

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

TUESDAY FEBRUARY 14, 2017
6:00 P.M.

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

**Spanish interpretation services will be available at meeting*

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

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

1. **CALL TO ORDER**
2. **ROLL CALL:** Council Members Darlene Acosta, Robert Cullen, Carlos DeLeon, Mayor Pro Tem Carlos Victoria, and Mayor Mike LeBarre
3. **FLAG SALUTE**
4. **CLOSED SESSION ANNOUNCEMENTS**
5. **SPECIAL PRESENTATIONS**

None

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 Any Council Member, the City Manager, or the City Attorney may request that an item be withdrawn from the Consent Agenda to allow for full discussion.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 Items withdrawn from the Consent Agenda may be considered by separate motions at the conclusion of the discussion of each item.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 24, 2017 Council Meeting
Recommendation: approve and file.
- B. Meeting Minutes of January 24, 2017 Public Financing Authority Meeting
Recommendation: approve and file.
- C. City Check Register
Recommendation: approve and file.
- D. Successor Agency Check Register
Recommendation: approve and file.
- E. Consideration: Cancellation of July 25, 2017 Meeting
Recommendation: cancel the regular meeting of July 25, 2017.
- F. Consideration: Approve PG&E Safety Improvements to Pocket Park
Recommendation: approve PG&E Safety Improvements to Pocket Park and authorize staff to send a Notice to Proceed, including CEQA findings under CEQA Guidelines Sections (15301 (Existing Facilities) and 15303 (New Construction of Conversion of Small Structures).
- G. Consideration: Resolution Retaining Designated Posting Locations for Summaries of Ordinances
Recommendation: adopt the proposed Resolution retaining City Hall, the King City Branch Library, and King City Post Office as the City's designated posting locations for summaries of ordinances.

10. PUBLIC HEARINGS

- A. Consideration: Adoption of an Ordinance Adding Chapter 7.55 to Title 7 of the King City Municipal Code Regulating Recreational and Medical Marijuana or Cannabis, including a CEQA Finding under CEQA Guidelines Sections 15061(b)(3), 15307, and 15308.
Recommendation: consider adoption of the Ordinance to be read by title only, open the hearing, allow for public testimony, close the hearing, waive the second reading of the Ordinance, and approve the adoption of the proposed Ordinance.
- B. Consideration: An Ordinance Amending the General Plan Land Use Designation from Public Quasi-Public ("PQ") to Agriculture ("AG") (Case No. GPA2017-001) and Approving a Zone District Change from Industrial ("M-1") to Agriculture ("A") (Case No. ZC2017-001) on a Portion of Assessor Parcel No. 245-111-036-000.
Recommendation: consider introduction of the Ordinance to be read by title only,

open the hearing, allow for public testimony, close the hearing, waive the first reading of the Ordinance, and approve the introduction of the proposed Ordinance.

- C. Consideration: An Ordinance Amending Section 4.7 (Allowance of Land Uses) of the City of King Historic Corridor Revitalization Plan to Amend the Allowable Uses in the Village Core (VC) Zoning District for the Purpose of Allowing Health and Fitness Facilities Greater Than 1,500 Square Feet in Area Subject to a Conditional Use Permit

Recommendation: consider introduction of the Ordinance to be read by title only, open the hearing, allow for public testimony, close the hearing, waive the first reading of the Ordinance, and approve the introduction of the proposed Ordinance.

- D. Consideration: An Ordinance Adding Chapter 7.51 to Title 7 of the King City Municipal Code Pertaining to Nuisances

Recommendation: consider introducing an Ordinance pertaining to nuisances 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.

11. REGULAR BUSINESS

- A. Consideration: Consideration of Mid-Year Financial Report

Recommendation: receive the City of King Mid-Year Financial Report and approve the recommended Mid-Year Budget Adjustments.

- B. Consideration: FY 2017-18/ FY 2018-19 Budget Priorities and Goals

Recommendation: approve by motion the proposed budget goals for FY 2017-18/FY 2018-19.

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 Negotiator: Steven Adams

Negotiating Jerry Rava II

13. ADJOURNMENT

**Minutes
City Council Meeting
January 24, 2017**

1. CALL TO ORDER:

Meeting was called to order at 6:04 PM by Mayor LeBarre.

2. FLAG SALUTE:

The flag salute was led by Mayor Pro Tem Carlos Victoria

3. ROLL CALL:

City Manager Adams conducted roll call.

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

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

4. CLOSED SESSION ANNOUNCEMENTS:

No reportable action.

5. PRESENTATIONS:

None

6. PUBLIC COMMUNICATIONS:

Humberto Arenas, King City Radiator, needs work done on the alley in front of his business as there are a lot of pot holes.

Karen Jernigan attended a meeting at the Pinnacles National Park for the Pinnacles Gateway Group and she will send information for following meetings to the council so they could attend. She feels there is potential for Economic impact that could help support our community. She would like the group to do a 10-minute presentation later in the year.

7. COUNCIL COMMUNICATIONS:

Council Member DeLeon attended the King City School District board meeting and they are planning on remodeling or moving their offices.

Council Member Acosta announced that the Pinnacles National Park is looking for two interns to work on the California Condor Recovery Program. 4C4P meeting has been changed to the 15th of this month Sacramento is coming down.

Council Member Cullen stated he was elected as the vice president of the Salinas Valley Solid Waste Authority board. Their board retreat is all day tomorrow. SVSWA is working on doing quarterly household hazardous waste collection in the south county cities. Thursday, he will be attending the Salinas Valley Fair board meeting. He will be attending the fire department dinner. Congratulated the Police Chief on hiring a new officer. He would like the City Manager Department to look into Creekbridge agreement being responsible for building a gym at Chalone Peaks.

Mayor Pro Tem Victoria stated he attended his first AMBAG meeting two weeks ago, and he attends his next meeting on the 8th of next month. He got information from the dean of students about what is happening at the High School. All Seniors will be receiving information on applying for scholarships. Gear up and ETA organization helping filling out applications for college and financial aid. Meeting for incoming freshman for next year in English and Spanish. He was sent rosters for games on going currently, basketball and soccer.

Mayor LeBarre he participated in the first Mayors meeting yesterday. He is attending TAMC tomorrow. The chair is from Gonzales which could benefit south county. State of the City address Wednesday. Sunday at 3:00p.m. they will hold a bilingual State of the City address at St. John the Baptist Church. Swearing in of new officer on Thursday. Intern positions are paid positions for 6 months, they would like someone from King City.

8. CITY STAFF REPORTS AND COMMENTS:

City Manager Adams stated late Sunday night the San Lorenzo creek breeched by Villa drive and public works crew got the pump out and kept the water down. The sandbags from last year were helpful.

Interim Attorney Chaffin stated no items to report.

9. CONSENT AGENDA

- A. Meeting Minutes of January 10, 2017 Council Meeting
- B. City Monthly Treasurer's Report- November 2016
- C. Successor Agency Monthly Treasurer's Report- November 2016
- D. City Check Register
- E. Successor Agency Check Register
- F. Consideration: Award of Tree Trimming Contract
- G. Consideration: Consideration of 2017 Fireworks Permit Process
- H. Consideration: Amendment to the City of King Job Classification Plan for FY 2016-17
- I. Consideration: Application Requesting Approval by the Local Agency Formation of Monterey
- 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
- K. Consideration: Contract Services Agreement for City Attorney
- L. City Monthly Treasurer's Report – December 2016
- M. Successor Agency Monthly Treasurer's Report – December 2016
- N. Public Financing Authority Monthly Treasurer's Report – December 2016
- O. Consideration: Ordinance Establishing 20-Minute Restricted Parking at 416 Lynn Street

Council member Acosta pulled Item G.

City Attorney Clarified Item 9F would include a finding by the council that Gutierrez Handyman and Tree Services is the lowest responsible and responsive bidder and include authorization by the City Manager to negotiate and enter into a contract subject to approval to form by the City Attorney and Item 9I Additional authorization to City manager to specifically depict the boundaries if required by LAFCO if necessary.

Action: Motion to approve consent A-F and H-O with clarification from the City Attorney agenda by Acosta and seconded by Victoria.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

G. Consideration: Consideration of 2017 Fireworks Permit Process

Jesus Portugal from King City Youth Football league and cheer, spoke on Item G and them not being able to be drawn as they won the lottery last year. The fireworks booth help with many of their expenses and them not being involved it hurts them.

Danielle Esparza, a parent spoke in support of the Youth Football being able to participate in the lottery or maybe add another booth somewhere in town. Youth Football needs the fireworks booth for their fundraiser. They are trying to keep 80-100 kids off the streets.

Diana Figueroa her son plays the youth football she feels they need the fundraiser so they can support the 90-100 kids in this program. She feels there are not as many programs for kids and she feels that this program is good for kids. They learn skills, life skills. The fireworks booth helps more pay for the field for home games, pads and helmets. It is for the future of the program.

Gerry Ramirez spoke in favor of leaving 3 booths as when there were 4 booths organizations did not make a profit.

City Manager Adams gave background on this item.

Mayor Pro Tem Victoria and Council Member Cullen needed to recuse themselves due to a conflict. They left the meeting room at 6:35p.m.

Council consensus is everyone should get to participate in the lottery and remain at 3 booths.

City Attorney stated that the Resolution could be adopted as presented to Council with the following line removed "**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".

Action: Motion to approve consent item G as stated by the City Attorney by DeLeon and seconded by Acosta.

AYES: Council Members: Mayor LeBarre, Acosta, and DeLeon

NOES: Council Members:

ABSENT: Council Members: Mayor Pro Tem Victoria, Cullen

ABSTAIN: Council Members:

Mayor Pro Tem Victoria and Council Member Cullen returned to the meeting.

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.

City Attorney Chaffin introduced this item.

Neil Saul, he is against the growing of marijuana in King City.

Victor Kowalenko, is for the growing of marijuana in King City for medical purposes. He uses cannabinoids for pain. Wants "outdoors" defined.

Mayor LeBarre stated that what he is speaking about is for the next item.

Action: Motion to 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 by Victoria and seconded by Acosta.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

- 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.

City Attorney Chaffin introduced this item.

Victor Kowalenko would still like "outdoor" defined. He has a greenhouse behind his house and behind a 7-ft. tall fence. He would like to grow his 6 plants in his greenhouse.

Action: Motion to introduce 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 by Cullen and seconded by Victoria.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

11. REGULAR BUSINESS:

- A. Consideration: Comprehensive Plan to End Youth Violence

City Manager Adams presented this item.

Council consensus is that this plan shows that the City cares and something can be done to end youth violence.

Karen Jernigan appreciated all the of the work that was put in to this plan. She recommended positive publicity to promote this plan such as encouraging people to install cameras and lighting. Reinstigate PAL and Explorers by hiring someone to manage those groups since we are in short demand of officers. SpectorDance provides training for all ages and levels of experience in a variety of dance styles in a nurturing environment. Along with building dance skills, their training strives to build important life skills such as commitment, discipline, and respect for others. She would encourage the council to look into this program.

Action: Motion to approve the proposed Comprehensive Plan to End Youth Violence by Cullen and seconded by DeLeon.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

B. Consideration: Facade Improvement Grant Program

City Manager Adams presented this item.

Council Member Cullen recused himself.

Action: Motion 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 by Victoria and seconded by Acosta.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

Council member Cullen returned.

12. CLOSED SESSION:

- A. Conference with Real Property Negotiators
Properties: APN #026-381-001
Agency Negotiators: Steven Adams
Negotiating Jerry Rava II

ADJOURNMENT:

There being no further business to come before the City Council, Mayor LeBarre adjourned the meeting at 7:48pm 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

**Minutes
Public Financing Authority Meeting
January 24, 2017**

1. CALL TO ORDER:

Meeting was called to order at 6:00 PM by Mayor LeBarre.

2. FLAG SALUTE:

The flag salute was led by Mayor Pro Tem Victoria

3. ROLL CALL:

City Manager Adams conducted roll call.

Members: Darlene Acosta, Robert Cullen, Carlos DeLeon, Vice Chair Carlos Victoria, Chair Michael LeBarre.

City Staff: City Manager Steven Adams, Interim Attorney Shannon Chaffin

4. PUBLIC COMMENT

None

5. STAFF COMMUNICATIONS

None

6. CONSENT AGENDA

- A. Consideration: Public Financing Authority Check Register
- B. Consideration: Changes to Signature Authority Related to City of King Public Financing Authority Municipal Account and Investment Accounts
- C. Public Financing Authority Monthly Treasurer's Report- November 2016

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

AYES: Council Members: Chair LeBarre, Acosta, Cullen, DeLeon and Vice Chair Victoria

NOES: Council Members:

7. REGULAR BUSINESS

None

ADJOURNMENT:

There being no further business to come before the City Council, Mayor LeBarre adjourned the meeting at 6:04pm.

Approved Signatures:

Chair, Michael LeBarre
City of King

City Clerk, Steven Adams
City of King



Item No 9(C)

REPORT TO THE CITY COUNCIL

DATE: FEBRUARY 14, 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:

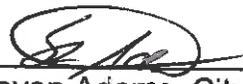
1. Receive and file the report; or
2. Provide other direction to staff regarding requests for additional information.

CITY COUNCIL/CITY
CITY CHECK REGISTER
FEBRUARY 14, 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: 02/02/2017

Time: 8:46 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							
58618	01/27/2017	Printed		PRAX	198-PRAXAIR DISTRIBUTION INC	1 Acetylene Tank	169.17
58619	01/27/2017	Printed		ADSTARR	A.D. STARR	Softball Supplies - #4576	657.33
58620	01/27/2017	Printed		ACOSTAD	DARLENE ACOSTA	League of CA Cities Annual	26.83
58621	01/27/2017	Printed		ADAMSS	STEVEN ADAMS	C M Travel Reimbursement	64.26
58622	01/27/2017	Printed		ALVAREZ	ALVAREZ TECHNOLOGY GROUP INC	Feb 2017 - A Rowe Services	150.00
58623	01/27/2017	Printed		AM SUPPLY	AMERICAN SUPPLY CO.	Janitorial Supplies.	546.14
58624	01/27/2017	Printed		AT & T	AT & T	Phone Charges -	2,973.52
58625	01/27/2017	Printed		AVIATION S	AVIATION SPECIALTIES	Printer for Card Reader	2,038.95
58626	01/27/2017	Printed		BLACKS	DEVON BLACKS	Referee Basketball -	22.00
58627	01/27/2017	Printed		SEA	BOARD OF EQUALIZATION	Underground Storage Tank	566.12
58628	01/27/2017	Printed		BREWEN	EMILY BREWEN	BB Ref - 2 @ \$10.50	21.00
58629	01/27/2017	Printed		WSCS	LINDA BROWN	P W Vacation Coverage.	2,400.00
58630	01/27/2017	Printed		CASEY PRIN	CASEY PRINTING, INC.	K C Newsletter Winter 2017	732.50
58631	01/27/2017	Printed		CNAUTO	CLARK N. CLEVENGER	Trimmer Line	87.60
58632	01/27/2017	Printed		CA PEACE	CPOA	S Samame Workshop	125.00
58633	01/27/2017	Printed		DAVE'S REP	DAVE'S REPAIR SERVICE	Trouble Shoot Printer	112.50
58634	01/27/2017	Printed		DEPT CONS	DEPARTMENT OF CONSERVATION	Qtrly SMIP Report	367.62
58635	01/27/2017	Printed		DIVISION	DIVISION OF STATE ARCHITECT	Disability Access & Education	7.20
58636	01/27/2017	Printed		GLORY	GLORY DAYS SERVICES, INC.	Plaques Supplies	35.00
58637	01/27/2017	Printed		GREEN'S	GREEN'S ACCOUNTING	Monthly Accounting Service	14,875.95
58638	01/27/2017	Printed		IDCON	ID CONCEPTS, LLC	ID Cards Sgt Lux, Sgt Perez	88.94
58639	01/27/2017	Printed		JOHNNO	NOLAN JOHNSON	Referee Basketball -	56.00
58640	01/27/2017	Printed		KC IND	KING CITY INDUSTRIAL SUPPLY	Tie Wire - City Park	94.20
58641	01/27/2017	Printed		LEAG OF CA	LEAGUE OF CALIFORNIA CITIES	2017 Mo Bay Division	5,879.00
58642	01/27/2017	Printed		M BASIA	MBASIA	Claim - KHalid M.	1,683.70
58643	01/27/2017	Printed		MERCURIOD	DOMINIC MERCURIO	Transported In Custody.	38.21
58644	01/27/2017	Printed		MO CO INFO	MO CO INFORMATION TECHNOLOGY	Radio Parts, Network Access	7,151.03
58645	01/27/2017	Printed		CO MONTERE	MONTEREY COUNTY DA	2015/2016 PY Blood Alcohol	317.39
58646	01/27/2017	Void	01/27/2017			Void Check	0.00
58647	01/27/2017	Printed		O'REILLY A	O'REILLY AUTOMOTIVE, INC.	Service Parts	664.41
58648	01/27/2017	Printed		OFFICE DEP	OFFICE DEPOT	Office Supplies	1,052.45
58649	01/27/2017	Printed		PARMAR	HIREN PARMAR	BB Refs - 2 @ \$10.50	21.00
58650	01/27/2017	Printed		PARTS & SE	PARTS & SERVICE CTR- NAPA, INC	Oil Filter	70.20
58651	01/27/2017	Printed		PETE'S AUT	PETE'S AUTOMOTIVE REPAIR	Repair Rea Lights	411.17
58652	01/27/2017	Printed		PAC	PG&E	City's Monthly Gas &	15,052.36
58653	01/27/2017	Printed		PGE CFM	PG&E CFM PPC DEPARTMENT	1 st Lift Station.	791.48
58654	01/27/2017	Printed		PURCHASE P	PURCHASE POWER*PITNEY BOWES	Postage Refill - Jan 2017	234.50
58655	01/27/2017	Printed		QUILL CORP	QUILL CORPORATION	PW & Finance Supplies	175.35
58656	01/27/2017	Printed		RAINBOW	RAINBOW PRINTING	Business Cards - Acct 133	171.52
58657	01/27/2017	Printed		RAMAD	ADOLFO RAMIREZ	Referee Basketball -	84.00
58658	01/27/2017	Printed		RRM DESIGN	RRM DESIGN GROUP, INC.	KC Downtown Streetscape	4,710.34
58659	01/27/2017	Printed		SILVAPA	PABLO SILVA	Referee Basketball -	42.00
58660	01/27/2017	Printed		BROWNS	STEPHEN BROWN ASSOCIATES, INC	Cheung Property	2,231.25
58661	01/27/2017	Printed		SWRCB - AC	SWRCB - ACCOUNTING OFFICE	Water Permit Fees -	9,555.00
58662	01/27/2017	Printed		SPCA	THE SPCA FOR MONTEREY COUNTY	Animal Services - Dec 2016	2,420.00
58663	01/27/2017	Printed		TIRE KING	TIRE KING & AUTO EXPRESS	December Car Washes	104.00
58664	01/27/2017	Printed		TORO	TORO PETROLEUM CORP.	Gas Services thru 1/16/17	1,421.82
58665	01/27/2017	Printed		TRI	TRI-COUNTY FIRE PROTECTION INC	Check Fire Sprinklers Qtrly	486.69
58666	01/27/2017	Printed		U.S. BANCO	U.S. BANCORP EQUIPMENT FINANCE	Copier Contract Feb 2017	278.42
58667	01/27/2017	Printed		U.S. BAN	U.S. BANK CORP PAYMENT SYSTEM	Various Charges -	3,688.91
58668	01/27/2017	Printed		VERIZON WI	VERIZON WIRELESS	Cell Phone Services -	815.39

Check Register Report

Date: 02/02/2017

Time: 8:46 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
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Total Checks: 51	Checks Total (excluding void checks):	85,769.42
Total Payments: 51	Bank Total (excluding void checks):	85,769.42
Total Payments: 51	Grand Total (excluding void checks):	85,769.42



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

Item No 9(D)

REPORT TO THE CITY COUNCIL

DATE: FEBRUARY 14, 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:

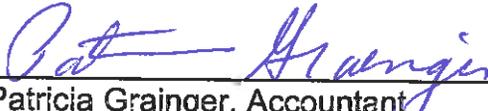
The following alternatives are provided for Council consideration:

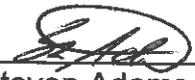
1. Receive and file the report; or
2. Provide other direction to staff regarding requests for additional information.

CITY COUNCIL/SUCCESSOR AGENCY
SUCCESSOR AGENCY CHECK REGISTER
FEBRUARY 14, 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: 02/02/2017
 Time: 8:50 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
SUCCESSOR AGENCY OF Checks							
202	01/27/2017	Printed		GIUDICI FR	FRANCIS & REBECCA GIUDICI	ROPS 16-17B Payments to Note	1,665.74
203	01/27/2017	Printed		GREEN'S	GREEN'S ACCOUNTING	Monthly Accounting Service -	800.00
204	01/27/2017	Printed		HEARNE DEN	DENNIS J & SHARON HEARNE	ROPS 16-17B Payments to Note	8,166.25
205	01/27/2017	Printed		HEARNE FRA	FRANCIS & PATRICIA HEARNE	ROPS 16-17B Payments to Note	8,166.25
206	01/27/2017	Printed		HEARNE LAU	LAURENCE F & PATRICIA HEARNE	ROPS 16-17B Payments to	8,166.25
207	01/27/2017	Printed		HEARNE TIM	TIMOTHY M & KATE HEARNE	ROPS 16-17B Payments to Note	8,166.25
Total Checks: 6						Checks Total (excluding void checks):	35,130.74
Total Payments: 6						Bank Total (excluding void checks):	35,130.74
Total Payments: 6						Grand Total (excluding void checks):	35,130.74



Item No. 9(E)

REPORT TO THE CITY COUNCIL

DATE: FEBRUARY 14, 2017
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: STEVEN ADAMS, CITY MANAGER
RE: CANCELLATION OF JULY 25, 2017 MEETING

RECOMMENDATION:

It is recommended the City Council cancel the regular meeting of July 25, 2017.

BACKGROUND:

The Municipal Code specifies that the City Council shall conduct regular meetings on the second and fourth Tuesday of each month. Therefore, formal action is required to cancel a meeting.

