AGENDA
SPECIAL MEETING OF THE CITY OF KING CITY COUNCIL

THURSDAY, JULY 23, 2020
2:00 P.M.

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

Teleconference and Conference call services will be available for the meeting.
To join the meeting, select ONE of the options below:

1) Click on the following link: Join Microsoft Teams Meeting
2)-OR- Copy and paste the full link highlighted below into your internet browser:
https://teams.microsoft.com/dl/launcher/launcher.html?url=%2f_%23%2fl%2fmeetup-join%2f19%3ameeting_NzM1MGNmNDItZGUxMC00ZjcxLWE4OWQtZDJkMjcyM2IxMzgz%40thread.v2%2f0%3fcontext%3d%257b%2522Tid%2522%253a%2522446c5f0b-67e0-4a70-9b14-a5510f9d6ff4%2522%252c%2522Oid%2522%253a%2522120d617a-4949-4cf3-9932-c6183953b590%2522%257d%26anon%3dtrue&type=meetup-join&deeplinkId=6ef219c3-1b39-414f-bfe7-1fc44691e68a&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true
3)-OR- Call the following number +1 619-327-9987 **and enter the Conference ID: 808 358 585#**

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 Temp. Carlos Victoria, and Mayor Mike LeBarre

3. FLAG SALUTE

4. 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.

5. 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 Any Council Member, the City Manager, or the City Attorney may request that an item be withdrawn from the Consent Agenda to allow for full discussion.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. Consideration: Change Order for the Consultant Services Agreement for the Downtown Streetscape Project
Recommendation: 1) authorize the City Manager to execute a change order in an amount not to exceed $55,000 to the Consultant Services Agreement with RRM Design Group for the Downtown Streetscape Project to prepare 50% design drawings for the corner bulbouts at Broadway Street and Vanderhurst Avenue; and 2) appropriate $55,000 from the Traffic Impact Fee fund.

6. PUBLIC HEARING

A. Consideration: Permanent Local Housing Allocation ("PHLA") Program Application and County Submittal of Local Housing Trust Fund ("LHTF") Program Application
Recommendation: adopt Resolutions which authorize:
1. application submittal to the California Department of Housing and Community Development Department ("HCD") to receive and administer $134,185 in the first year and $805,115 over a 5-year period in Permanent Local Housing Allocation Program ("PLHA") Grant Funds; and
2. formation of a Regional Housing Trust Fund ("HTF") by Monterey County through an application to HCD for the Local Housing Trust Fund ("LHTF") Program and a City contribution of City PLHA funds in the amount of $33,546 in the first year to the HTF.

7. REGULAR BUSINESS

A. Consideration: Urgency Ordinance of the City Council of the City of King Establishing the Requirement that Face Coverings Be Worn While in Public Within the City
Recommendation: 1) adopt an urgency Ordinance establishing the requirement that face coverings be worn while in public within the City; and 2) authorize the Mayor to send a letter to the County Health Officer requesting consideration of amending the Shelter in Place Order to include a restriction on the rental of bounce houses.

8. ADJOURNMENT

KING CITY
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Item No. 5(A)

REPORT TO THE CITY COUNCIL

DATE: **JULY 14, 2020**

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

FROM: **STEVEN ADAMS, CITY MANAGER**

RE: **CONSIDERATION OF CHANGE ORDER FOR THE CONSULTANT SERVICES AGREEMENT FOR THE DOWNTOWN STREETSCAPE PROJECT**

RECOMMENDATION:

It is recommended the City Council: 1) authorize the City Manager to execute a change order in an amount not to exceed $55,00 to the Consultant Services Agreement with RRM Design Group for the Downtown Streetscape Project to prepare 50% design drawings for the corner bulbouts at Broadway Street and Vanderhurst Avenue; and 2) appropriate $55,000 from the Traffic Impact Fee fund.

BACKGROUND:

In 2017, the City Council approved a draft Downtown Streetscape Conceptual Plan, which included proposals for upgrading each of the corner bulbouts in the downtown area and creating a downtown plaza on the property at the northeast corner of Broadway Street and Vanderhurst Avenue. At the December 10, 2019 meeting, the City Council authorized the City Manager to execute a contract with RRM Design Group to prepare the final design documents for the Downtown Plaza project, which is now under way. The Downtown Plaza design is integrated with the bulbout design on the adjacent corner. As a result, the bulbout design for that corner is being prepared as part of the Downtown Plaza design.

DISCUSSION:

It has been determined that it is important to design all four bulbouts at the same time to ensure the entire intersection continues to operate effectively. It would be

problematic to design the footprint of the bulbout for one corner and later determine that the other three corners need to be adjusted in order to make sure turning radiuses and drainage function adequately. In addition, the City has obtained grant funding to help reconstruct some of the bulbouts on Broadway Street and 2nd Street, and it is important to ensure all the intersections are designed consistently. Furthermore, staff is working on grant applications to access funding to construct the remainder of the bulbout improvements, and detailed design drawings would help develop accurate cost estimates and make the grant applications more competitive.

Therefore, it is recommended to appropriate funding to complete the design for the entire intersection. However, this project is independent from the Downtown Plaza, so it is recommended to be completed through a change order to the Streetscape Project contract. It was also determined that 50% drawings is the minimal level needed at this time to address the issues identified and meet the City's goals.

