AGENDA

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

TUESDAY APRIL 25, 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

A. Proclamation for Firefighter of the Year

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 Any Council Member, the City Manager, or the City Attorney may request that an item be withdrawn from the Consent Agenda to allow for full discussion.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 Items withdrawn from the Consent Agenda may be considered by separate motions at the conclusion of the discussion of each item.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 April 11, 2017 Council Meeting
Recommendation: approve and file.

B. City Check Register
Recommendation: approve and file.

C. Public Financing Authority Register
Recommendation: approve and file.

D. City Monthly Treasurer's Report- March 2017
Recommendation: approve and file.

E. Successor Agency Monthly Treasurer's Report- March 2017
Recommendation: approve and file.

F. Public Financing Authority Monthly Treasurer's Report- March 2017
Recommendation: approve and file.

G. Consideration: Award of Bid for King City Forden Park Improvements – Proposed Project Award Recommendations
Recommendation: 1) award the Base Bid of the King City Forden Park Improvement Project to the low bidder, Courts and Greens, in the proposed amount of $104,550; and 2) appropriate an additional $27,550 from the Park Impact Fee Funds.

H. Consideration: 2017 King City Street Project- Proposed Project Award Recommendations
Recommendation: 1) award the Base Bid of the 2017 King City Street Project as proposed by low bidder, Don Chapin Company, in the proposed amount of $204,000; 2) appropriate $214,200 and authorize the City Manager to approve change orders up to $10,200.

I. Consideration: Resolution to Participate in the Institute for Local Government's Beacon Program
Recommendation: approve a Resolution to participate in the Institute for local Government's Beacon Program, which provides recognition for efforts to reduce greenhouse gases and to save energy.

J. Consideration: Sponsorship of Freedom Gala
Recommendation: approve City sponsorship of the first Annual Freedom Gala in partnership with Fort Hunter Liggett and the King City Chamber of Commerce and Agriculture.

10. PUBLIC HEARINGS

A. Consideration: Introduction and First Reading of Ordinances Amending the General Plan (Case No. GPA2017-001- Amendment No. 1) and Approving a Zone Change (Case No. ZC2017-001- Amendment No. 1) On Portions of APN 245-111-036-000 and APN 245-111-030-000 and Adjacent City Property as Clean-up Items.
Recommendation: conduct the public hearing, discuss ordinances, make a motion to read ordinances by title only, and approve the first reading of the ordinances to waive future readings of the ordinances.

B. Consideration: Youth Protection Daytime Curfew Ordinance
Recommendation: introduce for first reading a proposed Youth Protection Daytime Curfew Ordinance.

11. REGULAR BUSINESS

A. Consideration: Memorandum of Understanding for the After-School Heart Expanded Learning Program
Recommendation: approve a Memorandum of Understanding (MOU) with ProYouth and the King City Union School District to provide the after-school HEART expanded learning program; and 2) authorize the City Manager to make non-substantive minor changes to the MOU determined necessary as approved to form by the City Attorney.

B. Consideration: Memorandum of Understanding for Campus-Based Probation Officer
Recommendation: approve a Memorandum of Understanding (MOU) with the County of Monterey, South County Monterey Joint Union High School District and the King City Union School District to jointly fund a campus-based probation officer.

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.

None

13. ADJOURNMENT

City of King

2016 Firefighter of the Year
Firefighter Chris Salazar

Whereas, *Firefighter Chris Salazar was selected by a Fire Department Committee of previous recipients to be the 2016 Firefighter of the Year; and*

Whereas, *Firefighter Salazar was chosen not only for his firefighting skills, but also his positive attitude and willingness to help; and*

Whereas, *Firefighter Salazar serves in all aspects of being a member of the brotherhood of the King City Fire Department; and*

Whereas, *Firefighter Salazar never refuses when asked to help out at any function whether it is the Rib BBQ, Toy Drive, Fire Muster or Firehouse Tours for school children; and*

Whereas, *Firefighter Salazar usually volunteers before being asked; and*

Whereas, *Firefighter Salazar responded to 177 calls out of 224 during the year.*

NOW, THEREFORE, BE IT HEREBY PROCLAIMED *that the City Council of the City of King congratulates Firefighter Chris Salazar for being selected as the City of King Fire Department Firefighter of the Year and expresses its appreciation for his dedicated, caring and professional service to the community.*

Mike LeBarre
Mayor

City Council Meeting
April 11, 2017

1. CALL TO ORDER:

Regular Meeting was called to order at 6:02pm by Mayor LeBarre.

2. FLAG SALUTE:

The flag salute was led by City Manager Steve Adams.

3. ROLL CALL:

City Manager Adams conducted roll call.

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

City Staff: City Manager Steven Adams, Attorney Shannon Chaffin

4. CLOSED SESSION ANNOUNCEMENTS:

5. PRESENTATIONS:
Mayor LeBarre presented Ken Kline with a certificate of appreciation for his time on the Parks and Recreation Department. He has one for two other outgoing commissioners that are not present.

6. PUBLIC COMMUNICATIONS:
Karen Jernigan brought copies of a letter she put in the mail today to Cal Trans reminding them it has been more than a year since the trees were cut down, the wildflowers, cobblestone paving and native shrubs have not been installed in and around our town. She was told by Cal Trans officials that this was because there was a drought in California and everything was on hold. On Saturday, she read in the newspaper that Governor Brown has declared that the drought is over. She would encourage the Council to follow up on this.

City Manager Adams stated that he had been in contact with Cal Trans and they are planning on doing some other projects in King City in a couple of years so they would do the work then.

7. COUNCIL COMMUNICATIONS:
Council Member Acosta appreciates the Downtown Streetscapes Plan.

Council Member DeLeon had no comments at this time.

Mayor LeBarre attended a meeting on of the Rail Policy Committee (TAMC) on the train station and Soledad and King City are on the list. King City may want to do an over view of plans and the design schedule. He feels the City may want to bring in some expertise to get our station going.

8. CITY STAFF REPORTS AND COMMENTS:
City Manager Adams stated the immigration forum was successful. New phone system going in on Thursday. King City Boxing Club ribbon cutting April 18th at 5:00p.m.

Attorney Chaffin stated none at this time.

9. CONSENT AGENDA

A. Meeting Minutes of March 28, 2017 Council Meeting
B. City Check Register
C. Successor Agency Check Register
D. Consideration: Commission and Board Appointments
E. Consideration: Resolution Adopting a Ticket and Pass Distribution Policy
F. Consideration: Purchase and Installation of City Hall Carpet
G. Consideration: Agreement with the Transportation Agency for Monterey County for the Allocation of Funding Approved by the Transportation Agency Board of Directors

Action: Motion to approve consent agenda with clarifications made by City Attorney by Acosta and seconded by DeLeon.

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

10. PUBLIC HEARINGS:

None

11. REGULAR BUSINESS:

A. Consideration: Options for Regulation of Commercial Recreational Cannabis and Update of Medical Cannabis Regulations

City Manager Adams introduced this item.

City Attorney Chaffin further introduced this item.

Council Member DeLeon ask for clarification on Dispensaries.

Council Member Acosta is happy that there is more time to work on recreational cannabis. She would like to get as much information as possible. She would like to know where these businesses are going to be location wise. She would like to continue the ban on Dispensaries.

Mayor LeBarre is in agreement on banning Dispensaries. On insurance, he feels starting at a million is good to start but ability to adjust as necessary. Ethanol needs to be looking at the size of gallon drum as it is received in 55 gallon drums and the City is allowing 50 gallons on site.

Council is of the consensus that the recreational should be the same as medical- commercial to start however allows adjustments.

Meghan Melaugh, Esq. Attorney for Green Waste Consulting, they represent a large-scale operation at the East Ranch Business Park. There is an issue that PG&E is hard to get out to look at their project. P.G. & E. stated it could be two years before they come to look at the project. Solar is not an option. They are looking for support from the City to get PG&E out sooner as it is going to cause the City to lose money.

Measure J does not cover transportation or distribution and the City Attorney can bring something back with the consensus of a couple of council members. They are in consensus.

Council would like to have the City Attorney bring the appeal process back with options.

Council would like to eliminate the Public Educational plan but have the City Attorney bring back options for it to come back through the Community Plan to End Youth Violence on the public outreach component so it is consistent.

City Attorney suggested bringing a trigger mechanism in to amend by a resolution to change the fee schedule. City council would like that.

Licenses distribution and transportation 10A license. They can grow it here but no dispensaries.

Brandon Gesicki, he likes the changes he saw in the staff report. By summer should see some ground breaking. He would like to see Ethanol allowed as an extraction method in the manufacturing. Grover Beach is now allowing it. Just allow ethanol in level 7. He would like to meet with individuals separately.

Mayor would like information from Grover Beach.

City Manager Adams would like to have this done in two steps. He would like to one bring back with a draft ordinance with some clean-up items on medical marijuana like some of the additional licenses and the second get clearer direction on Recreational marijuana and Ethanol.

12. CLOSED SESSION:

1. Liability Claims, by Lydia Ordonez
   Claim against City of King
   Gov. Code Section: 54956.95

ADJOURNMENT:

There being no further business to come before the City Council, Mayor LeBarre adjourned the meeting at 7:09pm to closed session with the Mayor stating what would be discussed in closed session.

Approved Signatures:

Mayor, Michael LeBarre
City of King

City Clerk, Steven Adams
City of King

KING CITY
CALIFORNIA

Item No 9(B)

REPORT TO THE CITY COUNCIL

DATE: APRIL 25, 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
APRIL 25, 2017

Exhibit(S)

1. Check Register Report

Submitted by: _____
Patricia Grainger, Accountant

Approved by: _____
Steven Adams, City Manager

Check Register Report

April 7, 2017 (FY 2016-17)

Date: 04/07/2017
Time: 6:13 pm
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							
58899	04/07/2017	Printed		A T T	A T & T	Monthly Internet -	154.00
58900	04/07/2017	Printed		ACEHIGH	ACE HIGH DESIGNS INC	Softball Uniforms	23.95
58901	04/07/2017	Printed		ASI	ADMINISTRATIVE SOLUTIONS, INC	City Self Funded Medical	5,000.00
58902	04/07/2017	Printed		AGUILARF	FRANCISCA AGUILAR	Plates, Napkins, Waters	28.44
58903	04/07/2017	Printed		ALBANESER	ALBANESE RENTAL &	Sewer Back-up - Appts	152.68
58904	04/07/2017	Printed		ALVAREZ	ALVAREZ TECHNOLOGY GROUP INC	Computer Support	4,835.38
58905	04/07/2017	Printed		AT & T	AT & T	Sentry Alarm Service -	96.56
58906	04/07/2017	Printed		AT&T - C	AT&T	911 Line - #9391036550	641.04
58907	04/07/2017	Printed		CASEY PRIN	CASEY PRINTING, INC.	King City New Spring 2017	1,899.71
58908	04/07/2017	Printed		CNAUTO	CLARK N. CLEVENGER	Saw Chain	37.26
58909	04/07/2017	Printed		DAVE'S REP	DAVE'S REPAIR SERVICE	Airport Site Inspection	80.00
58910	04/07/2017	Printed		DAVID ORTI	DAVID ORTIZ	Softball Referee -	42.00
58911	04/07/2017	Printed		RAHE	DEBI RAHE & TOM RAHE	Sewer Back-up	583.00
58912	04/07/2017	Printed		DIVISION	DIVISION OF STATE ARCHITECT	Disability Access & Education	189.00
58913	04/07/2017	Printed		ESPARZADA	DANIELLE ESPARZA	Fireworks Application Refund	147.00
58914	04/07/2017	Printed		GALLS, AN	GALLS, AN	First Aid Kit - Jail	70.77
58916	04/07/2017	Printed		HANNA	HANNA & BRUNETTI	Eng Svc 2017 KC ST Project.	22,154.34
58917	04/07/2017	Printed		JBTIRE	MIGUEL JACOBO	Unit #101 - Wipers, Oil Servic	1,495.73
58918	04/07/2017	Printed		JOHNSONL	LAUREN JOHNSON	Basketball Referee -	105.00
58919	04/07/2017	Printed		KING'S WEL	KING'S WELDING	Repair Disc	1,276.61
58920	04/07/2017	Printed		L. C. ACTI	L. C. ACTION POLICE SUPPLY LTD	Uniform - New Hire -	408.48
58921	04/07/2017	Printed		LEAG OF CA	LEAGUE OF CALIFORNIA CITIES	2017 Local Streets, Roads	200.00
58922	04/07/2017	Printed		MARTINEZCA	CAROLINE MARTINEZ	Softball Referee -	36.75
58923	04/07/2017	Printed		MAYDONV	VANESSA MAYDON	Basketball Referee -	63.00
58924	04/07/2017	Printed		M BASIA	MBASIA	Mohammad Claim	1,713.20
58925	04/07/2017	Printed		MO BAY SYS	MONTEREY BAY OFFICE PRODUCTS	Monthly Copier Contract	1,664.62
58926	04/07/2017	Printed		O'REILLY A	O'REILLY AUTOMOTIVE, INC.	Tail Gate Cable	90.98
58927	04/07/2017	Printed		OFFICE DEP	OFFICE DEPOT	Certificate paper	383.92
58928	04/07/2017	Printed		PURE WATER	PENINSULA PURE WATER INC.	City Hall Water	35.95
58929	04/07/2017	Printed		RED SHIFT	RED SHIFT INTERNET SERVICES	City Hall Internet	30.90
58930	04/07/2017	Printed		SIEMENS	SIEMENS INDUSTRY INC.	Signal Light Maint.	97.19
58931	04/07/2017	Printed		SPEAK	SPEAKWRITE BILLING DEPT	Services - March 2017	207.07
58932	04/07/2017	Printed		SPRINT	SPRINT	Monthly Long Distance.	145.00
58933	04/07/2017	Printed		STAND INS	STANDARD INSURANCE COMPANY	Insurance Premium Increases.	314.15
58934	04/07/2017	Printed		T&T PAVE	T & T PAVEMENT MARKINGS	Red and White Paint	2,509.55
58935	04/07/2017	Printed		ZAPPIA	THE ZAPPIA LAW FIRM, APC	Legal Service -	6,481.00

Total Checks: 36 — **Checks Total (excluding void checks): 53,394.23**

Total Payments: 36 — **Bank Total (excluding void checks): 53,394.23**

Total Payments: 36 — **Grand Total (excluding void checks): 53,394.23**

KING CITY
CALIFORNIA

Item No 9 (C)

REPORT TO THE PUBLIC FINANCING AUTHORITY

DATE: APRIL 25, 2017

TO: HONORABLE CHAIR AND MEMBERS OF THE AUTHORITY

FROM: STEVEN ADAMS, SECRETARY

BY: PATRICIA GRAINGER, ACCOUNTANT

RE: PUBLIC FINANCING AUTHORITY 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 for the Public Financing Authority 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/PUBLIC FINANCING AUTHORITY
PUBLIC FINANCING AUTHORITY CHECK REGISTER
APRIL 25, 2017

Exhibit (s)

1. Check Register Report

Submitted by: _____
Patricia Grainger, Accountant

Approved by: _____
Steven Adams, Secretary

Check Register Report

April 7, 2017 (FY 2016-17)PFA

Date: 04/07/2017
Time: 6:23 pm
Page: 1

KING CITY CITY HALL

BANK: KING CITY FINANCE AUTHORITY

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
KING CITY FINANCE AUTHORITY Checks							
322	04/07/2017	Printed		HANNA	HANNA & BRUNETTI	1 St Infrastructure	9,270.00
				Total Checks: 1		**Checks Total (excluding void checks):**	**9,270.00**
				Total Payments: 1		**Bank Total (excluding void checks):**	**9,270.00**
				Total Payments: 1		**Grand Total (excluding void checks):**	**9,270.00**

KING CITY
CALIFORNIA

Item No. 9(D)

REPORT TO THE CITY COUNCIL

DATE: APRIL 25, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

BY: PATRICIA GRAINGER, ACCOUNTANT

RE: MONTHLY TREASURER'S REPORT – MARCH 2017

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

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

DISCUSSION:

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

COST ANALYSIS:

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

ALTERNATIVES:

The following alternatives are provided for Council consideration:

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

Exhibits:

1. Investment Report

Submitted by: _____
Patricia Grainger, Accountant

Approved by: _____
Steven Adams, City Manager

City of King

Investment Report
Schedule of Cash and Investments
March 31, 2017

Investment Instrument		Yield	Amount	Maturity	Value
Invested by City Treasurer					
Institution	**Investment Type**				
State of California LAIF - City	Pooled	0.68%	2,263,192.93	On Demand	N/R
1st Capital Bank	**Checking Acct Housing Rehab**	-	**91,920.07**	**On Demand**	**N/R**
Wells Fargo Bank	General Checking	-	3,607,157.97	On Demand	N/R
Wells Fargo Bank	Payroll Checking Account	-	24,814.38	On Demand	N/R
Petty Cash-City Hall/Change Fund	Change Cash Drawer	-	500.00	On Demand	N/R
Invested by City Treasurer (Subtotal):			5,987,585.35		
Total Cash and Investments			5,987,585.35		

Pursuant To Government Code 41004, I hereby certify that this report reflects all City's investments. This investment program complies with the City Investment Policy. Anticipated approval by the City Council on 04/25/2017. Cash flow liquidity is still limited.

