

**City Council Meeting  
November 28, 2017**

**1. CALL TO ORDER:**

Regular Meeting called to order at 6:00pm by Mayor LeBarre.

**2. FLAG SALUTE:**

The flag salute was led by Mayor LeBarre.

**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; City Attorney Shannon Chaffin; Police Chief Robert Masterson; Admin. Asst./Deputy City Clerk, Erica Sonne

**4. CLOSED SESSION ANNOUNCEMENTS:**

None

**5. PRESENTATIONS:**

A. Mayor's Commendation Honoring Wesley Beebe

Mayor LeBarre presented his commendation honoring Mr. Beebe for his work on the historic downtown not charging for the renderings of 300 Broadway and assisting with the façade grants.

**6. PUBLIC COMMUNICATIONS:**

None

**7. COUNCIL COMMUNICATIONS:**

Mayor Pro Tem Victoria had nothing to report.

Council Member Cullen circulated the Solid Waste Authority Highlights. He stated that the Chamber of Commerce picked Lynn's Too for Business of the Year, Paulette Bumbalough for Citizen of the Year and Ricky Humphrey's for Friend of the Community.

Council Member Acosta had nothing to report.

Council Member DeLeon stated that the School Board that there are homework updates. The high school hired a school nurse for the school nurse position.

Mayor LeBarre had nothing to report.

**8. CITY STAFF REPORTS AND COMMENTS:**

City Manager Adams stated there will be an dedication ceremony for the security cameras January 9<sup>th</sup>, working on the multimodal center project, working on seasonal employee housing, bringing forward an ordinance that will recognize places in the city for seasonal employee housing, schedule for the sewer line

project under the railroad tracks to enable Colleeville to move forward, working on code enforcement that will open up more space for seasonal employee housing and another project on Bitterwater Road. CCA contract will be moving forward, façade enhancements construction going on, Amgen of California organizing committee first meeting, Thursday we are hosting a learned class where the kids will be shadowing staff.

City Attorney Shannon Chaffin nothing to report at this time.

## **9. CONSENT AGENDA**

- A. Meeting Minutes of November 14, 2017 Council Meeting
- B. City Monthly Treasurer's Report- October 2017
- C. Successor Agency Monthly Treasurer's Report- October 2017
- D. Public Financing Authority Monthly Treasurer's Report- October 2017
- E. City Check Register
- F. Consideration: Cancellation of Regular Meeting on December 26, 2017
- G. Consideration: Second Reading and Adoption of an Ordinance of the City Council of the City of King Adding and Adopting Chapter 7.65 of Title 7 of the King City Municipal Code Pertaining to Hotel, Motel and Motor Lodge Occupancy Regulations and Operational Standards and Adoption of a finding of No Significant Effect Under CEQA Guidelines Section 15061(B)(3) and Class 1 Exemption Under CEQA Guidelines Section 15301
- H. Consideration: Public Service Easement to the City of King City At 602 South First Street
- I. Consideration: Pavement Management Program Funding Agreement
- J. Consideration: Award of Contract for Consulting Services Airfield Electrical Improvements (Airport Improvement Project 2017 FAA Grant) Design Phase

Mayor LeBarre pulled item 9(G) for discussion.

City Attorney Chaffin clarified 9(H) adding a couple of attachments clarifying the resolution to incorporate those attachments and 9(J) award of contract with Kimley-Horn approval will be as to material terms the scope of work is provided this evening provide to public as well. Indemnification announcing requirements to protect the City are being worked through. Approval of that tonight will be seen as the forward.

Action: Motion to approve consent agenda with City Attorneys additions by Cullen and seconded by Victoria.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

Mayor LeBarre read the ordinance title into the record "Consideration: Second Reading and Adoption of an Ordinance of the City Council of the City of King Adding and Adopting Chapter 7.65 of Title 7 of the King City Municipal Code Pertaining to Hotel, Motel and Motor Lodge Occupancy Regulations and Operational Standards and Adoption of a finding of No Significant Effect Under CEQA Guidelines Section 15061(B)(3) and Class 1 Exemption Under CEQA Guidelines Section 15301." He clarified that the ordinance does not limit farmworker housing.

Bill Lipe, Monterey County, spoke on housing being difficult in the entire state. He feels that the crux of the issue is that the TOT be paid. He stated that the issue of concern is the caps also, maybe a higher percentage the first year. He requests that the time be expanded to the end of next year and on the TOT, he feels the City needs to be paid.

Janet Buttgerreit stated that this is about the town and the comfort of the farmworkers. She read her letter into the record. Since the last discussion of an ordinance about the use of motels for boarding houses, there has been an improvement in some areas by our subdivision. The garbage seems to be less, the tent for feeding the workers is no longer there and the big temporary storage unit is gone... it is back right now but most likely temporary. The buses no long park on the streets but the have been replace with many cars that were not there before... we were told that the workers did not have cars but it seems they do and they park them on the street. It is puzzling that they are not parked at the motels where they are staying.