COST ANALYSIS:

The additional cost will be paid from Traffic Impact Fee funds. Therefore, there is no impact on the General Fund.

ENVIRONMENTAL REVIEW:

The City Council approved a finding of Categorical Exemption under 15301 and 15302 under the California Environmental Quality Act (CEQA) for the Downtown Streetscape Plan at the May 23, 2017 meeting. Therefore, no further environmental analysis is required.

ALTERNATIVES:

The following alternatives are provided for City Council consideration:

1. Approve the recommended change order;
2. Approve the change order and provide input to staff on the design;
3. Do not approve the change order and proceed with design of the Downtown Plaza without including the other intersections at this time; or
4. Provide staff other direction.

Prepared and Approved by: _____
Steven Adams, City Manager

KING CITY
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Item No. 6(A)

REPORT TO THE CITY COUNCIL

DATE: **JULY 23, 2020**

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

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

SUBJECT: **CONSIDERATION OF A PERMANENT LOCAL HOUSING ALLOCATION ("PHLA") PROGRAM APPLICATION AND COUNTY SUBMITTAL OF LOCAL HOUSING TRUST FUND ("LHTF") PROGRAM APPLICATION**

RECOMMENDATION:

It is recommended the City Council adopt Resolutions which authorize:

1. application submittal to the California Department of Housing and Community Development Department ("HCD") to receive and administer $134,185 in the first year and $805,115 over a 5-year period in Permanent Local Housing Allocation Program ("PLHA") Grant Funds; and

2. formation of a Regional Housing Trust Fund ("HTF") by Monterey County through an application to HCD for the Local Housing Trust Fund ("LHTF") Program and a City contribution of City PLHA funds in the amount of $33,546 in the first year to the HTF.

BACKGROUND:

In 2017, the Governor signed a 15 bill housing package aimed at addressing the state's housing shortage and high housing costs. Specifically, it included SB 2, referred to as the "Building Homes and Jobs Act". SB 2 establishes a permanent, ongoing source of funding dedicated to promoting and facilitating affordable housing development. SB 2 funding is secured through a fee that is imposed at the time of recording of every real estate instrument, paper or notice for each single real estate transaction on a parcel of property. The recording fees range from $75 to $225 depending upon the nature and scope of the property transaction. Sales transactions for single-family homes are exempt from this fee. Approximately $195

million in statewide revenue has been earmarked for local government affordable housing grants as a result of this fee.

SB 2 prescribes that revenue collected for the 2019 calendar year be deposited into the Building Homes and Jobs Trust Fund. Seventy percent of the Fund has been made available to HCD to assist local governments in eligible housing-related projects and programs. On February 26, 2020, HCD published a Notice of Funding Availabilty ("NOFA") for the Permanent Local Housing Allocation ("PHLA") Program allocation. Applications are accepted beginning April 27th through July 27th. As a non-entitlement jurisdiction, the City of King is being allocated $134,185 for the first year and $805,115 over a 5-year period. (Reference **Table 1**.)

TABLE 1

PHLA Entitlement Local Government Allocation for the City of King	
Fiscal Year 2019-20	Estimate of Five-Year Funding Amount
$134,185	**$805,115**

The purpose of the PLHA Grants Program is to fund housing-related projects and programs that assist in addressing the unmet housing needs of local communities, such as:

- Extremely low, very low, low, or moderate-income affordable housing development.
- Matching portions of funds placed into Local or Regional Housing Trust Funds or available through the Low- and Moderate-Income Housing Asset Fund.
- Capitalized reserves for services connected to permanent supportive housing.
- Assisting persons who are experiencing or at risk of homelessness.
- Accessibility modifications in lower-income housing.
- Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.
- Fiscal incentives or matching funds made by a county to a city within the county.

Only jurisdictions that have submitted a recent Housing Element Annual Progress Report and maintain an HCD compliant Housing Element are eligible for PLHA. The City complies with these requirements.

DISCUSSION

In addition to the SB 2 funds the City received earlier this year to update the Land Use Element of the General Plan, there are two additional sources of funding:

1. Permanent Local Housing Allocation Program ("PLHA"), and

2. Local Housing Trust Fund Program ("LHTF").

The City of King is currently experiencing a significant shortage of available housing, which has resulted in widespread overcrowding issues. In formulating a recommendation for PLHA City Council consideration, staff referred to strategic planning documents including the Housing Element.

A portion of these moneys can be used to fund a Regional Housing Trust Fund ("RHTF"). It is proposed the City partner with the County of Monterey, along with other cities, to create a RHTF and authorize the County of Monterey to submit a LHTF application to the State on behalf of the City. The purpose of the housing trust fund is to leverage State matching funds and increase the ability to develop affordable housing throughout the County. Under the LHTF program, the State of California is helping to establish housing trust funds by providing $750,000 in matching funds for housing trust funds consisting of four or more agencies. The County of Monterey and City of Salinas have committed the funding needed, but they need additional jurisdictions to participate in order to be eligible for the State matching funds. The application for the LHTF is due by August 3, 2020.