SIGNED: _____
City Treasurer

KING CITY
CALIFORNIA

Item No. 9(E)

REPORT TO THE CITY COUNCIL

DATE: APRIL 25, 2017

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: STEVEN ADAMS, CITY MANAGER

BY: PATRICIA GRAINGER, ACCOUNTANT

RE: SUCCESSOR AGENCY MONTHLY TREASURER'S REPORT – MARCH 2017

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

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

DISCUSSION:

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

COST ANALYSIS:

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

ALTERNATIVES:

The following alternatives are provided for Council consideration:

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

Exhibits:

1. Investment Report

Submitted by: Patricia Grainger
Patricia Grainger, Accountant

Approved by: _____
Steven Adams, City Manager

City of King

Investment Report
Schedule of Cash and Investments
March 31, 2017

Investment Instrument		Yield	Amount	Maturity	Value
Invested by City Treasurer					
Institution	**Investment Type**				
Wells Fargo Bank	SA Checking Account		1,466,510.54	On Demand	N/R
Invested by City Treasurer (Subtotal):			1,466,510.54		
Invested by Trustees (as of March Statements)					
Bond Reserves (1)					
U.S. Bank - 2011 TARB					
US Bank Money Market Ct	Escrow Fund #5050	0.00%	5,901,800.27	8/1/2034	5,901,800.27
U.S. Bank - 2016 A & B TARB					
US Bank Money Market Ct	Debt Service Fund #5000	0.00%	0.00	3/31/2025	0.00
US Bank Money Market Ct	Interest Account #5001	0.10%	9,225.76	3/31/2025	9,225.76
US Bank Money Market Ct	Cost of Issu Acct. #5009	0.10%	0.00	3/31/2025	0.00
U.S. Bank - 2016 TARB					
US Bank Money Market Ct	Debt Service Fund #6000	0.10%	6.37	3/31/2025	6.37
US Bank Money Market Ct	Interest Account #6001	0.00%	266.72	9/30/2016	266.72
US Bank Money Market Ct	Sinking Account #6003	0.00%	0.00	9/30/2016	0.00
US Bank Money Market Ct	Reserve Account #6005	0.10%	319,500.00	3/31/2025	319,500.00
US Bank Money Market Ct	Cost of Issu Fund #6009	0.10%	0.00	9/30/2016	0.00
US Bank Money Market Ct	Escrow Fund #6050	0.39%	0.00	9/30/2016	0.00
Market Value Providedby U.S. Bank, Trustee					
Invested by Trustees (Subtotal):			6,230,799.12		
Total Cash and Investments			7,697,309.66		

Pursuant To Government Code 41004, I hereby certify that this report reflects all City's investments. This investment program complies with the City Investment Policy. Anticipated approval by the City Council on 04/25/2017. Cash flow liquidity is still limited.

SIGNED: _____
City Treasurer

Note:
(1) Bonds

KING CITY
CALIFORNIA

Item No. 9(F)

REPORT TO THE PUBLIC FINANCING AUTHORITY

DATE: APRIL 25, 2017

TO: HONORABLE CHAIR AND MEMBERS OF THE AUTHORITY

FROM: STEVEN ADAMS, SECRETARY

BY: PATRICIA GRAINGER, ACCOUNTANT

RE: MONTHLY TREASURER'S REPORT – MARCH 2017

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

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

DISCUSSION:

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

COST ANALYSIS:

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

ALTERNATIVES:

The following alternatives are provided for Council consideration:

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

Exhibits:

1. Investment Report

Submitted by: _____
Patricia Grainger, Accountant

Approved by: _____
Steven Adams, Secretary

City of King

Investment Report
Schedule of Cash and Investments
March 31, 2017

Investment Instrument	Investment Type	Yield	Amount	Maturity	Value
Invested by City Treasurer					
Wells Fargo Bank	Fin Auth Checking Account		6,055.35	On Demand	N/R
State of California LAIF- Financing Authority	Pooled		0.00	On Demand	N/R
Invested by City Treasurer (Subtotal):			6,055.35		
Total Cash and Investments			6,055.35		

Pursuant To Government Code 41004, I hereby certify that this report reflects all City's investments. This investment program complies with the City Investment Policy. Anticipated approval by the City Council on 04/25/2017. Cash flow liquidity is still limited.

SIGNED: _____
Secretary

KING CITY
CALIFORNIA

Item No. 9(G)

STAFF REPORT

DATE: **APRIL 25, 2017**

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

FROM: **OCTAVIO HURTADO, HANNA & BRUNETTI, CITY ENGINEERS**

RE: **CONSIDERATION OF AWARD OF BID FOR KING CITY FORDEN PARK IMPROVEMENTS – PROPOSED PROJECT AWARD RECOMMENDATIONS**

RECOMMENDATION:

It is recommended City Council: 1) award the Base Bid of the King City Forden Park Improvement Project to the low bidder, Courts and Greens, in the proposed amount of $104,550; and 2) appropriate an additional $27,550 from the Park Impact Fee Funds.

BACKGROUND:

Improvement Plans and Specifications were put out to bid for the King City Forden Park Improvements Project. The project consists of removal of existing AC and sand pit, grading, install concrete surfacing, playground border, playground equipment and rubberized surface.

The project was initiated by community efforts made by the Funds for Forden group. Funds for Forden raised funds to purchase the play equipment and to pay for a portion of the installation of the equipment. The Play equipment has been purchased by Friends for Forden and is currently in storage at the City's Corporation Yard.

DISCUSSION:

The City received two bids from the following Contractor in the amount of;

Contractor	Bid
Courts and Greens	$125,583
Don Chapin Company	$147,500

Once the low bidder was determined, staff was able to negotiate a reduction to arrive at a final cost of $104,550. The rubberized surface was proposed because it provides lower maintenance and increased accessibility when compared to wood chips.

COST ANALYSIS:

Friends of Forden raised $12,000 for installation and $65,000 is currently budgeted by the City. After reviewing the bid received, all bids came in above the budgeted funds. Funding for this project is proposed to come from the previously appropriated $65,000 for the playground surface improvements from the Park Impact Fee Fund, $12,000 from Friends of Forden, and $27,550 from the additionally requested appropriation from the Park Impact Fee Fund.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Appropriate $27,550 from the Park Improvement Development Impact Fee Fund and Award Base Bid plus add alternate 1 and 2 of the Forden Park Improvement Project as proposed by low bidder, Courts and Greens in the amount of $104,550;
2. Do not appropriate additional funds and direct staff to install wood chips instead of the rubberized surface;
3. Do not award the Forden Park Improvement Project; or
4. Provide other direction to staff.

Exhibits:

Bid summary

Submitted by: _____
Octavio Hurtado, Hanna & Brunetti, City Engineers

Approved by: _____
Steven Adams, City Manager

152104

KING CITY
CALIFORNIA

King City Forden Park – Park Improvements

Bid Opening

April 13, 2017

2:00 PM

Contractor	Bid Amount
1. Don Chapin	
Base Bid: $57,000	Alt. 1 $56,500 Alt 2. $34,000
	Base + 1 & 2 $ 147,500
2. Courts and Greens	
Base Bid: $ 34,978 ✓	Alt 1. ~~$67,392~~ 46,359 Alt 2. $ 23,213
	Base + 1 & 2 $ 125,583.00
3.	Revised to $ 104,550
4.	
5.	

KING CITY
CALIFORNIA

Item No. 9(H)

STAFF REPORT

DATE: APRIL 25, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: OCTAVIO HURTADO, HANNA & BRUNETTI, CITY ENGINEERS

RE: CONSIDERTATION OF 2017 KING CITY STREET PROJECT – PROPOSED PROJECT AWARD RECOMMENDATIONS

RECOMMENDATION:

It is recommended City Council: 1) award the Base Bid of the 2017 King City Street Project as proposed by low bidder, Don Chapin Company, in the proposed amount of $204,000; 2) appropriate $214,200 and authorize the City manager to approve change orders up to $10,200.

BACKGROUND:

Improvement Plans and Specifications were put out to bid for the 2017 King City Street Project. The project consists of AC grinding and overlaying on some or all of Haven Drive, Carson Street and Vivian Street. The project was identified as a project on the recent tax Measure X, approved by voters in November. These streets are in poor condition and represent staff's recommended top priority for street improvements at this time.

DISCUSSION:

The City received the following four bids:

Contractor	Bid
Granite Construction Company	$212,429.12
Don Chapin Company	**$204,000.00**
Ferravanti Paving	$225,737.28
Monterey Peninsula Engineering	$232,076.00

COST ANALYSIS:

All bids received came in under the Engineer's Estimate of $250,000. The total proposed appropriation with contingencies is $214,200. Of this amount, $83,427 will be paid from King City's portion of the 2017 RSTP Funds administered through the Transportation Agency of Monterey county (TAMC). The remaining amount will be paid from FY 2016-17 and FY 2017-18 TAMC sales tax funds.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Award Base Bid of the 2017 King City Street Project as proposed by low bidder, The Don Chapin Company in the proposed amount of $204,000.00;
2. Reject bids and solicit new bids;
3. Do not award the 2017 King City Street Project;
4. Provide other direction to staff.

Exhibits:

1. Bid Summary

Submitted by: _____
Octavio Hurtado, Hanna & Brunetti, City Engineers

Approved by: _____
Steven Adams, City Manager

KING CITY
CALIFORNIA

2017 King City Street Project

Bid Opening

April 13, 2017

2:30 PM

Contractor	Bid Amount
1. Granite Construction Company Base Bid: $212,429.12	$ 212,429.12
2. Don Chapin Company	$ 204,000
3. Ferravanti Paving	$ 225,737.28
4. Monterey Peninsula Engineering (MPE)	$ 232,076.00
5.	

KING CITY
CALIFORNIA

Item No. 9(I)

REPORT TO THE CITY COUNCIL

DATE: APRIL 25, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CONSIDERATION OF RESOLUTION TO PARTICIPATE IN THE INSTITUTE FOR LOCAL GOVERNMENT'S BEACON PROGRAM

RECOMMENDATION:

It is recommended the City Council approve a Resolution to participate in the Institute for Local Government's Beacon Program, which provides recognition for efforts to reduce greenhouse gases and to save energy.

BACKGROUND:

AMBAG Energy Watch is working with the Institute for Local Governments to support jurisdictions in being recognized for the work they have accomplished in the reduction of energy use and community-wide greenhouse gases (GHGs). The Beacon Program honors voluntary efforts made by local governments to save energy and reduce GHGs.

DISCUSSION:

AMBAG has worked with PG&E to access data and with their ICLEI GHG Inventory databases to identify the level of Beacon Award the City will be recognized with for its energy use and community-wide GHG reductions. Therefore, they are preparing most of the work necessary to be eligible for the award. However, adoption of a Resolution is necessary. It will provide an opportunity for positive recognition of the City's efforts to increase energy efficiency.

COST ANALYSIS:

There is no cost to the City associated with this item.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Adopt the Resolution;
2. Modify and adopt the Resolution;
3. Do not adopt the Resolution and reject participation in the Beacon Award program; or
4. Provide staff other direction.

Approved by: _____
Steven Adams, City Manager

RESOLUTION NO. _____

CONSIDERATION OF APPROVING PARTICIPATION IN THE INSTITUTE FOR LOCAL GOVERNMENT'S BEACON PROGRAM

WHEREAS, the City of King City is undertaking policies, programs and activities to reduce greenhouse gas emissions and save energy; and

WHEREAS, these policies, programs and activities conserve natural resources, save energy and money, and promote sustainable land use and transportation planning in the community; and

WHEREAS, cities and counties statewide are leading by example by adopting innovative sustainability programs and policies, including working with community residents, business groups and others; and

WHEREAS, the City of King City wishes to expand these activities, share its experiences with other communities, and be recognized for its accomplishments; and

WHEREAS, the Beacon Program is a voluntary program of the Institute for Local Government, the non-profit research and education affiliate of the California State Association of Counties and the League of California Cities; and

WHEREAS, the Beacon Program recognizes and celebrates achievements of cities and counties that reduce greenhouse gas emissions and save energy; and

WHEREAS, participating in the Beacon Program is an opportunity for the City of King City to be recognized for its efforts to promote sustainability, reduce greenhouse gas emissions and save energy; now, therefore be it

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of King that the City of King agrees to participate in the Beacon Program; and

BE IT FURTHER RESOLVED, that the City of King City will work towards achieving the Silver, Gold and/or Platinum Beacon Award levels.

PASSED AND ADOPTED by the City Council of the City of King at a regular meeting duly held on the 25th day of April, 2017, by the following vote:

AYES, and in favor thereof, Councilmembers:

NAYS, Councilmembers:

ABSENT, Councilmembers:

ABSTAINING, Councilmembers:

Mike LeBarre, Mayor

ATTEST:

Steven Adams, City Clerk

APPROVED AS TO FORM:

Shannon Chaffin, City Attorney

KING CITY
CALIFORNIA

Item No. 9(J)

REPORT TO THE CITY COUNCIL

DATE: APRIL 25, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CONSIDERATION OF SPONSORSHIP OF FREEDOM GALA

RECOMMENDATION:

It is recommended the City Council approve City sponsorship of the first Annual Freedom Gala in partnership with Fort Hunter Liggett and the King City Chamber of Commerce and Agriculture.

BACKGROUND:

City staff have been working with Fort Hunter Liggett to identify ways to support their efforts and to promote activities that will increase attendance and business from those working and training there. In addition, staff is working on a fundraising campaign to launch the ProYouth after-school expanded learning program proposed in the Comprehensive Plan to End Youth Violence.

DISCUSSION:

It is proposed to partner with Fort Hunter Liggett and the King City Chamber of Commerce and Agriculture to sponsor a "Freedom Gala" on June 17, 2017 at the Salinas Valley Fairgrounds. The event will be a formal dinner and dance promoted to both Fort Hunter Liggett and to members of the community. It will be a celebration of the Army's birthday and an opportunity to pay tribute to the country's military. Proceeds will support both military families and the City's Comprehensive Plan to End Youth Violence. It is hoped this will become an annual event and will help attract more interaction between King City and those at Fort Hunter Liggett.

COST ANALYSIS:

It is projected this event will raise $10,000 to $15,000, which will be used to help fund the ProYouth HEART after-school expanded learning program.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Approve the sponsorship of the Freedom Gala;
2. Request changes to the proposed event;
3. Do not agree to sponsor the Freedom Gala; or
4. Provide staff other direction.

Approved by: _____
Steven Adams, City Manager

KING CITY
CALIFORNIA

Item No. 10(A)

REPORT TO THE CITY COUNCIL

DATE: **APRIL 25, 2017**

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

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

RE: **INTRODUCTION AND FIRST READING OF ORDINANCES AMENDING THE GENERAL PLAN (CASE NO. GPA2017-001- AMENDMENT NO. 1) AND APPROVING A ZONE CHANGE (CASE NO. ZC2017-001- AMENDMENT NO. 1) ON PORTIONS OF APN 245-111-036-000 AND APN 245-111-030-000 AS CLEAN-UP ITEMS**

RECOMMENDATION:

The City Council should conduct the public hearing, discuss ordinances, make a motion to read ordinances by title only, and approve the first reading of the ordinances to waive future readings of the ordinances.

BACKGROUND:

In February, the City Council ***("Council")*** adopted a General Plan amendment and rezone for APN 245-111-036-000. The General Plan designation was Public/Quasi-Public ***("PQ")*** and the Zoning District is Industrial ***("M-1")***. Both land use designations were changed to Agriculture.

As the Council may recall, the City sold all of APN 245-111-035-000 (located in the unincorporated area), and portions of APN 245-111-036-000 and APN 245-111-030-000 (located within the City). All parcels are located adjacent to the wastewater treatment plant.

After finalizing the land purchase agreement, the City and new owner agreed to add an area which was not included as part of the February approval. This small area is designated on the General Plan as PQ and on the zoning map as M-1. To make the newly purchased parcel the same land use designation, amended General Plan amendment and rezone applications are being processed. The clean-up amendments allow for the entire parcel to be designated agriculture.

DISCUSSION:

The proposal involves amending the General Plan Land Use Map and the Zoning Map on a small area outlined on **Exhibit 1**. On February 21, 2017, the Council adopted a General Plan Amendment and rezone to designate the property agriculture. The property is situated west of the City and adjacent to the wastewater treatment plant ***("WWTP")*** The proposed amendment and rezone are only for property within City limits.

On April 18, 2017, the Planning Commission recommended the Council approve the clean-up amendments.

Analysis
The City sold all of APN 245-111-035-000 (located in the unincorporated area), and portions of APN 245-111-036-000 and APN 245-111-030-000 (located within the City). This is a clean-up amendment so the land sold within the City has the same land use designations.

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.

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

Advantages
Provides consistent land use designations on the property sold.

Disadvantages
None

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.

Public Notification and Input
A public hearing notice was published in the South County Newspaper The Rustler on **April 5, 2017** and notices were mailed to property owners within 300ft radius of the site.

COST ANALYSIS:

The property was sold to Mission Holdings TLC (or a related entity thereof) for $2,325,000.

ALTERNATIVES:

The following alternatives are provided for Council consideration:
1. Adopt the attached Resolution;
2. Do not adopt the attached Resolution and request staff return with a Resolution not recommending the amendments; or
3. Provide other direction to staff.