So you could say that the H2A workers are good neighbors. The workers themselves have always been courteous as the pass by our homes and never been a problem.

The problem is...are they going to continue to be our neighbors when the places where they stay are zoned and permitted as temporary housing for automobile travelers?? The motels are not neighborhoods...they are commercial enterprises. What obligation do we have to treat them differently when our established rules say otherwise?

If this must continue in some mode do we have to continue to lose revenue from TOT taxes that our town so desperately needs to support law enforcement and infrastructure? We have heard that the workers spend lots of money in the town after they return from work. That is a good thing but the sales tax they pay amounts to around 1 cent per dollar to the City of King after all the distribution. TOT tax on a room costing \$90.00 a night equals \$9.00 a night and it all goes to the City of King.

So there would need to be a purchase of \$900 in taxable sales by the workers to equal one night of TOT taxes. These are estimate figures since the amount charged per room is not known. Please get reports that show what the income is from TOT tax now and take the time to extrapolate what the City coffers would receive if TOT taxes were paid on the occupancy of long term stays.

We all realize that we must be gentle with our farmers and their problems with finding a stable labor force. The City of King has already done that and is doing that with their ordinance. The laborers need housing that gives them space and comfort. Motel rooms with 4 to a room cannot provide that. We need to encourage the farmers to supply adequate housing for their workers and it has already happened in the Old Meyer building. Fast tracking the permit process and inspections will further encourage the farmers in this direction.

The Owners of the motels in King City did not purchase their businesses with the purpose they now use it for. King City is trying very hard to attract visitors to our mission, the Pinnacles, the MCARLM park and venues at the Salinas Valley Fair. It is a fact that the Fair has to turn away events it could provide the space for, but due to the lack of adequate motels rooms for the event, they cannot book such events.

So again the Council must look at their zoning and ordinances and balance our City's needs. Please take the long view of what we want our town to be.

King City in Bloom just recently received several awards for the town's efforts to enhance what we have in our community. Please be a part of moving the town to an even more attractive place for people to visit and choose to live here.

Alfredo, H2A worker, he is here to make a good living for his family, he is on his 5<sup>th</sup> visa, he is not going to come back next year if the 75% goes into effect. He doesn't want to be here but local people are to lazy to work so he needs to be here.

City Manager Adams gave an overview of what this ordinance about.

Stacy from Super 8, Motel Manager, stated that the workers are very respectful, she has heard rumors of complaints that they are not saying what they are, and the Ag workers are happy where they are staying. She stated that the cars are from the trailer park on River Dr. The trailer is there for storage purposes while the guys are here. Were they are staying now they are very happy.

Dep, Subway lived in King City for 18 years, the workers are eating in King City. People are living in 2 or 3 families living in one house because they can't make it. We have to appreciate the workers. The tourist may never come back.

Deep Desai, Keefers and Super 8, he is proud to be a resident and business owner of King City. They can not make it on tourist alone. They provide housing for all visitors. They are temporary workers and are not here for a year. They are living better than in a labor camp. They never said no to TOT tax. Question is why can't we rent to them for longer. Fair goes for four days and people stay for 2 days. All of our guest that are staying with us are making a living for their family and will not hurt anyone. Please do not make us kick out our guests. We are not opposing the tax we are opposing the cap.

Ankit Panchal, Hotel owner in Monterey, Carmel, Santa Cruz representing hotel owners.

KP Patel, hotel owner feels that workers and labors need to be able to stay longer than 30 days. He doesn't feel anyone is trying to get out of the TOT tax. He would like to see City Council reconsider this ordinance.

John Buttgerreit stated that we do rely on agriculture but we also have economic base that relies on visitors and tourists. There are 4 motels surrounding our one stop light that puts 1,100 people in a small area. The fair would like to bring in more venues but we need more motels.

Lance Bassetti, Elkhorn Packing, stated that he feels that they have tried to meet all the demands and they are trying to build more housing but it is going to take more time. He is concerned for the CAP. He sees both sides.

Tina Lopez, business owner, she appreciates the clarification. She would like to know if the City is monitoring housing to make sure the 75% is coinciding with the H2A workers housing coming into town. She had heard there were complaints and no complaints. This was initiated because of complaints that have been resolved.

Dirk Genini, Farm labor contractor, this is a whole central coast issue and would like to see King City give more time with the stake holders.

Marc Bloom, he is hearing both sides, doesn't understand the issues, he hears the City Manager saying that the ordinance allows for time to make this happen. He hasn't heard anything yet that is against a farmworker.

Donna Myers, made a complaint about the bus's she wanted to clarify that she didn't want to have Dep lose his business. He complaint was that she almost got into two accidents. The parking on River Dr. is not the ag workers. She doesn't want to see any of these people kicked out.

Mayor LeBarre clarified that no one will be kicked out.