Staff recommends funding be used for three activities, as described in **Table 2**. **Table 3** identifies the funding available for the first-year allocation. These activities include assisting in the development of very-low to low income housing, helping fund the RHFT, and addressing homeless housing. Each year, the City can use 5% of the grant to administer the program. Staff recommends using 25% of the PLHA funding the first year, 45% the second and third years and then 70% for the remaining years to help with providing very-low to low income housing. This could include working with non-profits to build housing. To reduce homelessness, staff recommends committing 45% of PLHA funding the first year and 25% each year thereafter to various best practices in reducing homelessness, such as: rapid rehousing (e.g., providing tiny homes), rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing. For the first 3 years, staff recommends contributing $33,546 per year of its PLHA to the HTF. If the Monterey County's RTF is not established, allocated PLHA would be reprogrammed for affordable housing development.

Table 2

City of King HCD PLHA Proposed Activities (Years 1-5 Allocation) (Years 2-5 funding amounts are estimates)					
Activity Description	**Percent Budget Per Year**				
	1	2	3	4	5
Program Administration	5%	5%	5%	5%	5%
The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households, including necessary operating subsidies.	25%	45%	45%	70%	70%
Matching portions of funds placed into Local or Regional Housing Trust Funds.	25%	25%	25%	0%	0%
Assisting persons who are experiencing or at risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.	45%	25%	25%	25%	25%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

Table 3

City of King PLHA Proposed Budget (Year 1 Allocation)	
Description	**Amount**
Administration (5%)	$6,710
Activity Funds	$127,475
Total	**$134,185**

As required by HCD, the City provided 10 days of notice prior to the public hearing so that the public had adequate opportunity to review the PLHA Plan. The City submitted a public hearing notice for publication by the Californian on July 11, 2020 and uploading the notice to the City's website. The public hearing notice included a

recommendation for 25% for measures to reduce homelessness. However, staff is now recommending it be increased to 45% the first year to assist with current efforts to create temporary homeless solutions. The PLHA Housing Program can be amended at any time with a 10 day notice.

COST ANALYSIS:

There is no General Fund impact associated with this agenda item. PLHA does not require a local financial commitment or "match" from local jurisdictions requesting grant funds.

ENVIRONMENTAL REVIEW:

The City of King has determined that the proposed action is not a project as defined by the California Environmental Quality Act ("CEQA") per Guidelines Section 15378. CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities 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. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

ALTERNATIVES:

1. Adopt the attached Resolutions.
2. Do not adopt the attached Resolutions and take no action.
3. Direct staff to amend the Resolutions.
4. Provide alternate direction.

FINANCIAL IMPACT:

There is no fiscal impact to apply for funds.

Exhibits:

1. PLHA Application
2. PLHA Resolution
3. LHTF Resolution

Submitted by: FOR Doreen Liberto
Doreen Liberto, Community Development Director

Approved by: Erica R. Serna for
Steven Adams, City Manager

EXHIBIT 1

Local Government Formula Allocation

Rev. 5/20/20

Eligible Applicant Type:	Nonentitlement		
Local Government Recipient of PLHA Formula Allocation:		King City	
Approximate PLHA Formula Allocation Amount:	$134,185	Allowable Local Admin (5%):	$6,709

Instructions: If the Local Government Recipient of the PLHA Formula Allocation delegated its PLHA formula allocation to a Local Housing Trust Fund or to another Local Government, the Applicant (for which information is required below) is the Local Housing Trust Fund or administering Local Government. The PLHA award will be made to the Applicant (upon meeting threshold requirements) and the Applicant is responsible for meeting all program requirements throughout the term of the Standard Agreement.

The 302(c)(4) Plan template worksheet requires first choosing one or more of the Eligible Activities listed below. If "Yes" is clicked, the 302(c)(4) Plan worksheet opens a series of questions about what precise activities are planned. Some specific activities, such as providing downpayment assistance to lower-income households for acquisition of an affordable home, could be included under either Activity 2 or 9. Please only choose one of those Activities; don't list the downpayment assistance under both Activities.

If the PLHA funds are used for the same Activity but for different Area Median Income (AMI) level, select the same Activity twice (or more times) and the different AMI level the Activity will serve. Please enter the percentage of funds allocated to the Activity in only the first Activity listing to avoid double counting the funding allocation.

Eligible Applicants §300

§300(a) and (b) Eligible Applicants for the entitlement and Non-entitlement formula component described in Section §100(b)(1) and (2) are limited to the metropolitan cities and urban counties allocated a grant for the federal fiscal year 2017 pursuant to the federal CDBG formula specified in 42 USC, Section §5306 and Non-entitlement local governments.

Applicant:	City of King						
Address:	212 South Vanderhurst Avenue						
City:	King City	State:	CA	Zip:	93930	County:	Monterey

§300(d) Is Applicant delegated by another Local government to administer on its behalf its formula allocation of program funds?	No
§300(d) If Applicant answered "Yes" above, has the Applicant attached the legally binding agreement required by §300 (c) and (d)?	N/A

File Name:	App1 Resolution	PLHA webpage for Resolution Document	Attached and on USB?	
File Name:	App1 Signature Block	Signature Block - upload in Microsoft Word Document	Attached and on USB?	
File Name:	App1 TIN	Taxpayer Identification Number Document	Attached and on USB?	
File Name:	Applicant Agreement	Legally binding agreement between Delegating and Administering Local Governments	Attached and on USB?	