Exhibits:
1. Project Area
2. Ordinances
3. February 28, 2017 City Council staff report
4. April 18, 2017 Planning Commission staff report

Submitted by: MEA FOR Doreen Liberto
Doreen Liberto, AICP, MDR, Community Development Director

Approved by:
Steven Adams, City Manager

EXHIBIT 1

Project Area

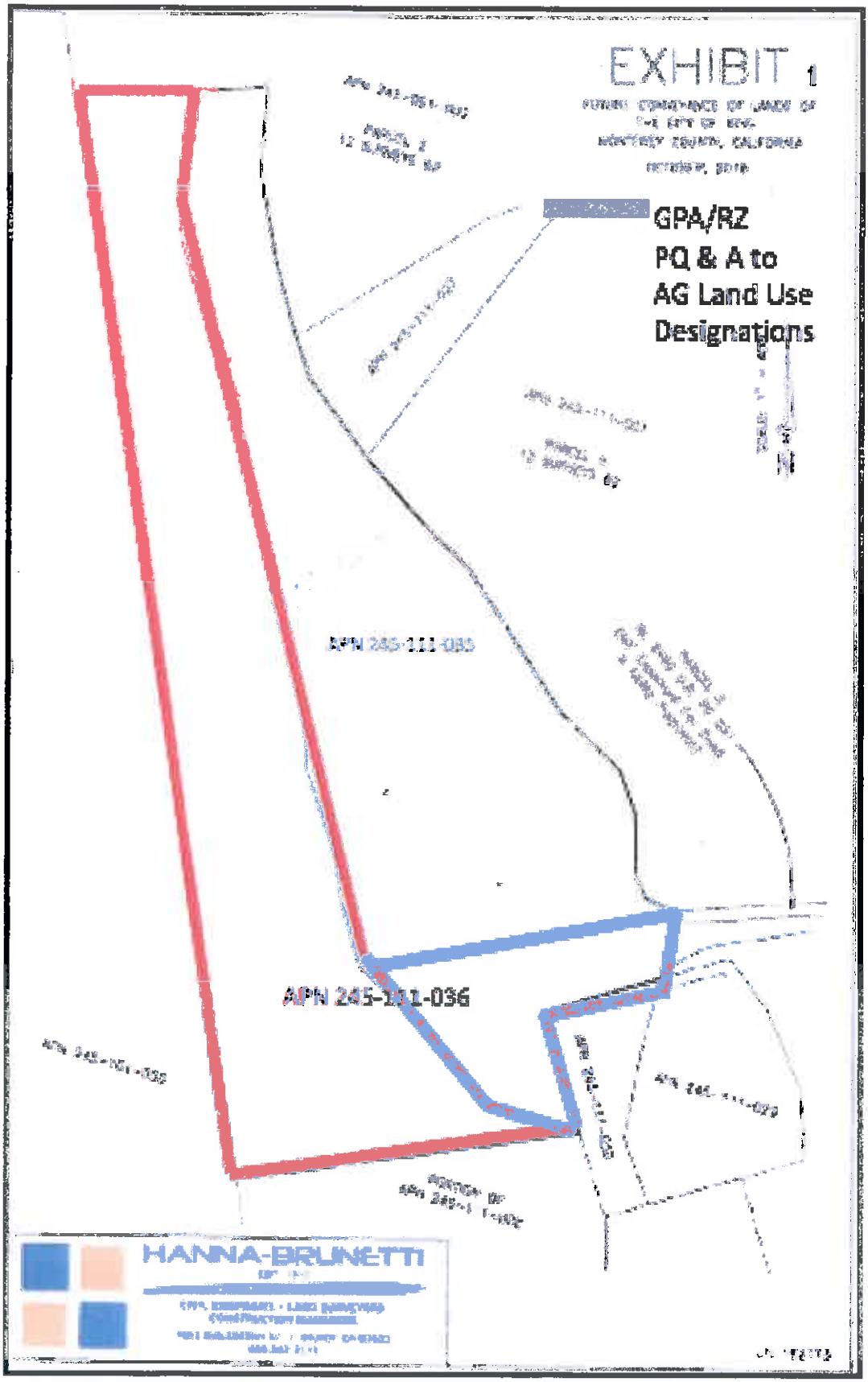


EXHIBIT 2

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING, CALIFORNIA AMENDING THE GENERAL PLAN LAND USE DESIGNATION FROM PUBLIC QUASI (PQ) TO AGRICULTURE (AG) (CASE NO. GPA2017-001 – AMENDMENT NO. 1) ON A PORTION OF ASSESSOR PARCEL NO. 245-111-036-000 AND ASSESSOR PARCEL NO. 245-111-030-000.

WHEREAS, the Community Development Department ("Department") of the City of King reviewed the revised applications to amend the General Plan land use designation from Public-Quasi ("PQ") to Agriculture ("AG") (Case No. GPA2017-001-Amendment No. 1) and amend the zoning district land use designation from Industrial ("M-I") to Agriculture ("AG") (Case No. RC2017-001- Amendment No. 1) for portions of Assessor Parcel No. 245-111-036-000, and APN 245-111-030-000, as shown on **Exhibit 1**; and

WHEREAS, on February 7, 2017, the Planning Commission ("Commission") recommended the City Council ("Council") amend the General Plan land use category from PQ to AG and amend the zoning district from M-1 to AG on a portion of APN 245-111-036-000; 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, and conducted the first reading of Ordinance No. 2017-736, and on February 28, 2017, conducted the second reading of Ordinance No. 2017-736; and

WHEREAS, as part of a clean-up effort, General Plan Case No. GPA2017-001 and Zone Change need to be amended to provide consistent with the adjacent land use designation, as shown on **Exhibit 1**; 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 April 18, 2017, the Commission considered the amended applications, and after considering public testimony, the staff report and all submitted evidence to support the applications, the Commission recommends the Council approve Case No. GPA2017-001 (Amendment No. 1) and Case No. RZ2017-001 (Amendment No. 1).

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 proposed General Plan amendment from Public Quasi (PQ) to Agriculture (AG) is compatible with adjacent uses and densities. The Agricultural land use designation is consistent with the character of the area, which is predominately agriculture.

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 25th day of April 2017, and adopted the Ordinance after the second reading at a regular meeting held on the 9th day of May 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, 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

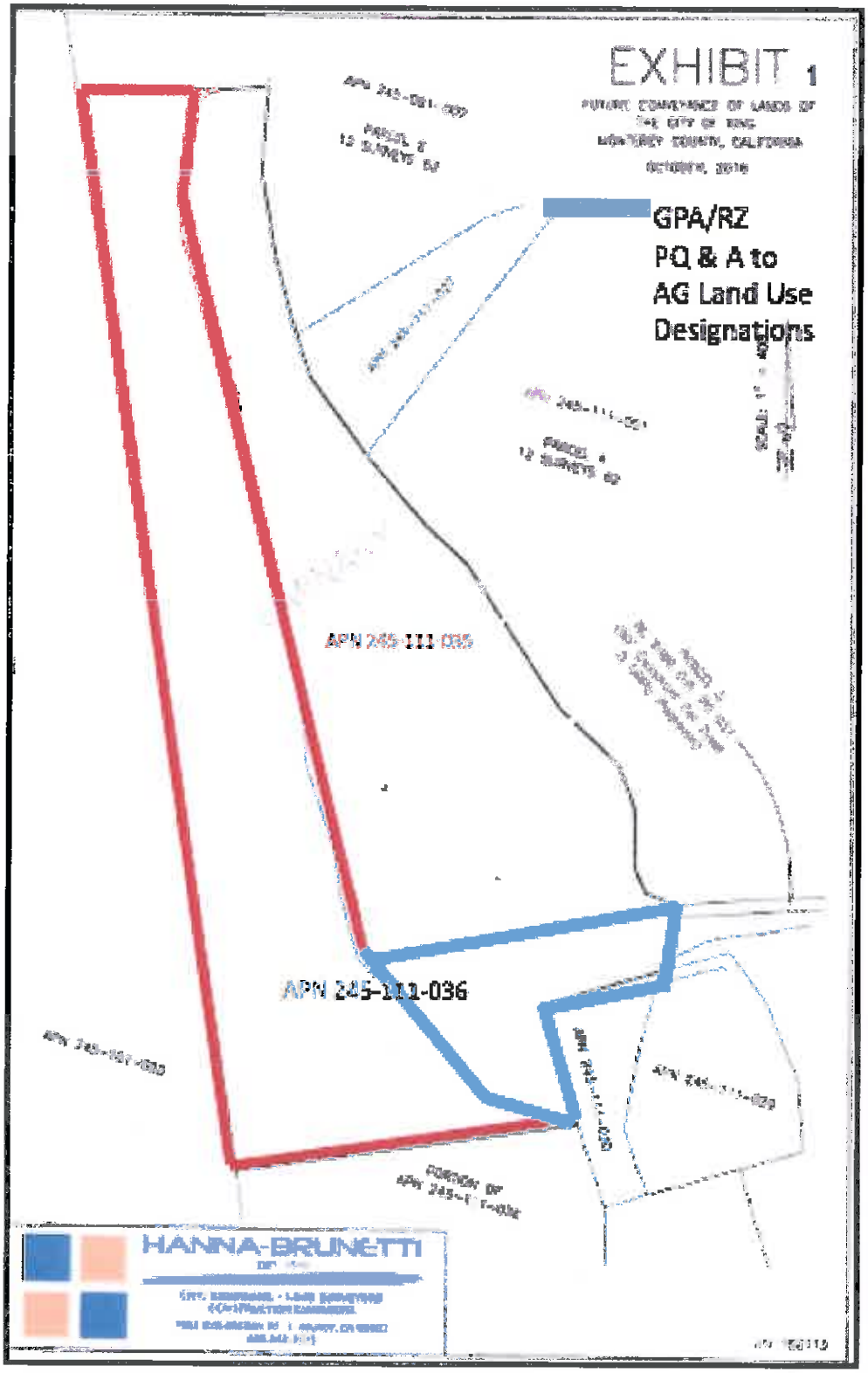


EXHIBIT 1
GPA/RZ
PQ & A to
AG Land Use
Designations
APN 245-111-035
APN 245-111-036
HANNA-BRUNETTI

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-AMENDMENT 1) ON A PORTION OF ASSESSOR PARCEL NO. 245-111-036-000 AND ASSESSOR PARCEL NO. 245-111-030-000

WHEREAS, the Community Development Department ("Department") of the City of King reviewed revised applications to amend the General Plan land use designation from Public-Quasi ("PQ") to Agriculture ("AG") (Case No. GPA2017-001 -Amendment No. 1) and amend the zoning district from Industrial ("I") to Agriculture (AG) (Case No. RC2017-001-Amendment No. 2) on a portion of Assessor Parcel No. 245-111-036-000 and Assessor Parcel No. 245-111-030-000, 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, 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 conducted the first reading of Ordinance No. 2017-737 and conducted the second reading of Ordinance No. 2017-737 on February 28, 2017, approving Case No. ZC2017-001; and

WHEREAS, the proposed amended 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 April 18, 2017, the Commission considered the amended applications, and after considering public testimony, the staff report and all submitted evidence to support the applications, the Commission recommends the Council approve Case No. GPA2017-001 (Amendment No. 1) and Case No. RZ2017-001 (Amendment No. 1).

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 25th day of April 2017, and adopted the Ordinance after the second reading at a regular meeting held on the 9th day of May 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, 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

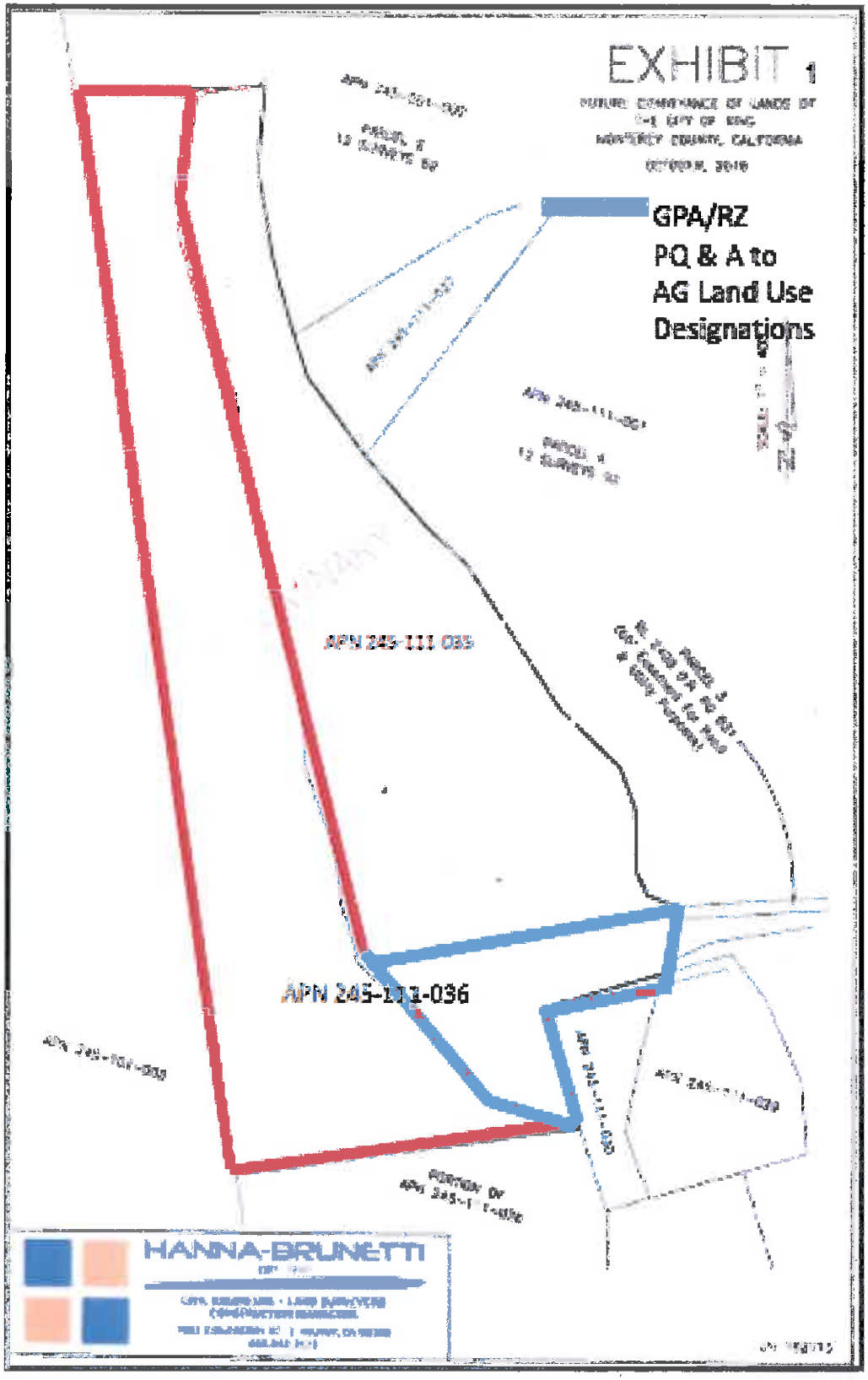


EXHIBIT 1
GPA/RZ
PQ & A to
AG Land Use
Designations
APN 245-111-035
APN 245-111-036
HANNA-BRUNETTI

EXHIBIT 3
FOR APRIL 25TH
STAFF REPORT
C A L I F O R N I A

Item No. 9 (I)

REPORT TO THE CITY COUNCIL

DATE: **FEBRUARY 28, 2017**

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

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

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

RECOMMENDATION:

It is recommended City Council adopt the proposed Ordinance to be read by title only.

BACKGROUND:

On February 14, 2017, City Council conducted the first reading of an Ordinance to approve a Zone District Change from Light Industrial ***("M-1")*** to Agriculture ***("A")*** (Case No. ZC2017-001) on a portion of Assessor Parcel Number 245-111-036-000.

DISCUSSION:

Analysis

The Ordinance involves amending 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")*** and within the Public Quasi ***("PQ")*** Land Use Designation. The proposed amendment is 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.

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.

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 zoning and 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.

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 second reading of the Ordinance, which approves the zone district change M-1 to A; or
2. Do not adopt the attached Ordinance; or
3. Provide other direction to staff.