Mayor Pro Tem Victoria, thanked everyone for being here. He can not and will not support a plan that will hurt our business owners and economy in general. In our council report it clearly states and several times farm workers as being affected if this plan gets approved. So, in a way, we do anticipate farm workers to be affected, and by doing this, King City will be financially affected. Now, all this was initiated by, as mention by our City Manager in previous meetings, a few complaints, it came to council as a complaint, and it end up with this ordinance being presented. Most of these issues have been resolved. After having conversation with several agriculture business owners, supervisors and contractors, 100% of the people he talked to disapprove this ordinance. He is the first one to admit we need housing for farm workers, but once again, we don't have the housing. He further stated that if we limit how long people that come to work can stay and contractors do not get assurance that the rooms will be available, we will lose the hundreds of thousands of dollars that come to our business, and yes you may argue that it does not come to our city budget, but it goes t the families of the business owners who have invested their lives in King City. He is opposed t telling any business owner how to run their business, he is not willing to tell workers how long they can stay, and where to stay. If they are staying in a specific hotel/motel...maybe it is due to the great treatment and service they are provided with, especially if the price is right. It is not clear to him why we are not allowing long term stays, but we want to allow them to check in and out... he doesn't get it no 8 months, but yes to 8,30 day period. So if it is about the money, lets have a decent conversation and get a win-win situation for everybody.

Mayor LeBarre, clarified again that it is not kicking anyone out.

Councilmember Acosta stated that over the last few years as a City we have been having to put in a lot of work in our sewer system. The focus is becoming about motels when it stems from other issues. It is not about the ag workers. She stressed that the 280-day cap is 9 months. The Council aware that there is a housing issue. The issue is motels are short term stays. As a City we need to give equitable housing to our farm worker community. No one has been locked out of their home. She feels that this has been discussed. She feels that everyone has lost something. She feels everyone has gained as well. She feels there has been a lot of hashing out and she is happy with the outcome.

Councilmember DeLeon stated that he appreciates the motel owners and everyone staying at the motels. If you are a visiting farmworker we appreciate you, his dad was a farmworker, he knows the struggles, he deeply appreciates that. He also used to run a motel, Motel 6, he knows that Motel 6 now has extended stay rooms, they are larger rooms, they have kitchenettes. These motels in King City do not have that, these motels are temporary overnight stays. He stated if you want to rent it for a long term stay and have it be a resident, they are not zoned for that they are zoned for residential. If you want to rent it for residential we would need to rezone it and you would need to remodel the rooms which is a big undertaking. He said as far as having visiting workers stay here and work here we are not going to let them stay just anywhere, like people's cars or garages just because they are okay with it, it is not humane. They are not adequate. These rooms are too small. He feels that this compromise of 8 or 9 months of 75% of your rooms is more than is fair. He stated that with anything else the motel owners can contest this however, he stated that the City is basically looking out for farm worker's. We want to be able to let them stay here as other cities just flatly said no. He furthers stated that we don't want to be like those other Cities we want to be welcoming we want to be accommodating but we want to do with in the confines of the law and the confines of the existing ordinance. He stated that it took a long while to get to this point. He said we would be working on getting adequate housing for visiting workers. We can't just let them stay anywhere we want to be welcoming to them. We do not want to have labor camps like back in the 60's where it is like one room. It has to be adequate and it has to be zoned properly and it has to meet all the requirements. As far as singling out people, he has seen the Facebook posts and all the miss information. This is upsetting to think that this a race issue. There is nothing in the ordinance that says farmworkers it is for anyone who wants to stay there. He would have liked to see this turn out back in May for this whole process. He stated that we have met a compromise that is not going to make everyone

happy, but compromises don't do that compromises work it out for the temporary. He stated that they can negotiate the fees for those rooms to accommodate the "loss". There are a lot of emotions that say it is anti-worker and it is not anti-worker. If you want to provide housing then provide housing, as the motels are set up now they are not set up for housing. He feels the ordinance is more than fair. He feels that everyone has a valid opportunity to speak their mind and let us know what they think. The ordinance will force other entities to build affordable housing. We need to do the right thing and sometimes the right thing is going to upset the people. The council has everyone's best interest at heart.

Action: Motion to approve consent item 9(G) with direction to bring this back on a yearly basis, 3 to 6 months before the next trigger would begin so housing can be reevaluated and make sure projects are in line by LeBarre 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:

**10. PUBLIC HEARINGS:**

None

**11. REGULAR BUSINESS:**

None

**ADJOURNMENT:**

There being no further business to come before the City Council, Mayor LeBarre adjourned the regular meeting at 7:26pm. to closed session reading into the record the following

A. Public Employee Performance Evaluation Pursuant to Government Code Section 54957:  
Title: City Manager

**Approved Signatures:**

  
\_\_\_\_\_  
Mayor, Michael LeBarre  
City of King

  
\_\_\_\_\_  
City Clerk, Steven Adams  
City of King