DISCUSSION:

The City Council has traditionally cancelled the second meeting in July. Many cities cancel one meeting in the summer to provide a Summer break and to allow Council Members and staff to plan vacations without having to miss a meeting. Staff recommends the July 25, 2016 meeting be cancelled since it provides time for the Council to complete adoption of the budget, while providing a meeting break prior to school returning to session for those that would like to plan a family vacation. The only disadvantage of cancelling a meeting is that it often results in lengthy agendas for meetings following and proceeding the cancelled meeting.

COST ANALYSIS:

There may be a minor savings by reducing the staff time required related to the meeting.

**CITY COUNCIL
CONSIDERATION OF CANCELLATION OF JULY 25, 2017 MEETING
FEBRUARY 14, 2017
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ALTERNATIVES:

The following alternatives are provided for City Council consideration:

1. Approve staff's recommendation;
2. Do not approve the recommendation; or
4. Provide staff other direction.

Prepared and Approved by:



Steven Adams, City Manager



Item No. 9(F)

REPORT TO THE CITY COUNCIL

DATE: FEBRUARY 14, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: OCTAVIO HURTADO, HANNA & BRUNETTI, CITY ENGINEERS

RE: CONSIDERATION OF PG&E SAFETY IMPROVEMENTS TO POCKET PARK

RECOMMENDATION:

It is recommended City Council approve PG&E's proposed safety improvements to the King Street Pocket Park and authorize staff to send a Notice to Proceed.

BACKGROUND:

As part of PG&E's statewide pipeline inspection of their high pressure gas lines, PG&E is performing preventative work removing obstructions over and near their gas lines. In King City, they are working on the relocation of the King City entrance sign, removed trees along Broadway and Mildred Street, and are currently making safety improvements on the gas line under the rail road tracks adjacent to the King City Pocket Park. The gas line runs through the King Street Pocket Park and is in close proximity to the play structure. PG&E would like to move the play structure to allow PG&E to have access to the line in the future without having to interfere with the play structure.

The King City Pocket Park project construction is complete and has been awaiting closeout until PG&E safety improvements are complete. The King Street Pocket Park was funded by the Prop 84, 2006 Parks Bond Act, Statewide Park Program. Through community based planning meetings, youth, seniors, and families selected the park features. The project included the acquisition of the 0.19 acres and construction of a new playground, picnic area, and sports court. Efforts have been made to make sure the PG&E improvements are within the scope of the grant deliverables. The attached revised site plan has been review by staff to assure conformance.

DISCUSSION:

The City has completed the installation of the Pocket Park improvements. As part of PG&E's statewide pipeline inspection of their high pressure lines, PG&E is

**CITY COUNCIL
APPROVE PG&E SAFETY IMPROVEMENTS TO POCKET PARK
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performing preventative work removing obstructions near their gas line. They have identified the Pocket Park as a site in which they would like to relocate the existing play structure to create a larger setback between the structure and the pipe in the event they need to work on it.

PG&E has identified the work to be done and has presented it to the City. The Recreation Commission approved the work on the January 9, 2017. The changes to the park will take place in March and be completed June 30, 2017. The Grant deadline to complete all expenses and reimbursements is June 30, 2017. Staff requested a six month extension to the grant agreement in order for PG&E to perform their safety improvements and allow the City to perform the necessary closeout procedures and request the final payment disbursement. Staff is working together with PG&E's citywide efforts to make safety improvements to its utilities while making sure the City is in compliance with State requirements.

PG&E provided the City with an Option to order new equipment. However, the current equipment is relatively new, a significant effort went into designing the park, and the neighborhood has been using it. Therefore, staff recommends minimizing the changes to the park by approving PG&E's plan to simply relocate the equipment far enough for them to be able to access their infrastructure.

COST ANALYSIS:

The cost of making the safety improvements will be paid by PG&E. The City will have to return grant funds to the State for items that will be removed by PG&E. Once PG&E makes the improvements, the City will request funding from the State. The amount to be returned to the State is approximately \$48,730 and is subject to State approval. There will be no net cost to the City

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Approve PG&E Safety improvements and return funding for items being removed;
2. Do not approve PG&E Safety Improvements and request new equipment; or
3. Provide other direction to staff.

**CITY COUNCIL
APPROVE PG&E SAFETY IMPROVEMENTS TO POCKET PARK
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Exhibits:

1. Proposed Pocket Park Site Plan

Submitted by:

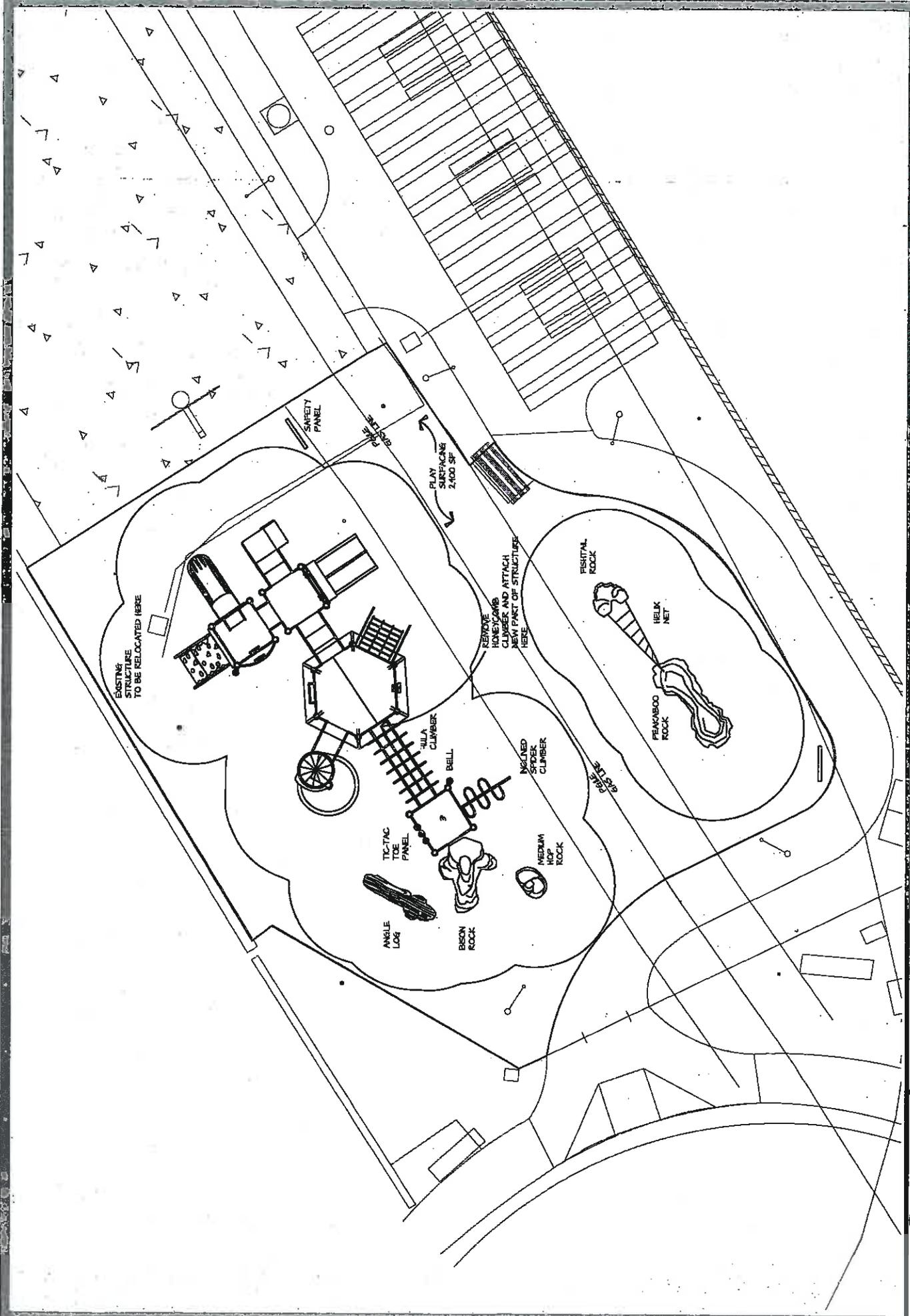


Octavio Hurtado, Hanna & Brunetti, City Engineers

Approved by:



Steven Adams, City Manager



Pocket Park Option 3

King City, CA

LINEAR FEET:	N/A	SITE AREA:	2,400SF
CRITICAL FALL HEIGHT:	N/A	SCALE:	3/32"=1'-0"
16-0975 Pocket_004		DRAWN BY:	DT
		DATE:	1-29-16

ALL DRAWINGS ARE SUBJECT TO CHANGE AND SHOULD BE REVIEWED BEFORE FINAL SALE. ALL SITE DIMENSIONS WILL NEED TO BE VERIFIED PRIOR TO SALE AND INSTALLATION.





Item No. 9(G)

REPORT TO THE CITY COUNCIL

DATE: FEBRUARY 14, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: A RESOLUTION RETAINING DESIGNATED POSTING LOCATIONS FOR SUMMARIES OF ORDINANCES

RECOMMENDATION:

Staff recommends the City Council adopt the proposed Resolution retaining City Hall, the King City Branch Library, and King City Post Office as the City's designated posting locations for summaries of ordinances.

BACKGROUND:

The City posts a summary of adopted ordinances in three locations within the City: City Hall, the King City Branch Library, and the King City Post Office. From time to time the City will review the adequacy of these locations to ensure that the locations are sufficiently accessible to the public to allow the opportunity for notice.

DISCUSSION:

Staff have since re-examined these locations and determined that they provide adequate opportunity for the public to access postings of summaries of ordinances. For this reason, Staff recommends the City retain City Hall, the King City Branch Library, and the King City Post Office as the City's designated posting locations. A Resolution is necessary to maintain compliance with State noticing requirements.

COST ANALYSIS:

Retaining the current locations will have no additional cost impact.

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CONSIDERATION OF RESOLUTION RETAINING DESIGNATED POSTING
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ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Approve staff's recommendation;
2. Designate other locations;
3. Do not adopt the proposed Resolution; or
4. Provide other direction to staff.

Approved by:  _____
Steven Adams, City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING RETAINING DESIGNATED POSTING LOCATIONS FOR SUMMARIES OF ORDINANCES

WHEREAS, the City posts a summary of adopted ordinances in three locations within the City; to wit - City Hall, the King City Branch Library, and the King City Post Office; and

WHEREAS, the City Council will from time to time review the adequacy of these locations to ensure that the locations are sufficiently accessible to the public to allow the opportunity for notice; and

WHEREAS, the City has re-examined these locations, and determined that they provide adequate opportunity of the public to access postings of summaries of ordinances; and

WHEREAS, the City Council desires to retain City Hall, the King City Branch Library, and King City Post Office as the City's designated posting locations.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of King that the following locations are re-affirmed and retained as designated posting locations for summaries of adopted ordinances:

1. City of King, City Hall, 212 S. Vanderhurst Avenue, King City, California 93930.
2. King City Branch Library, 402 Broadway, King City, California, 93930-2999
3. King City Post Office, 123 S 3rd St, King City, CA 93930

This resolution was passed and adopted this ____ day of February, 2017 by the following vote:

AYES, Council Members:

NAYS, Council Members:

ABSENT, Council Members:

ABSTAIN, Council Members:

APPROVED:

Mike LeBarre, Mayor

ATTEST:

Steven Adams, City Clerk

APPROVED AS TO FORM:

Shannon Chaffin, City Attorney
Aleshire & Wynder



Item No. 10(A)

REPORT TO THE CITY COUNCIL

DATE: FEBRUARY 14, 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 ADOPTION OF AN ORDINANCE ADDING CHAPTER 7.55 TO TITLE 7 OF THE KING CITY MUNICIPAL CODE AND REGULATING RECREATIONAL AND MEDICAL MARIJUANA OR CANNABIS

RECOMMENDATION:

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

BACKGROUND:

The City Council considered a presentation on AUMA and its effects on the City's current marijuana regulations on January 10, 2017. Thereafter, the City Council approved the proposed ordinance for introduction on January 31, 2017. This item is before the Council for consideration for final approval.

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),

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CONSIDERATION OF ADOPTION OF AN ORDINANCE ADDING CHAPTER 7.55 TO
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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 to “completely prohibit persons from engaging in [the personal cultivation of marijuana] outdoors upon the grounds of a private residence”

DISCUSSION:

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.
- Prohibition on the manufacture, preparation or creation of marijuana extracts or concentrates.

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CONSIDERATION OF ADOPTION OF AN ORDINANCE ADDING CHAPTER 7.55 TO
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- 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.

The City Council will also be considering a proposed update to the City's nuisance ordinance. This update will 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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CONSIDERATION OF ADOPTION OF AN ORDINANCE ADDING CHAPTER 7.55 TO
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ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Adopt the Ordinance
2. Direct staff to make modifications to the Ordinance;
3. Do not adopt the Ordinance; or
4. Provide other direction to staff.

Exhibit:

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

Submitted by: _____
Shannon L. Chaffin, City Attorney

Approved by:  _____
Steven Adams, City Manager

ORDINANCE NO. 2017-735

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 837 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.



Item No. 10 (B)

REPORT TO THE CITY COUNCIL

DATE: FEBRUARY 14, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: DOREEN LIBERTO, AICP, MDR, COMMUNITY DEVELOPMENT DIRECTOR

RE: CONSIDERATION OF AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE DESIGNATION FROM PUBLIC QUASI (PQ) TO AGRICULTURE (AG) (CASE NO. GPA2017-001) AND APPROVING A ZONE DISTRICT CHANGE FROM INDUSTRIAL (M-1) TO AGRICULTURE (A) (CASE NO. ZC2017-001) ON A PORTION OF ASSESSOR PARCEL NO. 245-111-036-000

RECOMMENDATION:

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

BACKGROUND:

On February 7, 2017, the Planning Commission conducted a public hearing to consider recommendations to City Council on whether to amend the General Plan and approve a zone change to APN: 245-111-036-000. The City is selling a portion of APN 245-111-036-000, which is located adjacent to the wastewater treatment plant. The City will also sell APN 245-111-035-000, which is located in the unincorporated area and has land use designations for agriculture (Reference attached Exhibit 1). The future new owner wishes to continue farming the property. The General Plan designation is Public/Quasi-Public ("PQ") and the Zoning District is Industrial ("M-1"). With agreement of the new owner, the City has initiated a General Plan Amendment ("GPA") from ("PQ") to Agriculture ("AG"), and a zoning district amendment from ("M-1") to Agriculture ("A").

**CITY COUNCIL
GENERAL PLAN AMENDMENT/ZONE CHANGE
CASE NO. GPA2017-001 AND ZC2017-001
FEBRUARY 14, 2017
PAGE 2 OF 4**

DISCUSSION:

Analysis

The proposal involves amending the General Plan Land Use Map and the Zoning Map. The property is situated west of the City and adjacent to the wastewater treatment plant ("**WWTP**") and totals 170.5 acres. Approximately 93.92 acres of the property are farmable land and approximately 76.58 acres are of river bottom land. This area of land consists of one (1) legal lot with two assessor parcel numbers (APN: 245-111-035-000 and APN: 245-111-036-000). Of this property, the approximately 93.92 acres of APN 245-111-035 is situated on County of Monterey unincorporated boundary and Zoned F/40 Farmland. The approximate 76.58 acres situated within City limits is zoned Light Industrial ("**M-1**") within the Public Quasi ("**PQ**") Land Use Designation. The proposed amendment and rezone are only for property within City limits.

The City is in the process of selling a portion of APN 245-111-036-000 and all of APN 245-111-035-000. The future owner wishes to continue farming the site. To be consistent with the adjacent land use designations and uses, the City has initiated a General Plan Amendment and Zone Change to agricultural uses. (Reference Exhibits 2 and 3.) This portion of land was intended for future expansion of the Waste Water Treatment Plant. However, the plant is now proposed to upgrade to a tertiary treatment plant, and the portion of land is no longer needed. The City will process a land survey to create two lots from 245-111-036-000 in accordance with Subdivision Map Act §66426.5.

The General Plan provides the following goals for open space/Agricultural lands, and for Public Service and Facilities:

5. OPEN SPACE AND AGRICULTURAL LANDS GOALS AND POLICIES

GOAL: TO PROTECT AND PROVIDE OPEN SPACE LANDS TO SATISFY THE NEEDS OF THE COMMUNITY; TO CONSERVE NATURAL RESOURCES FOR FUTURE GENERATIONS; AND TO PRESERVE VIABLE, PRIME AGRICULTURAL LANDS WITHIN THE PLANNING AREA WHICH ARE NOT DESIGNATED FOR FUTURE URBAN GROWTH.

7. PUBLIC SERVICES AND FACILITIES GOALS AND POLICIES

GOAL: TO PROVIDE ADEQUATE LAND AREAS FOR PUBLIC AND QUASI-PUBLIC LAND USES; TO PLAN AND PROVIDE FOR ADEQUATE AND EFFICIENT GOVERNMENT OFFICES AND COMMUNITY FACILITIES TO ACCOMMODATE THE EXISTING AND FUTURE NEEDS OF THE CITY; TO PROVIDE POLICE AND FIRE PROTECTION SERVICES AT LEVELS ADEQUATE FOR THE PROTECTION OF LIFE AND PROPERTY; TO ENSURE AN EFFICIENT SYSTEM OF PUBLIC UTILITIES; TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF HEALTH AND MEDICAL SERVICES TO ALL RESIDENTS OF THE PLANNING AREA; AND TO PROVIDE ADEQUATE PARK AND RECREATIONAL FACILITIES TO SERVE THE RECREATIONAL NEEDS OF THE CITY.

To be consistent with the proposed General Plan designation, a zoning change from M-1 to A is also being processed. (Reference Exhibit 4 for permitted uses in the agricultural district.)

The property use is clearly consistent in preserving agricultural land. There are no plans to expand urban growth in this area. As mentioned above, the surrounding county land is designated for agricultural uses.

Advantages

Surplus property will be sold for a use which is consistent with surrounding uses, the land will be preserved for agricultural purposes, and the designated land use will be consistent with current and future planned use.

Disadvantages

There is less land for future use by the City. However, one additional parcel is being held until the wastewater treatment plant master plan is completed in case any additional land is needed.

Environmental Review

Pursuant to Public Resources Code §15061 (3), and in accordance with the California Environmental Quality Act (CEQA), the project is covered by the general CEQA rule which states if it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment, the activity is not subject to CEQA. Staff believes that changing the land use designations from PQ and M-1 to AG and A will not have a significant effect on the environment, and therefore the project is not subject to CEQA.

**CITY COUNCIL
GENERAL PLAN AMENDMENT/ZONE CHANGE
CASE NO. GPA2017-001 AND ZC2017-001
FEBRUARY 14, 2017
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Public Notification and Input

A public hearing notice was published in the South County Newspaper The Rustler on February 1, 2017 and notices were mailed to property owners within 300ft radius of the site.

COST ANALYSIS:

The property is being sold to Mission Holdings TLC (or an related entity thereof) for \$2,325,000.

ALTERNATIVES:

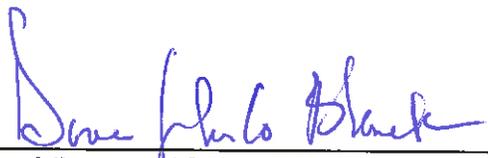
The following alternatives are provided for City Council consideration:

1. Conduct the first reading of the Ordinance, which approves the general plan amendment from PQ to AG and approves the zone change from M-1 to A;
2. Do not adopt the attached Ordinance; or
3. Provide other direction to staff.

Exhibits:

1. Planning Commission Resolution
2. City Council Ordinance
3. Location of property
4. General Plan Land Use Map
5. Zoning Map

Submitted by: _____


Doreen Liberto, AICP, MDR, Community Development Director

Approved by: _____


Steven Adams, City Manager

Exhibit No. |

~~RESOLUTION NO. 2017-169~~

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING, CALIFORNIA RECOMMENDING THE CITY COUNCIL AMEND THE GENERAL PLAN LAND USE DESIGNATION FROM PUBLIC QUASI (PQ) TO AGRICULTURE (AG) (CASE NO. GPA2017-001) AND APPROVE A ZONE DISTRICT CHANGE FROM INDUSTRIAL (M-1) TO AGRICULTURE (A) (CASE NO. ZC2017-001) ON A PORTION OF ASSESSOR PARCEL NO. 245-111-036-000.

WHEREAS, the Community Development Department ("Department") of the City of King reviewed the applications to amend the General Plan land use designation from Public-Quasi ("PQ") to Agriculture ("AG") (Case No. GPA2017-001) and amend the zoning district from Industrial ("M-1") to Agriculture (A) (Case No. ZC2017-001) on a portion of Assessor Parcel No. 245-111-036-000, and consisting of approximately 77.30 acres, as shown on Exhibit 1; and

WHEREAS, pursuant to Public Resources Code §15061 (3), and in accordance with the California Environmental Quality Act (CEQA), the project is covered by the general CEQA rule which states if it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, on February 7, 2017, the City of King Planning Commission ("Commission") conducted a public hearing to consider the applications and after considering public testimony, the staff report and all submitted evidence to support the applications, the Commission recommends the City Council ("Council") approve Case No. GPA2017-001 and Case No. ZC2017-001.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of King does hereby recommend the City Council approve Case No. GPA2017-001 and Case No. ZC2017-001 based on the following findings of fact:

1. The proposed General Plan amendment from Public Quasi to Agriculture is compatible with adjacent uses and densities. The Agricultural land use designation is consistent with the character of the area, which is predominately agriculture.
2. The zone change is consistent with the revised General Plan designation. The zoning district would be amended from Industrial to Agricultural.
3. The projects are statutorily exempt from environmental review pursuant to the State CEQA Guideline §15061(b)(3) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

PASSED, APPROVED AND ADOPTED this 7th day of February, 2017

David Nuck, Planning Commission Chair

ATTEST:

Erica Sonne, Planning Commission Clerk

EXHIBIT 2

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING, CALIFORNIA APPROVING A ZONING DISTRICT CHANGE FROM INDUSTRIAL (M-1) TO AGRICULTURE (AG) (CASE NO. ZC2017-001) ON A PORTION OF ASSESSOR PARCEL NO. 245-111-036-000.

