922	\$49,000.00

Staff has determined the low bidder is a qualified and responsive bidder.

COST ANALYSIS:

The increase in the franchise fee is projected to generate about \$35,000 in FY 2016-17. Therefore, this revenue will address the majority of the increased cost.

ALTERNATIVES:

The following alternatives are provided for City Council consideration:

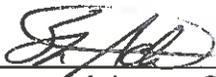
1. Approve the proposed contract;
2. Provide information why the low bid is non-responsive and award the contract to the next lowest bidder;
3. Reject all bids and direct staff to solicit new bids;
4. Direct staff to reduce the costs by negotiating a reduction in the number of trees to be trimmed;
5. Do not approve moving forward with the street tree trimming project; or
6. Provide staff other direction.

Exhibits:

1. Gutierrez Handyman & Tree Service bid
2. Tope's Tree Service bid
3. Spencer's Tree Service bid

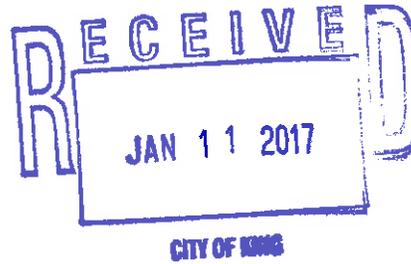
**CITY COUNCIL
CONSIDERATION OF AWARD TREE TRIMMING CONTRACT
JANUARY 24, 2017
PAGE 3 OF 3**

Submitted by: 
Sal Morales, Public Works Superintendent

Approved by: 
Steven Adams, City Manager

Gutierrez Handyman & Tree Service
 1261 Bluff Ave
 P O Box 2023
 King City, Ca. 93930
 (831)-261-4850

Estimate



Name/Address
City of King 212 S. Vanderhurst Ave King City, Ca. 93930

Date	Estimate No.	Project
01/11/17	1201	

Item	Description	Quantity	Cost	Total
Service	Prune and trim and clean debris on Vanderhurst and Broadway (First Cut) <i>1/4 OF TOWN</i>		36,500.00	36,500.00
	Sales taxes		8.25%	0.00
			Total	\$36,500.00

Tope's Tree Service Inc.



Tope's Tree Service Inc.
 PO Box 51964
 Pacific Grove, CA 93950

(831)373-7765
 stacy@topestreeservice.com

Estimate

Date	Estimate #
01/10/2017	5805
Exp. Date	

Address

City of King City
 Attn: Sal Morales
 212 South Vanderhurst Avenue
 King City, CA 93930

Activity	Quantity	Rate	Amount
<ul style="list-style-type: none"> • Tree Trimming of 1/4 of town, Vanderhurst Avenue - Broadway to 1st, to Division - approximately 16 city blocks - • Shape, and raise trees along the sidewalk and road edge. Clean up, remove debris. 			38,000.00
Total			\$38,000.00

Accepted By _____

Accepted Date _____



Item No. 9(G)

REPORT TO THE CITY COUNCIL

DATE: JANUARY 24, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CONSIDERATION OF 2017 FIREWORKS PERMIT PROCESS

RECOMMENDATION:

It is recommended the City Council adopt a Resolution setting forth the number of permits to sell fireworks and the method of selection of permit holders.

BACKGROUND:

In 2011 the City Council adopted Ordinance Number 691 establishing Chapter 7.34 of the King City Municipal Code governing the limited allowance of the sale and use of safe and sane fireworks in the City limits. Section 7.34.030(c) calls for the City Council, in the calendar month of January, to set by Resolution or by minute order the number of permits to be issued for the sale of safe and sane fireworks, the form of application for such permit and for the method of selection.

In 2012, the permits issued were modified from four to three, with one permit issued to the King City Fireworks Foundation and one issued to the King City Chamber of Commerce and Agriculture to raise funds for the community aerial fireworks show. The third permit has been selected through a lottery process. An application and permit fee is charged. The same process and allocation has been administered since that time. However, the King City Fireworks Foundation is no longer in existence. Since the King City Chamber of Commerce and Agriculture operates the community aerial fireworks show, they have received both permits.

DISCUSSION:

The City Council also discussed and agreed to restrict applications selected through the lottery from receiving the permit in two consecutive years. However, the restriction was never formally adopted. Therefore, this year, staff has

**CITY COUNCIL
CONSIDERATION OF 2017 FIREWORKS PERMIT PROCESS
JANUARY 24, 2017
PAGE 2 OF 2**

included the limitation in the proposed Resolution. No other changes are recommended. Fees remain the same and have already been adopted by the City Council in the Master Fee Schedule.

During the past several years, there have been only two organizations that have applied for the lottery to obtain the non-profit organization permit to operate a fireworks booth. Therefore, in order to help accommodate both groups, the City Council could modify the Resolution to return to the practice of allowing four fireworks booth permits. The disadvantage of this option is that it would result in a reduction in revenues for each of the fireworks booths since the customer base would be divided among four booths rather than three.

COST ANALYSIS:

Staff projects revenue in the range of \$500 to reimburse the City's expenses for administering the process.

ALTERNATIVES:

The following alternatives are provided for City Council consideration:

1. Adopt the Resolution;
2. Increase the number of booths to four and adopt the Resolution;
3. Remove the restriction on receipt of consecutive permits and adopt the Resolution;
4. Do not adopt the Resolution; or
5. Provide staff other direction.

Prepared and Approved by:  _____
Steven Adams, City Manager

RESOLUTION NO. 2017-____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING
SETTING FORTH THE NUMBER OF PERMITS TO SELL FIREWORKS
AND THE METHOD OF SELECTION OF PERMIT HOLDERS**

WHEREAS, in 2011 the City Council adopted Ordinance Number 691 establishing Chapter 7.34 of the King City Municipal Code governing the limited allowance of the sale and use of safe and sane fireworks in the City limits; and

WHEREAS, Section 7.34.030(c) calls for the City Council, in the calendar month of January, to set, by Resolution or by minute order, the number of permits to be issued for the sale of safe and sane fireworks, the form of application for such permit and for the method of selection, and

WHEREAS, Section 7.34.040 (a) allows the City Council to set a fee for applying for such permit; and

WHEREAS, Section 7.34.100 allows the City Council to establish a regulatory fee for those entities that do receive a permit; and

WHEREAS, these fees have been established in the 2017 Master Fee Schedule approved by the City Council;

NOW BE IT RESOLVED the number of permit holders for the calendar year shall be set at three, two permits are issued to the King City Chamber of Commerce and Agriculture to raise funds for the community aerial fireworks show, thereby leaving one permit to be awarded to a nonprofit community organization.

BE IT FURTHER RESOLVED the permit recipient shall be selected by lottery conducted by the City Manager or designee at a public time and place, which shall be notified to all applicants;

BE IT FURTHER RESOLVED the organization issued the permit from the prior year shall not be eligible for the permit from the lottery a second consecutive year if other applications are received;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of King hereby approves application attached and included herein as Exhibit A, which shall be available to the public on February 9, 2017 and due at 5:00 p.m. to City Hall no later than March 9, 2017.

This resolution was passed and adopted this 24th day of **January, 2017** by the following vote:

AYES, Council Members:

NAYS, Council Members:

ABSENT, Council Members:

ABSTAIN, Council Members:

APPROVED:

Michael LeBarre, Mayor

ATTEST:

Steven Adams, City Clerk

APPROVED AS TO FORM:

Shannon Chaffin, City Attorney



FIREWORKS PERMIT APPLICATION

- Application Deadline:** **MARCH 9, 2017 at 5:00 PM NO EXEPTIONS!**
- Applications available:** Feb. 9, 2017 City of King RECEIVED date stamp
- Application deadline:** March 9, 2017
- City Review of eligibility:** March 13-17, 2017
- Announcement of qualified applicants:** March 21, 2017
- City selection of permittee:** March 23, 2017
- Final paperwork due from permittee:** April 3, 2017

Received by Initials: _____

Please complete the entire application for consideration. Return the completed application to: City of King, 212 S. Vanderhurst Avenue, King City, CA 93930 with an application fee of \$182.00 (\$35 non-refundable) payable to the City of King, plus a \$100.00 refundable cleaning deposit, certificate of deposit, or a surety bond made payable to the City and provided by the applicant pursuant to subsection D of section 7.34.040 of the KCMC (King City Municipal Codes). Other fees may apply per section 7.34.060 of the KCMC. Proof of Non-profit status is also required. Any organization issued a permit from the prior year shall not be eligible to receive a permit through the lottery in a second consecutive year if other applications are received.

- King City Chamber of Commerce & Ag Lottery

Date sales to begin: ___/___/___ **Date sales to end:** ___/___/___
Fireworks may only be sold from noon June 28th through July 4th at 8:00 P.M.

Proposed hours of sales: _____ AM _____ PM

Category:

- School Youth Organization Community Organization Religious/Frat/Svc. Organization

Name of Organization: _____ **Phone No's:** _____

Physical Address of Organization: _____, King City, 93930

Mailing Address of Organization, all correspondence will be sent to this address:

Contact Name: _____ **Phone No's** _____

Address: _____

Name & Address of Joint Applicant (if applicable): _____

Principal Officers:

Name: _____ **Title:** _____

Name: _____ **Title:** _____

Name: _____ **Title:** _____

RECEIPTING AREA (office use area)

Organizations Tax Exempt Status:

(Copies of IRS 501 (C)3 letter of certification, Franchise Tax Board Certificate or other proof of non-profit status **MUST** be attached and included at the time application packet is submitted)

Staffing the Stand Plan (schedule): _____

Fireworks Distributor/Wholesaler:

Company name: _____ Phone No's: _____

Address: _____

Contact name: _____ Phone No's: _____

Proposed stand location: _____, King City 93930

Property Owner for proposed location:

(An original letter from the property owner permitting use of property, NEEDED at the time final paperwork is due)

Name: _____ Phone No's: _____

Address: _____, King City 93930

Detailed description of fireworks proposed to be sold: _____

The following document MUST be provided at the time all final paperwork is due:

Already attached?

Yes No The original **State Fire Marshal – Retail Fireworks License** must be posted in booth.

Yes No Proof of **Temporary Sales Tax Permit** from State Board of Equalization.

Yes No Applicant shall provide copy of **Certificate of Insurance**, Listing the City of King as an additional insured in accordance with provisions outlined in KCMC, Fireworks (\$1 M liability coverage).

Yes No The original **Property Owner Authorization Letter** to permit sales of fireworks on property.

Notice: The City will notify applicants of final selection. Completion and submission of this application and payment of the non-refundable application fee and other refundable fees does not guarantee selection and does not guarantee the issuance of a Fireworks Permit.

I shall indemnify, defend and hold harmless the City of King, its officers, officials, agents' and employees from, and against any and all liability, loss, damage, expense, cost (including without limitation cost and fees of litigation) of every nature arising out of or in connection with the sale of fireworks by the applicant organization or its failure to comply with any of its obligations set forth in the City resolutions, regulations, order or otherwise required by the City, except such loss or damages caused by the active negligence, sole neglect or willful misconduct of the City. Submittal of more than one application or submittal of false information on any application shall be grounds for denial of all applications. Any attempt to transfer an application shall void any and all applications submitted by or on behalf of both the transferor and the transferee.

I certify that I am an authorized representative of the school or organization identified on this application, that I have the authority to submit this application on behalf of the school or organization, and that to the best of my knowledge the information provided on this application is true and correct.

Applicant' Signature _____ Date: _____

PRINTED NAME: _____



Item No. 9(H)

REPORT TO THE CITY COUNCIL

DATE: JANUARY 24, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

BY: SERGIO SAMAME, HUMAN RESOURCES COORDINATOR

**RE: CONSIDERATION OF AMENDMENT TO THE CITY OF KING
JOB CLASSIFICATION PLAN FOR FY 2016-2017**

RECOMMENDATION:

It is recommended City Council adopt a Resolution amending the City's Job Classification Plan for FY 2016-2017 to adjust the hourly wage for Aquatic Aide, Pool Cashier and Recreation Aide positions.

BACKGROUND:

The City maintains a Classification Plan that sets forth all job classifications and salary ranges. Effective January 1, 2017, the minimum wage in California has been increased to \$10.50 per hour for businesses with 26 or more employees.

DISCUSSION:

Staff has recommended changes to the hourly wage for Aquatic Aide, Pool Cashier and Recreation Aide positions in order to comply with the State minimum wage increase.

COST ANALYSIS:

The estimated cost of the change for FY 2016-17 is approximately \$1,300.

**CITY COUNCIL
CONSIDERATION OF AMENDMENT TO THE CITY OF KING JOB
CLASSIFICATION PLAN FOR FY 2016-2017
JANUARY 24, 2017
PAGE 2 OF 2**

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Adopt the Resolution;
2. Modify pay scales for other positions;
3. Do not adopt the Resolution; or
4. Provide other direction to staff.

Submitted by: 
Sergio Samame, Human Resources Coordinator

Approved by: 
Steven Adams, City Manager

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING
AMENDING THE CLASSIFICATION PLAN FOR FY 2016-17**

WHEREAS, the City of King maintains a Classification Plan that sets forth all existing job classifications and salary steps; and

WHEREAS, the City Council desires to make changes to salaries that will impact the existing Classification Plan; and

WHEREAS, the changes to hourly wages are necessary to comply with California minimum wage regulations effective January 1, 2017 for employers with 26 or more employees.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of King approves amendments to the FY 2016-17 Classification Plan as set forth in Exhibit A.

This resolution was passed and adopted this **24rd** day of **January, 2017** by the following vote:

AYES, Council Members:

NAYS, Council Members:

ABSENT, Council Members:

ABSTAIN, Council Members:

APPROVED:

Michael LeBarre, Mayor

ATTEST:

Steven Adams, City Clerk

APPROVED AS TO FORM:

Shannon Chaffin, City Attorney

CITY OF KING CLASSIFICATION PLAN FISCAL YEAR 2016-2017

REVISED January 24, 2017

CLASSIFICATION	FIVE-PERCENT STEP ADVANCEMENT					
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
EXECUTIVE MANAGEMENT STAFF						
CITY MANAGER	\$152,000.00 ANNUAL (SALARY INDEPENDENT OF STEP SCHEDULE)					
CHIEF OF POLICE	\$110,556.00	\$116,084.00	\$121,888.00	\$127,983.00	\$134,382.00	\$141,101.00
DIRECTOR OF FINANCE	\$90,175.00	\$94,685.00	\$99,419.00	\$104,390.00	\$109,612.00	\$115,092.00
MID-MANAGEMENT STAFF						
POLICE CAPTAIN	\$98,282.00	\$103,434.00	\$108,878.00	\$114,609.00	\$120,641.00	\$126,990.00
CHIEF BUILDING OFFICIAL	\$71,725.00	\$75,313.00	\$79,078.00	\$83,032.00	\$87,184.00	\$91,544.00
CITY CLERK	\$49,373.00	\$51,842.00	\$54,434.00	\$57,157.00	\$60,016.00	\$63,016.00
RECREATION COORDINATOR	\$55,839.00	\$58,630.00	\$61,562.00	\$64,640.00	\$67,872.00	\$71,266.00
SUPERVISORY STAFF						
POLICE SERGEANT	\$73,179.00	\$76,838.00	\$80,680.00	\$84,713.00	\$88,950.00	\$93,397.00
POLICE CLERK SUPERVISOR	\$38,566.90	\$40,495.81	\$42,520.87	\$44,646.92	\$46,880.11	\$49,224.70
PUBLIC WORKS SUPERINTENDENT	\$52,807.36	\$55,447.94	\$58,221.13	\$61,132.24	\$64,189.75	\$67,400.04
BUILDING/MAINTENANCE STAFF						
BUILDING INSPECTOR	\$56,102.51	\$58,908.59	\$61,854.71	\$64,948.30	\$68,195.71	\$71,606.51
MAINTENANCE WORKER I	\$30,252.62	\$31,765.47	\$33,354.70	\$35,022.43	\$36,773.98	\$38,613.58
MAINTENANCE WORKER II	\$35,030.92	\$36,782.46	\$38,622.06	\$40,553.96	\$42,582.40	\$44,711.63
MAINTENANCE WORKER I/ WASTEWATER SERVICES	\$33,277.88	\$34,942.02	\$36,690.17	\$38,524.67	\$40,451.38	\$42,474.94
MAINTENANCE WORKER II/ WASTEWATER SERVICES	\$38,534.01	\$40,460.71	\$42,484.27	\$44,609.36	\$46,840.64	\$49,182.79
SENIOR MAINTENANCE WORKER	\$40,528.50	\$42,555.88	\$44,684.05	\$46,918.30	\$49,265.01	\$51,728.42
STREET SWEEPER OPERATOR	\$35,030.92	\$36,782.46	\$38,622.06	\$40,553.96	\$42,582.40	\$44,711.63
PUBLIC SAFETY STAFF						
POLICE OFFICER	\$54,606.00	\$57,336.00	\$60,203.00	\$63,214.00	\$66,374.00	\$69,695.00
CODE ENFORCEMENT OFFICER	\$41,078.05	\$43,131.95	\$45,288.76	\$47,553.78	\$49,932.32	\$52,429.68
COMMUNITY SERVICES OFFICER	\$41,078.05	\$43,131.95	\$45,288.76	\$47,553.78	\$49,932.32	\$52,429.68
FIRE CHIEF	\$7,527.80					
FIRE CHIEF 1ST ASSISTANT	\$3,890.00					
FIRE CHIEF 2ND ASSISTANT	\$3,890.00					
FIRE CHIEF ENGINEER	\$3,890.00					
FIRE DEPARTMENT SECRETARY/TREASURER	\$2,583.00					
FIRE ENGINEER	\$2,755.20					
VOLUNTEER FIREFIGHTER	\$12.00					
PROFESSIONAL/SUPPORT STAFF						
ACCOUNTANT	\$44,092.06	\$46,297.68	\$48,612.56	\$51,044.14	\$53,596.67	\$56,276.50
ACCOUNTING TECHNICIAN	\$36,744.27	\$38,581.75	\$40,511.53	\$42,537.85	\$44,664.95	\$46,899.21
ADMIN ASSISTANT TO POLICE CHIEF	\$37,074.00	\$38,928.00	\$40,875.00	\$42,919.00	\$45,065.00	\$47,318.00
ADMINISTRATIVE ASSISTANT	\$36,744.27	\$38,581.75	\$40,511.53	\$42,537.85	\$44,664.95	\$46,899.21
ADMINISTRATIVE SERVICE SUPERVISOR	\$50,402.30	\$52,923.00	\$55,569.94	\$58,348.44	\$61,265.91	\$64,329.79
ASSISTANT PLANNER	\$63,655.06	\$66,838.82	\$70,181.72	\$73,691.17	\$77,376.74	\$81,245.84
COUNTER TECHNICIAN	\$36,744.27	\$38,581.75	\$40,511.53	\$42,537.85	\$44,664.95	\$46,899.21
POLICE CLERK I	\$29,720.05	\$31,206.37	\$32,766.96	\$34,408.05	\$36,126.83	\$37,933.54
TRANSIT OPERATOR	\$32,726.64	\$34,363.61	\$36,082.27	\$37,886.86	\$39,781.63	\$41,770.82
SEASONAL/PART-TIME (HOURLY RATE)						
HUMAN RESOURCES COORDINATOR	\$32.00	\$33.60	\$35.28	\$37.04	\$38.90	\$40.84
POOL MANAGER	\$15.00	\$15.75	\$16.54	\$17.36	\$18.23	\$19.14
ASSISTANT POOL MANAGER	\$14.30	\$15.00	\$15.75	\$16.54	\$17.37	\$18.24
AQUATIC AIDE	\$10.50	\$11.03	\$11.58	\$12.16	\$12.76	\$13.40
POOL CASHIER	\$10.50	\$11.03	\$11.58	\$12.16	\$12.76	\$13.40
LIFE GUARD	\$12.00	\$12.60	\$13.23	\$13.89	\$14.59	\$15.32
RECREATION AIDE	\$10.50	\$11.03	\$11.58	\$12.16	\$12.76	\$13.40
SUMMER DAYCAMP COORDINATOR	\$15.00	\$16.00	\$17.00	\$18.00	\$19.00	\$20.00
PART TIME FRONT COUNTER	\$11.00	\$11.55	\$12.13	\$12.73	\$13.37	\$14.04
MAINTENANCE AID	\$12.00					
CITY COUNCIL & MAYOR (Effective 1/1/17)						
MAYOR	\$5,400.00					
CITY COUNCIL	\$4,200.00					



Item No. 9(1)

REPORT TO THE CITY COUNCIL

DATE: JANUARY 24, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

**RE: CONSIDERATION OF APPLICATION REQUESTING APPROVAL
BY THE LOCAL AGENCY FORMATION COMMISSION OF
MONTEREY COUNTY TO PROVIDE WASTEWATER SERVICES
TO THE COLLEGE VILLE PROPERTY**

RECOMMENDATION:

It is recommended the City Council adopt a Resolution of Application requesting the Local Agency Formation Commission (LAFCO) of Monterey County to permit district operation of wastewater treatment services outside the City's jurisdiction.

BACKGROUND:

The 2014 Sanitary Sewer Infrastructure Project recently installed a 12 inch Sewer main along South First Street and provided a manhole at the intersection of South First Street and Lonoak Road. The City Council also recently approved a contract for repaving of Lonoak Road as part of the grant funded street, shoulder and bike lane improvements on a portion of First Street.

