

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

TUESDAY AUGUST 11, 2020

6:00 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) *Copy and paste the full link highlighted below into your internet browser to
Join Zoom Meeting*

<https://us02web.zoom.us/j/88536704211?pwd=YzQxM294WFgxNC9vbHVQdjlFcU5kdz09>

- 2)-OR- **Call the following number Meeting ID: 885 3670 4211
and put in Passcode: 295379**

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

None

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. Consideration: Meeting Minutes of July 14, 2020 Council Meeting
Recommendation: approve and file.
- B. Consideration: Meeting Minutes of July 23, 2020 Council Special Meeting
Recommendation: approve and file.
- C. Consideration: City of King Check Register July 1, thru July 15, 2020
Recommendation: receive and file.
- D. Consideration: Successor Agency Check Register July 1, thru July 15, 2020
Recommendation: receive and file.
- E. Consideration: City of King Check Register July 16, thru July 31, 2020
Recommendation: receive and file.
- F. Consideration: Second Side Letter of Agreement with the Service Employees International Union Local 521
Recommendation: approve and authorize the City Manager to execute a second Side Letter of Agreement with the Service Employees International Union Local 521 (SEIU) to modify their current Memorandum of Understanding for the period of July 1, 2019 through June 30, 2022.
- G. Consideration: Second Side Letter of Agreement with the King City Confidential Employees Association
Recommendation: approve and authorize the City Manager to execute a second Side Letter of Agreement with the King City Confidential Employees Association (KCCEA) to modify their current Memorandum of Understanding for the period of July 1, 2019 through June 30, 2022.
- H. Consideration: List of Local Appointments
Recommendation: adopt a Resolution approving a list of local appointments and designating the King City Library as the posting place for the Local Appointments List.

- I. Consideration: FY 2020-21 Street Improvement Project, Including Adoption of Finding of a Categorical Exemption, Pursuant to Section 15301 of the CEQA Guidelines
Recommendation: 1) adopt a Resolution designating street projects for revenues from SB 1 - The Road Repair and Accountability Act of 2017 for FY 2020-21; 2) approve the FY 2020-21 Street Improvement Project; and 3) adopt a finding of a categorical exemption, pursuant to Section 15301 of the CEQA Guidelines.
- J. Consideration: Award of Bid for the First Street/Lonoak Road Shoulder Safety Improvement – Final Phase, Including Adopting Finding of a Categorical Exemption Pursuant to Section 15301 of the CEQA Guidelines
Recommendation: 1) award the base bid for the First Street/Lonoak Road Shoulder Safety Improvement Project – Final Phase as proposed by low bidder, Alfredo's Concrete, in the amount of \$64,846.00; 2) authorize the City Manager to approve change orders up to 20%; and 3) adopt a finding of a Categorical Exemption, pursuant to Section 15301 of the CEQA Guidelines.
- K. Consideration: Resolution Accepting a Grant of a Public Service for the Installation of a City Entrance Sign on First Street
Recommendation: 1) adopt a Resolution accepting a grant of public service easement to the City of King as described in Exhibit A and B at the most easterly corner of the lands of the Cheney Family Trust at 890 South First Street; and 2) authorize the City Manager to make minor changes to the public service easement if required by the County Recorder's Office.
- L. Consideration: Agreement with the Transportation Agency for Monterey County (TAMC) for the Allocation of Funding
Recommendation: approve and authorize the City Manager to execute an Agreement with the Transportation Agency for Monterey County (TAMC) for the allocation of funding approved by the TAMC Board of Directors.

10. PUBLIC HEARINGS

- A. Consideration: An Ordinance Adding Chapter 15.52 to Title 15 of the King City Municipal Code Pertaining to Use of Recycled Water in Industrial Districts for Cannabis Cultivation Business and Landscape Irrigation
Recommendation: introduce to be read by title only an Ordinance adding Chapter 15.52 to Title 15 of the King City Municipal Code pertaining to the use of recycled water in the Industrial District for Landscape Irrigation and in Cannabis Cultivation Businesses, open the hearing, allow for public testimony, close the hearing, waive first reading of the Ordinance, and approve the introduction of the Ordinance.

11. REGULAR BUSINESS

- A. Consideration: A Resolution Approving an Application for Funding and the Execution of a Grant Agreement and Any Amendments Thereto from the Community Development Block Grant (CDBG) Program Coronavirus Response

Recommendation: 1) adopt a Resolution approving an application for funding and the execution of a grant agreement and any amendments thereto from the Community Development Block Grant (CDBG) program coronavirus response; 2) approve and authorize the City Manager to execute a Statement of Assurances; and 3) direct staff to submit the completed application per the requirements.

- B. Consideration: Covid-19 Status Report

Recommendation: 1) receive the status report on City COVID-19 related activities; 2) provide staff direction on any additional actions requested.

12. CITY COUNCIL CLOSED SESSION

Announcement(s) of any reportable action(s) taken in Closed Session will be made in open session and repeated at the beginning of the next Regular City Council meeting as this portion of the meeting is not recorded.

None

13. ADJOURNMENT

**City Council Meeting
July 14, 2020**

1. CALL TO ORDER:

Regular Meeting called to order at 6:02pm 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: Mike LeBarre (by video conference), Council member Darlene Acosta (had trouble getting connected) (by video conference), Rob Cullen (by video conference), Carlos DeLeon (by video conference), Mayor Pro Tem Carlos Victoria (by video conference).

City Staff: City Manager Steven Adams (by video conference); City Attorney Roy Santos (by video conference); Executive Admin. Asst./Deputy City Clerk, Erica Sonne.

4. CLOSED SESSION ANNOUNCEMENTS:

None

5. PRESENTATIONS:

None

6. PUBLIC COMMUNICATIONS:

None

7. COUNCIL COMMUNICATIONS:

Council Member Cullen stated that the Salinas Valley Fair is losing approximately \$45,000 dollars a month. In January they projected 60% cash reserves and now their projected cash reserves are only 30%. The virtual livestock auction went well. The coop fund received a donation of \$167,000 was split and each child received \$275 dollars in addition to the amount for their animal. Salinas Valley Solid Waste Authority is in a holding pattern as there was a loss of the Salinas Mayor, Salinas goes dark in July and the City Manager for Salinas is going to retire in September. Illegal fireworks this year seemed to be particularly worse.

Mayor Pro Tem Victoria stated the school starts August 11th and negotiations to start Sept. 1 or Sept. 8 is being discussed. The schools are considering distance learning or hybrid model.

Council Member Acosta joined the meeting.

Council Member DeLeon stated that everyone heard complaints from the public on the fireworks and everyone is interested in what the school district is going to do and what is being recommended federally and locally

Mayor LeBarre stated that he will make his comments on Covid in the item later in the agenda.

8. CITY STAFF REPORTS AND COMMENTS:

City Manager Steven Adams stated that the fourth of July was a busy night for the Police department. All of the Cities in the valley had trouble. The City tried to do a lot of outreach and knowledge of citations. The police department was fully staffed with some coming in on overtime. 38 total calls for service. 3 warnings were issued and 2 citations. There were two grass fires one behind Del Rey School and on Broadway by 101 northbound entrance and one injury.

City Attorney Roy Santos stated part of the difficulty is that the officers have to see someone ignite them for a citation to be issued.

9. CONSENT AGENDA

- A. Consideration: Meeting Minutes of June 23, 2020 Council Meeting
- B. Consideration: City of King Check Register June 16, thru June 30, 2020
- C. Consideration: Successor Agency Check Register June 16, thru June 30, 2020
- D. City of King KCCP Payments for the Months of March, April & May 2020
- E. Consideration: Change Order for the Consultant Services Agreement for Downtown Plaza Design
- F. Consideration: Appropriation of Vehicle Miles Traveled Threshold Study
- G. Consideration: An Ordinance Amending the Municipal Code Regarding Signs, Bundling Applications, and Time Expiration of Conditional Use Permits
- H. Consideration: Contract for Annual Auditing Services
- I. Consideration: Extension of Exclusive Authorization to Sell Agreement for Property at 1023 Broadway Street
- J. Consideration: Appointment to the Planning Commission
- K. Consideration: Criteria for Multi-Family Residential Wastewater Rates

Council Member DeLeon pulled Item J.

Brett Saunders spoke on Item J stating that Paulette is awesome.

Action: Motion to approve consent agenda items A-I & K by Cullen and seconded by Victoria.

AYES: Council Members: LeBarre, Cullen, DeLeon and Victoria

NOES: Council Members:

ABSENT: Council Members: Acosta,

ABSTAIN: Council Members:

Council Member DeLeon stated that he wanted to give a thanks to Paulette for being a part of Planning Commission and that it should be celebrated.

Council Member Cullen stated that he had reached out to Paulette to thank her for serving our community and he wanted the record to show that he agreed with Brett Saunders that Paulette is awesome.

Council Member Victoria stated that he has known Paulette for many years, and he thanked her for serving on the Planning Commission.

The Mayor stated that we had to great applications for the Planning Commission and he congratulates her on her appointment.

Action: Motion to approve consent agenda item J by Victoria and seconded by Acosta.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

10. PUBLIC HEARINGS:

- A. Consideration: Riverview Gardens Landscape Maintenance District Annual Assessment for Fiscal Year 2020/21

Mayor LeBarre read the title of the ordinance into the record

City Manager Adams introduced this item.

City Engineer Hurtado further introduced this item.

Mayor LeBarre opened the public hearing, hearing no one speak on this item, Mayor LeBarre closed the public hearing.

Action: Motion to adopt Resolution No. 2020-4770, approving the report and ordering the levy and collection of assessments for the Riverview Gardens Landscape Maintenance District pursuant to provisions of the Landscaping and Lighting Act of 1972 of the Streets and Highways Code of the State of California by Cullen and seconded by Victoria.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

11. REGULAR BUSINESS:

- A. Consideration: A Resolution Placing on the November 3, 2020 Election Ballot an Ordinance Amending Chapter 5.14 of the City of King Municipal Code to Add a Commercial Cannabis Tax on the Retail Sale of Cannabis and Industrial Hemp and Cannabis and Industrial Hemp Products and on Distribution of Cannabis and Cannabis Products

City Manager Adams introduced this item.

Brett Saunders, Planning Commission, Chief Compliance Officer for Golden State Sciences, he sees both sides of this, he said there needs to be a balance between tax revenue and attracting new cannabis tax business, cannabis business's they want to make money and want to hire people and contribute to the local economy. He doesn't dispute the 5% tax on retail, he is hoping that the 2% for distribution could be changed because a distributor can't afford this on their own, they have to pass the cost on. No third party or for hire distributor has settled in King City with no 0% tax on gross receipts. Hiring people contributes more to the economy than a tax does in his opinion. He would like to see a separation of the retail and distribution tax on the ballot.

Council member Cullen feels that this is in line with what council has asked staff to do as far as looking at neighboring cities and they are 5% and 3%. He is comfortable to support what is in front of them. Council member Acosta and Victoria agree. Mayor LeBarre stated that he is comfortable with the 2% and that Council can choose to not impose the tax from year to year. Council member DeLeon was unable to get into the meeting to speak.

Action: Motion to adopt a Resolution placing on the ballot of the election to be held on November 3, 2020 an Ordinance to amend Chapter 5.14 of the City of King Municipal Code to add a commercial cannabis tax on retail sale of cannabis and industrial hemp and cannabis and industrial hemp products and on distribution of cannabis and cannabis products by Cullen and seconded by Victoria.

AYES: Council Members: LeBarre, Acosta, Cullen, and Victoria

NOES: Council Members:

ABSENT: Council Members: DeLeon

ABSTAIN: Council Members:

Motion to reconsider Item 11(A) by Council member Cullen, Second by Mayor Pro Tem Victoria, Motion carried 5-0.

Action: Motion to adopt a Resolution placing on the ballot of the election to be held on November 3, 2020 an Ordinance to amend Chapter 5.14 of the City of King Municipal Code to add a commercial cannabis tax on retail sale of cannabis and industrial hemp and cannabis and industrial hemp products and on distribution of cannabis and cannabis products by Cullen and seconded by Victoria.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

B. Consideration: A Resolution Approving the Ballot Argument in Favor of the Cannabis Retail Sales and Distribution Tax Measure

City Manager Adams introduced this item.

Action: Motion to adopt a Resolution approving the ballot argument in favor of the cannabis tax measure with the argument in favor being updated with Council member Cullen's legal name by Victoria and seconded by Acosta.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

C. Consideration: Covid-19 Status Report

City Manager Adams introduced this item.

Mayor LeBarre stated that Covid spikes is coming out of larger crowded households, 64 and older and those with existing health issues are at risk. Simple and effective things we can do wash your hands and washing of hands often, not sharing containers. The residents have the ability to take care of themselves and manage this on their own. State is getting a back log on their samples; testing is taking longer. Two labs in California is doing all the testing. Some of the materials for the testing are getting in short supply.

Mee Memorial is being careful on filling hospital beds.

City Manager wanted to let Council know that strike teams will be sent to Monterey County to make sure everyone is following rules for safety.

Council member Acosta appreciates the refresher from the staff report, how many provisions the City has made, education, outreach providing masks. She feels we need to do whatever we can to help our businesses recover to get back to where we were.

Council member Cullen thanked the City Manager for the reminder of what the City has done already with proactive steps. He wants to give the police some tools with the face covering ordinance. He is concerned about the large social gatherings that he has been seeing or have been reported to him. He would like to take some measures towards that. He is furious that the state used the wording Strike Team. He wants to hit from the standpoint of education. He only knew about this new order because he is engaged, he feels it is unfortunate that they used the words strike team instead of education. He wants the City to hit it from an education standpoint.

The City Manager stated that the large gatherings have been being reached out to as far as gatherings sponsored by organizations. Large family gatherings are the more difficult ones especially in light of the "Social Circles".

Council member DeLeon asked about how the social circle can be dealt with when bounce houses are up on the weekends and it encourages more people, so it turns into large parties.

Mayor LeBarre stated that the education proponent is important as the state can't regulate how people live their lives. They are only asking a 70% compliance rate and King City is at about a 95% compliance. Our cases are coming from large families in single households.

Council concurs an urgency ordinance for enforcement and citation of face covering violations should be brought back at the special meeting on July 23rd.

Council member Acosta doesn't agree with the City getting involved in telling people to not have family gatherings.

Council member Cullen stated that tools of enforcement are not for the rule followers it is for the people who do not follow the rules which creates further spread of the coronavirus.

Mayor Pro Tem Victoria feels that some restrictions should be on bounce houses because of the virus.

City Manager would like to see a proactive measure, so an officer doesn't have to go in and shut a bounce house down at a party.

City Attorney stated that it would be difficult to prohibit a business from renting a bounce house the reason being that bounce houses are being lawfully used. The City could risk potential liability for loss of profit and business interruption prohibiting a business from engaging in something that is lawful. He further stated that it is very problematic enforcing restrictions on private property, for code violations in order for an officer enforce on something like that they have to witness it happening. They can not enter the backyard with out being invited and cannot look over a fence because of potential 4th amendment violations.

Council member Cullen would like to ask staff to look into being able to limit bounce houses.

Mayor LeBarre feels it should be the health officer's roll to enforce no use of bounce houses.

Brett Saunders stated that most of the people that work with him are under the age of 40 and they party with their friends in their back yard. He feels the key is education not having the police get involved. You have to follow the rules a 100 percent. Education is what needs to happen first. Teach people what is safe and what is not.

Council directing staff to continue public education efforts; and direct staff to continue to monitor COVID-19 hospitalizations and prepare an urgency ordinance for enforcement and citation of face covering violations at any time an increased trend of hospitalizations causes a concern that future capacity may be at risk.