WHEREAS, the Community Development Department (“Department”) of the City of King reviewed applications to amend the General Plan land use designation from Public-Quasi (“PQ”) to Agriculture (“AG”) (Case No. GPA2017-001) and amend the zoning district from Industrial (“I”) to Agriculture (AG) (Case No. RC2017-001) on a portion of Assessor Parcel No. 245-111-036-000, and consisting of approximately 77.30 acres, as shown on Exhibit 1; and

WHEREAS, on February 7, 2017, the Planning Commission (“Commission”) adopted Resolution No.2017-169 recommending the City Council (“Council”) amend the General Plan designation from Public Quasi to Agriculture and amend the zoning district from Industrial to Agriculture; and

WHEREAS, the proposed zoning district change to Agriculture is consistent with the General Plan land use designation amendment to Agriculture, as concurrently being considered and adopted immediately prior to this zoned district change; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), and pursuant to CEQA Guideline section 15061(3), this activity is not a “project” subject to CEQA as it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment; and

WHEREAS, on February 7, 2017, the City of King Planning Commission (“Commission”) conducted a public hearing to consider both the proposed General Plan amendment and the zoning district amendment, and after considering public testimony, the staff report and all submitted evidence to support the applications, the Commission recommended the City Council (“Council”) approve both Case No. GPA2017-001 and Case No. RZ2017-001; and

WHEREAS, on February 14, 2017, the Council conducted a public hearing to consider the Commission’s recommendation, and after considering public testimony, the staff report and all submitted evidence, the Council now desires to approve Case No. RZ2017-001.

NOW THEREFORE, the people of the chartered City of King City do ordain as follows:

SECTION 1. The City Council finds and determines that the enactment of this Ordinance is statutorily exempt from environmental review pursuant to the State CEQA Guideline §15061(b)(3) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Here, this includes that the activity does not have a significant

effect on the environment as the property is currently being used for agricultural purposes, and the general plan amendment and rezone merely recognize the existing use.

SECTION 2. The City Council of the City of King, does hereby make the following findings of fact:

1. The zone change is consistent with the revised General Plan designation. The zoning district change is from Industrial to Agricultural.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

SECTION 4. All other ordinances of the City of King or provisions of the King City Municipal Code which are in conflict with this Ordinance are hereby superseded to the extent of such conflict.

SECTION 5. 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. Within fifteen (15) calendar days after its adoption, the ordinance, or a summary of the ordinance, shall be published once in a newspaper of general circulation by the City Clerk.

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

STEVE ADAMS, City Clerk

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

APPROVED AS TO FORM:

By: _____
SHANNON L. CHAFFIN, 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.

Exhibit 1

(A portion of Assessor Parcel No. 245-111-036-000 consisting of approximately 77.30 acres)

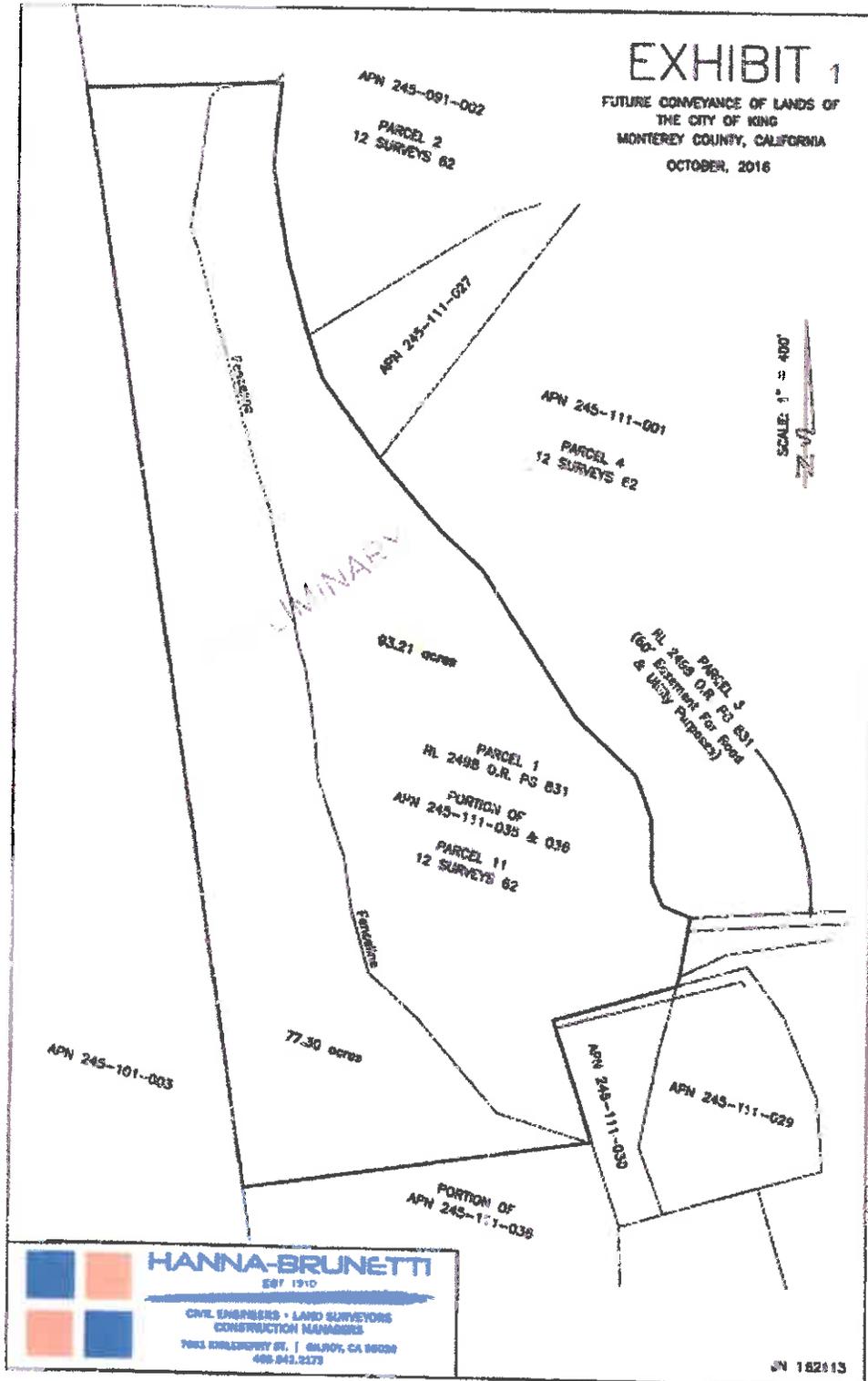
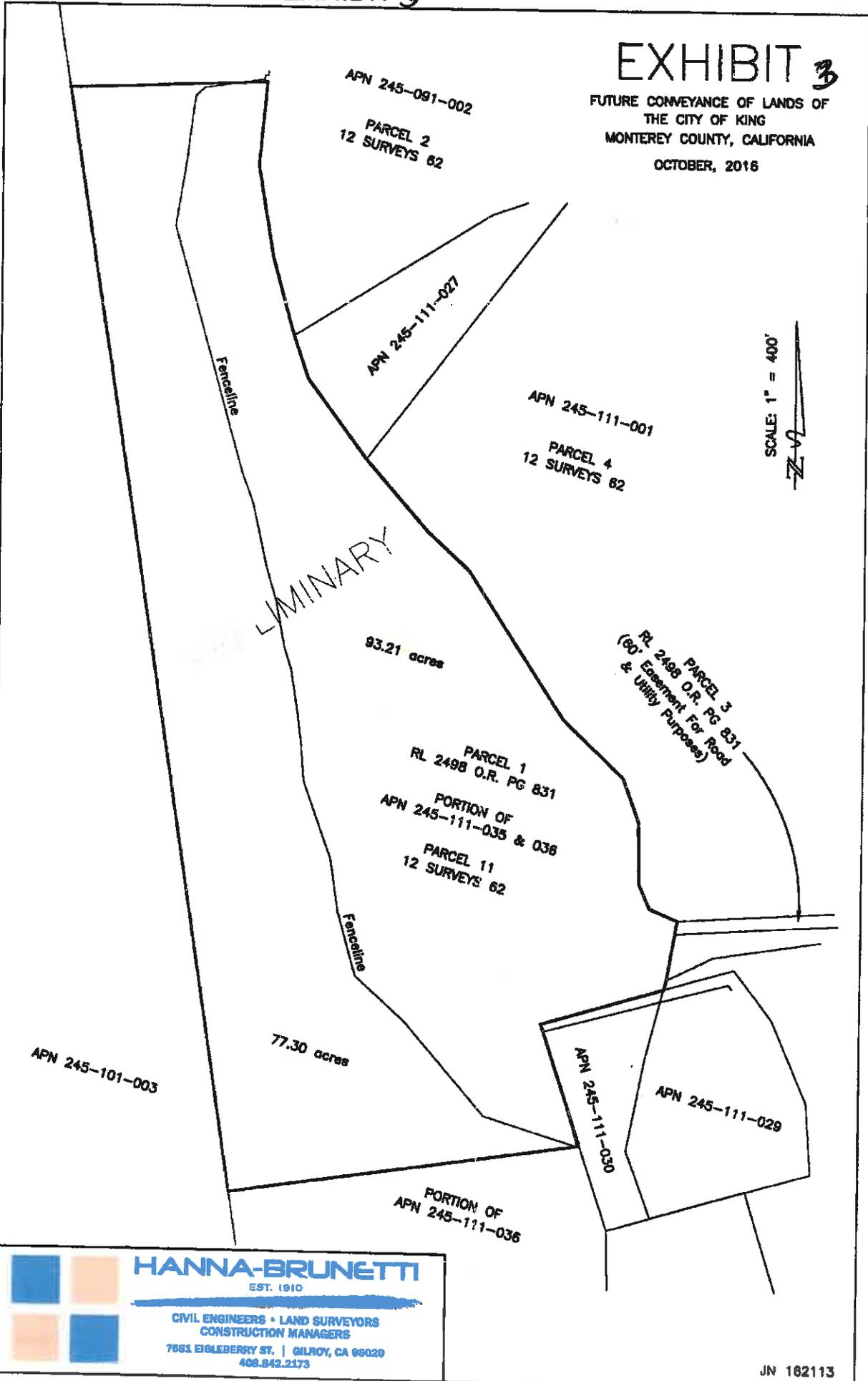


EXHIBIT 3

EXHIBIT 3

FUTURE CONVEYANCE OF LANDS OF
THE CITY OF KING
MONTEREY COUNTY, CALIFORNIA
OCTOBER, 2016

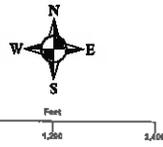
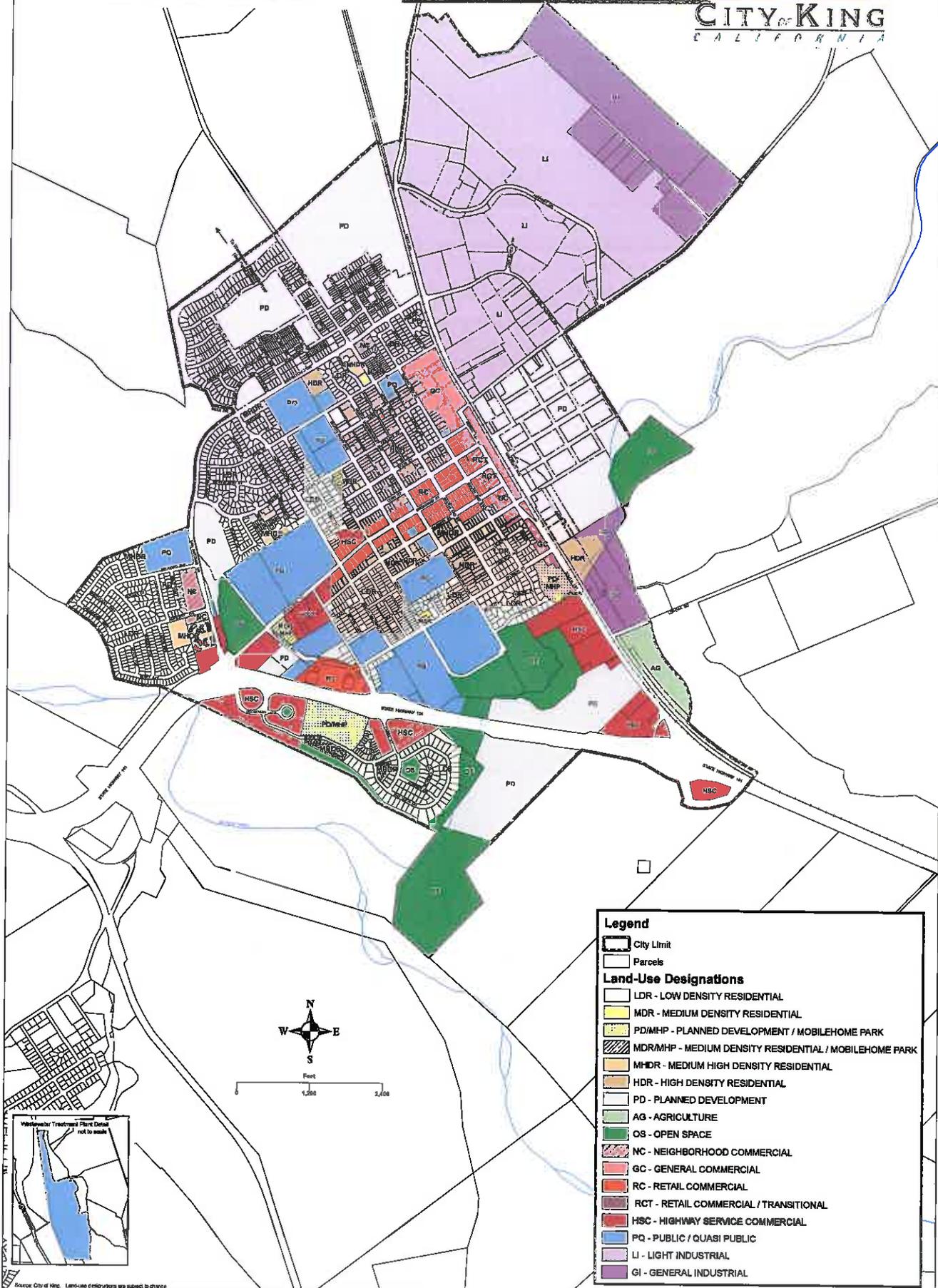


HANNA-BRUNETTI
EST. 1910

CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7851 EIGLEBERRY ST. | GILROY, CA 95020
408.842.2173

GENERAL PLAN LAND-USE

Exhibit No. 4

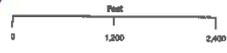


Legend	
	City Limit
	Parcels
Land-Use Designations	
	LDR - LOW DENSITY RESIDENTIAL
	MDR - MEDIUM DENSITY RESIDENTIAL
	PD/MHP - PLANNED DEVELOPMENT / MOBILEHOME PARK
	MDRMHP - MEDIUM DENSITY RESIDENTIAL / MOBILEHOME PARK
	MHDR - MEDIUM HIGH DENSITY RESIDENTIAL
	HDR - HIGH DENSITY RESIDENTIAL
	PD - PLANNED DEVELOPMENT
	AG - AGRICULTURE
	OS - OPEN SPACE
	NC - NEIGHBORHOOD COMMERCIAL
	GC - GENERAL COMMERCIAL
	RC - RETAIL COMMERCIAL
	RCT - RETAIL COMMERCIAL / TRANSITIONAL
	HSC - HIGHWAY SERVICE COMMERCIAL
	PQ - PUBLIC / QUASI PUBLIC
	LI - LIGHT INDUSTRIAL
	GI - GENERAL INDUSTRIAL

Source: City of King. Land-use designations are subject to change.

ZONING

Exhibit No. 5



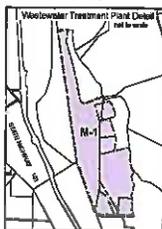
Legend

- CITY LIMITS
- PARCELS

Zoning District Classifications

- A-P COMBINING AIRPORT DISTRICT
- A AGRICULTURAL DISTRICT
- FGC FIRST STREET CORRIDOR
- VB VILLAGE BUSINESS
- CCCH CIVIC CENTER AND CITY HALL
- VC VILLAGE CORE
- R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
- R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT
- R-2N MEDIUM DENSITY RESIDENTIAL NEIGHBORHOOD
- R-3 MEDIUM HIGH DENSITY RESIDENTIAL DISTRICT
- R-3N MEDIUM HIGH DENSITY RESIDENTIAL - NEIGHBORHOOD
- R-4 MULTIPLE FAMILY RESIDENTIAL AND PROFESSIONAL OFFICES DISTRICT
- R-4N MULTIPLE FAMILY RESIDENTIAL - NEIGHBORHOOD

- C-N NEIGHBORHOOD COMMERCIAL DISTRICT
- C-1/TD RETAIL-COMMERCIAL TRANSITION DISTRICT
- C-2 GENERAL COMMERCIAL DISTRICT
- H-S HIGHWAY SERVICE DISTRICT
- M-1 INDUSTRIAL DISTRICT
- M-2 INDUSTRIAL DISTRICT
- M-3 HEAVY INDUSTRIAL DISTRICT
- P-D PLANNED DEVELOPMENT DISTRICT
- O OPEN SPACE DISTRICT
- P-F PRIMARY FLOOD PLAIN DISTRICT
- S-F SECONDARY FLOOD PLAIN DISTRICT
- P-DSP PLANNED DEVELOPMENT / SPECIFIC PLAN DISTRICT



* N - denotes 'not regulated by the form base code'



Item No. 10 (C)

REPORT TO THE CITY COUNCIL

DATE: FEBRUARY 14, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

BY: DON FUNK, PRINCIPAL PLANNER

RE: CONSIDERATION OF AN ORDINANCE AMENDING SECTION 4.7 (ALLOWABLE LAND USES) OF THE CITY OF KING HISTORIC CORRIDOR REVITALIZATION PLAN TO AMEND THE ALLOWABLE USES IN THE VILLAGE CORE (VC) ZONING DISTRICT TO ALLOW HEALTH AND FITNESS FACILITIES GREATER THAN 1,500 SQ FT IN AREA SUBJECT TO A CONDITIONAL USE PERMIT

RECOMMENDATION:

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

BACKGROUND:

The City proposes to modify the Zoning Code and Historic Area Revitalization Plan to permit health and fitness facilities larger than 1,500 square feet within existing buildings (including expansions up to 50 percent of the existing floor area) in the VC Zone with a Conditional Use Permit. Currently, health and fitness facilities of less than 1,500 square feet are permitted in the VC Zone, while facilities over 1,500 are not permitted.

**CITY COUNCIL
ZONING TEXT AMENDMENT VILLAGE CORE ("VC") DISTRICT
FEBRUARY 14, 2017
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DISCUSSION:

Analysis

The City is processing an amendment to the Village Core ("**VC**") Zone text to allow fitness facilities greater than 1,500 square feet subject to a Conditional Use Permit ("**CUP**"). In light of businesses being displaced from the East Ranch Business Park, there is an interest in utilizing some of the vacant buildings in the downtown for new uses. One of the uses is Kasey's Fitness Academy, which currently provides a gym, exercise classes, health and wellness professional services, retail, juice bar, etc., and recently lost their lease in the East Ranch Business Park.

Fitness facilities are currently allowed in the Village Core ("**VC**"), only allowed if under 1,500 square feet in area. The proposed includes modifying the Historic Corridor Revitalization Plan and VC Zoning District to allow the use of a fitness facility over 1,500 square feet within existing buildings subject to a Conditional Use Permit. Expansions of existing buildings, up to 50 percent of floor area, could be approved by the Planning Commission.

Advantages

If the City Council approves the amendment to the VC Zone, the proposed project will be compatible with zoning, General Plan and environmental issues. The proposed conversion will allow health and fitness clients to continue to use the services of Kasey Fitness Academy. It is anticipated that many of those clients will purchase items in nearby stores, eat in nearby restaurants and use the services of nearby professionals. Kasey's Fitness will be utilizing a shared parking agreement with the neighboring properties.

Disadvantages

Fitness facilities are often excluded from downtown areas because they utilize significant parking and do not generate much sales tax. Staff believes the requirements for a conditional use permit will enable to avoid any issues that might be created if there was a future concentration of such facilities in the downtown.

Environmental Review

The project will qualify for Categorical Exemption Class 1, Existing Facilities. Class 1 exemptions consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible

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(up to 50 percent expansion) or no expansion of use beyond that existing at the time of the lead agency's determination.

Public Notification and Input

The proposed amendment was duly noticed in the South County Newspaper The Rustler on February 1, 2017 and notices sent to property owners within 300 feet radius.

COST ANALYSIS:

The City is the applicant for the text amendment because retaining displaced businesses is part of the City's economic development efforts. Therefore, the cost is paid through the General Fund.

ALTERNATIVES:

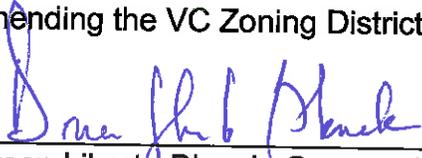
The following alternatives are provided for City Council consideration:

1. Introduce the proposed Ordinance;
2. Recommend modifications to the proposed amendment of the VC Zone;
3. Deny the text amendment request and direct staff to return with findings of fact for denial; or
4. Provide staff with other direction.

Exhibits:

1. Ordinance amending the VC Zoning District

Submitted by: _____


Doreen Liberto-Blanck, Community Development Director

Approved by: _____


Steven Adams, City Manager

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ZONING TEXT AMENDMENT VILLAGE CORE ("VC") DISTRICT
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Exhibit 1

1. **ORDINANCE NO. _____**

2. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING**
3. **AMENDING SECTION 4.7 (ALLOWABLE LAND USES) OF THE CITY**
4. **OF KING HISTORIC CORRIDOR REVITALIZATION PLAN TO AMEND**
5. **THE ALLOWABLE USES IN THE VILLAGE CORE (VC) ZONING**
6. **DISTRICT FOR THE PURPOSE OF ALLOWING HEALTH AND**
7. **FITNESS FACILITIES GREATER THAN 1,500 SQUARE FEET IN AREA**
8. **WITHIN EXISTING BUILDINGS**

9. **WHEREAS**, there is a request by Kasey's Fitness Academy to relocate from East
10. San Antonio Drive to vacant building space located within the Downtown Village Core
11. (VC) Zoning District; and

12. **WHEREAS**, the new health and fitness facility is larger than 1,500 square feet in
13. area, and

14. **WHEREAS**, the VC Zone currently prohibits health and fitness facilities larger than
15. 1,500 square feet, and

16. **WHEREAS**, health and fitness facilities provide a needed and useful service for
17. City residents and visitors, and

18. **WHEREAS**, health and fitness facilities may increase and improve nearby
19. businesses, and

20. **WHEREAS**, health and fitness facilities have not created land use issues within
21. the City in the past and are currently permitted within the neighboring Village Business
22. (VB) and First Street Corridor (FSC) Zoning Districts, and

23. **WHEREAS**, the change to the ordinance, Case ZC 2016-005 as well as the
24. proposed fitness facility within an existing building are exempt pursuant to Section 15301
25. (Class 1 Categorical Exemption, "Existing Facilities") of the State CEQA Guidelines (Title
26. 14, California Code of Regulations Section 15000, et seq.). 15301. Existing Facilities:
27. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or
28. minor alteration of existing public or private structures, facilities, mechanical equipment, or
29. topographical features, involving negligible (up to 50 percent expansion) or no expansion
30. of use beyond that existing at the time of the lead agency's determination; and

31. **WHEREAS**, the VC Zoning District needs to be amended to accommodate health
32. and fitness facilities larger than 1,500 square feet, and

33. **WHEREAS**, this amendment may facilitate the refurbishing of Downtown
34. buildings.