Eligible Activities, §301

§301(a) Eligible activities are limited to the following:	Included?
§301(a)(1) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to Extremely low-,Very low-, Low-, or Moderate-income households, including necessary operating subsidies.	☑ YES
§301(a)(2) The predevelopment, development, acquisition, rehabilitation, and preservation of affordable rental and ownership housing, including Accessory Dwelling Units (ADUs), that meets the needs of a growing workforce earning up to 120 percent of AMI, or 150 percent of AMI in high-cost areas. ADUs shall be available for occupancy for a term of no less than 30 days.	☐ YES
§301(a)(3) Matching portions of funds placed into Local or Regional Housing Trust Funds.	☑ YES
§301(a)(4) Matching portions of funds available through the Low- and Moderate-Income Housing Asset Fund pursuant to subdivision (d) of HSC Section 34176.	☐ YES
§301(a)(5) Capitalized Reserves for services connected to the preservation and creation of new permanent supportive housing.	☐ YES
§301(a)(6) Assisting persons who are experiencing or At-risk of homelessness, including, but not limited to, providing rapid re-housing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.	☑ YES
§301(a)(7) Accessibility modifications in Lower-income Owner-occupied housing.	☐ YES
§301(a)(8) Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.	☐ YES
§301(a)(9) Homeownership opportunities, including, but not limited to, down payment assistance.	☐ YES
§301(a)(10) Fiscal incentives made by a county to a city within the county to incentivize approval of one or more affordable housing Projects, or matching funds invested by a county in an affordable housing development Project in a city within the county, provided that the city has made an equal or greater investment in the Project. The county fiscal incentives shall be in the form of a grant or low-interest loan to an affordable housing Project. Matching funds investments by both the county and the city also shall be a grant or low-interest deferred loan to the affordable housing Project.	☐ YES

Threshold Requirements, §302

§302(a) Housing Element compliance: Applicant or Delegating Local Government's Housing Element was adopted by the Local Government's governing body by the application deadline and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to Government Code Section 65585.	Yes
§302(b) Applicant or Delegating Local Government has submitted the current or prior year's Annual Progress Report to the Department of Housing and Community Development pursuant to Governemnt Code Section 65400.	
§302(c)(2) Applicant certifies that submission of the application was authorized by the governing board of the Applicant.	Yes
§302(c)(3) Applicant certifies that, if the Local Government proposes allocation of funds for any activity to another entity, the Local government's selection process had no conflicts of interest and was accesible to the public.	Yes
§302(c)(4) Does the application include a Plan in accordance with §302(c)(4)?	Yes
§302(c)(4)(D) Applicant certifies that the Plan was authorized and adopted by resolution by the Local Government and that the public had an adequate opportunity to review and comment on its content	Yes
§302(c)(5) Applicant certifies that the Plan submitted is for a term of five years. Local Governments agree to inform the Department of changes made to the Plan in each succeeding year of the term of the Plan.	Yes
§302(c)(6) Applicant certifies that it will ensure compliance with §302(c)(6) if funds are used for the acquisition, construction, or rehabilitation of for-sale housing projects or units within for-sale housing projects.	Yes
§302(c)(7) Applicant certifies that it will ensure that the PLHA assistance is in the form of a low-interest, deferred loan to the Sponsor of the Project, if funds are used for the development of an Affordable Rental Housing Development. The loan shall be evidenced through a Promissory Note secured by a Deed of Trust.	Yes
§302(c)(8) Has Applicant attached a program income reuse plan describing how repaid loans will be reused for eligible activities specified in Section 301?	No

Administration

Applicant agrees to adhere to §500, Accounting Records.	Yes
Applicant agrees to adhere to §501, Audits/Monitoring of PLHA Files.	Yes
Applicant agrees to adhere to §502, Cancellation/Termination.	Yes
Applicant agrees to adhere to §503, Reporting.	Yes

Certifications

On behalf of the entity identified below, I certify that: The information, statements and attachments included in this application are, to the best of my knowledge and belief, true and correct and I possess the legal authority to submit this application on behalf of the entity identified in the signature block.

Authorized Representative Printed Name	Title	Signature	Date
Doreen Liberto	Community Dev. Director		

Entity name:	City of King	Phone Number:					
Entity Address	212 South Vanderhurst Avenue	City	King City	State	CA	Zip	93930

EXHIBIT 2

RESOLUTION NO. 2020-4778

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING AUTHORIZING APPLICATION SUBMITTAL AND RECEIPT OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) FUNDING FOR THE PERMANENT LOCAL HOUSING ALLOCATION PROGRAM (PLHA)

WHEREAS, the State of California, Department of Housing and Community Development ("HCD") issued a Notice of Funding Availability ("NOFA") dated February 26, 2020
under the Permanent Local Housing Allocation ("PLHA") Program; and

WHEREAS, the HCD is authorized to provide up to $195 million under the SB 2 Permanent Local Housing Allocation Program Formula Component from the Building Homes and Jobs Trust Fund for assistance to Cities and Counties (as described in Health and Safety Code Section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2)); and

WHEREAS, the City of King ("City") is an eligible local government that can apply for the PLHA Program to administer one or more eligible activities; and

WHEREAS, HCD may approve funding allocations for PLHA Program, subject to the terms and conditions of the Guidelines, NOFA, Program requirements, the Standard Agreement and other contracts between HCD and PLHA grant recipients; and

WHEREAS, the City proposes to apply for funding to advance affordable housing development, facilitate ADU production, establish a Regional Housing Trust Fund, and expand homeless services over the next five (5) years; and

WHEREAS, the City intends to submit a PLHA application in the amount of $134,185 for the first year allocation to the Department no later than the deadline of July 27, 2020, with a total five (5) year allocation of $805,115; and