Exhibits:

1. City Council Ordinance
2. Zoning Map
3. Agriculture Permitted Uses

Submitted by: MGA For Doreen Liberto
Doreen Liberto, AICP, MDR, Community Development Director

Approved by:
Steven Adams, City Manager

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 section15061(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

_____
STEVEN ADAMS, City Clerk

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

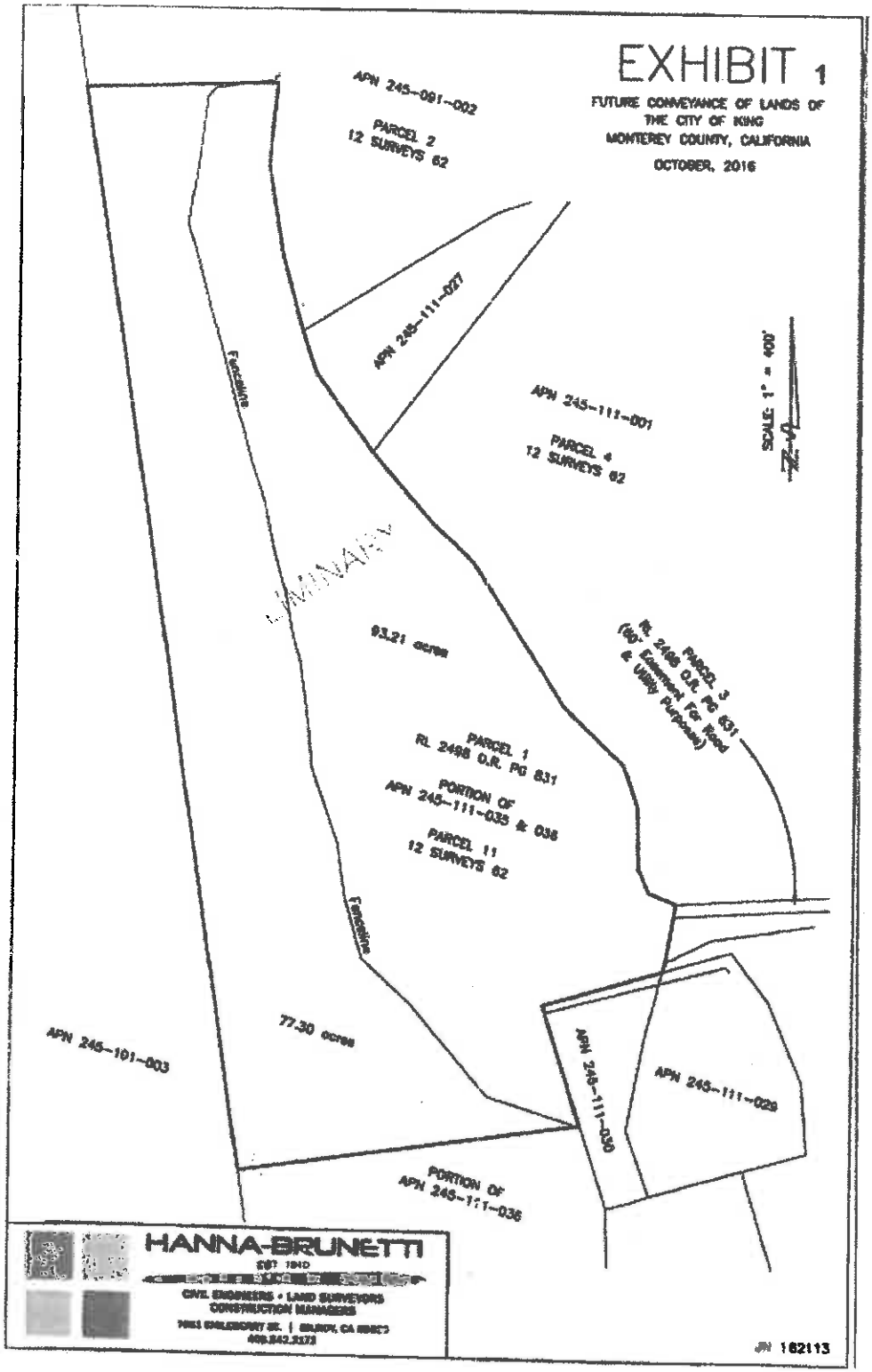
APPROVED AS TO FORM:

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

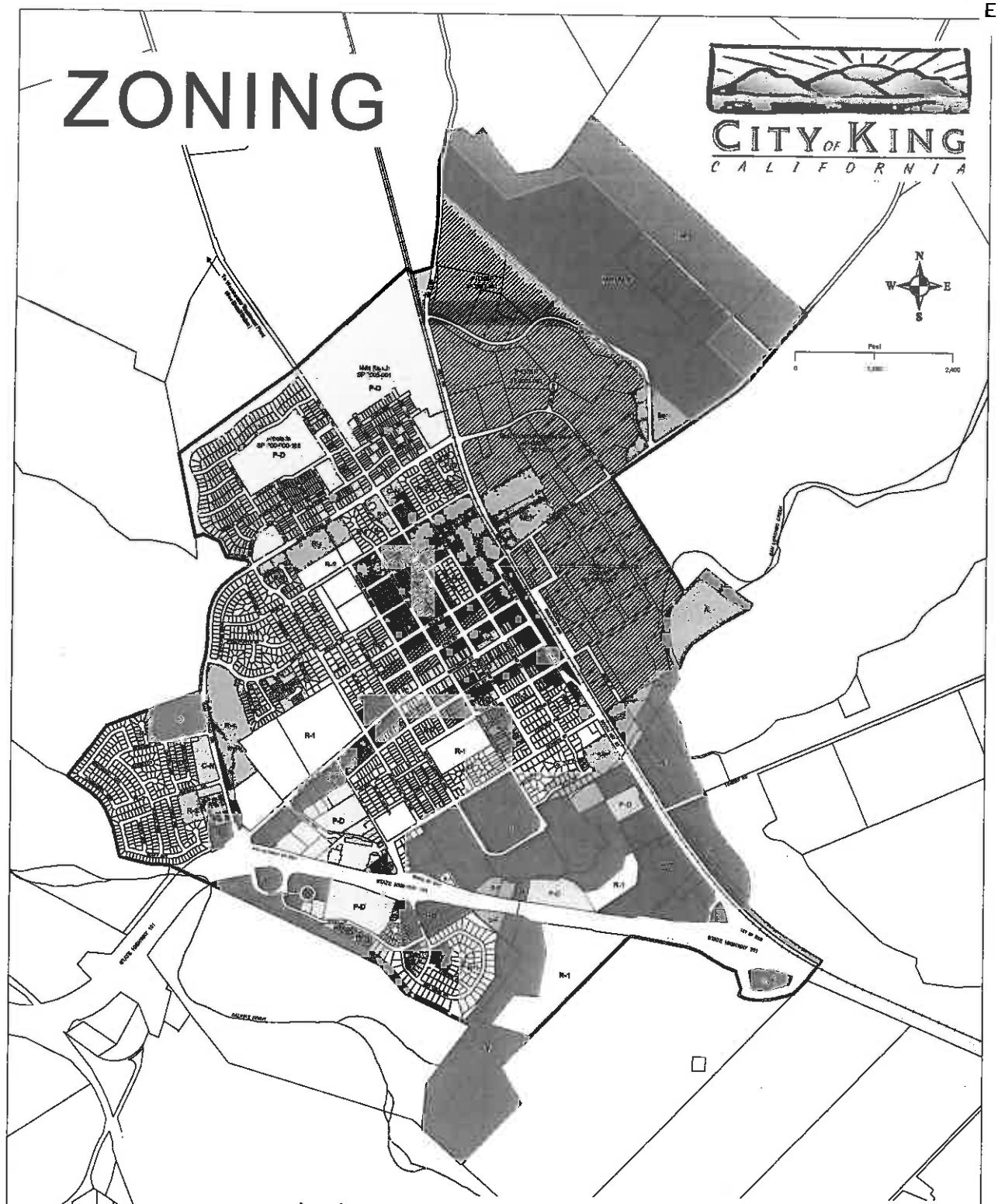
(A portion of Assessor Parcel No. 245-111-036-000, consisting of approximately 77.30 acres)



EXHIBIT

ZONING

CITY OF KING
CALIFORNIA



Legend

- CITY LIMITS
- PARCELS

Zoning District Classifications

- A-P COMBINING AIRPORT DISTRICT
- A AGRICULTURAL DISTRICT
- FSC 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-2/N MEDIUM DENSITY RESIDENTIAL NEIGHBORHOOD
- R-3 MEDIUM HIGH DENSITY RESIDENTIAL DISTRICT
- R-3/N MEDIUM HIGH DENSITY RESIDENTIAL - NEIGHBORHOOD
- R-4 MULTIPLE FAMILY RESIDENTIAL AND PROFESSIONAL OFFICES DISTRICT
- R-4/N 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-D/SP PLANNED DEVELOPMENT / SPECIFIC PLAN DISTRICT

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

Source: City of King City Zoning classifications are subject to change.

REVISED 31 MARCH 2015

Chapter 17.10 A—AGRICULTURAL DISTRICT

17.10.010 Purpose.

The purpose of this chapter is to provide an agricultural district to protect and maintain agricultural land for agricultural purposes.

The following regulations shall apply in all A districts and shall be subject to the provisions of Chapters 17.48 through 17.52. (Ord. 354 § 17.4.21, 1973)

17.10.020 Uses permitted.

(1) All agricultural uses, including crop and tree farming, livestock farming, except hog, dairy or poultry farming, except the uses indicated in subsection 2 shall not be established until a use permit is first obtained.

(2) Stands for sale of products grown on premises; home occupations. (Ord. 354 § 4.21.1, 1973)

17.10.030 Uses subject to obtaining permit.

Uses permitted subject to first securing a use permit in each case shall be as follows:

(1) Fish and worm farms;

(2) Cattle feed yards and animal sales yards;

(3) Storage, rental and sales of irrigation equipment;

(4) Labor supply and contract labor camps and quarters; construction or trailer park for farm labor;

(5) Packing and agricultural processing plants and commercial storage of fertilizer, stock auction and stock sales yards;

(6) Public and quasi-public uses including churches, schools accredited to the state school system, parks and play grounds, nonprofit recreation, airports and heliports, landing strips, animal hospital, commercial kennels, boarding kennels, community centers, lodge, club and organization halls and one noncommercial guest house;

(7) Golf course with standard length fairways;

(8) Public utility buildings and uses and service yards. (Ord. 354 § 4.21.2, 1973)

17.10.040 Accessory buildings and uses.

Accessory buildings and uses permitted shall be:

(1) Accessory buildings and accessory uses, including barns, stables and other farm outbuildings, farm labor quarters (structures or trailers) and quarters for servants employed on the premises, one family dwellings, accessory to an agricultural operation on the same building site;

(2) One occupied trailer subject to first obtaining a use permit;

(3) Signs shall be permitted as set out in Article III of Chapter 17.54. (Ord. 354 § 4.21.3, 1973)

17.10.050 Maximum height.

Maximum allowable height shall be thirty feet. (Ord. 354 § 4.21.4, 1973)

17.10.060 Minimum building site.

Minimum building site and lot width required, unless combined with any B district shall be as follows:

(1) Building Site. Single-family dwellings and dwellings for farm labor employed on-premises, twenty thousand square feet; additional building site permitted subject to first obtaining a use permit for each additional twenty thousand square feet of building site. Packing and processing of agricultural products, three acres. Labor camps or labor trailer park, three acres. Schools, three acres. All other uses, twenty thousand square feet or as prescribed in the use permit;

(2) Average building site width shall be one hundred feet. Minimum lot width shall be seventy-five feet. (Ord. 354 § 4.21.5, 1973)

17.10.070 Minimum yard requirements.

Minimum yards required, unless building lines have been established shall be:

(1) Front yard, thirty feet;

(2) Side yard, ten feet;

(3) Rear yard, twenty feet. (Ord. 354 § 4.21.6, 1973)

17.10.080 Development standards.

Development standards are as follows:

Packing houses; processing of agricultural products, commercial processing and storage of fertilizer and mining shall be subject to the provisions of Chapters 17.54 and 17.56 regarding performance standards. (Ord. 354 § 4.21.7, 1973)

17.10.090 Minimum off-street parking.

The provisions of Chapter 17.52 shall apply in determining the amount of space that must be provided for each use. The parking space shall be improved as set forth in said chapter. (Ord. 354 § 4.21.8, 1973)

View the mobile version.

EXHIBIT 4
FOR APRIL 25TH STAFF REPORT

KING CITY
CALIFORNIA

Item No. 7 (A)

REPORT TO THE PLANNING COMMISSION

DATE: **APRIL 18, 2017**

TO: **PLANNING COMMISSION**

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

RE: **CONSIDERATION OF RECOMMENDATION TO CITY COUNCIL TO AMEND THE GENENERAL PLAN (CASE NO. GPA2017-001) AND APPROVE A ZONE CHANGE (CASE NO. ZC2017-001) PORTIONS OF APN 245-111-036-000 AND APN 245-111-030-000 AND ADJACENT CITY PROPERTY AS CLEAN-UP ITEM**

RECOMMENDATION:

It is recommended the Planning Commission adopt attached Resolution No. 2017-173 amending the General Plan from Public Quasi ***("PQ")*** to Agriculture ***("AG")***, and a zoning district amendment from ***("M-1")*** to Agriculture ***("A")*** on the area identified in **Exhibit 1**.

BACKGROUND:

In February, the Planning Commission ***("Commission")*** recommended approval of, and the City Council ***("Council")*** adopted, a General Plan amendment and rezone for APN 245-111-036-000. The General Plan designation was Public/Quasi-Public ***("PQ")*** and the Zoning District is Industrial ***("M-1")***.

As the Commission may recall, the City sold all of APN 245-111-035-000 (located in the unincorporated area), and portions of APN 245-111-036-000 and APN 245-111-030-000 (located within the City). All parcels are located adjacent to the wastewater treatment plant.

After finalizing the land purchase agreement, the City and new owner agreed to include an additional area which was not included as part of the February approval. This small area is designated on the General Plan as PQ and on the zoning map as M-1. To make the newly purchased parcel the same land use designation, amended General Plan amendment and rezone applications are being processed.

DISCUSSION:

The proposal involves amending the General Plan Land Use Map and the Zoning Map on a small area outlined on **Exhibit 1**. In February 2017, the Council adopted a General Plan Amendment and rezone to designate the property agriculture. The property is situated west of the City and adjacent to the wastewater treatment plant ***("WWTP")***. The proposed amendment and rezone are only for property within City limits.

Analysis

The City sold all of APN 245-111-035-000 (located in the unincorporated area), and portions of APN 245-111-036-000 and APN 245-111-030-000 (located within the City). This is a clean-up amendment so the land sold within the City has the same land use designations.

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.

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

Advantages

Provides consistent land use designations on the property sold

Disadvantages
None

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.

Public Notification and Input
A public hearing notice was published in the South County Newspaper The Rustler on **April 5, 2017** and notices were mailed to property owners within 300ft radius of the site.

COST ANALYSIS:

The property was sold to Mission Holdings TLC (or a related entity thereof) for $2,325,000.

ALTERNATIVES:

The following alternatives are provided for Council consideration:
1. Adopt the attached Resolution;
2. Do not adopt the attached Resolution and request staff return with a Resolution not recommending the amendments; or
3. Provide other direction to staff.

Exhibits:
1. Project Area
2. Resolution No. 2017-173
3. February 7, 2017 Planning Commission staff report and Resolution

Submitted by: _____
Doreen Liberto, AICP, MDR, Community Development Director

Approved by: _____
Steven Adams, City Manager

EXHIBIT 1

Project Area

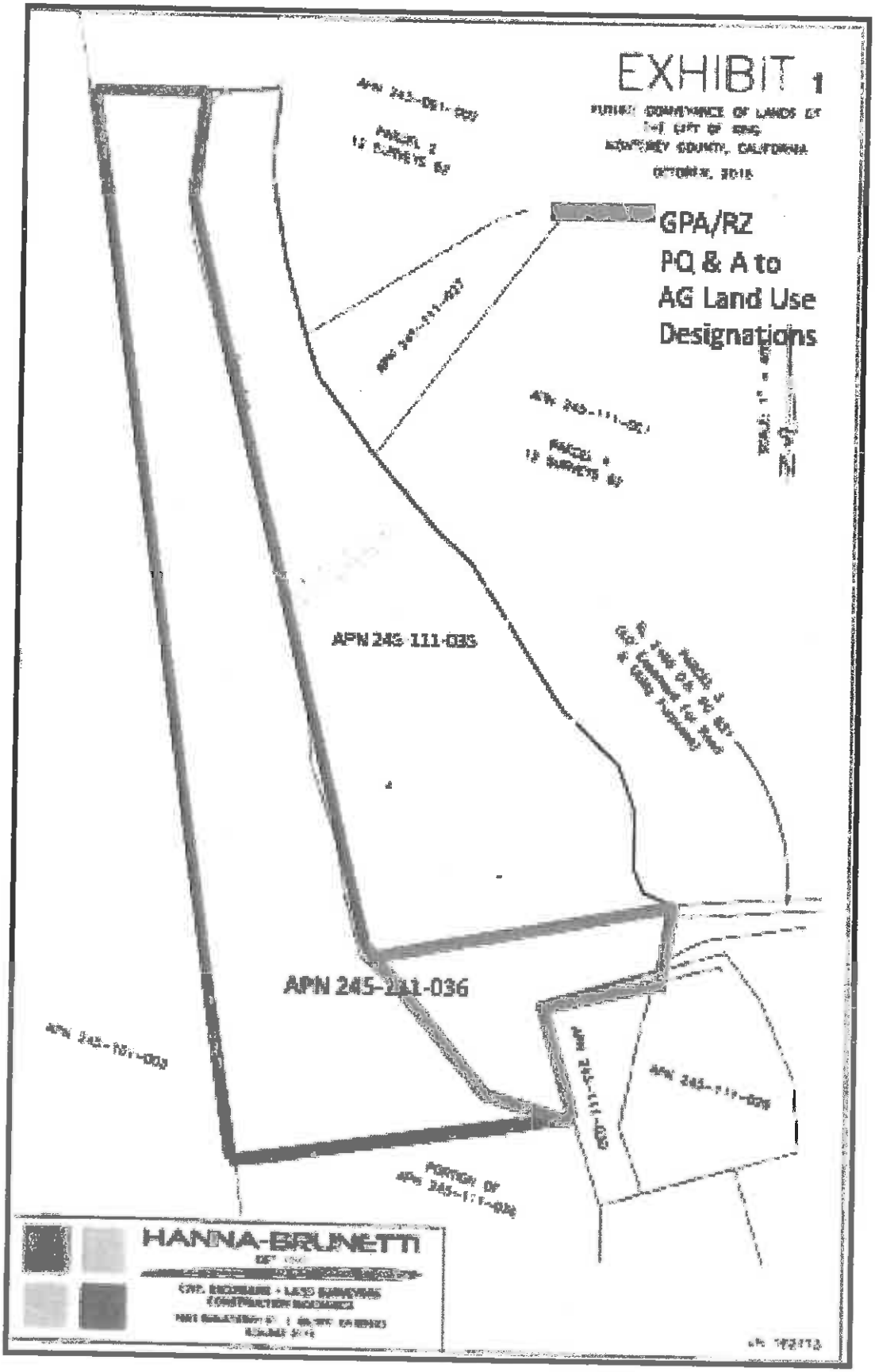


EXHIBIT 2

RESOLUTION NO. 2017-173

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KING, CALIFORNIA RECOMMENDING THE CITY COUNCIL AMEND THE GENERAL PLAN (CASE NO. GPA2017-001 (AMENDMENT NO. 1)) AND APPROVE A ZONE CHANGE (CASE NO. ZC2017-001 (AMENDMENT NO. 1)) FOR PORTIONS OF APN 245-111-036-000 AND APN 245-111-030-000 AND ADJACENT CITY PROPERTY AS A CLEAN-UP ITEM

WHEREAS, the Community Development Department ***("Department")*** of the City of King reviewed the revised 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-I")*** to Agriculture ***("AG")*** (Case No. RC2017-001) for portions of Assessor Parcel No. 245-111-036-000, and APN 245-111-030-000, as shown on **Exhibit 1**; and

WHEREAS, on February 7, 2017, the Planning Commission ***("Commission"***) recommended the City Council ***("Council")*** amend the General Plan land use category from PQ to AG and amend the zoning district from M-1 to AG on a portion of APN 245-111-036-000, and on February 14, 2017, the Council adopted said amendments; and

WHEREAS, as part of a clean-up effort, General Plan Case No. GPA2017-001 and Zone Change need to be amended to provide consistency in land use designations, 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 April 18, 2017, the Commission considered the amended applications, and after considering public testimony, the staff report and all submitted evidence to support the applications, the Commission recommends the Council approve Case No. GPA2017-001 (Amendment No. 1) and Case No. RZ2017-001 (Amendment No. 1).