35. **NOW THEREFORE BE IT ORDAINED** by the City Council of the City of King as
36. follows:

37. **SECTION 1:** The City Council of the City of King, does hereby make the following
38. findings of fact:

**CITY COUNCIL
 ZONING TEXT AMENDMENT VILLAGE CORE ("VC") DISTRICT
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- 26. 1. The proposed Zoning Amendment is consistent with the General Plan.
- 27. 2. The proposed amendment to the Historic Corridor Revitalization Plan is consistent with the General Plan.

28. **SECTION 2:** The City Council approves the following changes to the Historic Corridor Revitalization Plan and Village Core (VC) Zone:

- 1.
- 2. Amend Table 4.7 (Allowed Land Uses and Permit Requirements) of the Historic Corridor Revitalization Plan and the VC Zoning District is hereby amended by adding Health and Fitness Facilities larger than 1,500 square feet as an acceptable use by Conditional Use Permit within existing buildings as follows:

	Land Use Type	FSC	VC
4.	VB		
5.	Health/Fitness Facilities		
6.	greater than 1,500 sq.	UP	<u>UP⁵</u>
	UP		

7. *Reference 5: Use permitted with a Use Permit only within existing buildings, including expansions up to a maximum 50% floor area of the existing building. Total area may not exceed 10,000 square feet.*

9. **SECTION 3:** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

12. **SECTION 4:** All other ordinances of the City of King or provisions of the King City Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

14. **SECTION 5:** The City Council authorizes the amendment of the Municipal Code to incorporate these text amendment changes to the VC Zoning District and further authorizes the staff to prepare the completion of codification text and tables of previously adopted sections of the VC, VB and FSC Zoning Districts within the City's Municipal Code.

16. **SECTION 6:** This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

18. **SECTION 7.** 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 the date of its adoption

PASSED AND ADOPTED AND APPROVED THIS 28th day of February, 2017.

 Michael LeBarre, Mayor

23. ATTEST:

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24. Steven Adams, City Clerk
25. APPROVED AS TO FORM
- 26.
- 27.
28.

Shannon Chaffin, City Attorney



Item No. 10(D)

REPORT TO THE CITY COUNCIL

DATE: FEBRUARY 14, 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 ORDINANCE ADDING CHAPTER 7.51
TO TITLE 7 OF THE KING CITY MUNICIPAL CODE
PERTAINING TO NUISANCES**

RECOMMENDATION:

Staff recommends the City Council consider introducing an Ordinance pertaining to nuisances 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:

The City has a number of property owners that have invested in properties within the community, but do not provide proper ongoing maintenance. This has resulted in blighted properties, deterrents to economic development, vacancies, litter and debris, and substandard living and working conditions for tenants. City staff have pursued addressing problems through code enforcement actions, but success has often been limited in many cases due to items not regulated in the City's current Municipal and/or a lack of enforcement tools. It is particularly important at this time because staff believes focused enforcement can also improve locations that now provide havens for criminal activity due to their neglect. As a result, the City Attorney's Office provided recommendations and was requested to proceed in developing new regulations to address these issues.

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Prior to presenting the proposed Ordinance to the City Council, it was submitted to City staff and the community code enforcement advisory group for review, comment and/or suggested edits. What arose from these meetings and discussions is the comprehensive nuisance ordinance currently being considered.

DISCUSSION:

The City has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the City. The City can enact ordinances declaring what constitutes a public nuisance, the procedures for abating nuisance conditions, providing for the recovery of costs and attorney fees to abate the nuisance, providing for the collection of civil penalties. The City can also abate a public nuisance existing at residential properties acquired through foreclosure or a deed of trust and to charge fines for noncompliance.

The current Code does not provide an adequate administrative remedy for addressing public nuisances and/or recovering the costs associated with enforcing the Code. The City has an interest in maintaining an orderly and esthetically pleasing condition, to keep property values in line with neighboring communities and to improve the quality of life for its residents, businesses, and visitors. Adoption of this proposed Ordinance will achieve a more comprehensive code compliance program that will permit City personnel to immediately proceed with code compliance efforts in an expedient, efficient and fair manner for purposes of effectively protecting public health and safety.

An effective code compliance program eliminates and prevents the spread of blight, deterioration and crime, makes neighborhoods safer and more livable, and promotes economic development and pride in the community.

The proposed Ordinance addresses the following areas:

- (1) Unlawful Property Related Nuisances;
- (2) Neighborhood Preservation;
- (3) Weeds, Vegetation, and Rubbish;
- (4) Garbage;
- (5) Vacant Buildings;
- (6) King City Building Code;

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- (7) Management of Real Property;
- (8) Notice to Property Owner(s) and Code Violator(s);
- (9) Nuisance Related Activities;
- (10) Enforcement:
 - (a) Criminal Penalties; and
 - (b) Administrative Penalties;
- (11) Abatement;
- (12) Appeals;
- (13) Administrative Citations; and
- (14) Cost Recovery.

COST ANALYSIS:

King City Municipal Code violators will be required to pay administrative citations for each day the violation(s) remain unabated. The proposed Ordinance also has a system to allow for full recovery of costs, including but not limited to abatement costs, enforcement costs and attorney's fees, incurred by the City. For example:

- (a) All Code violations, within a rolling twelve-month period, deemed Misdemeanors shall be as follows: First administrative citation, \$250.00 per violation; Second administrative citation \$500.00 per violation; Third administrative citation \$1,000.00 per violation; and \$1,000.00 per violation for each subsequent administrative citation.
- (b) All Code violations, within a rolling twelve-month period, deemed Infractions shall be as follows: First administrative citation \$100.00 per violation; Second administrative citation \$200.00 per violation; Third administrative citation \$500.00 per violation; and \$500.00 per violation for each subsequent administrative citation.

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ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Revise the proposed Ordinance.
2. Do not adopt the proposed Ordinance.
3. Provide other direction to staff.

Exhibit:

1. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING
ADDING CHAPTER 7.51 TO TITLE 7 OF THE KING CITY MUNICIPAL
CODE PERTAINING TO NUISANCES

Submitted by: _____
Shannon L. Chaffin, City Attorney

Approved by:  _____
Steven Adams, City Manager

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING ADDING CHAPTER 7.51 TO TITLE 7 OF THE KING CITY MUNICIPAL CODE PERTAINING TO NUISANCES

WHEREAS, the City of King has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the city, Cal. Const. Art. XI, section 7; and

WHEREAS, the City Council of the City of King finds that certain conditions constitute a public nuisance and are a threat to the public peace, safety and welfare of the City; and

WHEREAS, by declaring that violations of the King City Municipal Code constitute a public nuisance, the City Council has determined that by violating the City's laws contained in the King City Municipal Code, a person or entity creates a threat or danger to the public health, safety or welfare as a public nuisance; and

WHEREAS, Sections 36901, 38771 and 38773.5(a) of the California Government Code authorize the City of King to enact ordinances declaring what constitutes a public nuisance, the procedures for abating nuisance conditions, providing for the recovery of costs and attorney fees to abate the nuisance, providing for the collection of civil penalties; and

WHEREAS, Section 2929.3 of the California Civil Code authorizes the City of King to abate a public nuisance existing at residential properties acquired through foreclosure or a deed of trust and to charge fines for noncompliance; and

WHEREAS, Chapter 13 of Part 2 of Division 3 of Title 4 of the California Government Code authorizes local procedures for weed abatement; and

WHEREAS, the City Council finds that ensuring compliance with the King City Municipal Code and other regulations vital to the protection of the public's health, safety and quality of life throughout the City is an important public service; and

WHEREAS, the City Council desires to enhance and promote the maintenance of property and the enhancement of the livability, community appearance, and the social and economic conditions of the community; and

WHEREAS, the City Council finds that an effective code compliance program eliminates and prevents the spread of blight, deterioration and crime, makes neighborhoods safer and more livable, and promotes economic development and pride in the community; and

WHEREAS, the City Council recognizes that an effective code compliance program requires the drafting and adoption of regulations that can be effectively applied by City personnel in a fair and expedient manner; and

WHEREAS, the City Council has determined that it is in the public interest to adopt this ordinance which expressly declares that any and all violations of the King City Municipal Code constitute public nuisances, in order to facilitate the City's ability to protect the health, safety, and general welfare of the public through the use of the nuisance abatement procedures set forth in the King City Municipal Code and in other applicable laws, rules and regulations; and

WHEREAS, the City Council finds that the King City Municipal Code does not provide an adequate administrative remedy for properties harboring conditions that constitute a public nuisance; and

WHEREAS, the City Council has an interest in maintaining the City of King in an orderly and esthetically pleasing condition, to keep property values in line with neighboring communities and to improve the quality of life for its residents, businesses, and visitors; and

WHEREAS, the City Council has determined that the adoption of this ordinance is necessary to achieve a more comprehensive code compliance program that will permit City personnel to immediately proceed with code compliance efforts in an expedient, efficient and fair manner for purposes of effectively protecting public health and safety.

NOW THEREFORE, the people of the chartered City of King City do ordain as follows:

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

SECTION 2. Chapter 7.51, of Title 7, of the King City Municipal Code is added and adopted in its entirety to read as follows:

Chapter 7.51

NUISANCES

Article 1. Unlawful Property Related Nuisances

Section 7.51.101 Neighborhood Preservation.

It shall be unlawful for any person owning, renting, leasing, occupying or having charge or possession of any real property in the City to maintain such property in a manner that any of the following conditions are found to exist thereon, except as may be allowed by the King City Municipal Code. These conditions meet one or more of the following criteria and are considered nuisances subject to abatement and cost recovery as proscribed in this Chapter: substantially detract from the appearance of the immediate neighborhood, reduce the property value in the immediate neighborhood, are an attractive nuisance, are materially detrimental to nearby properties and improvements, are a visual blight, are offensive to the senses, or are otherwise dangerous to public health, safety or welfare.

(a) **Abandoned and Partial Buildings.**

Buildings which are abandoned, vacant, partially destroyed, or left in an unreasonable state of partial construction. "An unreasonable state of partial construction" means any unfinished building or structure where the owner has been given written notice to complete the building or structure by the City's Building Official or designee, but fails to complete construction and obtain final approval from the City in accordance with applicable laws and regulations within the time period provided by the Building Official or designee.

(b) **Broken windows.**

Buildings with windows containing broken glass or no glass at all where the window is of a type which normally contains glass.

(c) Building Materials and Household Fixtures and Equipment.

Used or damaged lumber, junk, trash, debris, concrete, scrap metal, salvage materials and abandoned, broken, discarded or unused furniture, appliances, sinks, toilets, cabinets, or other household fixtures or equipment (i) stored so as to be visible at ground level from a public street, alley or from adjoining property, or (ii) stored in a manner out of view but in an unsecured area accessible to minors, or (iii) stored in a manner as to harbor rodents, insects, or other vermin.

(d) Building Residue.

Residue from a fire or demolition such as concrete or brick foundations and flatwork.

(e) Construction Equipment.

Construction equipment or machinery of any type or description parked or stored on the property when it is readily visible to the general public, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property.

(f) Deteriorated Buildings.

Buildings which have become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping, or termite infestation.

(g) Deteriorated Improvements.

Walls, fences, hedges, driveways, sidewalks, walkways, and similar improvements which have become deteriorated, hazardous, defective, or unsightly.

(h) Encroachment.

The encroachment onto public property for which no encroachment permit has been issued or which is in violation of the provisions of an encroachment permit or any applicable law.

(i) Garbage Containers.

The leaving of any garbage, rubbish, recyclable, or green waste container in a front yard area visible from a public street, except during the times necessary for collection, which provides for containers to be placed at the curb on the day of pickup and removed by noon the following day.

(j) Graffiti.

Graffiti or other defacing words, letters or drawings which remain in excess of forty-eight (48) hours on the exterior of any building or

fence or other structure that has not been removed or covered with paint matching the structure that was defaced.

(k) Hazardous Liquids and Other Substances.

Any property with pooled or flowing hazardous substances, including oil and similar liquids, which are not contained on site in approved storage containers and pursuant to all laws. Any property with excessive accumulations of oil and similar liquids on paved surfaces, buildings, walls, or fences. Any property where a hazardous substance is deposited, stored, released, or discharged in violation of any law.

(l) Hazardous Pools, Ponds, and Excavations.

Pools, spas, hot tubs, ponds, or other artificially confined bodies of water, and excavations, maintained in a hazardous manner which may affect the health or safety of the public, including providing a breeding place for mosquitoes, failing to comply with State and local safety requirements for pools and spas, and failing to take adequate measures to prevent public access to the area.

(m) Landscape Materials.

The keeping, storage, depositing, or accumulation on the premises of dirt, sand, gravel, concrete, or other similar materials for an unreasonable period of time or in a manner as to harbor rodents, insects, or other vermin.

(n) Landscaping.

Front and visible side yards without acceptable landscaping, except for improved surfaces such as walks and driveways. Acceptable landscaping shall include any ground cover, decorative rock, redwood bark, lawn and/or other material determined to be acceptable or required by the City Manager or his or her designee. Landscaping shall also be maintained in accordance with any approved permit, site plan, or landscaping plan.

(o) Land Use Entitlements.

The failure to comply with any condition imposed on an entitlement, permit, contract, or environmental document issued or approved by the City in connection with the property or any improvement located thereon.

(p) Laundry hanging.

The hanging of clothing, laundry or routinely washed articles on porch/stair railings, fences, hedges, or other supporting structures located in front or side yards and visible from a public place.

(q) Occupied Vehicles.

Any vehicle, recreational vehicle, motor home, camper, camper shell, or boat occupied by any person or persons overnight, except as may be permitted in an approved location for such purpose.

(r) Offensive Odors.

Stagnant water, refuse, rubbish, garbage, dead animal carcasses, offal, animal excrement or other waste materials which emit odors that are unreasonably offensive to the physical senses of a reasonable person of normal sensitivity or which may cause or attract rodents, insects, or other vermin.

(s) Personal Property.

The keeping, storage, depositing or accumulation of an excessive amount of personal property visible from a public street or alley and/or adjacent private property.

(t) Safety hazard.

The maintenance of property in a manner that presents an imminent safety hazard and/or creates a present and immediate danger to life, property, health or public safety.

(u) Sewage.

The failure to properly connect any inhabited improvements to a sewage disposal system or sanitary sewer and/or permitting sewage seepage or discharge upon the ground.

(v) Signs.

Improper existence and maintenance of signs relating to uses no longer conducted or products no longer sold on the property.

(w) Storage Containers and Dumpsters.

Storing or keeping boxes, containers, or dumpsters, in excess of seventy-two (72) consecutive hours, except when otherwise permitted by the King City Municipal Code, the City Manager or when engaged in ongoing construction activity.

(x) Tarps and Other Temporary Use Items.

The keeping or using of tarps or other similar items intended to be used as a temporary protective cover or shelter in a state of disrepair or beyond the intended use period, when the item is stored so as to be visible at ground level from a public street, alley or from adjoining property. Temporary use items visible for more than thirty (30) consecutive calendar days or thirty (30) calendar days in any calendar year shall be presumed to be beyond their intended period of use.

(y) Vehicle parts.

The keeping, storage, depositing, or accumulation on the premises of motor vehicle part(s) or scrap, including tires, which is (i) visible at ground level from a public street, alley or from adjoining property, or (ii) contains more than personal use items unless allowed by previous City review or permit in appropriate commercial or industrial zones.

(z) Vehicles, including motor homes, trailers, and boats.

Any vehicle, recreational vehicle, motor home, camper, camper shell, boat, or trailer parked or stored outside of a garage or carport on an unpaved surface or otherwise in violation of the King City Municipal Code.

(aa) Visibility hazards.

The maintenance of property in such a manner as to cause a hazard to the public by obscuring the visibility of any public right-of-way, road intersection, pedestrian walkway, street sign, street light, or traffic signal.

Section 7.51.102 Weeds, Vegetation, and Rubbish.

No person, whether such person is the owner, agent, or person in control of any lot or parcel of land within the City, shall maintain, permit, or allow such premises, or adjoining public way, sidewalk, street and/or alley, to be maintained in any of the following conditions, which are declared to be a public nuisance. It is the duty of the property owner to destroy or remove all such prohibited materials.

(a) Refuge for Vermin.

Dead, decayed, diseased or hazardous trees, weeds, grass, rubbish, refuse, dirt, debris, or any other matter or material which may provide a breeding place or refuge for rodents, insects, or other vermin.

(b) Vegetation Near Chimneys.

Dead vegetative growth overhanging a structure or any tree branch or other vegetative growth which extends within ten feet (10') of the outlet of a chimney.

(c) Pollen.

Weeds which may produce pollen which is injurious to the health, safety, comfort, or welfare of the residents of the City.

(d) Fire Hazard: Fire Hydrants.

Weeds, rubbish, refuse, dirt, debris, or any other matter or material which may become a fire or health hazard, or is within thirty-six inches (36") of a fire hydrant.

(e) Overhanging Vegetation.

Vegetative growth overhanging a public street by less than fourteen feet (14') in height or a public sidewalk by less than eight feet (8') in height.

(f) Other Vegetation.

Any other vegetation or materials which, because of lack of maintenance, create conditions which may become a fire or health hazard, including weeds which are otherwise subject to abatement by law.

Section 7.51.103 Garbage.

(a) Public right-of-way.

No person shall place, or cause to be placed, upon any public way, street, or sidewalk, any refuse matter, garbage, or filth which is hazardous to public health or safety or which obstructs the free passage of such street or sidewalk for more than one hour at a time, except as may be permitted by the King City Municipal Code.

(b) Private Property.

No person in control of any lot or parcel of land within the City, whether such person is the owner, agent, or tenant, shall maintain, permit, or allow any refuse matter, garbage, or filth which is hazardous to public health or safety to exist on such premises. Garbage shall be placed in approved containers.

(c) Summary abatement.

The existence of one or more of these conditions shall be considered public nuisances subject to summary abatement and cost recovery as proscribed in this Chapter.

Section 7.51.104 Vacant Buildings: Nuisance and Abatement.

Vacant residential, commercial and industrial buildings and all yards surrounding the building must be maintained, actively monitored, and secured in accordance with the following standards or the property will be considered blighted and a nuisance subject to abatement pursuant to the procedures set forth in this Chapter, and any other available enforcement mechanisms.

“Vacant building” means real property with one or more structures, whether residential, commercial, or industrial, that is/are unoccupied or occupied by unauthorized persons. In the case of a multi-unit structure or complex, “vacant” shall mean when any one unit is unoccupied or occupied by unauthorized persons.

For commercial and industrial properties, “acceptable landscaping” means that at least fifty percent (50%) of the non-paved portions of the exterior yards (those that are visible to the general public) shall be covered with live trees, shrubs, lawns, or other live plant materials and the remaining portion of the non-paved portions of

the exterior yards shall be covered with live trees, shrubs, lawns, or other live plant materials or shall have decorative landscaping installed, so long as weed block is used where decorative landscaping is installed.

For residential properties, acceptable landscaping shall include any ground cover, decorative rock, redwood bark, lawn and/or other material determined to be acceptable or required by the City Manager or his or her designee.

(a) Yard Maintenance.

Maintain all yards in compliance with any applicable development permits, site plans, and landscape plans. If there are no applicable development permits, site plans, or landscape plans, maintain all interior yards (those that are not visible to the general public) in a safe condition, including keeping all plant materials controlled to avoid overgrowth; maintain all exterior yards (those that are visible to the general public), including park strips, with acceptable landscaping, installed and maintained in a trimmed, live and healthy condition.

“Park strip” means that portion of a street right-of-way which lies between the property line and the outside edge of a gutter or gutter lip, including a driveway approach. Where no curb exists, “park strip” shall mean the area of property from the property line to the edge of the pavement.

(b) Building Exterior.

Maintain the exterior of the building, including, but not limited to, paint and finishes, in good condition.

(c) Broken Windows.

Board up broken windows within twenty-four (24) hours and replace broken windows within seventy-two (72) hours, subject to the provisions of subsection (g) of this section.

(d) Trash and Debris.

Remove all trash and debris within seventy-two (72) hours of their placement or abandonment on the property.

(e) Compliance with Laws.

Maintain the building in continuing compliance with all applicable State and local codes and regulations and any applicable City issued permits.

(f) Prevention of Criminal Activity.

Take all reasonable steps necessary to prevent criminal activity on the premises, including, but not limited to, the use and sale of controlled substances, prostitution and criminal street gang activity.

(g) Secure property.

Secure the property, both structure and grounds, against trespassers, including maintaining all windows and doors with locks, replacing all broken doors or windows, and securing any other openings into the structure which are readily accessible to trespassers by boarding or such other means as shall be accepted by the City Manager. For purposes of securing the building and grounds, boarding up windows and doors and fully fencing the property shall be a disfavored technique and may only be used when it is determined by the City Manager that no other reasonable alternative exists. Properly maintained buildings and grounds should discourage trespassers. Alternative security measures are also available. When a building is boarded or the property fenced, the owner shall comply with standards established by the City Manager.

(h) Graffiti.

Remove all graffiti on the property within forty-eight (48) hours of placement on the property.

Section 7.51.105 Vacant Buildings: Vacant Building Plan.