Meanwhile, the City has been involved in discussions with a number of agencies and potential developers over the past several years regarding a desire to improve the conditions of the College Ville complex on Lonoak Road, which lies in the County adjacent to the City's boundary. In particular, the property has been identified as an ideal location for expansion of agricultural employee housing. The City Council also approved initiating the process of adding the property to the City's Sphere of Influence and ultimately annexing it. However, that effort was delayed due to the condition of the property and code enforcement actions under way by the County.

Discussions are now under way with a buyer regarding extension of sewer service to the College Ville property. The objective is to facilitate the

**CITY COUNCIL
CONSIDERATION OF APPLICATION REQUESTING APPROVAL BY THE
LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY TO
PROVIDE WASTEWATER SERVICES TO THE COLLEGE VILLE PROPERTY
JANUARY 24, 2017
PAGE 2 OF 2**

improvements prior to the paving project that has already been approved. At the December 13, 2016 meeting, the City Council approved funding a portion of the wastewater line extension to help make the project feasible.

DISCUSSION:

At the December 13, 2016 meeting, the City Council also authorized the City Manager to submit an application to the LAFCO for approval to provide wastewater service to the College Ville property outside the City's current service area. However, LAFCO has now requested a Council Resolution be submitted for the application. The Resolution is attached for City Council consideration.

Staff believes the project would be an important and beneficial investment for the City. Even though the College Ville property is technically outside the City limits at this time, improving the property has been a long-term goal and would alleviate a major blighted and substandard property. In addition, it has the potential to address a portion of agricultural employee housing needs. Providing wastewater service to Lonoak Road could also assist in the development of agricultural employee housing at other adjacent properties, further meeting this need.

COST ANALYSIS:

There is no cost associated with the LAFCO application.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Adopt the Resolution;
2. Modify and adopt the Resolution;
3. Do not adopt the Resolution and direct the City Manager to cease the project efforts;
4. Provide other direction to staff.

Approved by: 

Steven Adams, City Manager

RESOLUTION NO. _____

A RESOLUTION OF APPLICATION BY KING CITY REQUESTING THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY TO PERMIT DISTRICT OPERATION OF WASTEWATER TREATMENT SERVICES OUTSIDE CITY JURISDICTION

WHEREAS, King City ("City") is a duly formed Charter city pursuant to Cal Government Code §34450 et seq, which provides wastewater treatment services ("Services"); and

WHEREAS, the City desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Cal Government Code §56000, that permit the City to operate certain services outside the City's jurisdictional boundaries; and

WHEREAS, notice of the intent to adopt this Resolution of Application has been given; and

WHEREAS, the wastewater treatment service area subject to this application is described as Collegetown, as shown on Exhibit A; and

WHEREAS, Collegetown, an agricultural employee housing project, uses septic system to dispose of wastewater; and

WHEREAS, the City and property owner are concerned about the threat to the health and safety of the users of the septic system; and

WHEREAS, the principal reason for this proposed action is to connect to the City's wastewater treatment plant.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the City Council as follows:

1. A Resolution of Application is hereby adopted and approved, and the City Manager of the City is authorized to prepare and submit an application requesting that the Local Agency Formation Commission of Monterey take and initiate proceedings to permit the City to provide wastewater treatment service to Collegetown, as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. Pursuant to the California Environmental Quality Act ("CEQA"), the California Public Resources Code §21000 et seq., and the "CEQA Guidelines" promulgated thereunder, Title 14 of the California Administrative Code, §15000 et seq., the City Council finds and declares that this application is categorically exempt from the dictates of CEQA, and specifically pursuant to CEQA Guidelines §15061 (b) (3), §15319 and §15320 which apply to projects where it can be seen with certainty that there is no possibility that the activity in question may have

significant adverse effect on the environment, and the action consists solely in the City's providing wastewater treatment service.

3. The City Manager is authorized to prepare and submit such additional documents and notices, including any notices required by CEQA or LAFCO regulations and rules, to fully implement the intent of this Resolution.

PASSED AND ADOPTED by the City Council of King City on the 24th January 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Michael LeBarre, Mayor

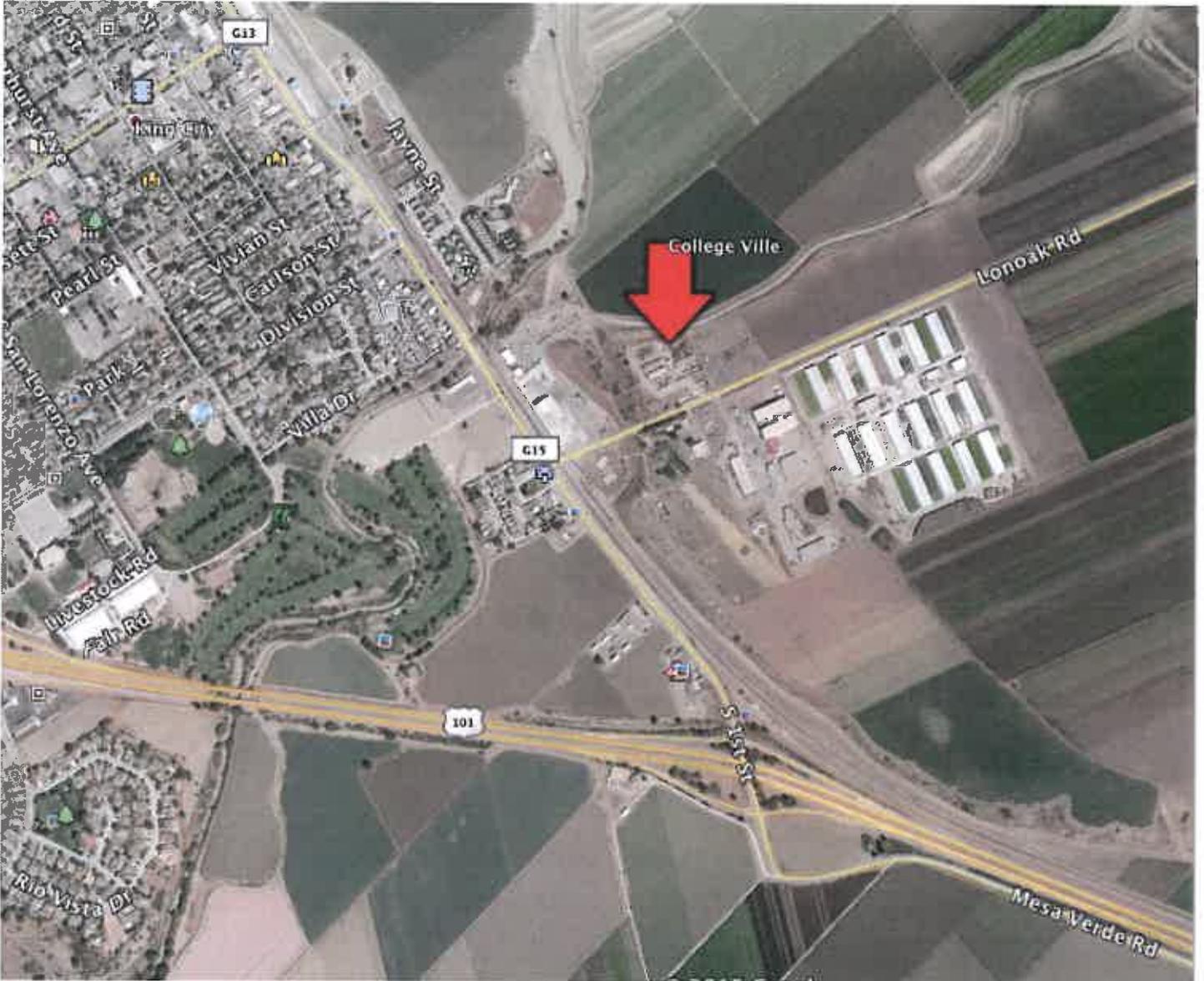
ATTEST:

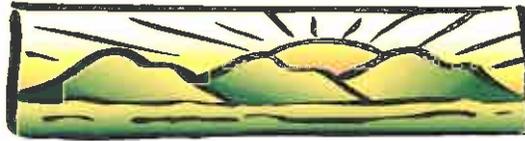
Steven Adams, City Clerk

APPROVED AS TO FORM:

Shannon L. Chaffin, Interim City Attorney

Exhibit A College Ville





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

Item No. 9(J)

REPORT TO THE SUCCESSOR AGENCY OF THE CDA

DATE: JANUARY 25, 2017

TO: HONORABLE CHAIR AND MEMBERS OF THE SUCCESSOR AGENCY

FROM: MIKE HOWARD, FINANCE DIRECTOR

RE: CONSIDERATION OF A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER KING CITY COMMUNITY DEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE 17-18 FOR THE PERIOD OF JULY 1, 2017 THROUGH JUNE 30, 2018

RECOMMENDATION:

It is recommended the Successor Agency to the former King City Community Development Agency adopt Resolution SA-2017-05 approving the Recognized Obligation Payment Schedule ("ROPS") 17-18, for the period of July 1, 2017 through June 30, 2018.

BACKGROUND:

Pursuant to Health and Safety Code § 34172 (a)(1), the King City Community Development Agency was dissolved on February 1, 2012. Consistent with the provisions of the Health and Safety Code, the City Council previously elected to serve in the capacity of the Successor Agency to the King City Community Development Agency, (the "Successor Agency"). In the past, Health and Safety Code § 34177 (1)(1) required the Successor Agency to prepare a ROPS before each six-month fiscal period, which corresponds to equal halves of a fiscal year (i.e., July through December and January through June). Current law now requires the preparation and approval of a ROPS for an entire Fiscal Year.

The ROPS is the basis for the Successor Agency's authority to make payment due for enforceable obligations. Subsequent to its approval by the Successor Agency, the ROPS must also be approved by the Oversight Board ("OS Board") to the Successor Agency and is reviewable by the County Auditor-Controller, the County Administrative Officer, the California Department of Finance and the California State Controller's Office.

**SUCCESSOR AGENCY TO THE FORMER KING CITY CDA
CONSIDERATION OF A RESOLUTION OF THE SUCCESSOR AGENCY TO
THE FORMER KING CITY COMMUNITY DEVELOPMENT AGENCY
APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE 17-18
FOR THE PERIOD OF JULY 1, 2017 THROUGH JUNE 30, 2018
JANUARY 24, 2017
PAGE 2 OF 3**

DISCUSSION:

Successor Agency staff has prepared the ROPS 17-18 for the period of July 1, 2017 through June 30, 2018, which consists of several spreadsheets that are appended to the attached Resolution as Attachment '1'.

Pursuant to Health and Safety Code § 34177 (m), an Oversight Board-approved ROPS for the period of July 1, 2017 through June 30, 2018 must be submitted to the County Auditor-Controller, County Administrative Officer, the State Controller and the State Department of Finance not later than February 1, 2017.

Upon approval of the ROPS by the Oversight Board, and pursuant to Health and Safety Code § 34177 (l)(2), a copy of this staff report and the attached resolution will be submitted to the County Auditor-Controller, County Administrative Officer, the State Controller and the State Department of Finance within the prescribed timeframe.

Approval of the attached Resolution will authorize the Successor Agency Director, or designee, to:

1. Post the ROPS for the period of July 1, 2017 through June 30, 2018 on the City's website;
2. Transmit the ROPS for the period of July 1, 2017 through June 30, 2018 to the County Auditor-Controller, County Administrative Officer, the State Controller, and the State Department of Finance within the timeframe prescribed by the Health and Safety Code; and
3. Make ministerial revisions to the ROPS which may include, but is not limited to, restating the information included within the ROPS in any format that may be requested by the State Department of Finance, take such other actions and execute such other documents as are necessary to effectuate the intent of the Resolution, and to implement the ROPS for the period of July 1, 2017 through June 30, 2018 on behalf of the Successor Agency, including authorizing and causing such payments.

**SUCCESSOR AGENCY TO THE FORMER KING CITY CDA
CONSIDERATION OF A RESOLUTION OF THE SUCCESSOR AGENCY TO
THE FORMER KING CITY COMMUNITY DEVELOPMENT AGENCY
APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE 17-18
FOR THE PERIOD OF JULY 1, 2017 THROUGH JUNE 30, 2018
JANUARY 24, 2017
PAGE 3 OF 3**

The actions of this item have been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, § 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines. The recommended action does not constitute a "project" for purposes of CEQA, as that term is defined by Guidelines § 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per § 15378(b) (5) of the Guidelines.

COST ANALYSIS:

Pursuant to Health and Safety Code § 34177, the Successor Agency is legally required to continue to make payments due for enforceable obligations. The Successor Agency's approval of ROPS 17-18 will ensure that the Successor Agency has the authority to continue to pay its enforceable obligations. The recommended action does not, in itself, cause any new financial obligations

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Adopt Resolution SA-2017-05 approving ROPS 17-18, for the period of July 1, 2017 through June 30, 2018;
2. Make modifications and adopt the Resolution; or
3. Provide other direction to staff.

Submitted by: _____
Mike Howard, Finance Director

Approved by:  _____
Steven Adams, City Manager / Executive Director

RESOLUTION NO. SA-2017-05

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER KING CITY COMMUNITY DEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE 17-18 FOR THE PERIOD OF JULY 1, 2017 THROUGH JUNE 30, 2018

WHEREAS, pursuant to Health and Safety Code § 34172(a) (1), the King City Community Development Agency was dissolved February 1, 2012; and

WHEREAS, consistent with the provisions of the Health and Safety Code, the City Council previously elected to serve in the capacity of the Successor Agency to the King City Community Development Agency (the "Successor Agency"); and

WHEREAS, per Health and Safety Code § 34177 (1)(1), the Successor Agency is required to prepare a Recognized Obligation Payment Schedule ("ROPS") for the period July 1, 2017 through June 30, 2018; and

WHEREAS, the ROPS is the basis for the Successor Agency's authority to make payment due for enforceable obligations; and

WHEREAS, subsequent to its approval by the Successor Agency, the ROPS must also be approved by the Oversight Board ("OS Board") to the Successor Agency and is reviewable by the County Auditor-Controller, the County Administrative Officer, the California Department of Finance and the California State Controller's Office not later than February 1, 2017; and

WHEREAS, Agency staff has prepared the ROPS for the period of July 1, 2017 through June 30, 2018, which consists of several spreadsheets that are appended to this Resolution as Attachment "1"; and

WHEREAS, subsequent to the approval of this Resolution and approval by the OS Board the ROPS will be forwarded to the County Auditor-Controller, the County Administrative Officer, the California Department of Finance and the California State Controller's Office for their review; and

WHEREAS, this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

WHEREAS, the actions implemented by adoption of this Resolution are not a "project" for purposes of CEQA, as that term is defined by Guidelines § 15378, because the action is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per § 15378(b) (5) of the Guidelines.

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, BE IT RESOLVED by the Successor Agency to the King City Community Development Agency, as follows:

Section 1. The foregoing recitals are true and correct and are a substantive part of this Resolution.

Section 2. The establishment of the Successor Agency's ROPS 17-18 covering the period of July 1, 2017 through June 30, 2018, which is attached hereto as Attachment '1', is approved.

Section 3. The Successor Agency Director, or designee, is hereby authorized to: i) post ROPS 17-18 on the City's website; ii) transmit ROPS 17-18 to the County Auditor-Controller, the County Administrative Officer, the State Controller and the State Department of Finance for their review within the timeframe prescribed by the Health and Safety Code; and iii) make ministerial revisions to ROPS 17-18 which may include, but is not limited to restating the information included within ROPS 17-18 in any format that may be requested by the State Department of Finance, take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution, and to implement ROPS 17-18 on behalf of the Successor Agency, including authorizing and causing such payments.

Section 4. This Resolution shall take effect upon the date of its adoption.

PASSED AND ADOPTED by the Successor Agency at a regular meeting held on the 24th day of January 2017 by the following vote:

AYES: SUCCESSOR AGENCY MEMBERS:

NOES: SUCCESSOR AGENCY MEMBERS:

ABSENT: SUCCESSOR AGENCY MEMBERS:

ABSTAIN: SUCCESSOR AGENCY MEMBERS:

Michael LeBarre, The Honorable Chair

ATTEST:

Steven Adams, Successor Agency Secretary

ATTACHMENT '1'

**SUCCESSOR AGENCY TO THE
KING CITY COMMUNITY DEVELOPMENT AGENCY
RECOGNIZED OBLIGATION PAYMENT SCHEDULE 17-18
(July 1, 2017 through June 30, 2018)**



Item No. 9 (K)

REPORT TO THE CITY COUNCIL

DATE: JANUARY 24, 2017
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: STEVEN ADAMS, CITY MANAGER
**RE: CONSIDERATION OF CONTRACT SERVICES AGREEMENT
FOR CITY ATTORNEY**

RECOMMENDATION:

It is recommended the City Council approve a contract services agreement with Aleshire & Wynder, LLP for City Attorney services.

BACKGROUND:

In September, City Attorney Martin Koczanowicz resigned as the City's contract City Attorney to accept a full-time position with the City of Moreno Valley. On October 25, 2016, the City Council approved a contract services agreement with Aleshire & Wynder, LLP for Interim City Attorney services. The City Council and staff have both been pleased with their services. Based on direction from the City Council, an agreement is now presented to contract for Aleshire & Wynder for ongoing City Attorney services.

DISCUSSION:

The City solicited a number of proposals from qualified firms when Aleshire & Wynder, LLP was selected to provide Interim City Attorney services. Representatives from the firms were interviewed by a subcommittee appointed by the City Council, which recommended Aleshire & Wynder, LLP.

Under the proposed contract, Shannon Chaffin will serve as the City Attorney and Roy Santos will serve as the Assistant City Attorney. In addition, Aleshire & Wynder, LLP is a large firm with attorneys specializing in all areas of municipal law that are available to the City for consultation. Mr. Chaffin and Mr. Santos work out of the firm's Fresno office.

**CITY COUNCIL
CONSIDERATION OF CANCELLATION OF NOVEMBER 8, 2016 REGULAR
MEETING AND SCHEDULING OF NOVEMBER 15, 2016 SPECIAL MEETING
OCTOBER 25, 2016
PAGE 2 OF 2**

COST ANALYSIS:

The costs of the contract remain the same as the contract previously approved for Interim City Attorney services. The hourly rate for general legal services is \$165.00 for up to 40 hours per month, which will increase to \$170.00 on July 1, 2017. The hourly rate above 40 hours is \$180.00, which will increase to \$190.00 on January 1, 2018. The hourly rate for litigation and specialized legal services is \$195.00, which will increase to \$205.00 on July 1, 2017. These rates are relatively comparable to the prior City Attorney contract so it will not result in a cost impact to the FY 2016-17 Annual Budget.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Approve the proposed contract;
2. Direct the City Manager to negotiate a change in the terms of the contract;
3. Do not approve the contract and direct the City Manager to solicit proposals;
or
4. Provide other direction to staff.

Exhibits:

Contract Services Agreement

Approved by: _____



Steven Adams, City Manager

**CONTRACT SERVICES AGREEMENT FOR
CITY ATTORNEY SERVICES
CITY OF KINGS CITY**

This CONTRACT SERVICES AGREEMENT FOR CITY ATTORNEY SERVICES (the "Agreement") is effective as of the ___ day of January, 2017, by and between the law firm of ALESHIRE & WYNDER, LLP, a California limited liability partnership ("A&W"), and the CITY OF KING CITY ("KING CITY" OR "City"), a Charter city. The term "City" shall also include the KING CITY Successor Agency, the KING CITY Community Housing Authority, the KING CITY Public Financing Authority, and all other City boards and commissions.

1. APPOINTMENT

City Council hereby appoints Shannon L. Chaffin as the City Attorney, and hires A&W as its City Attorney, to render such legal services as are customarily rendered by such officials and as further specified herein, including attending meetings of the City Council, Planning Commission, King City Successor Agency ("Successor Agency"), KING CITY Housing Authority ("Housing Authority"), KING CITY Public Financing Authority ("Public Financing Authority"), all other City boards and commissions and their affiliated agencies, as directed by the City.

Notwithstanding the foregoing appointment, the designated City Attorney, Agency Counsel, and any Assistant or Deputy City Attorney, may be established from time to time or modified by resolution of the City Council. A&W represents that it employs, or will employ at its own expense, all personnel required for the satisfactory performance of any and all tasks and services set forth herein. A&W shall not replace the designated City Attorney (or any successors to such person) without the City Council's prior approval, except from time to time necessary due to illness or vacation scheduling. Approval of any such temporary substitute, or of any Assistant City Attorney shall be obtained from the City Manager, and resources will be provided to the City Manager and City Council if requested. The City Attorney may appoint various deputies as the City Attorney deems appropriate, without the need for amendment hereof.