12. CITY COUNCIL CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL: Liability Claims (Pursuant to Govt. Code § 54956.95)
Claimant: Michael Moran (Case No. MB180089)
Against: City of King

ADJOURNMENT:

Mayor LeBarre adjourned the meeting at 7:44p.m. to closed session.

Mayor LeBarre went back into open session of the regular meeting and with nothing to report out he adjourned the meeting at 7:58p.m. on a motion by Cullen and seconded by Acosta.

Approved Signatures:

Mayor, Michael LeBarre
City of King

City Clerk, Steven Adams
City of King

**City Council Special Meeting
July 23, 2020**

1. CALL TO ORDER:

Special Meeting was called to order at 2:00pm 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 (by teleconference), Robert Cullen (by teleconference), Carlos DeLeon (by teleconference), Mayor Michael LeBarre (by teleconference), Mayor Pro Tem Carlos Victoria (by teleconference).

City Staff: City Manager Steven Adams, (by teleconference) City Attorney Roy Santos (by teleconference) Community Development Director Doreen Liberto (by teleconference).

4. PUBLIC COMMUNICATIONS:

None

5. CONSENT AGENDA:

- A. Consideration: Change Order for the Consultant Services Agreement for the Downtown Streetscape Project

City Manager Adams introduced this item.

Action: Motion to Change Order for the Consultant Services Agreement for the Downtown Streetscape Project 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 by Cullen and seconded by Victoria.

AYES: Council Members: Mayor LeBarre, Mayor Pro Tem Victoria, Acosta (hand raised), Cullen and, DeLeon

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

6. PUBLIC HEARING:

- A. Consideration: Permanent Local Housing Allocation (“PHLA”) Program Application and County Submittal of Local Housing Trust Fund (“LHTF”) Program Application

Community Development Director Liberto further introduced this item.

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

Action: Motion to adopt Resolutions which authorizes 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 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 by Cullen and seconded by Victoria.

AYES: Council Members: Mayor LeBarre, Mayor Pro Tem Victoria, Acosta (raised hand), Cullen and, DeLeon

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

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

City Manager Adams introduced this item. Explaining that there were a few changes by the mayor to the letter.

Captain Boyd was available for questions. He gave an overview of how things have been being handled and are being accepted in the community. Most of the community is favorable to what the City is trying to do. An educational initial approach has been taken. The urgency ordinance gives the PD the leverage they may need to enforce. He also gave an explanation of an administrative citation (no signature required) and criminal citation (signature required) (which could involve being arrested if they decline to sign).

Action: Motion to adopt an urgency Ordinance establishing the requirement that face coverings be worn while in public within the City by Cullen and seconded by Victoria.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

Action: Motion to authorize the Mayor to send amended version of the 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 by Victoria and seconded by DeLeon

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

NOES: Council Members: Acosta

ABSENT: Council Members:

ABSTAIN: Council Members:

ADJOURNMENT:

There being no further business to come before the City Council, Mayor LeBarre adjourned the Special meeting in memory of Mayor Gunter and Mayor Rubio at 2:44pm.

Approved Signatures:

Mayor, Michael LeBarre
City of King

City Clerk, Steven Adams
City of King



Item No. 9(C)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 11, 2020

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: MIKE HOWARD, FINANCE DIRECTOR

RE: CONSIDERATION OF CITY OF KING CHECK REGISTER JULY 1 THRU JULY 15, 2020

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 invoices paid for the previous month.

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.

ENVIRONMENTAL REVIEW:

No Environmental Review required for this item.

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
CONSIDERATION OF CITY OF KING CHECK REGISTER JULY 1 THRU JULY
15, 2020
AUGUST 11, 2020
PAGE 2 OF 2**

Exhibits:

1. Check Register Report

Submitted by: 
Mike Howard, Finance Director

Approved by: 
Steven Adams, City Manager

Check Register Report

July 1, 2020 - July 15, 2020

Date: 07/24/2020

Time: 6:49 am

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							
64068	07/01/2020	Printed		2NDNALLC	2ND NATURE LLC	Software License Renewal	8,540.00
64069	07/01/2020	Printed		ALLIANT	ALLIANT INSURANCE SERVICES INC	Airport Liability Insurance	10,706.00
64070	07/01/2020	Printed		ALVAREZL	ALVAREZ TECHNOLOGY GROUP -	Computer IT Lease Contract.	1,586.17
64071	07/01/2020	Printed		ALVAREZ	ALVAREZ TECHNOLOGY GROUP INC	IT Services - July 2020	6,520.00
64072	07/01/2020	Printed		AMBAG	AMBAG	FY 20-21 Dues	2,536.00
64073	07/01/2020	Printed		AT & T	AT & T	Telephone -	284.41
64074	07/01/2020	Printed		CA POLICE	CALIFORNIA POLICE CHIEFS ASSOC	Membership Renewal	493.00
64075	07/01/2020	Printed		CCACA	CITY CLERKS ASSOCIATION OF	Membership Renewal	130.00
64076	07/01/2020	Printed		CNASUR	CNA SURETY DIRECT BILL	Treasurer Bond	400.00
64077	07/01/2020	Printed		MO CO ENVI	MO CO ENVIRONMENTAL HEALTH	Generator	10,222.00
64078	07/01/2020	Printed		PNC	PNC EQUIPMENT FINANCE, LLC	Solar Lease -	107,902.99
64079	07/10/2020	Printed		ATT	AT & T	Internet - #139650003	89.50
64080	07/10/2020	Printed		AT&T-GA	AT & T	Telephone - Fire Dept	19.56
64081	07/10/2020	Printed		KCTVHARD	ALCANTAR HARDWARE INC	Supplies	154.26
64082	07/10/2020	Printed		AMERIGAS	AMERIGAS PROPANE LP	Gas For Generator -	98.96
64083	07/10/2020	Void	07/10/2020			Void Check	0.00
64084	07/10/2020	Void	07/10/2020			Void Check	0.00
64085	07/10/2020	Void	07/10/2020			Void Check	0.00
64086	07/10/2020	Printed		HANNA	ASSOCIATED ENGINEERING-SURVEY	1302 Broadway St -	24,746.50
64087	07/10/2020	Printed		AT&T - C	AT&T	Telephone Fire Dept -	83.05
64088	07/10/2020	Printed		DEPT ACCNT	DEPARTMENT OF JUSTICE	Fingerprints	49.00
64089	07/10/2020	Printed		DEROTIC	DEROTIC LLC	Thermal Imager	8,422.69
64090	07/10/2020	Void	07/10/2020			Void Check	0.00
64091	07/10/2020	Printed		EARTH DESI	EARTH DESIGN, INC.	Doug Wood & Associates, Inc	32,847.53
64092	07/10/2020	Printed		EIKHOF	EIKHOF DESIGN GROUP INC	Public Works Project	3,290.00
64093	07/10/2020	Printed		GREEN'S	GREEN'S ACCOUNTING	June 2020 Accounting	42,531.35
64094	07/10/2020	Printed		HINDERLITE	HINDERLITER, DELLAMAS & ASSOC	TUT Admin	300.00
64095	07/10/2020	Printed		KC CHAMBER	KING CITY CHAMBER OF COMMERCE	Fireworks Show Costs 2020	7,000.00
64096	07/10/2020	Printed		KRKC	KING CITY COMMUNICATIONS CORP	Covid-19 Ads on KRKC	50.00
64097	07/10/2020	Printed		LINCOLN	LINCOLN AQUATICS	Pool Tiles	135.59
64098	07/10/2020	Printed		M BASIA	MBASIA	Liability Claim -	392.40
64099	07/10/2020	Printed		NEWSV	NEW SV MEDIA, INC	CDBG - CV Funds Under	578.00
64100	07/10/2020	Printed		OFFICE DEP	OFFICE DEPOT	Printer Cartridge	145.61
64101	07/10/2020	Printed		PAC	PG&E	Video Cameras	86.80
64102	07/10/2020	Printed		RAINBOW	RAINBOW PRINTING	Notice to Appear -	1,111.15
64103	07/10/2020	Printed		SVSWA	SALINAS VALLEY SOLID WASTE	Refuse Collection	4,153.26
64104	07/10/2020	Printed		SOUTHLAND	SOUTHLAND MEDICAL LLC	Sleeve Protectors	179.15
64105	07/10/2020	Printed		SPEAK	SPEAKWRITE BILLING DEPT	Transcription	1,101.46
64106	07/10/2020	Printed		TORO	TORO PETROLEUM CORP.	Fuel - Acct 1679	799.28
64107	07/10/2020	Printed		TRANSU	TRANSUNION RISK AND ALTERNATIV	TLO - June 2020	50.00
64108	07/10/2020	Printed		U.S. BANCO	U.S. BANCORP EQUIPMENT FINANCE	Copier Contract - 1152697	244.08
64109	07/10/2020	Printed		WATCHG	WATCHGUARD, INC	New Charging Station,	2,939.51
64110	07/10/2020	Printed		ALVAREZ	ALVAREZ TECHNOLOGY GROUP INC	U Drive Access Flores/Dillion	3,397.32
64111	07/10/2020	Printed		FRESNOPD	CITY OF FRESNO-POLICE DEPT.	Perishable Skills Training -	812.00
64112	07/10/2020	Printed		COASTL	COASTLINE MARKETING GROUP INC	Website Maintenance Monthly	125.00
64113	07/10/2020	Printed		GARCIAROX	ROXANA GARCIA	Rec Center Rental	500.00
64114	07/10/2020	Printed		KEYEVID	KEY EVIDENCE LOCK & SAFE INC.	Key Evidence - Annual Fee.	1,100.05
64115	07/10/2020	Printed		M BASIA	MBASIA	Semi Annual Premiums	272,882.24
64116	07/10/2020	Printed		MOCO AUDIT	MO CO AUDITOR-CONTROLLER	LAFCO Fee	5,823.84
64117	07/10/2020	Printed		PARTIDAJ	JOSHUE PARTIDA	Meals - Perishable Skills	162.50

Check Register Report

July 1, 2020 - July 15, 2020

Date: 07/24/2020

Time: 6:49 am

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
WELLS FARGO BANK Checks							
64118	07/10/2020	Printed		PURE WATER PENINSULA	PURE WATER INC.	Water - City Hall	77.95
64119	07/10/2020	Printed		PEREZ/JOEY	JOEY PEREZ	Meals - Perishable Skills	162.50
64120	07/10/2020	Printed		RAGNA	RAGNASOFT INCORPORATED	PlanIT Scheduling	1,225.00
64121	07/10/2020	Printed		RED SHIFT	RED SHIFT INTERNET SERVICES	Internet	30.90
64122	07/10/2020	Printed		TAMC	TRANSPORTATION AGENCY	Congestion Management &	4,852.00
Total Checks: 55						Checks Total (excluding void checks):	572,070.56
Total Payments: 55						Bank Total (excluding void checks):	572,070.56
Total Payments: 55						Grand Total (excluding void checks):	572,070.56



Item No. 9(D)

REPORT TO THE SUCCESSOR AGENCY TO THE FORMER KING CITY CDA

DATE: AUGUST 11, 2020
TO: HONORABLE CHAIR AND MEMBERS OF THE BOARD
FROM: MIKE HOWARD, FINANCE DIRECTOR
RE: CONSIDERATION OF SUCCESSOR AGENCY CHECK REGISTER FOR JULY 11 THRU JULY 15 2020

RECOMMENDATION:

It is recommended the City Council acting as the Successor Agency Board receive and file.

BACKGROUND:

At least once a month, the City Treasurer shall submit to the Successor Agency Board, a copy of the invoices paid for the previous month.

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.

ENVIRONMENTAL REVIEW:

No Environmental Review required for this item.

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/SUCCESSOR AGENCY
CONSIDERATION OF SUCCESSOR AGENCY CHECK REGISTER JULY 11
THRU JULY 15, 2020
AUGUST 11, 2020
PAGE 2 OF 2**

Exhibits:

1. Check Register Report

Submitted by: 
Mike Howard, Finance Director

Approved by: 
Steven Adams, City Manager

Check Register Report

July 1, 2020 - July 15, 2020

Date: 07/24/2020

Time: 6:49 am

Page: 1

KING CITY CITY HALL

BANK: SUCCESSOR AGENCY OF

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
SUCCESSOR AGENCY OF Checks							
279	07/10/2020	Printed		GREEN'S	GREEN'S ACCOUNTING	June 2020 Accounting	765.00
280	07/10/2020	Printed		M BASIA	MBASIA	Semi Annual Premiums (SA)	65.48
Total Checks: 2						Checks Total (excluding void checks):	830.48
Total Payments: 2						Bank Total (excluding void checks):	830.48
Total Payments: 2						Grand Total (excluding void checks):	830.48



Item No. 9(E)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 11, 2020
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: MIKE HOWARD, FINANCE DIRECTOR
RE: CONSIDERATION OF CITY OF KING CHECK REGISTER JULY 16 THRU JULY 31, 2020

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 invoices paid for the previous month.

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.

ENVIRONMENTAL REVIEW:

No Environmental Review required for this item.

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
CONSIDERATION OF CITY OF KING CHECK REGISTER JULY 16 THRU
JULY 31, 2020
AUGUST 11, 2020
PAGE 2 OF 2**

Exhibits:

1. Check Register Report

Submitted by: *Lucia L. Senne for*
Mike Howard, Finance Director

Approved by: *S. Adams for STEVE ADAMS*
Steven Adams, City Manager

Check Register Report

July 16, 2020 - July 31, 2020

Date: 08/01/2020

Time: 12:47 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							
64123	07/24/2020	Printed		A & G PUMP	A & G PUMPING, INC	Covid 19 Wash Units	2,456.00
64124	07/24/2020	Printed		ADAMS	ADAMS ASHBY GROUP, LLC	Home Program Monitoring.	3,972.50
64125	07/24/2020	Printed		KCTVHARD	ALCANTAR HARDWARE INC	Edger Blades	67.72
64126	07/24/2020	Void	07/23/2020	CAL-WESTL	CAL-WEST LIGHTING AND	Monthly Traffic Signal Maint.	0.00
64127	07/24/2020	Printed		CAL WATER	CALIFORNIA WATER SERVICE CO.	Water - #4640266666	24,622.85
64128	07/24/2020	Printed		CASEY PRIN	CASEY PRINTING, INC.	Covid 19 Mailer & Postage	2,370.85
64129	07/24/2020	Printed		CONATSER	CONATSER WELDING & MACHINE,LLC	Bearings for disc sewer	100.00
64130	07/24/2020	Printed		COFM-PRO	COUNTY OF MONTEREY	On Campus Probation	12,286.43
64131	07/24/2020	Printed		ADSTARR	DICK'S SPORTING GOODS, INC	Softball	388.51
64132	07/24/2020	Printed		ENGIE	ENGIE SERVICES U.S. INC.	Solar Project Maint	8,908.50
64133	07/24/2020	Printed		FEHR	FEHR & PEERS	K C Local Road Safety Plan.	4,673.44
64134	07/24/2020	Printed		GIS	GONZALES IRRIGATION SYSTEMS,	Tools & Supplies for	827.99
64135	07/24/2020	Printed		TORRESEL	JOSE G. TORRES	Replace Electric Switch.	675.00
64136	07/24/2020	Printed		TIRE KING	JOSE RODRIGUEZ	Monthly car Wash	1,043.29
64137	07/24/2020	Printed		KRKC	KING CITY COMMUNICATIONS CORP	City Hall Closed Ad	333.32
64138	07/24/2020	Printed		KC IND	KING CITY INDUSTRIAL SUPPLY	Tarp & Bungie Cords for	711.83
64139	07/24/2020	Printed		LCAH	LOS COCHES ANIMAL HOSPITAL	Euthanasia & Sick Cat	120.00
64140	07/24/2020	Printed		MOCO SHERI	MO CO SHERIFF'S OFFICE	ACJIS for QE 6/30/20	13,094.31
64141	07/24/2020	Printed		PAC	PG&E	Gas & Electricity -	32,846.17
64142	07/24/2020	Printed		RAILPROS	RAILPROS, INC.	K C Temporary Rail Platform.	8,984.07
64143	07/24/2020	Printed		SPCA	THE SPCA FOR MONTEREY COUNTY	Animal Surrender	1,440.00
64144	07/24/2020	Printed		TORO	TORO PETROLEUM CORP.	Gas - Acct 6835	1,530.70
64145	07/24/2020	Printed		U.S. BAN	U.S. BANK CORP PAYMENT SYSTEM	Various Charges - #8380	5,830.43
64146	07/24/2020	Printed		VERIZON WI	VERIZON WIRELESS	City Cell Phones -	198.34
64147	07/24/2020	Printed		THOMSONRE	WEST PUBLISHING CORPORATION	Penal Code/ Vehicle	856.41
64148	07/24/2020	Printed		WM J. CLAR	WM J. CLARK TRUCKING SVC, INC.	Rock and Mulch for	2,964.80
64149	07/24/2020	Printed		CAL-WESTL	CAL-WEST LIGHTING AND	Monthly Traffic Signal Maint.	100.00
64150	07/24/2020	Printed		2NDNALLC	2ND NATURE LLC	BMP Trash Assessment	6,260.00
64151	07/24/2020	Void	07/24/2020			Void Check	0.00
64152	07/24/2020	Printed		KCTVHARD	ALCANTAR HARDWARE INC	Chain and Files for	528.34
64153	07/24/2020	Printed		ALVAREZ	ALVAREZ TECHNOLOGY GROUP INC	Set Up Issues for	347.03
64154	07/24/2020	Printed		AM SUPPLY	AMERICAN SUPPLY CO.	Hand Sanitizer	134.26
64155	07/24/2020	Printed		AT & T	AT & T	Telephone -	97.82
64156	07/24/2020	Printed		AT & T	AT & T	Telephone -	216.24
64157	07/24/2020	Printed		AXON	AXON ENTERPRISE, INC	Yellow X26P CEW, Handle.	1,642.86
64158	07/24/2020	Printed		BIG VALLEY	BIG VALLEY LABOR, LLC	Weed Control Contracted Out.	377.84
64159	07/24/2020	Printed		CARMEL FIR	ART BLACK	Residential Fire System.	1,000.00
64160	07/24/2020	Printed		GIS	GONZALES IRRIGATION SYSTEMS,	Corp Yard Landscape.	784.81
64161	07/24/2020	Printed		HIGHSE	HIGH SECURITY LOCK & KEY	Lock	620.54
64162	07/24/2020	Printed		HYDRO TURF	HYDRO TURF, INC.	Landscape Material.	216.32
64163	07/24/2020	Printed		ICMC	INTEGRATED CROP MANAGEMENT	Round Up.	195.50
64164	07/24/2020	Printed		KC IND	KING CITY INDUSTRIAL SUPPLY	Supply for New Trash Can.	37.28
64165	07/24/2020	Printed		KSSTATE	KS STATEBANK	Street Sweeper Lease	9,649.12
64166	07/24/2020	Printed		LA HEARNE	L.A. HEARNE COMPANY	Tree Post - Willow	21.98
64167	07/24/2020	Printed		LEYVA'S TO	LEYVA'S TOWING & ROAD SERVICE	Dump Truck Towed to	480.00
64168	07/24/2020	Printed		CLENENTI	MARK A. CLEMENTI, PH.D.	Psych.	774.00
64169	07/24/2020	Printed		MO BAY	MO BAY UNIFIED AIR POLLUTION	Per Capita Assessment	6,954.59
64170	07/24/2020	Printed		MORRISR	ROY F MORRIS	Repair Floor at Airport	995.00
64171	07/24/2020	Printed		NEWSV	NEW SV MEDIA, INC	Newspaper Publication	335.75
64172	07/24/2020	Printed		OFFICE DEP	OFFICE DEPOT	Office Supplies	85.79
64173	07/24/2020	Printed		ONLINES	ONLINE SOLUTIONS LLC	New Development Permit	34,900.00

Check Register Report

July 16, 2020 - July 31, 2020

Date: 08/01/2020

Time: 12:47 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
WELLS FARGO BANK Checks							
64174	07/24/2020	Printed		PARTS & SE	PARTS & SERVICE CTR- NAPA, INC	Paint Supply for Streets	90.00
64175	07/24/2020	Printed		QUILL CORP	QUILL CORPORATION	Desk Organizers	40.31
64176	07/24/2020	Printed		RRM DESIGN	RRM DESIGN GROUP, INC.	Downtown Plaza Design	7,445.00
64177	07/24/2020	Printed		TAB PRODUC	TAB PRODUCTS CO. LLC	File Folders	707.21
64178	07/24/2020	Printed		TEMP UNIF	TEMPLETON UNIFORMS, LLC	Phillips Uniform	293.93
64179	07/24/2020	Printed		U.S. BANCO	U.S. BANCORP EQUIPMENT FINANCE	City Hall Copier	263.07

Total Checks: 57	Checks Total (excluding void checks):	206,898.05
Total Payments: 57	Bank Total (excluding void checks):	206,898.05
Total Payments: 57	Grand Total (excluding void checks):	206,898.05



Item No. 9(F)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 11, 2020

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

BY: ANDREA MARBLE, HUMAN RESOURCES MANAGER

RE: CONSIDERATION OF SECOND SIDE LETTER OF AGREEMENT WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 521

RECOMMENDATION:

It is recommended the City Council approve and authorize the City Manager to execute a second Side Letter of Agreement with the Service Employees International Union Local 521 (SEIU) to modify their current Memorandum of Understanding for the period of July 1, 2019 through June 30, 2022

BACKGROUND:

The current MOU with SEIU was adopted on July 9, 2019, which covers a three-year period from July 1, 2019 through June 30, 2022. Staff recently met with the representatives of the group to discuss additional changes to the MOU to assist with confusion of overtime eligibility language and the lack of direction in the MOU regarding employee flex-time and guidelines for paid union steward activity. Pursuant to the requirements of the Meyers-Miliias-Brown Act, all parties reached an agreement to modify additional wording in the MOU.

DISCUSSION:

There have been many questions and discussions over the last fiscal year regarding the wording in the MOU for overtime eligibility. During these discussions, it was also noted that the MOU language does not include any temporary flex-time or union activity guidelines. As a result of the discussion, the most significant changes to the current MOU include the following:

**CITY COUNCIL
CONSIDERATION OF SIDE LETTER AGREEMENTS WITH THE SERVICE
EMPLOYEES INTERNATIONAL UNION LOCAL 521 AND THE KING CITY
CONFIDENTIAL EMPLOYEES ASSOCIATION MODIFYING CURRENT
LABOR AGREEMENTS
AUGUST 11, 2020
PAGE 2 OF 3**

- Removing contradictory language regarding overtime compensation and eligibility
- Defining the term “actual hours worked” to include holiday pay
- Adding language to allow for flex-time scheduling
- Adding language to define and create guidelines for release time for union business

The purpose of the flex time language is to allow employees to request short periods of leave on days when they have a special circumstance arise and have the ability to make it up by working extra time during another day within the pay period. Staff believes providing this flexibility is beneficial to both the employee and the City. However, adjustments were needed to the MOU in order to accommodate these circumstances without triggering overtime pay. The proposed changes will also assist the City with reducing confusion by creating guidelines for time-keeping administrative processes.

COST ANALYSIS:

No cost increase is estimated in FY 2020-21. Therefore, no additional appropriation is needed.

ENVIRONMENTAL REVIEW:

Labor agreements are not a “project” for the purposes of the California Environmental Quality Act (CEQA) as they do not have the potential for resulting in either a direct physical change to the environment or a reasonably foreseeable indirect physical change in the environment. No further action is required under CEQA for City Council action.

ALTERNATIVES:

The following alternatives have been identified for City Council consideration:

1. Adopt the Resolution;
2. Direct staff to pursue additional changes to the MOU; or
3. Provide staff other direction.

**CITY COUNCIL
CONSIDERATION OF SIDE LETTER AGREEMENTS WITH THE SERVICE
EMPLOYEES INTERNATIONAL UNION LOCAL 521 AND THE KING CITY
CONFIDENTIAL EMPLOYEES ASSOCIATION MODIFYING CURRENT
LABOR AGREEMENTS
AUGUST 11, 2020
PAGE 3 OF 3**

Prepared by:



Andrea Marble, Human Resources Manager

Approved by:



Steven Adams, City Manager

**SECOND SIDE LETTER OF AGREEMENT
BETWEEN THE SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 521
AND THE CITY OF KING**

This side letter is entered into by and between the Service Employees International Union Local 521 ("SEIU") and the City of King ("City").

RECITALS

1. A Memorandum of Understanding (MOU) between the Service Employees International Union Local 521 ("SEIU") and the City is in effect for the period of July 1, 2019 to June 30, 2022.
2. MOU Article II, Section 8 – OVERTIME COMPENSATION states:
 - “8.1 Employees shall receive overtime paid at one and one-half (1 ½) times their prevailing pay rate; or compensatory leave time, credited at one and one half (1 ½) hours, for the overtime work performed as follows:
 - a. Work performed in excess of eight (8) hours in a workday in a five (5) day work week;
 - b. Work performed in excess of ten (10) hours in a workday in a four (4) day work week;
 - c. Work performed in excess of (9) hours in any of the eight (8) scheduled nine (9) hour workdays, or in excess of eight (8) hours on the sole scheduled eight (8) hour workday in a 9/80 work week.
 - d. Work performed in excess of forty (40) hours in a work week;
 - 8.2 For purposes of determining an employee’s eligibility for overtime compensation, only actual hours worked shall be considered toward overtime calculation.”
3. The parties have discussed the wage and hour provisions of the United States Fair Labor Standards Act (FLSA) for overtime eligibility. The parties have mutually agreed to eliminate the contradictory wording regarding overtime performed on a daily basis and have added wording regarding flexing time.
4. The parties have discussed the lack of guidelines for union business release time and have mutually agreed to add the guidelines listed below in Article IV, Section 11 of the current MOU.

AGREEMENT

It is therefore agreed that the City and SEIU will implement the following changes to the MOU effective August 12, 2020:

1. **ARTICLE II, SECTION 8** is amended to read as follows:

SECTION 8 – OVERTIME COMPENSATION

- 8.1 Employees subject to the wage and hour provisions of the United States Fair Labor Standards Act (FLSA) shall receive overtime paid at one and one-half (1 ½) times their prevailing pay rate; or compensatory leave time, credited at one and one half (1 ½) hours, for the hours worked in excess of forty (40) hours in a work week.
- 8.2 For purposes of determining an employee's eligibility for overtime compensation, only actual hours worked shall be considered toward overtime calculation.
 - a. When determining overtime, holiday pay shall count as actual hours worked. Any paid City holidays, which occur on employee's non-scheduled workday, shall not be counted as hours worked for determination of overtime for that workweek.
 - b. Sick leave, floating holiday, and compensation time used and vacation leave paid shall not count as actual hours worked toward the overtime calculation.
 - c. For example, when an employee takes an entire workweek off for any reason and the holiday occurs on the employee's non-scheduled workday, it shall not generate any overtime pay for more than 40 regular hours of pay for the workweek under any circumstances. The employee is required to record 8 hours of holiday leave on the timecard for each of the holidays occurring within that workweek and reduce the corresponding number of hours from other paid leave.
- 8.3 Flex-time scheduling is defined as a one-time or temporary adjustment to an employee's work schedule which does not alter the total number of hours scheduled to be worked per week, but simply alters the time of day and/or day those hours are worked. For employees in the classifications listed in Appendix A, the City and the employee shall be allowed to reasonably flex or temporarily change work schedules for these employees in order to minimize overtime expenditures and facilitate an employee's request when in accordance with the following procedures:
 - a. Flextime shall be administered in compliance with the Fair Labor Standards Act (FLSA), when applicable.
 - b. Requests for flex time require approval of the supervisor and shall not negatively impact operational needs.
 - c. The flex schedule must occur within the employee's regular 40-hour workweek but is not restricted to a specific day or portion thereof.
 - d. An employee should inform the supervisor about the need for a flex schedule change with as much notice as is reasonably possible.
 - e. No permanent change in work schedules are permitted under this provision.

2. **ARTICLE IV, SECTION 11** is added to read as follows:

SECTION 11 - RELEASE TIME FOR UNION BUSINESS

11.1 Union representatives/stewards shall be allowed reasonable release time away from work with pay during regular work hours for the following matters:

- a. Represent an employee of the Union on grievances, disciplinary or matters within the scope of representation.
- b. Attend mutually agreed upon meetings with the City.
- c. Participate in labor negotiations of a successor Memorandum of Understanding. Members of the SEIU negotiating team shall be released from work duties for up to a total of two (2) hours either prior to or after each meeting scheduled for the purpose of meeting and conferring on a new Memorandum of Understanding.
- d. Union orientation – the City shall allow a Union representative thirty (30) minutes of release time to meet with any new employee for the purpose of union orientation.

11.2 The number of Union representatives who will be allowed reasonable release time shall not exceed the following:

- a. 1 Union representative for the purpose of representing an employee or grievance and the Union orientation.
- b. 3 Union representatives for the purpose of labor negotiations of a successor MOU.

11.3 The Union shall provide a list of designated Union representatives to the Human Resources Manager or designee on an annual basis upon Union election or selection and shall notify the Human Resources Manager or designee when changes occur. Stewards shall be allowed a reasonable amount of paid time off for these purposes as long as there is no disruption of work.

11.4 Use of Release Time:

- a. It is recognized that performance of the employee's job duties come first. The use of release time shall be reasonable and shall not duly interfere with workload and job requirements as determined by the City.
- b. Union representatives shall notify their supervisor for release time, excluding weekends and holidays, at least 2 working days prior to the scheduled meetings, except in those cases involving an unforeseeable circumstance that requires immediate Union representatives where advance notice cannot be given.
- c. Approval must be first obtained from the supervisor prior to the Union representatives leaving their assignment to attend the schedule meetings.
- d. The City shall not pay stewards for time spent in handling grievances or other Union business when they are not regularly scheduled to work.
- e. Should an employee desire to use personal time to conduct Union business, the employee shall follow the City's policy or procedures for leave requests.

All release time during regular work hours shall be reported on the employee's timecard by using a specific pay code provided by the Finance department.

All provisions approved in side letters of agreement amending the existing MOU shall be incorporated herein and remain in effect through the extension of the MOU as provided by this side letter of agreement. All other terms and conditions of employment outlined in the MOU and previous side letters remain unchanged and in full effect.

Agreed to this ____ day of August, 2020.

FOR THE CITY OF KING:

FOR THE UNION:

Steven Adams, City Manager

Jay Donato, Internal Organizer

Maricruz Aguilar, Steward

Ramon Ramos, Steward

Carla Castañon, Steward



Item No. 9(G)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 11, 2020

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

**RE: CONSIDERATION OF SECOND SIDE LETTER OF AGREEMENT
WITH THE KING CITY CONFIDENTIAL EMPLOYEES
ASSOCIATION (KCCEA)**

RECOMMENDATION:

It is recommended the City Council approve and authorize the City Manager to execute a second Side Letter of Agreement with the King City Confidential Employees Association (KCCEA) to modify their current Memorandum of Understanding for the period of July 1, 2019 through June 30, 2022.

BACKGROUND:

The current MOU with KCCEA was adopted on June 25, 2019, which covers a three-year period from July 1, 2019 through June 30, 2022. Staff recently met with the representatives of the group to discuss additional changes to the MOU to assist with confusion of overtime eligibility language and the lack of direction in the MOU regarding employee flex-time and guidelines for paid association activity. Pursuant to the requirements of the Meyers-Milias-Brown Act, all parties reached an agreement to modify additional wording in the MOU.