WHEREAS, the City provided a ten (10) day public notice prior to the City Council Public Hearing on July 23, 2020, and published said public notice in the Californian on July 11, 2020 and uploaded the notice on the City's website so that the public had adequate opportunity to review the PLHA Plan; and

NOW, THEREFORE, BE IT RESOLVED THAT that the City Council of the City of King authorizes the City Manager to execute the PLHA Program Application, the PLHA Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant awarded to Applicant, as HCD may deem appropriate; and

BE IT FURTHER RESOLVED that the City Council of the City of King represents and certifies that it will use PHLA funds for eligible activities as approved by HCD and in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all rules and laws regarding the PLHA Program, as well as any and all contracts the City may have with HCD as outlined in the State Resolution.

PASSED AND ADOPTED at a regular meeting of the City Council on the 23rd day of July, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Mike LeBarre, Mayor

ATTEST:

_____
Steven Adams, City Clerk

APPROVED AS TO FORM:

_____
Roy Santos, City Attorney

EXHIBIT 3

RESOLUTION NO. 2020-4779

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING AUTHORIZING PARTICIPATION IN THE 2019 CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT LOCAL HOUSING TRUST FUND APPLICATION

WHEREAS, the City Housing Element of the General Plan states the City will work with the County and nearby cities to address homeless issues and services in the south county and the City's Inclusionary Housing Ordinance states the City will establish an Housing Trust Fund to help facilitate affordable housing development; and

WHEREAS, the State of California, Department of Housing and Community Development ("HCD") issued a Notice of Funding Availability ("NOFA") dated April 30, 2020 under the Local Housing Trust Fund ("LHTF") Program; and

WHEREAS, the HCD is authorized to provide up to $57 million under the LHTF Program from the Veterans and Affordable Housing Bond Act of 2018 (Proposition 1) (as described in Health and Safety Code Section 50842.2 et seq. (Chapter 365, Statutes of 2017 (SB 2))("Program"); and

WHEREAS, the County or City ("City") is eligible to apply for a Local or Regional Housing Trust Fund and administer one or more eligible activities using Program Funds; and

WHEREAS, it was determined that the County would be the most appropriate applicant given the regional scope and would submit the application to HCD on behalf of the participating jurisdictions including the City and the County will provide the largest share of required match of $550,000; and

WHEREAS, the County intends to submit a LHTF NOFA Application with the minimum required amount of $750,000 to submit the application no later than the deadline of August 3, 2020.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of King authorizes the City Manager to participate in the LHFT Application, Standard Agreement, or subsequent amendments or modifications on behalf of the City and represent and certify that the City will use all such funds on Eligible Projects in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including, without limitation, all rules and laws regarding the LHTF Program, as well as any and all contracts the City may have with the Department ("Eligible Project") as outlined in the State Resolution.

BE IT FURTHER RESOLVED that the City Council of the City of King authorizes the City Manager to modify Attachment 1 to the State Resolution to reflect other participating jurisdictions as the County secures these additional commitments for the Regional Housing Trust Fund since City Council will not meet again before the application due date on August 3, 2020.

BE IT FURTHER RESOLVED that the City Council of the City of King agrees to commit a portion of its future allocation of funds from the Permanent Local Housing Allocation (PLHA) program for the proposed Regional Housing Trust Fund.

PASSED AND ADOPTED at a regular meeting of the City Council on the 23rd day of July, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Mike LeBarre, Mayor

ATTEST:

_____
Steven Adams, City Clerk

APPROVED AS TO FORM:

_____
Roy Santos, City Attorney

KING CITY
CALIFORNIA

Item No. 7(A)

REPORT TO THE CITY COUNCIL

DATE: **JULY 23, 2020**

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

FROM: **STEVEN ADAMS, CITY MANAGER**

RE: **CONSIDERATION OF AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING ESTABLISHING THE REQUIREMENT THAT FACE COVERINGS BE WORN WHILE IN PUBLIC WITHIN THE CITY**

RECOMMENDATION:

It is recommended the City Council: 1) adopt an urgency Ordinance establishing the requirement that face coverings be worn while in public within the City; and 2) authorize the Mayor to send a letter to the County Health Officer requesting consideration of amending the Shelter in Place Order to include a restriction on the rental of bounce houses.

BACKGROUND:

On March 4, 2020, the Governor of California declared a State of Emergency to make additional resources available, formalize emergency actions already underway, and help the State prepare for broader spread of the coronavirus (COVID-19). On March 13, 2020, the President declared a National State of Emergency. As a result, on March 16, 2020, the City Manager signed a Proclamation of Local Emergency in King City, which was ratified by the City Council on March 20, 2020.

On March 18th, the Monterey County Health Officer issued a Shelter in Place Order, which was reissued on April 3rd with increased restrictions. Under the Municipal Code, the County Health Officer also serves as the City's Health Officer. A similar order was issued by the Governor of California for the entire State of California on March 19th, which has been followed with a number of subsequent changes. On April 28, 2020, the County Health Officer issued an Order requiring members of the public and workers to wear face coverings. A similar Order was issued by the Governor for the entire State of California on June 19, 2020.

