

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

TUESDAY MAY 9, 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. Commendation Honoring Chuck and Suzanne Krause**
- 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 Any Council Member, the City Manager, or the City Attorney may request that an item be withdrawn from the Consent Agenda to allow for full discussion.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 25, 2017 Council Meeting
Recommendation: approve and file.
- B. Meeting Minutes of April 25, 2017 Special Council Meeting
Recommendation: approve and file.
- C. City Check Register
Recommendation: approve and file.
- D. Consideration: An Ordinance of the City Council of the City of King 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 APN 245-111-036-000 and APN 245-111-030-000
Recommendation: adopt the proposed Ordinance to be read by title only.
- E. Consideration: An Ordinance of the City Council of the City of King Approving a Zone District Change from Industrial (M-1) to Agriculture (AG) (Case No. ZC2017-001) on a Portion of APN 245-111-036-000 and APN 245-111-030-000.
Recommendation: adopt the proposed Ordinance to be read by title only.
- F. Consideration: Youth Protection Daytime Curfew Ordinance
Recommendation: adopt the proposed Ordinance to be read by title only.

10. PUBLIC HEARINGS

None

11. REGULAR BUSINESS

None

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.

13. ADJOURNMENT

City of King

COMMENDATION

Honoring Chuck and Suzanne Krause

Whereas, In June 1976 Chuck and Suzanne Krause opened the King City True Value Hardware Store; and

Whereas, Chuck and Suzanne responded to the changing needs of King City by providing a wide variety of hardware and supplies; and

Whereas, Chuck and Suzanne founded their business on good customers and meeting the specific needs of the agricultural valley; and

Whereas, throughout this entire time, Chuck and Suzanne have always been active and generous members of the community, leading and supporting many community efforts and organizations; and

Whereas, after more than 40 years of owning and operating King City True Value, Chuck and Suzanne are retiring;

NOW, THEREFORE, BE IT HEREBY PROCLAIMED that the City Council of the City of King appreciates the Krause's for operating their friendly, family owned business in King City for over 40 years and congratulates them on their well-deserved retirement.

*Mike LeBarre
Mayor*

**City Council Meeting
April 25, 2017**

1. CALL TO ORDER:

Regular Meeting and Special Meeting with one closed session Item that the Mayor read in was called to order at 6:01pm by Mayor LeBarre.

2. FLAG SALUTE:

The flag salute was led by Chief Masterson.

3. ROLL CALL:

City Manager Adams conducted roll call.

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

City Staff: City Manager Steven Adams, Attorney Margaret Rose, Chief Robert Masterson,
Fire Chief George Young, Recreation Coordinator Andrea Wasson, Community
Development Director Doreen Liberto, City Engineer Octavio Hurtado, Admin.
Asst./Deputy City Clerk, Erica Sonne

4. CLOSED SESSION ANNOUNCEMENTS:

None

5. PRESENTATIONS:

Mayor LeBarre presented Chris Salazar with a proclamation for 2016 Firefighter of the Year. City Council congratulates Mr. Salazar and thanks him for his service.

6. PUBLIC COMMUNICATIONS:

None

7. COUNCIL COMMUNICATIONS:

Council Member Cullen was contacted by United Way of Monterey County and they are looking for a board member to meet once a month and represent South County. He attended the ribbon cutting for Ag Employee Housing and he was impressed with the facility. He got the card of the person who will be overseeing operations there to possibly take a tour once it opens and offered for any other City Council that may want to go.

Mayor Pro Tem Victoria apologized for not attending last meeting. He attended the AMBAG meeting and they are going to be working with the school district to provide LED lighting. He announced that the High School District is having their end of the year activities and their scholarship awards ceremony. He has been attending El Grito organization meetings. He attended the Ag Harvesting facility ribbon cutting, and the ribbon cutting for the Boxing Club.

Council Member Acosta had the opportunity to go visit PROYouth in the other valley with the school district and the City Manager. They have 27 years of service experience. She would like to see fundraisers done to get all the kids in. ProYouth is a tremendous program. She will be attending 4C4P tomorrow. One

of the presenters for 4C4P is Prescribe Safe and they will be collecting prescription drugs to get them away from the youth.

Council Member DeLeon attended the ribbon cutting of the Boxing Club. He feels it is an amazing opportunity for kids. He also attended the School District meeting and they will be sending out a mailer on general information.

Mayor LeBarre attended the Army Reserve Birthday at Fort Hunter Liggett. He also handed out bullet points of items he is attending or attended.