DISCUSSION:

There have been many questions and discussions over the last fiscal year regarding the wording in the MOU for overtime eligibility. During these discussions, it was also noted that the MOU language does not include any temporary flex-time or association activity guidelines. As a result of the discussion, the most significant changes to the current MOU include the following:

**CITY COUNCIL
CONSIDERATION OF SIDE LETTER AGREEMENT WITH THE KING CITY
CONFIDENTIAL EMPLOYEES ASSOCIATION MODIFYING CURRENT
LABOR AGREEMENT
AUGUST 11, 2020
PAGE 2 OF 2**

- Removing contradictory language regarding overtime compensation and eligibility
- Defining the term “actual hours worked” to include holiday pay
- Adding language to allow for flex-time scheduling
- Adding language to define and create guidelines for release time for association business

The purpose of the flex time language is to allow employees to request short periods of leave on days when they have a special circumstance arise and have the ability to make it up by working extra time during another day within the pay period. Staff believes providing this flexibility is beneficial to both the employee and the City. However, adjustments were needed to the MOU in order to accommodate these circumstances without triggering overtime pay. The proposed changes will also assist the City with reducing confusion by creating guidelines for time-keeping administrative processes.

COST ANALYSIS:

No cost increase is estimated in FY 2020-21. Therefore, no additional appropriation is needed.

ENVIRONMENTAL REVIEW:

Labor agreements are not a “project” for the purposes of the California Environmental Quality Act (CEQA) as they do not have the potential for resulting in either a direct physical change to the environment or a reasonably foreseeable indirect physical change in the environment. No further action is required under CEQA for City Council action.

ALTERNATIVES:

The following alternatives have been identified for City Council consideration:

1. Adopt the Resolution;
2. Direct staff to pursue additional changes to the MOU; or
3. Provide staff other direction.

Prepared and Approved by:



Steven Adams, City Manager

**SECOND SIDE LETTER OF AGREEMENT
BETWEEN THE KING CITY CONFIDENTIAL EMPLOYEES ASSOCIATION
AND THE CITY OF KING**

This side letter is entered into by and between the King City Confidential Employees Association ("KCCEA") and the City of King ("City").

RECITALS

1. A Memorandum of Understanding (MOU) between the King City Confidential Employees Association ("KCCEA") and the City is in effect for the period of July 1, 2019 to June 30, 2022.
2. The parties have discussed the wage and hour provisions of the United States Fair Labor Standards Act (FLSA) for overtime eligibility. The parties have mutually agreed to add wording regarding flexing time.
3. The parties have discussed the lack of guidelines for Association business release time and have mutually agreed to add the guidelines listed below in Article IV, Section 12 of the current MOU.

AGREEMENT

It is therefore agreed that the City and KCCEA will implement the following changes, effective July 15, 2020:

1. **ARTICLE II; Section 8** is amended to read as follows:

SECTION 8 – OVERTIME COMPENSATION

- 8.1 Employees subject to the wage and hour provisions of the United States Fair Labor Standards Act shall receive overtime pay at one and one-half (1 ½) times their regular rate of pay, or compensatory leave time, credited at one and one half (1 ½) hours, for the hours worked in excess of forty (40) hours in a workweek.
- 8.2 For purposes of determining an employee's eligibility for overtime compensation, only actual hours worked shall be considered toward overtime calculation.
 - a. When determining overtime, holiday pay shall count as actual hours worked.
 - b. Sick leave, floating holiday, compensation time used and vacation leave paid shall not count as actual hours worked toward the overtime calculation.

8.3 Flex-time scheduling is defined as a one-time or temporary adjustment to an employee's work schedule which does not alter the total number of hours scheduled to be worked per week, but simply alters the time of day and/or day those hours are worked. For employees in the classifications listed in Appendix A, the employee shall be allowed to reasonably flex or temporarily change work schedules for these employees in order to minimize overtime expenditures and facilitate an employee's request when in accordance with the following procedures:

- a. Flextime shall be administered in compliance with the Fair Labor Standards Act (FLSA), when applicable.
- b. Requests for flex time require approval of the supervisor and shall not negatively impact operational needs.
- c. The flex schedule must occur within the employee's regular 40-hour workweek but is not restricted to a specific day or portion thereof.
- d. An employee should inform the supervisor about the need for a flex schedule change with as much notice as is reasonably possible.
- e. No permanent change in work schedules are permitted under this provision.

2. **ARTICLE IV, Section 12** is added to read as follows:

SECTION 12 - RELEASE TIME FOR ASSOCIATION BUSINESS

12.1 Association representatives shall be allowed reasonable release time away from work with pay during regular work hours for the following matters:

- a. Represent an employee of the Association on grievances, disciplinary or matters within the scope of representation.
- b. Attend mutually agreed upon meetings with the City.
- c. Participate in labor negotiations of a successor Memorandum of Understanding. Members of the negotiating team shall be released from work duties for up to a total of two (2) hours either prior to or after each meeting scheduled for the purpose of meeting and conferring on a new Memorandum of Understanding.
- d. Association orientation – the City shall allow an Association Representative thirty (30) minutes of release time to meet with any new employee for the purpose of Association orientation.

12.2 The number of Association representatives who will be allowed reasonable release time shall not exceed the following:

- a. 1 Association representative for the purpose of representing an employee or grievance and the Association orientation
- b. 3 Association representatives for the purpose of labor negotiations of a successor MOU.

12.3 The Association shall provide a list of designated Association representatives to the Human Resources Manager or designee on an annual basis upon Association election or selection and shall notify Human Resources Manager or designee when changes occur.

Representatives shall be allowed a reasonable amount of paid time off for these purposes as long as there is no disruption of work.

12.4 Use of Release Time:

- a. It is recognized that performance of the employee's job duties come first. The use of release time shall be reasonable and shall not duly interfere with workload and job requirements as determined by the City.
- b. Association representatives shall notify their supervisor for release time, excluding weekends and holidays, at least 2 working days prior to the scheduled meetings, except in those cases involving an unforeseeable circumstance that requires immediate Association representatives where advance notice cannot be given.
- c. Approval must be first obtained from the supervisor prior to the Association representatives leaving their assignment to attend the schedule meetings.
- d. The City shall not pay Representatives for time spent in handling grievances or other Association business when they are not regularly scheduled to work.
- e. Should an employee desire to use personal time to conduct Association business, the employee shall follow the City's policy or procedures for leave requests.

All release time during regular work hours shall be reported on the employee's timecard by using a specific pay code provided by the Finance department.

All provisions approved in Side Letters of Agreement amending the existing MOU shall be incorporated herein and remain in effect through the extension of the MOU as provided by this side letter of agreement. All other terms and conditions of employment outlined in the MOU and previous side letters remain unchanged and in full effect.

Agreed to this ____ day of August 2020.

FOR THE CITY OF KING:

FOR THE ASSOCIATION:

Steven Adams, City Manager

Andrea Wasson, President



Item No. 9 (H)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 11, 2020
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: STEVEN ADAMS, CITY MANAGER
RE: CONSIDERATION OF LIST OF LOCAL APPOINTMENTS

RECOMMENDATION:

It is recommended the City Council adopt a Resolution approving a list of local appointments and designating the King City Library as the posting place for the Local Appointments List.

BACKGROUND:

Pursuant to the State of California Maddy Act, the City Council is required to annually prepare a Local Appointments List, which lists all regular and ongoing boards, commissions, and committees that are appointed by the City Council. The list was last approved by the City Council in January 2018. It was due again so staff prepared it for Council consideration as soon as it was determined that it is past due in order to be in compliance with the State requirement.

DISCUSSION:

The Local Appointments List must contain all of the appointive terms that will expire during next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position. It will also include a list of all boards, commissions, and committees whose members serve at the pleasure of the City Council, and the necessary qualifications for each position. The Local Appointments List shall be made available to members of the public and the City Council must designate the public library with the largest service population within its jurisdiction to receive a copy of the Local Appointments List.

**CITY COUNCIL
CONSIDERATION OF LIST OF LOCAL APPOINTMENTS
AUGUST 11, 2020
PAGE 2 OF 2**

COST ANALYSIS:

There is no cost impact from this item.

ENVIRONMENTAL REVIEW:

The list is not a "project" for the purposes of the California Environmental Quality Act (CEQA) as it does not have the potential for resulting in either a direct physical change to the environment or a reasonably foreseeable indirect physical change in the environment. No further action is required under CEQA for City Council action.

ALTERNATIVES:

The following alternatives have been identified for City Council consideration:

1. Approve staff's recommendation;
2. Modify the Resolution
3. Adopt the Resolution and provide staff direction regarding recruitment of local appointees; or
4. Provide other direction.

Prepared and Approved by:



Steven Adams, City Manager

RESOLUTION NO. 2020-4780

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING
DESIGNATING THE KING CITY LIBRARY AS THE POSTING PLACE FOR
LOCAL APPOINTMENTS LIST**

WHEREAS, pursuant to the Maddy Act, California Government Code Section 54970 et seq., requires the City Council to prepare a Local Appointments List, which lists of all regular and ongoing boards, commissions, and committees which are appointed by the City Council;

WHEREAS, the Local Appointments List is required to be made available to members of the public;

WHEREAS, as part of this process, the Maddy Act requires the City Council to designate the public library with the largest service population within its jurisdiction to receive a copy of the Local Appointments List;

WHEREAS, the King City Library is the public library with the largest service population within the City of King; and

WHEREAS, the City Council of the City of King City desires to designate King City Library as the public library within the City of King to receive a copy of the Local Appointments List.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of King as follows:

1. The City Council of the City of King approves the Local Appointments List, pursuant to the requirements of the Maddy Act, and designates the King City Library as the public library within the City of King to receive a copy of the Local Appointments List.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of King at a special meeting thereof held on the ___ day of July, 2020 by the following vote:

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
Alshire & 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 Resolution passed and adopted by the City Council of the City of King on the date and by the vote indicated herein.

Local Appointments List

Planning Commission

	<u>Term</u>
David Mendez	Dec. 2011 - March 31, 2021
David Nuck	Dec. 2011 - March 31, 2023
Oscar Avalos	June 2018 - March 31, 2021
Brett Saunders	Dec. 2019 - March 31, 2023
Paulette Bumbalough	Aug. 2020 - March 31, 2021

The city planning commission shall consist of five members, none of whom shall be an employee of the city, or be a member of any other board or commission of the city. The members of the commission shall be appointed by the city council. At the first meeting of each calendar year, the committee shall elect a chairperson and a vice chairperson within its membership, who shall serve until the first meeting of the following year. A chairperson and vice chairperson may be elected for successive terms, without restriction as to number.

Airport Advisory Committee

Jeff Francis	Dec. 2011 - March 31, 2021
David LeBarre	2015 - March 31, 2023
Chris Madson	2016 - March 31, 2023
Scott Prewitt	June 2017 - March 31, 2021
Bill Casey	March 2018 – March 31, 2021

There is established an airport advisory committee which shall consist of five members. The committee shall review all aspects of the operations, maintenance and capital project of the airport and make recommendations on same to the city council. At the first meeting of each calendar year, the committee shall elect a chairperson and a vice chairperson within its membership, who shall serve until the first meeting of the following year. A chairperson and vice chairperson may be elected for successive terms, without restriction as to number.

Recreation Commission

Tiffany Singh	Feb. 2013 - March 31, 2023
TJ Plew	July 2017- March 31, 2021
Trina Hearne	June 2019 - March 31, 2023
Cheryl Harrison	June 2019 – March 31, 2023
Evette Wheeler	March 2018 – March 31, 2021

The city parks and recreation commission shall consist of five members. Persons who are residents of the city or who are employed within the city, or who reside in unincorporated areas of Monterey County within ten miles of the city boundaries, shall be eligible for appointment as members of the commission, except a majority of the commission shall at all times be composed of residents of the city. In the event that as a result of resignation or terming out, more than half of the commission is composed of nonresidents of the city, the commission shall suspend its meetings until through appointment at least half of the commission members are residents of the city. At the first meeting of each calendar year, the committee shall elect a chairperson and a vice chairperson within its membership, who shall serve until the first meeting of the following year. A chairperson and vice chairperson may be elected for successive terms, without restriction as to number.



Item No. 9 (1)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 11, 2020

TO: CITY COUNCIL

FROM: OCTAVIO HURTADO, CITY ENGINEER

RE: CONSIDERATION OF FY 2020-21 STREET IMPROVEMENT PROJECT, INCLUDING ADOPTION OF FINDING OF A CATEGORICAL EXEMPTION, PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES

RECOMMENDATION:

It is recommended the City Council: 1) adopt a Resolution designating street projects for revenues from SB 1 - The Road Repair and Accountability Act of 2017 for FY 2020-21; 2) approve the FY 2020-21 Street Improvement Project; and 3) adopt a finding of a categorical exemption, pursuant to Section 15301 of the CEQA Guidelines.

BACKGROUND:

With the passage of Measure X and SB 1, funding for street improvements has increased, which has enabled the City to develop a more comprehensive street improvement program. In the FY 2019-20/ FY 2020-21 Biennial Budget, the City Council approved an overall City CIP, which included funding and expenditure projections for street improvements, but not specific projects. In September 2017, the City Council adopted a 5-Year Capital Improvement Project with specific street improvements to submit to the Transportation Agency of Monterey County (TAMC) in compliance with Measure X and to the State of California in compliance with SB 1 for FY 2017-18 expenditures. A revised 5-Year Capital Improvement Project was approved as part of the FY 2019-20/ FY 2020-21 Biennial Budget meeting the same requirements for FY 2020-21.

Since that time, in conjunction with TAMC, the City has completed a Pavement Management System. The system takes into account data on the condition of each street to determine recommended streets for overlay and slurry seal improvements to manage the projects over time in the most cost-efficient

CITY COUNCIL

CONSIDERATION OF FY 2020-21 STREET IMPROVEMENT PROJECT, INCLUDING ADOPTION OF FINDING OF A CATEGORICAL EXEMPTION, PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES

APRIL 23, 2019

PAGE 2 OF 3

manner. As a result, staff has recommended changes to the streets proposed to be improved in FY 2020-21.

The State requires the City to designate specifically the projects proposed to be funded with SB 1 funding. The window for submitting proposed SB 1 expenditures for FY 2020-21 ends May 1, 2021 with a second deadline to submit of October 1, 2021. Updated Measure X and SB 1 revenue figures have been received for FY 2020-21. Therefore, staff has prepared a revised list of projects so staff can submit the required documentation for compliance with SB 1.

Given the COVID 19 pandemic, the City decided to postpone its FY 2020-21 annual street project to assess the budgetary effects of the statewide and local shutdowns and orders that have been placed. In order to receive SB 1 funds, it is required to submit a list of projects in the year the City is to receive SB1 funds. The intent is to postpone street projects until spring of 2021 in order to confirm available Measure X and SB1 funds. If the projected funding falls short, projects may be moved into the following fiscal year to utilize future funding allocations.

DISCUSSION:

The Pavement Management System maintains staff's recommended approach of reconstructing a few of the streets in the worst condition each year, while at the same time applying a slurry seal to some of the streets in better condition to prevent them from deteriorating to a point where reconstruction is necessary. A summary of the funding and proposed expenditures is provided in Exhibit 1.

The streets proposed to receive a grind and overlay in FY 2020-21 include the following:

- Broadway Street from San Antonio Drive to River Drive
- Broadway Circle from River Drive to End
- Patterson Street from King Street to Ellis Street
- Kings Place from Ellis Street to End
- North Second Street from Kings Place to Ellis Street

One of the objectives of including Broadway Circle is to coordinate with Caltrans on improvements when they work on the on and offramps in order to minimize road closures and disruption to the community.