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 (Amendment No. 1) and Case No. RZ2017-001 (Amendment No. 1) 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, and the amendments approved by the City Council on February 14, 2017. 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 and consistent with the amendments approved by the Council on February 14, 2017.
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 18th day of April, 2017

_____
David Nuck, Planning Commission Chair

ATTEST:

_____
Erica Sonne, Planning Commission Secretary

EXHIBIT 3

PLANNING COMMISSION

STAFF REPORT OF FEB 7, 2017

HANFORD CALIFORNIA

Item No. **7 (b)**

REPORT TO THE PLANNING COMMISSION

DATE: FEBRUARY 7, 2017

TO: PLANNING COMMISSION

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

RE: CONSIDERATION OF RECOMMENDATION TO CITY COUNCIL TO AMEND THE GENENERAL PLAN (CASE NO. GPA2017-001) AND APPROVE A ZONE CHANGE (CASE NO. ZC2017-001) ON APN 245-111-036-000

RECOMMENDATION:

It is recommended the Planning Commission adopt the attached Resolution No. 2017-169 amending the General Plan from Public Quasi ***("PQ")*** to Agriculture ***("AG")***, and a zoning district amendment from ***("M-1")*** to Agriculture ***("A")***

BACKGROUND:

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")***.

DISCUSSION:

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.

Analysis

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 used.

Disadvantages
There is less land for future use by the City. However, one additional parcel is begin 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.

Public Notification and Input
A public hearing notice was published in the South County Newspaper The Rustler on January 25, 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 a related entity thereof) for $2,325,000.

ALTERNATIVES:

The following alternatives are provided for Council consideration:
1. Adopt the attached Resolution;
2. Do not adopt the attached Resolution and request staff return with a Resolution not recommending the amendments; or
3. Provide other direction to staff.

Exhibits:
1. Location of property
2. General Plan Land Use Map
3. Zoning Map
4. M-1 Zoning
5. Resolution

Submitted by: _____ FOR Doreen Liberto
Doreen Liberto, AICP, MDR, Community Development Director

Approved by: _____
Steven Adams, City Manager

EXHIBIT 1

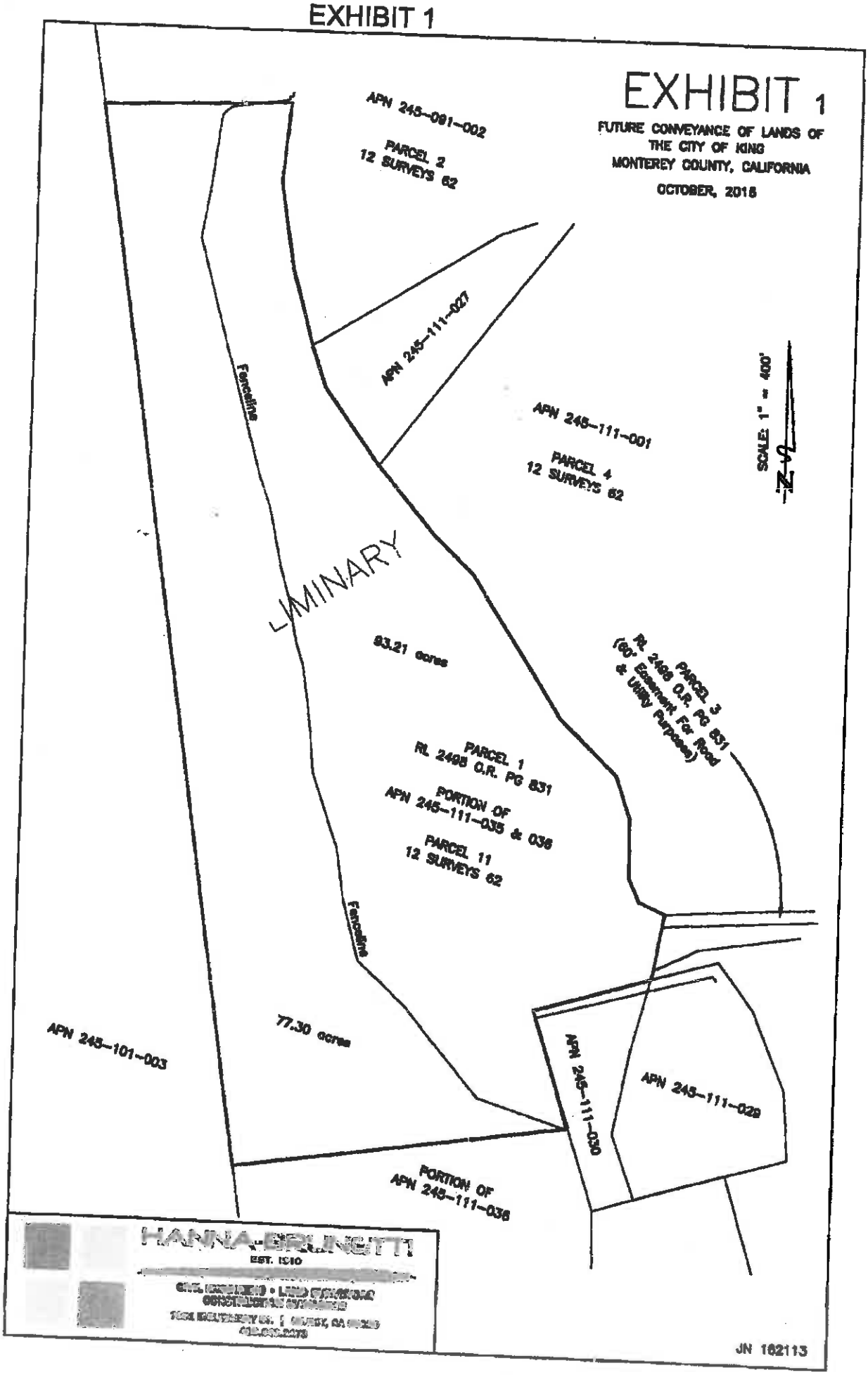


EXHIBIT 1
FUTURE CONVEYANCE OF LANDS OF
THE CITY OF KING
MONTEREY COUNTY, CALIFORNIA
OCTOBER, 2018
SCALE: 1" = 400'
N
APN 245-091-002
PARCEL 2
12 SURVEYS 62
APN 245-111-027
APN 245-111-001
PARCEL 4
12 SURVEYS 62
Fenceline
LIMINARY
83.21 acres
PARCEL 3
RL 2498 O.R. PG 831
(60' Easement For Road
& Utility Purposes)
PARCEL 1
RL 2498 O.R. PG 831
PORTION OF
APN 245-111-035 & 036
PARCEL 11
12 SURVEYS 62
Fenceline
77.30 acres
APN 245-101-003
APN 245-111-030
APN 245-111-029
PORTION OF
APN 245-111-036
HANNA-BRUNETTI
EST. 1910
JN 182113

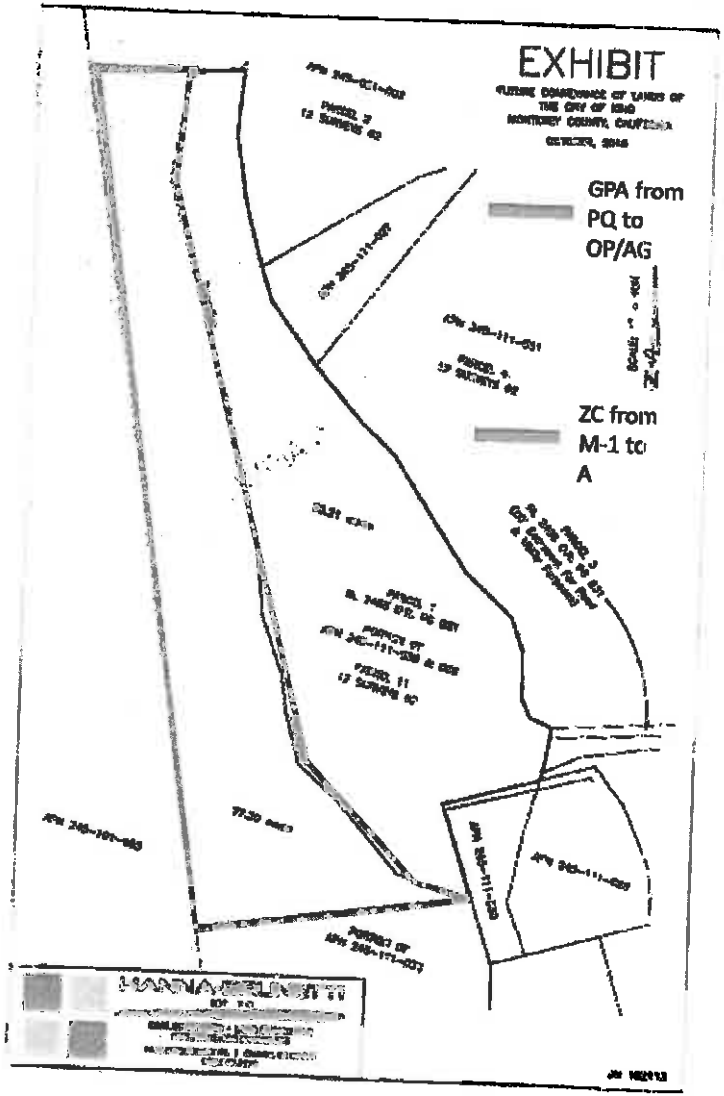


EXHIBIT
GPA from PQ to OP/AG
ZC from M-1 to A

GENERAL PLAN LAND-USE

EXHIBIT 2

CITY OF KING
CALIFORNIA

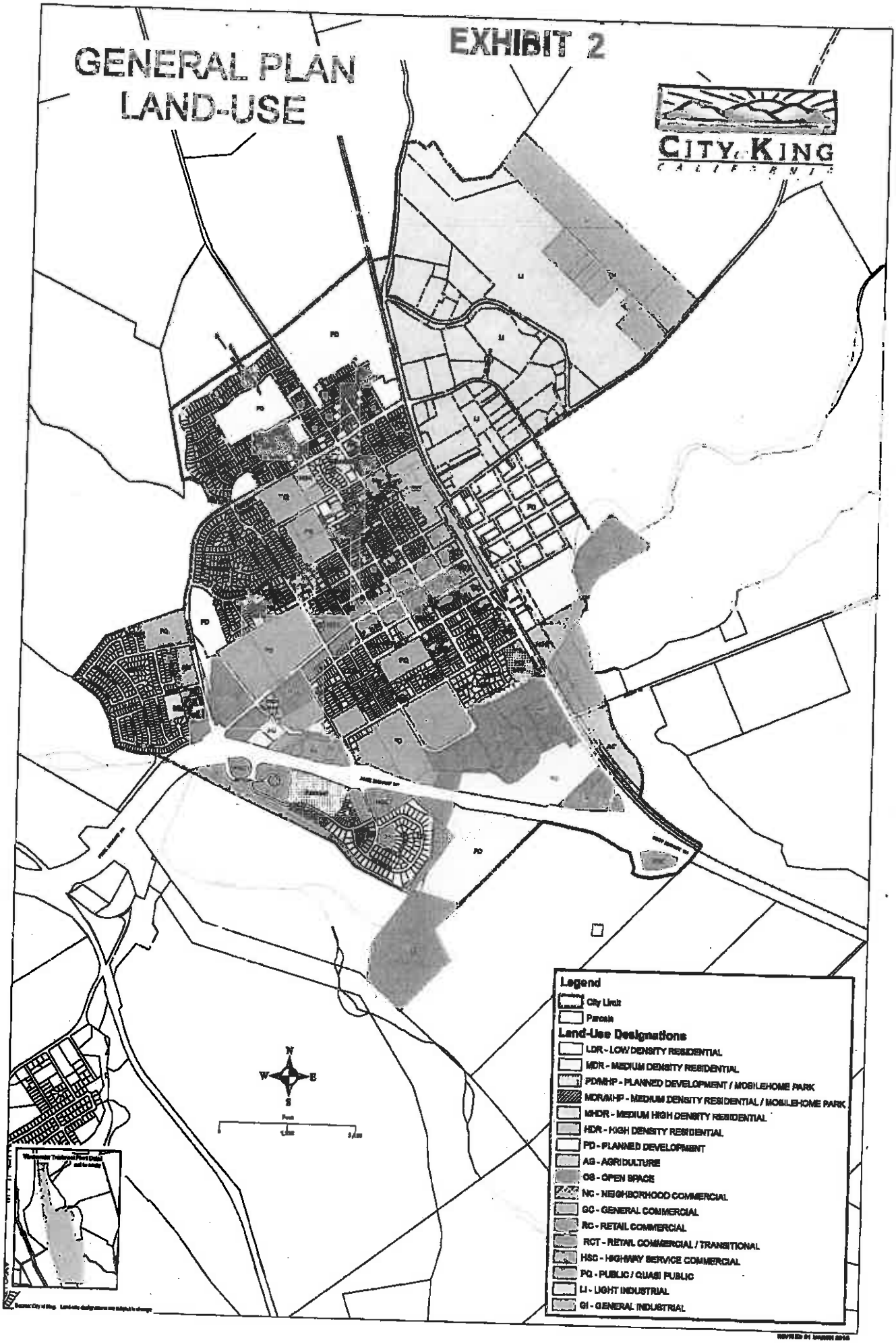
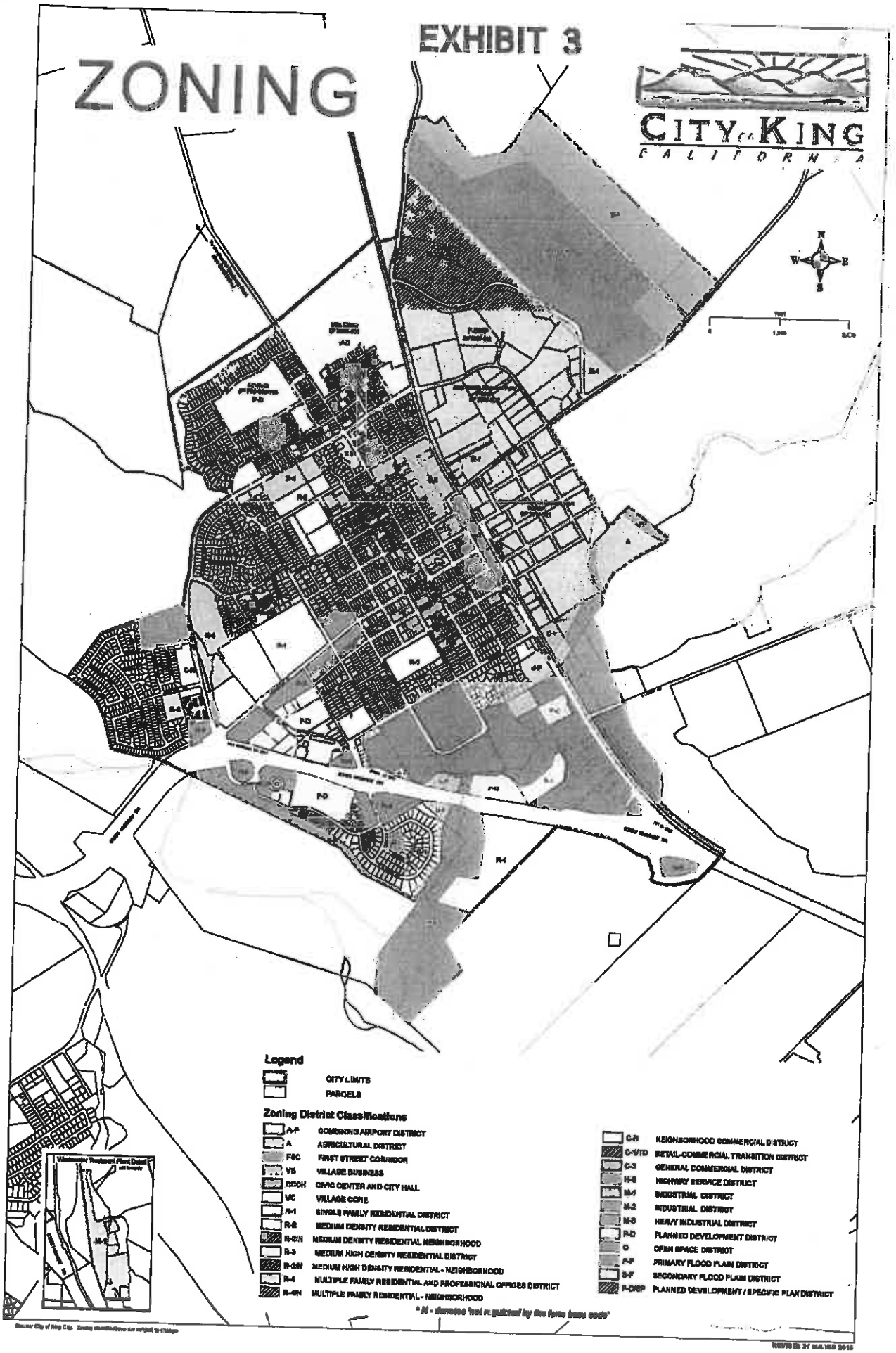


EXHIBIT 3

ZONING

CITY of KING
CALIFORNIA



Chapter 17.30 M-1 INDUSTRIAL DISTRICT

Note

* Prior ordinance history: Ords. 354, 429 and 547.