8. CITY STAFF REPORTS AND COMMENTS:

City Manager Adams stated the City is back in good standing with MBASIA. First Street Project will be starting. Pocket Park will get their adjustments beginning next week. Ellis St. sewer project will be wrapping up and getting a slurry seal. LED street lights will be installed down Broadway. O'Reilly pulled permits for building. Hearne's project starting a new building as well.

Attorney Rose stated Attorney Chaffin sent his thanks for attending the AB1234 Training.

9. CONSENT AGENDA

- A. Meeting Minutes of April 11, 2017 Council Meeting
- B. City Check Register
- C. Public Financing Authority Register
- D. City Monthly Treasurer's Report- March 2017
- E. Successor Agency Monthly Treasurer's Report- March 2017
- F. Public Financing Authority Monthly Treasurer's Report- March 2017
- G. Consideration: Award of Bid for King City Forden Park Improvements – Proposed Project Award Recommendations
- H. Consideration: 2017 King City Street Project- Proposed Project Award
- I. Consideration: Resolution to Participate in the Institute for Local Government's Beacon Program
- J. Consideration: Sponsorship of Freedom Gala

Attorney Rose made a clarification in the recommendation for item G and H as follows "to award base bid and authorize the City Manager to enter into the agreement subject to as to form by the City Attorney".

Action: Motion to approve consent agenda with clarifications made by City Attorney 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:

Mayor LeBarre thanked the Chair of the Recreation Commission, Sharlene Hughes and Recreation Coordinator for working hard on the Forden Park Project.

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.

Mayor LeBarre read the title of the ordinance into the record.

Mayor LeBarre opened the public hearing, hearing no testimony, he closed the public hearing.

Action: Motion to read ordinances by title only, and approve the first reading of the ordinances to waive future readings of the ordinances by Acosta and seconded by Victoria.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

B. Consideration: Youth Protection Daytime Curfew Ordinance

Mayor LeBarre read the title of the ordinance into the record.

City Manager Adams introduced this item.

Chief Masterson further introduced this item.

Mayor LeBarre opened the public hearing, hearing no testimony, he closed the public hearing.

Action: Motion to read ordinances by title only, and approve the first reading of the ordinances to waive future readings of the ordinance and bring back for second reading by Acosta and seconded by Victoria.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

11. REGULAR BUSINESS:

A. Consideration: Memorandum of Understanding for the After-School Heart Expanded Learning Program

Mayor Pro Victoria recused himself due to a conflict.

City Manager Adams introduced this item.

Dahl Cleek, ProYouth President of the Board, explained how ProYouth came to be and commended the City for working to make changes in the community.

Karen Jernigan, is pleased to see that Sol Treasures is involved in this.

Juan Valencia, ProYouth site director that will be working with our schools.

Action: Motion to 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 Cullen and seconded by Acosta.

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

Mayor Pro Tem Victoria returned to the meeting.

B. Consideration: Memorandum of Understanding for Campus-Based Probation Officer

City Manager Adams introduced this item.

Joanne Banuelos was confused about the Gaia with the Hunter Liggett. City Manager stated that the Gala proceeds will go towards the ProYouth as part of the plan to end youth violence.

Action: Motion to 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 by DeLeon and seconded by Victoria.

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

ADJOURNMENT:

There being no further business to come before the City Council, Mayor LeBarre adjourned the regular meeting at 7:06pm to closed session special meeting.

Approved Signatures:

Mayor, Michael LeBarre
City of King

City Clerk, Steven Adams
City of King

**City Council Special Meeting
April 25, 2017**

1. CALL TO ORDER:

Regular Meeting and Special Meeting with one closed session Item that the Mayor read in was called to order at 6:01pm by Mayor LeBarre.

SPECIAL MEETING

12. CLOSED SESSION

1. Conference with Legal Counsel – Existing Litigation
Gov. Code Section: 54956.9 (d) (1)
Rufina Recendiz Garcia and Elandio Juitzil v. City of King etal, U.S. District Court,
Northern District of California Case No. 16-CV-06712-EJD

ADJOURNMENT:

There being no further business to come before the City Council, Mayor LeBarre adjourned the Special Closed session meeting at 7:30pm

Approved Signatures:

Mayor, Michael LeBarre
City of King

City Clerk, Steven Adams
City of King



Item No

REPORT TO THE CITY COUNCIL

DATE: MAY 9, 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:

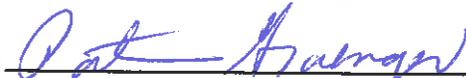
1. Receive and file the report; or
2. Provide other direction to staff regarding requests for additional information.

