

**City Council Meeting
March 28, 2017**

1. CALL TO ORDER:

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

2. FLAG SALUTE:

The flag salute was led by Joanne Banuelos.

3. ROLL CALL:

City Manager Adams conducted roll call.

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

City Staff: City Manager Steven Adams, Attorney Shannon Chaffin

4. CLOSED SESSION ANNOUNCEMENTS:

Urgency item came to staff's attention. Motion to add item 11(B) by Mayor Pro Tem Victoria and seconded by Councilmember Cullen. Motion carried 5-0.

5. PRESENTATIONS:

Mayor LeBarre presented Mr. John Miller with a Proclamation congratulating him on his Teacher of the Year award for Monterey County and nomination for California Teacher of the Year.

Mayor LeBarre recognized Mayor Pendergrass from Sand City on his 39 years of service with a proclamation. Mayor Pendergrass is retiring in April.

Mayor LeBarre recognized Sol Treasures with a Proclamation and Sol Treasures - Betsy Oltmann, Barbara Pekema and Sonia Chapa gave a presentation on what is happening at Sol Treasures. They feel they can help fulfill the part of the Comprehensive Plan to End Youth Violence program that expands Youth Activities and would like to contract with the City to do so.

6. PUBLIC COMMUNICATIONS:

Karen Jernigan thanked and appreciated the Council for connecting with the community through the Public Safety meetings. She also encouraged Council to participate in the League of California Cities conferences in June and September.

7. COUNCIL COMMUNICATIONS:

Council Member Cullen stated Mee Memorial has their week of wellness and 5K color run this weekend, performances by Monterey County Dance theatre on Friday, Saturday and Sunday. The next council meeting is spring break and he will be absent. Junior Achievement is in town this week for 2nd and 3rd graders at Santa Lucia Elementary they need volunteers from 8am-1pm Thursday.

Mayor Pro Tem Victoria stated High School district is still searching for a Superintendent. High School District is partnering with the City on the Immigration forum this weekend April 2nd.

Council Member Acosta stated that the Victim's Services is coming to King City and they have been busy cleaning up down at the old court house. YWCA received a grant that part of it will be used to aid with Child and Human trafficking and provide a bus to get the women to the shelters.

Council Member DeLeon stated that he attended the school board meeting and they have a new program called School Dashboard. He also spoke on the Public Safety Meetings he attended 3 of them including his own. He stated we need community involvement and to catch these criminals. He was a ½ a block away from the last shooting and witnessed it. He further stated that the public can e-mail their district officer.

Mayor LeBarre enjoyed reading at Arts Magnet School last week. He met with Bishop Garcia today and the Bishop is happy with what King City is doing down here. He is going to visit King City soon.

8. CITY STAFF REPORTS AND COMMENTS:

City Manager Adams stated that there is going to be an Immigration forum this Sunday April 2nd from 2:00p.m. to 4:00p.m. He also stated that there was around 200 in attendance at the Public Safety Meetings. He thanked the school district for helping with the meetings.

Attorney Chaffin stated none at this time.

9. CONSENT AGENDA

- A. Meeting Minutes of February 14, 2017 Council Meeting
- B. City Monthly Treasurer's Report- February 2017
- C. Successor Agency Monthly Treasurer's Report- February 2017
- D. Public Financing Authority Monthly Treasurer's Report- February 2017
- E. City Check Register
- F. Successor Agency Check Register
- G. Public Financing Authority Check Register
- H. Consideration: A Resolution Authorizing the Submittal of an Application, Acceptance of Funds and Execution of grant Agreement with California Department of Transportation for the Airport Improvement Matching Grant Program.
- I. Consideration: Report on General Plan Annual Review
- J. Consideration: Resolution Designating the City Clerk to Maintain a Minute Book of Closed Session Item
- K. Consideration: Interagency Agreement with Salinas Valley Solid Waste Authority for Solid Waste/Recycling Contract Administration Services
- L. Consideration: Acceptance of Grant Offer in the Amount of \$138,521.00 from the AB2766 Motor Vehicle Emissions Reduction Program to Prepare a Project Study Report-Project Development Support (PSR/PDR) Project Initiation Document for a Proposed Roundabout at the Intersection of Broadway Street and San Antonio Drive/US 101 Northbound Ramp Terminals

City Attorney stated that item 9(I) General Plan Annual Review is not required for Charter Cities and will likely not be submitted to the state.