17.30.010 Purpose.

The purpose of the M-1 district is to provide a district of larger land parcels with enhanced aesthetic standards exclusively for sound industrial development wherein manufacturing and other industries can locate and operate away from the restricting influences of nonindustrial uses, while maintaining an environment free from offensive or objectionable noise, dust, odor or other nuisances.

The following regulations apply in all M-1 districts and shall be subject to the provisions of Chapters 17.48 through 17.52 and approved architectural, construction and design standards of the M-1 zone. (Ord. 587 § 1 Exh. A, 1996)

17.30.020 Uses permitted subject to obtaining a use permit.

The following uses are permitted subject to obtaining a use permit:

(1) Manufacture, processing and packing of beverages (except distilleries), food or food products (except commercial medical cannabis activity as defined within subsection (14) of this section) completely within a structure or processing and packing of food products when the major operation takes place in unenclosed structures and where products, materials and equipment are stored in the open;

(2) Other manufacture, assembly, processing and packaging or industrial operations within a building where all resulting dust, dirt, cinders, fumes, gases, smoke or offensive odor shall be confined to the premises or so disposed of as to avoid air pollution;

(3) Manufacture, repair, sale, lease or storage of farm and general agricultural tools, equipment and vehicles where repairs are conducted within a building or within an area enclosed by a solid eight-foot fence;

(4) Wholesaling, storage and warehousing completely within an enclosed structure;

(5) Office of manufacturers' representatives, brokers, business and professional services or consultation;

(6) Printing, publishing, book-binding and blueprinting services. Retail sales as an accessory to these uses and within the same building;

(7) Laboratory, research and development facilities;

(8) Testing and analysis of scientific equipment and instrumentation;

(9) Retail sales as an accessory to permitted uses and within the same building shall not exceed ten percent of the gross floor area;

(10) Food and beverage products packaging, cooling and freezing plants;

(11) Retail commercial uses such as restaurants, service stations and convenience stores designed to serve the industrial area;

(12) Auto, truck, boat, trailer sales and rental. Service facilities for these uses when conducted entirely within a building or within an area enclosed by a solid eight-foot fence;

(13) Residential uses for caretakers in conjunction with permitted uses but not including any other residential use;

(14) Commercial medical cannabis cultivation and nurseries consistent with those activities authorized under the state cultivator and nursery license types issued by the Department of Food and Agriculture under Business and Professions Code Section 19332(g)(5) Type 2A "small indoor," 19332(g)(6) Type 2B "small mixed-light," 19332(g)(8) Type 3A "indoor," 19332(g)(9) Type 3B "mixed-light" and 19332(g)(10) Type 4 "nursery." Cultivation for purposes of this provision shall be limited to those activities defined within California Business and Professions Code Section 19300.5(l) and the delivery or transport of the harvested cannabis outside of the city. No deliveries or distribution of any cannabis product shall be allowed within the jurisdictional boundaries of the city;

(15) Commercial cannabis level one manufacturing and testing consistent with those activities authorized under the state manufacturing and testing laboratories license types issued by the State Department of Health under Business and Professions Code Sections 19300.7 and 19341(a) Type 6 "Manufacturer 1" and 19341(c) Type 8 "testing";

(16) Any other use which the planning commission finds not to be inconsistent with the uses set out herein. (Ord. 729 §§ 1—4, 2016; Ord. 718 § 1, 2016; Ord. 587 § 1 Exh. A, 1996)

17.30.030 Manufacturing uses not allowed in the M-1 district.

The following manufacturing uses are not allowed in the M-1 district:

(1) Production or mixing of asphalt, cement, charcoal and fuel briquettes, including those of a portable or temporary type;

(2) Production of coal, coke and tar products, including use in manufacturing;

(3) Production of dry fertilizers, gelatin, animal glue and sizing;

(4) Production of turpentine, matches and paint;

(5) Stockyards, slaughterhouses including poultry, animal feeding or sales yards, slag sites;

(6) Storage and manufacturing of fireworks or explosives;

(7) Brick yards, cement pipe and block manufacturing, pottery manufacturing, and other kiln fired products;

(8) Production of herbicides and pesticides. (Ord. 705 § 1, 2014; Ord. 596 § 1 Exh. A, 1998; Ord. 587 § 1 Exh. A, 1996)

17.30.040 Accessory buildings and uses permitted.

(1) Accessory buildings are permitted only if constructed simultaneously with or subsequent to the main building on the same lot.

(2) Accessory uses which are normally incidental to uses permitted. (Ord. 587 § 1 Exh. A, 1996)

17.30.050 Maximum building height.

No building shall be more than two stories, nor more than thirty feet in height (not including roof-mounted equipment which must be screened and/or painted to coordinate with building architecture); provided, that the height limit may be increased upon first securing a use permit if the building is equipped with a sprinkler

system meeting the requirements of all applicable state laws, rules and regulations, as well as all applicable city ordinances, specifically including, but not limited to, ordinances adopting by reference uniform building, plumbing and fire codes, set forth in Chapter 12.04 of this code. (Ord. 587 § 1 Exh. A, 1996)

17.30.060 Minimum building site.

(1) Minimum building site shall be one acre (forty-three thousand five hundred sixty square feet).

(2) Minimum lot width for corner and interior lots shall be one hundred fifty feet.

(3) Minimum lot depth shall be two hundred ninety feet. (Ord. 587 § 1 Exh. A, 1996)

17.30.070 Maximum building site coverage.

The maximum coverage of a lot by all structures may be sixty percent. (Ord. 587 § 1 Exh. A, 1996)

17.30.080 Minimum yards required.

Unless otherwise required in Chapters 17.48 through 17.52, establishing plan lines, or unless optional design standards have been used as set out in Section 17.30.110, the following requirements shall apply:

(1) Front yard abutting a public street: forty feet.

(2) Side yard: twenty feet.

(3) Rear yard: twenty feet. (Ord. 587 § 1 Exh. A, 1996)

17.30.090 Fences—Walls.

Fences and walls are required to screen docking, production, storage and maintenance areas. Such fences and walls shall not exceed eight feet in height, and where the same are located adjacent to any access into a public street the same shall not exceed three feet in height. Chain link fencing must use woven slats to screen area from the street view. (Ord. 587 § 1 Exh. A, 1996)

17.30.100 Parking space access.

Access to any approved by the city engineer. (Ord. 587 § 1 Exh. A, 1996)

17.30.110 Optional design and improvement standards.

When a development has been approved by the planning commission under the optional design and improvement standards of the subdivision title, then such approved building sites, coverage and yards under such plan shall be considered as the requirements of this title. (Ord. 587 § 1 Exh. A, 1996)

17.30.120 Elevations, site plans, landscaping and additions approval.

Elevations, site plans, landscaping plans and additions or alterations shall be approved by the architectural review committee prior to the issuance of any building permits. Signs shall comply with Chapter 17.55. (Ord. 587 § 1 Exh. A, 1996)

17.30.130 Minimum landscaping standards.

All developments will be required to landscape a twenty-foot front and twenty-foot side yard setback from the property line which is adjacent to the public street. The landscaping will be undulating mounds with grass or groundcover vegetation with a minimum of two approved trees not more than fifty feet apart. Drought tolerant landscaping is encouraged. Additional landscaping is required for the parking lot and front of the building in an amount equal to ten percent of the gross area required for parking. Such landscaping will be maintained by the developer as a condition of the land use approval. Automatic irrigation systems are required for all landscaping. (Ord. 587 § 1 Exh. A, 1996)

17.30.140 Parking requirements.

Employee and visitor parking must conform to zoning specifications and be located at the sides or the front of the building provided setback and landscaping requirements are met. Truck parking and docking areas should be architecturally consistent with building design and aesthetically pleasing and should be screened from street view. All parking, docking and traffic ways must be graded, paved and appropriately marked. Exterior maintenance and storage areas may be properly prepared decomposed granite or equivalent.

Industrial

(1) Manufacturing, heavy industrial, heavy commercial uses	Minimum of 2 spaces for every 3 employees on largest shift but not less than 1 space per 2,000 square feet of gross floor area. Parking may be off-site within 300 feet, upon approval of planning commission.
(2) Warehousing and wholesaling, and commercial cannabis cultivation, level one manufacturing and testing	Minimum of 2 spaces for every 3 employees on largest shift but not less than 1 per 3,000 square feet of gross floor area.
(3) Mini-warehouses	1 space per 1,000 square feet of gross floor area.
(4) Contractor yards	1 space per 1,000 square feet of gross floor area.
(5) Office and business services	1 space per employee, but not less than 1 space per 250 sq. ft. of gross floor area.
(6) Retail and commercial	1 space for every 150 sq. ft. of gross sales floor area in addition to those required for the primary use.

(Ord. 729 § 5, 2016; Ord. 718 § 2, 2016; Ord. 587 § 1 Exh. A, 1996)

17.30.150 Commercial cannabis cultivation property development standards.

All commercial cannabis activity shall be subject to and comply with all provisions of the King City Municipal Code Chapter 17.03. (Ord. 729 § 6, 2016)

View the mobile version.

EXHIBIT 5

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 AGRICLTURE (AG) (CASE NO. GPA2017-001) AND APPROVE A ZONE 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 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 ("I") to Agriculture (AG) (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

KING CITY
CALIFORNIA

Item No. 10(B)

REPORT TO THE CITY COUNCIL

DATE: APRIL 25, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CONSIDERATION OF YOUTH PROTECTION DAYTIME CURFEW ORINANCE

RECOMMENDATION:

It is recommended the City Council introduce for first reading a proposed Youth Protection Daytime Curfew Ordinance.

BACKGROUND:

At the January 24, 2017 meeting, the City Council adopted the Comprehensive Plan to End Youth Violence. The Plan was developed over a period of several months by a 23-member community task force appointed by the City Council. The Plan includes 5 categories of recommendations and implementation strategies, which are prevention, intervention, enforcement, re-entry and public outreach.

One of the prevention recommendations was to adopt a youth daytime curfew ordinance. As a result, the City Attorney's office has prepared the ordinance for City Council consideration. The City Municipal Code currently has a nighttime curfew in place. Therefore, those provisions are also incorporated into the new ordinance to consolidate the overall regulations, but do not represent a recommended change.

DISCUSSION:

Daytime curfews are local ordinances that require all school-age children to be inside during specified school hours. Daytime curfews reduce truancy, which often leads to gang recruitment. The ordinance simply provides an additional tool enabling the Police Department to question and assist in ensuring children are in school. Exceptions are included in the ordinance for children that are home-schooled and those with appointments and other activities authorized by the parent and/or school to attend,

COST ANALYSIS:

There is no direct cost to the City associated with this item.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Introduce the ordinance;
2. Request changes to the ordinance;
3. Do not introduce the ordinance; or
4. Provide staff other direction.

Approved by: _____
Steven Adams, City Manager

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING CHAPTER 7.04 TO TITLE 7 OF THE KING CITY MUNICIPAL CODE PERTAINING TO YOUTH CURFEWS

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, California Constitution Article XI, section 7; and

WHEREAS, the City Council of the City of King finds that over the past five (5) years the youth of the City have experienced an increase in criminal and violent activity which are a threat to the public peace, safety and welfare of the City; and

WHEREAS, in 2016, the City Council formed a Community Task Force to develop a comprehensive plan to address youth violence; and

WHEREAS, the Community Task Force determined that a solution to the increased youth violence plaguing the City requires a community-wide effort; and

WHEREAS, parents and guardians have traditionally set curfews for their children, but as a result of peer pressure, social trends and a decrease in parental supervision, many of our youth are at risk of delinquency and victimization; and

WHEREAS, peer pressure can play a significant role towards increasing the odds that a child will engage in activities that are delinquent in nature and behavior that places them at risk of becoming a victim; and

WHEREAS, the purpose of this Ordinance is to promote the safety and well-being of the City's youngest citizens, those under the age of eighteen (18), whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, particularly unlawful drug activities and gang activities, and to being victimized by older perpetrators of crime; and

WHEREAS, the purpose of this Ordinance is also to promote the general welfare and protect the general public through the reduction in youth violence and crime within the City; and

WHEREAS, the enforcement of the Youth Protection Curfew Ordinance is a means of early intervention and is focused on reducing the risks of youth crime and victimization through increased accountability for the youth and their parent(s) or guardian(s); 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 livability, community, and the social and economic conditions of the community; and

WHEREAS, the City Council hereby finds and determines that it is in the public interest to adopt this Ordinance which expressly establishes a youth curfew within the City of King, in order to facilitate the City's ability to protect the health, safety, and general welfare of both its youth and

adult citizens through the use of the procedures set forth in the King City Municipal Code and in other applicable laws, rules and regulations.

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

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

SECTION 2. Chapter 7.04, of Title 7, of the King City Municipal Code is amended and adopted in its entirety to read as follows:

Chapter 7.04

YOUTH PROTECTION CURFEW

Section 7.04.010 Purpose – Findings.

The City Council hereby finds and determines that as a result of increased youth violence there is an important need to protect the safety and well-being of the City's youngest citizens, those under the age of eighteen (18), whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities and to being victimized by older perpetrators of crime by decreasing the opportunity for criminal activity, thereby decreasing the danger to the person and/or property of the City's youth as well as to other individual's person and/or property. The City Council further finds and determines that reducing youth crime and victimization is a critical governmental interest of the City and recognizes the risks associated with youth who the community believe are being supervised, but who in fact are not. The City Council therefore finds that this Ordinance addresses these concerns by prohibiting the presence of unsupervised youth in public places during the curfew hours.

Section 7.04.020 Definitions.

The following definitions shall govern the application and interpretation of the curfew regulations set forth in this Chapter.

Nighttime Curfew Hours. The hours between Ten (10:00) P.M. and Five (5:00) A.M. of the following day, Pacific Standard or Pacific Daylight Time, for minors.

Daytime Curfew Hours. The period of the minor's regular scheduled school hours when school is in session.

Emergency. An unforeseen combination of circumstances or the resulting state that calls for immediate action. "Emergency" includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Errand. A trip to carry a message or do a definite lawful thing.

Guardian.

(1) A person who, under court order, is the guardian of the person of a minor; or

(2) A public or private agency with whom a minor has been placed by a court; or

(3) A person who is at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

Minor. Any person under eighteen (18) years of age.

Parent. A person who is a natural parent, adoptive parent, or step-parent of a minor.

Public Place. Any place to which the public has access, including, but not limited to, streets, roads, alleys, trails, sidewalks, parks, recreational areas, public grounds or buildings, vacant lots or buildings, common areas of a school (except during regular school hours), office buildings, transport facilities, restaurants, retail establishments, places of amusement, parking lots, or other unsupervised places.

Responsible Adult. A person at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

Section 7.04.030 Daytime and Nighttime Curfew and Prohibitions.

Except as provided in Section 7.04.040 below:

(1) *Nighttime Curfew*: It shall be unlawful for any minor who is present in, about, or upon any public place within the City, to remain in any motor vehicle operated or parked on any public place within the City, or to remain in or upon the premises of any establishment within the City during nighttime curfew hours.

(2) *Daytime Curfew*: It shall be unlawful for any minor who is subject to compulsory education or to compulsory continuation education who is not in possession of a valid, school issued, off-campus permit giving permission to leave campus or not receiving instruction by a qualified tutor pursuant to Education Code section 48224 or not otherwise exempt from attendance at a public or private full-time day school as set forth in the California Education Code, who is present in, about, or on any public place within the City, to remain in any motor vehicle operated or parked on any public place within the City, or to remain in or upon the premises of any establishment within the City during the daytime curfew hours.