**CITY COUNCIL/CITY
CITY CHECK REGISTER
MAY 9, 2017
PAGE 2 OF 2**

Exhibit(S)

1. Check Register Report

Submitted by:


Patricia Grainger, Accountant

Approved by:


Steven Adams, City Manager

Check Register Report

Date: 05/02/2017

Time: 12:35 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							
58936	04/19/2017	Printed		ORDONL	LYDIA ORDONEZ	Claim	1,267.15
58937	04/22/2017	Void	04/22/2017			Void Check	0.00
58938	04/21/2017	Printed		ACEHIGH	ACE HIGH DESIGNS INC	Softball Uniform	654.63
58939	04/21/2017	Printed		A & W	ALESHIRE & WYNDER LLP	Legal Services through	17,127.09
58940	04/21/2017	Printed		AM SUPPLY	AMERICAN SUPPLY CO.	Janitorial Supplies	565.27
58941	04/21/2017	Printed		ANDRALE	ALEXUS ANDRADE	Softball Referee -	21.00
58942	04/21/2017	Printed		AT & T	AT & T	Monthly Phone Service -	3,400.28
58943	04/21/2017	Printed		BAILEYSF	BAILEYS FITNESS	Storage in Rec Center.	200.00
58944	04/21/2017	Printed		WSCS	LINDA BROWN	WWTP Coverage	2,700.00
58945	04/21/2017	Printed		CAL WATER	CALIFORNIA WATER SERVICE	Monthly Water Service -	5,093.21
					CO.		
58946	04/21/2017	Printed		CAROLLO	CAROLLO ENGINEERS, INC	Wastewater Facilities	33,192.38
58947	04/21/2017	Printed		CASEY PRIN	CASEY PRINTING, INC.	Fliers- Flag Football	2,065.53
58948	04/21/2017	Printed		CNAUTO	CLARK N. CLEVINGER	Trimmer Head	70.24
58949	04/21/2017	Printed		COASTL	COASTLINE MARKETING	Website Monthly Maint.	125.00
					GROUP INC		
58950	04/21/2017	Printed		CONATSER	CONATSER WELDING &	Flat Bar - Airport	1,154.61
					MACHINE,LLC		
58951	04/21/2017	Printed		COMINFO	COUNTY OF MONTEREY	Fy 2016-17 - Network Access	10,153.56
58952	04/21/2017	Printed		DAVE'S REP	DAVE'S REPAIR SERVICE	Monthly Site Inspection-	80.00
58953	04/21/2017	Printed		DEPT CONS	DEPARTMENT OF	Qtrly SMIP Fees	237.69
					CONSERVATION		
58954	04/21/2017	Printed		DEPT ACCNT	DEPARTMENT OF JUSTICE	Child Abuse/Peace Officer	66.00
58955	04/21/2017	Printed		DMV-MAILS	DEPT OF MOTOR VEHICLES	Vehicle Code Book 2017	165.90
58956	04/21/2017	Printed		SALINAS V	DIANA ADAMS	Annual Uniform Allowance -	2,300.01
58957	04/22/2017	Void	04/22/2017			Void Check	0.00
58958	04/21/2017	Printed		EARTH DESI	EARTH DESIGN, INC.	K C Cultivation -	22,332.38
58959	04/21/2017	Printed		LIBERTY	GENESIS BUSINESS	Translation for CC & Dist	861.25
					MANAGEMENT		
58960	04/21/2017	Printed		GUTTREE	GUTIERREZ TREE TRIMMING &	Tree Trimming Contract	9,000.00
58961	04/21/2017	Printed		IDCON	ID CONCEPTS, LLC	ID Replacement	59.24
58962	04/21/2017	Printed		JOBS	JOBS AVAILABLE INC.	Annual Subscription	45.00
58963	04/21/2017	Printed		KEREZSI	ANITA KEREZSI	2nd installment, Prep and	1,000.00
58964	04/21/2017	Printed		KC GLASS	KING CITY GLASS	Repair Window	74.39
58965	04/21/2017	Printed		KC IND	KING CITY INDUSTRIAL	Paint	1,965.78
					SUPPLY		
58966	04/21/2017	Printed		KC TRUE	KING CITY TRUE VALUE	P D Repairs	375.82
58967	04/21/2017	Printed		KREHBIEL A	KREHBIEL AUTOMOTIVE	Smog Check	640.83
					REPAIR		
58968	04/21/2017	Printed		LA HEARNE	L.A. HEARNE COMPANY	Liquid Acid - Pool	2.25
58969	04/21/2017	Printed		O'REILLY A	O'REILLY AUTOMOTIVE, INC.	Lights for Trailer	167.41
58970	04/21/2017	Printed		OFFICE DEP	OFFICE DEPOT	Office Supplies C H	595.14
58971	04/21/2017	Printed		PURE WATEF	PENINSULA PURE WATER INC.	Water Services - March 2017	37.75
58972	04/21/2017	Printed		PAC	PG&E	Monthly P G & E Service	14,683.27
58973	04/21/2017	Printed		QUILL CORP	QUILL CORPORATION	City Hall Supplies	175.35
58974	04/21/2017	Printed		RANKINC	RANK INVESTIGATION AND	Background, M Aguilar,	3,901.40
58975	04/21/2017	Printed		SO CO NEWS	SO CO NEWSPAPERS	Day Camp Aide Ad	884.00
58976	04/21/2017	Printed		VALSA	TAVIT & ARAM KARABETIAN	Pole Saw	738.38
					PARTNE		
58977	04/21/2017	Printed		TEMP UNIF	TEMPLETON UNIFORMS	Name Tag - J Bernal	67.89
58978	04/21/2017	Printed		ZAPPPIA	THE ZAPPPIA LAW FIRM, APC	Legal Service	5,275.77
58979	04/21/2017	Printed		THOMSON	THOMSON TILE	Pool Tile Cleaning	2,784.00
58980	04/21/2017	Printed		TIRE KING	TIRE KING & AUTO EXPRESS	Car Washes	136.00
58981	04/21/2017	Printed		TORO	TORO PETROLEUM CORP.	KC PD - Gasoline	2,517.39
58982	04/21/2017	Printed		TRANSU	TRANSUNION RISK AND	March 2017 Services	25.00
					ALTERNATIV		
58983	04/21/2017	Printed		U.S. BAN	U.S. BANK CORP PAYMENT	Various Charges -	1,226.00
					SYSTEM		
58984	04/21/2017	Printed		VI FAM MED	VALLEY INDUSTRIAL & FAMILY	New Hire Pre-Emp Physical,	475.00
58985	04/21/2017	Printed		WM J. CLAR	WM J. CLARK TRUCKING SVC,	Cold Mix	851.26
					INC.		