2. SCOPE OF WORK AND DUTIES

A. A&W shall perform any and all work necessary for the provision of City Attorney services to City, as set forth in the Municipal Code, including, but not limited to, the following:

(i) Attendance at City Council, Planning Commission, or Successor Agency, Housing Authority, Public Financing Authority, or other affiliated entities, unless excused by the City Manager or his/her designee, and other board and commission meetings on request of the City Manager or his/her designee; and

(ii) Provide legal advice, written legal opinions, and consultation on all matters affecting the City to the City Council, City Manager, boards, commissions, committees, officers, and employees of City and as requested by the City Council, the City Manager, or his/her designee, in accordance with such policies and procedures as may be established by City from time to time; and

(iii) Be available for telephone consultation with City staff, as needed on legal matters which are within their area of operation; and

(iv) Prepare or review necessary legal documents such as: ordinances, and resolutions; all agreements of any nature; all real property instruments of any nature including purchase agreements and escrows, leases, covenants, deeds, easements and licenses; bond size, amount, and offering terms and conditions; public works construction documents including bid specifications, contracts, bonds, insurance, liens and related documents; memorandum of understanding; franchise agreements; and all similar documents; and

(v) Represent and advise City on pending and potential litigation; notwithstanding the foregoing, it is expressly understood that A&W shall not be responsible for any pending litigation matter(s) handled by attorneys previously or otherwise employed by the City until all files have been transferred to A&W and A&W has specifically appeared in the matter(s) as attorneys of record on behalf of City; and

(vi) Hold office hours at City Hall, if requested, at a time agreed to with City Manager; and

(vii) Attend management staff and agenda review meetings at a time agreed to with City Manager; and

(viii) Monitor pending and current legislation and case law as appropriate; and

(ix) Supervise outside legal services, if any.

B. A&W, as a full-service law firm, is prepared to, and will, provide representation to City in all of its legal affairs, including, but not limited to, municipal law, land use, environmental, toxics, mining, water, tort defense, personnel, labor representation, code enforcement, criminal prosecution, redevelopment, housing, cable television, finance, franchising, contracts, enterprise and other matters, except where conflicts exist or where the City Council may otherwise direct. The City Attorney shall represent City in all of the foregoing legal matters, and in initiating and defending all litigation unless otherwise directed by the City Council.

C. The City Attorney will keep City informed as to the progress and status of all pending matters in accordance with such procedures as the City may establish from time to time. The City Attorney is expected to manage, control and oversee the delivery of legal services in a competent, professional, and cost-effective manner. All legal services shall be properly supervised and all personnel shall be qualified to handle the work assigned. If outside special counsel is retained, unless otherwise directed by the City Council, such special counsel shall be supervised by the City Attorney.

D. All legal services shall be coordinated under the direction of the City Manager. Notwithstanding any other provision contained herein, any legal services can only be authorized by the City Council or City Manager. Nothing in this Agreement shall be construed in any manner as limiting the ultimate and absolute discretion of the City Council, at any time, to assign or reassign legal matter of City from or to A&W.

3. CITY DUTIES

City agrees to provide such information, assistance, cooperation, and access to books, records, and other information, as is necessary for A&W to effectively render its professional services under this Agreement. To the extent City desires services to be rendered on site, City, at City's expense, will make available sufficient office space, furniture, telephones, computers, facsimile machines, and secretarial support, as approved by the City Manager, as may be necessary therefor. City further agrees to abide by this Agreement, and to timely pay A&W's bills for fees, costs, and expenses. In addition, City understands that the fee structure herein represents a blending of rates, with certain services offered at discounted rates, on the assumption that, due to the volume of work, other services will be rendered at higher rates. Therefore, insofar as possible and unless A&W lacks the experience, capability or resources, it is the intent of the parties hereto that all matters of City requiring the rendition of legal services shall be performed by A&W. However, nothing in this Section, or any other part of this Agreement, shall be construed in any manner as limiting the ultimate and absolute discretion of the City Council, at any time, to assign or reassign legal matters of City from or to A&W.

4. PERSONNEL

In addition to Shannon L. Chaffin acting as City Attorney, A&W will provide the following additional attorneys to render the predominate legal services hereunder:

Shannon Chaffin	City Attorney/Agency Counsel
Roy Santos	Assistant City Attorney
David J. Aleshire	Senior Advisory Counsel
Anthony R. Taylor	Chief Litigation Deputy City Attorney
Colin Tanner	Deputy City Attorney/Personnel
Tommi R. Sagatelian	Deputy City Attorney/Personnel

Assignments may be modified as provided in Section 1 above and except as so provided, A&W will exercise its discretion to utilize whichever attorney(s) (and staff) it determines to be best suited to its rendition of legal services under this Agreement, consistent with the competent and efficient rendering of legal services, and with a view toward rendering such services in an economically efficient manner.

5. COMPENSATION

A&W's fees will be charged on an hourly basis for all time actually expended. The compensation schedules are set forth in Exhibits "A" and "B" attached hereto and incorporated herein by this reference.

In general, the arrangement is that there is a base amount of hours which are significantly discounted and referred to as the general retainer hours. This includes general services, attending public meetings, preparing ordinances and resolutions, giving general advice to City departments and similar services. A higher rate is charged after the retainer hours are exceeded. Special services, including a broad range of categories (litigation, personnel, labor, redevelopment, housing, toxics, refuse, cable, enterprise, etc.), which would otherwise be likely to be contracted out as special services at higher rates, are billed at a higher blended rate.

The foregoing arrangement would remain in effect for at least Fiscal Year 2016-2017 and the following Fiscal Year. However, the hourly rates of the attorneys at A&W are reviewed annually and, when appropriate, adjusted to reflect increases in expertise as well as other appropriate factors. Such increases are made on an annual basis, effective as of the beginning of each calendar year. While the hourly rates for services rendered by individual A&W attorneys may be adjusted as set forth herein, the "rates" established in this Agreement shall not be adjusted except as provided here, and only upon the approval of the City Council.

6. BOND OR FINANCIAL SERVICES

For public finance services in connection with the issuance or potential issuance of debt, loans, certificates of participation, including formation of assessment or community facilities districts, etc., our fee shall be \$300 per attorney hour. Paralegal, law clerk or project specialist time shall be billed at \$165 per hour. Fees shall be paid within 30 days following receipt of an invoice. Fees include travel time. Expenses shall be charged at the cost thereof, which expenses shall include the cost of special tax counsel in an amount not to exceed \$7,500, subject to a not to exceed expense fee (excluding special tax counsel) of \$3,000 per bond transaction.

7. COSTS AND OTHER CHARGES

A&W may incur various costs and expenses in rendering the legal services required by this Agreement which, if customary and necessary for the performance of legal services hereunder, shall be reimbursable by City. These costs and expenses are described in more detail in Exhibit "B", attached hereto, and incorporated herein by reference. City agrees to reimburse A&W for these costs and expenses in addition to the hourly fees for legal services. Reimbursable costs shall not include any overhead or administrative charge by A&W or A&W's cost of equipment or supplies except as provided herein.

A&W may determine it necessary or appropriate to use one or more outside investigators, consultants, or experts in rendering the legal services required (particularly if a matter goes into litigation). City will be responsible for paying such fees and charges. A&W will not, however, retain the services of any outside investigators, consultants, or experts without the prior written agreement of City. A&W will select any investigators, consultants, or experts to be hired only after consultation with and approval by the City.

The cost and expenses referred to herein include certain travel expenses; transportation, meals, and lodging; when incurred on behalf of the client. Except in connection with litigation (travel costs to court and for discovery are chargeable), these will only be charged when outside the Monterey County, and only with the prior agreement of City.

Periodically, when on-site, A&W personnel may be required to make local and long-distance telephone calls, or make photocopies, or incur other expenses on behalf of the City. A&W will not be charged for such expenses and, in exchange, will not charge the City for calls made from our office or other locations to the City.

A&W shall scrupulously examine all bills submitted for services tendered under this Agreement to assure that appropriate billing judgment is employed in billing City for service hereunder. A&W shall not bill for hours other than those hours expressly devoted to the tasks

approved in advance by the City. A&W agrees it will not bill for time which is not specifically devoted to said task(s). A&W shall not use legal professionals for secretarial work and under no circumstances shall A&W have lawyers billing for making copies, scheduling appointments or taking care of matters or work which would otherwise be work performed by a secretary. The billing format utilized to provide bills shall be set forth in a detailed format which readily permits the full scrutiny by any City retained auditors.

8. STATEMENTS AND PAYMENT

A&W shall render to City a statement for fees, costs, and expenses incurred on a monthly basis. Such statement(s) shall indicate the basis of the fees, including the hours worked, the hourly rate(s), and a specific description of the work performed. Separate billing categories can be established to track costs associated with City funding categories or to track project costs, or such other basis as the City may direct. Reimbursable costs shall be separately itemized.

In consideration for A&W's performance of legal services on behalf of City under the terms of this Agreement, and upon review and approval of A&W's bill by the City, A&W shall be compensated at the preapproved hourly rates and for authorized expenses as set forth in Exhibit B. Payments shall be made by City within thirty (30) days of receipt of the statement, except for those specific items on an invoice which are contested or questioned and are returned by City with a written explanation of the question or contest, within thirty (30) days of receipt of the invoice. Payments made more than ninety (90) days after the due date shall draw interest at ten (10) percent. Invoices shall be submitted to the City at the address shown in Section 13.

9. PROHIBITION AGAINST SUBCONTRACTING OR ASSIGNMENT

The experience, knowledge, capability and reputation of A&W, its partners, associates, and employees, was a substantial inducement for City to enter into this Agreement. Therefore, A&W shall not contract with any other person or entity to perform, in whole or in part, the legal services required under this Agreement without the written approval of City. In addition, neither this Agreement, nor any interest herein, may be transferred, assigned, conveyed, hypothecated, or encumbered voluntarily, or by operation of law, whether for the benefit of creditors, or otherwise, without the prior written approval of City. Adding attorneys to A&W, changes in the partnership, name changes and similar changes shall not be deemed a transfer or assignment requiring approval of City or amendment hereof.

10. INDEPENDENT CONTRACTOR

A&W shall perform all legal services required under this Agreement as an independent contractor of City, and shall remain, at all times as to City, a wholly independent contractor with only such obligations as are required under this Agreement. Neither A&W nor any employees or agents of A&W shall be considered an employee of City for any purpose. Neither City, nor any of its employees, shall have any control over the manner, mode, or means by which A&W, its agents or employees, render the legal services required under this Agreement, except as otherwise set forth. City shall have no voice in the selection, discharge, supervision or control of A&W employees, servants, representatives, or agents, or in fixing their number, compensation, or hours of service.

11. INSURANCE

A&W shall procure and maintain, at its sole cost and expense, in a form and content satisfactory to City, during the entire term of this Agreement, including any extension thereof, the following policies of insurance:

(a) **Comprehensive General Liability Insurance.** A policy of comprehensive general liability insurance written on a per occurrence basis in an amount not less than a combined single limit of One Million Dollars (\$1,000,000.00), and One Million Dollars (\$1,000,000.00) products and completed operations.

(b) **Workers' Compensation Insurance.** A policy of workers' compensation insurance in such amount as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both A&W and City against any loss, claim or damage arising from any injuries or occupational diseases occurring to any worker employed by or any persons retained by the Contractor in the course of carrying out the work or services contemplated in this Agreement, with limits of at least One Million Dollars (\$1,000,000.00) for bodily injury by disease, One Million Dollars (\$1,000,000.00) each accident/bodily injury and One Million Dollars (\$1,000,000.00) each employee bodily injury by disease.

(c) **Automobile Insurance.** A policy of comprehensive automobile liability insurance written on a per occurrence basis in an amount not less than a combined single limit liability of One Million Dollars (\$1,000,000.00). Said policy shall include coverage for owner, non-owner, leased and hired cars.

(d) **Errors and Omissions Insurance.** A policy of professional liability insurance written on a claims made basis in an amount not less than Three Million Dollars (\$3,000,000.00).

Except for the policy of professional liability insurance, all of the above policies of insurance shall be primary insurance and shall name City, its officers, employees and agents as additionally insured. Except for the policy of professional liability insurance, the insurer shall waive all rights of subrogation and contribution it may have against the City, its officers, employees and agents and their respective insurers. Except for the policy of professional liability insurance, all of said policies of insurance shall provide that said insurance may not be amended or canceled without providing thirty (30) days prior written notice by registered mail to the City. In the event any of said policies of insurance are cancelled, A&W shall, prior to the cancellation date, submit new evidence of insurance in conformance with this Section to the City. Failure to do so is cause for termination.

12. INDEMNIFICATION

A&W agrees to indemnify City, its officers, employees and agents against, and will hold and save each of them harmless from, any and all actions, suits, claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities (herein "Damages") that may be asserted or claimed by any person, firm or entity arising out of or in connection with any negligent or willful act or omission of A&W arising from A&W's performance of or failure to perform any term, provision, covenant or condition of this Agreement; provided, that such obligation is only to the extent A&W caused the Damages.

City acknowledges that A&W is being appointed as City Attorney pursuant to the authority of Government Code Section 36505, and has the authority of that office. Accordingly, the City is responsible pursuant to Government Code Section 825 for providing a defense for the City Attorney for actions within the scope of its engagement hereunder. Therefore, City agrees to undertake its statutory duty under section 825 and indemnify A&W, its officers, employees and agents against and will hold and save each of them harmless from, any and all actions, suits, claims, damages to persons or property, losses, costs penalties, obligations, errors, omissions or liabilities (herein "claims or liabilities") that may be asserted or claims by any person, firm or entity arising out of or in connection with the work, operations or activities of A&W within the course and scope of its employment hereunder, but nothing herein shall require City to indemnify A&W for liability arising from A&W's own negligence, tortious acts, willful misconduct or legal malpractice. Nothing in this agreement shall be construed to provide A&W with greater indemnification than required by Government Code section 825 or to prohibit the City from providing a defense with a reservation of rights as permitted by section 825. In connection herewith:

A. City will promptly provide a defense and pay any judgment rendered against the City, its officers, agents or employees for any such claims or liabilities arising out of or in connection with such work, operations or activities of City hereunder except as specified above;

B. In the event A&W, its officers, agents or employees is made a party to any action or proceeding filed or prosecuted against City for such damages or other claims solely arising out of or in connection with the work operation or activities of City hereunder, City agrees to pay to A&W, its officers, agents or employees any and all costs and expenses incurred by attorney, its officers, agents or employees in such action or proceeding, including but not limited to, legal costs and attorneys' fees to the extent required by Government Code section 825.

13. NOTICES

Notices required pursuant to this Agreement shall be given by personal service upon the party to be notified, or by delivery of same into the custody of the United States Postal Service, or its lawful successor; postage prepaid and addressed as follows:

CITY: City of Kings City
Attn: Steve Adams, City Manager
212 South Vanderhurst Ave
King City, CA 93930

ATTORNEY: Aleshire & Wynder, LLP
Attn: Shannon Chaffin, City Attorney
2125 Kern Street, Suite 307
Fresno, CA 93721

Service of a notice by personal service shall be deemed to have been given as of the date of such personal service. Notice given by deposit with the United States Postal Service shall be deemed to have been given two (2) consecutive business days following the deposit of the same in the custody of said Postal Service. Either party hereto may, from time to time, by written

notice to the other, designate a different address or person which shall be substituted for that specified above.

14. NON-DISCRIMINATION

In connection with the execution of this Agreement, A&W shall not discriminate against any employee or applicant for employment because of race, religion, marital status, color, sex, handicap, sexual orientation, or national origin. A&W shall take affirmative action to ensure that applicants are employed, and that employees are treated fairly during their employment, without regard to their race, religion, color, sex, marital status, handicap, sexual orientation, or national origin. Such actions shall include, but not be limited to the following: employment, promotion, demotion, transfer, duties assignment; recruitment or recruitment advertising; layoff of termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In the State of California, this requirement is an ethical obligation of attorneys in the management of their firms. [Rules of Professional Conduct Section 2-400(c)]

15. TERM, DISCHARGE AND WITHDRAWAL

This Agreement shall continue in effect, subject to modification of fees as provided in Section 5, until terminated by either party hereto. City may discharge A&W at any time. The City Attorney shall have no right to hearing or notice, and may be discharged with or without notice. A&W may withdraw from City's representation at any time, to the extent permitted by law, and the Rules of Professional Conduct, upon at least sixty (60) days' notice to City.

In the event of such discharge or withdrawal, City will pay A&W professional fees and costs, in accordance with this Agreement, for all work done (and costs incurred) through the date of cessation of legal representation. City agrees to execute, upon request, a stipulation in such form as to permit A&W to withdraw as City's attorneys of record in any legal action then pending. A&W shall deliver all documents and records of City to City, or to counsel designated by City, and assist to the fullest extent possible in the orderly transition of all pending matters to City's new counsel.

16. CONFLICTS

A&W represents that it has advised the City in writing prior to the date of signing of this Agreement of any known relationships with a third party, the City Council or City employees which would: (i) present a conflict of interest with the rendering of professional services under this Agreement; (ii) prevent A&W from performing the terms of this Agreement; and (iii) present a significant opportunity for the disclosure of confidential information.

A&W has no present or contemplated employment which is adverse to the City. A&W agrees that it shall not represent clients in matters either litigation or non-litigation against the City. However, A&W may have past and present clients or may have future clients, which, from time to time, may have interests adverse to City, and A&W reserves the right to represent such clients in matters not connected with its representation of the City, upon securing a waiver from both the City and the present or future client.

If a potential conflict of interest arises in A&W's representation of two clients, if such conflict is only speculative or minor, A&W shall seek waivers from each client with regards to such representation. However, if real conflicts exist, A&W shall withdraw from representing either client in the matter, and assist them in obtaining outside special counsel.

17. INTERPRETATION OF AGREEMENT AND FORUM

This Agreement shall be construed and interpreted both as to validity and performance of the parties in accordance with the laws of the State of California. In the event of any dispute hereunder, forum shall be the Superior Court, Monterey County.

18. INTEGRATED AGREEMENT; LEGAL REVIEW; AMENDMENT

This Agreement contains all of the agreement of the parties and cannot be amended or modified except by written agreement. City has been advised by A&W of its right to have independent legal review of this Agreement and has not sought or relied upon advice from A&W concerning this Agreement. No prior oral or written understanding shall be of any force or effect with respect to those matters covered in this Agreement, and the Contract Services Agreement for Interim City Services: City of King City, dated October 25, 2016 ("Interim Agreement"), is expressly terminated by the Parties. This Agreement may be amended at any time by the mutual consent of the parties by an instrument in writing.

19. LICENSE REQUIREMENTS

A&W shall demonstrate that the attorney(s) who provide legal services to City under this Agreement are licensed to practice law in the State of California and, if not, indicate to the satisfaction of the City Council or the City Manager why such license is not required to perform the services required.

20. CONFIDENTIALITY AND DISCLOSURE

The data, information and reports acquired or prepared by A&W in connection with matters upon which the City has retained A&W shall not be shown or distributed to any other public or private person or entity except as authorized by the City Council or the City Manager and in no event prior to having been first disclosed to the City Council or the City Manager. All information, documents, records, reports, data or other materials furnished by City to A&W or other such information, documents, records, data or other materials to which A&W has access during its performance pursuant to this Agreement are deemed confidential and shall remain the property of City. A&W shall not make oral or written disclosure of such documents or materials, other than as necessary for its performance under this Agreement, without the prior written approval of the City Manager.

21. RECORDS AND DOCUMENTATION

A&W shall maintain complete and accurate records of the services provided to City and expenses incurred on behalf of City. A&W agrees to assist City in meeting City's reporting requirements to other agencies with respect to A&W's work under this Agreement.

22. ASSIGNMENTS AND SUCCESSORS IN INTEREST

City and A&W bind themselves, their partners, successors, assigns, executors and administrators to the terms of this Agreement. Except as otherwise set forth in this Agreement, no interest in this Agreement or any of the work provided for in this Agreement shall be assigned or transferred, either voluntarily or by operation of law, without the prior written approval of the City Manager or the City Council.

23. NO WAIVER

No waiver of any provision of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any such waiver constitute a continuing or subsequent waiver of the same provision. No waiver shall be binding, unless executed in writing by the party making the waiver.

24. CORPORATE AUTHORITY

The persons executing this Agreement on behalf of the parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said parties and that in so executing this Agreement the parties hereto are formally bound to the provisions of this Agreement.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date of execution by the City.

Dated: _____, 2017

“CITY”
CITY OF KING CITY, a municipal corporation

By: _____
Michael LeBarre, Mayor

ATTEST

City Clerk

Dated: _____, 2017

“ALESHIRE & WYNDER, LLP”

By: _____
David J. Aleshire, Esq.