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

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

10. PUBLIC HEARINGS:

A. Consideration: Public Hearing on Unmet Transit Needs in Monterey County

Virginia Murillo from TAMC presented the item.

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

B. Consideration: Adoption of an Ordinance Authorizing Implementation of a Community Choice Aggregation Program, Adoption of a Resolution Approving the Joint Powers (MBCP) Authority, and Discussion of other Community Choice Energy Program Alternatives

City Manager Adams presented this item with his power point. Staff recommendation is to proceed with local Community Choice Energy Program.

Mayor LeBarre opened the public hearing.

Belinda Hendrickson, feels that the City should join the JPA and work as a team.

Chris Hernandez speaking on behalf of Saint John the Baptist Church that in favor of Monterey Bay Community Power.

Kelly Foley Pilot Power feels that Mr. Adams presentation is inspiring. CCE means Community and a Choice.

Dan Nelson, Romero Institute, they have no stake in this they just want to do what is right and go with Monterey Bay Community Power.

Shawn Marshal spoke on behalf of Monterey Bay Community Power.

Kelly Foley spoke to facts that have not been presented about CCE.

Domingo Uribe spoke in favor of Monterey Bay Community Power.

Juan Martinez, Gonzales, spoke in favor of Monterey Bay Community Power because of working together.

Brenan Jensen, Monterey Bay Climate Action Compact, applauded Greenfield for their consideration, she is in favor of Monterey Bay Community Power.

Monique Pips resident and teacher, she is trying to learn more to make a decision. She is confused why the City would not want to join something that is proven and do something on their own that is not proven.

Council Member Cullen stated he is a proponent of Monterey Bay Community Power.

Mayor Pro Tem Victoria is ready to make a motion.

Mayor LeBarre is a proponent for the CCE.

Council Member Acosta feels that the CCE gives more opportunity to give lower rates to our constituents. Council Member DeLeon is a proponent of CCE.

Mayor LeBarre closed the public hearing.

Action: Motion to approve 1) declining membership in the Monterey Bay Community Power Joint Powers Authority (JPA) at this time; and 2) direct staff to proceed with the recommended steps to further assess the feasibility of establishing an independent Community Choice Energy (CCE) program made by DeLeon and seconded by Acosta.

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

NOES: Council Members: Cullen, Mayor Pro Tem Victoria

ABSENT: Council Members:

ABSTAIN: Council Members:

11. REGULAR BUSINESS:

A. Consideration: Alternatives to Address Issues Related to Long-term Stays in Transient Occupancy Businesses

City Manager Adams introduced this item going over the Measures for Consideration. Limit stays to 30 days so occupants need to check out and back in, limit occupants checking out and back in to 50% of rooms for up to a maximum of 6 months, limit number of adults per room, require a Temporary Use Permit for parking lots uses, and parking on the street. Tonight, staff is looking for direction on how to proceed in an ordinance if council would like an ordinance.