Total Checks: 50

Checks Total (excluding void checks):

151,537.50

Check Register Report

Date: 05/02/2017

Time: 12:35 pm

Page: 2

KING CITY CITY HALL

BANK: WELLS FARGO BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
				Total Payments: 50		Bank Total (excluding void checks):	151,537.50
				Total Payments: 50		Grand Total (excluding void checks):	151,537.50



Item No. 9(D)

REPORT TO THE CITY COUNCIL

DATE: MAY 9, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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

RE: CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING, CALIFORNIA APPROVING A GENERAL PLAN AMENDMENT FROM QUASI-PUBLIC ("PQ") TO AGRICULTURE ("AG") (CASE NO. GPA2017-001 – AMENDMENT NO. 1) ON A PORTION OF ASSESSOR PARCEL NO. 245-111-036 AND ASSESSOR PARCEL NO. 245-111-030

RECOMMENDATION:

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

BACKGROUND:

On April 25, 2017, the City Council conducted the first reading of an Ordinance to amend the General Plan from Quasi Public ("PQ") to Agriculture ("AG") (Case No. GPA2017-0001-Amendment No. 1) on a portion of Assessor Parcel No. 245-111-036 and Assessor Parcel No. 245-111-030. As the City Council may recall, the City sold all of Assessor Parcel No. 245-111-035 (located in the unincorporated area) and portions of Assessor Parcel No. 245-111-036 (located within the City). The parcels are located adjacent to the wastewater treatment plant.

DISCUSSION:

Analysis

The Ordinance involves a clean-up amendment to the General Plan map. On February 28, 2017, the City Council amended the General Plan from PQ to AG on a portion of Assessor Parcel No. 245-111-036. After finalizing the land purchase agreement, the City and new owner agreed to add a segment not

**CITY COUNCIL
CONSIDERATION OF 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 AND A PORTION OF ASSESSOR
PARCEL NO. 245-111-030
MAY 9, 2017
PAGE 2 OF 3**

included as part of the February approval in order to align the property with an existing fence. 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 designations, amended General Plan amendment and rezone applications are being processed. The clean-up amendments allow for the entire parcel to be designated agriculture.

The City Council conducted the first reading of the Ordinance on April 25, 2017.

Advantages

Provides consistent land use designations on the property sold.

Disadvantages

None

Public Notification and Input

A public notice was published in the South County Newspaper The Rustler on April 5, 2017 and notices were mailed to property owners within 300 feet of the site.

COST ANALYSIS:

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

ENVIRONMENTAL REVIEW:

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

**CITY COUNCIL
CONSIDERATION OF 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 AND A PORTION OF ASSESSOR
PARCEL NO. 245-111-030
MAY 9, 2017
PAGE 3 OF 3**

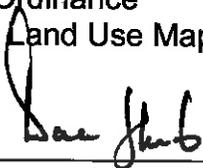
ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Conduct the second reading of the Ordinance, which approves the General Plan amendment from PQ to AG; or Direct staff to make modifications and reintroduce the Ordinance
2. Do not adopt the attached Ordinance; or
3. Provide other direction to staff.