EXHIBIT "A"
FEE ARRANGEMENT

- (1) The payment for **up to** forty (40) hours of general legal service (Monthly Hour Limit) shall be a maximum of Six Thousand Six Hundred Dollars (\$6,600) per month (billed at One Hundred Sixty-Five Dollars (\$165) per hour). Notwithstanding the foregoing, in view of the likelihood for the need to ramp up services, until March 1, 2017, the discounted rate shall apply to 60 hours of legal services. The \$165 rate shall increase to \$170 per hour on July 1, 2017 and \$180 on July 1, 2018.
- (2) General legal services over the Monthly Hour Limit will be billed at the rate of One Hundred Eighty Dollars (\$180) per hour. The \$180 rate shall increase to \$190 per hour on January 1, 2018.
- (3) Special legal services shall include litigation matters, public finance, disciplinary actions or hearings, labor negotiations, redevelopment, housing, cable television, water, toxics, refuse, franchising, enterprise activities and any major contract negotiation involving more than 10 hours (with City Manager approval). Except for litigation, insurance defense, code enforcement, and public finance, all such matters shall be billed at the rate of One Hundred Ninety-Five Dollars (\$195) per hour. The \$195 rate shall increase to \$205 per hour on July 1, 2017, and \$215 per hour on July 1, 2018.
- (4) Litigation will be billed at the reduced rate of One Hundred Ninety-Five Dollars (\$195) per hour. The \$195 rate shall increase to \$205 per hour on July 1, 2017, and \$215 per hour on July 1, 2018.
- (5) Insurance defense/risk management and code enforcement will be billed at a reduced rate of One Hundred Seventy Five Dollars (\$175) per hour until July 1, 2017 and One Hundred Eighty-Five Dollars (\$185) thereafter. Travel for code enforcement shall only be billed one way.
- (5) Where there is an opportunity to obtain cost recovery through a private party such as a developer, the hourly rate will be Two Hundred Eighty Dollars (\$280) per hour under the Standard Rate option, and Three Hundred Dollars (\$300) per hour under the Retainer option.
- (6) For public finance services in connection with the issuance or potential issuance of debt, loans, certificates of participation, including formation of assessment or community facilities districts, etc., our fee shall be \$300 per attorney hour. Paralegal, law clerk or project specialist time shall be billed at \$165 per hour. Fees shall be paid within 30 days following receipt of an invoice. Fees include travel time. Expenses shall be charged at the cost thereof, which expenses shall include the cost of special tax counsel in an amount not to exceed \$7,500, subject to a not to exceed expense fee (excluding special tax counsel) of \$3,000 per bond transaction.
- (7) In addition to the foregoing, the Firm would be reimbursed for out-of-pocket expenses as described in the attached Exhibit B.
- (8) The blended rate for legal assistants (Paralegal/Law Clerks), irrespective of matter, shall be One Hundred Twenty Dollars (\$120) per hour.
- (9) The blended rate for document clerks, document litigation specialist and city clerk/election consultant services shall be Sixty Dollars (\$60) per hour.

This arrangement shall remain in effect until July 1, 2019 and thereafter until amended.

EXHIBIT "B"

STATEMENT OF BILLING PRACTICES

The Firm's fees are charged on an hourly basis for all time actually expended and are generally billed monthly with payment due within thirty (30) days after the date of the bill. However, where contract rates are established, they prevail over design rates. The current hourly design rate for the attorneys and staff working on this matter will be set forth in the billing statement. Annually, you will be provided with the prevailing hourly design rates for the attorneys who will spend the predominate amount of time on this matter. It should be understood that hourly rates are reviewed, and when appropriate, adjusted to reflect increases in seniority and experience as well as inflationary factors. These increases are generally made on an annual basis effective at the beginning of each calendar year.

The Firm will incur various costs and expenses in performing legal services. These costs and expenses are separately billed to the client and include fees fixed by law or assessed by public agencies, litigation costs including deposition, reporter fees, and transcript fees, long distance telephone calls, messenger and other delivery fees, postage, photocopying (charge of \$0.20 cents per page) and other reproduction costs, staff overtime when necessitated and authorized by the client, and computer-assisted research fees when authorized by the client, all based on the actual and reasonable cost (mileage, reproduction and other costs are periodically adjusted in accordance with the Firm's actual costs).

Except as provided in the next paragraph, travel costs including mileage (current IRS rate), parking, airfare, lodging, meals, and incidentals are charged in connection with administrative or judicial proceedings, or when traveling outside of Monterey County. Travel time may also be charged in connection with such proceedings. In addition, the client will be responsible for paying the fees of consultants and other outside experts who are retained after consultation with the client.

The Firm will not charge for mileage or travel time between our office and City facilities, nor for local telephone calls or calls made to the City. In exchange, Firm shall not be charged for calls made or received at the City, whether local or long-distance, or for copying charges since copying onsite will reduce the charge to the client.

The monthly billing statements for fees and costs shall indicate the basis of the fees, including a detailed and auditable breakdown of the hours worked, the billable rates charged and description of the work performed. All bills are expected to be paid within thirty (30) days of the date of the billing statement. In the event any statement remains unpaid for more than ninety (90) days after the date of the statement, interest thereon at the rate of ten percent (10%) per annum shall be due and payable thereafter on the unpaid balance.

Registration fees for attorneys attending conferences and seminars are paid by the Firm and are never charged to the City (unless expressly requested by the City).



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

Item No. 9 (L)

REPORT TO THE CITY COUNCIL

DATE: JANUARY 24, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

BY: PATRICIA GRAINGER, ACCOUNTANT

RE: MONTHLY TREASURER'S REPORT – DECEMBER 2016

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

The California Government Code Section 41004 states "Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances."

DISCUSSION:

The California Government Code authorizes and regulates the investment of local agency (city and county) funds. The City currently invests its funds with the Local Agency Investment Fund (LAIF) Program, administered by the State of California Treasurer's office. The City's housing rehab account is held at 1st Capital Bank, and the City's checking and payroll accounts, as well as developer deposits, are held at Well Fargo Bank, located at 506 Broadway, King City, CA 93930. A summary of investments and returns for the City is provided in the attached report.

COST ANALYSIS:

There is no fiscal impact as a result of this action.

**CITY COUNCIL
MONTHLY TREASURER'S REPORT – DECEMBER 2016
JANUARY 24, 2017
PAGE 2 OF 2**

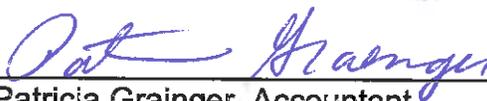
ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Receive and file the report; or
2. Provide other direction to staff regarding requests for additional information.

Exhibits:

1. Investment Report

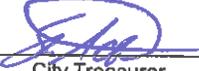
Submitted by: 
Patricia Grainger, Accountant

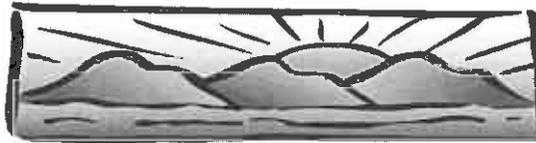
Approved by: 
Steven Adams, City Manager

City of King
Investment Report
Schedule of Cash and Investments
December 31, 2016

Investment Instrument		Yield	Amount	Maturity	Value
Invested by City Treasurer					
Institution	Investment Type				
State of California LAIF - City	Pooled	0.60%	2,259,344.94	On Demand	N/R
1st Capital Bank	Checking Acct Housing Rehab	-	91,920.07	On Demand	N/R
Wells Fargo Bank	General Checking	-	2,513,261.03	On Demand	N/R
Wells Fargo Bank	Payroll Checking Account	-	4,032.08	On Demand	N/R
Petty Cash-City Hall/Change Fund	Change Cash Drawer	-	500.00	On Demand	N/R
Invested by City Treasurer (Subtotal):			4,869,058.12		
Total Cash and Investments			4,869,058.12		

Pursuant To Government Code 41004, I hereby certify that this report reflects all City's investments. This investment program complies with the City Investment Policy, approved by the City Council on 01/24/2017. Cash flow liquidity is still limited.

SIGNED: 
City Treasurer



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

Item No. 9(M)

REPORT TO THE CITY COUNCIL

DATE: JANUARY 24, 2017

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: STEVEN ADAMS, CITY MANAGER

BY: PATRICIA GRAINGER, ACCOUNTANT

**RE: SUCCESSOR AGENCY MONTHLY TREASURER'S REPORT –
DECEMBER 2016**

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

The California Government Code Section 41004 states "Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances."

DISCUSSION:

The California Government Code authorizes and regulates the investment of local agency (city and county) funds, including successor agencies. The Successor Agency invests its bond proceeds in US Treasury obligations. All bond reserve funds are held by one bond trustee, U.S. Bank, and invested in accordance with the trustee agreement. The Successor Agency has three tax allocation bonds (TABs) issued. Yield, maturity and investment amount (proceeds) are itemized on the Successor Agency Schedule of Cash and Investments for the Agency.

COST ANALYSIS:

There is no fiscal impact as a result of this action.

**CITY COUNCIL/SUCCESSOR AGENCY
SA MONTHLY TREASURER'S REPORT – DECEMBER 2016
JANUARY 24, 2017
PAGE 2 OF 2**

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Receive and file the report; or
2. Provide other direction to staff regarding requests for additional information.

Exhibits:

1. Investment Report

Submitted by: 
Patricia Grainger, Accountant

Approved by: 
Steven Adams, City Manager

City of King
Investment Report
Schedule of Cash and Investments
December 31, 2016

Investment Instrument		Yield	Amount	Maturity	Value
Invested by City Treasurer					
Institution	Investment Type				
Wells Fargo Bank	SA Checking Account		2,504,593.74	On Demand	N/R
Invested by City Treasurer (Subtotal):			2,504,593.74		
Invested by Trustees (as of October Statements)					
Bond Reserves (1)					
U.S. Bank - 2011 TARB					
US Bank Money Market Ct	Escrow Fund #5050	0.00%	6,050,313.08	8/1/2034	6,050,313.08
U.S. Bank - 2016 A & B TARB					
US Bank Money Market Ct	Interest Account #5001	0.10%	40.76	3/31/2025	40.76
US Bank Money Market Ct	Cost of Issu Acct. #5009	0.10%	9,182.01	3/31/2025	9,182.01
U.S. Bank - 2016 TARB					
US Bank Money Market Ct	Debt Service Fund #6000	0.10%	4.13	3/31/2025	4.13
US Bank Money Market Ct	Interest Account #6001	0.00%	56.48	9/30/2016	56.48
US Bank Money Market Ct	Sinking Account #6003	0.00%	0.00	9/30/2016	0.00
US Bank Money Market Ct	Reserve Account #6005	0.10%	319,606.53	3/31/2025	319,606.53
US Bank Money Market Ct	Cost of Issu Fund #6009	0.10%	0.00	9/30/2016	0.00
US Bank Money Market Ct	Escrow Fund #6050	0.39%	0.00	9/30/2016	0.00
Market Value Provided by U.S. Bank, Trustee					
Invested by Trustees (Subtotal):			6,379,202.99		
Total Cash and Investments			8,883,796.73		

Pursuant To Government Code 41004, I hereby certify that this report reflects all City's investments. This investment program complies with the City Investment Policy, approved by the City Council on 01/24/2017. Cash flow liquidity is still limited.

SIGNED: _____

City Treasurer

Note:

(1) Bonds



Item No. 9 (N)

REPORT TO THE PUBLIC FINANCING AUTHORITY

DATE: JANUARY 24, 2017
TO: HONORABLE CHAIR AND MEMBERS OF THE AUTHORITY
FROM: STEVEN ADAMS, SECRETARY
BY: PATRICIA GRAINGER, ACCOUNTANT
RE: MONTHLY TREASURER'S REPORT – DECEMBER 2016

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

The California Government Code Section 41004 states "Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances." The Public Finance Authority was used for the issuance of the Sewer Enterprise Bonds.

DISCUSSION:

The California Government Code authorizes and regulates the investment of local agency (city and county) funds. The Authority currently invests its funds with the Local Agency Investment Fund (LAIF) Program, administered by the State of California Treasurer's office, as well as bank CD's and instruments issued by agencies of the United States Government. A summary of investments and returns for the Financing Authority is provided in the attached report.

COST ANALYSIS:

There is no fiscal impact as a result of this action.

**CITY COUNCIL/PUBLIC FINANCING AUTHORITY
MONTHLY TREASURER'S REPORT – DECEMBER 2016
JANUARY 24, 2016
PAGE 2 OF 2**

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Receive and file the report; or
2. Provide other direction to staff regarding requests for additional information.

Exhibits:

1. Investment Report

Submitted by: 
Patricia Grainger, Accountant

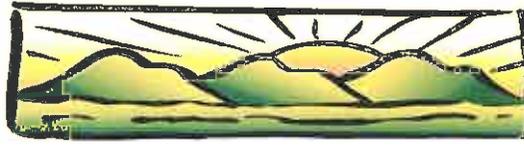
Approved by: 
Steven Adams, Secretary

City of King
Investment Report
Schedule of Cash and Investments
December 31, 2016

Investment Instrument	Yield	Amount	Maturity	Value
Invested by City Treasurer				
	Investment Type			
Wells Fargo Bank		10,386.10	On Demand	N/R
State of California LAIF- Financing Authority	0.80%	5,028.89	On Demand	N/R
Invested by City Treasurer (Subtotal):		15,414.99		
Total Cash and Investments		15,414.99		

Pursuant To Government Code 41004, I hereby certify that this report reflects all City's investments. This investment program complies with the City Investment Policy, approved by the City Council on 01/24/2017. Cash flow liquidity is still limited.

SIGNED:  _____
Secretary



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

Item No. 9(0)

REPORT TO THE CITY COUNCIL

DATE: JANUARY 24, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CONSIDERATION OF ORDINANCE ESTABLISHING 20-MINUTE RESTRICTED PARKING AT 416 LYNN STREET

RECOMMENDATION:

It is recommended the City Council adopt an Ordinance establishing 20-minute restricted parking at 416 Lynn Street.

BACKGROUND:

The City has painted the curb to provide 20-minute restricted parking at 416 Lynn Street for over 10 years to accommodate the need of guests checking in to the Bed and Breakfast at that location. However, staff recently determined that the restricted parking zone was never formally approved. Therefore, the Police Department is unable to enforce the restrictions.

DISCUSSION:

Staff does not recommend creating parking restrictions unique to individual properties in the future. However, since this one has been in place for an extended period of time, staff is recommending appropriate steps be taken to establish the legality of the parking restriction. The attached Ordinance would add this location to other street locations within King City that have restricted time limits on parking. The Ordinance was introduced by the City Council at the January 10th meeting.

If adopted, the Police Department would enforce the site on a complaint basis. The City does not currently have dedicated parking enforcement staff.

**CITY COUNCIL
CONSIDERATION OF ORDINANCE ESTABLISHING 20-MINUTE
RESTRICTED PARKING AT 416 LYNN STREET
JANUARY 24, 2017
PAGE 2 OF 2**

COST ANALYSIS:

There will be minor staffing costs to the City to periodically paint and enforce the parking restriction.

ALTERNATIVES:

The following alternatives are provided for City Council consideration:

1. Introduce the Ordinance;
2. Do not introduce the Ordinance and remove the parking restriction from the curb at that location; or
3. Provide staff other direction.

Prepared and Approved by:



Steven Adams, City Manager

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ORDINANCE NO. 2017-733

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING, CALIFORNIA, AMENDING CHAPTER 10.22 OF THE KING CITY MUNICIPAL CODE, PARKING REGULATIONS, TO RESTRICT PARKING TO 20 MINUTES AT 416 LYNN STREET

WHEREAS, the City of King (“City”) is authorized by the California Constitution, Article XI, Section 7 to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, California Vehicle Code section 22507 grants the City authority to restrict vehicles from parking on certain streets, during certain hours of the day; and

WHEREAS, Chapter 10.22 Parking, section 10.22.080 “Parking limitations along certain streets” of the King City Municipal Code currently reads, “No person shall stop, stand or park any vehicle as defined in the following streets or portions of streets within the city for a period of time longer than that indicated opposite the name of each street between the respective hours set opposite the name of each street on any day (or on any one day and the next ensuing day) except as herein provided, as may be posted for short zones allowed for or provided herein”; and

WHEREAS, unique tourist serving parking issues exist at 416 Lynn Street since there is a tourist serving business operating within a residential area; and

WHEREAS, the City Council desires to address these parking issues by restricting parking to a maximum time period of 20 minutes at 416 Lynn Street.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KING FINDS AND ORDAINS AS FOLLOWS:

Section 1. The above recitals are all true and correct and are hereby adopted as findings.

Section 2. Section 10.22.030 of the King City Municipal Code hereby is amended in part to add the following as an additional last line to the existing table:

Lynn Street	20	All hours	North	416 Lynn Street	None
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Section 3. If any provision of this Ordinance is held invalid, such invalidity shall not affect the remaining provisions of this Ordinance, which shall remain in effect absent the provision held to be invalid, and to this end, the provisions of this Ordinance are declared to be severable.

Section 4. The City Clerk shall certify to the adoption of this Ordinance, and cause the same to be published in the local newspaper, and the same shall take effect thirty (30) days after its date of adoption.

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PASSED, APPROVED AND ADOPTED this ____ day of _____, 2016.

Michael LeBarre, Mayor

ATTEST:

Steven Adams, City Clerk

APPROVED AS TO FORM

Shannon Chaffin, Interim City Attorney

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STATE OF CALIFORNIA)
COUNTY OF MONTEREY) ss
CITY OF KING)

I, Steven Adams, City Clerk of the City of King, do hereby certify that the foregoing Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council of the City of King held on the _____ day of _____, 2017.

Upon motion of Councilmember _____, seconded by Councilmember _____, the foregoing Ordinance No. _____ was duly passed and adopted.

Vote on the Motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of King, this _____ day of _____, 2016.

Steven Adams, City Clerk



Item No. 10(A)

REPORT TO THE CITY COUNCIL

DATE: JANUARY 24, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: SHANNON L. CHAFFIN, CITY ATTORNEY

BY: ROY C. SANTOS, ASSISTANT CITY ATTORNEY

RE: CONSIDERATION OF AN URGENCY ORDINANCE AMENDING SECTION 17.03.030 OF CHAPTER 3 OF TITLE 17 OF THE KING CITY MUNICIPAL CODE REGARDING THE PROHIBITION OF PERSONAL CULTIVATION OF MARIJUANA OUT OF DOORS

RECOMMENDATION:

It is recommended City Council consider adopting an urgency ordinance amending King City Municipal Code Chapter 17.03.030 pertaining to the prohibition of personal (non-commercial) outdoor cultivation of marijuana.

BACKGROUND:

In November of 2016 the Adult Use of Marijuana Act ("AUMA") was approved by a majority of California voters. The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including marijuana products. AUMA did not provide for a specific effective date, thus the provisions of the AUMA regarding personal use, possession, and cultivation of marijuana became effective the day after the November 8, 2016 election.

Under AUMA, Health & Safety Code section 11362.2(b)(3), explicitly allows a city to "completely prohibit persons from engaging in [the personal cultivation of marijuana] outdoors upon the grounds of a private residence"

CITY COUNCIL

CONSIDERATION OF AN URGENCY ORDINANCE AMENDING SECTION 17.03.030 OF CHAPTER 3 OF TITLE 17 OF THE KING MUNICIPAL CODE REGARDING THE PROHIBITION OF PERSONAL CULTIVATION OF MARIJUANA OUT OF DOORS

JANUARY 24, 2017

PAGE 2 OF 3

DISCUSSION:

The City Council considered a presentation on AUMA and its effects on the City's current marijuana regulations on January 10, 2017. The City Council requested staff prepare an ordinance addressing outdoor and indoor cultivation of marijuana and marijuana extracts and concentrates.

Due to the timing associated with impending cultivation season and other public health and safety considerations, it is proposed this issue be addressed through two different steps:

1. The adoption of an urgency ordinance to immediately prohibit personal cultivation of cannabis outdoors. (This agenda item.)
2. The adoption of a comprehensive ordinance addressing the regulation of outdoor and indoor cultivation of marijuana and marijuana extracts and concentrates. (This is a separate agenda item currently being proposed for introduction.)

Although the City's Municipal Code section 17.03.030 currently prohibits non-commercial cannabis activity in any zone of the City, clarification may be warranted given the recent adoption of AUMA. An Urgency Ordinance is appropriate to address outdoor (non-commercial) cultivation so that such regulations may become effective prior to the potential marijuana or cannabis growing season starting in a few weeks. Marijuana cultivation and related activities include impacts such as offensive odors, criminal activity (including trespassing, theft, violent robberies and robbery attempts, and the illegal sale and distribution of marijuana), and other public health and safety concerns (such as fire hazards and problems associated with mold, fungus, and pests). Among others, this Urgency Ordinance would prohibit outdoor personal cultivation of marijuana near schools, daycares, homes and other sensitive locations.

The proposed Ordinance does not change the City's current commercial medical marijuana provisions of the Municipal Code. Violation of the Ordinance would not result in criminal penalties, but would only be enforced by civil and or administrative proceedings.

The proposed Ordinance is exempt from the California Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines §15061(b)(3).) Additionally, it is exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the

CITY COUNCIL

JANUARY 24, 2017

**CONSIDERATION OF AN URGENCY ORDINANCE AMENDING SECTION 17.03.030
OF CHAPTER 3 OF TITLE 17 OF THE KING MUNICIPAL CODE REGARDING THE
PROHIBITION OF PERSONAL CULTIVATION OF MARIJUANA OUT OF DOORS
PAGE 3 OF 3**

environment by prohibiting environmentally destructive components of unregulated marijuana cultivation. (CEQA Guidelines §§15307, 15308.) Finally, the proposed Ordinance is also exempt from CEQA because it is an urgency measure necessary to protect the City from a current and immediate threat to the public health, safety, and welfare. (Public Resources Code §21080(b)(4).)

COST ANALYSIS:

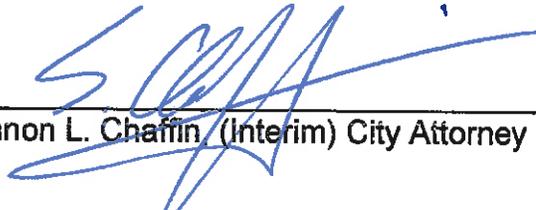
Prohibiting personal outdoor cultivation of marijuana will not result in a cost to the City except as otherwise would be required for code enforcement.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Adopt the proposed Urgency Ordinance;
2. Modify and adopt the Urgency Ordinance;
3. Do not adopt the Urgency Ordinance; or
4. Provide other direction to staff.