On April 30, 2020, a subsequent Order was issued by the County Health Officer, which allows additional businesses to reopen under restrictions and established protocols. Since then, the State has approved a variance request from the County of Monterey enabling the County to proceed to an additional stage of the "Resilience Roadmap for State Reopening", which allowed indoor restaurant dining, indoor retail sales and churches. Additional orders were issued by the County Health Officer on May 8, 2020 and May 26, 2020 to implement the reopening process consistent with the State guidelines. Most recently, in response to the Governor's Order, new Order have been issued by the County Health Officer that once again prohibit operation of bars, salons, indoor dining in restaurants, and church services.

The City has been tasked with enforcing the Orders. Therefore, at the April 14th meeting, the City Council adopted an Urgency Ordinance establishing enforcement and appeals procedures for the orders of the County Health Officer related to the COVID-19 pandemic within the City of King in order to establish an effective and clear process. At the May 12, 2020 meeting, the City Council voted to extend the enforcement and appeals procedures through June 9, 2020, at which time it expired.

At the July 24th meeting, the City Council directed staff to prepare an urgency ordinance for enforcement and citation of face covering violations. The City Council also requested staff to investigate options for restricting rental of bounce houses in order to discourage large parties and the spread of COVID-19 by those sharing the bounce houses in close proximity to each other.

DISCUSSION:

King City and Monterey County, like many areas in California, have been experiencing a surge of COVID-19 cases over the past few weeks. While hospital capacity is not threatened at this time, the rate of increase of hospitalizations is cause for concern. In order to be proactive in reducing further spread, it is recommended to establish more effective local citation and appeal procedures to improve enforcement of the Order requiring face coverings. The prior enforcement ordinance was allowed to expire because the State and County regulations became too complex and were changing too frequently to enforce effectively through a municipal ordinance. Therefore, it is recommended the proposed Ordinance be limited to the requirement to wear face coverings and exclude the other provisions of the Governor's and County Health Officer's Orders. The City has also implemented a public education campaign to promote wearing of face coverings.

Currently, violations of the County Health Officer's Order is a misdemeanor. Issuing citations is difficult because the process is not clear and any citations processed by the District Attorney's Office have a 90-day waiting period. Adopting the City's own citation process will make it much more effective and easier to communicate to the public. The Ordinance allows the Police Department to treat violations as either an infraction or misdemeanor to provide flexibility. The process is designed to issue citations as an infraction. It would only be treated as a misdemeanor in very flagrant and serious circumstances. Adoption of the Urgency Ordinance requires a 4/5 vote.

It is unlikely users of bounce houses are able to social distance and/or wear face coverings. It is staff's understanding that many of the cases in our area have been the result of large gatherings at private residences. Therefore, bounce houses appear to present a valid threat. However, they are not addressed in either State or County orders. Staff recommends against prohibiting bounce houses because the City would assume all the liability for the restriction, and a number of lawsuits have been filed in California and around the country in response to Shelter in Place impacts on businesses. It is instead recommended the City submit a letter to the County Health Officer requesting him to consider prohibiting bounce houses. A copy of a draft letter is attached.

COST ANALYSIS:

The cost of preparing and publishing the Urgency Ordinance is estimated to be in the range of $3,000.

ENVIRONMENTAL REVIEW:

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Statutory Exemption set forth in CEQA Guidelines, Pub. Res. Code 21080(b)(4), which exempts actions necessary to prevent or mitigate an emergency.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Approve staff's recommendations;
2. Make minor changes and adopt the Ordinance;
3. Direct staff to make changes to the Ordinance and present it again at the next meeting for consideration;
4. Do not adopt the Ordinance, or
5. Provide other direction to staff.

Exhibits:

1. Draft letter to the County Health Officer regarding bounce houses.

Prepared and Approved by: _____
Steven Adams, City Manager

URGENCY ORDINANCE NO. ___

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING, CALIFORNIA, ESTABLISHING THE REQUIREMENT THAT FACE COVERINGS BE WORN WHILE IN PUBLIC WITHIN THE CITY

WHEREAS, pursuant to Government Code section 36937, subdivision (b), any ordinance for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths (4/5) vote of the City Council, shall take effect immediately upon its adoption; and

WHEREAS, in December of 2019, an outbreak of respiratory illness due to a novel coronavirus (COVID-19) was first identified in Wuhan City, Hubei Province, China; and

WHEREAS, the Center for Disease Control and Prevention ("CDC") considers COVID-19 to be a very serious public health threat with outcomes ranging from very mild (including some with no reported symptoms) to severe, including illness resulting in death; and

WHEREAS, according to the CDC, there is no vaccine to prevent COVID-19 and there is no specific antiviral treatment recommended for COVID-19 at this time; and

WHEREAS, on January 30, 2020, the World Health Organization declared a Public Health Emergency of International Concern over the global spread of COVID-19; and

WHEREAS, on January 31, 2020, Health and Human Services declared a Public Health Emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, the California Department of Public Health ("CDPH") has activated its Medical and Health Coordination Center, and the Office of Emergency Services recently activated the State Operations Center to provide support and guide actions to preserve public health; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency for the State of California; and

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID-19 as a "pandemic"; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20 regarding COVID-19 further enhancing State and local government's ability to respond to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, President Trump declared a National State of Emergency in response to increased spread of COVID-19; and

WHEREAS, on March 16, 2020, the City Manager, acting as the Director of Civil Defense and Disaster proclaimed that a local emergency exists throughout the City of King, and the proclamation was ratified by the City Council on March 20, 2020; and

WHEREAS, there is increasing evidence that individuals who are infected, but not exhibiting symptoms, can spread COVID-19 via respiratory droplets produced when coughing, sneezing, and transfer thereof to surfaces; and

WHEREAS, on April 28, 2020, the County revised and expanded its order requiring residents to wear face coverings while in public and within essential businesses; and

WHEREAS, in order to limit the spread of COVID-19 within the City, especially by those infected but without clear symptoms, face coverings should be worn by all residents and visitors of the City while in public; and

WHEREAS, based on the foregoing, the City Council seeks and intends to protect health, safety, and welfare of the residents and businesses of the City of King by requiring that face coverings be worn while in public.