For vacant properties, the City Manager or his or her designee may issue an Order to Submit a Vacant Building Plan to the property owner and require the payment of a fee as required under this section.

(a) Vacant Building Plan.

The Vacant Building Plan shall include the following information and shall be submitted within thirty (30) calendar days of service of the order:

- (i) Name and address of person submitting the Vacant Building Plan;
- (ii) Name and address of all property owners of the subject property;
- (iii) The name and address of a local agent, if the property owner(s) is/are not local, that the City Manager may contact related to enforcement of this article;
- (iv) The expected period of vacancy;
- (v) A plan to make any buildings ready for occupancy that could not be legally occupied under State and local law at the time of submission of the plan;
- (vi) If required by the City Manager, a plan to either occupy, sell, lease, or demolish the building within

one hundred eighty (180) calendar days or such other time as determined reasonable by the City Manager under the circumstances;

- (vii) A plan for actively monitoring, maintaining and securing the property and otherwise complying with this article;
- (viii) A letter of written consent by the property owner(s) to the City Manager to allow City code enforcement inspectors to enter the property for inspections consistent to enforce the provisions of this article;
- (ix) Any other information required by the City Manager in rules and regulations adopted by the City Manager under this article.

(b) Exception.

If the vacant building will be occupied within thirty (30) calendar days of service of the notice, the owner may notify the City Manager in writing of this fact and the owner will be excused from submitting a Vacant Building Plan.

(c) Vacant Building Plan Fee.

When a property owner is ordered to submit a Vacant Building Plan by the City Manager they shall also be required to pay a fee, not to exceed the costs of the City to monitor or inspect the building and to review and approve the Vacant Building Plan. The City Manager shall have discretion to determine the number of inspections required to monitor the subject building upon submission of the plan, based upon the type and condition of the property, and the history of violations at the subject property. There shall be no charge for the initial Vacant Building Plan. The amount of the fee for subsequent Vacant Building Plans shall be established by City Council Resolution.

(d) Appeal.

An Order to Submit a Vacant Building Plan and/or a decision by the City Manager rejecting a Vacant Building Plan are appealable in accordance with the procedures set forth in this Chapter except that both an Order to Submit a Vacant Building Plan and a rejection of a Vacant Building Plan must be appealed within fifteen (15) calendar days from service of the notice of the order or rejection.

(e) Approved Plan.

A Vacant Building Plan is enforceable immediately upon notice to the property owner of the approval of the Vacant Building Plan until the City Manager releases the property from the approved Vacant Building Plan. An approved plan shall be valid for no more than one

hundred eighty (180) calendar days from the date of its approval. If a plan expires after one hundred eighty (180) calendar days and the City Manager has not yet released the property from the approved Vacant Building Plan, the property owner is automatically required to seek approval of a new Vacant Building Plan and pay a fee for that renewal as set forth in Subsection (c) of this Section.

(f) Noncompliance.

Failure by the property owner to submit a Vacant Building Plan or comply with a Vacant Building Plan that has been approved by the City Manager under this section or pay a fee as required under this section is a violation of the King City Municipal Code, subject to the abatement and cost recovery procedures set forth in this Chapter and any other available enforcement mechanisms.

(g) Transfer of Vacant Building.

The transferee of a vacant building is subject to the requirements of this Chapter. The transferee may apply to the City Manager to be released from the requirements of the Vacant Building Plan. It shall be in the City Manager's discretion to grant such an application. The City Manager's decision shall be final.

(h) Service.

Service of an Order to Submit a Vacant Building Plan, notice of rejection, or approval of a Vacant Building Plan shall be made on the property owner by personal service or first class mail. Where known, a copy may also be provided by email.

Section 7.51.106 Registration of Vacant Foreclosed Properties.

[Reserved]

Article 2. King City Building Code

Section 7.51.201 Building Codes.

The King City Building Code shall mean the current versions of the California Building, Fire, Plumbing, Mechanical, Electrical, Administrative, Energy Code, Green Code and related codes, as well as the Uniform Administrative Code, Uniform Code for the Abatement of Dangerous Buildings, and International Property Maintenance Code, as incorporated by reference in this Code with local amendments, except that the procedures for abatement, conducting appeals, and cost recovery shall be those set forth in this Chapter.

Section 7.51.202 Dangerous Buildings.

The Uniform Code for the Abatement of Dangerous Buildings shall apply to the determination of whether a building is dangerous except that the procedures for abatement, conducting appeals, and cost recovery shall be those set forth in this Chapter.

Section 7.51.203 Nuisances.

Violations of the King City Building, Uniform Administrative Code, Dangerous Building Codes, and International Property Maintenance Code are considered public nuisances subject to abatement and cost recovery as proscribed in this Chapter.

Article 3. Management of Real Property

Section 7.51.301 Title, Findings, and Purpose.

(a) Title.

This Article shall be known as the "Management of Real Property Ordinance."

(b) Findings.

Just as the physical conditions of structures and properties within the City can constitute public nuisances, so too can the behavior of persons on properties within the City constitute public nuisances. The abatement of behavioral nuisances is as important to the City in its fight against blight, decay, deterioration and crime as is the abatement of other nuisances created by physical conditions.

The owners of real properties within the City are responsible for monitoring their properties and for taking appropriate action if a nuisance exists thereon, whether that nuisance be created by existing physical conditions or by nuisance creating behaviors, or the combination of conditions.

Many nuisances can be avoided with active property management. Lack of proper management of real property can create an environment which is conducive to behaviors which become a nuisance with repetition and lack of abatement and corrective measures.

If a property owner does not fulfill his or her responsibilities, it is necessary for the safety, health and welfare of the neighborhoods, and the City as a whole, that the City be able to undertake abatement action. The provisions of this article are necessary to protect the health, property, and integrity of this community.

Nothing in this Article exempts property owners from compliance with Federal, State, or local laws, including, but not limited to, laws on housing, eviction, retaliatory conduct, discriminatory conduct, or invasion of privacy.

(c) Purpose.

The purpose of this Article is to set forth the management of activities conducted and enforce minimum standards relating to or conditions on real property to protect the public health, safety and welfare; and to put in place remedies which will permit the City to take effective, efficient administrative or other legal action against property owners who permit or suffer nuisance

creating behaviors or conditions to occur on their properties on a continuing basis, in order to compel such owners to abate the nuisance creating behaviors or conditions and control the environment, both physical and behavioral, on such real properties.

The provisions of this Article are complimentary, cumulative, supplementary, and additional to any other legal remedies available, whether found in the King City Municipal Code, State or Federal laws, regulations, or case law.

It is not the intent or purpose of this Article to subject owners or managers to any legal liability resulting from a tenant's actions away from the owner's or manager's own property, unless it can be shown that the problem tenant is also creating a nuisance or committing a crime on the owner's or manager's property.

(d) Enforcement Responsibility.

Enforcement of this Article shall fall within the responsibility of the City Manager and his/her designee.

Section 7.51.302 Definitions.

(a) Department.

The King City Police Department, Fire Department, Planning Department, and/or Public Utilities Department.

(b) Response Costs.

All actual and reasonable costs incurred by the Department(s) in responding to a nuisance, including, but not limited to, costs of personnel, including salaries and benefits, administrative overhead, costs of equipment and materials used in the response, and costs related to investigation of the underlying call for service. Response costs do not include costs covered by a user fee.

Section 7.51.303 Dual Responsibility.

(a) Owners.

Every person or entity owning, possessing, or having charge or control of real property within the City is required to manage that property and control the environment thereon in a manner so as not to violate the provisions of this Chapter, and the owner shall be liable for violations of the provisions of this Chapter regardless of any contract or agreement with any third party regarding the property.

(b) Lessees.

Every occupant, lessee, or holder of any possessory interest in real property is required to: (i) comply with all laws applicable to the property; (ii) to supervise anyone utilizing, using, or occupying the property, with or without the consent of the owner, consistent with this Chapter; and (iii) to

maintain the property in a manner so as not to violate the provisions of this Chapter.

Section 7.51.304 Multiple Response Nuisances.

- (a) If a Department of the City is required to respond to a violation(s) of the provisions of this Chapter more than once in any one hundred twenty (120) calendar day period, including a second response during the same day or night as the first response, the person or persons who own the property where the nuisance took place, except as provided below; the person or persons residing on or otherwise in control of the property where the nuisance took place; the person or persons who organized or sponsored the activity or event causing the nuisance; and all persons who engaged in any activity resulting in the public nuisance shall be jointly and severally liable for the violation(s), regardless of whether the City issues an administrative citation or initiates a code enforcement action. The multiple response shall apply to the same or similar nuisances occurring during the applicable time period.

- (b) It is a public nuisance and a violation of this Chapter for the person or persons who own the property, whether through their agent, lessee, sublessor, sublessee, or occupant of any premises in the City to permit, by their own acts or omissions, any of the following activities to repeatedly occur on the real property of the owner. "Repeated" shall mean more than one occurrence upon the real property in any one hundred twenty (120) calendar day period.
 - (i) Use and Sale of Controlled Substances.

The illegal manufacturing, sale, use or possession of controlled substances or other illegal drugs and substances.
 - (ii) Coming and Going for Sales or Use of Controlled Substances.

The gathering, or coming and going, of people who purchase or use controlled substances on the premises.
 - (iii) Prostitution.

The occurrence of prostitution.
 - (iv) Gang Activities.

Unlawful activities of a criminal street gang as defined in Penal Code Section 186.22.
 - (v) Noise and Unruly Behavior.

Noise and unruly behavior as set forth within the King City Municipal Code.
 - (vi) Firearms and Weapons.

The unlawful discharging of a firearm or brandishing of a weapon by any person.

(vii) Graffiti and Trash.

The presence of graffiti or other defacing words, letters, or drawings, or trash and debris on the property for a forty-eight (48) hour period.

(viii) Abandoned and Inoperable Vehicles.

The presence of abandoned vehicles or improperly stored inoperative, wrecked, or dismantled vehicles on the property, occurring on any one or more properties of the same owner within the City of King.

(ix) Animal Disturbances.

Animal disturbances, including but not limited to competitive fighting between animals.

(x) Violent Criminal Acts.

Violent criminal acts, charged or not, including, but not limited to, rapes, assaults, battery, homicides, stabbings, and/or shootings.

(xi) Gaming activities.

Illegal gaming activities.

(xii) Stolen Vehicles.

Maintenance, storage, and/or dismantling of any stolen vehicle upon the property.

Section 7.51.305 Notice to Property Owner.

The City Manager, his/her designee, or the Department(s) shall, within a reasonable period of time from the date of occurrence of any activity listed in Section 7.51.304, and/or any other provision of this Chapter, notify the property owner of the unlawful activity. The notice shall include the location of the property, the name of the person(s) conducting the unlawful activity (if known and appropriate), a description of the illegal activity, suggested remedies and a warning of the enforcement of this Article if the activity described is not abated within the time prescribed in the notice. The notice shall be served on the owner of the property, via regular mail, at the address listed on the latest tax assessment roll or as otherwise actually known to the City Manager.

The Notice shall be in substantially the following form:

[DATE OF NOTICE]

IMPORTANT NOTICE REGARDING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT, pursuant to King City Municipal Code, on _____, 20__, at _____ a.m./p.m., the _____ Department found that an activity or event occurred at the below-listed premises causing a public nuisance as follows: [short description of the nuisance and the applicable King City Municipal Code section(s) violated].

ADDRESS:

WARNING

IF THE DEPARTMENT RESPONDS TO THE SAME OR SIMILAR TYPE OF NUISANCE WITHIN 120 DAYS OF THIS NOTICE, OR ANY 120 DAY PERIOD AFTER A FURTHER RESPONSE, INCLUDING BUT NOT LIMITED TO A RESPONSE LATER TODAY OR TONIGHT, THE COSTS OF THE RESPONSE WILL BE IMPOSED UPON:

1. ALL GUESTS CAUSING THE NUISANCE
2. ALL SPONSORS OF THE GATHERING
3. ALL RESIDENTS OF THE PREMISES
4. ALL PERSONS IN CONTROL OF THE PREMISES
5. ALL OWNERS OF THE PREMISES THAT RESIDE ON OR ADJACENT TO THE PREMISES, OR ARE PRESENT AT THE PREMISES WHEN THIS NOTICE IS FIRST POSTED

Property owners who do not reside on or adjacent to the above premises, and who are not present when this Notice is first posted, are also jointly and severally liable for the penalties or costs, if the next disturbance occurs after seven (7) calendar days following the mailing of this Notice to said owner.

THIS NOTICE MUST REMAIN POSTED ON THE PREMISES UNTIL ONE HUNDRED TWENTY (120) CONSECUTIVE CALENDAR DAYS HAVE ELAPSED WITH NO CALLS FOR SERVICE FOR THE NUISANCE, UNLESS THE PREMISES ARE REPOSTED. THERE IS A \$100 FINE FOR UNAUTHORIZED REMOVAL OF THIS NOTICE

[Name and Signature of Individual Issuing This Notice]

[Phone Number]

Date:

The notice shall remain posted for the entire one hundred twenty (120) calendar day period and unless the premises are reposted, shall not be removed until one hundred twenty (120) consecutive calendar days have elapsed without a call for service.

Section 7.51.306 Violations.

Violations of this Article are subject to the abatement and cost recovery procedures as set forth in this Chapter and any other available enforcement mechanisms.

Property owners who do not reside on or adjacent to the property, and who are not present when the notice is first posted, are jointly and severally liable for the penalties and/or abatement and enforcement costs, if the next disturbance occurs after seven (7) calendar days following the mailing of the notice.

The residents, owners, and persons in control of such property shall be responsible for ensuring that such notice as provided within Section 7.51.305 is not removed or defaced and shall be liable for a civil penalty of one hundred and no/100ths dollars (\$100.00) in addition to any other penalties and costs which may be due under this Chapter, if such notice is removed or defaced.

Section 7.51.307 Relocation Costs.

If the City incurs any costs or expenses for relocating tenants resulting from the enforcement of this Chapter, the owner shall be required to reimburse the City for all such costs and expenses.

Article 4. Nuisance Related Activities

Section 7.51.401 Obstructing Public Passageways.

It shall be unlawful for a person to stand or sit idly in or upon any street or sidewalk in a manner that hinders or obstructs the passage of persons passing along the same, or stand in or at the entrance of or approach to any church, hall, theater, public place, or public assemblage in any manner to obstruct such entrance or approach.

Section 7.51.402 Breach of Peace.

No person shall make in any public place, or suffer to be made on his/her premises or upon the premises under his/her control, any disorder or tumult to the disturbance of the public peace; and no person shall utter in the presence of two (2) or more persons lewd or obscene words or epithets or address to another any words, language, or expressions having a tendency to create a breach of the peace. "Disturbance" and "breach of the peace" mean causing an annoyance or engaging in disorderly conduct or interfering with the peace and order of a neighborhood, community, or meeting.

Section 7.51.403 Unruly Behavior.

A gathering of five (5) or more persons on any public or private property in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood, as a result of conduct constituting a violation of law shall be considered a nuisance subject to the abatement and cost recovery procedures set forth in this Chapter and any other available enforcement mechanisms. Illustrative of such unlawful conduct is excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace,

litter. In addition to the remedies provided for in this Chapter, a gathering constituting a public nuisance may be abated by the City by all reasonable means including, but not limited to, an order requiring the gathering to be disbanded and citation and/or arrest of any law violators under any applicable local laws and State statutes.

Section 7.51.404 Interference with Right of Assembly.

No person, except with legal authorization or authority, shall disturb or interrupt any school procession, funeral or funeral procession, or any lawful procession, church service, or assembly of people.

Section 7.51.405 Public Urination.

No person shall evacuate their bowels or bladder in any public place, or upon any private property, at a place not provided for that purpose.

Section 7.51.406 Swimming in Ditches, Canals, Streams or Rivers.

No person shall bathe or swim in any ditch, canal, stream or river within the City.

Section 7.51.407 Motor Vehicle Racing.

It is unlawful for any person to operate, conduct, maintain, promote, or participate or engage in any motor vehicle race within the City, unless such race is expressly allowed by City permit or occurs in a facility permitted for such activity. For the purposes of this section, "motor vehicle" shall mean any vehicle which is self-propelled and shall include without limitation any automobile, racing car, motorcycle, or other self-propelled vehicle, whether or not the same is licensed by the State to operate on public streets. "Motor vehicle race" shall mean any race, speed, or other contest involving one or more motor vehicles or in which a motor vehicle is timed for operation over a measured distance.

Section 7.51.408 Criminal Street Gangs.

(a) Prohibited Acts.

It is unlawful for any person who is a member of a criminal street gang, as that term is defined in California Penal Code Section 186.22(f), or who is in the company of or acting in concert with a member of a criminal street gang, to loiter or idle in a public place as defined in this section under any of the following circumstances:

- (i) With the intent to publicize a criminal street gang's control or dominance over certain territory in order to intimidate nonmembers of the gang from entering, remaining in, or using the public place or adjacent area.
- (ii) With the intent to conceal ongoing commerce in illegal drugs or other unlawful activity.
- (iii) In such a manner that would warrant a reasonable person to believe that the purpose or effect of that behavior is to enable the criminal street gang to establish control or

dominance over the public place or adjacent area, to intimidate nonmembers of the gang from entering the public place or adjacent area, or to conceal unlawful activity.

(b) Public Place.

For purposes of this section, a "public place" means the public way and any other location open to the public, whether publicly or privately owned, including but not limited to any street, sidewalk, avenue, highway, road, curb area, alley, park, playground or other public ground or public building, any common area of a school, hospital, apartment, office building, transport facility, shop, or privately owned place of business to which the public is invited, including any place of amusement, entertainment, or eating place.

"Any public place" also includes the front yard area, driveway and walkway of any private residence, business, or apartment.

(c) Powers of Law Enforcement Officers Not Limited.

Nothing in this Section shall be construed in any way to limit the power or right of a law enforcement officer to make any investigation, detention or arrest as such law enforcement officer would be permitted to make in absence of this Section.

(d) Parental Control.

Any parent(s), legal guardian(s), or other adult person(s) authorized by said parent(s) or guardian(s) to have the care and custody of a minor, who knowingly permits or by insufficient control allows a minor to violate the provisions of this Chapter is guilty of a misdemeanor subject to the penalties set forth in the King City Municipal Code, including but not limited to Section 1.04.010.

(e) Penalties: Notice to Disperse.

Any person who violates a provision of this Section is guilty of a misdemeanor subject to the penalties set forth in the King City Municipal Code, including but not limited to Section 1.04.010. Minors shall be dealt with in accordance with the California Welfare and Institutions Code and in accordance with any policies and procedures established by the City for handling juvenile cases.

Prior to arresting any person or issuing a citation for violating the provisions of this Section, the officer shall give the person an opportunity to disperse or remove themselves from the area. If the person does not leave or returns to the area during the following eight (8) hours, the person may be arrested or issued a citation.

The requirement in this Section to provide notice to disperse shall in no way be construed to prohibit law enforcement officers from detaining and questioning persons suspected of violating this Chapter before issuing the notice to disperse.

Section 7.51.409 Camping.

- (a) Sleeping and camping in public and certain private places prohibited.

It shall be unlawful for any person to sleep or camp:

- (i) In or on any public right-of-way, including any street, alley, roadway, accessway, median, irrigation canal, stream, river or embankment;
- (ii) In or on any public park or trail or upon the grounds of any public facility or property, whether improved or unimproved;
- (iii) Upon any unimproved private lot unless such use is with the permission of the owner and permissible under the City's zoning ordinance; or
- (iv) Upon the premises of any private, commercial or industrial property unless such use is with the permission of the owner and permissible under the City's zoning ordinance.

- (b) Camp defined.

For purposes of this section, "camp" shall mean an outdoor place for eating, cooking or sleeping, and includes, but is not limited to:

- (i) The use of camping facilities such as tents, tarpaulins, or temporary shelters;
- (ii) The use of sleeping bags, cots, beds, or hammocks;
- (iii) The use of park benches, recreation equipment or similar structures; or
- (iv) The use of any parked vehicle, including an automobile, bus, truck, camper, trailer or recreational vehicle.

- (c) Exceptions.

The following activities shall not be considered a violation of this section:

- (i) Sleeping or recreational camping in any public park between the hours of 7:00 a.m. and 10:00 p.m.; and
- (ii) Camping in public parks between the hours of 10:00 p.m. and 7:00 a.m. in areas set aside for overnight camping.

For purposes of this Section, the following shall not be considered recreational camping; a camp established with the intent to:

- (i) Lodge or reside at that location;
- (ii) Remain in that location or park overnight; or
- (iii) Remain for a period of more than one consecutive day.

(d) Remedies for Violation.

In addition to any other remedy or enforcement mechanism provided within this Chapter or any other provision of the King City Municipal Code, any camp in violation of this Section is declared to be a public nuisance, and the Chief of Police or his/her designee, upon a determination that such camp constitutes an immediate threat to the health, safety or welfare of persons in the City, including persons using the camp, is authorized to remove the camp. If persons are occupying the camp at the time, then before removing the camp, the Chief of Police or his/her designee shall warn the person or persons occupying the camp that they are in violation of this Section and shall give them the opportunity to remove the camp.

Article 5. Other Nuisances and Enforcement

Section 7.51.501 Nuisances.

It shall be unlawful for any person to keep or maintain a public nuisance in the City. For the purposes of this Section, public nuisances shall include but not be limited to any of the following:

(a) Attractive Nuisance.

An attractive nuisance, defined as any condition, instrumentality or machine which is or may be unsafe or dangerous to children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract children to the premises and risk injury by playing with, in, or on it, whether in a building or on the premises.

(b) Conditions Declared a Nuisance by City Council.

Any condition declared to be a public nuisance by the City Council.

(c) Civil Code Section 3480, Nuisance.

Acts constituting a public nuisance as defined by Civil Code Section 3480.

(d) Depreciation of Property Value.

Maintenance of property in such condition of deterioration or disrepair that the same causes depreciation of the value of surrounding property or is materially detrimental to nearby properties and improvements.

(e) Violation(s) of the King City Municipal Code.

Any violation(s) of the King City Municipal Code shall be a public nuisances subject to provisions of this Chapter.

Section 7.51.502 Enforcement.

Nuisances under this Chapter may be enforced by one or more of the following nonexclusive remedies:

(a) Abatement.

Abatement and cost recovery proscribed in this Chapter.