Submitted by: _____


Shannon L. Chaffin, (Interim) City Attorney

Approved by: _____


Steven Adams, City Manager

ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING
AMENDING SECTION 17.03.030 OF CHAPTER 3 OF TITLE 17 OF THE KING
MUNICIPAL CODE REGARDING THE PROHIBITION OF PERSONAL
CULTIVATION OF MARIJUANA OUT OF DOORS**

WHEREAS, in 1996, with the adoption of Proposition 215, the California voters approved the Compassionate Use Act (Health and Safety Code § 11362.5) to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, without fear of criminal prosecution under limited, specified circumstances; and

WHEREAS, in 2004, the State Legislature enacted SB 420 to clarify the scope of the Compassionate Use Act and provide additional statutory guidance regarding medical marijuana use. These statutes are codified at Health and Safety Code § 11362.7 et seq. and allow cities and counties to adopt supplemental rules and regulations; and

WHEREAS, on October 9, 2015, almost 20 years after passage of the Compassionate Use Act, the Governor signed the Medical Marijuana Regulation and Safety Act (“Act”), comprised of California legislative bills AB 243, AB 266, and SB 643. The Act creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis, all subject to local control. One of the purposes of the Act is to ensure uniformity among jurisdictions that wished to allow commercial marijuana operations; and

WHEREAS, on June 27, 2016, the Governor signed SB 837, effective immediately, changing the terms in the Act from “medical marijuana” or “marijuana” to “medical cannabis” or “cannabis”, and making other technical changes to the Act. SB 837 also adopted regulations relating to the use and diversion of water in connection with the cultivation of cannabis; and

WHEREAS, in November of 2016 the Adult Use of Marijuana Act (“AUMA”) was approved by a majority of California voters. The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including marijuana products. Adults, age 21 and older, will be allowed to possess marijuana and grow certain amounts at home for personal use; and

WHEREAS, the AUMA did not provide for a specific effective date, thus the provisions of the AUMA regarding personal use, possession, and cultivation of marijuana became effective the day after the November 8, 2016 election; and

WHEREAS, the City wishes to enact regulations governing outdoor personal cultivation of marijuana at this time so that such regulations may become effective prior to the potential marijuana or cannabis growing season; and

WHEREAS, AUMA, Health & Safety Code section 11362.2(b), explicitly allows a city to “enact and enforce reasonable regulations to reasonably regulate” the personal cultivation of marijuana permitted under Health & Safety Code section 11362.1(a)(3), so long as the city does not prohibit the cultivation of up to six plants “inside a private residence, or inside an accessory structure

to a private residence located upon the grounds of a private residence that is fully enclosed and secure”; and

WHEREAS, AUMA, Health & Safety Code section 11362.2(b)(3), explicitly allows a city to “completely prohibit persons from engaging in [the personal cultivation of marijuana] outdoors upon the grounds of a private residence”; and

WHEREAS, several California cities have reported negative impacts of marijuana cultivation and related activities, including but not limited to offensive odors, criminal activity, (such as trespassing, theft, violent robberies and robbery attempts, and the illegal sale and distribution of marijuana), and public health and safety concerns (such as fire hazards and problems associated with mold, fungus, and pests); and

WHEREAS, marijuana plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors or if grown indoors without proper ventilation, odor control, and other regulations; and

WHEREAS, due to the value of marijuana plants and their strong smell (which alerts others to their locations), marijuana cultivation has been linked to break-ins, robbery, armed robbery, theft and attendant violence and injury, creating an increased risk to public safety; and

WHEREAS, unregulated marijuana cultivation can be harmful to the welfare of the surrounding community and its residents and constitute a public nuisance, in that marijuana cultivation has been shown to involve avoidance of environmental laws and regulations, and has resulted in the pollution of waters and navigable waterways in the State of California; and

WHEREAS, the Attorney General’s August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognize that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering and/or crime; and

WHEREAS, outdoor marijuana cultivation is likely to generate these negative effects on the public health, safety, and welfare in the City, based on the experiences of other cities; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the City desires to explicitly prohibit the outdoor cultivation of marijuana for personal use; and

WHEREAS, absent clear regulation, marijuana cultivation in the City poses a potential threat to the public peace, health, and safety, and, unless the City takes action to regulate it, the secondary impacts described above are likely to occur very soon; and

WHEREAS, the urgency of this Ordinance to the immediate preservation of the public peace, health, and safety is demonstrated by the preceding recitals of fact; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and in preserving the peace and quiet of the neighborhoods within the City by regulating the cultivation of marijuana; and

WHEREAS, nothing in this Ordinance shall be construed to: (1) allow any person to engage in conduct that endangers others or causes a public nuisance; or (2) allow any activity relating to the cultivation, distribution, or consumption of marijuana that is illegal under state or federal law; and

WHEREAS, Government Code Section 36937 expressly authorizes the City Council to adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety, if the ordinance is approved by four-fifths of the City Council. To this end, this Ordinance is adopted for the immediate preservation of the public peace, health, and safety, given that marijuana cultivation in the City may give rise to negative impacts as described above, and must be adopted on an urgency basis in order for the Ordinance to become effective before the beginning of the outdoor marijuana or cannabis cultivation season.

WHEREAS, it is the intent of the City of King to prohibit all outdoor cultivation of marijuana or cannabis.

NOW THEREFORE, the City Council of the City of King does hereby ordain as follows:

SECTION 1. The above recitals are incorporated are hereby by reference.

SECTION 2. The Ordinance is exempt from the California Environmental Quality Act (“CEQA”) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines §15061(b)(3).) Additionally, it is exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated marijuana cultivation. (CEQA Guidelines §§15307, 15308.) Finally, the Ordinance is also exempt from CEQA because it is an urgency measure necessary to protect the City from a current and immediate threat to the public health, safety, and welfare. (Public Resources Code §21080(b)(4).)

SECTION 3. Chapter 17.03.030, of Title 17, of the King Municipal Code is amended and adopted in its entirety to read as follows:

Notwithstanding anything to the contrary contained in the King City Municipal Code, the outdoor cultivation of marijuana or cannabis shall not be a permitted use in any zone of the city, and no conditional use permit shall be issued permitting such use. Further, notwithstanding anything contrary contained in the King City Municipal Code, a violation of this chapter and or any provision thereof shall not be subject to criminal penalties but may only be enforced by civil and or administrative proceedings.

SECTION 3: EFFECTIVE DATE.

This Urgency Ordinance shall go into effect and be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council.

I HEREBY CERTIFY that the foregoing Ordinance was introduced and adopted by the City Council , at a regular meeting thereof held on the _____ day of _____ 2017, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST

Steven Adams, City Clerk

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

APPROVED AS TO FORM:

By: _____
SHANNON L. CHAFFIN, Interim City Attorney
Aleshire & Wynder, LLP

I, _____, City Clerk of the City of King, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of King on the date and by the vote indicated herein.



Item No. 10(B)

REPORT TO THE CITY COUNCIL

DATE: JANUARY 24, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: SHANNON L. SHAFFIN, CITY ATTORNEY

BY: ROY C. SANTOS, ASSISTANT CITY ATTORNEY

RE: CONSIDERATION OF AN ORDINANCE ADDING CHAPTER 7.55 TO TITLE 7 OF THE KING CITY MUNICIPAL CODE AND PERTAINING TO REGULATION OF BOTH RECREATIONAL AND MEDICAL MARIJUANA OR CANNABIS

RECOMMENDATION:

Staff recommends the City Council consider introducing the Ordinance to be read by title only, open the public hearing, allow for public testimony, close the hearing, waive first reading of the Ordinance, and approve the introduction of the proposed Ordinance.

BACKGROUND:

In November of 2016 the Adult Use of Marijuana Act ("AUMA") was approved by a majority of California voters. The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including marijuana products. AUMA did not provide for a specific effective date, thus the provisions of the AUMA regarding personal use, possession, and cultivation of marijuana became effective the day after the November 8, 2016 election.

Under AUMA, Health & Safety Code section 11362.2(b), explicitly allows a city to "enact and enforce reasonable regulations to reasonably regulate" the personal cultivation of marijuana permitted under Health & Safety Code section 11362.1(a)(3), so long as the city does not prohibit the cultivation of up to six plants "inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure." Health & Safety Code section 11362.2(b)(3), explicitly allows a city

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to “completely prohibit persons from engaging in [the personal cultivation of marijuana] outdoors upon the grounds of a private residence”

DISCUSSION:

The City Council considered a presentation on AUMA and its effects on the City's current marijuana regulations on January 10, 2017. The City Council requested staff prepare an ordinance addressing outdoor and indoor cultivation of marijuana and marijuana extracts and concentrates.

The proposed Ordinance works in conjunction with the urgency ordinance previously presented to the City Council. However, in addition to prohibiting outdoor cultivation, the proposed Ordinance also contains regulations of indoor cultivation of recreational and medical marijuana including:

- Requiring a permit from the City that must be renewed annually.
- The applicant must inform the Police Department of the exact location of the proposed cultivation area, etc., prior to being able to obtain a permit.
- Tenants can cultivate only with the prior express written consent of the owner provided to the City on a City form. This will include a notarized owner acknowledgement of the potential enforcement mechanisms (liens, penalties, personal liability, etc.) available to the City in the event the tenant fails to comply with the ordinance, etc.
- The cultivator must be at least 21 years old and is limited to no more than 6 plants.
- Cultivation must be within a private residence.
- Cultivation must occur within a single area of no more than 32 square feet in either a private residence or a qualifying detached building and cannot be done in multiple residences.
- A residence must be occupied full-time by the person cultivating the marijuana, and must have a fully functioning kitchen, bedroom, bathroom, etc., not being used for cultivation.
- Limitations on lighting, use of chemicals not expressly intended for indoor use, etc.
- Requirements to comply with the building code, to have smoke and carbon monoxide detectors, a fire extinguisher, a secured and locked facility with alarms for all windows and entry points into the cultivation area, proper ventilation, and odor control.
- Prohibitions on access to the area by any person under the age of 21, use of gas products (propane, CO2, etc.), the creation of a nuisance, limitations on delivery services, or evidence of cultivation from the exterior of the building.

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- Prohibition on the manufacture, preparation or creation of marijuana extracts or concentrates.
- Smoking marijuana will be prohibited city-wide except for within residences or businesses specifically authorized to allow smoking (which King City will probably not have). Smoking must be indoors, and cannot create a nuisance with regard to odor, etc.
- Recreational marijuana dispensaries are prohibited in the City.

The proposed Ordinance also has the enforcement mechanisms for violations including:

- Violation is a misdemeanor.
- Administrative penalties of \$250, \$500, then \$1,000 for each citation per incident/marijuana plant in a rolling 12 month period.
- If the cultivator fails to abate, the City may do so and charge the full cost of abatement or enforcement – including attorney's fees.

It is anticipated that the City will consider updating its proposed nuisance ordinance in the near future. This update will also provide additional enforcement and cost recovery options for the City, including placing a lien on the property as a personal obligation to recover abatement and enforcement costs. The proposed ordinance does not change the City's current commercial medical marijuana provisions of the Municipal Code. Licensing requirements for commercial medical marijuana cultivation will not go into effect until 2018, which gives the City time to address the new commercial process in light of AUMA.

Finally, the proposed Ordinance is exempt from the California Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines §15061(b)(3).) It is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated marijuana cultivation. (CEQA Guidelines §§15307, 15308.)

COST ANALYSIS:

Applicants will be required to pay an annual permit fee to offset the City's cost of issuing a permit. The proposed ordinance also has a system to allow for full recovery of costs incurred by the City for enforcement, as well as penalty provisions for violations.

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ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Introduce the Ordinance;
2. Modify the proposed regulations and introduce the Ordinance;
3. Do not introduce the proposed Ordinance.
4. Provide other direction to staff.

Submitted by: _____


Shannon L. Chaffin, (Interim) City Attorney

Approved by: _____


Steven Adams, City Manager

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING ADDING
CHAPTER 7.55 TO TITLE 7 OF THE KING CITY MUNICIPAL CODE PERTAINING
TO BOTH RECREATIONAL AND MEDICAL MARIJUANA OR CANNABIS**

WHEREAS, in 1996, with the adoption of Proposition 215, the California voters approved the Compassionate Use Act (Health and Safety Code § 11362.5) to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, without fear of criminal prosecution under limited, specified circumstances; and

WHEREAS, in 2004, the State Legislature enacted SB 420 to clarify the scope of the Compassionate Use Act and provide additional statutory guidance regarding medical marijuana use. These statutes are codified at Health and Safety Code § 11362.7 et seq. and allow cities and counties to adopt supplemental rules and regulations; and

WHEREAS, on October 9, 2015, almost 20 years after passage of the Compassionate Use Act, the Governor signed the Medical Marijuana Regulation and Safety Act (“Act”), comprised of California legislative bills AB 243, AB 266, and SB 643. The Act creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis, all subject to local control. One of the purposes of the Act is to ensure uniformity among jurisdictions that wished to allow commercial marijuana operations; and

WHEREAS, on June 27, 2016, the Governor signed SB 837, effective immediately, changing the terms in the Act from “medical marijuana” or “marijuana” to “medical cannabis” or “cannabis”, and making other technical changes to the Act. SB 83 7 also adopted regulations relating to the use and diversion of water in connection with the cultivation of cannabis; and

WHEREAS, in 2016, the City adopted Title 17, Chapter 17.03 et seq., of the King Municipal Code pertaining to Medical Cannabis Activity. The Marijuana Ordinance places complete bans and regulations on medical cannabis activity in the City based upon various health, safety and welfare and land use findings relating to marijuana cultivation, dispensing, and consumption, which findings are incorporated herein by reference; and

WHEREAS, in November of 2016 the Adult Use of Marijuana Act (“AUMA”) was approved by a majority of California voters. The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including marijuana products. Adults, age 21 and older, will be allowed to possess marijuana and grow certain amounts at home for personal use; and

WHEREAS, the AUMA did not provide for a specific effective date, thus the provisions of the AUMA regarding personal use, possession, and cultivation of marijuana became effective the day after the November 8, 2016; and

WHEREAS, the AUMA’s proposed Health & Safety Code section 11362.1(a)(3), will make it lawful under state and local law for any person twenty-one (21) years of age or older to

“Possess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants and possess the marijuana produced by the plants”; and

WHEREAS, the City wishes to enact regulations governing personal cultivation of marijuana at this time; and

WHEREAS, the AUMA’s proposed Health & Safety Code section 11362.2(b) explicitly allows a city to “enact and enforce reasonable regulations to reasonably regulate” the personal cultivation of marijuana permitted under Health & Safety Code section 11362.1(a)(3), so long as the city does not prohibit the cultivation of up to six plants “inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure”; and

WHEREAS, the AUMA’s proposed Health & Safety Code section 11362.2(b)(3), explicitly allows a city to “completely prohibit persons from engaging in [the personal cultivation of marijuana] outdoors upon the grounds of a private residence”; and

WHEREAS, the AUMA’s proposed Health & Safety Code section 11362.2(a)(2) further restricts such personal marijuana cultivation so that “[t]he living plants and any marijuana produced by the plants in excess of 28.5 grams are kept within the person’s private residence, or upon the grounds of that private residence, are in a locked space, and are not visible by normal unaided vision from a public place”; and

WHEREAS, the AUMA’s proposed Health & Safety Code section 11362.2(a)(3) further restricts such personal marijuana cultivation such that “[n]ot more than six living plants may be planted, cultivated, harvested, dried, or processed within a single private residence, or upon the grounds of that private residence, at one time”; and

WHEREAS, several California cities have reported negative impacts of marijuana cultivation and related activities, including but not limited to offensive odors, criminal activity, (such as trespassing, theft, violent robberies and robbery attempts, and the illegal sale and distribution of marijuana), and public health and safety concerns (such as fire hazards and problems associated with mold, fungus, and pests); and

WHEREAS, marijuana plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors or if grown indoors without proper ventilation, odor control, and other regulations; and

WHEREAS, due to the value of marijuana plants and their strong smell (which alerts others to their locations), marijuana cultivation has been linked to break-ins, robbery, armed robbery, theft and attendant violence and injury, creating an increased risk to public safety; and

WHEREAS, unregulated marijuana cultivation can be harmful to the welfare of the surrounding community and its residents and constitute a public nuisance, in that marijuana cultivation has been shown to involve avoidance of environmental laws and regulations, and has resulted in the pollution of waters and navigable waterways in the State of California; and

WHEREAS, the indoor cultivation of marijuana has potential adverse effects to the structural integrity of the buildings in which marijuana is cultivated, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire, which presents a clear and present danger to the buildings, its occupants, and neighboring buildings and residents; and

WHEREAS, unregulated indoor cultivation of marijuana can be harmful to the public health, safety and welfare, given electrical modifications risk fires, poor irrigation can cause mold, overloaded circuits can leave entire neighborhoods in the dark, plant chemicals can cause illness, improper carbon dioxide mixed with insufficient ventilation can cause injury or death, and structural changes put first responders in danger if they rush into the unknown; and

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognize that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering and/or crime; and

WHEREAS, outdoor marijuana cultivation and unregulated indoor marijuana cultivation are likely to generate these negative effects on the public health, safety, and welfare in the City, based on the experiences of other cities; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the City desires to explicitly prohibit the outdoor cultivation of marijuana for personal use; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the City also desires to enact reasonable regulations for the indoor personal cultivation of up to six marijuana plants; and

WHEREAS, absent clear regulation, marijuana cultivation in the City poses a potential threat to the public peace, health, and safety, and, unless the City takes action to regulate it, the secondary impacts described above are likely to occur very soon after the passage of the AUMA; and

WHEREAS, the urgency of this Ordinance to the immediate preservation of the public peace, health, and safety is demonstrated by the preceding recitals of fact; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and in preserving the peace and quiet of the neighborhoods within the City by regulating the cultivation of medical marijuana; and

WHEREAS, nothing in this Ordinance shall be construed to: (1) allow any person to engage in conduct that endangers others or causes a public nuisance; or (2) allow any activity relating to the cultivation, distribution, or consumption of marijuana that is illegal under state or federal law; and

WHEREAS, it is the intent of the City of King to prohibit all outdoor cultivation of marijuana and regulate indoor cultivation of both recreational and medical marijuana.

NOW THEREFORE, the City Council of the City of King does hereby ordain as follows:

SECTION 1. The above recitals are incorporated are hereby by reference.

SECTION 2. The Ordinance is exempt from the California Environmental Quality Act (“CEQA”) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines §15061(b)(3).) It is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated marijuana cultivation. (CEQA Guidelines §§15307, 15308.)

SECTION 3. Chapter 7.55, of Title 7, of the King Municipal Code is added and adopted in its entirety to read as follows:

Chapter 7.55

RECREATIONAL AND MEDICAL MARIJUANA

Section 7.55.01 Purpose and Intent

It is the purpose and intent of this Chapter to promote the health, safety, morals, and general welfare of the residents and businesses within the City by regulating the cultivation, processing, extraction, manufacturing, testing, distribution, transportation, sale, and consumption of marijuana, whether for medical purposes as currently allowed under State law, or for recreational use.

Section 7.55.02 Definitions

For purposes of this Chapter, the following definitions shall apply:

- (a) “Act” means the Medical Marijuana Regulation and Safety Act, now called the Medical Cannabis Regulation and Safety Act, including implementing regulations, as the Act and implementing regulations may be amended from time to time. The terms Act, Medical Marijuana Regulation and Safety Act, Medical Cannabis Regulation and Safety Act, may be used interchangeably, but shall have, the same meaning.
- (b) “Cannabis” or “marijuana” shall have the meaning set forth in California Business and Professions Code section 19300.5(f). Cannabis and marijuana may be used interchangeably, but shall have the same meaning.
- (c) “Collective or cooperative cultivation” means the association within California of qualified patients, persons with valid identification cards, and designated primary care givers to cultivate marijuana for medical purposes as may be allowed under the Compassionate Use Act, the Medical Marijuana Program Act, or the California Medical Cannabis Regulation and Safety Act adopted on October 9, 2015 with legislative bills AB 243, AB 266, and SB 643.

- (d) “Commercial marijuana operation” means any commercial cannabis activity as set forth in California Business and Professions Code section 19300.5(k) and allowed under the Act, and all uses permitted under any subsequently enacted State law pertaining to the same or similar uses for recreational cannabis.
- (e) “Delivery” means the commercial transfer of medical or recreational use marijuana and marijuana products from a dispensary as well as the use of any technology platform that enables persons, whether qualified patients, caregivers, or recreational users, to arrange for or facilitate the transfer.
- (f) “Marijuana dispensary” or “dispensary” means any facility or location, whether fixed or mobile, and any building or structure, including vending machines, which distributes, sells exchanges, processes, delivers, gives away, or where cannabis is made available to, distributed by, or distributed to more than two persons.
- (g) “Marijuana products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.
- (h) “Medical marijuana or medical marijuana use” means the use of cannabis for the purposes set forth in the Compassionate Use Act and the Medical Marijuana Program Act, California Health and Safety Code sections 11362.5 and 11362.7 et seq.
- (i) “Recreational marijuana or recreational marijuana use” means all uses of cannabis not included within the definition of medical marijuana use.
- (j) “Cultivation” means the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof in any location.

Section 7.55.03 Regulations applicable to the cultivation of recreational marijuana or cannabis.

Nothing in this Section shall be interpreted to permit commercial marijuana operations or marijuana dispensaries otherwise prohibited by this Chapter.

(a) State law limits:

The cultivation of recreational marijuana shall be subject to the limits set forth in any applicable State law and this Municipal Code.