(3) *Parents and/or Guardians*: Every parent or guardian who allows or permits a minor to violate any provision of this Section is guilty of a Misdemeanor.

Section 7.04.040 Exceptions.

The provisions of Section 7.04.030 shall not apply when:

(1) The minor is coming directly home from a public meeting, or a place of public entertainment, such as a movie, play, or sporting event. This exception will apply for one-half hour after completion of the event. This exception shall apply to nighttime curfew only;

(2) The minor is exercising his First Amendment rights protected by the United States or California Constitutions. This exception shall apply to nighttime curfew only.

(3) The minor is authorized to be absent from his or her school pursuant to applicable school rules, or under the provisions of the California Educational Code or any applicable state or federal law. This exception shall apply to daytime curfew only.

(4) The minor is engaged in a lawful volunteer activity or legally employed for the period from one-half hour before to one-half hour after work, while going directly between his home and place of employment. This exception shall also apply if the minor is in a public place during curfew hours in the course of his employment, provided the minor carries a written statement from the employer attesting to the place and hours of employment.

(5) The minor is accompanied by his parent, guardian or responsible adult;

(6) The minor is on the sidewalk abutting the minor's residence or abutting the residence which is immediately adjacent to his residence.

(7) The minor is engaged in an errand directed by his parent or guardian, or by his or her spouse who is eighteen (18) years of age or older;

(8) The minor is attending an official school, religious or other cultural, educational or recreational activity supervised by adults and sponsored by the City of King, a civic organization, or another similar entity or organization that takes responsibility for the minor, or going to or returning home from, without any detour or stop, any official school, religious, or other cultural, educational or recreational activity supervised by adults and sponsored by the City of King, a civic organization, or another similar entity or organization that takes responsibility for the minor;

(9) The minor is responding to or acting pursuant to an emergency;

(10) The minor is in a motor vehicle involved in interstate travel;

(11) The minor is emancipated in accordance with the California Family Code or other state or federal law.

(12) The minor is going to or coming directly from a school-approved or school related business, trade, profession, occupation or program in which the minor is lawfully engaged, such as a work study or work experience program, subject to verification by a proper school authority.

(13) The minor is going directly to or from an event or activity that is directly related to any medical condition of a parent, guardian or spouse who is eighteen (18) years or older.

Section 7.04.050 Enforcement.

A law enforcement officer, upon probable cause based on articulable facts that an individual is in violation of the curfew regulations, shall detain that individual, ascertain whether the individual is a minor, and if so, determine if the minor has a legitimate reason based on the exceptions detailed in Section 7.04.040 for being in apparent violation of the curfew regulations set forth in this Chapter. A law enforcement officer may issue a warning to the individual and/or his or her parent(s) or guardian(s) regarding their violation of the regulations set forth in this Chapter.

This Section shall not be construed to abridge the authority of a police officer to assume temporary custody, during school hours, of any minor subject to compulsory full time education or compulsory continuing education found away from his or her home and who is absent from school without a valid excuse, and return such minor to their school of registration, pursuant to California Education Code sections 48264 and 48265.

Further, this Section shall not be construed to limit the authority of the court to render any disposition authorized by Welfare and Institutions Code section 258, subdivision (a), or any other provision of the Juvenile Court Law.

Section 7.04.060 Criminal Penalties.

Violations of the provisions of this Chapter shall be considered misdemeanors and are punishable in accordance with Chapter 1.04.010 of the King City Municipal Code. 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 7.04.070 Administrative Citation Penalties.

(a) The administrative citation penalty for all violations of this Chapter shall be as follows:

(1) First administrative citation: one hundred and no/100ths dollars ($100.00);

(2) Second administrative citation: two hundred and no/100ths dollars ($200.00);

(3) Third administrative citation: five hundred and no/100ths dollars ($500.00); and

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

Section 7.04.080 Administrative Citation Appeals.

Any person issued an administrative citation pursuant to this Chapter shall file an appeal with the City Clerk subject to the procedures set forth within Section 7.51.609 of the King City Municipal Code. Upon receiving a timely appeal, the City Clerk shall conducted the appeal pursuant to the procedures set forth within Section 7.51.604 of the King City Municipal Code.

Section 7.04.090 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 any manner set forth within the King City Municipal Code 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.

Section 7.04.100 Recovery of Costs.

Any penalties and/or enforcement costs unpaid after the required time set forth in this Chapter may be collected in any matter set forth within the King City Municipal Code. To collect costs under those 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 7.04.101 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 7.04.102 Remedies Not Exclusive.

Remedies under this Chapter are in addition to and do not supersede or limit any and all other remedies including administrative citations, civil and/or criminal actions. The remedies provided herein shall be cumulative and not exclusive.

Section 7.04.103 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 7.04.104 Severability.

If any 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 City Council hereby declares that it would have adopted this Chapter and adopted each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more 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 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.

KING CITY
CALIFORNIA

Item No. 11(A)

REPORT TO THE CITY COUNCIL

DATE: APRIL 25, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CONSIDERATION OF MEMORANDUM OF UNDERSTANDING FOR THE AFTER-SCHOOL HEART EXPANDED LEARNING PROGRAM

RECOMMENDATION:

It is recommended the City Council: approve a Memorandum of Understanding (MOU) with ProYouth and the King City Union School District to provide the after-school HEART expanded learning program; and 2) authorize the City Manager to make non-substantive minor changes to the MOU determined necessary as approved to form by the City Attorney.

BACKGROUND:

At the January 24, 2017 meeting, the City Council adopted the Comprehensive Plan to End Youth Violence. The Plan was developed over a period of several months by a 23-member community task force appointed by the City Council. The Plan includes 5 categories of recommendations and implementation strategies, which are prevention, intervention, enforcement, re-entry and public outreach.

The highest priority recommendation is the development of an extensive after-school enrichment program. Studies have demonstrated that children lacking a strong educational foundation by the third or fourth grade, particularly in reading and language, are more likely to struggle in other subjects thereafter, become disengaged from their school and community, and then become more susceptible to gang recruitment. Therefore, while many of the other City efforts are directed at deterring or responding to criminal activity more effectively, the objective of this program will be to cut off the supply of new members to gangs. As a result, staff believes it will have the most dramatic impact in this effort on a long-term and sustainable basis.

ProYouth is a non-profit organization based in Visalia. They have developed a comprehensive and successful program during the past 25 years, which was designed to address many of the same issues King City is currently facing. Staff is proposing to contract with ProYouth to expand their program to King City. A number of meetings and site visits to view their program in Visalia have been conducted with representatives of ProYouth and the King City Union School District to agree on how the program would be operated. As a result, they have drafted an MOU, which has been reviewed by City staff and King City Union School District.

DISCUSSION:

The proposed program will be a partnership between the City, King City Union School District and ProYouth. The District has agreed to allow use of their school facilities and partial funding. Therefore, it will be held on-site at elementary school sites. It is proposed to begin with up to 180 children at Santa Lucia School with the ability to allow children from Del Rey Elementary School to also participate. It will expand upon current efforts provided by the District and Sol Treasures at school sites. ProYouth proposes to contract separately with Sol Treasures and continue to incorporate many of their activities into the new program. The goal is to expand the program to be available to all elementary school sites and children within a few years.

Two key features of this program will make this program unique compared to many of the other services and efforts under way throughout the county. First, rather than focusing on a key area or issue, it will be very broad based to address many needs and interests. It is a data driven program, which means the activities and structure have been developed based upon what is proven to be effective in increasing student success and reducing youth violence and gang activity.

Second, it is critical to providing the program on site at elementary schools, which will make it much more effective in reaching the youth most at risk. Many programs face challenges in soliciting participation when outreach is required. It will also enable program leaders to establish a relationship with youth that will enable them to identify and refer those children with special issues and interests to other services and programs available. Therefore, this program can serve as a bridge to other worthwhile programs under way.

It will include the following activities:

- Healthy behavior activities - including nutrition (healthy snack program provided) and recreation;
- Enrichment pathways - including ag science and culinary arts, computer science and engineering, and the arts (performing, fine arts, digital media, and movement and dance;
- Homework assistance coordinated with the School District's curriculum;
- Tutoring to support reading, writing, comprehension and math skills;
- Multicultural awareness; and
- Leadership development.

For the first year of the program, the proposed budget will fund .25 Multi-site Director, one full-time Site Director, one Program Leader II, and eight Program Leaders. Once the initial program is under way, ProYouth has agreed to assist in applying for grants to continue and to expand the program. It is proposed to approve the MOU at this time in order to enable ProYouth to be ready to begin when the new school year starts.

COST ANALYSIS:

ProYouth will assume responsibility for the School District's ASES program and grant, which will build and expand on that program. This will provide the largest source of the funds needed. The proposed funding plan for the program is as follows:

Costs	
One-Time Start-Up Costs	$8,500
Operational Program Costs	$250,000
Miscellaneous Costs	$10,000
Total	$268,500
Funding	
ASES Grant	$100,000
City of King Funds	$45,000
King City Union Elementary School District Funds	$25,000
Grants	
BSCC Law Enforcement Grant	$14,625
Chevron Grant	$30,000
Other Grants	$30,000
Community Fundraising	$30,000
Total	$269,625

Funds will be incorporated in the FY 2017-18 Biennial Budget. Fundraising and grant application efforts are still under way, but staff believes the City will meet these targets. Some minor additional start-up costs may be necessary in FY 2016-17, which can be funded out of the existing budget and do not require an appropriation.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Approve the proposed MOU;
2. Request a modification of the terms of the MOU;
3. Do not approve the MOU and reject creation of the after-school program; or
4. Provide staff other direction.

Exhibits:

1. Memorandum of Understanding

Approved by: _____
Steven Adams, City Manager

CITY OF KING,
KING CITY UNION SCHOOL DISTRICT,
AND
PROYOUTH
MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into as of *July 1, 2017*, between the CITY OF KING, referred to as CITY, the KING CITY UNION SCHOOL DISTRICT, referred to as DISTRICT, and PROYOUTH, with reference to the City of King Comprehensive Plan to End Youth Violence, adopted by City Council January 24, 2017, the goals and mandates of which are incorporated herein. This MOU is to set forth the means by which to accomplish these goals and mandates.

I. PROYOUTH:

A. **PROYOUTH's Mission Statement:** *"ProYouth's mission is to help youth succeed academically, socially, and emotionally by providing a safe, healthy, and supportive learning environment during out-of-school time. ProYouth creates and delivers programs throughout Central California that positively impact the lives of youth and equip them to make good life-long choices."*

B. **PROYOUTH Programs**: PROYOUTH is a private non-profit 501(C)(3) organization that provides safe, structured after school programming in collaboration with school districts to at-risk students throughout Central California every day.

PROYOUTH was established in 1991 and is one of the longest lived and most successful nonprofit organizations in Tulare County. Originally called "Visalians for a Gang-Free Community," PROYOUTH was located in and grew out of the Gang Suppression Unit of the Visalia Police Department. Its purpose was and remains creating opportunities for all children, regardless of their circumstances, to make good choices and become productive, healthy citizens. In 1998, after eight years of research, piloting, and collaboration with nearly every agency serving at-risk youth locally, regionally, and statewide, as well as law enforcement, education, and private business, ProYouth launched the HEART (Health, Enrichment, Acceleration, Recreation, and Teamwork) Program. The HEART Program began at three sites with eight staff serving 220 children. Today ProYouth operates at 48 sites, employees nearly 500 staff, and serves over 15,000 students each year. Since its inception, ProYouth has served over 100,000 students, provided employment and significant work-force training to over 5,000 staff, and leveraged $5 million in local contributions into more than $100 million in state and federal grants into our most impoverished neighborhoods.

PROYOUTH delivers a variety of programs and pathways including the HEART, EDGE, and XL Expanded Learning Programs; Insight, a digital media and intervention program; Agricultural Science, Computer Science, and Engineering; Visual and Performing Arts; Literacy Development; and ProMED. PROYOUTH's programs have been developed over the last 20 years in partnership with Tulare County Office of Education, participating school districts, school principals, curriculum specialists, grade-level teachers, childhood development specialists, law enforcement, local business leaders, State of California, federal government, and afterschool program specialists. PROYOUTH's goal is to support every child to work hard to achieve excellence and grow into healthy, successful, and contributing members of our community.

II. CITY, DISTRICT, and PROYOUTH MOU

A. **Locations:** CITY and DISTRICT will provide for PROYOUTH to deliver the HEART Expanded Learning Program at Santa Lucia Elementary School in King City, CA, and any other schools that are mutually agreed upon.

B. **Duration:** HEART programming will begin the first day of the regular school year in Fall 2017 and continue through the end of the school year in June 2018. The hours of program operation shall be from the end of the regular school day to 6:00 p.m., every school day.

C. **Students Served:** PROYOUTH will deliver the HEART Program to at-risk students in grades k-5 at Santa Lucia Elementary School in King City, CA. Priority enrollment will be given to foster and homeless youth, as well as to students who have been referred to the CITY and DISTRICT, including law enforcement. Once priority registration is completed, all other students will be enrolled via lottery. PROYOUTH will make the program available to a minimum of 180 students.

D. **HEART Program:**

1. Safety Education: HEART will implement safety into the daily program, including Partner Programs as detailed in the Comprehensive Plan, mentoring programs and on-site visits from local safety agencies. HEART shall also provide students with the opportunity to develop skills that will help them think critically in regards to safety.
2. Daily Math Skills/Facts Support: daily instruction and practice is imbedded into Project Based Learning using curriculum and programs aligned to and supporting day school goals.
3. Homework: HEART will provide daily homework assistance time for each grade level in collaboration with day school first instruction goals.
4. STEM Enrichment: HEART will provide multiple STEM enrichment activities through the Project-Based Learning detailed below.
5. Keyboarding Skills: HEART will provide a variety of practice time for each grade level to assist in development of the students' keyboarding skills. The DISTRICT will make available computer labs and in-class computers to facilitate this vital skill

building area for student success in the Smarter Balance tests. HEART will utilize online education keyboarding services and other computer based programs as requested by the DISTRICT.

6. Physical Education: HEART will provide daily fitness activities including SPARKS PE and EnergizeUp!, in addition to offering a variety of engaging fitness opportunities.
7. Project-Based Learning: the "enrichment" requirement of the grant is met by HEART through a variety of project-based learning offerings. The following are the programs and pathways that are available for implementation in the Expanded Learning Program. Selection will be made in collaboration between the DISTRICT staff, school administrators, ProYouth Executive Director of Programs, and HEART Program staff.
    a. Ag Science Pathway
    b. Computer Science and Engineering Pathway
    c. Visual and Performing Arts Pathway
    d. Insight Program
    e. Literacy Development Program
    f. Health Sciences Pathway
    g. Other Projects as they become available and serve DISTRICT goals
8. The Program Director will work with Site Director to make sure site staff follow the Pathway learning projects and align the delivery of specific program components with CITY and DISTRICT priorities and day-school learning needs as determined by the school site and the DISTRICT.
9. HEART will work with the CITY, the DISTRICT, and community partners to secure free field trips through in-kind donations.
10. Special Events: a component of each Project is a student-driven culminating event with a demonstration of student learning. ProYouth also will facilitate bringing visitors and speakers to enhance learning and leadership development.

E. **Accountability:** PROYOUTH will coordinate and implement the HEART Program, a safe, supervised expanded learning program for at-risk students. PROYOUTH shall maintain complete and accurate records with respect to the services rendered, the students served, and the costs incurred under this Agreement. In addition, PROYOUTH shall maintain complete and accurate records with respect to any payments to employees or subcontractors. All such records shall be prepared in accordance with generally accepted accounting procedures, shall be clearly identified, and shall be kept readily accessible.

DISTRICT will act as the Local Educational Agency (LEA) Partner for the ASES Grant awarded to DISTRICT to implement the HEART Expanded Learning ASES program. CITY and DISTRICT will follow all fiscal report and auditing standards required by the California Department of Education, including the processing and payment of invoices submitted by PROYOUTH for the administration of the HEART Program. All reports for

each school site shall be submitted by PROYOUTH to the DISTRICT upon the due dates established with the DISTRICT by the Grants.

CITY will partner with the DISTRICT and PROYOUTH to develop a campaign to educate youth on the realities of gang participation; expand resources available to parents on education of parenting skills and recognizing signs of gang, drug, and other activities; and apply for additional grants to expand HEART Programs in King City.

F. **Grant Applications:** PROYOUTH agrees to identify and assist in preparation of grant applications to obtain funding with the goal and

G. **Contract Amount and Payments:** CITY will pay PROYOUTH $112,000.00 for these services. DISTRICT will pay PROYOUTH $112,500.00 from an ASES (also known as Proposition 49) Grant and an additional $25,000.00 for these services. PROYOUTH will submit twelve (12) equal monthly invoices to CITY and DISTRICT for their respective share of costs, beginning July 2017 through June 2018. DISTRICT will pay to PROYOUTH $11,458.33 each month and CITY will pay to PROYOUTH $9,333.33 each month. PROYOUTH agrees to expand the number of students by one (1) for each additional $1,000 provided if the CITY AND DISTRICT desire to expand the initial program.

H. **Compliance with all Regulations and Mandates:** All services provided by PROYOUTH will be fully compliant with and meet or exceed California Education Code, After School Education and Safety (ASES) mandates, and the policies and priorities of CITY and DISTRICT. PROYOUTH will provide all record keeping including application and enrollment forms, attendance tracking, and pre/post assessment data. DISTRICT will submit to CDE all reports as required by the ASES Grant, including Semi-Annual Attendance Reports, Outcomes-Based Data for Evaluation Reports, and Expenditure Reports. All PROYOUTH staff are NCLB compliant and have passed FBI and Department of Justice background checks, as well as ongoing TB testing.