(b) Administrative Citation.

Administrative citation proscribed in this Chapter.

(c) Criminal Complaint or Citation.

Misdemeanor enforcement pursuant to Chapter 1.04 of Title 1 and/or as proscribed in this Chapter.

(d) Injunction.

Injunctive Relief.

(e) Receivership.

Receiverships pursuant to Health and Safety Code Section 17980.7.

(f) Unlawful Business Practice.

Unlawful business practices pursuant to Business and Professions Code Section 17200.

(g) Red light abatement.

Red Light Abatement Act as set forth in Penal Code Section 11570.

(h) Drug abatement.

California Drug Abatement Act set forth in Health and Safety Code Section 11570.

(i) State Housing Law.

State housing law as set forth in Health and Safety Code Section 17910 et seq.

(j) Other.

Any other available remedy set forth in the King City Municipal Code or State law.

Section 7.51.503 Violations.

In addition to the penalties provided by this Chapter, each such person shall be guilty of a new and separate offense for each and every day during any portion of which any violation of the provisions of this Chapter, or the provisions of any

Chapter adopted by reference within the King City Municipal Code 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 the King City Municipal Code, the City Attorney may elect under which to proceed.

Section 7.51.504 Criminal Penalties and Enforcement.

Violations of the provisions of this Chapter, or the provisions of any Chapter adopted by reference within the King City Municipal Code for conduct that is not otherwise considered lawful under State law, shall be considered misdemeanors and are punishable in accordance with Chapter 1.04.010 of the King City Municipal Code. Each and every day, or portion thereof, a violation exists is a new and 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 the provisions of this Chapter, or the provisions of any Chapter adopted by reference within the King City Municipal Code 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 7.51.505 Administrative Penalties.

- (a) The administrative citation penalty for all violations of this Chapter, within a rolling twelve-month period, deemed Misdemeanors under the King City Municipal Code 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.
- (b) The administrative citation penalty for all violations of this Chapter, within a rolling twelve-month period, deemed Infractions under the King City Municipal Code shall be as follows:
 - (1) First administrative citation: one hundred and no/100ths dollars (\$100.00) per violation;
 - (2) Second administrative citation: two hundred and no/100ths dollars (\$200.00) per violation;
 - (3) Third administrative citation: five hundred and no/100ths dollars (\$500.00) per violation; and

- (4) Five hundred and no/100ths dollars (\$500.00) per violation for each subsequent administrative citation.

Article 6. Abatement, Appeals and Administrative Citations

Section 7.51.601 Notification of Abatement.

(a) Notice.

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 constitutes a public nuisance 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 Article 7 of 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.

The notice shall bear the date of personal service or mailing and shall be in substantially the following form:

NOTICE TO ABATE PROPERTY NUISANCE

Site Address:

Assessor Parcel Number:

Date:

Notice is hereby given that the above-described property is a public nuisance in violation of the following codes: [set forth applicable code(s)]. A nuisance exists because [describe the nuisance]. You must abate the nuisance within [set forth applicable days]. There will be no further notice.

If the nuisance is not removed within the required time, the nuisance may be abated by the City of King or a contractor hired by the City to remove the nuisance. The property owner will be billed for the cost of such abatement plus administrative fees. In addition, the property owner or other responsible party may be issued a citation and/or billed for the City's enforcement costs.

If you receive an invoice from the City for abatement, you will have fifteen (15) days from the issuance to pay the invoice. If you do not to pay the invoice within fifteen (15) days, the unpaid amount will be added to your property taxes as a special assessment against your property.

All persons having any objections to the proposed abatement may file an appeal in accordance with [identify code section]. The appeal must be in writing, filed with the City Clerk at 212 S. Vanderhurst Avenue, King City, California 93930, and received within [specify number of days] from the date of this Notice. The appeal must state the basis for the appeal with sufficient specificity so that the City Manager or Hearing Officer can understand the basis for the appeal and must include the name, address, and telephone number of the person filing the appeal. Failure to file a timely appeal will result in the City proceeding with the work required at your expense in a timely fashion without further notice or hearing.

If the nuisance condition(s) create an imminent danger to the public, the appeal may be considered after abatement of the nuisance.

DATED: this _____ day of _____, 20__.

[ENFORCEMENT OFFICIAL NAME AND TITLE]

CITY OF KING, CALIFORNIA

(d) Calendar Days.

Unless otherwise specified, days as used in this Article shall mean calendar days.

Section 7.51.602 Recording.

At the time the abatement notice is served, the enforcement official may file in the Office of the County Recorder a notice of pending administrative action and include a copy of the abatement notice. After the nuisance is abated and abatement costs

have been paid, the enforcement official shall cause the recorded notice to be removed.

Section 7.51.603 Appeals of Abatement Notices and Actions.

The owner or any other person interested in the property, land, or lots affected by the abatement notice set forth in Section 7.51.601 may file an appeal with the City Clerk subject to the following procedures:

(a) Appeal in Writing.

The appeal shall be in writing. The appeal shall state the basis for the appeal with sufficient specificity so that the hearing officer or City Manager can understand the basis for the appeal and shall include the name, address, and telephone number of the person filing the appeal.

(b) Time to Appeal.

The appeal shall be received by the City Clerk within fifteen (15) calendar days after the date of the notice. The time requirement for filing an appeal shall be deemed jurisdictional and may not be waived.

(c) Dismissal of appeal.

Appeals not timely filed or not setting forth the basis for the appeal are defective and shall be dismissed.

(d) Hearing Officer.

Appeals shall be heard by a hearing officer appointed by the City Manager or the City Manager.

(e) Timing of Appeal and Abatement.

The hearing on an appeal from an abatement notice shall be held prior to the abatement except in those circumstances where the enforcement official has determined that the nuisance condition(s) present an immediate danger to the public, including, but not limited to, hazardous materials, or where the time of year increases the potential for a fire. In those circumstances the appeal hearing may be held after the abatement.

Section 7.51.604 Procedures for Conduct of Appeal.

(a) Scheduling of Hearing.

The City Clerk shall schedule a hearing before the hearing officer or City Manager no sooner than ten (10) calendar days and not more than sixty (60) calendar days from the date the appeal was filed with the City Clerk.

(b) Notice of Hearing.

Written notice of the date, time and place of the hearing shall be given at least ten (10) calendar days prior to the date of the hearing to the appellant either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the appellant's address shown on the appeal, or, if no address is provided on the appeal, at the address to which the official's decision was previously sent. Where known, a copy may also be provided by email. The failure of any person to receive such notice shall not affect the validity of any proceedings taken under this Chapter. Service by normal delivery mail in the manner described above shall become effective on the date of mailing.

(c) Scope of Hearing and Burden of Proof.

At the date, time and place stated in the notice, the hearing officer or City Manager shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from the appellant, the enforcement official and his/her designees, and interested persons relative to the issues of the hearing. Except where otherwise provided by the governing code or statute, the burden of proof and production of evidence shall be with the City and the burden of proof shall be preponderance of the evidence.

(d) Hearing Procedures.

The hearing shall be conducted in accordance with the following procedures:

- (i) All hearings shall be recorded. Any party may, at their sole expense, have the hearing transcribed by a certified shorthand reporter.
- (ii) Hearings need not be conducted according to the technical rules of evidence.
- (iii) Any relevant evidence shall be admitted if it is of the type of evidence in which reasonable persons are accustomed to rely on the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (iv) Oral evidence shall be taken only on oath or affirmation. The hearing officer or the City Manager shall have the power to administer oaths.
- (v) Irrelevant and unduly repetitious evidence shall be excluded.
- (vi) Each party shall have the right to: (1) call and examine witnesses on any matter relevant to the issues of the

hearing; (2) introduce documentary and physical evidence; (3) cross-examine opposing witnesses on any matter relevant to the issues of the hearing, subject to the control of the hearing officer or the City Manager, including the imposition of reasonable alternatives to cross-examination; (4) impeach any witness regardless of which party first called the witness to testify; (5) rebut the evidence; and (6) be represented by anyone who is lawfully permitted to do so.

- (vii) The hearing officer or the City Manager may take official notice, either during the hearing or after submission of the matter for decision, of any fact which may be judicially noticed by the courts of this State or of official records, regulations, rules, and decisions of State and local agencies, boards and departments and of City ordinances. In addition, the hearing officer or the City Manager may take official notice of matters in its own files and of prior proceedings under this chapter involving the same issues. If applicable, the hearing officer or the City Manager may also take official notice of any generally accepted technical or scientific matter within their expertise. The parties present at the hearing shall be informed of the matters to be noticed, and those matters should be noted in the record, referred to therein, or appended thereto. Any such party shall be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by written or oral presentation of authority.

(e) Orders and Subpoenas.

Upon a showing of good cause, relevance to the proceedings, that there is no reasonable alternative means of gathering the information, and that the requesting party is not engaged in a fishing expedition, the hearing officer may do the following:

- (i) At the request of either the City or the appellant, issue orders for attendance of witnesses at the hearing, or production of documents on a date certain. In no event shall the date for the production of documents be less than ten (10) calendar days after the date the order was issued. Failure by a party to comply with an order of attendance or production may be considered a violation of this Code and, at the petition of a party, the hearing officer may impose a civil fine of up to one hundred and no/100ths dollars (\$100.00) at the time of the hearing and may take such failure into consideration in making his or her determination of the hearing.
- (ii) At the request of either the City or the appellant, direct the City Clerk, on behalf of the City, to issue subpoenas for attendance of witnesses at the hearing or production of

documents on a date certain. In no event shall the date for production of documents be less than ten (10) calendar days from the date the subpoena was issued. Disobedience of such subpoena or the refusal to testify, upon other than constitutional grounds, shall constitute a misdemeanor.

(f) Inspections.

Inspect the premises involved in the hearing at any time prior to a decision, to investigate or confirm the existence of the violation(s) or conditions which are on appeal; provided, that: consent is granted by a person with the lawful right to grant consent or an inspection warrant is obtained; reasonable notice of such inspection is given to the owner before the inspection is made; the parties are given an opportunity to be present during the inspection; the hearing officer or the City Manager shall place in the record the material facts and the conclusions drawn from the inspection either orally at the time of the hearing or in writing after the hearing; and each party then shall have a right to rebut or explain the matters so stated by the hearing officer for the record either at the hearing or by filing a written statement within ten (10) calendar days after the hearing.

(g) Continuance of Hearing.

The hearing officer or the City Manager may provide for reasonable continuances of the hearing, on its own initiative or at the request of a party, as necessary to properly conduct the appeal.

(h) Decision.

At the conclusion of the hearing, the hearing officer or the City Manager shall deliberate and reach a decision within fifteen (15) calendar days. The decision and the reason(s) for the decision shall be reduced to writing. The hearing officer or the City Manager may affirm, reverse, modify, or set aside the abatement order, suspension or revocation of a permit or license, citation, decision or order issued pursuant to this Code as the facts and law warrant, subject to the following limitations:

- (i) The hearing officer shall not have authority to waive any requirements of the Code or law.
- (ii) Nothing in these procedures shall be deemed to authorize the hearing officer or the City Manager to deviate from unambiguous provisions of the governing code or statute, or well established interpretations of the same, based upon expert opinions or other reliable evidence.

(i) Service and Filing of Decision.

A copy of the decision shall be sent by mail or otherwise to the appellant. Where known, a copy may also be provided by email.

(j) Finality of Decision.

The decision of the hearing officer or the City Manager shall be final with no further administrative appeals. Unless the governing ordinance or statute provides otherwise, if the appellant seeks further relief, the appellant shall file a petition for writ of mandate in superior court pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6 within ninety (90) calendar days of the date of the decision.

Section 7.51.605 Abatement.

(a) Abatement with No Appeal.

Where no appeal has been timely filed, and the nuisance condition(s) have not been abated as directed by the abatement notice, the enforcement official shall thereupon cause the same to be removed and may enter upon private property for the purpose of so doing.

(b) Abatement After Appeal.

Where an appeal has been timely filed and the hearing officer or the City Manager has finally determined that removal or abatement shall be required, and the nuisance condition(s) have not been removed as directed by the hearing officer or the City Manager, the enforcement official shall thereupon cause the same to be removed and may enter upon private property for the purpose of so doing.

(c) Property Owner Abatement.

At any time prior to the actual abatement, any property owner may remove nuisance condition(s) at his/her own expense.

Section 7.51.606 Method of Abatement by the City.

City abatement of the nuisance may be performed by contract or by City crews. When the abatement is performed by contract, the contractor shall keep an account of the cost of the abatement on each separate parcel of land where work is performed, including adjoining sidewalk and street/alley areas, and shall submit an itemized written report showing such cost to the enforcement official for verification. When the abatement work is performed by City crews, the City shall keep an account of the cost of the abatement on each separate parcel of land where work is performed, including adjoining sidewalk and street/alley areas, and shall submit an itemized report showing such cost to the enforcement official for verification.

Section 7.51.607 Costs of Abatement.

The City may recover its abatement and enforcement costs in accordance with this Chapter.

Section 7.51.608 Administrative Citation Appeals.

The purpose of this Section is to provide for a uniform and consistent procedure for the conduct of administrative hearings that are not part of a property nuisance

abatement action. This Section is also designed to identify the appeal and hearing procedures to be followed where procedures are not otherwise identified in the governing code, statute, rule, or regulation, or where there is a reference to following the procedures in this Section, whether expressly or by implication.

Section 7.51.609 Filing Notice of Appeal.

(a) Standing.

Only the person issued an administrative citation sought to be appealed from has standing and a right to appeal under this Article. A notice of appeal that fails to allege standing may be rejected as defective.

(b) Notice of Appeal.

A notice of appeal shall be filed in writing with the City Clerk within fifteen (15) calendar days after the service of the administrative citation appealed from. The appeal shall contain the following:

- (i) The name, address, and telephone numbers of the appellant;
- (ii) A brief description of the administrative citation being appealed;
- (iii) A statement of the relief sought;
- (iv) The reasons why such relief should be granted;
- (v) A statement of the appellant, "under penalty of perjury," that the facts stated in the appeal are true of the appellant's own knowledge, except as to matters which are not within the appellant's knowledge and are not of public record, and as to those matters that the appellant believes the facts stated to be true.

(c) Amended Appeal.

Upon a showing of good cause, the City Manager, or his or her designee, may, in his or her discretion, permit the filing of an amended appeal, after fifteen (15) calendar days, in which case the appeal shall be considered in the same manner as if it had been timely filed.

(d) Deficient Appeal.

If, in the opinion of the City Clerk, the appeal or an amended appeal fails to comply substantially with the requirements of this section, the City Clerk may give written notice of such insufficiency to the appellant at any time within fifteen (15) calendar days after the appeal is presented, stating with particularity the defects or omissions therein. Failure of the appellant to file an amended appeal within fifteen (15) calendar days of the date of service of such notice of insufficiency shall constitute a waiver of the appeal. Failure of the City Clerk to give notice of any insufficiency within fifteen (15)

calendar days shall result in the appeal being heard on its merits, without regard to any insufficiency.

Section 7.51.610 Procedures for Conduct of Appeal.

Upon receipt of an appeal, or if notice of insufficiency is given in accordance with this section, upon receipt of an amended appeal within the time specified, the City Manager or his/her designee shall appoint a hearing officer and the procedures set forth in Section 7.51.604 shall apply to the conduct of the appeal.

Section 7.51.611 Supplemental Rules and Regulations.

The City Manager may adopt written rules, regulations, policies and procedures that are consistent with the intent or provisions of this Chapter, as may be necessary or desirable to aid in the administration or enforcement of the provisions of the King City Municipal Code.

Article 7. Cost Recovery and Penalties

Section 7.51.701 Findings and Purpose.

The Council finds that substantial public resources are spent each year to enforce the Municipal Code and State laws, as well as Federal and County laws that may fall within the jurisdiction of the City, enacted to protect the public health, safety and welfare. The Council finds that the responsibility of these costs should be properly placed on those persons responsible for violating the Municipal Code or Federal, State and County laws and/or causing public nuisances. The Council further finds that the recovery of costs incurred by the City to enforce these laws and to collect penalties issued to those persons causing public nuisances and/or violating these laws is important in deterring future violations and maintaining the integrity of the City's code enforcement system. The purpose of this article is to provide a means for King City under its police power authority and other applicable law to recover these costs and penalties from those persons responsible for creating, causing, committing or maintaining a public nuisance or Municipal Code or other law violation.

Section 7.51.702 Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this article.

(a) Abatement Costs.

The actual and reasonable costs incurred by the City to abate a public nuisance. These costs include all direct and indirect costs to the City that result from the total abatement action, including, but not limited to, investigation costs, costs to enforce the Municipal Code and any applicable Federal, State or County law, clerical and administrative costs to process paperwork, costs incurred to provide notices and prepare for and conduct administrative appeal hearings, and costs to conduct actual abatement of the nuisance. Costs include staff costs, administrative overhead, costs for

equipment, such as cameras and vehicles, staff time to hire a contractor, and reasonable attorneys' fees incurred by the City. Costs also include those incurred in seeking cost recovery. Abatement costs may be established in the Master Administrative Fee Schedule.

At any administrative hearing, judicial action or special proceeding where the City elects to recover attorneys' fees in connection with an abatement action, the prevailing party shall be awarded attorneys' fees not to exceed the amount of reasonable attorneys' fees incurred in the action, hearing or proceeding.

(b) Bona Fide Encumbrancer.

A person who (i) receives a lien or encumbrance on the subject property after the City incurs abatement costs or enforcement costs and (ii) at the time he or she acquired the interest did not have actual or constructive knowledge of the City's interest in the property.

(c) Bona Fide Purchaser.

A person who (i) purchases any portion of the subject property after the City incurs abatement costs or enforcement costs and (ii) at the time he or she acquired his or her portion of the subject property did not have actual or constructive knowledge of the City's interest in the property.

(d) Enforcement Costs.

All actual and reasonable costs incurred by the City to enforce compliance with the Municipal Code and any applicable Federal, State, County or City public health and safety law that are not included within abatement costs. These costs include, but are not limited to, actual cost of the enforcing department services including, but not limited to, costs of personnel, including costs of worker's compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of materials, costs related to investigations pursuant to the Municipal Code or Federal, State or County law, costs related to issuing and defending administrative or court citations, costs incurred investigating and abating violations of the Municipal Code or Federal, State or County law violations, and reasonable attorneys' fees. Enforcement costs include multiple response and similar costs as permitted by this Chapter. Costs also include those incurred in seeking cost recovery.

(e) Enforcing Department.

The departments or divisions of the City that directed and are responsible for the enforcement of the King City Municipal Code or applicable Federal, State or County law or the abatement of a public nuisance.

(f) Noticed Party.

The person or entity that is required to be noticed in the underlying abatement or enforcement action in which costs were incurred, but in all cases must include the record owner(s) of the property for property related violations. A "noticed party" should be notified for purposes of cost or penalty recovery in the same manner as they were required to be noticed, either by the Municipal Code or applicable Federal, State or County law, in the abatement or enforcement action which resulted in the incurring of costs or penalties sought to be recovered under this article.

(g) Penalties.

Fines imposed by administrative citations issued pursuant to the King City Municipal Code or other penalties specifically identified in the King City Municipal Code or permit relating to a specific use. Penalties for purposes of this article do not include criminal fines.

(h) Public Nuisance.

A public nuisance as declared or defined in this Chapter or any other provision of the King City Municipal Code.

(i) Record Owner.

The person to whom land is assessed as shown on the last available equalized assessment roll, supplemental roll of the County of Monterey, or as otherwise known to the enforcement official or his/her designee by virtue of more recent or reliable information.

(j) Responsible Party.

A person or entity identified by the King City Municipal Code or law as responsible for creating, causing, committing, or maintaining the violation(s) of the King City Municipal Code or law and/or responsible for the abatement of a King City Municipal Code or law violation(s), including public nuisance, as defined in this Chapter.

(k) Subject Property.

The real property that is the subject of any enforcement or abatement action by the City for which the City incurred costs sought to be recovered under this article.

Section 7.51.703 Abatement and Enforcement Costs and Penalties.

(a) Special Assessment and Lien or Personal Obligation.

The cost of abating a public nuisance and/or enforcing this Chapter or applicable Federal, State or County law shall either be a special assessment and lien on the subject property or the personal obligation of the owner of the subject property and/or the person responsible for

creating, causing, committing or maintaining the public nuisance or violating this Chapter or Federal, State or County law. If there is more than one responsible party, each responsible party shall be jointly and severally liable for the costs. Costs incurred by the City are recoverable even if a public nuisance, Municipal Code, or other law violation is corrected by the property owner or other responsible party.

(b) Applicability.

This article shall govern the procedures used to recover all abatement and enforcement costs incurred by the City in the abatement of a public nuisance or violation of this Chapter and/or the enforcement of this Chapter or other law pursuant to the procedures and authority found in the Municipal Code. Additionally, this article shall govern the procedures used to recover administrative penalties and costs as well as multiple response costs imposed pursuant to the procedures and authority found in the Municipal Code.

(c) Cumulative Remedies.

The remedies provided in this Article shall be cumulative to any other provided in the King City Municipal Code or by law.

(d) Payment Plan.

Nothing in this Article shall prevent the City at any time from accepting payment for unpaid costs or penalties in whole or by way of a payment plan.

Section 7.51.704 Invoice of Costs.

(a) Invoice.

The invoice shall notify the noticed party of the following:

- (i) A description of the abatement or enforcement action taken by the City, where applicable a description of the property subject to the abatement or enforcement, and the total amount of the costs incurred by the City. The requirements of this subsection may be met by providing the noticed party with a copy of the report required by subsection (a) of this section.
- (ii) That should the noticed party fail to pay the costs within thirty (30) calendar days from the date of service of the invoice the costs may be collected in any or all of the following ways: by a collection agency as a personal obligation, by the City Attorney's Office through judicial action, or as a special assessment and lien attached to the subject property.
- (iii) That the noticed party has a right to administrative review of the accounting of the costs incurred by the City by filing a written request for such review with the City Clerk within fifteen (15) calendar days of the date of the invoice, and that a failure to request

administrative review will be deemed a waiver of a right to review of the amount of the costs.

- (iv) That before a special assessment is placed on the subject property, the costs will be confirmed by the City Council and a notice will be issued at least fifteen (15) calendar days before the Council meeting.
- (v) That the invoice may be recorded as a Notice of Costs or Penalties in the Monterey County Recorder's Office.