(b) Personal use cultivation:

The outdoor cultivation of recreational marijuana is prohibited in any location or zone within the City of King.

Indoor cultivation of recreational marijuana shall only be allowed if authorized by State law and is cultivated by a person of at least twenty-one (21) years of age or older within his/her private residence or in an accessory building if the property is detached single family residential.

Cultivation of recreational marijuana for personal use shall be subject to the following requirements:

(1) Permit:

Recreational marijuana cultivation is prohibited in any location within the City of King without a permit issued by the City. The permit shall be valid for one (1) years time from the date it was issued. City staff shall inspect the recreational marijuana cultivation prior to issuing or renewing a permit. City staff shall not issue nor renew a permit for a recreational marijuana cultivation that violates this Chapter.

The permit fee for recreational marijuana cultivation shall be set by resolution of the City Council of the City of King.

(2) Area:

The recreational marijuana cultivation on any one parcel of real property is limited to one of the following areas:

- (i) One secured room within a private residence that does not exceed thirty-two (32) square feet; or
- (ii) One detached, outdoor structure, enclosed and covered, where the cultivation is concealed from view, and where the cultivation area does not exceed thirty-two (32) square feet.

The term "private residence" is defined as a house, an apartment unit, a mobile home, or other similar dwelling.

This limit applies regardless of the number of persons residing in the residence. The cultivation area shall be a single designated area.

(3) Lighting:

Recreational marijuana cultivation lighting shall not exceed a total of 1200 watts.

(4) Building Code Requirements:

Any alterations or additions to the residence, including garages and accessory buildings, for marijuana cultivation shall be subject to applicable building and fire codes, including plumbing and

electrical, and all applicable zoning codes, including lot coverage, set back, height requirements, and parking requirements.

Any alterations or additions shall be inspected and approved by City staff prior to any recreational cultivation of marijuana.

(5) Safety Materials:

The recreational marijuana cultivation area shall have a minimum of one working smoke detector/fire alarm, one carbon monoxide detector/alarm, or one combination smoke and carbon monoxide detector, and one fire extinguisher.

(6) Security:

The recreational marijuana cultivation area shall be secured in such a manner so as to prevent only the permitted cultivator to access the marijuana.

The cultivated recreational marijuana shall be stored in such a manner so as to secure the marijuana from theft and prevent anyone under the age of twenty-one (21) from accessing the cultivate recreational marijuana. Any window or entry way into the recreational marijuana cultivation area must be alarmed such that an occupant in other locations of the residence will be alerted in the event of unauthorized entry.

(7) Gas Products:

The use of gas products (CO₂, butane, propane, natural gas, etc.) for recreational marijuana cultivation or processing is prohibited.

(8) Evidence of Cultivation:

From a public right of way, other public space, or neighboring properties there shall be no exterior evidence of marijuana cultivation occurring on the site, including odors associated with cultivation.

(9) Residence:

The individual engaged in cultivation shall reside full time in the residence where the marijuana cultivation occurs.

(10) Cultivation elsewhere in City:

The individual shall not participate in marijuana cultivation in any other location within the City of King.

(11) Incidental use:

The residence shall maintain a minimum of one kitchen, one bathroom, and one primary bedroom for their intended use and not to be used for recreational marijuana cultivation.

(12) Ventilation:

The marijuana cultivation area shall include a ventilation and filtration system designed to ensure that odors from the cultivation are not detectable beyond the residence, or property line for detached single family residential, and designed to prevent mold and moisture and otherwise protect the health and safety of persons residing in the residence and cultivating the marijuana. This shall include at a minimum, a system meeting the requirements of the current, adopted edition of the California Building Code § 1203.4 Natural Ventilation or § 402.3 Mechanical Ventilation (or its equivalent(s)).

(13) Storage of Chemicals:

Any chemicals used for recreational marijuana cultivation shall be stored outside of the habitable areas of the residence and outside of public view from neighboring properties and public rights of way. All chemicals not authorized by their manufacturer for indoor use are prohibited to be used or stored within the recreational marijuana cultivation area. All chemicals must be stored, and used, as directed by the manufacturer.

(14) Nuisance:

The marijuana cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts; and not be hazardous due to the use or storage of materials, processes, products or wastes, or from other actions related to the cultivation.

(15) Property Owner Authorization:

Unless the individual cultivating recreational marijuana is an owner of the residence, the written authorization of a property owner or property management company must be obtained prior to the cultivation of recreational marijuana. The authorization shall be on a form provided by the City Manager or designee. The written authorization shall include, but is not limited to, the name of the individual intending to cultivate recreational marijuana, name of the property owner/property manager authorizing the cultivation, the exact location of the recreational marijuana cultivation area, the notarized signature of the property owner/property manager authorizing the cultivation of recreational marijuana, and the penalties for failing to comply with the requirements of this Chapter

Such written authorization is required prior to the issuance of a permit or renewal of a permit.

(16) Police Department Notification:

Prior to obtaining a permit from the Community Development department for cultivation of recreational marijuana, applicants shall provide evidence they have informed the Police Department of the intent to cultivate marijuana, provided an address of the residence where the cultivation is proposed to occur, provided a depiction or diagram of the cultivation area within the residence, and have received a handout setting forth the owner and lessee responsibilities under this Chapter.

(17) Additional Requirements for Accessory Buildings:

The following additional requirements shall apply for personal use marijuana cultivation that occurs in an accessory building: the accessory building shall be secure, locked, and fully enclosed, with a ceiling, roof or top, and entirely opaque. The accessory building shall include a burglar alarm monitored by an alarm company or private security company. The accessory building, including all walls, doors, and the roof, shall be constructed with a firewall assembly of green board meeting the minimum building code requirements for residential structures and include material strong enough to prevent entry except through an open door.

(18) Posting:

For rental properties, a copy of the property owner or property manager's written authorization to cultivate recreational marijuana shall be posted in a conspicuous place in the cultivation area.

(d) Collective or Cooperative Cultivation:

The collective or cooperative cultivation of marijuana shall be prohibited in the City.

(e) Marijuana Dispensaries.

Marijuana dispensaries as defined in Section 7.55.02(f) are prohibited within the City.

(f) Deliveries.

The delivery of marijuana as defined in Section 7.55.02(e) is prohibited in the City regardless of whether the delivery is initiated within or outside of the City, and regardless of whether a technology platform is used for delivery by the dispensary.

(g) Marijuana Extracts and Concentrates.

- (1) The manufacture, production, synthesis or creation of marijuana or cannabis extracts or concentrates (including but not limited to Water Hash, Pressed Hash, Budder, Closed-loop extraction, CO2 extraction, Dab, Wax, Shatter, Butane Honey Oil, Butane Hash Oil, Hash, Isopropyl Hash Oil, Kief, Resin, Rosin, etc.) is prohibited within the City.
- (2) The distribution, dissemination or conveyance, regardless of compensation, of marijuana or cannabis extracts or concentrates is prohibited within the City.

Section 7.55.04 Additional Regulations applicable to the cultivation and use of medical marijuana or cannabis.

- (1) State law limits. The cultivation of medical marijuana shall be subject to the limits set forth in any applicable State law.
- (2) Compliance with recreational marijuana personal use cultivation rules. All persons lawfully allowed to cultivate medical marijuana under State law shall be subject to the same rules, requirements, and limitations set forth in this Chapter.

Section 7.55.05 Regulations applicable to the consumption of marijuana.

No person shall smoke, ingest, or otherwise consume marijuana or marijuana products, whether recreational or medical, within the city limits of the City of King, unless such smoking, ingesting or consumption occurs entirely within a private residence. "Within a private residence" shall mean inside habitable areas and shall not include garages, whether attached or detached, and other accessory buildings unless those buildings are at all times fully enclosed during the consumption.

Medical marijuana may also be consumed within a clinic, health care facility, residential care facility, or residential hospice licensed pursuant to applicable provisions of the California Health and Safety Code.

All consumption shall be done in a manner so as to not cause a nuisance to nearby residents with noxious odors or other adverse health and safety impacts.

Section 7.55.06 Violations.

The establishment, maintenance, operation, consumption, cultivation, delivery or dispensary of marijuana, in violation of this Chapter, within the City, is declared to be a public nuisance and subject to abatement.

Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of this Chapter is committed, continued, or permitted by such person and shall be punished accordingly.

In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the City Attorney may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.

In addition to the penalties provided by this Chapter, any condition caused or permitted to exist in violation of any of the provisions of this Chapter, or the provisions of any Chapter adopted by reference by this Code, shall be deemed a public nuisance and may be summarily abated by the City, and each day such condition continues shall be recorded as a new and separate offense.

Section 7.55.07 Criminal Penalties and Enforcement.

Violations of this Chapter for conduct that is not otherwise considered lawful under State law, shall be considered misdemeanors and are punishable in accordance with Section 1.04.010 of the King City Municipal Code. Each and every day, or portion thereof, a violation exists is a separate offense. The City may also pursue all applicable civil and administrative remedies, including but not limited to injunctive relief and administrative citations.

Should a court of competent jurisdiction subsequently determine that the criminal penalty provision renders this Chapter unlawful, the City intends that the misdemeanor provision be severable from the remaining penalty provisions and the City will only pursue non-criminal remedies for violations of this Chapter.

Section 7.55.08 Administrative Penalties.

With the exception of violations that are automatically deemed infractions under the Municipal Code, the administrative citation penalty for each and every marijuana plant cultivated or maintained in violation of this Chapter within a rolling twelve-month period shall be as follows:

- (1) First administrative citation: two hundred fifty and no/100ths dollars (\$250.00) per marijuana plant;
- (2) Second administrative citation: five hundred and no/100ths dollars (\$500.00) per marijuana plant;
- (3) Third administrative citation: one thousand and no/100ths dollars (\$1,000.00) per marijuana plant; and
- (4) One thousand and no/100ths dollars (\$1,000.00) per marijuana plant for each subsequent administrative citation.

With the exception of violations that are automatically deemed infractions under the Municipal Code, the administrative citation penalty for all other violations of this Chapter within a rolling twelve-month period shall be as follows:

- (1) First administrative citation: two hundred fifty and no/100ths dollars (\$250.00) per violation;

- (2) Second administrative citation: five hundred and no/100ths dollars (\$500.00) per violation;
- (3) Third administrative citation: one thousand and no/100ths dollars (\$1,000.00) per violation; and
- (4) One thousand and no/100ths dollars (\$1,000.00) per violation for each subsequent administrative citation.

Section 7.55.09 Notification of Abatement.

(a) Notice to Owner.

Except when the City elects to enforce through another process, such as through an administrative citation process, whenever the City or such City official having enforcement authority determines that property within the City is cultivating recreational marijuana in violation of this Chapter and seeks to abate the same, the enforcement official shall give written notice to the owner of the property and/or lessee of the property stating the violations with reference to the applicable code sections.

(b) Time to Correct.

The notice shall set forth a reasonable time limit for correcting the violation(s) and may also set forth suggested methods of correcting the same. Reasonable time to correct shall be dependent on the type and severity of the violation. The reasonable time to correct may, at the sole discretion of the City or such City official having enforcement authority over the violation, be extended or shortened.

(c) Service of Notice.

Notice shall be given either by personal service or by depositing the notice in the United States mail, postage prepaid, addressed to the property address of the residence. A copy may also be provided to the owner of such lot or parcel of land either by personal service or by depositing the notice in the United States mail, postage prepaid, to the name and address as it appears on the last available equalized assessment roll, supplemental roll of the County of Monterey. If no such address appears, then a copy of the notice may be mailed to the property address, and is presumed to be notice to the owner. In order for an absentee owner to be subject to the penalties and costs described in this Chapter, notice must be provided by any method authorized by this subsection.

A copy of the notice may also be posted on the property in a conspicuous place. Where known, a copy may also be provided to the owner or occupant by email in the City's discretion. The failure of any person to receive the notice required by this Section shall not affect the validity of any proceedings taken under this Chapter.

Section 7.55.010 Method of Abatement by the City.

City abatement of the nuisance may be performed in any manner proscribed within the King City Municipal Code.

Section 7.55.011 Cost Recovery.

The City may recover its abatement and enforcement costs in any manner as proscribed the King City Municipal Code.

Section 7.55.012 Judicial Review.

Judicial review of a decision made under this Chapter may be had by filing a petition for a writ of mandate with the superior court in accordance with the provisions of the California Code of Civil Procedure Section 1094.5. Any such petition shall be filed within ninety (90) days after the day the decision becomes final as provided in California Code of Civil Procedure Section 1994.6, which shall be applicable for such actions.

Section 7.55.013 Severability

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

SECTION 4: PUBLICATION. The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council of the City of King and shall cause this ordinance to be published or posted in accordance with Government Code section 36933 as required by law.

SECTION 5: EFFECTIVE DATE. This ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the _____ day of _____ 2017, and adopted the Ordinance after the second reading at a regular meeting held on the _____ day of _____ 2017, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST

Steven Adams, City Clerk

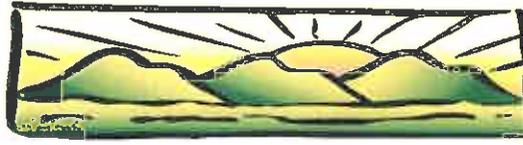
CITY OF KING

By: _____
MIKE LEBARRE, Mayor

APPROVED AS TO FORM:

By: _____
SHANNON L. CHAFFIN, Interim City Attorney
Aleshire & Wynder, LLP

I, _____, City Clerk of the City of King, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of King on the date and by the vote indicated herein.



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

Item No. 11(A)

REPORT TO THE CITY COUNCIL

DATE: JANUARY 24, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CONSIDERATION OF COMPREHENSIVE PLAN TO END YOUTH VIOLENCE

RECOMMENDATION:

It is recommended the City Council approve the proposed Comprehensive Plan to End Youth Violence.

BACKGROUND:

King City has experienced a high per capita rate of violence. As a result, increasing public safety has been identified as a top priority by both the City Council and the community survey. High crime and violence rates are a major factor in decreasing quality of life and a deterrent to economic development.

Youth violence is a tremendously complex issue. There is no one simple solution. To be effective in resolving this problem, a comprehensive strategy with multiple approaches and efforts is necessary. Therefore, at the March 22, 2016 meeting, the City Council approved staff's recommendations to form a community task force to develop a comprehensive plan to end youth violence in the community.

At the August 9, 2016 meeting, the City Council appointed a 23-member community task force, which included representatives from government agencies, public safety, non-profit organizations, and the community at-large. The committee held seven meetings. The task force was chaired by Council Member Cullen, Council Member Acosta served as the second Council representative, and Mayor Pro Tem Victoria participated as a community member. At their January 9th meeting, the task force unanimously approved the draft plan.

**CITY COUNCIL
CONSIDERATION OF COMPREHENSIVE PLAN TO END YOUTH VIOLENCE
JANUARY 24, 2017
PAGE 2 OF 3**

There are three key objectives to addressing violence in the community. First is to keep youth safe and to provide them with the best opportunity possible to have a long, successful and good life. Second is to provide a safe environment for everyone in the community. Third is to remove the barriers that violence provides to attracting new businesses, jobs, teachers, doctors, and other items necessary to improve the quality of life in the community.

DISCUSSION:

The plan includes five categories of recommendations that have been developed by the task force, which are prevention, intervention, enforcement, re-entry, and public outreach. The task force reviewed each category, identified existing programs in order to better coordinate and expand them, and then identified recommended programs and implementation strategies.

A summary of the recommendations include the following:

Prevention

- Out-of-School Youth Services Program
- Streetlight Expansion
- Increased Behavioral Health Services
- Probation School Resource Officer
- Daytime Curfew
- Police Explorer Program
- Police Activities League (PAL)
- Expansion of Youth Activities and Increased Promotion
- Youth Anti-Gang Involvement Campaign
- Positive Parenting Program
- Workforce Development
- Expansion of Local Participation at Rancho Cielo
- Expansion of Restorative Justice Partners, Inc. Volunteers and Services

Enforcement

- Citywide Police Security Camera System
- Gang Detail Unit

Re-Entry

- One-Stop Service Center for Probationers and Parolees

**CITY COUNCIL
CONSIDERATION OF COMPREHENSIVE PLAN TO END YOUTH VIOLENCE
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Public Outreach

- District Watch Program
- Police Department Public Participation
- Police Department Citizens' Academy
- Volunteers In Patrol Program

Specific implementation strategies are included in the plan. The overall purpose is to have an adopted plan that staff can utilize to coordinate efforts to fund and implement new measures. Initial steps in obtaining funding for and planning many of these efforts are already under way.

COST ANALYSIS:

Funding proposals are included in the specific implementation strategies. The majority of costs are proposed to be funded through grant efforts. Estimated impacts on the City's General Fund budget include approximately \$200,000 in FY 2016-17, \$125,000 in FY 2017-18 and \$250,000 in FY 2018-19.

ALTERNATIVES:

The following alternatives are provided for City Council consideration:

1. Approve the Comprehensive Plan to End Youth Violence;
2. Modify and approve the Comprehensive Plan to End Youth Violence;
3. Do not approve the Comprehensive Plan to End Youth Violence; or
4. Provide staff other direction.

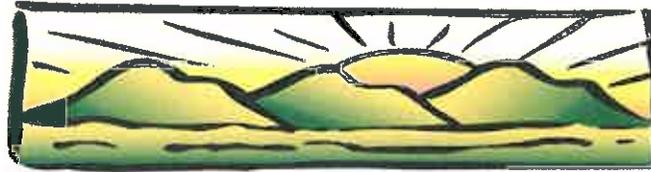
Exhibits:

Comprehensive Plan to End Youth Violence

Prepared and Approved by:



Steven Adams, City Manager



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

CITY OF KING

**COMPREHENSIVE PLAN
TO END YOUTH VIOLENCE**

JANUARY 2017

**COMPREHENSIVE PLAN
TO END YOUTH VIOLENCE**

COMMUNITY TASK FORCE

Robert Cullen, Mayor
Darlene Acosta, Council Member
Steven Adams
Domingo Botello
Keith Bradkowski
Steve Burrell
Elizabeth Contreras
Manuel Gonzalez
Carl Hansen
Shirley Hovis
Steven James
Gabriela Lopez
Margarita Lopez
Darla Mantel
Eusebio Martinez
Robert Masterson
Ollie Perez
TJ Plew
Janette Silva
Brandi Schmidt-Garza
Carlos Victoria
Andrea Wasson
Keith Wingo

BACKGROUND

The City of King is a community of approximately 14,000 residents and 3.8 square miles in the Salinas Valley of Monterey County, California. The City has experienced a significant youth violence problem. During the past 5-year period, the following activity has occurred in King City:

Homicides

2012	2
2013	5
2014	0
2015	5
2016	2

Attempted Homicides

2012	4
2013	7
2014	7
2015	11
2016	11

Other Shootings

2012	8
2013	1
2014	1
2015	12
2016	2

The 5 murders in 2013 resulted in the highest per capita murder rate of any city in California. Of the 14 murders over the past five years, twelve remain unsolved.

The majority of violence issues have been determined to be gang related. Violence originates largely from a territorial dispute between northern and southern gang members. King City is positioned in the area of California commonly considered a northern area, but is predominately considered a southern, or sureno, gang town. It has three identified southern gangs, which garner approximately 150 known members. King City is also home to one northern gang, which has approximately 50 identified members. Further complicating these conflicts is that northern gangs are geographically located in both directions from King City.

In 2016, the City Council formed a Community Task Force to develop a Comprehensive Plan to Address Youth Violence. The overall purpose of this effort is to: 1) protect the community's youth and provide them the best opportunity possible for a good, successful and long life; 2) provide a community where all people feel and are safe; and 3) remove the obstacles that violence creates to providing a high quality of life, such as barriers to attracting businesses and jobs, teachers, doctors, and other factors important to improve the community.

The Community Task Force includes 23 representatives from government agencies, public safety, non-profit organizations, and the community at-large. It was determined that a solution to this problem requires a community-wide effort. Therefore, the Community Task Force was designed to include members that are representative of the community at-large, that have the background and experiences to provide the ideas that will make the plan successful, and that includes those in the community that will be instrumental in implementing the plan.

All meetings of the Community Task Force included attendance and participation by the general public. In addition, public outreach included a specific effort targeting involvement of youth in the community. City staff held meetings with youth from students from all levels in the community to educate them about the process and obtain their feedback on what measures they feel would be effective.

The objective of the process is to develop a comprehensive plan that determines what is necessary to address and solve this problem, which will then provide a blueprint for the City to pursue funding sources and implementation strategies in partnership with the community and other agencies. The plan includes 5 categories of recommendations that have been developed by the Community Task Force, which are prevention, intervention, enforcement, re-entry, and public outreach. The Community Task Force reviewed each category, identified existing programs in order to better coordinate and expand them, and then identified recommended programs and implementation strategies.

YOUTH VIOLENCE INDICATORS

In addition to the City's geographical proximity to historical gang activity, there are a number of factors or indicators that have been found to make a community susceptible to youth violence problems. Four are particularly relevant to King City. The data was used by the Community Task Force to help target recommended programs to address these factors.

The first relevant factor is poverty and income levels. Table 1 shows historical unemployment rates, which have significantly exceeded statewide levels for the past several years.