Exhibits:

1. City Council Ordinance
2. General Plan Land Use Map

Submitted by: 

Doreen Liberto, AICP, MDR, Community Development Director

Approved by: 

Steve Adams, City Manager

ORDINANCE NO. 2017-740

**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-1”) 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:

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

ATTEST

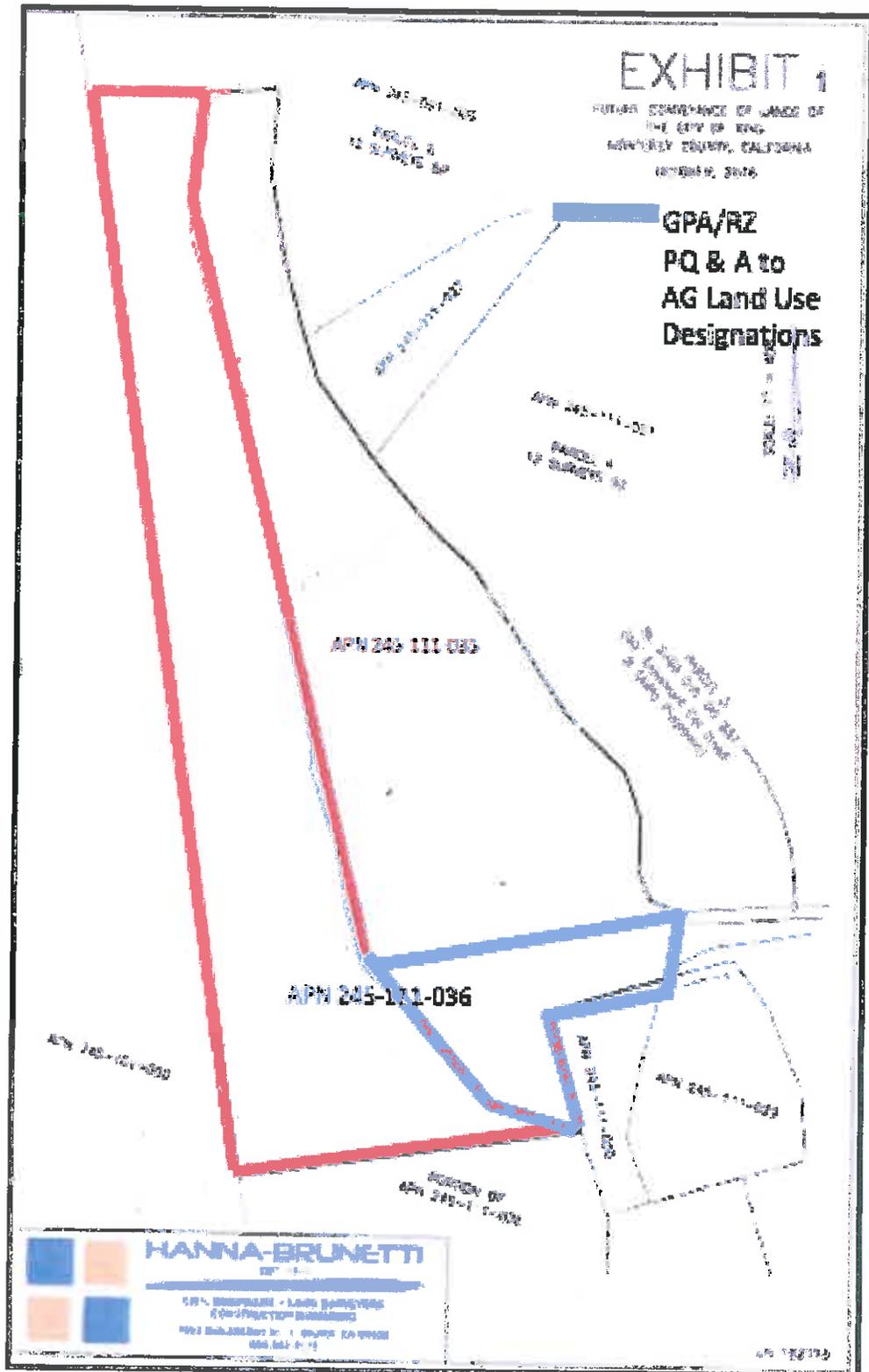
STEVEN ADAMS, City Clerk

APPROVED AS TO FORM:

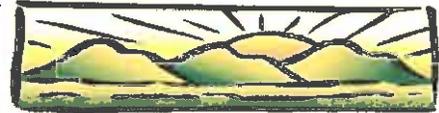
By: _____
SHANNON L. CHAFFIN, City Attorney
Aleshire & Wynder, LLP

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.