(b) Recording.

The enforcing department may record the invoice as a Notice of Costs or Penalties in the Monterey County Recorder's Office. Once payment is received for the outstanding costs and/or penalties, or any reduction of costs following administrative review, and no further action will be taken under this article, the enforcing department shall record a Notice of Satisfaction.

Section 7.51.705 Administrative Review of Costs.

(a) Right to Administrative Review.

A noticed party shall have the right to administrative review of the invoiced costs incurred by the City by filing a written request for such review with the City Clerk within fifteen (15) calendar days of the date of the invoice. A failure to timely request administrative review will be deemed a waiver of a right to review of the amount of the costs.

(b) Procedures for Administrative Review.

If a request for administrative review is timely filed, the City Clerk shall deliver a copy of the invoice of costs incurred by the City and request for administrative review to the City Manager or his/her designee, which may include the appointment of a hearing officer, who shall set a date and time to review the invoice of costs with the requesting party. The administrative review shall be an informal proceeding where the enforcement department and requesting party may present any evidence they deem pertinent to the amount of the costs. The scope of review shall be limited to the amount of the costs..

(c) Decision.

The City Manager or his/her designee may affirm or reduce the costs if he/she determines that they are not supported by the evidence or upon a showing that the costs were unnecessary or unreasonable. The City Manager or his/her designee will not pass upon the validity of the underlying enforcement action or the amount of any penalties.. The decision shall be memorialized in writing. The City Manager or his/her designee may approve a payment plan for the costs.

(d) Time for Payment.

The requesting party shall have thirty (30) calendar days from the date of the decision to pay the costs, unless a payment plan is approved, in which case the costs shall be paid in accordance with the payment plan.

(e) Prior Hearing.

There is no right to administrative review if the costs have already been approved by a court of competent jurisdiction. There is no right to administrative review to confirm costs under this section if they have been previously upheld in an abatement or other administrative hearing held under the King City Municipal Code.

Section 7.51.706 Recovery of Penalties.

Administrative penalties unpaid after the required time set forth in the Municipal Code, or within fifteen (15) calendar days from the final decision after an appeal, may be collected in the manner set forth in this article except the City is not required to send an invoice under Section 7.51.704. Interest shall accrue at a rate of ten percent (10%) per year on unpaid penalties until paid. Penalties and interest may only be made a lien or special assessment upon a subject property when the record owner of the property was issued and properly noticed with the citation or other basis for the penalty.

Section 7.51.707 Recovery of Abatement and Enforcement Costs.

Abatement and enforcement costs unpaid after the required time set forth in this Chapter may be collected in the matter set forth in this article. To collect costs under these procedures, the City must send an invoice under Section 7.51.704. Interest shall accrue at a rate of ten percent (10%) per year on unpaid costs until paid.

Section 7.51.708 Personal Obligation.

Any costs or penalties subject to collection under this Chapter may be recovered as a personal obligation against the responsible party and may be referred to a collection agency or the City Attorney's Office for collection. Upon referral of these costs and obligations, the collection agency and the City Attorney's Office may seek collection through any legal means provided to them, including judicial action. Nothing in this section shall be affected by or affect the City's use of any other procedure provided in this article or by law to collect unpaid costs and penalties. In a judicial action to recover abatement costs, the City Attorney's Office may elect to recover attorneys' fees. In any action in which the City Attorney's Office elects to recover attorneys' fees under this section, attorneys' fees will be recovered by the prevailing party.

Section 7.51.709 Special Assessment and Lien.

(a) Collection.

Unpaid penalties, abatement costs, and enforcement costs that relate to a property related violation may be confirmed by the City

Council as a special assessment and collected with property taxes or as a judgment lien.

(b) Notice.

Notice of a public meeting to confirm the penalties and/or costs shall be provided to all noticed parties by the enforcing department or City Clerk at least fifteen (15) calendar days before the meeting. The notice shall: (i) contain a description of the subject property sufficient to enable the person(s) served to identify it; (ii) shall state that the City intends to collect unpaid costs or penalties by placing a lien or a special assessment on the subject property; (iii) shall specify the day, hour and place where the Council will hear and pass upon the penalties and/or costs; (iv) shall specify that the property may, in some cases, be sold after three (3) years by the Tax Collector pursuant to Revenue and Tax Code Section 3691 for unpaid delinquent assessments or be subject to judicial foreclosure before the three (3) years; and (v) shall specify that any noticed party may appear at the Council meeting and present objections to the lien or assessment.

(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 owner of such lot or parcel of land and/or lessee as it appears on the last available equalized assessment roll, supplemental roll of the County of Monterey, or as otherwise known to the City by virtue of more recent or reliable information. If no address appears or is known to the City, then a copy of the notice may be mailed to the property address. A copy of the notice may also be posted on the property in a conspicuous place. Where known, a copy may also be provided by email. 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.

(d) Confirmation by City Council.

During the City Council meeting the Council may adopt a resolution confirming the amount of the penalties and costs, or any lesser amount, based upon staff reports and any public comments received during the meeting. The City Council shall take into consideration whether any noticed party sought administrative review of the costs and shall only reduce the costs if (i) the noticed party sought administrative review, and (ii) the decision of the General Services City Manager is not supported by substantial evidence in the record. The basis for the code enforcement action will not be the subject of the City Council's consideration.

Where the costs have already been approved by a court of competent jurisdiction or the penalties have been previously upheld in an abatement or other administrative hearing held under the King

City Municipal Code, the City Council shall simply confirm the costs or penalties.

The City Council may confirm the costs for more than one property in a single resolution. If the City Council confirms the costs, the procedures set forth in this section may be utilized.

(e) Time to Contest Confirmed Special Assessment or Lien.

The validity of any special assessment or lien levied under the provisions of this section shall not be contested in any action or proceeding unless such action or proceeding is commenced within thirty (30) calendar days after the special assessment is confirmed by the City Council.

(f) Recording.

Immediately upon the City Council's confirmation of costs or penalties, the City Clerk shall record a Notice of Special Assessment and Lien in the Office of the County Recorder, which shall constitute a lien on that property for the amount of the assessment, except that if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of taxes that included the special assessment imposed under this section would become delinquent, then the lien that would otherwise be imposed by this section shall not attach to real property and the costs of abatement and enforcement relating to the property shall be transferred to the unsecured roll for collection.

(g) Form of Notice of Special Assessment and Lien.

The Notice of Special Assessment and Lien for recordation shall be in the form substantially as follows:

NOTICE OF SPECIAL ASSESSMENT AND LIEN

(Claim of the City of King)

Under authority vested by provision of Chapter __, Article __, of the King City Municipal Code, the City of King did on or about the ___ day of _____, 20__, assess [describe penalties, abatement costs, enforcement costs] on the real property hereinafter described; and the same has not been paid nor any part thereof and the City of King does hereby claim a lien for such [penalties, abatement costs, and enforcement costs] to wit: the sum of _____ dollars, plus legal rate of interest to be accrued from the date of recording this lien, and any and all administrative costs to file and record the lien. The same shall be a lien upon the real property until it has been paid in full and discharged of record.

The real property hereinafter mentioned, upon which a lien is claimed, is that certain parcel of land in the City of King, County of Monterey, State of California, more particularly described as follows:

DATED: this ___ day of _____, 20___

_____ City of King

(Job Title)

(h) Collection with Taxes.

After confirmation and recordation, a copy may be turned over to the Monterey County Tax Collector. At that point, it will be the duty of the Tax Collector to add the amounts of the respective assessments to the next regular tax bills levied against the lots and parcels of land for municipal purposes. Those amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and procedures and sale in the cases of delinquency as provided for with ordinary municipal taxes.

(i) Foreclosure.

After confirmation and recording, the lien may also be foreclosed by judicial or other sale in the manner and means provided by law. The City may recover from the record property owners any costs incurred regarding a foreclosure action.

(j) Priority.

A special assessment and lien imposed under this Article shall have the priority of a tax lien, unless prohibited by State law, in which case the special assessment and lien shall have the priority of a judgment lien.

(k) Release of Lien.

Once payment in full is received for the special assessment and lien, including applicable penalties, administrative fees and interest charges; or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order; or the City has entered into some other arrangement with the property owner for satisfaction of the assessment; the enforcing department shall either record a Notice of Satisfaction or provide the property owner or financial institution with the Notice of Satisfaction so they can record the Notice with the Monterey County Recorder's Office.

(l) Refund.

The City Council may order a refund of all or part of a tax paid pursuant to this Article if it finds that all or part of the tax has been

erroneously levied. A tax or part thereof shall not be refunded unless a claim is filed with the City Clerk in accordance with the City's claim filing requirements, and in no event later than November 1st after the tax became due and payable. The claim shall be verified by the person who paid the tax, or his/her guardian, executor or administrator.

Article 8. Judicial Review and Severability

Section 7.51.901 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) calendar 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 7.51.902 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 3: 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. Within fifteen (15) calendar days after its adoption, the ordinance, or a summary of the ordinance, shall be published once in a newspaper of general circulation.

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.



Item No. 11(A)

REPORT TO THE CITY COUNCIL

DATE: FEBRUARY 14, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: MIKE HOWARD, DIRECTOR OF FINANCE

RE: CONSIDERATION OF MID-YEAR FINANCIAL REPORT

RECOMMENDATION:

It is recommended City Council receive the City of King Mid-Year Financial Report and approve the recommended Mid-Year Budget Adjustments.

BACKGROUND:

As part of the regular budget monitoring process, the Finance Director, along with staff conducts a mid-year review of the City Council approved budget for the fiscal year. This report presents the City's financial condition in the current fiscal year based on actual revenues and expenditures for the six-months ending December 31, 2016 as compared to the FY 2016-17 budget approved by the City Council in June 2016.

It is important to note that year-end estimates are only projections at this point and are very difficult to accurately forecast. However, staff feels that the projections are conservative and should be in line with what actual revenue and expenditures will be at June 30, 2017.

DISCUSSION:

General Fund

While progress is continuing to be made in stabilizing the City's budget, the City has continued to experience a few unanticipated impacts on expenses and revenues during the first half of the fiscal year that could result in additional increases and decreases in the fiscal year-end fund balance in the General Fund. A summary of the recommended budget amendments to account for these are below:

**CITY COUNCIL
 CONSIDERATION OF MID-YEAR FINANCIAL REPORT AND MID-YEAR
 BUDGET ADJUSTMENTS
 FEBRUARY 14, 2017
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Revenues:

• Increase Cannabis License Fees	\$200,000
• Increase in Sale of City Land	674,000
• Increase in Sale of PG & E Credits	300,000
• Increase in Vehicle License Fee	40,000
• Decrease in Medical Cannabis Cultivation Tax	<u>100,000</u>
Total	\$1,314,000

Expenditures:

• Increase in cost of City Hall Carpet	\$15,000
• Increase in Engineering Costs	15,000
• Increase in Legal Services	50,000
• Increase in Medical Cannabis License Services	200,000
Increase in Consultant Fees	<u>19,500</u>
(Adjustment for carry-over budget from prior year)	
Total	\$299,500

The City Council recently approved a new license fee and process for medical cannabis related businesses. Concurrently, a contract was approved with HdL Companies to assist current City contract staff in administering the license application and renewal process. As a result, since the fee is designed to reimburse the City for out-of-pocket costs, revenues are projected to be consistent with budgeted expenditures. However, there is a projected decrease in budgeted medical cannabis tax revenues because it does not appear that proposed businesses will be operational until next fiscal year.

The increase in engineering costs are associated with environmental studies necessary for the medical marijuana ordinance, construction management of the Opterra project, and survey work associated with the creation and sale of City parcels. Increased legal costs were caused by work on the medical marijuana ordinance, transition to a new legal firm, and personnel cases.

Previous Approved Amendments:

• Façade Enhancement Grants	\$100,000
• Park Repairs & Maintenance	15,000
• Golf Course Repairs & Maintenance	<u>15,000</u>
Total	\$130,000

These are items previously appropriated by the City Council, but are now added to the overall budget.

**CITY COUNCIL
CONSIDERATION OF MID-YEAR FINANCIAL REPORT AND MID-YEAR
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FEBRUARY 14, 2017
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Enterprise Funds

The Sewer Enterprise fund is reporting revenues at 44.3% of the annual budget for the fiscal year, whereas expenditures are only at 33.8%, excluding the capital project budget of \$1,173,000. The following budget amendment is being recommended:

Expenditures:

- Increase Sewer Line Project Budget
(Adjustment for carry-over budget from prior year) \$665,608

Previous Approved Amendment:

- Loanoak Sewer Extension \$80,000

Special Revenue Funds

The special revenue funds are categorized by type. These funds are activity based; consequently, a comparison on a month to month basis is not usually beneficial. Therefore, this report is presented for your review and is a reflection of six months activity. The current month activity is presented to illustrate the current receipts and/or projects of these special revenue funds. The following budget amendments were approved during regular council meetings between July 2016 and December 2016:

Previous Approved Amendments:

- Computer Upgrades \$65,000
- Boxing Club Project \$10,000

Successor Agency

The Successor Agency is a Private Purpose Trust Fund and is presented for your information. Repayment of all third party loans has been completed and the majority of the former CDA land assets have been sold. All of the outstanding bonds have been refunded and combined savings is approximately \$1.6M over the life of the bonds. The following budget amendment is recommended to recognize the sale of Successor Agency Land:

Revenue:

- Increase Sale of Land \$457,184

**CITY COUNCIL
CONSIDERATION OF MID-YEAR FINANCIAL REPORT AND MID-YEAR
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FEBRUARY 14, 2017
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Mid-Year Accomplishments

The Mid-Year Financial Report also provides staff an opportunity to report on progress through the first six-months on established department goals. The following are accomplishments by department.

City Manager's Office:

- Completed Community Task Force process and preparation of the Comprehensive Plan to End Youth Violence.
- Obtained grants for the citywide security camera system.
- Completed sale of PG&E Rule 20A utility undergrounding credits for \$300,000.
- Obtained \$25,000 Chevron Corporation grant for after-school youth program.
- Coordinated drafting and placement on ballot of successful medical marijuana tax measure.
- Completed sale of Industrial Way property and acceptance of offer for property adjacent to the wastewater treatment plant.
- Updated fee schedule, including reduction in development impact fees.
- Coordinated preparation of streetscape enhancement plan for Broadway Street.
- Developed and began implementation of façade enhancement program.
- Restructured staff work hours to open City Hall on Fridays.
- Coordinated citywide process of developing organizational core value statements and a new mission statement.
- Updated City computer servers.
- Prepared, published and distributed three quarterly newsletters.
- Upgraded the City's website.

**CITY COUNCIL
CONSIDERATION OF MID-YEAR FINANCIAL REPORT AND MID-YEAR
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FEBRUARY 14, 2017
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- Coordinated preparation of new City Emergency Plan and citywide staff disaster services training.
- Prepared and implemented new City Administrative Policy Manual.
- Coordinated with County Elections Office to implement new district election process.
- Assisted in the formation of a community based volunteer beautification program.
- Distributed updated airport hangar leases to existing lessees and addressed leases with past due accounts.
- Coordinated with Mayor on development of new bi-lingual state of the city program.
- Developed new employee orientation program.

City Attorney:

- Prepared ordinances regulating recreational marijuana.
- Prepared airport hangar rental settlement agreement.
- Prepared new standard airport hangar lease document.
- Reviewed Mee Memorial Hospital bond refinancing documents.
- Assisted in developing new code enforcement procedures.
- Drafted new Nuisance Abatement Ordinance.
- Reviewed land sale documents.
- Prepared analysis of options regarding regulation of long-term hotel stays.

**CITY COUNCIL
CONSIDERATION OF MID-YEAR FINANCIAL REPORT AND MID-YEAR
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FEBRUARY 14, 2017
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Building:

- Extended front counter hours and service.
- Trained counter staff member to complete monthly and quarterly reports and over the counter permits.
- Provided public education on permits at a Chamber of Commerce meeting.
- Implemented a new program requiring deconstruction, demolition and construction material recovery and diversion from landfills.
- Coordinated with building officials from other jurisdictions in the region to agree on how to address Building Code requirements for small items, which led to a reduction in permitting requirements and fees.
- Issued 64 permits for a total fee amount of \$176,780 and completed 815 inspections.

Community Development:

- Inventoried archive file cabinets to ensure they are in order by street number and street address.
- Public educational material on signage was prepared and sent to all businesses with their business license renewals in December 2016.
- Shortened the staff report format for signs to allow for faster permitting processing on sign applications.
- Developed draft updated checklists for all CDD applications.
- Received an awarded grant contract with FAA for the Airport Layout Plan Update.
- Sent FAA the updated Airport Capital Improvement Plan 2018-2022.
- Finalized the Housing Element, which was then certified by the State.
- Began working on a comprehensive permit process for medical cannabis and began processing medical cannabis applications.

**CITY COUNCIL
CONSIDERATION OF MID-YEAR FINANCIAL REPORT AND MID-YEAR
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FEBRUARY 14, 2017
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Finance:

- Refinanced the Successor Agency Bonds for an overall savings of \$1.6M over the life of the bonds
- Completed paying all outstanding 3rd party loans in the successor agency.
- Completed the FY 2015-16 Audit before December 31st, which included no identified deficiencies and revenues exceeding expenditures.
- Implemented new budget and expenditure procedures.

Police:

- Renewed the contract for Investigator services, shootings were reduced to four in 2016 with two homicides, and the Police Department made five arrests on three of the shootings and the other is under investigation with active leads.
- Hired new officers and the Police Department is approaching full staffing.
- Developed a new comprehensive training manual and training schedule and started in-service training.
- Continued implementation of a vehicle replacement program with three new vehicles scheduled to arrive.
- Began implementation of a replacement program for the mobile data terminals (MDTs).
- Entered into a contract with the Mobile Crisis Team from Behavioral Health Services.
- Operations formerly known as Cal-Grip were continued, which involves patrol saturation, probation checks, and compliance checks.
- Continued efforts to improve media relations.
- Assisted in coordination of the Community Task Force to End Youth Violence.

**CITY COUNCIL
CONSIDERATION OF MID-YEAR FINANCIAL REPORT AND MID-YEAR
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- Entered into an MOU with the Monterey County Sheriff's Department to participate in the South Valley Gang Unit.
- Re-instated Coffee with A Cop program.
- Participated in National Night Out.
- Participated in several regional probation compliance checks.
- Hired new Chief's Administrative Assistant.
- Implemented the majority of the State Audits recommendations and prepared responses for the State reporting requirements.
- Implemented new recruitment promotional strategy with I-Heart radio.

Fire:

- Responded to 132 total calls for service.
- Responded to 13 fires.
- Maintained total volunteer staffing of 27 firefighting personnel.
- An average of 48% of staffing responded per call.
- Maintained a Fire ISO rating of 4.

Public Works

- Completed installation of a sanitary sewer trunk main beginning at the wastewater treatment plant and ending at First Street and Lonoak Road.
- Replaced the existing sanitary sewer line on Ellis Street between San Lorenzo Street and North Third Street, on Third Street between Ellis Street and Ulrey Street and on North Russ Avenue between Ellis Street and Collins Street.
- Paved Mildred Street between Broadway Street and Division Street.

**CITY COUNCIL
CONSIDERATION OF MID-YEAR FINANCIAL REPORT AND MID-YEAR
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FEBRUARY 14, 2017
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- Provided project management of the Solar Infrastructure Project by Opterra through completion, which included solar panels at the wastewater treatment plant, racquetball building and City Park.
- Completed Improvement Plans and Specifications for the First Street Shoulder Safety improvement Project, which has been approved and the contract awarded. Staff also worked with landowners of a First Street property and College Ville to install a water line and sewer line prior to beginning the project.
- Completed right-of-way research on Broadway Street to address City and PG&E easement issues.
- Researched title and prepared legal exhibits for various City owned parcels proposed for sale.
- Prepared a grant application and received grant offer in the amount of \$138,521 from the Monterey Bay Air District for the Broadway Street/US101 PSR /PDS Roundabout Project.
- Prepared the Library facility for landscaping work to be performed by King City in Bloom.
- Removed the existing landscaping and repaired and modified irrigation on the center median landscape strip along Broadway Street for roses to be planted by King City in Bloom.
- Checked irrigation systems at City park facilities to provide leak free systems and adjust watering interval timing to reduce water use.
- Installed recycled asphalt grindings along the unpaved extension of Jane Street between Pearl Street and Bitterwater Road to create an all-weather surface.
- Installed asphalt grinding along a portion of alley off of King Street between North Russ Avenue and North Vanderhurst Avenue.
- Worked with Caltrans on repairing road settling issue at the US 101 / First Street Bridge.

**CITY COUNCIL
CONSIDERATION OF MID-YEAR FINANCIAL REPORT AND MID-YEAR
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FEBRUARY 14, 2017
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- Worked with Monterey County Water Resource Agency to obtain a joint permit to remove settlement from the San Lorenzo Creek.
- Coordinated a Public Education and Public Outreach Program for 2016/2017 as required by King City's General Permit with the Regional Water Quality Control Board and submitted the City's Storm Water Management Program's Annual Report.
- Coordinated award of contract and data collection for preparation of a Wastewater Facilities Plan and Collection System Master Plan Update.
- Completed repairs to City street sweeper.
- Completed repairs to the Skate Park.
- Completed improvements to the Police Department jail facilities per Health Department inspection comments and to the Police Chief's office.
- Ordered and installed the new directional sign at First Street and Broadway Street.
- Completed street striping at citywide locations.
- Repaired golf course bridge deck and coordinated well repairs.
- Repaired and submitted to TAMC an updated project list for the Regional Transportation Plan (RTP).
- Established street tree trimming program.

Recreation:

- Increased pool attendance.
- Awarded over 90 free swimming lessons to needy families courtesy of Chevron, Inc.
- Partnered with King City High School Girls basketball, track and softball teams to offer low-cost sports camps for local kids.

**CITY COUNCIL
CONSIDERATION OF MID-YEAR FINANCIAL REPORT AND MID-YEAR
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- Increased rentals of the Recreation Center – over 29 weekend rentals in 2016.
- Reached capacity of 35 children each day for the Summer Day Camp.
- Partnered with Elite Basketball Academy of Soledad to offer a King City program. Over 60 local children participated and represented King City in tournaments from Salinas to Arroyo Grande.
- Hosted a CPR/First Class in April 2016 for the public and pool staff.
- Offered Winter Day Camp for the first time in many years and had over 20 children attend.
- Assisted with fundraising and design of the “Fun’ds for Forden” group for a new playground at Forden Park.
- Offered classes at the Recreation Center, including yoga and adult and kid’s painting instructional classes.
- Implemented better training programs for pool staff, including incident review, first aid procedures and required paperwork.