**CITY COUNCIL
CONSIDERATION OF FY 2020-21 STREET IMPROVEMENT PROJECT,
INCLUDING ADOPTION OF FINDING OF A CATEGORICAL EXEMPTION,
PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES
APRIL 23, 2019
PAGE 3 OF 3**

COST ANALYSIS:

The projected funds from Measure X and SB 1 in FY 2019-20 are \$712,351, which are recommended to be allocated in full to these projects.

ENVIRONMENTAL REVIEW:

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Class 1 Categorical Exemption set forth in CEQA Guidelines, section 15301 as this project is limited to repair and maintenance of existing facilities and does not involve any expansion of existing uses. Furthermore, staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

ALTERNATIVES:

The following alternatives are presented for Council consideration:

1. Adopt the Resolution and overall FY 2020-21 Street Improvement Project;
2. Modify and adopt the Resolution;
3. Modify the approved projects;
4. Do not adopt the Resolution; or
5. Provide staff other direction.

Exhibits:

1. FY 2020-21 Street Improvements Capital Improvement Project Summary

Prepared by:



Octavio Hurtado, City Engineer

Approved by:



Steven Adams, City Manager

RESOLUTION NO. 2020-4782

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING ADOPTING A LIST OF
PROJECTS FOR FISCAL YEAR 2020-21 FUNDED BY
SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of King City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of King must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City of King, will receive an estimated \$271,000 in RMRA funding in Fiscal Year 2020-21 from SB 1; and

WHEREAS, this is the fourth year in which the City of King is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate five roads in the City that are in tremendous need of rehabilitation; and

WHEREAS, the City has many streets in poor condition and this revenue will help the City establish an ongoing pavement management program that will significantly increase the overall quality of its road system over the next decade; and

WHEREAS, the SB 1 project list and overall investment in the City's local street and road infrastructure will improve safety, road conditions, appearance of the City, and reduce future costs by enabling the City to maintain its street system in a more efficient manner.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of King, State of California, as follows:

1. The foregoing recitals are true and correct.
2. The following list of proposed projects will be funded in-part or solely with fiscal year 2020-21 Road Maintenance and Rehabilitation Account revenues:

Grind and Overlay of Broadway Street from San Antonio Drive to River Drive
25 Year Useful Life
Projected Start Date: June 1, 2021
Projected Completion Date: June1, 2022

Grind and Overlay of Broadway Circle from River Drive to End
25 Year Useful Life
Projected Start Date: June 1, 2021
Projected Completion Date: June1, 2022

Grind and Overlay of Patterson Street from King Street to Ellis Street
25 Year Useful Life
Projected Start Date: April 2021
Projected Completion Date: October 1, 2021

Grind and Overlay of Kings Place from Ellis Street to End
25 Year Useful Life
Projected Start Date: April 1, 2021
Projected Completion Date: October 1, 2021

Grind and Overlay of North Second Street from Kings Place to Ellis Street
25 Year Useful Life
Projected Start Date: April 1, 2021
Projected Completion Date: October 1, 2021

This resolution was passed and adopted this 11th day of **August, 2020** by the following vote:

AYES, Council Members:

NAYS, Council Members:

ABSENT, Council Members:

ABSTAIN, Council Members:

APPROVED:

Mike LeBarre, Mayor

ATTEST:

Steven Adams, City Clerk

APPROVED AS TO FORM:

Roy Santos, City Attorney



Item No. 9(J)

STAFF REPORT

DATE: AUGUST 11, 2020

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: OCTAVIO HURTADO, CITY ENGINEER

RE: CONSIDERATION OF AWARD OF BID FOR THE FIRST STREET / LONOAK ROAD SHOULDER SAFETY IMPROVEMENTS - FINAL PHASE, INCLUDING ADOPTING FINDING OF A CATEGORICAL EXEMPTION PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES

RECOMMENDATION:

It is recommended City Council: 1) award the base bid for the First Street/Lonoak Road Shoulder Safety Improvement Project – Final Phase as proposed by low bidder, Alfredo's Concrete, in the amount of \$64,846.00; 2) authorize the City Manager to approve change orders up to 20%; and 3) adopt a finding of a Categorical Exemption, pursuant to Section 15301 of the CEQA Guidelines.

BACKGROUND:

Improvement Plans and Specifications were put out to bid for the First Street/Lonoak Road Shoulder Safety Improvement Project – Final Phase. The proposed project is the final phase and generally consists of demolition of existing curb ramps to the latest ADA specifications, sidewalk, curb, asphalt concrete, landscape/entry sign improvements and installation of new curb ramps, sidewalk, curb and gutter, asphalt concrete conform and striping cross walk.

The first phase of the First Street – Lonoak Road Shoulder Safety Improvement Project is complete. The project included widening the roadway for the construction of shoulder and bicycle lane improvements along First Street south of the San Lorenzo Bridge to the Caltrans right-of-way and along Lonoak Road from the easterly edge of railroad right-of-way to the city limits line. This project provides safety improvements, as well as greatly enhance the entrance to King City along First Street.

**CITY COUNCIL
CONSIDERATION OF AWARD OF BID FOR THE FIRST STREET/LONOAK
ROAD SHOULDER SAFETY IMPROVEMENT PROJECT – FINAL PHASE
INCLUDING ADOPTING FINDING OF A CATEGORICAL EXEMPTION,
PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES
AUGUST 11, 2020
PAGE 2 OF 3**

The City was awarded a competitive grant from TAMC using Transportation Development Act 2% (TDA) funds for Pedestrian and Bicycle Facilities to be used on South First Street.)

DISCUSSION:

The City received the following bids:

<u>Contractor</u>	<u>Bid</u>
Alfredo's Concrete	\$64,846.00
William A Thayer Construction Inc	\$88,119.00

The basis of award is the lowest responsive responsible bid for base bid

COST ANALYSIS:

Funding for this project will come from TAMC, Transportation Development Act 2% (TDA) Funds, identified for First Street Bicycle and Pedestrian Improvements with an outstanding balance of \$76,055.38.

ENVIRONMENTAL REVIEW:

Staff has performed a preliminary environmental assessment of this project and has determined that if it falls within the Categorical Exemption set forth in Section 15301 of the CEQA guidelines because the contract is for the maintenance and repair of existing streets, which will not result in the expansion of capacity of these streets. Furthermore, staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Award Base Bid of the First Street/Lonoak Road Shoulder Safety Improvement Project – Final Phase as proposed by low bidder, Alfredo's Concrete in the proposed amount of \$64,846.00;
2. Reject bids and solicit new bids;
3. Do not award the First Street/Lonoak Road Shoulder Safety Improvement Project – Final Phase; or
4. Provide other direction to staff.

**CITY COUNCIL
CONSIDERATION OF AWARD OF BID FOR THE FIRST STREET/LONOAK
ROAD SHOULDER SAFETY IMPROVEMENT PROJECT – FINAL PHASE
INCLUDING ADOPTING FINDING OF A CATEGORICAL EXEMPTION,
PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES
AUGUST 11, 2020
PAGE 3 OF 3**

Exhibits:

1. Bid Summary

Submitted by: 
Octavio Hurtado, City Engineer

Approved by: 
Steven Adams, City Manager



**First Street Lonoak Road Shoulder Safety Improvement
Project – Final Phase**

Bid Results

July 28, 2020

2:00 PM

Contractor

Base Bid

1. Alfredo's Concrete

\$64,846.00

2. William A Thayer Construction Inc

\$88,119.00

BASE FORMAL QUOTATION FORM

Pursuant to and in compliance with the *Request for Formal Quotation and Specifications* related to the project: **FIRST STREET / LONAOK ROAD SHOULDER SAFETY IMPROVEMENT PROJECT – FINAL PHASE**

The undersigned bidder, having become thoroughly familiar with the stipulations listed on the Formal Quotation Form and with the aforementioned General Conditions and Specifications for the above mentioned project and with the local conditions affecting the performance and the cost of the work to be done, hereby proposes and agrees to fully provide the described services (including the furnishing of any and all labor, materials, tools, expendable equipment and transportation services necessary to fully deliver the equipment) in strict accordance with all applicable state and local laws for the total Quotation sum of:

FIRST STREET / LONAOK ROAD SHOULDER SAFETY IMPROVEMENT PROJECT – FINAL PHASE UNIT PRICE/LUMP SUM BID

ITEM NO.	APPROXIMATE QUANTITY	ITEM WITH UNIT PRICES WRITTEN IN WORDS	UNIT PRICE	AMOUNT
<u>PROPOSAL – BASE BID</u>				
1	LS	Mobilization , complete and in place _____ per lump sum		\$ 1,000. ⁰⁰
2	LS	Pothole and Verify Location and Depth of Existing Utilities , including but not limited to all utilities either shown on plans or encountered in the field, USA, saw cutting, demolition, excavation, complete in place at, _____ per lump sum		\$ 4,000. ⁰⁰
3	LS	Clear and Grubbing , complete and in place _____ per lump sum		\$ 300. ⁰⁰
4	LS	Traffic Control , complete and in place _____ per lump sum		\$ 400. ⁰⁰
5	LS	Erosion Control , complete and in place _____ per lump sum		\$ 350. ⁰⁰
6	2 EA	Case C PCC Curb Ramps at First Street per Curb Ramp Detail on Sheet 2, complete in place including sawcut to nearest joint, removal, disposal, curb, gutter, sidewalk, truncated domes per curb ramp detail _____ per each	\$ 2,250	\$ 4,500. ⁰⁰
7	30 ⁶⁰ LF	12 in curb behind Case C PCC Ramps to conform ramp to existing planter box elevations per City Standards, complete in place _____ per lineal foot		\$ 1,500. ⁰⁰
8	135 SF	PCC Sidewalk at First Street per City Standards, complete in place including sawcut to nearest joint, removal, disposal, curb, gutter, sidewalk, truncated domes _____ per square foot		\$ 1,170. ⁰⁰

- 9 ⁶⁰
-27-LF **PCC Curb and Gutter** at First Street per City Standards, complete in place
_____ per square foot _____ \$ 2,985.⁰⁰
- 10 150 SF **Furnish and Install 6" AC over 12" CL 2 AB, Asphalt Concrete Conform Section on First Street per Plans**— including but not limited to, saw cutting, demolition, conform grinds, wedge grinding, grinding, excavation, offsite disposal, compaction of subgrade, furnishing class II aggregate base as required to make grade, compaction of aggregate base and asphalt concrete in lifts per City and Caltrans Standards, complete in place at,
_____ per square foot _____ \$ 3,230.⁰⁰
- 11 1 LS **Monument Sign Foundation** at First Street per Details on Sheet 2, complete in place and with coordination with Sign Manufacturer
_____ per lump sum _____ \$ 7,265.⁰⁰
- 12 1 LS **Monument Sign** at First Street per Details on Sheet 3, complete in place and with coordination with Foundation contractor
_____ per lump sum _____ \$ 38,006.³⁹
- 13 1 JOB **Furnish and Install Crosswalk Striping,** complete in place at

_____ per lump sum _____ \$ 150.⁰⁰

LISTED IN PROPOSAL- BASE BID \$ \$ 64,846.⁰⁰

Company Name: Alfredo's Concrete

Company DIR #: 1000050751

Mailing Address: 690 Old Stage Rd
Salinas CA 93908

Phone Number: (831) 905-7205

Name of Company Rep: Alfredo Alonso

Email: Alfredo Alonso 1232 @ Gmail . Com

Authorized Signature: Alfredo Alonso Date: 7/23/2020

Return to: Octavio Hurtado, City Engineer
City of King
212 S. Vanderhurst Avenue
King City CA 93930

All questions or requests for additional information must be submitted via email to genglish@kingcity.com no later than Friday July 24, 2020 at 4pm.
BIDS ARE DUE BY 2:00PM ON TUESDAY, JULY 28, 2020

LISTING OF SUBCONTRACTORS

As required under the provisions of Section 4104 et seq. of the California Public Contract Code, any person making a bid or offer to perform the work, shall in his or her bid or offer, set forth: (a) The name and location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the primary contractor specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid; (b) The portion of the work which will be done by each such subcontractor under this act. The prime contractor shall list only one subcontractor for each such portion as defined by the prime contractor in his or her bid.

SUBCONTRACTORS

The Bidder further proposes that the following subcontracting firms or businesses will be awarded subcontracts in the event that the Bidder is awarded the Contract:

SIGNS BY VAN 831-663-2663
Name Phone/Fax
16130 HWY 156, SALINAS, CA 93907
Street City State/Zip
Portion of Work: SIGN

Name Phone/Fax
_____, _____, _____
Street City State/Zip
Portion of Work: _____

Name Phone/Fax
_____, _____, _____
Street City State/Zip
Portion of Work: _____

BASE FORMAL QUOTATION FORM

Pursuant to and in compliance with the *Request for Formal Quotation and Specifications* related to the project: **FIRST STREET / LONOK ROAD SHOULDER SAFETY IMPROVEMENT PROJECT – FINAL PHASE**

The undersigned bidder, having become thoroughly familiar with the stipulations listed on the Formal Quotation Form and with the aforementioned General Conditions and Specifications for the above mentioned project and with the local conditions affecting the performance and the cost of the work to be done, hereby proposes and agrees to fully provide the described services (including the furnishing of any and all labor, materials, tools, expendable equipment and transportation services necessary to fully deliver the equipment) in strict accordance with all applicable state and local laws for the total Quotation sum of:

FIRST STREET / LONOK ROAD SHOULDER SAFETY IMPROVEMENT PROJECT – FINAL PHASE UNIT PRICE/LUMP SUM BID

ITEM NO.	APPROXIMATE QUANTITY	ITEM WITH UNIT PRICES WRITTEN IN WORDS	UNIT PRICE	AMOUNT
<u>PROPOSAL – BASE BID</u>				
1	LS	Mobilization, complete and in place Fifteen Hundred and fifty seven dollars		
		_____ per lump sum	<u>\$1,557.00</u>	<u>\$1,557.00</u>
2	LS	Pothole and Verify Location and Depth of Existing Utilities, including but not limited to all utilities either shown on plans or encountered in the field, USA, saw cutting, demolition, excavation, complete in place at, Sixteen Hundred eighty dollars		
		_____ per lump sum	<u>\$1,680.00</u>	<u>\$1,680.00</u>
3	LS	Clear and Grubbing, complete and in place Three Thousand two hundred ninety one dollars		
		_____ per lump sum	<u>\$3,291</u>	<u>\$3,291.00</u>
4	LS	Traffic Control, complete and in place nine hundred sixty eight dollars		
		_____ per lump sum	<u>\$968.00</u>	<u>\$968.00</u>
5	LS	Erosion Control, complete and in place six hundred and five dollars		
		_____ per lump sum	<u>\$605.00</u>	<u>\$605.00</u>
6	2 EA	Case C PCC Curb Ramps at First Street per Curb Ramp Detail on Sheet 2, complete in place including sawcut to nearest joint, removal, disposal, curb, gutter, sidewalk, truncated domes per curb ramp detail Seventeen hundred and forty five dollars each		
		_____ per each	<u>\$1,745.00</u>	<u>\$3,490.00</u>
7	30 LF	12 in curb behind Case C PCC Ramps to conform ramp to existing planter box elevations per City Standards, complete in place eighty dollars		
		_____ per lineal foot	<u>\$80.00</u>	<u>\$2,400.00</u>
8	135 SF	PCC Sidewalk at First Street per City Standards, complete in place including sawcut to nearest joint, removal, disposal, curb, gutter, sidewalk, truncated domes sixty four dollars and 21/100		
		_____ per square foot	<u>\$64.21</u>	<u>\$8,669.00</u>

9	27 LF	PCC Curb and Gutter at First Street per City Standards, complete in place <small>one hundred dollars</small>	per square foot	<u>\$100.00</u>	<u>\$2,700.00</u>
10	150 SF	Furnish and Install 6" AC over 12" CL 2 AB, Asphalt Concrete Conform Section on First Street per Plans — including but not limited to, saw cutting, demolition, conform grinds, wedge grinding, grinding, excavation, offsite disposal, compaction of subgrade, furnishing class II aggregate base as required to make grade, compaction of aggregate base and asphalt concrete in lifts per City and Caltrans Standards, complete in place at, <small>twenty seven and 11/100</small>	per square foot	<u>\$27.11</u>	<u>\$4066.00</u>
11	1 LS	Monument Sign Foundation at First Street per Details on Sheet 2, complete in place and with coordination with Sign Manufacturer <small>ten thousand nine hundred and two</small>	per lump sum	<u>\$10,902.00</u>	<u>\$10,902.00</u>
12	1 LS	Monument Sign at First Street per Details on Sheet 3, complete in place and with coordination with Foundation contractor <small>fourty five thousand nine hundred eighty eighty</small>	per lump sum	<u>\$45,988.00</u>	<u>\$45,988.00</u>
13	1 JOB	Furnish and Install Crosswalk Striping, complete in place at <small>eighteen hundred and three</small>	per lump sum	<u>\$1,803.00</u>	<u>\$1,803.00</u>

LISTED IN PROPOSAL- BASE BID \$ 88,119.00 eighty eight thousand one hundred nineteen dollars

Company Name: William A Thayer Construction Inc.