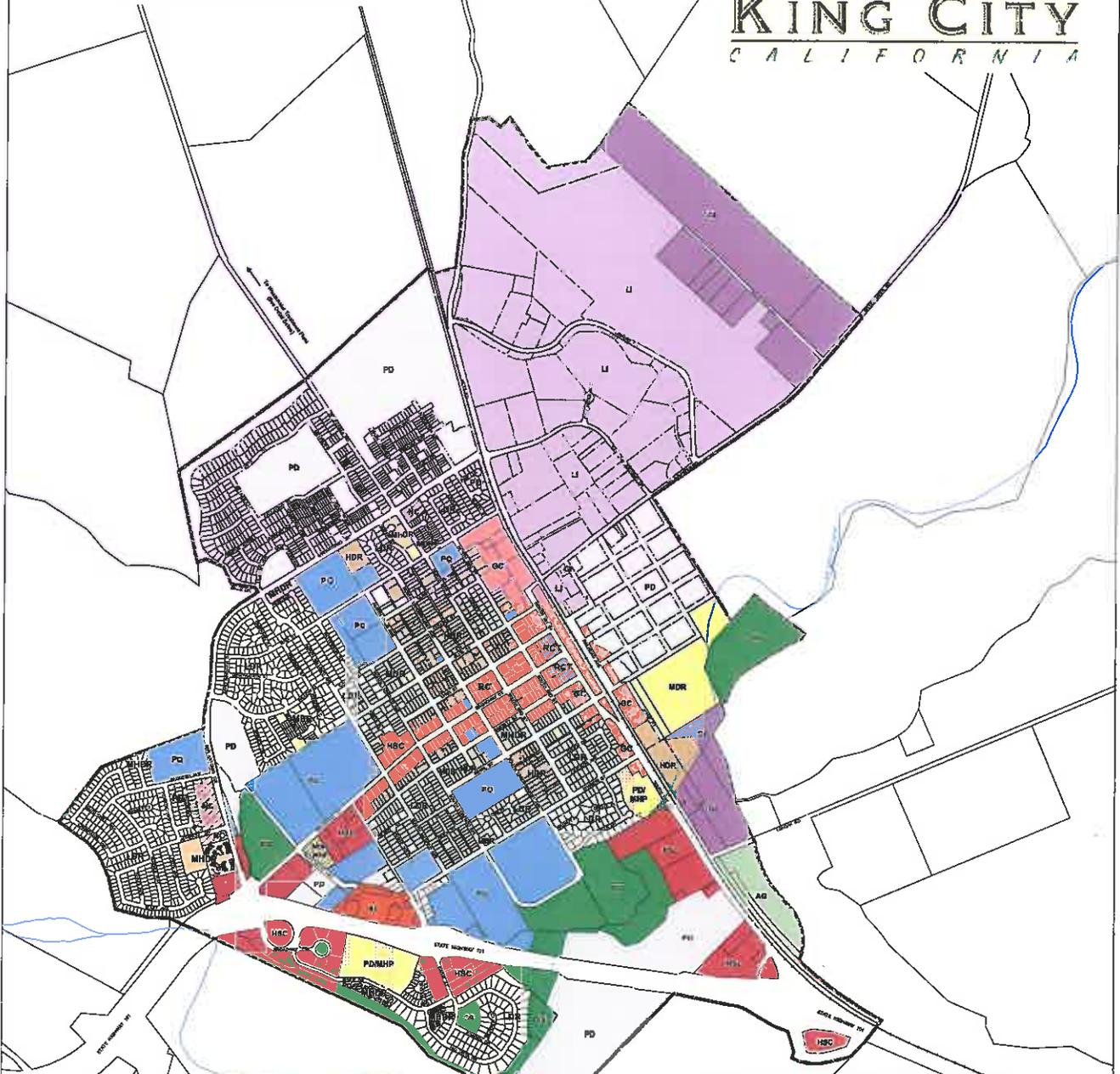
Exhibit 1



GENERAL PLAN LAND-USE

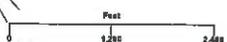


KING CITY
CALIFORNIA

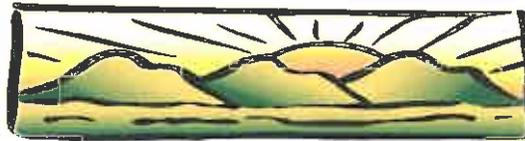


Legend

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



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



KING CITY

C A L I F O R N I A

Item No. 9(E)