NOW THEREFORE, the City Council of the City of King does hereby ordain as follows:

SECTION 1. **Recitals.**

The foregoing recitals are true and correct, and are incorporated herein by reference as findings of fact.

SECTION 2. **Urgency and Emergency Findings.**

The City Council finds that there is a current and immediate threat to public health, safety, and welfare posed by COVID-19, and there is an immediate need for the preservation of public peace, health or safety of the residents and community of the City.

Individuals who are infected but not exhibiting symptoms can still spread COVID-19 via respiratory droplets produced when coughing, sneezing, and transfer thereof to surfaces. Droplets can land in the mouths or noses of healthy people who are nearby or possibly inhaled into the lungs. The virus can also live on surfaces for varied lengths of time, in some cases for days. It may be possible that a person can get the virus by touching an infected surface or object and then touching their own mouth, nose, or possibly their eyes.

Although the use of face coverings will not eliminate the spread of COVID-19, it is an additional tool that will help to slow the disease's spread. Face coverings limit the amount of respiratory droplets spread by individuals who are infected, helping to limit the avenues for the spread of COVID-19. While home-made face coverings are not as effective as those used by medical professionals, their widespread use can help to limit the spread of COVID-19 by individuals who are infected.

SECTION 3. **Face Covering Requirements.**

A. **Face Coverings Within City Boundaries.**

(1) As used in this Urgency Ordinance, a "Face Covering" means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer's eyes or forehead is not a Face Covering. Examples of Face Coverings include a scarf or bandana; a neck gaiter; a homemade covering made from a T-shirt, sweatshirt, or towel, held on with rubber bands or otherwise; or a mask, which need not be medical-grade. A Face Covering may be factory-made, or may be handmade and improvised from ordinary household materials. The Face Covering should be comfortable, so that the wearer can breathe comfortably through the nose and does not need to adjust it frequently, so as to avoid touching the face. For as long as medical grade masks such as N95 masks and surgical masks are in short supply, members of the public should not purchase those masks as Face Coverings under this Urgency

Ordinance; medical grade masks should be reserved for health care providers and first responders. In general, even when not required by this Urgency Ordinance, people are strongly encouraged to wear Face Coverings when in public. Also, for Face Coverings that are not disposed of after each use, people should clean them frequently and have extra ones available so that they have a clean one available for use.

Note that any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not a Face Covering under this Urgency Ordinance and is not to be used to comply with this Urgency Ordinance's requirements. Valves of that type permit droplet release from the mask, putting others nearby at risk.

(2) Each resident of, or visitor to, the City of King shall, upon either entering the geographic boundaries of the City or upon leaving their domicile or place of residence and continuing until their return to the place of domicile or residence or exiting the geographic boundaries of the City shall wear a face mask or covering which shall be worn to cover the nose and mouth of the wearer. Face Coverings must allow for the inhale or exhale of oxygen through the mask or covering. Face Coverings are not required to be worn while driving a private motor vehicle or while located upon private residential property. However, each resident of, or visitor to, the City of King shall comply with all Face Covering requirements while within any business (whether for profit or non-profit), facility or space open to members of the public in the geographic boundaries of the City.

(3) All Essential Businesses, as well as entities and organizations with workers engaged in Essential Infrastructure work, Minimum Basic Operations, or Essential Government Functions (except for Healthcare Operations, which are subject to their own regulation regarding specified face coverings), shall:

(a) Require their employees, contractors, owners, and volunteers to wear a Face Covering at the workplace and when performing work off-site any time the employee, contractor, owner, or volunteer is: (i) interacting in person with any member of the public; (ii) working in any space visited by members of the public, such as, by way of example and without limitation, reception areas, grocery store or pharmacy aisles, service counters, public restrooms, cashier and checkout areas, waiting rooms, service areas, and other spaces used to interact with the public, regardless of whether anyone from the public is present at the time; (iii) working in any space where food is prepared or packaged for sale or distribution to others; (iv) working in or walking through common areas such as hallways, stairways, elevators, and parking facilities; or (v) in any room or enclosed area when other people (except for members of the person's own household or residence) are present. However, a Face Covering is not required when a person is in a personal office (a single room) when others outside of that person's household are not present as long as the public does not regularly visit the room.

(b) Take reasonable measures, such as posting signs, to remind their customers and the public of the requirement that they wear a Face Covering while inside of or waiting in line to enter the business, facility, or location. Essential Businesses and entities or organizations that are engaged in Essential Infrastructure work or Minimum Basic Operations must take all reasonable steps to prohibit any member of the public who is not wearing a Face Covering from entering and must not serve that person.