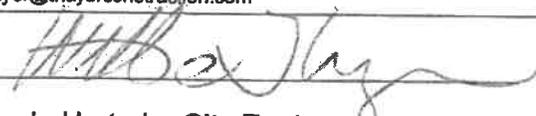
Company DIR #: 1000015477

Mailing Address: 220 J San Benancio road
Salinas CA 93908

Phone Number: 831 641-9147

Name of Company Rep: Bill Thayer

Email: wthayer@thayerconstruction.com

Authorized Signature:  Date: 07/28/20

Return to: **Octavio Hurtado, City Engineer**
City of King
212 S. Vanderhurst Avenue
King City CA 93930

All questions or requests for additional information must be submitted via email to genenglish@kingcity.com no later than Friday July 24, 2020 at 4pm.

BIDS ARE DUE BY 2:00PM ON TUESDAY, JULY 28, 2020

LISTING OF SUBCONTRACTORS

As required under the provisions of Section 4104 et seq. of the California Public Contract Code, any person making a bid or offer to perform the work, shall in his or her bid or offer, set forth: (a) The name and location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the primary contractor specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid; (b) The portion of the work which will be done by each such subcontractor under this act. The prime contractor shall list only one subcontractor for each such portion as defined by the prime contractor in his or her bid.

SUBCONTRACTORS

The Bidder further proposes that the following subcontracting firms or businesses will be awarded subcontracts in the event that the Bidder is awarded the Contract:

signs by van
Name _____ 831 863-2663 _____
Phone/Fax
16130 hwy 156 _____, Salinas _____, CA 93807
Street City State/Zip
Portion of Work: signage and dimensions _____

Name _____ Phone/Fax _____
Street _____, City _____, State/Zip _____
Portion of Work: _____

Name _____ Phone/Fax _____
Street _____, City _____, State/Zip _____
Portion of Work: _____



Item No. 9(K)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 11, 2020

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: OCTAVIO HURTADO, CITY ENGINEER

RE: CONSIDERATION OF RESOLUTION ACCEPTING A GRANT OF A PUBLIC SERVICE EASEMENT FOR THE INSTALLATION OF A CITY ENTRANCE SIGN ON FIRST STREET

RECOMMENDATION:

It is recommended City Council: 1) adopt a Resolution accepting a grant of public service easement to the City of King as described in Exhibit A and B at the most easterly corner of the lands of the Cheney Family Trust at 890 South First Street; and 2) authorize the City Manager to make minor changes to the public service easement if required by the County Recorder's Office.

BACKGROUND:

The City is finalizing bicycle and pedestrian improvements along South First Street funded through a grant. The final phase of the project will make curb ramp improvement along South First Street between King City Veterinary Hospital and the Chevron gas station. The project contains a landscape component and staff proposes to install an entry sign similar to the entry sign on Broadway Street and San Antonio Drive. The property owner supports the entry sign being placed at the corner of their property, which is currently landscaped.

DISCUSSION:

A public service easement is necessary to install the City entry sign on private property. The Cheney family is proposing to offer an easement for public service facilities and signage. With this easement, the City will have space to install an entry sign matching the entry sign installed along Broadway Street, which went through previous design approval.

**CITY COUNCIL
CONSIDERATION OF RESOLUTION ACCEPTING A GRANT OF A PUBLIC
SERVICE FOR THE INSTALLATION OF A CITY ENTRANCE SIGN ON FIRST
STREET
AUGUST 11, 2020
PAGE 2 OF 2**

COST ANALYSIS:

There is no cost to the City with acceptance of this public service easement. The cost of the project is being funded with remaining funds from the grant.

ENVIRONMENTAL REVIEW:

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in Class 3 which exempts new construction of limited small new facilities, section 15303 because there are no improvements proposed. Furthermore, Staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Approve staff's recommendations;
2. Modify and approve the proposed Resolution;
3. Do not approve staff's recommendations; or
4. Provide other direction to staff.

Exhibits:

1. Resolution 2020-4781
2. Legal Descriptions and Plats
3. Sign Rendering

Submitted by:



Octavio Hurtado, City Engineer

Approved by:



Steven Adams, City Manager

RESOLUTION No. 2020-4781

ACCEPTANCE OF A GRANT OF A PUBLIC SERVICE EASEMENT TO THE CITY OF KING CITY AT THE MOST EASTERLY CORNER OF THE LANDS OF THE CHENEY FAMILY LIVING TRUST, SAID LANDS ARE DESCRIBED IN THE CALIFORNIA GRANT DEED RECORDED 5/12/2006 AS DOCUMENT: 2006043264, IN OFFICIAL RECORDS OF MONTEREY COUNTY

RESOLVED, by the City Council of the City of King, California, that

WHEREAS, The City is in the process of making bicycle and pedestrian improvements along Frist Street; and

WHEREAS, The bicycle and pedestrian improvement project contains a landscaping component; and

WHEREAS, The landscaping will include a monument sign; and

WHEREAS, The Cheney Family has offered to grant a public service easement at the corner of their property adjacent to City Right of Way; and

WHEREAS, the offered easement area is a good fit for a monument sign.

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

1. That the City accepts the grant of a Public Service Easement at the easterly corner of 890 South First Street and grants the City Manager signature authorization for minor changes to the Public Service Easement if required by the County Records Office.

PASSED AND ADOPTED by the City Council of the City of King at a regular meeting duly held on the 11th day of August, 2020, by the following vote:

AYES, and in favor thereof, Councilmembers:

NAYS, Councilmembers:

ABSENT, Councilmembers:

ABSTAINING, Councilmembers:

Mike LeBarre, Mayor

ATTEST:

Erica Sonne, Deputy City Clerk

APPROVED AS TO FORM:

Roy C Santos, City Attorney



Item No. 9(L)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 11, 2020

TO: CITY COUNCIL

FROM: OCTAVIO HURTADO, CITY ENGINEER

**RE: CONSIDERATION OF AGREEMENT WITH THE
TRANSPORTATION AGENCY FOR MONTEREY COUNTY FOR
THE ALLOCATION OF FUNDING**

RECOMMENDATION:

It is recommended the City Council approve and authorize the City Manager to execute an Agreement with the Transportation Agency for Monterey County (TAMC) for the allocation of funding approved by the TAMC Board of Directors.

BACKGROUND:

TAMC is designated by the State of California as the Regional Transportation Planning Agency for Monterey County. As such, they are responsible for making certain decisions and/or recommendations for the allocation of specified Federal and State transportation funding sources.

DISCUSSION:

Among these funding sources is the Regional Surface Transportation Program (RSTP). A portion of this funding is allocated to local agencies for street and road improvements. To receive these funds, the City must enter into an Agreement with TAMC. The City will utilize these funds for upcoming street improvements.

COST ANALYSIS:

The City anticipates receiving approximately \$253,103.07 once the agreement is approved.

**CITY COUNCIL
CONSIDERATION OF AGREEMENT WITH THE TRANSPORTATION AGENCY
FOR MONTEREY COUNTY FOR THE ALLOCATION OF FUNDING
AUGUST 11, 2020
PAGE 2 OF 2**

ENVIRONMENTAL REVIEW:

This action is not considered a project for the purposes of CEQA and has no potential for resulting in either a direct or indirect impact to the environment. Therefore, no additional action is necessary.

ALTERNATIVES:

The following alternatives are presented for Council consideration:

1. Approve the Agreement;
2. Request modifications to the Agreement;
3. Do not approve the Agreement and forfeit the funding; or
4. Provide other direction to staff.

Exhibits:

1. TAMC Funding Allocation Agreement

Prepared by:



Octavio Hurtado, City Engineer

Approved by:



Steven Adams, City Manager

**AGREEMENT BETWEEN THE
TRANSPORTATION AGENCY FOR MONTEREY COUNTY
AND THE CITY OF KING CITY
FOR THE ALLOCATION OF FUNDING APPROVED BY
THE TRANSPORTATION AGENCY BOARD OF DIRECTORS**

This agreement is made on August 11 by and between the City of King City, a public body, hereinafter referred to as "Recipient," and the Transportation Agency for Monterey County, hereinafter referred to as "TAMC."

WHEREAS, TAMC is the state-designated Regional Transportation Planning Agency for Monterey County; and

WHEREAS, as authorized by section 182.6(g) of the Streets and Highways Code, TAMC has entered into a separate agreement with the State of California, through the Department of Transportation (Caltrans), to assign a defined portion of its annual federal Surface Transportation Block Grant Program (STBGP) apportionment to Caltrans in exchange for state funds for specified fiscal year(s); and

WHEREAS, TAMC is authorized to use these exchanged funds (hereinafter referred to as "RSTP Exchange Funds") to assist local agencies to promote projects which otherwise qualify for STBGP funds; and

WHEREAS, as authorized by Chapter 2, Title 21, Rule 6640 of the Transportation Development Act, one of the duties of TAMC is to administer the provisions of the Transportation Development Act in apportioning Local Transportation Funds (LTF) for the Transportation Development Act 2% (TDA 2%) program for bicycle and pedestrian projects pursuant to Article 3 of that law, and to the Cities, County, and Monterey-Salinas Transit;

WHEREAS, as authorized by the Joint Powers Agreement for the Monterey County Regional Development Impact Fee Agency, TAMC is designated to administer and allocate regional development impact fee revenues (RDIF) to projects identified in the approved Strategic Expenditure Plan; and

WHEREAS, the TAMC Board of Directors has approved the allocation of funds toward the projects listed in Exhibit A; and

WHEREAS, it is contemplated by TAMC and the Recipient that the amount of funding and the projects designated in Exhibit A may change from time to time as set forth below; and

WHEREAS, TAMC has requested the Monterey County Auditor-Controller to establish a separate fund for the Federal Apportionment Exchange Program and such a separate fund has been established.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, THE PARTIES HERETO AGREE AS FOLLOWS:

1. RULES FOR RSTP EXCHANGE FUNDS

- A. TAMC agrees to allocate RSTP Exchange Funds paid by Caltrans under the Federal Apportionment Exchange Program only for projects as authorized under sections 133(b) and 133 (c) of Title 23, United States Code and Article XIX of the California State Constitution.
- B. The Recipient agrees to use RSTP Exchange Funds only for the RSTP Exchange eligible project(s) described in Exhibit A, as approved by the TAMC Board of Directors, for the amounts awarded for each project.

2. RULES FOR TDA 2%

- A. TAMC agrees to allocate TDA 2% funds under the Transportation Development Act only for projects as authorized under the Transportation Development Act Section 99234 Claims for Pedestrian and Bicycle Facilities.
- B. The Recipient agrees to use TDA 2% funds only for TDA 2% eligible project(s) described in Exhibit A, as approved by the TAMC Board of Directors, for the amounts awarded for each project.

3. RULES FOR RDIF

- A. TAMC agrees to allocate RDIF funds under the Joint Powers Agreement only for projects as authorized by the TAMC Board of Directors in the approved Strategic Expenditure Plan.
- B. The Recipient agrees to use RDIF funds only for RDIF eligible project(s) described in Exhibit A, as approved by the TAMC Board of Directors, for the amounts awarded for each project.

4. ADMINISTRATIVE POLICIES

- A. The projects described in Exhibit A, and the amounts allocated therefore, may be amended from time to time without changing the rest of this Master Agreement, by means of approval by the TAMC Board of Directors of a revised Exhibit A, which shall be designated by a date and number (e.g., "Exhibit A-1 (DATE)").
- B. The Recipient agrees to submit an annual report to TAMC by April 30 describing the progress towards completion for all projects listed in Exhibit A.
- C. The Recipient agrees to mention TAMC's role in funding the project in any press releases or media events held by the Recipient to promote a funded project.
- D. TAMC agrees to reimburse the Recipient within 30 days of receipt of a completed claim form (Exhibit B) from the Recipient.
- E. The Recipient agrees to cause the completion of the project(s) within three years from the date funds were awarded by the TAMC Board of Directors, as recorded in Exhibit A. Failure to complete the project(s) in a timely basis shall allow TAMC to refuse reimbursement and to reprogram such funds for other purposes.

5. COST PRINCIPLES

- A. Recipient agrees to comply with Office of Management and Budget Circular A-87, Cost Principles for State and Local Government, and 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements.
- B. Recipient agrees to:
 - (a) use Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., to determine the allowability of individual project cost items; and
 - (b) comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Costs Principles and Audit Requirements.

Every sub-recipient receiving funds as a contractor or sub-contractor under this AGREEMENT shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Costs Principles and Audit Requirements.

6. THIRD PARTY CONTRACTING

- A. Recipient shall not award a construction contract over \$10,000 or other contracts over \$25,000 on the basis of a noncompetitive negotiation for work to be performed using Funds without the prior written approval of Caltrans. This provision shall not apply to professional service contracts of the type which are required to be procured in accordance with Government Code Sections 4525 (d), (e), and (f).
- B. Recipient agrees that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as project costs only after those costs are incurred and paid for by the subcontractors and only if consistent with Paragraph 10, below.
- C. In addition to the above, the pre-award requirements of third party contractor/consultants with Recipient shall be consistent with Local Program Procedures as published by Caltrans.

7. ACCOUNTING SYSTEM

Recipient, its contractors and subcontractors, shall establish and maintain an accounting system and records that properly accumulate and segregate expenditures by line item. The accounting system of Recipient, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment claims.

8. RIGHT TO AUDIT

For the purpose of determining compliance with Public Contract Code 10115, et seq. and Title 21, California Code of Regulations, Chapter 21, Section 2500 et seq., when applicable and other matters connected with the performance of the Agreement pursuant to Government Code 8546.7, Recipient shall maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of the Agreement, including but not limited to, the costs of administering the Agreement. All parties shall make such materials available at their respective offices at all reasonable times during the Agreement period and for three years from the date of final payment under the Agreement. The state, State Auditor, TAMC, FHWA, or any duly authorized representative of the Federal Government shall have access to any books, records, and documents of Consultant and its certified public accountants (CPA) work papers that are pertinent to the Agreement and indirect cost rates (ICR) for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested. Subcontracts in excess of \$25,000 shall contain this provision.