REPORT TO THE CITY COUNCIL

DATE: MAY 9, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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

RE: CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING, CALIFORNIA APPROVING A REZONE FROM LIGHT INDUSTRIAL ("M-1") TO AGRICULTURE ("A") (CASE NO. ZC2017-001 – AMENDMENT NO. 1) ON A PORTION OF ASSESSOR PARCEL NO. 245-111-036 AND ASSESSOR PARCEL NO. 245-111-030

RECOMMENDATION:

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

BACKGROUND:

On April 25, 2017, the City Council conducted the first reading of an Ordinance to amend the General Plan from Quasi Public ("PQ") to Agriculture ("AG") (Case No. GPA2017-0001-Amendment No. 1) and approve a Zone District change from Light Industrial ("M-1") to Agriculture ("A") on a portion of Assessor Parcel No. 245-111-036 and Assessor Parcel No. 245-111-030. As the City Council may recall, the City sold all of Assessor Parcel No. 245-111-035 (located in the unincorporated area) and portions of Assessor Parcel No. 245-111-036 (located within the City). The parcels are located adjacent to the wastewater treatment plant.

DISCUSSION:

Analysis

The Ordinance involves a clean-up amendment to the zoning map. On February 28, 2017, the City Council amended the General Plan from PQ to AG and the zoning from M-1 to A on a portion of Assessor Parcel No. 245-111-036. After finalizing the land purchase agreement, the City and new owner agreed to add a

**CITY COUNCIL
CONSIDERATION OF 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 AND A PORTION OF ASSESSOR
PARCEL NO. 245-111-030
MAY 9, 2017
PAGE 2 OF 3**

segment not included as part of the February approval in order to align the property with an existing fence. 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 designations, amended General Plan amendment and rezone applications are being processed. The clean-up amendments allow for the entire parcel to be designated agriculture.

The City Council conducted the first reading of the Ordinance on April 25, 2017.

Advantages

Provides consistent land use designations on the property sold.

Disadvantages

None

Public Notification and Input

A public notice was published in the South County Newspaper The Rustler on April 5, 2017 and notices were mailed to property owners within 300 feet of the site.

COST ANALYSIS:

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

ENVIRONMENTAL REVIEW

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

**CITY COUNCIL
CONSIDERATION OF 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 AND A PORTION OF ASSESSOR
PARCEL NO. 245-111-030
MAY 9, 2017
PAGE 3 OF 3**

ALTERNATIVES:

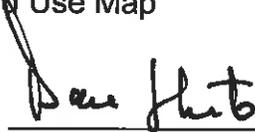
The following alternatives are provided for Council consideration:

1. Conduct the second reading of the Ordinance, which approves a rezone from M-1 to A; or Direct staff to make modifications and reintroduce the Ordinance
2. Do not adopt the attached Ordinance; or
3. Provide other direction to staff.

Exhibits:

1. City Council Ordinance
2. Zoning Land Use Map

Submitted by:



Doreen Liberto, AICP, MDR, Community Development Director

Approved by:



Steve Adams, City Manager

ORDINANCE NO. 2017-741

**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:

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

ATTEST

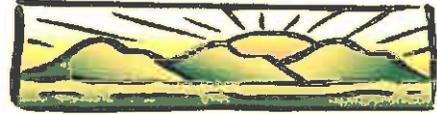
STEVEN ADAMS, City Clerk

APPROVED AS TO FORM:

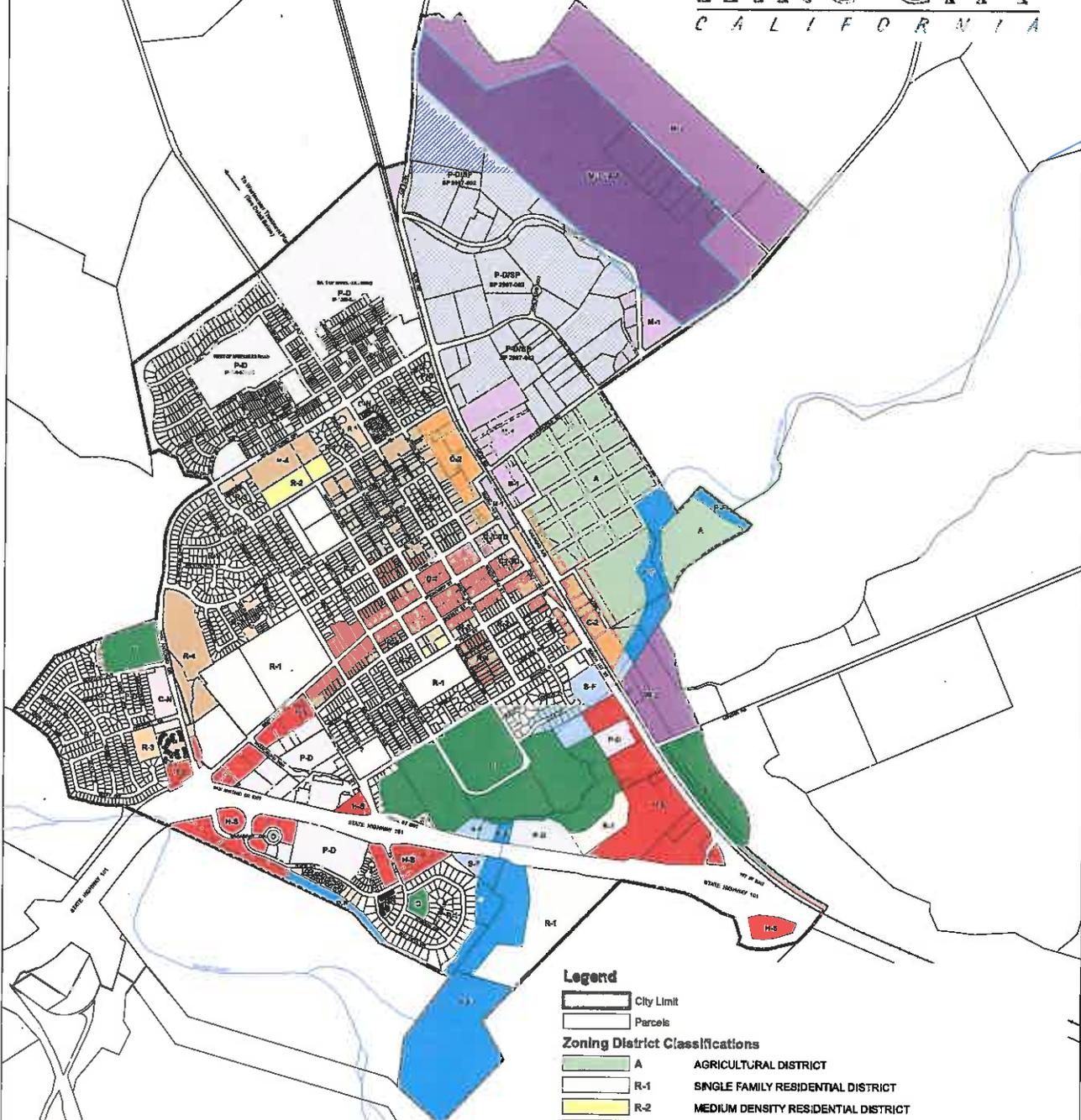
By: _____
SHANNON L. CHAFFIN, City Attorney
Aleshire & Wynder, LLP

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.

ZONING



KING CITY
CALIFORNIA

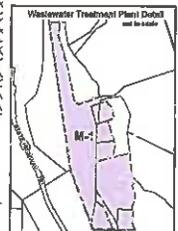


Legend

- City Limit
- Parcels

Zoning District Classifications

- A AGRICULTURAL DISTRICT
- R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
- R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT
- R-3 MEDIUM HIGH DENSITY RESIDENTIAL DISTRICT
- R-4 MULTIPLE FAMILY RESIDENTIAL AND PROFESSIONAL OFFICES DISTRICT
- C-N NEIGHBORHOOD COMMERCIAL DISTRICT
- C-1 RETAIL BUSINESS 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
- A-P COMBINING AIRPORT DISTRICT



DATE	ATTY	ORD. NO.	DATE	ATTY
ADOPTED BY PLANNING COMMISSION		ADOPTED BY CITY COUNCIL		
AMENDMENTS				

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



Item No. 9(F)

REPORT TO THE CITY COUNCIL

DATE: MAY 9, 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 adopt the proposed Youth Protection Daytime Curfew Ordinance to be read by title only.

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.

At the April 25, 2017, the City Council introduced the Ordinance. Therefore, it is now being presented for second reading and adoption.

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

**CITY COUNCIL
CONSIDERATION OF YOUTH PROTECTION DAYTIME CURFEW ORINANCE
MAY 9, 2017
PAGE 2 OF 2**

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.

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 the daytime curfew will not have a significant effect on the environment; and therefore, the project is not subject to CEQA.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Adopt the ordinance;
2. Propose changes and reintroduce the ordinance;
3. Do not adopt the ordinance; or
4. Provide staff other direction.

Approved by:



Steven Adams, City Manager

ORDINANCE NO. 2017-742

**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.