TABLE 1 HISTORICAL EMPLOYMENT 2000 - 2014

Year	Labor Force	Employment	Unemployment	Unemployment Rate %
2000	4,763	4,057	706	14.9
2005	5500	4800	700	12.6
2006	5400	4700	600	12.0
2007	5500	4800	700	12.3
2008	5700	4900	800	14.4
2009	5900	4800	1100	19.5
2010	6100	4800	1300	21.0
2011	6100	4900	1200	20.8
2012	6200	5000	1200	19.0
2013	6000	5000	1000	17.1
2014	6300	5200	1100	17.8

Source: State of California Employment Development Department ("EDD"), 2015.

Table 2 displays the breakdown of household incomes compared to the overall County, which is well below the countywide average.

TABLE 2 HOUSEHOLDS BY INCOME 2000 AND 2013

Income	City of King				Monterey County			
	2000		2013		2000		2013	
\$0 to \$24,999	992	35%	670	24%	27,292	23%	24,118	19%
\$25,000 to \$44,999	741	26%	688	25%	28,808	24%	23,553	19%
\$45,000 to \$99,999	874	31%	1,018	37%	46,624	38%	45,268	36%
\$100,000 +	212	8%	416	15%	18,475	15%	32,489	26%
Total	2,819		2,792	101%	121,199		125,428	100%

The City's economy is based largely on the agriculture industry. Table 3 provides a breakdown of employment figures in King City.

TABLE 3 EMPLOYMENT BY INDUSTRY

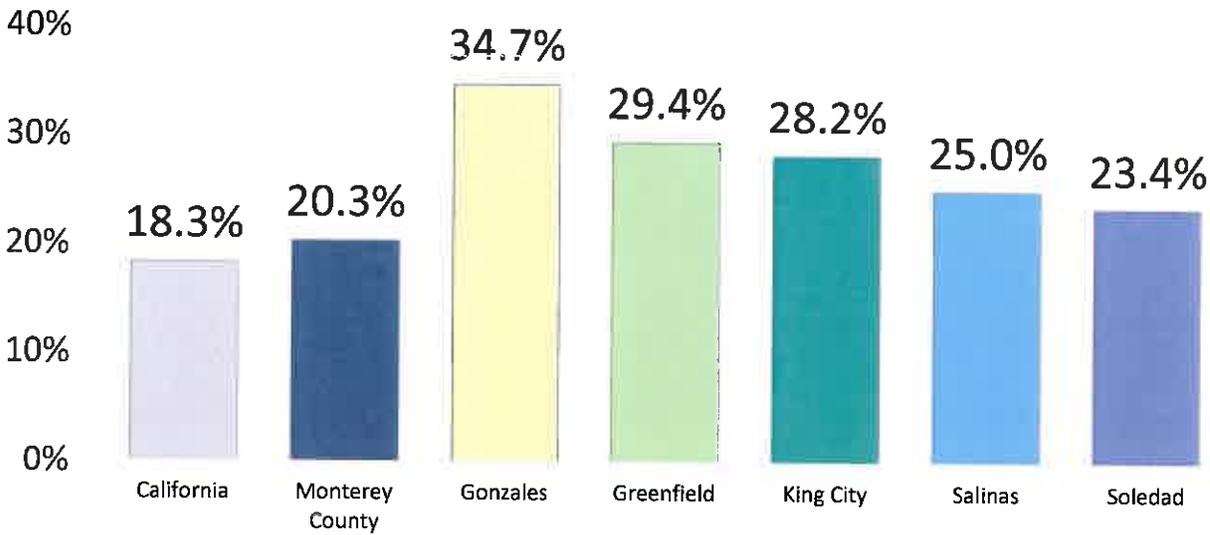
Industry	Estimated Jobs 2000*		Estimated Jobs 2012**		Estimated Jobs 2013***	
Agriculture, forestry, fishing and hunting, and mining	1,532	38.0%	2,492	52.0%	2,065	45.9%
Education services, and health care and social assistance	447	11.0%	640	12.7%	575	12.7%
Manufacturing	369	9.1%	168	3.5%	177	3.9%
Retail Trade	345	8.5%	444	9.2%	534	11.9%
Arts, entertainment, and recreation, and accommodation and food services	228	5.6%	139	2.9%	106	2.4%
Wholesale Trade	209	5.2%	94	2.0%	107	2.4%
Professional, scientific, and management, and administrative and waste management services	206	5.1%	162	3.4%	226	5.0%
Transportation and warehousing, and utilities	143	3.5%	176	3.7%	198	4.4%
Construction	141	3.5%	180	3.8%	198	4.4%
Finance and insurance, and real estate and rental and leasing	72	1.8%	102	2.1%	53	1.2%
Other services, except public administration	114	3.5%	65	1.4%	116	2.6%
Public Administration	197	4.9%	102	2.1%	93	2.1%
Information	24	0.6%	58	1.2%	52	1.2%
Total	4027	100.3%	4,792	100%	4500	100.1%

Source: * City of King Housing Element 2007-2014, ** CA HCD ACS DP-03 2008-2012 *** ACS 2009 – 2013
Table S2405 Percentages may not add up to 100 percent due to rounding.

Graph 1 show poverty rates for the Salinas Valley cities, which demonstrates that King City's poverty rates are well above both the Monterey County and California figures.

Graph 1 Family Poverty Rates 2010 - 2014

Families that were below the Federal Poverty Level in the past year who live with related children under 18 years (2010-2014)

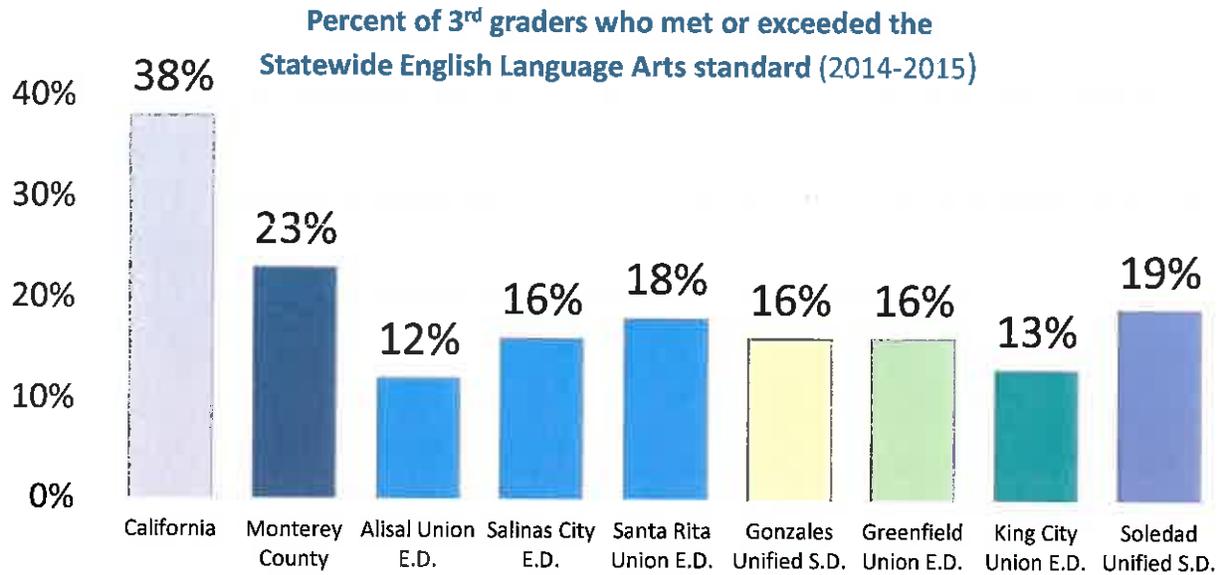


Source: American Community Survey, 2010-2014.

A second critical factor is the development of reading and language skills for children by the 3rd grade. Studies have indicated that this is a critical point in a child's educational development. If children do not have the foundation of good reading skills at that point, it will then become more difficult for them to succeed in other subjects as they proceed through school. As a result, poor 3rd grade readers are more likely to struggle in schools from that point, to begin to become disconnected from their school, and eventually become more susceptible to other influences. It is described that up to 3rd grade children learn to read, and after third grade they read to learn.

Graph 2 shows 3rd grade language skills, and King City is well below the State average and below the majority of the Salinas Valley area.

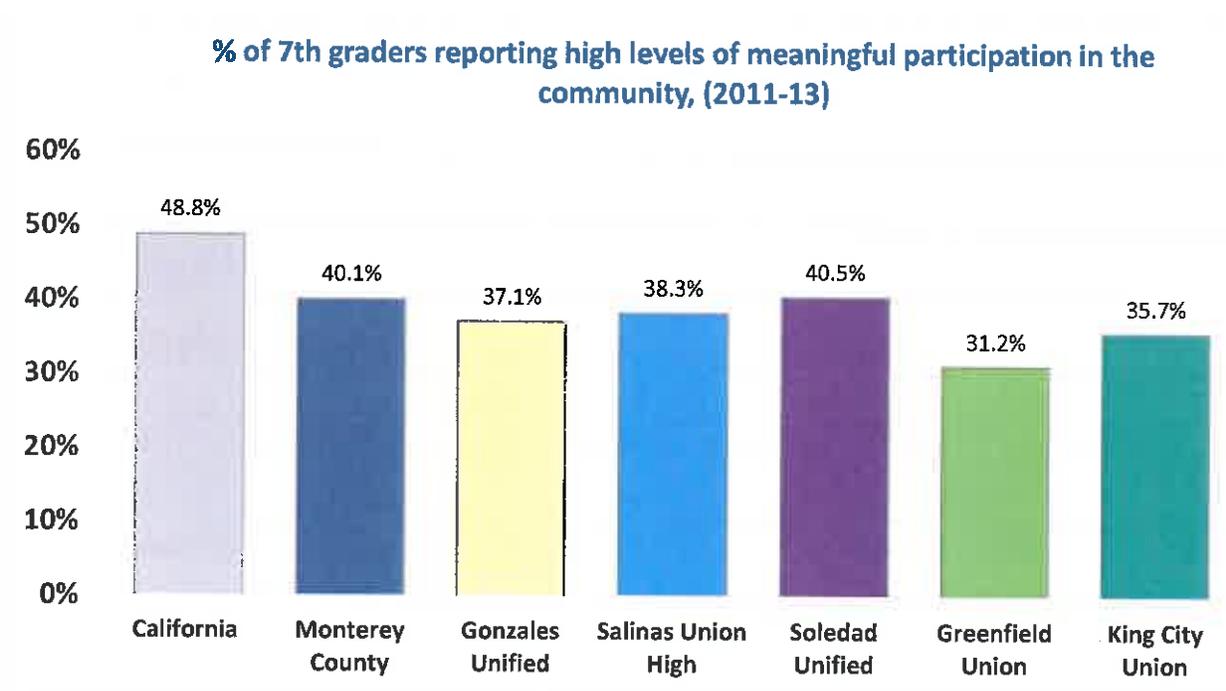
Graph 2 3rd Grade Reading Levels



Source: California Department of Education, California Assessment of Student Performance & Progress 2015 Test

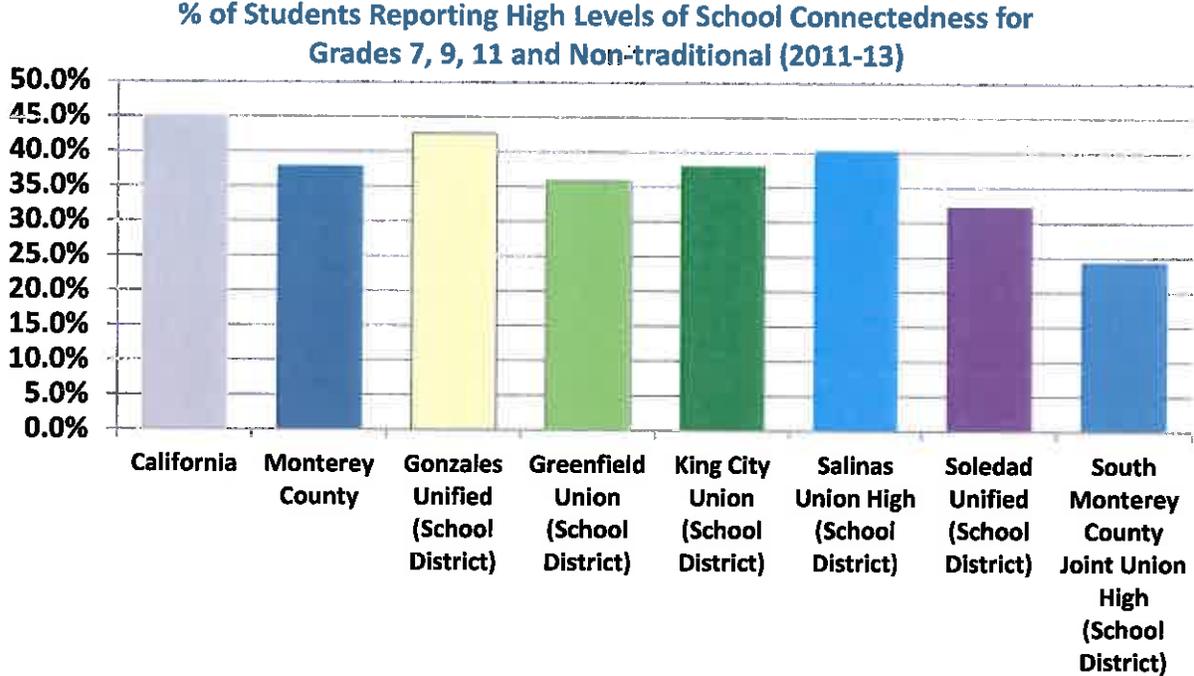
The third key factor is level of connectedness youth feel to their school and to the community. Graph 3 shows level of connectedness for 7th graders with their community. King City is lower than the State and most of the County of Monterey.

Graph 3 Connectedness with Community



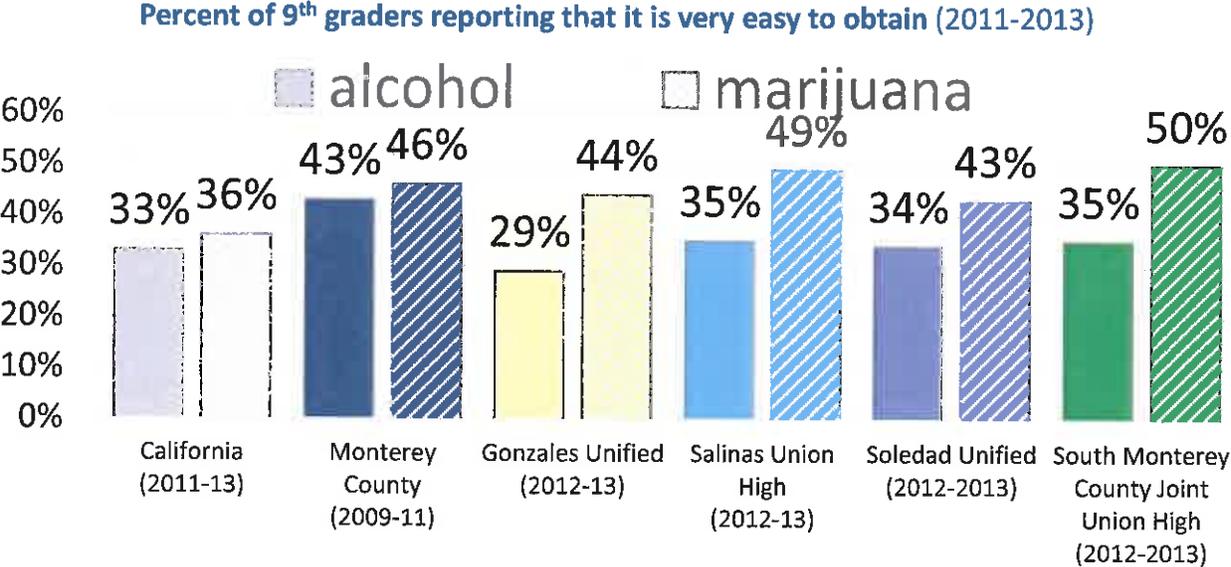
Graph 4 shows level of connectedness teens have with their school. King City, which is part of the Joint Union High School District, is again lower than the State as a whole, the County and Salinas Valley cities.

Graph 4 Connectedness with School



The last key factor is access and use of alcohol and drugs. Graph 5 shows students access to alcohol and drugs. Fifty percent of local high school students reported it was very easy to obtain marijuana compared to 36% in California as a whole.

Graph 5 Access to Alcohol and Drugs



Source: California Healthy Kids Survey, California Department of Education and WestEd, 2011-2013 data.

PREVENTION

Existing Programs

- **School District Services**
 - King City High School literacy program
 - Behavioral Health services provided two days per week at each school level
 - Special Education program provided at each school level
 - English Level Development program provided at each school level
 - Positive Behavioral Interventions and Supports (PBIS) program at each school level

- **County of Monterey Services**
 - Probation services
 - Truancy services

- **Non-Profit Youth Services**
 - Sun Streets Center anti-bullying and substance abuse programs
 - Girls, Inc. female mentoring, empowerment and educational programs
 - Church youth activities

- **Youth Sports and Activities**
 - King City Recreation Department youth baseball, soccer, volleyball, basketball, and swimming programs
 - Sol Treasures performing arts programs
 - First Tee golf and youth development programs
 - King City boxing program
 - 4H and FFA youth agricultural and leadership development programs

Recommendations for New and Expanded Programs

- **Program: Out of School Services**

Description: The highest priority identified is the development of out of school programs provided after-school on site for students, particularly elementary school aged youth. The goal will be to develop and provide reading, language, nutritional meals, vocational training, and other services. The program will be specifically designed to help all youth be successful in school, to develop success skills, and to increase their connection with their school and the community. By providing services on site at school facilities, it will enable program leaders to establish a relationship with youth that will enable them to identify those children most at-risk, provide and refer them to services to address their needs, and to connect them with programs offered by other agencies in the community. The objective will to provide a comprehensive positive program at no cost and easily accessible to all youth during afternoon hours when many may otherwise be unsupervised and susceptible to negative influences.

Implementation Strategy: It is proposed to partner with Proyouth, a non-profit organization that currently provides services to help youth in Tulare County succeed academically, socially, and emotionally by providing a safe, healthy and supportive learning environment during out-of-school time. It is proposed the City request expansion of their program to King City and apply for available grants to provide start-up funding. Proyouth would then apply for additional grants to expand programming in King City. Initial grants that will be targeted include the Community Development Block Grant program, 21st Century grant, and corporate foundation grants. The King City Union School District will partner by making available school classrooms and facilities during after-school hours at no cost. It will also be a goal of the program to establish relationships with parents in order to provide referral to resources that offer assistance with parenting skills.

- **Program: Streetlight Expansion**

Description: King City currently has streetlight deficiencies. Many streets are dark at night, which creates an environment where perpetrators feel confident they can carry out violent acts without being identified. It also creates an environment where the public does not feel safe outside at night, which further enables violent acts to occur without detection.

Implementation Strategy: A three-step process is proposed. The first step is to convert existing lights to LED, which will increase lighting levels and reduce outages. The second step is to utilize the energy savings to fund an increase in lights throughout the community, particularly streets with dark segments. PG&E will add lights to existing utility poles at no upfront cost if the City will fund the monthly maintenance and energy cost. The goal of this step is to initially add 100 lights, which will include one additional light on every block in King City that has utility poles. The third step will be to identify the addition of 50 more lights on utility poles in those areas with remaining deficiencies and to fund the installation of light poles on those streets with no utility poles and in need of increased lighting.

- **Program: Increased Behavioral Health Services**

Description: There is a need for an increase in behavioral health services at all school levels in order to proactively identify and address mental, emotional and behavioral problems.

Implementation Strategy: It is proposed the City work in partnership with both school districts and the County of Monterey to identify and apply for State funding and other grants that will help fund an increase in hours Monterey County Behavioral Health staff are assigned to King City school sites.

- Program: School Probation Officer and School Resource Officer

Description: Establishing partnerships between the Juvenile Probation Department and the Police Department with the schools is an effective approach to intervention with young offenders. The goal is to help young people acquire knowledge and develop skills that lead to positive and productive lifestyles. School-based probation and police officers can provide control, supervision, and incentives that delinquent youth often need to attend school regularly and comply with school rules and regulations. School-based probation officers can also intervene in crisis situations involving juvenile probation clients. Assigning officers to school sites enable them to establish relationships with youth that helps provide them knowledge of activities so they can better prevent and proactively resolve criminal and violent activity by youth.

Implementation Strategy: It is proposed the City facilitate discussions and study of the potential for a full-time school probation officer to be jointly funded by the Probation Department and South Monterey County Joint Union High School District. Sharing an officer with Greenfield should also be considered if necessary to obtain required funding. It is then proposed the City establish a goal of identifying future funding to create a full-time Police Department school resource officer and approach the South Monterey County Joint Union High School District regarding joint funding. Alternatively, City funding may be proposed in conjunction with the School District and Probation Department to fund a school probation officer position. State funding and grants will also be identified and pursued.

- Program: Daytime Curfew

Description: Daytime curfews are local ordinances that require all school-age children to be inside during specified school hours. Daytime curfews reduce truancy, which often leads to gang recruitment. The ordinance enables the Police Department to question and assist in ensuring children are in school.

Implementation Strategy: City staff will research ordinances in other cities and draft an ordinance in coordination with the King City Union Elementary School District and the South Monterey County Joint Union High School District, which will be presented to the City Council for consideration.