9. TRAVEL AND SUBSISTENCE

Payments to Recipient for travel and subsistence expenses of Recipient forces and/or its contractors or subcontractors, claimed for reimbursement or applied as local match credit, shall not exceed rates authorized to be paid exempt non-represented State employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced are in excess of those authorized DPA rates, then Recipient is responsible for the cost difference and any overpayments shall be reimbursed to the TAMC on demand.

10. PROJECT COMPLETION

Recipient agrees to provide to the TAMC a short report summarizing total project costs and milestones, including before and after photos of the project, for each project within sixty (60) days of completion.

11. GOVERNING LAWS

This Agreement shall be construed and enforced according to the laws of the State of California, and the parties hereby agree that the County of Monterey shall be the proper venue for any dispute arising hereunder.

12. CONFLICT OF INTEREST

Recipient warrants that it presently has no interest and shall not acquire any interest during the term of this Agreement, which would directly or indirectly conflict in any manner or to any degree with its full and complete performance of all services under this Agreement.

13. CONSTRUCTION OF AGREEMENT

The parties agree that each party has fully participated in the review and revision of this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any exhibit or amendment. To that end, it is understood and agreed that this Agreement has been arrived at through negotiation, and that neither party is to be deemed the party which prepared this Agreement within the meaning of Civil Code Section 1654. Section and paragraph headings appearing herein are for convenience only and shall not be used to interpret the terms of this Agreement.

14. WAIVER

Any waiver of any term or condition hereof must be in writing. No such waiver shall be construed as a waiver of any other term or condition herein.

15. SUCCESSORS AND ASSIGNS

This Agreement and all rights, privileges, duties and obligations hereunder, to the extent assignable or delegable, shall be binding upon and inure to the benefit of the parties and their respective successors, permitted assigns and heirs.

16. TIME IS OF THE ESSENCE

The parties mutually acknowledge and agree that time is of the essence with respect to every provision hereof in which time is an element. No extension of time for performance of any obligation or act shall be deemed an extension of time for performance of any other obligation or act, nor shall any such extension create a precedent for any further or future extension.

17. EXECUTION OF AGREEMENT

Any individual executing this Agreement on behalf of an entity represents and warrants that he or she has the requisite authority to enter into this Agreement on behalf of such entity and to bind the entity to the terms and conditions hereof. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

18. ENTIRE AGREEMENT

This document, including all exhibits hereto, constitutes the entire agreement between the parties, and supersedes any and all prior written or oral negotiations and representations between the parties concerning all matters relating to the subject of this Agreement.

19. TERMINATION DATE

This Agreement shall remain in effect for a period of three (3) years from the date of this Agreement.

IN WITNESS WHEREOF, TAMC and Recipient execute this Agreement as follows:

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Debra L. Hale
Executive Director

Date

Recipient:
CITY OF KING CITY

Steven Adams, City Manager

Date

Approved as to Form:

Kathryn Reimann
TAMC Counsel

Date

Roy Santos, City Attorney
City of King City

Date



Item No. 10(A)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 11, 2020

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CONSIDERATION OF AN ORDINANCE ADDING CHAPTER 15.52 TO TITLE 15 OF THE KING CITY MUNICIPAL CODE PERTAINING TO USE OF RECYCLED WATER IN INDUSTRIAL DISTRICTS FOR CANNABIS CULTIVATION BUSINESS AND LANDSCAPE IRRIGATION

RECOMMENDATION:

It is recommended that the City Council introduce to be read by title only an ordinance adding Chapter 15.52 to Title 15 of the King City Municipal Code pertaining to the use of recycled water in the Industrial District for Landscape Irrigation and in Cannabis Cultivation Businesses, open the hearing, allow for public testimony, close the hearing, waive first reading of the ordinance, and approve the introduction of the ordinance.

BACKGROUND:

In September 2017, the City updated its Wastewater Collection System Master Plan and Wastewater Treatment Facilities Plan. The purpose was to establish plans for upgrade of the City's Wastewater Treatment Plant to meet State standards and future capacity need and for upgrade of outdated and dilapidated sewer pipes. The Wastewater Treatment Facilities Plan calls for upgrading the Wastewater Treatment Plant to a minimum of a secondary treatment level with the capability of further upgrading it to tertiary treatment. Tertiary treatment could enable the production of recycled water for eligible uses throughout the community to expand the City's water supply, particularly during drought conditions.

To make the cost of tertiary treatment more viable, it was proposed to establish a partnership with California Water Service (Cal Water) since they are the water purveyor in King City. Under this concept, the City would pay for costs to upgrade the facility to secondary treatment. Cal Water would then be

**CITY COUNCIL
CONSIDERATION OF AN ORDINANCE ADDING CHAPTER 15.52 TO TITLE
15 OF THE KING CITY MUNICIPAL CODE PERTAINING TO USE OF
RECYCLED WATER IN INDUSTRIAL DISTRICTS FOR CANNABIS
CULTIVATION BUSINESS AND LANDSCAPE IRRIGATION
AUGUST 11, 2020
PAGE 2 OF 3**

responsible for the additional cost for tertiary treatment, as well as the cost for the recycled water distribution system. In exchange, Cal Water would be able to sell the recycled water, which would generate revenue and help protect the overall potable water supply. The City is also working on strategies to fund a significant portion of the project costs from a number of grants, which will be critical to making the project feasible.

Since that time, the City applied for and received a grant to fund a recycled water feasibility study. The cost for local matching funds were paid equally by the City and Cal Water. The study was conducted by Carollo Engineers, the same firm that prepared the Master and Facility Plans. The initial results of the study were positive and discussions with Cal Water on participating in the project continue.

The study assumed use of recycled water by cannabis cultivation businesses and other major water customers in the industrial area. Therefore, in order for the project to be viable, it is critical that those businesses participate when recycled water becomes available. Staff has been recommending that Conditional Use Permits for new cannabis cultivation projects include conditions that require them to connect to recycled water when it becomes available. However, it would be more effective to establish an overall requirement rather than addressing it on a project by project basis. This would help provide Cal Water the assurance needed that an adequate customer base will be available to make the initial capital investment cost effective. As a result, staff has drafted an ordinance for City Council consideration that will establish this future requirement.

DISCUSSION:

If approved, the ordinance will require businesses in the industrial area to install a service lateral connection, install on-site dual plumbing and purchase the delivery of recycled water for irrigation of landscaping, irrigation of cannabis cultivation, operation of cannabis cultivation cooling systems, operation of vehicle wash stations and other major industrial non-potable water uses. The connection and use of recycled water would be required to take place within 9 months of installation of an operable water line capable of delivering recycled water adjacent to the property.

Businesses would be exempted if it could be shown that the recycled water would make it infeasible for the business to comply with State water quality requirements. It would only apply to landscaped areas of 500 square feet or

CITY COUNCIL

CONSIDERATION OF AN ORDINANCE ADDING CHAPTER 15.52 TO TITLE 15 OF THE KING CITY MUNICIPAL CODE PERTAINING TO USE OF RECYCLED WATER IN INDUSTRIAL DISTRICTS FOR CANNABIS CULTIVATION BUSINESS AND LANDSCAPE IRRIGATION

AUGUST 11, 2020

PAGE 3 OF 3

more unless the business included other covered uses. There is a provision for businesses to request an exemption for other reasons if a feasibility study is provided. Any new projects in the industrial area would be required to install purple pipe from the street to the building for new structures. Existing businesses would not be required to install infrastructure until the service is available.

COST ANALYSIS:

No current costs to the City will result from the adoption of the ordinance.

ENVIRONMENTAL REVIEW:

Staff has performed a preliminary environmental assessment of this action and has determined that it falls within a Class 7 Categorical Exemption set forth in CEQA Guidelines, section 15307, which exempts certain actions by regulatory agencies to maintain, restore, or enhance natural resources, other than construction activities, where the regulatory process includes procedures to protect the environment. Furthermore, staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Introduce the proposed ordinance and waive the first reading by title only;
2. Amend the proposed ordinance and waive the first reading by title only;
3. Do not introduce the proposed ordinance and direct staff to continue to address this issue on a project by project basis; or
4. Provide staff other direction.

Prepared and Approved by:



Steven Adams, City Manager

ORDINANCE NO 2020-____
**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING,
CALIFORNIA, ADDING CHAPTER 15.52 (RECYCLED WATER) TO
TITLE 15 OF THE CITY OF KING MUNICIPAL CODE TO REQUIRE
THE USE OF RECYCLED WATER IN INDUSTRIAL DISTRICT FOR
LANDSCAPING IRRIGATION AND IN CANNABIS CULTIVATION
BUSINESSES.**

WHEREAS, the City of King has provided facilities for the collection and treatment of wastewater to promote the health and safety and convenience of its people and for the safeguarding of water resources common to all; and

WHEREAS, the Regional Water Quality Control Board issues a permit to, and promulgated pretreatment program requirements for, the City of King Wastewater Treatment Plant which requires stringent and continuous control of the quality of wastewaters discharged by the system; and

WHEREAS the Legislature has declared that the primary interest in the conservation of all available water resources require the maximum reuse of reclaimed water in the satisfactory requirements for the beneficial use of waste water; and

WHEREAS it is hereby declared that the people have an interest in the development of facilities to recycle water containing waste; and

WHEREAS it is hereby declared that the people have an interest in the use of facilities to recycle water to supplement existing surface and underground water supplies and to assist in meeting the future water requirements pursuant to California Water Code section 13510; and

WHEREAS the use of recycled water in the Industrial District will assist in reducing the demand for potable water; and

WHEREAS the utilization of recycled water for business use and landscape irrigation is safe, environmentally responsible and can contribute to the health, safety and welfare of the people of the City; and

WHEREAS the use of recycled water is a cost effective, reliable method in helping to meet the water supply needs.

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

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

SECTION 2. The Ordinance is exempt from the California Environmental Quality Act (“CEQA”) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines § 15061(b)(3).)

SECTION 3. Chapter 15.52, is hereby added to Title 15, of the King City Municipal Code to read as follows:

CHAPTER 15.52

RECYCLED WATER ORDINANCE

15.52.010	Title
15.52.020	Purpose and Intent
15.52.030	Definitions
15.52.040	Administration
15.52.050	Requirement for Industrial Properties to Use Recycled Water
15.52.060	Application for Process for Recycled Use Permit
15.52.070	Recycled Water Utilities, Equipment, Signage and Use Areas
15.52.080	Recycled Water Rules and Regulations
15.52.090	Public Nuisance, Abatement and Violation

Section 15.52.010 Title

This section shall be known as the "Recycled Water Ordinance" of the City of King and may be so cited.

Section 15.52.020 Purpose and Intent

The purpose and intent is to provide Recycled Water to the Industrial service areas in the City for use in and by businesses and for Landscape Irrigation. It is the intent of the City, through its designated water purveyor, to provide recycled water to this area for owners, users and potential users. Owners or properties identified as potential users of recycled water shall qualify for a City Recycled Use Permit in compliance with this Ordinance and the Recycled Water Use Guidelines. It is also the intent of the City that such Recycled Water be used in a manner and for types of uses that are in compliance with any and all applicable Federal, State and local statues, ordinances, regulations and other requirements.

Section 15.52.030 Definitions.

The following words and phrases, whenever used in this Chapter, shall have the meaning and be construed as defined in this section.

- (a) "Applicant" means any person, firm, corporation, association, agency, or authorized representative who applies for recycled water services under the terms of the Recycled Water Ordinance.
- (b) "Approved use" means the application of water in a manner, and for a purpose designated in the recycled water user's Recycled Water Use Permit and in compliance with all applicable regulatory agency requirements.

- (c) "Cross-connection" means any unapproved and/or unprotected connection between a potable water system and a nonpotable water system. No cross-connections are allowed between recycled water and potable water systems.
- (d) "Customer", "Consumer", or "User" means a person or entity having received authorization to use recycled water provided by the City.
- (e) "Discharge" means any release or distribution of recycled water off the use site, or to a sewage system.
- (f) "Dual plumbed system" means a system that utilizes separate piping systems for recycled water and potable water facility and where the recycled water is used for either of the following:
1. To serve plumbing outlets (excluding fire suppression systems) within a building, or
 2. Outdoor landscaping irrigation at individual residences.
- (g) "Industrial District" means the are designated by the City exclusively for the sound industrial development wherein manufacturing and other industries can locate and operate their businesses as depicted in Exhibit 1 attached to this Ordinance.
- (h) "Landscape Irrigation" means water service which is used to exclusively water turf and/or other landscaping areas.
- (i) "New development" means (1) a proposed development project involving new construction and seeking approval for new water service; or (2) proposed rehabilitation of existing development.
- (j) "Nonpotable Water" means water that has not been treated for, or is not acceptable for human consumption, in conformance with federal, state, and local water standards.
- (k) "Potable water" means water which conforms to the Federal, State and local standards for human consumption.
- (l) "Recycled Water or Reclaimed Water" means treated water of a quality suitable for nonpotable uses such as landscape irrigation, cannabis coolant systems, and water features. This water is not intended for human consumption.
- (m) "Recycled Water Project Area" means the geographical areas within the city where recycled water pipelines allow for connections for recycled water service.
- (n) "Unauthorized Discharge" means any release of recycled water that violates these rules and regulations or any applicable federal, state or local statutes, regulations, ordinance or other requirements.
- (o) "Use Area" means the area contained within the property designated to be served with recycled water through onsite facilities.

Section 15.52.040 Administration

The City Manager or his or her designee shall administer, implement and enforce the provisions of this section. Any powers granted to or duties imposed may be delegated by the City Manager to a person in the employ of the City.

The City Manager will develop and enforce rules and regulations necessary to the administration of this section. The City Manager may amend such rules and regulations from time to time as conditions require. These rules and regulations shall be consistent with the general policy established herein by the City.

Section 15.52.050 Requirement for Industrial Properties to Use Recycled Water

All properties located within the Industrial District shall purchase and use recycled water when recycled water becomes available.

New Industrial District properties, which require a City permit, are required to install purple pipe from the street to the building for future internal use of recycled water and for use in landscape irrigation.

All businesses in the Industrial District shall be required to install a service lateral connection and on-site dual plumbing for the delivery of purchased recycled water for irrigation of landscaping, irrigation of cannabis cultivation, operation of cannabis cultivation cooling systems, operation of vehicle wash stations and such other types of industrial uses that are in compliance with any and all applicable Federal, State and local statutes, ordinances and regulations. Recycled water will be required to be used in all landscape irrigation for landscaped areas greater than five hundred (500) square feet requiring a building or landscape permit, plan check or design review. The connection and use of recycled water would be required to take place within 9 months of the installation of an operable water line capable of delivering recycled water adjacent to the property. Industrial District properties must provide a feasibility study to apply for an exception to this Ordinance.

A City permit is required for the installation of the lateral connection and on-site dual plumbing for the use of recycled water in the Industrial District. The point of connection to the recycled water distribution system shall be coordinated between the City and customer. The City Manager will determine the plumbing requirements for recycled water use. These requirements and the use of recycled water will be conditions of approval.

Businesses may be exempt from the requirements of this Ordinance if it can be shown that the recycled water requirements would make it infeasible for the business to comply with State water quality requirements.

Section 15.52.060 Application for Process for Recycled Use Permit

The Applicant/Developer shall file an application for recycled water use permits with the City. The application shall contain such information as required by this section, the Recycled Water Guidance Instructions, California Plumbing Code Chapter 15, and all applicable federal and state statutes.

No permits shall be issued until the City reviews and approves the recycled water use documentation package.