Janet Buttgereit spoke stating tonight the Council has a very important decision put before them. The issue of whether the local Motels can become Farm Labor Housing, and or any other type of long-term Boarding Houses in the ton of King City, will have an effect on our town monetarily, ethical and esthetically. Anything decided tonight that does not have timelines and consequences could prevent us from being the town we all want King City to be. Currently we have many wonderful plans for downtown revitalization and king city in Bloom. We also were well-informed in meetings this weekend that we have a pressing need for more youth programs and gang intervention. Agriculture is a key part of our community and the labor that goes with it is our blessing and our problem. We need the farm labor to keep the crops moving from our fields to our tables and to our economy. Housing for the vital element is a problem in our county and our city and our State. Recently the City approved housing at the East end of King City. This was done with strict guidelines and requirement as it should have been. There are other areas of our town and the outskirts that will soon be working on the housing problem. They will have to adhere to and jump through many hoops in the process of creating this housing. If the Council does not put restrictions and requirements on the local motels concerning the housing of farm workers or boarding houses of any kind, what is the message you are giving to future developments of adequate hosing? As the current situation of long-term housing is continuing in motels, the biggest issue tonight is the Transient Occupancy Tax. We are told that people who stay over 30 days cannot be charged this tax. Yet this is money that is flying out of the City coffers. This funding could be used for gang intervention ad pro-youth programs. Although there are issues of how TOT can be charged from the State level, there might be a way to have these occupants check out and then back in every 30 days in order to be able to collect these important funds. Please remember also that the occupancy of multiple people in small motel rooms is also a stress on our water and sewer systems. We need the TOT for many reasons when we have a high semi-permanent occupancy rate in these facilities. Finally, the issue that the Council needs to consider is the housing in motel rooms of multiple occupants with limited privacy and limited areas of recreation. Is

that the best we can do for our farm workers? Should you and we not be thinking about better and more comfortable ways to house these workers? You already have, with your approval at the East end of Broadway. You may be hearing or have heard from the motel owners that we will be affecting their bottom lines, but they did in fact purchase Motels not Farm Labor Camps or Boarding Houses. While some of the motels are locally owned, and by the way, some of those are the most cooperative, most of the "motels" are subject to out-of-town owners who have no real vested interest in our attempts to improve our town. Please consider a compromise that will not institutionalize the motels as farm labor housing or boarding houses of any kind. This will gain our City access to the funding it so desperately needs to fight gangs, help our youth and keep our town moving in a positive manner.

Joel Panzer, Principal Planner, representing a neighboring property owner in the Broadway Circle area of King City. He is concerned about new places for farmworkers to live and fitting into the general plan and uses. Respectfully they would request the proposal be shelved. Motels and Hotels should be limited to transient uses of traveling public in the Broadway Circle/Broadway Avenue area. Moving forward they believe that the City should work within the context of City of King Housing Element and focus on developing farmworker housing in the FSC and C-2 districts as the more appropriate sites for labor force housing. The Highway Service Commercial sites are appropriate for the travelling public. Placing farmworker housing in these areas, even if short-term is inconsistent with the City General Plan the Zoning Ordinance.

Deep Desai, (Super 8) stated the rooms are done by California law. TOT tax is the same as the last 20 years. State government and County came to inspect. Feels that the farmers should have been invited to this meeting.

Olivia Valle, V's Diner owner spoke to the fact that when the farmworkers are living in the hotels there is nowhere for people traveling through to stay and eat at her restaurant. The farmworkers bought cars and worked on them in the parking lot and left the left-over parts. They leave empty beer bottles. The few costumers she has the farmworkers are scaring her customers away.

Clark Kodiak owner of Vi's Diner property spoke on the negative impacts on the restaurants of the farmworker housing in the motels. He also collected letters from McDonald's Owner Operator and Taco Bell President both in objection to using local motels for permanent farmworker housing. He presented the letters to Council as well as a picture of the workers eating in the parking lot of the Super 8.

Lance Bassetti, Elkhorn Packing, uses farmworker's, housing them in local motels, governed by Department of Labor, 50 sq. ft. per person, not breaking in laws. He has put restrictions on the worker's working on their cars. He has contracted with his brother to park the buses at the East Ranch so they will no longer be parked on River Drive.

Alfredo, H2A worker, spoke about the living arrangements and they are good for them. He stated he doesn't need a living room or a dining area and they don't mind eating in the parking lot. They just came to work.