- Program: Police Explorer Program

Description: Law enforcement explorer programs are hands-on programs open to youth interested in a career in law enforcement or a related field in the criminal justice system. It offers young adults a personal awareness of the criminal justice system through training, practical experiences, competition, and other activities. It also promotes personal growth through character development, respect for the law, physical fitness, good citizenship and patriotism.

Implementation Strategy: City start-up funding has been allocated. An officer will need to be assigned to coordinate the program. Since the Police Department currently has five unfilled positions, it does not have the staff available currently to operate the program. Recruitment efforts are under way. When the Police Department achieves close to full staffing, an officer will be assigned and implementation of the program will be developed.

- **Program: Police Activities League (PAL)**

Description: PAL is a youth crime prevention program that relies on educational, athletic and other recreational activities to develop a relationship and bond between police officers and the youth in the community.

Implementation Strategy: Once the Police Department is fully staffed, officers will be assigned to coordinate the PAL program. Fundraising activities will be designed to sponsor local youth participation in educational, leadership, athletic, and training activities. The Police Department will work in coordination with the Recreation Department on some of the activities.

- **Program: Expand Youth Activities and Increase Promotion**

Description: There currently are a wide variety of youth activities available in the community, but it is proposed to further expand programs providing sports, arts, vocational education and other activities for youth in order to ensure there are alternatives addressing different interests and skills. The purpose of these programs is to provide opportunities for constructive activities, to promote health and exercise, and to develop skills, values, confidence, and enjoyment. Current programming is not fully utilized so an increase in promotion and education of these activities directed at parents and youth is needed. In addition, programs are short of adult volunteers so more adult involvement is necessary to make activities successful.

Implementation Strategy: The City will increase programming provided by staff and contractors, as well as utilize resources to solicit partnerships with other non-profit volunteer agencies to expand their services to King City, such as AYSO, YMCA, First Tee and the Boys and Girls Club. Several steps will be used to pursue funding assistance. First, financial assistance will be requested from the State. Second, additional City funding will be allocated if future City revenues become available. Third, a community fundraising effort will be established. Fourth, as a last resort, a potential special tax or fees will be proposed if State or existing local funding is not available. Funds will be used for City programs, as well as to establish a grant program for start-up and assistance to local non-profit agencies. Promotion will be expanded by increasing the frequency of the activity guides prepared and distributed by the City in partnership with other organizations. In addition, the City will coordinate with the Chamber of Commerce and School District to maintain a comprehensive community calendar with all youth activities.

- Program: Youth Anti-Gang Involvement Campaign

Description: The gang lifestyle has been romanticized in the media and amongst youth culture. In order to be effective in promoting positive alternatives to youth, it is necessary to dispel this perception.

Implementation Strategy: The City will partner with the School Districts and work with Sun Street Center, Transitions, and Proyouth to develop a campaign to educate youth on the realities of participation in gang activities and where it will lead. The most effective approach will be to utilize individuals that have reformed from involvement in gangs to speak and communicate with students on an ongoing basis.

- Program: Positive Parenting Program

Description: A key factor in youth involvement in gangs and violent behavior is a lack of involvement and/or effectiveness of parenting in many cases. To be successful in making large scale progress in deterring gang and violent behavior, it will require the active participation of parents. There are many parents that have been unsuccessful for a variety of reasons, which include the need to work long hours and are not available, a lack of knowledge or skills to recognize the signs of gang involvement, avoidance of confronting issues due to legal concerns, and the difficulty in establishing effective relationships with their children.

Implementation Strategy: An effort will be established with the Police Department, School Districts, Sun Street Center, Community Human Services, faith community, Proyouth and other organizations designed to expand resources available to parents on education of parenting skills and recognizing signs of gang, drug and other activities. The key component of the program will be the out of school program because the goal will be to establish relationships with parents. This will enable the program provider to successfully identify situations where help is needed, refer them to appropriate resources, and obtain their willingness to participate.

- Program: Workforce Development

Description: The City will partner with the other Salinas Valley cities and Hartnell College in establishing a workforce development program focused on ag tech and health care. Hartnell College will serve as the sector-based intermediary, which is an organization who will be responsible for making connections between private businesses, workforce training providers, including schools, and civic institutions. The goal of this is to identify potential areas of service and collaboration with the end result being the availability of training programs that ensure local residents are obtaining the skills necessary to compete for jobs with local companies.

Implementation Strategy: The program was developed with a grant received from the National Resource Network. The City has entered into a Memorandum of Understanding with the other Salinas Valley cities and Hartnell College. The City will participate on a joint board of directors to coordinate development and implementation of the program. The first year operational costs will be paid from funds remaining from a former enterprise zone program the City participated in. The City will share costs with the other four jurisdictions for the next two years. Hartnell College will apply for grants to continue the program after that.

INTERVENTION

Existing Programs

- The primary intervention service currently available is a diversion program provided by the Probation Department to individuals that have been arrested up to the age of 18. Youth that have been arrested and meet existing criteria are provided the option of being referred to reform programs rather than sentencing to juvenile hall if approved by the Court.
- Rancho Cielo is one of the programs used for referrals from diversion, which is a comprehensive learning and social services center for underserved and disconnected youth in Monterey County. They provide a series of programs, including diploma education, vocational training with industry professionals, mental health counseling, probation case management and support, job readiness, life skills, physical activity, enrichment activities, and connections to health, social and family services.
- Restorative Justice Partners, Inc. is another program used for referrals, which brings the victims, offenders, families, and other key stakeholders together in a restorative justice process to help offenders understand the implications of their actions and provide the victim a voice in the restitution.
- Grizzly Academy is located in San Luis Obispo and is a partnership between the California National Guard and the Grizzly Challenge Charter School, which offers a highly structured military environment for youth between the ages of 16 and 18 who have dropped out of high school or are at-risk of dropping out. It promotes leadership, cooperation, and academic skills, while building self-esteem and confidence.

Recommendations for New and Expanded Programs

- **Program: Pre-Diversion Program**

Description: Expanding pre-diversion and intervention services will be instrumental in preventing gang and violence activities because it targets those youth most at risk at a stage when the services can be most effective. The

objective is to target youth when they are first subject to enforcement by the Police Department related to illegal and/or nonviolent behavior that is determined will potentially lead to more serious problems. In lieu of placing them in the criminal system where they may be exposed to a more negative environment, they are instead referred to programs that can reform them by reinforcing positive behaviors, lifestyle and opportunities.

Implementation Strategy: The City will partner with Greenfield, Soledad and Gonzales in developing a pre-diversion program through funds from a joint Strengthening Law Enforcement and Community Relations Grant. The program will be run by Sun Street Center, who will provide a case manager. The Police Department Officers will utilize established criteria to identify youth that are first-time offenders involving non-violent crimes that have a high likelihood of success if provided the appropriate guidance and resources. Offenders will be given the opportunity to participate in the program in lieu of an arrest. Parents will also have to agree to the terms of the program and to actively participate. The case manager will then match and enroll the participant with an eligible program that meets their needs and will have the most likelihood of success in diverting them away from future illegal, violent and/or gang behavior. The City will also work with the other South Monterey County cities to identify grant opportunities or funding strategies to continue and expand the program once the current funding is utilized.

- **Program:** Expand Rancho Cielo participation from King City

Description: The primary need of Rancho Cielo is to increase public awareness of the program.

Implementation Strategy: The City will incorporate Rancho Cielo in its overall public education efforts related to implementation of the Plan to End Youth Violence.

- **Program:** Expand Restorative Justice Partners, Inc. services in King City

Description: Restorative Justice Partners, Inc. utilizes trained volunteers to serve as mediators. Therefore, the primary need to expand the services available to the community is to increase the availability of volunteer mediators. Participation of community members as mediators is also helpful in encouraging the community to take ownership of youth problems and to provide opportunities to resolve them.

Implementation Strategy: St. Mark's Episcopal Church has agreed serve as the lead in recruiting and training volunteers. The City will partner with St. Mark's Church in promoting the program and reaching out to other faith based organizations throughout the community.

ENFORCEMENT

Existing Programs

- The King City Police Department currently has a total staff of 21 funded positions. Of this, there are 17 sworn positions, including a Chief, Captain, 4 Sergeants, 10 Officers, and a Detective. A number of positions are currently vacant, but the City is making progress in filling positions and hopes to reach full staffing in 2017. A part-time Detective under contract is being used until a full-time detective can be trained.
- The King City Police Department has recently approved a Memorandum of Understanding to participate in a South Monterey County Gang Unit coordinated by the Monterey County Sheriff's Department. The Gang Unit will coordinate enforcement activities and cases. The Cities of Gonzales and Soledad are also currently participating.

Recommendations for New and Expanded Programs

- Program: Officer Dedicated to Gang Unit and Detail

Description: The City will add one Police Officer position to be dedicated to Gang Detail and primarily to the South Monterey County Gang Unit. This will enable the Police Department to accomplish two primary objectives. First, the position will monitor and track local gang members and activity in order to coordinate proactive enforcement activities to better prevent and control gang activity. Second, through participation in the South Monterey County Gang Unit, the City can better utilize the resources of the unit to target King City gang activity, as well as provide important training and intelligence regarding activities throughout the region.

Implementation Strategy: The City will pursue both grant and ongoing City funding to add the position. The Police Department will begin by providing specialized training to existing Police Officers. The goal will then be to add a full-time dedicated gang detail position by FY 2018-19.

- Program: Citywide Police Security Camera System

Description: The City will contract for design and installation of a citywide police security camera system. The system will include cameras at City entry and exit points, major intersections, problem areas, and major public areas throughout the community. The purpose of the system will be both to provide evidence to better resolve criminal cases that occur and to serve as a deterrent to prevent crimes from occurring.

Implementation Strategy: The City has budgeted funds to address a portion of the costs. The remainder of the costs will be paid through grants the City has

and will apply for. The system will be designed so that an initial system can be installed to address high priority locations and then can be expanded over time. The initial estimated cost of the system is \$200,000 to \$250,000. The goal will be to then raise an additional \$100,000 to \$150,000 to further expand the system in the future.

RE-ENTRY

Existing Programs

- **Monterey County Probation Department:** The Monterey County Probation Department currently operates a “one-stop center” in Salinas to provide re-entry services. They contract with GEO Re-entry Services to run their short term re-entry and long-term day reporting center, which includes provision of a cognitive behavioral curriculum for offenders and substance abuse treatment. They contract with Monterey County Behavioral Health for behavioral health services, the County Office of Employment Training for employment and vocational services, and with Turning Point for housing services. The center supplements the assistance provided by individual Probation Officers, which are assigned to each probationer. The level of attention provided by the Probation Officer is based on risk assessed to the individual. Currently, they are actively supervising 36 youth and 94 adults in King City.
- **Transitions for Recovery and Re-Entry:** Transitions is a non-profit organization that provides re-entry support services for at-risk youth, veterans and others in need.
- **Sun Street Center:** Sun Street Center provides a residential recovery program and counseling services for drug and alcohol addiction.

Recommendations for New and Expanded Programs

- **Program: One-stop center:**

Description: It is recommended the City establish a goal of developing a one-stop center for re-entry services in King City. The existing center in Salinas is difficult to access on an ongoing basis given its distance from King City. As a result, the Task Force concluded probationers and parolees would be more successful if services were available on a residential full-time basis or more readily accessible to local residents.

Implementation Strategy: It is proposed to begin with a number of initial planning steps. The first is to pursue establishing a collaborative effort with the County Probation Department, the County Behavioral Services Department, Turning Point and Sun Street Center. Once planning begins, the group may be expanded to include other partners. The second is to submit a Proposition 47 grant application for initial funding. The third is to identify potential locations for

an appropriate site. Requesting the County to consider dedicating the former Courthouse building in King City to house the Center is recommended as one alternative to be investigated. Once these planning steps are completed, an implementation plan will then be developed.

PUBLIC OUTREACH

Existing Programs

- Town Watch Program – The existing Town Watch program includes volunteers that provide assistance to officers with traffic control at crime scenes and parades, identify suspicious activities in the community, and perform other ongoing public safety related responsibilities. They meet on a periodic basis. Membership and activities have decreased over the past couple years.
- Web Site and Facebook Page – The Police Department maintains a web site and Facebook page to provide ongoing public safety information.
- City Newsletter – The City has begun publishing a quarterly newsletter, which includes information regarding all City activities and is distributed to every residence and business.

Recommendations for New and Expanded Programs

- Program: District Watch Program

Description: It is proposed that each City Council district that has recently been formed be used to organize public outreach groups. The purpose of the meetings will be to educate the public about the City's efforts and public safety issues; seek both support and involvement with these efforts; and to encourage residents to work together in enhancing safety in their neighborhoods.

Implementation Strategy: A minimum of two meetings per year will be scheduled, which will be led by the City Council Member from that district. Meeting sites within the district will be identified if possible.

- Program: Increase Police Department Public Participation

Description: Police staff will increase attendance at community activities and events to publicize the Police Department's efforts and increase interaction with the public.

Implementation Strategy: The Police Department will prepare a schedule of upcoming activities and assign officers to attend. In addition, Police Officers will receive training to increase ongoing community outreach. As part of the Strengthening Law Enforcement and Community Relations Grant the Police Department has received in partnership with other South County Cities, a score

card will be created to measure Police Department interaction with the community.

- **Police Department Citizens' Academy**

Description: The Police Department is proposing to provide a community police academy, which will allow residents to participate in police training and education. The academy does not train participants to be future police officers, but is designed to inform citizens about police policies, procedures, laws and resources. The goal is to foster community support, safety, and awareness. Participants will learn about police selection and training, internal investigations, criminal law, patrol operations, communications, crime prevention, firearms training, critical incidents, narcotics, gangs, crime scene investigation (CSI), code and traffic enforcement, and more.

Implementation Strategy: It is proposed to partner with the Greenfield Police Department in offering a 12-week Community Police Academy. The program will be designed and implemented utilizing funding from the Strengthening Law Enforcement and Community Relations Grant.

- **Volunteers in Patrol Program**

Description: The program will utilize volunteers to assist the Police Department with patrol and other public safety activities.

Implementation: The Police Department will develop a new volunteer program, which will include a formal recruitment of volunteers. Interested individuals will be required to participate in a screening and testing process. Those meeting standards and requirements of the program would then participate in a formal training process.

EVALUATION

City staff will coordinate and track overall implementation of the strategies identified within the plan. An annual report will be prepared to identify progress of each implementation strategy.

The City will also establish a system of monitoring progress and results associated with implementation of the plan. Key data on violence will be tracked by the Police Department on a quarterly basis in order to monitor trends and projects, which include at a minimum the following:

- Homicides
- Attempted homicides
- Other shootings
- Other violent crimes

In addition, the City will track and update on an annual basis progress on selected youth violence indicators, which will include at a minimum the following:

- Employment data
- Household income
- 3rd grade reading levels
- Youth connectedness with community and school

A thorough review and update of the overall comprehensive plan will be prepared after a five-year period.



Item No. 11(B)

REPORT TO THE CITY COUNCIL

DATE: JANUARY 24, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CONSIDERATION OF FACADE IMPROVEMENT GRANT PROGRAM

RECOMMENDATION:

It is recommended the City Council: 1) adopt a Resolution establishing a Facade Improvement Grant program for the 300 block of Broadway Street; and 2) appropriate \$100,000 from the General Fund for the program costs.

BACKGROUND:

Staff has recommended the first key step of the City's new economic development efforts be to target improvements to the downtown area. Staff believes if the City is able to improve and make the downtown more successful, it will attract new investment and businesses to not only the downtown, but also other areas of the community.

At the January 10th meeting, the City Council approved a Downtown Streetscape Conceptual Plan, which included funding strategies to implement the plan in phases. The first phase was identified as Vanderhurst Avenue to Second Street. The objectives of the plan are to make the downtown more pedestrian friendly, active, and an area that will attract people to shop, eat and visit.

The intent of the streetscape improvements is also to encourage private investment in downtown properties and businesses. To help accomplish this, it is proposed to utilize a combination of incentives and regulations. Staff is working on establishing partnerships with local business and property owners by meeting to discuss available assistance. Technical business assistance and low-interest loans can be accessed through County and regional agencies. To accelerate progress, a facade improvement grant program is now proposed. Concurrently, staff is drafting a new nuisance abatement ordinance, which will be presented to

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CONSIDERATION OF FACADE IMPROVEMENT GRANT PROGRAM
JANUARY 24, 2017
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the City Council in February and will enable staff to more effectively enforce requirements on property owners to properly maintain their buildings.

DISCUSSION:

It is recommended the Facade Improvement Grant Program initially be limited to the 300 block of Broadway Street. This is the initial focus of the City's efforts because staff believes this area is the most deteriorated, but also has the most potential given the architecture, quality of buildings, and central location. Restricting grants to a targeted area will help achieve the most visible results. If this block can be substantially improved, it will then serve to encourage expansion of other improvements throughout the downtown area. In addition, the Downtown Streetscape Conceptual Plan recommended removal and replacement of the awnings on the north side of the 300 block of Broadway Street. This program will provide incentives to help accomplish that component of the plan.

The grants are proposed to be established at a maximum amount of \$15,000 per business. Up to \$2,500 could be used for replacement of outdated and non-conforming signs. An additional \$12,500 could be used for other facade improvements, including:

- Repair, replacement, removal or installation of awnings;
- Modification of doors and windows;
- Exterior painting and decorative treatments;
- Other facade improvements deemed to contribute to improving the retail streetscape environment.

The amount awarded would be determined based upon a number of factors:

- Size of the building;
- Degree to which the improvements address the goals and recommendations in the Downtown Streetscape Conceptual Plan;
- Cost of the improvements;
- Amount of overall improvements to the façade and structure that will be accomplished by the proposed project; and
- Overall quality and cost effectiveness of the proposed project.

Submittal of a formal application with design drawings would be required to participate in the program. Grant applications could be submitted by either business or property owners. If submitted by a tenant, property owner approval would be required. Staff would review applications to ensure that improvements are consistent with City Code requirements and design guidelines, will enhance the historical integrity of the structure and accomplish the goals of the downtown

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improvement efforts. Approval would be contingent upon overall improvement of the building facade and compliance with all design standards and sign regulations. Procedures would be established for submittal of receipts and reimbursement to the grantee. Options for the contractor to invoice the City directly would also be provided if agreed to by the contractor. Payment would be contingent upon a final City inspection. Improvements would be restricted to items designed for a life span of at least five years.

COST ANALYSIS:

It is recommended the program be funded with \$100,000 from the funding received through the sale of PG&E Rule 20A Utility Undergrounding Work Credits. A total of \$300,000 was received. It was proposed to utilize \$100,000 for implementation of the Comprehensive Plan to End Youth Violence and \$200,000 for the Downtown Streetscape Conceptual Plan. This recommendation would include a portion of the funding for Downtown Streetscape Conceptual Plan.

ALTERNATIVES:

The following alternatives are provided for City Council consideration:

1. Approve staff's recommendation by adopting the Resolution;
2. Modify the grant amounts or requirements and adopt the Resolution;
3. Expand the area eligible for the program;
4. Do not approve the program; or
5. Provide staff other direction.

Prepared and Approved by:



Steven Adams, City Manager

RESOLUTION NO. 2017-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING
ESTABLISHING A FAÇADE IMPROVEMENT GRANT PROGRAM**

WHEREAS, the City Council has adopted a Downtown Streetscape Conceptual Plan establishing proposed improvements to Broadway Street from First Street to San Lorenzo Street; and

WHEREAS, the Downtown Streetscape project has been deemed as the critical first step in the City's overall economic development efforts; and

WHEREAS, the Downtown Streetscape Conceptual Plan includes proposed enhancements to facades and buildings in the downtown area; and

WHEREAS, initial implementation of the Downtown Streetscape Conceptual Plan is targeted on the 300 block of Broadway Street due to its existing blight, historical structures, and strategic location and importance to the overall success of the City's downtown area; and

WHEREAS, enhancing the appearance of the downtown area has been deemed important to creating a successful commercial environment that will benefit the community by attracting visitors, increasing businesses, creating jobs, and increasing City revenues for public services and improvements; and

WHEREAS, façade improvement grants have been deemed necessary to make improvements to downtown properties economically feasible for local business and property owners; and

WHEREAS, the Façade Improvement Grant Program will implement improvements that will benefit the entire community by creating a downtown area where residents can enjoy walking, shopping, and eating, that will promote a stronger sense of community and community pride, and will provide economic benefits to King City citizens.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of King hereby establishes a Façade Improvement Grant Program that will provide grants up to a maximum amount of fifteen thousand dollars (\$15,000.00) per business for improvements to building facades in the 300 block of Broadway Street, including replacement of outdated or non-conforming signs, repair, replacement, removal or installation of awnings, modification of doors and windows, exterior painting and decorative treatments, and other facade improvements deemed to contribute to improving the retail streetscape environment.

BE IT FURTHER RESOLVED that the total award of initial grants shall be limited to a maximum amount of one hundred thousand dollars (\$100,000.00), award of grants shall be approved by the City Manager and amounts will be determined based upon established criteria designed to meet the City's Downtown Streetscape Conceptual Plan and overall economic development goals, and the program will be reevaluated at such time that allocated funding has been expended.

This resolution was passed and adopted this **24th** day of **January, 2017** by the following vote:

AYES, Council Members:

NAYS, Council Members:

ABSENT, Council Members:

ABSTAIN, Council Members:

APPROVED:

Michael LeBarre, Mayor

ATTEST:

Steven Adams, City Clerk

APPROVED AS TO FORM:

Shannon Chaffin, City Attorney