I. **Facilities and Liability:** DISTRICT will provide the use of facilities at each elementary site at no charge. PROYOUTH will be responsible for filing of facility use permits and providing proof of insurance and indemnification in manner identical to that agreed upon in PROYOUTH's master HEART Program MOU agreement with DISTRICT.

J. **Entire Agreement:** This MOU constitutes the entire agreement of the parties with respect to the matters set forth herein. Any amendments, modifications, or changes to this MOU shall be in writing and signed by both parties.

K. **Severability:** If any provision of this MOU or the application of any such provision shall be held by a court of competent jurisdiction to be invalid, void, or unenforceable to any extent, the remaining provisions of this MOU and the application thereof shall remain in full force and effect and shall not be affected, impaired, or invalidated.

L. **Successors and Assigns:** This MOU shall be binding upon the parties hereto and their respective heirs, legal representatives, successors, and assigns.

M. Jurisdiction: This MOU shall be administered, governed and interpreted under the laws of the State of California, without regard to its choice of law rules. Jurisdiction and venue of litigation arising from this Agreement shall be in the County of Monterey, State of California.

N. Authority: Each person executing this MOU covenants and warrants that (i) the party on whose behalf he or she is signing is duly incorporated or otherwise established or formed and validly existing under the laws of its state of incorporation, establishment or formation, (ii) the party has and is duly qualified to do business in California, (iii) the party has full corporate, partnership, trust, association , or other power and authority to enter into this MOU and to perform all of its obligations hereunder, and (iv) each person(and all of the persons if more than one signs) signing this MOU is duly and validly authorized to do so.

O. Counterparts: This MOU may be executed in counterparts, and copies of this MOU shall be deemed originals.

P. Knowing and Voluntary Agreement: The Parties to this MOU acknowledge and agree that each of them has had a full and fair opportunity to carefully read and review the terms and provisions of this MOU and consult with their own attorney concerning the meaning and effect of this MOU. By executing this MOU, each of the Parties hereto represents, acknowledges, and agrees that such Party carefully read and fully understands all the provisions of this MOU, and that they are knowingly and voluntarily entering into this MOU and signing it of their own free will.

Q. Indemnification: PROYOUTH acknowledges and agrees to indemnify, protect, defend and hold harmless, the DISTRICT and CITY, including their managers, officers, directors, attorneys, members, employees, agents, contractors, partners and lenders (collectively "Indemnified Parties" and individually "Indemnified Party"), from and against any and all claims, and/or damages, costs, liens, judgments, penalties, permits, reasonable attorneys' and consultant's fees, expenses and/or liabilities arising out of, involving, or in dealing with (1) the administration of the HEART program; (2) any appeals by third parties relating to the HEART program, approval or denial and any actions taking in furtherance of the HEART program; (3) any breach by PROYOUTH in the performance in a timely manner of any obligation on its part to be performed under this MOU; or (4) any acts, omissions or negligence of Applicant or any person or entity claiming through or under PROYOUTH, or PROYOUTH agents, employees, contractors, invitees or visitors. The foregoing shall include, but not be limited to, all costs of the defense or pursuit of any claim or any action or proceeding involved therein, and whether or not (in the case of claims made against any Indemnified Party litigated and/or reduced to judgment. In case any action or proceeding is brought against any Indemnified Party by reason of any of the foregoing matters, PROYOUTH upon notice from the said Indemnified Party (or Indemnified Parties), shall defend the same at PROYOUTH's expense by counsel reasonably satisfactory to the Indemnified Party and the Indemnified

Party shall cooperate with PROYOUTH in such defense. An Indemnified Party need not have first paid any such claim in order to be so indemnified. In addition, the Indemnified Party may require PROYOUTH to pay that Indemnified Party's attorneys' fees and costs in defending against or participating in such claim, action or proceeding if the Indemnified Party shall decide, in its exercise of reasonable judgment, it is unsatisfied with the representation of its interest by PROYOUTH or its counsel.

PROYOUTH's obligations to defend, indemnify and hold harmless the Indemnified Parties shall include, but not be limited to, the cost of preparation of any administrative record by any Indemnified Party, staff time, copying costs, courts costs, the costs of any judgments or awards against any Indemnified Party for damages, losses, litigation costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of the environmental document(s) or mitigation plan(s) related to the HEART program, and the costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of a suit or challenge contesting the adequacy of any document(s) related to the HEART program.

The provisions of this section shall Survive the expiration or termination of this MOU.

THE PARTIES, having read and considered the above positions, indicate their agreement by their authorized signatures below.

CITY OF KING

BY _____

Steven, Adams, City Manager
CITY OF KING

KING CITY UNION SCHOOL DISTRICT

BY _____

Superintendent, King City Union School District
DISTRICT

PROYOUTH

BY_____

Chief Executive Officer

PROYOUTH

KING CITY
CALIFORNIA

Item No. 11(B)

REPORT TO THE CITY COUNCIL

DATE: APRIL 25, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CONSIDERATION OF MEMORANDUM OF UNDERSTANDING FOR CAMPUS-BASED PROBATION OFFICER

RECOMMENDATION:

It is recommended the City Council approve a Memorandum of Understanding (MOU) with the County of Monterey, South County Monterey Joint Union High School District and the King City Union School District to jointly fund a campus-based probation officer.

BACKGROUND:

At the January 24, 2017 meeting, the City Council adopted the Comprehensive Plan to End Youth Violence. The Plan was developed over a period of several months by a 23-member community task force appointed by the City Council. The Plan includes 5 categories of recommendations and implementation strategies, which are prevention, intervention, enforcement, re-entry and public outreach.

One of the key prevention and intervention recommendations is to establish a campus-based probation officer position. It was determined that the proposal was not feasible for any single agency to fund, but would assist the City, County Probation Department and both School Districts in accomplishing their specific goals and mission. Therefore, it was proposed to jointly fund the program, which makes it much more economical to accomplish.

A series of meetings have been conducted with representatives from each of the agencies to work out the details of how operation of the program will work. The MOU has been drafted by the County and reviewed by each of the participating agencies. The MOU has been approved by both school districts. Once approved by the City, it will be presented to the County Board of Supervisors for their consideration.

DISCUSSION:

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

While the City maintains the flexibility to also add a campus-based police officer in the future, this proposal enables the City to accomplish the goal of providing a campus-based officer at this time at a much lower cost. There are also other key advantages of providing a probation officer rather than an officer from the Police Department. First, police officers are frequently diverted from their campus activities to assist with other calls, which rarely occurs with probation officers since the schools will be their primary responsibility. Second, probation officers are more integrated with other County and regional social services, which better enables them to refer youth for assistance to proactively address identified needs.

The probation officer will be assigned to the King City High School for roughly 2/3 of his/her time and 1/3 to Chalone Peaks Middle School. However, the parties have all agreed to provide flexibility to allow the probation officer to organize his/her time to best meet the demands of ongoing issues that occur. The probation officer will coordinate with the Police Department on an ongoing basis. In addition to funding, both school districts will provide office space and computer capabilities.

The initial proposed agreement will be for a 3-year period, which will become effective on July 1, 2017. It is recommended to approve the MOU at this time to provide the Probation Department time to be ready to implement the program at the beginning of the new school year.

COST ANALYSIS:

It is proposed the County Probation Department and City each pay 25% of the costs and the school districts share 50% of the cost based upon the proposed portion of time the probation officer will be dedicated to each campus. The total initial annual cost of the program is $183,199, which will increase to $192,040 by the third year. Therefore, the breakdown of costs are as follows:

City of King	$45,780
South Monterey County Joint Union High School District	$60,429
King City Union School District	$31,130
Monterey County Probation	$45,780
Total	$183,119

The City's portion of the costs will be programmed in the upcoming General Fund budget.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Approve the proposed MOU;
2. Request a modification of the terms of the MOU;
3. Do not approve the MOU and reject creation of the campus-based probation officer program; or
4. Provide staff other direction.

Exhibits:

1. Memorandum of Understanding

Approved by: _____
Steven Adams, City Manager

MEMORANDUM OF UNDERSTANDING BETWEEN
THE COUNTY OF MONTEREY,
CITY OF KING,
SOUTH MONTEREY COUNTY JOINT UNION HIGH SCHOOL DISTRICT,
AND
KING CITY UNION SCHOOL DISTRICT

This Memorandum of Understanding (MOU) is between the County of Monterey ("County"), by and through the Monterey County Probation Department ("MCPD"), and a collaborative of three South County agencies (collectively: "South County Agencies"): the City of King ("King City"), the South Monterey County Joint Union High School District ("SMCJUHSD"), and the King City Union School District ("KCUSD").

PURPOSE

This Memorandum of Understanding was developed by the Monterey County Probation Department, hereafter known as **MCPD**, and a collaborative of three agencies, hereafter known as **South County Agencies**: the City of King, hereafter known as **KING CITY**, the South Monterey County Joint Union High School District, hereafter known as **SMCJUHSD**, and the King City Union School District, hereafter known as **KCUSD**.

The purpose of this agreement is to provide a coordinated approach, utilizing available resources from both agencies, to closely monitor and supervise juvenile probationers and assist with at-risk students within South County school systems. All agencies believe that a campus-based probation officer will further this goal, and agree to collaborate by coordinating and providing the following services:

A. PRINCIPLES OF AGREEMENT

NOW, THEREFORE, the parties mutually agree to the following terms and conditions:

MCPD shall assign 1.00 FTE Deputy Probation Officer (DPO) II to school sites, specifically the King City High school and the Chalone Peaks Middle school, while this Agreement is in effect and in force.

The four partners will support the full cost of the Deputy Probation Officer II as detailed in the **Budget-Exhibit A** for each fiscal year of the program as follows:

1. Monterey County Probation Department	25%
2. City of King	25%
3. South Monterey County Joint Union High School District	33%
4. King City Union School District	17%

The DPO will share his/her time on campus between the high school and the middle school, on average 2/3 at the King City High school and 1/3 at the Chalone Peaks Middle school.

Monterey County Probation Department agrees:

1. The duties of the assigned **Deputy Probation Officer II** shall be, but not necessarily limited to, the following:

   a. Assist in the cooperative effort of probation and schools to closely monitor and supervise juvenile probationers attending specified schools and to improve behavior in the community, home and school;

   b. Provide supervision of minors on formal and informal probation attending specific school campuses;

   c. Impose and monitor programs of informal probation and other dispositional options for minors attending specified school campuses who commit crimes and are referred for Intake Services by MCPD;

   d. Work closely with school administrators and assist faculty in monitoring and ensuring school attendance of probationers and other students attending the Middle School and High School;

   e. Provide supportive services to the schools in the area of delinquency prevention and diversion;

   f. Serve as resource person to the specified schools regarding dispositional options and assist the school in making appropriate referrals to collateral agencies or other components of the juvenile justice system;

   g. Attend, as needed, regular interagency meetings of the participating agencies;

   h. Coordinate with the King City Police Department on youth –related cases and incidents, collaborate on strategies to prevent acts of violence, and recommend/refer youth for consideration of participation in the City's pre-diversion program;

   i. The Deputy Probation Officer will be responsible for filing petitions, preparing court reports, making necessary court appearances, attend all scheduled annual trainings, and perform duties consistent with MCPD requirements;

   j. If the assigned Deputy Probation Officer is unable to perform his/her duties for an extended period of time, the MCPD shall make a reasonable effort to provide an interim replacement.

The South County Agencies agree:

1. The South County Agencies shall remit an amount equal to a combined **75%** over the term of this agreement for each FY (FY17-18, FY 18-19 and FY 19-20), as detailed in **Exhibit A**,

payable in quarterly installments upon receipt of an invoice by the Probation Department, for the actual cost of the assigned officer, up to the maximum contract amount.

2. The Deputy Probation Officer is an employee of the Monterey County Probation Department that retains supervision responsibility.

The School Districts agree to:

1. Provide a secured work space, telephone, computer and necessary equipment to the Deputy Probation Officer assigned to the specified schools.

B. GENERAL PROVISIONS

a. To the extent permitted by law, MCPD and South County Agencies agree to share information regarding prospective and enrolled students of the campus-based probation program. The sharing of information relative to specific case histories, as permitted by law, is deemed essential to interagency collaboration. MCPD and South County Agencies acknowledge and agree any shared confidential information shall not be released, disclosed, or otherwise made available to any individual or organization other than the designated personnel for this MOU.

b. MCPD has the authority to arm the DPO, if it deems it necessary, to ensure officer safety in the performance of his/her duties.

c. MCPD and South County Agencies shall work together in a cooperative manner to achieve the program's objectives. MCPD and South County Agencies will hold joint responsibility to maintain sufficient attendance and student enrollment numbers to adequately fund the level of service/support.

C. MUTUAL INDEMNIFICATION

a. Except as otherwise required by applicable law, MCPD and South County Agencies agree that each party shall be responsible for their own actions, including but not limited to any negligent and/or intentional acts and/or omissions of its officers, agents and employees; and neither party shall be responsible for the acts and/or omissions of the other. Each party therefore agrees to hold harmless and indemnify the other party against any and all claims, demands, suits, judgments, expenses and costs of any and every kind, insofar as it may legally do so, on account of the injury to or death of persons or loss of property arising in any manner out of the indemnifying party's performance of the terms of this MOU.

b. During the term of this MOU, all parties shall take out and maintain: (a) commercial general liability insurance or a program of self-insurance, including but not limited to premises, personal injuries, products, and completed operations, with a combined single limit of not less than $1,000,000 per occurrence and (b) workers' compensation insurance in accordance with California Labor Code section 3700 or an authorized program of self-insurance, with a minimum of $1,000,000 per occurrence for employer's liability.

c. During the performance of this MOU, South County Agencies shall be responsible for providing any statutory benefits and insurance to their respective employees related to the services provided by this MOU.

d. No party shall assign, sell, mortgage, hypothecate or otherwise transfer its interest or obligations in this MOU without the prior consent of the other party.

e. No alteration, modification, or variation of the terms of this MOU shall be valid unless made in writing and signed by the parties hereto. No oral understanding or agreement not incorporated herein shall be binding on either party hereto.

D. TERM

a. The initial term of this MOU shall be from July 1, 2017 through June 30, 2020.

b. If during the term of this MOU it is deemed necessary by any party, the agreement may be reviewed and thereafter revised by mutual consent. Any party may terminate this MOU upon giving at least thirty days written notice of such termination to the other parties. Upon such termination, MCPD shall be reimbursed for all services provided to the South County Agencies, up to and including the date of termination.

IN WITNESS WHEREOF, the parties have caused this MOU to be executed by their duly authorized representatives on the dates set forth below.

[Signatures on following page]

We, the undersigned, as authorized representatives of the **MONTEREY COUNTY PROBATION DEPARTMENT,** the **CITY OF KING,** the **SOUTH MONTEREY COUNTY JOINT UNION HIGH SCHOOL DISTRICT**, and the **KING CITY UNION SCHOOL DISTRICT** do hereby approve this document.

MONTEREY COUNTY

Marcia Parsons
Chief Probation Officer

Dated:

Daniel R. Moirao, Superintendent
South Monterey County Joint Union High School District

Dated:

Approved as to Fiscal Provisions:

Deputy Auditor/Controller

Dated:

Approved as to Liability Provisions:

Risk Management

Dated:

Approved as to Form:

Deputy County Counsel

Dated:

CONTRACTORS

Steven Adams, City Manager
City of King

Dated:

Rory Livingston, Superintendent
King City Union School District

Dated:

EXHIBIT A

County of Monterey - Probation Department
King City Campus Probation Officer Program
FY 2017-18 to FY 2019-20

Salary & Benefits:	**Program Annual Budget FY2017-18**	**Program Annual Budget FY2018-19**	**Program Annual Budget FY2019-20**
Probation Officer II (1.0 FTE @ Step 7)			
Salary	93,372	96,173	99,058
Benefits	60,008	61,208	62,432
Total Salary and Benefits:	**153,380**	**157,381**	**161,490**
Services & Supplies & Vehicle Costs:			
Data Processing/ERP/Telcom Services ($270 per workstation per mo) Qty 1 workstation	3,244	3,244	3,244
Cell phone @ $40 mo. (Qty 1)	480	480	480
Laboratory Services & Drug Testing Supplies	500	500	500
Office Supplies $25 per month	300	300	300
Staff Training Charge $42 per month	504	504	504
Vehicle Lease/Replacement Cost @$372 per month	4,464	4,464	4,464
Vehicle Fuel @ $300 mo.	3,600	3,600	3,600
Total Services, Supplies and Vehicle Costs:	13,092	13,092	13,092
Sub Total:	**166,472**	**170,473**	**174,582**
Administrative/Indirect Costs (10%)	16,647	17,047	17,458
Grand Total	183,119	187,520	192,040

CONTRIBUTIONS	**PERCENTAGE**	**FY 17-18**	**FY 18-19**	**FY 19-20**
King City	25%	45,780	46,880	48,010
South Monterey County Joint Union High School District	33%	60,429	61,882	63,373
King City Union School District	17%	31,130	31,879	32,647
Monterey County Probation	25%	45,780	46,879	48,010
TOTAL	**100%**	**183,119**	187,520	**192,040**