(4) Wearing a Face Covering is recommended but not required while engaged in outdoor recreation such as walking, hiking, bicycling, or running. But each person engaged in such activity must comply with social distancing requirements including maintaining at least six (6') feet of separation from all other people to the greatest extent possible. Additionally, it is recommended that each person engaged in such activity bring a Face Covering and wear that Face Covering in circumstances where it is difficult to maintain compliance with social distancing requirements, and that they carry the Face Covering

in a readily accessible location, such as around the person's neck or in a pocket, for such use. Running or bicycling causes people to more forcefully expel airborne particles, which makes the usual minimum six (6') feet distance requirement less adequate. Therefore, runners and cyclists must take extra measures to avoid exposing others to airborne particles, including wearing a Face Covering when possible, maintaining physical distance of greater than six (6') feet when engaging in these activities, avoiding spitting, and avoiding running or cycling directly in front of or behind another runner or cyclist who is not in the same household.

(5) A Face Covering is also not required by this Urgency Ordinance to be worn by an individual if the person can show either: (i) a medical professional has advised that wearing a Face Covering may pose a risk to the person wearing the mask for health-related reasons; or (ii) wearing a Face Covering would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines. A Face Covering should also not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance, include children under the age of two (2) years old.

B. Violations.

Violation of this requirement shall be enforceable within the geographic boundaries of the City of King pursuant to the provisions of the King City Municipal Code which provides for enforcement of code violations as either infractions or misdemeanors.

C. Administrative Penalties.

The administrative citation penalty for all violations of this Urgency Ordinance, within a rolling twelve-month period, shall be as follows: (1) First administrative citation: one hundred dollars ($100.00) per violation; (2) Second administrative citation: two hundred fifty dollars ($250.00) per violation; (3) Third administrative citation: five hundred dollars ($500.00) per violation; and (4) Five hundred dollars ($500.00) per violation for each subsequent administrative citation.

SECTION 4. Adoption and Effective Date.

Pursuant to Government Code section 36937, this Urgency Ordinance shall take effective immediately upon approval of the same by a four-fifths (4/5) affirmative vote of the City Council. The City Council finds and determines that the same is necessary to the preservation of the public peace, health or safety, in that adoption of the same will help prevent commercial evictions and control residential rent issues that may arise during declared states of emergency.

SECTION 5 Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Urgency Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the application of any other section, subsection, sentence, clause, phrase, or portion of this Urgency Ordinance, and to this end the invalid or unconstitutional section, subsection, sentence, clause, phrase of this ordinance are declared to be severable. The City of King City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 6 **Expiration Date.**

This Urgency Ordinance shall automatically expire upon the termination of the City's local emergency proclaimed by the City Manager on March 16, 2020, and ratified by the City Council on March 20, 2020, pursuant to the King City Municipal Code.

SECTION 7. **Environmental Review.**

The adoption and implementation of this Urgency Ordinance is not a project, as defined in CEQA Guidelines section 15378, because it has no potential for resulting in physical change to the environment, either directly or indirectly, and is therefore not subject to environmental review under CEQA pursuant to CEQA Guidelines section 15060(c)(3).

SECTION 8. **Certification.**

The City Clerk shall certify to the adoption of this Urgency Ordinance, and shall cause the same to be posted and codified in the manner required by law.

I HEREBY CERTIFY that the foregoing Urgency Ordinance was introduced by the City Council and adopted at a regular meeting thereof held on the __ day of July 2020.

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

_____
STEVEN ADAMS, City Clerk

CITY OF KING

By: _____
MIKE LEBARRE, Mayor

APPROVED AS TO FORM:

By: _____
ROY C. SANTOS, 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

KING CITY
CALIFORNIA

July 24, 2020

Edward Moreno, MD
Monterey County Health Officer
Monterey County Health Department
1270 Natividad Road
Salinas, CA 93906

Dear Dr. Moreno:

On behalf of the City of King, the City Council respectfully requests and recommends you consider adding a prohibition on bounce houses at this time to the County's Shelter in Place Order. The City of King has been working very hard and implemented an extensive number of measures to effectively enforce the Orders issued by you and the Governor to prevent the spread of COVID-19 and protect public health. With the recent increase in cases and hospitalizations, we are particularly concerned and committed to do everything we can to reverse this trend while enabling the majority of local businesses to remain in operation.

We would like to bring one particular concern to your attention, which is bounce house rentals. It is our understanding that gatherings not only pose a serious risk to the spread of COVID-19, but it has been determined to be directly related to many of the cases that have occurred in Monterey County. Since family and social circle gatherings are allowed, and Police Officers are not allowed to enter a residence without a warrant in most circumstances, it is very difficult for the City's Police Department to restrict gatherings that occur at private residences.

The City has observed and received complaints regarding frequent private parties in the community, which often include a bounce house. Given the nature of activities associated with bounce houses, it is unlikely that social distancing and/or face covering requirements are typically adhered to in bounce houses. They also provide common touch risks similar to those involved with playground equipment, which have been restricted for several months. Therefore, one measure that the City believes would be effective in decreasing the risks of COVID-19 exposure at private gatherings would be to include a prohibition of bounce houses in the County's Shelter in Place Order.

The City of King commits to continue its support for the County of Monterey to reduce the spread of COVID-19. Thank you for your consideration of our input.

Sincerely,

Mike LeBarre
Mayor

City Hall, 212 South Vanderhurst Ave. King City, CA 93930
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