Susanne Krause, feels that this is a complicated issue and it is going to take a lot of work. She spoke to the meaning of the words hotel, motel or inn. A **hotel** is an establishment that provides paid lodging on a short-term basis. A **motel** is a hotel designed for motorists and usually has a parking area for motor vehicles. The term referred initially to a type of hotel consisting of a single building of connected rooms whose doors faced a parking lot and in some circumstances, a common area or a series of small cabins with common parking. **Inns** are generally establishments or buildings where travelers can seek lodging and, usually, food and drink.

Paul, Motel 6, stated that the motels where not full until the last two years. About Pinnacles there are more motels for tourists to stay in King City then just the ones that have the Farmworkers.

Jenny speaking on behalf of her father a motel owner considered low income in her college qualifications. The motels look forward to the summer season for more income.

Deep, Subway owner, stated that the Indian community own majority of the business in King City. They are the community that gives more income to King City. In his shopping center, there are only 4 business'. He never complains about not making any money. He doesn't want to make a decision tonight off of one business.

Olivia Valle, V's Diner is a small business and she is trying to keep her business going as well.

Karen Jernigan spoke in appreciation of the motels and them bringing in tax to the City. She spoke to beautification and that motel owners can work harder on keeping trash cleaned up.

Deep Desai, Keefer's Inn, Super 8, stated that people are not coming because of gun violence.

Gentlemen owner of property at 5 Broadway Circle, family has owned 21 years. Farmers are feeding the farmworkers so they are not eating at the local restaurants. He is also concerned of unapproved uses. He feels this a Monterey County Issue. He feels it needs to be fair for everyone.

City Manager spoke to Agricultural employee housing and increasing it in the City. Noticing was for the lodging as the discussion was about general issues. There are some legitimate issues. He would like to meet with some of the motel owners to learn specific needs. He feels this is going to take some time and will not be an overnight fix.

Council Member Cullen stated he didn't feel there are any of our laws being broken. He feels there should be a symbiotic relationship between a motel and restaurant. Council Member Cullen would like to have more discussion on items.

Mayor Pro Tem Victoria would like to educate the farm workers and he would be willing to do it since he is bilingual to talk to them about trash around the motels. He would like to see the contract spread around to other motel owners so everyone gets a chance.

Council Member Acosta feels that the labor contractors need to be involved in the discussion.

Council Member DeLeon would like to know why we are feeding the people in a parking lot when a restaurant is right next door. He worked at Motel 6 for six years. Motel 6 does not allow bunk beds in their rooms then it is considered a dormitory. The rooms were designed for short term stay. He feels we need to enforce the laws that are on the books. He would recommend going with staff's recommendation to look at this further.

Mayor LeBarre stated that we value all business'.

Council Member Cullen would like to limit stays to 30 days to collect the TOT.

Action: Motion to direct staff to meet with motel owners with the list of alternatives and bring back concepts for discussion, regarding transient occupancy long-term stays and provide direction on options to incorporate in the ordinance, by DeLeon and seconded by Cullen.

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

NOES: Council Members: Mayor Pro Tem Victoria

ABSENT: Council Members:

ABSTAIN: Council Members:

Urgency item.

B. Sale of Property Clarification Resolution.

Action: Motion to approve Resolution 2017-4577 by Victoria and seconded by DeLeon.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

Council Member Cullen will be recusing himself from Item 12 (4) due to a conflict of interest.

12. CLOSED SESSION:

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

2. Liability Claims, by Jim Albanese Rental and Property
Claim against City of King
Gov. Code Section: 54956.95

3. Liability Claims, by Tom and Debi Rahe
Claim against City of King
Gov. Code Section: 54956.95

4. Conference with Real Property Negotiators
Properties: APN 026-195-010-000, APN 026-195-018-000, 332 Broadway St.;
APN 026-195-012-000, 325 Lynn St.
Agency Negotiator: Steven Adams
Negotiating Party: Cheung Ho Ming

ADJOURNMENT:

There being no further business to come before the City Council, Mayor LeBarre adjourned the meeting at 10:09pm 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