COST ANALYSIS:

The General Fund budget adjustments will result in projected surplus in the FY 2016-17 of \$684,500.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

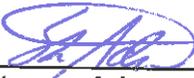
1. Receive the Mid-Year Financial Report and Approve the Mid-Year Budget Adjustments;
2. Modify the proposed Mid-Year Adjustments;
3. Do not approve the Mid-Year Adjustments; or
4. Provide other direction to staff.

Exhibits:

1. Mid-year Financial Report

CITY COUNCIL
CONSIDERATION OF MID-YEAR FINANCIAL REPORT AND MID-YEAR
BUDGET ADJUSTMENTS
FEBRUARY 14, 2017
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Submitted by: Outstanding for Mike Howard
Mike Howard, Finance Director

Approved by: 
Steven Adams, City Manager

City of King**Actual vs Budget Comparison - Mid-Year
As of December 31, 2017****General Fund**

<u>Account Title</u>	<u>Year-to-Date</u>	<u>Original Budget FY 2016-2017</u>	<u>Amended Budget FY 2016-2017</u>	<u>% To Amended Budget</u>
General Revenues:				
Transfers In	286,488	611,000	611,000	46.89%
Property Taxes	476,063	1,118,500	1,118,500	42.56%
Sales and Use Tax & Triple Flip	514,380	1,248,000	1,248,000	41.22%
Sales and Use Tax - Voter Approved	324,700	750,000	750,000	43.29%
Motor Vehicle In Lieu Tax / VLF Adj	424,413	805,500	845,500	50.20%
Transient Occupancy Tax	192,745	370,000	370,000	52.09%
Cannabis Taxes & Licenses	-	100,000	200,000	0.00%
Other Taxes	14,965	18,000	18,000	83.14%
Franchise Fees	116,394	404,000	404,000	28.81%
Business License	7,334	85,000	85,000	8.63%
License & Permits	99,316	172,800	172,800	57.47%
Use of Money Property	10,281	22,500	22,500	45.69%
Intergovernmental	11,009	96,500	96,500	11.41%
Fines and Penalties	20,862	91,500	91,500	22.80%
Other Revenue	362,884	50,000	350,000	103.68%
Surplus Property Sales	5,194	1,575,000	2,249,000	0.23%
Planning Department	21,107	38,400	38,400	54.97%
Police Department	5,981	12,500	12,500	47.85%
Fire Department	-	100	100	0.00%
Building Regulations	42,644	82,000	82,000	52.00%
Recreation Services	38,646	75,900	75,900	50.92%
	<u>2,975,405</u>	<u>7,727,200</u>	<u>8,841,200</u>	<u>33.65%</u>
Departmental Net Expenditures:				
City Council	7,713	54,600	54,600	14.13%
Elections	-	15,000	15,000	0.00%
City Manager / City Clerk	197,749	254,543	274,043	72.16%
Finance	86,948	191,900	191,900	45.31%
City Attorney	50,048	160,000	210,000	23.83%
Civic Center	40,637	89,250	104,250	38.98%
Engineering / Planning	173,996	340,020	665,020	26.16%
Building & Safety	78,433	185,693	185,693	42.24%
Non-Departmental	551,395	505,005	505,005	109.19%
Police Department	1,192,390	3,137,112	3,137,112	38.01%
Fire Department	88,850	151,585	151,585	58.61%
Public Works	16,629	224,320	214,320	7.76%
Parks/Landscaping	154,932	246,283	261,283	59.30%
Recreation Services	61,104	197,002	197,002	31.02%
City Aquatics Program	54,407	134,887	134,887	40.34%
Golf Course	27,881	4,000	19,000	146.74%
Transfers Out	12,365	1,836,000	1,836,000	0.67%
	<u>2,795,477</u>	<u>7,727,200</u>	<u>8,156,700</u>	<u>34.27%</u>
Excess Revenue Over <Under> Expenditures	<u>179,928</u>	<u>0</u>	<u>684,500</u>	<u>26.29%</u>

City of King**Actual vs Budget Comparison - Mid-Year****As of December 31, 2017**

Enterprise Funds

<u>Account Title</u>	<u>Year-to-Date</u>	<u>Original Budget FY 2016-2017</u>	<u>Amended Budget FY 2016-2017</u>	<u>% To Amended Budget</u>
Sewer Operations				
Revenues	1,037,825	2,385,000	2,385,000	43.51%
Expenditures	<u>(826,828)</u>	<u>(2,443,598)</u>	<u>(2,443,598)</u>	<u>33.84%</u>
Excess Revenues Over Expenditures	<u>210,997</u>	<u>(58,598)</u>	<u>(58,598)</u>	<u>-360.08%</u>
Sewer Construction				
Revenues	49,407	70,000	70,000	70.58%
Expenditures	<u>(1,893,679)</u>	<u>(1,173,000)</u>	<u>(1,918,608)</u>	<u>98.70%</u>
Excess Revenues Over Expenditures	<u>(1,844,273)</u>	<u>(1,103,000)</u>	<u>(1,848,608)</u>	<u>99.77%</u>
Totals - Enterprise Funds	<u>(1,633,276)</u>	<u>(1,161,598)</u>	<u>(1,907,206)</u>	<u>85.64%</u>

Public Finance Authority

City of King
 Actual vs Budget Comparison - Mid-Year
 As of December 31, 2017

Special Revenue Funds Summary

<u>Account Title</u>	<u>Year-to-Date</u>	<u>Original Budget FY 2016-2017</u>	<u>Amended Budget FY 2016-2017</u>	<u>% To Amended Budget</u>
Community Development & Recreation				
Revenues	-	-	-	
Expenditures	-	-	-	
Excess Revenues Over Expenditures	-	-	-	
Impact Fees				
Revenues	137,589	143,500	143,500	95.88%
Expenditures	(65,598)	(124,870)	(199,870)	32.82%
Excess Revenues Over Expenditures	71,992	18,630	(56,370)	-127.71%
Public Safety				
Revenues	62,857	100,000	100,000	62.66%
Expenditures	(48,808)	(100,000)	(100,000)	48.81%
Excess Revenues Over Expenditures	13,850	-	-	
Special Assessment Districts				
Revenues	-	50	50	0.00%
Expenditures	(52)	(30,000)	(30,000)	0.17%
Excess Revenues Over Expenditures	(52)	(29,950)	(29,950)	0.17%
Streets & Transportation				
Revenues	137,907	328,000	328,000	42.04%
Expenditures	(179,491)	(328,000)	(328,000)	54.72%
Excess Revenues Over Expenditures	(41,583)	-	-	
Airport Operations				
Revenues	44,146	239,500	239,500	18.43%
Expenditures	(74,255)	(201,342)	(201,342)	36.88%
Excess Revenues Over Expenditures	(30,109)	38,158	38,158	-78.91%
Utility User Tax				
Revenues	111,488	246,000	246,000	45.32%
Expenditures	(111,488)	(246,000)	(246,000)	45.32%
Excess Revenues Over Expenditures	-	-	-	
Landfill Closure				
Revenues	9,900	21,000	21,000	47.14%
Expenditures	(9,900)	(21,000)	(21,000)	47.14%
Excess Revenues Over Expenditures	-	-	-	
Totals - Special Revenue Funds	14,097	26,838	(48,162)	-29.27%

City of King**Actual vs Budget Comparison - Mid-Year****As of December 31, 2017**

City of King Successor Agency

<u>Account Title</u>	<u>Year-to-Date</u>	<u>Original Budget FY 2016-2017</u>	<u>Amended Budget FY 2016-2017</u>	<u>% To Amended Budget</u>
City Successor Agency				
Revenues	1,132,348	1,369,000	1,826,184	62.01%
Expenditures	<u>(459,600)</u>	<u>(755,101)</u>	<u>(755,101)</u>	<u>60.87%</u>
Excess Revenues Over Expenditures	<u>672,748</u>	<u>613,899</u>	<u>1,071,083</u>	<u>62.81%</u>



Item No. 11(B)

REPORT TO THE CITY COUNCIL

DATE: FEBRUARY 14, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CONSIDERATION OF FY 2017-18 AND FY2018-19 BUDGET GOALS

RECOMMENDATION:

It is recommended the City Council approve by motion the proposed budget goals for FY 2016-17.

BACKGROUND:

Last year, the City Council approved a new budget process. The first step in the process is to establish budget goals and priorities, which staff will use to develop budget recommendations.

Each department was requested to submit annual operational goals based on what they believe can be accomplished assuming existing staffing and budget resources remain the same as FY 2016-17. The City Manager then met with each department to review and agree on modifications, which focused on coordinating individual department goals to address overall City needs. The intent was to establish an aggressive, but realistic, work plan for each operation.

Major citywide goals were also recommended by the City Manager and reviewed and approved by the citywide staff Leadership Team. The major citywide goals are simply an identification of critical priorities for the City. Unlike the operational goals, they are not based upon projected revenues. Instead, the intent is to agree on areas where any new revenues that are identified will be directed. As a result, they provide important direction to staff to assist in preparation of the budget recommendations. In addition, establishment of major citywide goals is part of an attempt to target the City's efforts on a few critical areas in order to more effectively make important progress.

**CITY COUNCIL
CONSIDERATION OF BUDGET GOALS FOR FY 2017-18 AND FY 2018-19
JANUARY 10, 2017
PAGE 2 OF 12**

The recommendations for changes to the budget process last year also included converting to a two-year budget beginning in FY 2017-18. Therefore, this year, budget goals are established for the next two fiscal years. Goals for FY 2018-19 will be reviewed and updated next year prior to the commencement of the second year of the biennial budget.

DISCUSSION:

The major citywide goals/critical priorities remain generally the same as last year. The only change is increasing the definition in a couple of the goals since we now have additional plans in place that have been developed over the past year. The recommendations include the following:

- Pay down the City's debt;
- Implement the Plan to End Youth Violence;
- Expand economic development efforts with particular focus on implementing the Downtown Streetscape Conceptual Plan;
- Increase maintenance and upgrade of the City's street, sidewalk and waste water infrastructure; and
- Improve customer service.

The following are recommended budget goals for each City department:

City Manager's Office

FY 2017-18:

- Obtain funding and begin design of Downtown Streetscape Plan.
- Complete installation of 100 new streetlights throughout the City.
- Acquire property for downtown plaza.
- Coordinate development plan and sell Successor Agency Property at 1023 Broadway.
- Develop a combination of incentives and regulations to facilitate façade enhancements to buildings on 300 block of Broadway.
- Assist property owners to find tenants to fill vacant commercial buildings.
- Work with local agricultural businesses to develop new agricultural employee housing projects.

**CITY COUNCIL
CONSIDERATION OF BUDGET GOALS FOR FY 2017-18 AND FY 2018-19
JANUARY 10, 2017
PAGE 3 OF 12**

- Coordinate efforts and continue submittal of grant applications to implement the Comprehensive Plan to End Youth Violence.
- Submit Community Development Block Grant application for sidewalk improvements, gang prevention programs, and renovation of the skate park.
- Complete sale of agricultural property and properties adjacent to the Salinas Valley Fairgrounds.
- Expand City employee training program.
- Develop and implement new employee orientation program.
- Continue support and coordination with King City in Bloom to expand beautification efforts.
- Negotiate lease for new hangar at the Mesa Del Rey Airport.
- Update leases at Mesa Del Rey Airport.
- Publish and distribute four City newsletters.
- Establish City Facebook page.
- Develop Strategic Planning process.
- Coordinate purchase of equipment and supplies for Emergency Operations Center.
- Coordinate with County Office of Emergency Services to conduct EOC training exercise.
- Develop disaster preparedness public education efforts.
- Work with outside organizations to provide immigration and citizenship programs to the community.
- Coordinate with other Salinas Valley jurisdictions to implement National Resource Network project to expand local job training opportunities.

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FY 2018-19:

- Coordinate preparation of FY 2019-20/FY 2020-21 Biennial Budget and update of the Long Range Financial Plan.
- Prepare, distribute and administer citywide Customer Satisfaction Survey.
- Coordinate and implement plan for construction of downtown plaza.

Building

FY 2017-18:

- Attend HDL training to increase capability of managing changes to the automated Building Permit system.
- Conduct inspections of all downtown Broadway Street businesses to ensure fire and earthquake safety.
- Implement new nuisance abatement ordinance in order to upgrade and ensure code compliance of substandard rental buildings and those that harbor ongoing gang activity.
- Implement bi-lingual education program regarding the requirements for permits and inspections.
- Complete preparation of City ADA Transition Plan.
- Develop project and annual inspection program for medical marijuana facilities.

FY 2018-19:

- Upgrade and update the building permit system.
- Expand front counter responsibilities in the building permit process, including reports, issuing permits, and updating permit software.

Community Development

FY 2017-18:

- Complete archiving of Community Development Department files. To include scanning some of the archives.

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- Complete update of the Sign Ordinance and establish a new fast track permit process for sign permit applications that meet established criteria and requirements.
- Update and codify the Historic Corridor Revitalization Master Plan.
- Update application forms and checklists.
- Prepare and adopt a wireless ordinance.
- Develop more online interactive forms.
- Convert forms and checklists to bi-lingual.
- Update the Mesa Del Rey Airport Layout Plan (correlate with ERBP-SP update).
- Expand the boundary of the East Ranch Business Park Specific Plan to include all industrial properties (correlate with Mesa Del Rey Airport Layout Plan).
- Prepare a recreational cannabis ordinance.
- Process the fourth amendment to the Arboleda Specific Plan.
- Work with property owners and farmers on developing agriculture employee housing projects.

FY 2018-19:

- Amend the Zoning Code to increase uses that require only a plot plan review instead of a full conditional use permit.
- Complete revisions and update of Chapter 16 and Chapter 17 of the Municipal Code.
- Develop an implementation and funding plan for the Multi-Modal Transit Center project.
- Update Development Code.

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Finance

- Increase budget support materials.
- Close the Fiscal Year timely and complete the FY 15-16 financial audit before November 2016.
- Work with the Department of Finance to wind-down the former CDA.
- Work towards reducing the number of General Ledger Departments, especially in the General Fund, in order to have a more simplified general ledger.
- Prepare and provide more detailed monthly financial reports to department staff.
- Prepare and provide more useful quarterly financial summaries and mid-year budget report to the City Council.
- Create a master standard time sheet and implement a more efficient process for submitting time sheets.
- Complete training in the PERS pension system.
- Hire part-time Human Resources Manager and develop overall personnel system.
- Improve release and processing times of business licenses and evaluate business license software alternatives.
- Develop and implement 2-year budget process.
- Train department staff in how to better manage their budgets.
- Develop master pay scale for Council authorization and posting on the website.
- Develop master fee schedule.
- Update investment policy.

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Police

FY 2017-18:

- Substantially reduce homicides and violent crime through implementation of the Comprehensive Plan to End Youth Violence.
- Reach full staffing and then maintain a stable staffing level.
- Fill the second in command position on a permanent basis.
- In conjunction with results of the plan, implement a joint program with both school districts and the Probation Department to institute a Probation School Resource Officer at the High School and Middle School.
- In conjunction with the plan, complete installation of a citywide security surveillance camera system at key locations.
- In conjunction with the plan, implement an initial pilot after-school youth gang prevention program.
- Increase outreach programs, including:
 1. Revamp Town Watch to organize meetings and programs by district.
 2. Increase presentations to the public on safety, gangs and domestic violence.
 3. Reinstate Police Explorer and PAL programs.
 4. Join "My Neighborhood.com" as another communication tool
 5. Increase attendance at community events and activities.
 6. Increase foot patrol.
 7. Establish a community advisory and support group.
- Develop a plan to upgrade the appearance of the Police Station.
- Develop and implement training for officers in gang enforcement.
- Complete development and implementation of the new comprehensive training manual and schedule.
- Continue implementation of the vehicle replacement program.
- Continue implementation of the replacement program for the mobile data terminals (MDTs).

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- Purge old files/records/evidence needs to be purged according to the records retention schedule.
- Form additional partnerships with other local agencies, including other police departments, sheriff, social services, civic, non-profits, all with a goal of assisting the community.
- Continue to expand press relations program.
- Complete implementation of Investigator Trainee Program to fill the full-time Investigator position.
- Train the PD on the Six Pillars from the Presidential Task Force on 21st Century Policing and integrate these pillars into the workings of the PD.
- Complete implementation of all State Audit recommendations and responses.
- Institute "Blue Courage" training for King City Police Department

FY 2018-19:

- Develop Crime Scene processing team either through training and MOU with allied agencies or through contract with CSI vendor.
- Develop Volunteers In Patrol program.
- Implement full-time gang detail position.
- Develop MOU with closest allied agencies to have multiple investigators on major crimes.
- Create "Beat Areas" for division of patrol resources and day to day patrolling.
- Create "Policing Districts" and assign one officer to each District for the care of each district to include:
 1. Crime Analysis of district for trends and plans to counteract the trends.
 2. Contact with residents of the district to address policing issue in that district.
- Implement Pointman Leadership Institute Ethics Training.

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- Complete a KCPD Community Score Card.
- Work on funding to implement in vehicle camera's to work in conjunction with body cameras.
- Seek funding and development of a re-entry one stop center in King City providing comprehensive services to assist parolees and probationers to successfully and constructively re-enter the community.

Fire

FY 2017-18:

- Implement annual business fire inspection program.
- Increase efforts to recruit new volunteers to increase firefighter staffing by three individuals.
- Acquire and install emergency generator at the Fire Station.
- Develop plan for radio upgrade.

FY 2018-19:

- Prepare analysis of options for dispatch services.
- Acquire and customize computer software to automate recordkeeping and inspection schedule functions.

Public Works

FY 2017-18:

- Replace all stop signs, No Parking signs, and street signs in need or replacement in the northeast quadrant of the city.
- Maintain all park turf areas on a weekly basis.
- Respond to pothole requests within one week.
- Implement front desk procedures to input and track citizen requests in City if King Citizen Request and Tracking System.

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- Design and construct Haven Drive street pavement project.
- Update Annual Pavement Management Program.
- Complete Roundabout Project Study Report (PSR) and work on preparing strategy to finance required next steps thru construction.
- Complete update of the Wastewater Distribution System Master Plan.
- Complete preparation of Master Plan for Wastewater Treatment Plant Upgrade.
- Coordinate construction of Phase I Downtown Streetscape Improvements.
- Apply for "Safe Routes to School" grant for ADA ramps and new sidewalks where segments are missing.
- Comply with ongoing requirements under the City's permit with the Regional Board and Submit our Annual Report prior to deadline.
- Coordinate sediment removal from San Lorenzo Creek.
- Construct Lonoak railroad crossing safety improvements.
- Install wastewater line under railroad tracks.
- Coordinate study and improvements to irrigation at major City parks.
- Develop emergency airport fueling capabilities at Mesa Del Rey Airport.
- Increase run time on Aerators at the Wastewater Treatment Plan ponds to improve odor control to take advantage of new solar system.
- Coordinate development of Mesa Del Rey Airport Layout Plan.
- Implement quarterly alley maintenance program.

FY 2018-19:

- Prepare Wastewater Rate Study.
- Coordinate design of Wastewater Treatment Plant Upgrade.

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- Begin Roundabout Project Approval and Environment Document (PA&ED).
- Design and construct annual street pavement improvements.
- Schedule and plan Cyclovia bike and pedestrian promotional event in coordination with Monterey County.

Recreation

FY 2017-18:

- Expand youth programming by establishing partnerships with non-profit organizations, such as AYSO, Proyouh, Harmony in the Home, Sole Treasures, etc.
- Increase youth participation in programs by offering incentives for participation for both youth and parents.
- Partner with local businesses to offer increased youth activities, including King City Cinemas and Salinas Valley Fair
- Develop joint use agreement with Salinas Valley Fairgrounds to expand recreation programs and expand adult programming to include volleyball and basketball
- Expand annual National Night Out event and include at least 20 information booths and activities for residents.
- Implement formalized training program for Summer Day Camp staff.
- Expand sports camps for King City kids by partnering with King City High School sports teams.
- Continue to expand usage of Recreation Center facility through rentals, partnerships with local organizations and instructional classes.
- Pursue training and assume the position of a Disaster Response Public Information Officer for the City.
- Add new flag football program to Recreation Program.

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FY 2018-19:

- Plan and fund pool facility improvements, including new tiles, shade structures, lockers, locker rooms, and enclosure.
- Develop new funding plan for upgrade of the Skate Park.
- Improve Creekbridge Soccer and San Antonio Park turf to encourage tournament play for South County Soccer League.

A copy of the proposed budget calendar is attached. Please note that the Budget Workshop is scheduled for Tuesday, May 30, 2017 at 6:00 p.m.

COST ANALYSIS:

There is no fiscal impact of the recommended action. However, the major citywide goals are intended to be areas where additional funding is allocated in the future.

ALTERNATIVES:

The following alternatives have been identified for City Council consideration:

1. Approve the recommended goals for FY 2017-18 and FY 2018-19.
2. Modify some of the proposed goals, but priorities will need to be established and other goals potentially deleted in order increase goals with existing resources;
3. Delay the discussion for more discussion and public input; or
4. Provide other direction to staff.

Exhibits:

1. Budget Calendar

Prepared and Approved by:



Steven Adams, City Manager



**FY 2017-18/ FY 2018-19
BIENNIAL BUDGET**

CALENDAR

- Mid-year Accomplishments and Proposed Department Goals for FY 2017-18/ FY 2018-19 Due December 16, 2016
- FY 2015-16 Mid-Year Budget Review February 14, 2017
- Approval of Budget Goals/Priorities February 14, 2017
- Distribution of Department Budget Worksheets February 14, 2017
- Budget Worksheets and Forms Due March 7, 2017
- Budget Meetings March 20 - 24, 2017
- 5-Year Capital Improvement Program Meeting March 28, 2017
- Completion of Revenue Projections April 7, 2017
- Staff Budget Review April 25, 2017
- Local Sales Tax Committee Meeting May 4, 2017
- Draft Budget Document Issued May 25, 2017
- **Budget Workshop** **May 30, 2017**
- City Council Budget Consideration June 13, 2017