Section 15.52.070 Recycled Water Utilities, Equipment, Signage and Use Areas

- (a) All newly installed or any accessible equipment, pumps, piping, valves and outlets shall be appropriately marked to differentiate them from potable facilities. All newly installed or any accessible reclamation distribution system piping shall be purple or adequately identified with purple tape, tags, or stickers per the California Health and Safety Code section, 116815(a).
- (b) No physical connection shall be made or allowed to exist between any recycled water system and any separate system conveying potable water. Supplementing recycled water with potable water is not permitted.
- (c) All recycled water valves, outlets, and quick couplers should be of the type or secured in a manner that precludes operation by unauthorized personnel.
- (d) The main shut-off valve of the recycle water meter must be tagged with a recycled water warning sign. The valve shall be equipped with an appropriate locking device to prevent unauthorized operation of the valve.
- (e) All Use Areas where recycled water is used that are accessible to the public shall be posted with signs that are visible to the public in a size no less than four inches high by eight inches wide that include the following wording "Recycled Water – Do not Drink" in both English and Spanish.
- (f) Best Management Practices (BMP) shall be developed and implemented to achieve a safe and efficient irrigation system.
- (g) Recycled water shall not be allowed to escape from the use are by overspray, mist or by surface flow, except in minor amounts association with irrigation BMP's.

Section 15.52.080 Recycled Water Rules and Regulations

The City will at all times have Recycled Water Rules and Regulations which will be prepared, maintained and updated by the City Manager, or his or her designee. The purpose of the Recycled Water Rules and Regulations is to detail the requirements of the City's recycled water system, California Code of Regulations Title 17 and 22, and other State and local rules and

regulations related to the use of recycled water as they may be adopted or changed from time to time.

Section 15.52.090 Public Nuisance, Abatement and Violation

The use of recycled water in any manner in violation of this ordinance and the City’s Customer Guidelines for Recycled Water Use, as may be amended, is hereby declared a public nuisance and shall be corrected, abated or directed by the City. Any violation of any of the provisions shall be subject to code enforcement actions pursuant to Chapter 7.51 of the King City Municipal Code.

SECTION 4: SEVERABILITY

If any section, subsection, provision, clause, phrase or portion of this Recycled Water Ordinance, or its application to any person or circumstance, 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 Chapter, and to this end the invalid or unconstitutional section, subsection, sentence, clause, phrase of this Chapter are declared to be severable. The City of King City Council hereby declares that it would have adopted this Chapter 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 5: 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 the reading, except by Title, at a regular meeting thereof held on the ___ day of _____ 2020, and adopted the ordinance after the second reading at a regular meeting held on the ___th day of _____ 2020, 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: _____
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.



Item No. 11(A)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 11, 2020

TO: CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CONSIDERATION OF A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM CORONAVIRUS RESPONSE

RECOMMENDATION:

It is recommended the City Council: 1) adopt a Resolution approving an application for funding and the execution of a grant agreement and any amendments thereto from the Community Development Block Grant (CDBG) program coronavirus response; 2) approve and authorize the City Manager to execute a Statement of Assurances; and 3) direct staff to submit the completed application per the requirements.

BACKGROUND:

On March 27, 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act in response to the impacts of the COVID-19 pandemic. The California State Department of Housing and Community Development (HCD) published a Notice of Funding Availability (NOFA) for Community Development Block Grant Coronavirus Aid, Relief, and Economic Security (CDBG-CV1) funds on June 5, 2020 for \$18.7 million in funds. Eligible cities and counties may submit applications for CDBG-CV1 funds under the NOFA, which includes an allocation of \$112,462 to King City. A maximum of three activities will be allowed under this application cycle. Each activity must expend all funds within 12 months of the contract execution.

The CDBG-CV1 Notice of Funding Availability (NOFA) provides funding only for the following Activities, which are narrowly tailored as described in Section II.A and Section II.B of the Notice of Funding Availability (NOFA):

CITY COUNCIL

CONSIDERATION OF A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM CORONAVIRUS RESPONSE

AUGUST 11, 2020

PAGE 2 OF 3

- Assistance to businesses and microenterprises impacted by COVID-19 stay-at-home orders and shut-downs
- Public services related to COVID-19 support
- Facility improvements related to COVID-19 healthcare and homeless housing needs
- Acquisition of real property to be used for the treatment or recovery of infectious diseases in response to COVID-19

The City held a Public Hearing on June 23, 2020, opened the Public Hearing, provided an opportunity for public comments (no comments were received), and directed staff to prepare an application for the following activities:

1. Subsistence Payments
2. Homeless housing support

DISCUSSION:

Up to a maximum of 15% of the funding allocation can be used for administration of the grant and program. Per staff's recommendation and Council's direction following the public hearing, 75% of the funding will be requested to use for a program that will provide assistance to individuals who have lost their job due to COVID-19. The program would pay utility bill, mortgage and/or rental payments up to \$1,500 per month for 3 months. Eligible utility payments include water, sewer, refuse, power, and cable/internet. An application and supporting documentation from the employer would be required to be submitted to the City. The City's CDBG consultant will assist in reviewing and verifying the documents. If the City receives applications that exceed funding availability, recipients would then be selected through a lottery process. Once approved, they would submit their invoices to the City for payment and processing up to the limit allowed.

Staff is also proposing to allocate approximately 25% to homeless housing assistance. Staff is working with the City's Homeless Services Coordinating Committee on a proposal for a rapid rehousing project. This funding would be reserved for that project and combined with other funding sources being pursued. However, it will likely take several months to finalize this proposal. Therefore, staff is recommending general approval for allocation of the funding amount for homeless assistance at this time, but this portion of the funding will not be requested from HCD until a later date when the City is ready to submit details of the project proposal.

**CITY COUNCIL
CONSIDERATION OF A RESOLUTION APPROVING AN APPLICATION FOR
FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY
AMENDMENTS THERETO FROM THE COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) PROGRAM CORONAVIRUS RESPONSE
AUGUST 11, 2020
PAGE 3 OF 3**

COST ANALYSIS:

The proposed application will allocate funding as follows:

Subsistence Payments	\$69,066.00
Homeless Assistance	\$24,287.00
Administration	<u>\$19,119.00</u>
Total	\$112,462.00

In addition, supplemental funding is proposed for the subsistence payments in the amount of \$10,000 from the Wastewater Fund, \$10,000 from King City Community Power, and \$10,000 from Cal Water. That will bring the total revenue for the program to approximately \$100,000.

ENVIRONMENTAL REVIEW:

This action is not considered a project for the purposes of CEQA and has no potential for resulting in either a direct or indirect impact to the environment. Therefore, no additional action is necessary.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Approve staff's recommendations;
2. Modify the funding amounts to each of the items and approve;
3. Direct staff to pursue other purposes for the funding;
4. Do not submit a request for CDBG Cares funds; or
5. Provide other direction to staff.

Exhibits:

1. Statement of Assurances

Prepared and Approved by:



Steven Adams, City Manager

RESOLUTION NO. _

A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM-CORONAVIRUS RESPONSE ROUND 2 (CDBG-CV1) NOFA DATED JUNE 5, 2020

BE IT RESOLVED by the **City Council** of the **City King** as follows:

SECTION 1:

The City Council has reviewed and hereby approves the submission to the State of California of one or more application(s) in the aggregate amount, not to exceed, of \$112,462 for the following CDBG-CV1 activities, pursuant to the June 2020 CDBG-CV1 NOFA:

Public Service: Subsistence Payments	\$83,212
Public Service: Homeless Services	\$29,250

SECTION 2:

The City hereby approves the use of City of King Wastewater Fund in an amount not to exceed \$10,000 and City of King City Community Power fund in an amount not to exceed \$10,000 for the CDBG-CV1 activities described in Section 1.

SECTION 3:

The City acknowledges compliance with all state and federal public participation requirements in the development of its application(s).

SECTION 4:

The City hereby authorizes and directs the City Manager, to execute and deliver all applications and act on the City's behalf in all matters pertaining to all such applications.

SECTION 5:

If an application is approved, the City Manager, is authorized to enter into, execute and deliver the grant agreement (*i.e.*, Standard Agreement) and any and all subsequent amendments thereto with the State of California for the purposes of the grant.

SECTION 6:

If an application is approved, the City Manager, or designee, is authorized to sign and submit Funds Requests and all required reporting forms and other documentation as may be required by the State of California from time to time in connection with the

grant.

PASSED AND ADOPTED at a regular meeting of the **City Council** of the **City King** held on _____ by the following vote:

AYES: _

NOES: None

ABSENT: None

ABSTAIN: None

Name and Title City Council

STATE OF CALIFORNIA
City of King

I, _____, Deputy City Clerk of the City King, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said City Council on this__ day of _____, 20__.

Name, Deputy City Clerk of the City King, State of California

By: _____
Name and Title



APPENDIX J

Appendix J: CDBG-CV1 Application Certifications and Statement of Assurances

Complete and fully execute the attached CDBG-CV Application Certifications and Statement of Assurances. The executed statement must be uploaded as a threshold document in the application. The document **may not** be modified.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF FINANCIAL ASSISTANCE**

2020 W. El Camino Avenue, Suite 200
Sacramento, CA 95833
(855) 333-CDBG (2324)/ FAX (916) 263-2763
www.hcd.ca.gov



CDBG-CV1 Application Certifications and Statement of Assurances

The City of King hereby certifies the following:

1. Legal Authority:

It possesses the legal authority to apply for and execute the proposed activity(s) in the application.

2. Application Authorization:

Its governing body has duly adopted or passes as an official act or resolution, motion, or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the applicant's chief executive officer or other designee to act in connection with the application and to provide such additional information as may be required.

3. Citizen Participation:

It has or will comply with all citizen participation requirements, which include, at a minimum, the following components:

- A. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which CDBG funds are proposed to be used, and provides for participation of residents in low- and moderate-income neighborhoods as defined by the local jurisdiction – and
- B. Provides citizens with reasonable ADA compliant and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by CDBG regulations, and relating to the actual use of funds under this title – and
- C. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee – and

- D. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program. These include at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries and with accommodation for the handicapped. This shall include one public meeting during the program design, annual performance report preparation, and formal amendments. A public hearing shall be conducted prior to application submittal – and
- E. Solicits and provides for a timely written answer to written complaints and grievances, within 15 working days where practicable – and
- F. Identifies needs of limited-English speaking residents will be met in the case of public hearings where limited-English speaking residents can reasonably be expected to participate.

4. National Objective:

It has developed its CDBG Program so as to primarily benefit targeted income person and households and each activity in the program meets one of the three national objectives: benefit to low-and moderate-income persons, elimination of slums and blight, or meets an urgent community need (with prior Department approval) certified by the grantee as such.

5. NEPA Environmental Review:

It consents to assume, and hereby assumes the responsibilities for environmental review and decision-making in order to ensure timely compliance with NEPA by following the procedures for recipients of block grant funds as set forth in [24 CFR Part 58](#), titled "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities." Also included in this requirement is compliance with [Executive Order 11988](#) relating to the evaluation of flood hazards, [Section 102\(a\) of the Flood Disaster Protection Act of 1973](#) (Public Law 93-234) regarding purchase of flood insurance, and the [National Historic Preservation Act of 1966](#) (16 USC 470) and implementing regulations ([36 CFR §800.8](#)).

6. Audit/Performance Findings:

It certifies that the State Controller's Office (SCO) was in receipt of its complete Single Audit Package by the NOFA application due date, or certifies that is exempt from the Single Audit requirements set forth in [2 CFR Part 200](#).

7. Growth Control:

It certifies that there is no plan, ordinance, or other measure in effect which directly limits, by number, the building permits that may be issued for residential construction or the buildable lots which may be developed for residential purposes; or if such a plan, ordinance, or measure is in effect, it will either be rescinded before receiving funds, or it need not be rescinded because it:

- A. Imposes a moratorium on residential construction, to protect health and safety, for a specified period of time which will end when health and safety is no longer jeopardized; or
- B. Creates agricultural preserves under [Chapter 7 \(commencing with Section 51200\) of Part 2 of Division 1 of Title 5 of the Government Code](#); or
- C. Was adopted pursuant to a specific requirement of a State or multi-State board, agency, department, or commission; or
- D. The applicant has an adopted housing element which the Department has found to be in compliance, unless a final order has been used by a court in which the court determined that it is not in compliance with [Article 10.6 of Chapter 3 of Division 1 of Title 7 of the Government Code, commencing with section 65580](#).

8. Uniform Administrative Requirements:

It will comply with the regulations, policies, guidelines and requirements of [2 CFR Part 200](#) and [24 CFR Part 85](#) and the [CDBG Program Guidelines](#).

9. Nondiscrimination:

It shall comply with the following regarding nondiscrimination laws and practices as may be amended from time to time:

- A. Title VI of the Civil Rights Act of 1964 (Public Law 88-352).
- B. Title VIII of the Civil Rights Act of 1968 (Public Law 90-284) as amended; and will administer all programs and activities related to housing and community development in a manner affirmatively furthering fair housing.
- C. Section 109 of the Housing and Community Development Act of 1974, as amended.
- D. Section 3 of the Housing and Urban Development Act of 1968, as amended.
- E. Executive Order 11246, as amended by Executive Orders 11375 and 12086.

- F. Executive Order 11063, as amended by Executive Order 12259.
- G. Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112), as amended, and implementing regulations.
- H. The Age Discrimination Act of 1975 (Public Law 94-135).

10. Anti-Displacement/Relocation:

It will comply with the Federal Relocation Act (42 U.S.C. 4601 et seq.).

11. Labor Standards:

It will comply with the following regarding labor standards as may be amended from time to time:

- A. [Section 110 of the Housing and Community Development Act of 1974](#), as amended.
- B. [Section 1720, et seq. of the California Labor Code](#) regarding public works labor standards.
- C. Davis-Bacon and Related Acts as amended ([40 U.S.C. §276\(a\)](#)) regarding the payment of prevailing wage rates.
- D. Contract Work Hours and Safety Standards Act ([40 U.S.C. §3702](#)) regarding overtime compensation.
- E. Anti-Kickback Act of 1934 ([41 U.S.C. §51-58](#)) prohibiting "kickbacks" of wages in federally assisted construction activities.

12. Architectural Barriers:

It will comply with the Architectural Barriers Act of 1968 ([42 U.S.C. §4151 et seq.](#)) and implementing regulations ([24 CFR Parts 40-41](#))

13. Conflict of Interest:

It will enforce standards for conflicts of interest which govern the performance of their officers, employees, or agents engaged in the award and administration, in whole or in part, of State CDBG grant funds ([24 CFR §570.611](#)).

14. Limitations on Political Activities:

It will comply with the Hatch Act ([5 U.S.C. §1501, et seq.](#)) regarding political activity of employees.

15. Lead-Based Paint:

It will comply with the Lead-Based Paint Regulations ([24 CFR Part 35](#)), which prohibit the use of lead-based paint on projects funded by the program.

16. Debarred Contractors:

It certifies that neither the applicant or its staff are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in federal assistance programs, in any proposal submitted in connection with the CDBG program, per the Excluded Party List System located at <https://www.sam.gov/SAM/>. In addition, the applicant will not award contracts to or otherwise engage the services of any contractor while that contractor (or its principals) is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation from the covered transaction, in any proposal submitted in connection with the CDBG program under the provisions of [24 CFR Part 24](#).

17. Inspection of Grant Activities:

It will give HUD, the Comptroller General, the State Department of Housing and Community Development, or any of their authorized representatives access to and the right to examine all records, books, papers, or documents related to the grant.

18. Cost Recovery:

It will not attempt to recover any capital costs of public improvements assisted in whole or part with CDBG funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

- A. CDBG funds received are used to pay the proportion of such fee or assessment that relates to the capital costs of public improvements that are financed from revenue sources other than CDBG funds; or
- B. For purposes of assisting any amount against properties owned and occupied by persons of low- and moderate-income who are not persons of very low income, that it lacks sufficient funds received from CDBG Program to comply with the requirements of this clause.

19. Procurement:

It will follow the federal procurement policies per [24 CFR §200.317 et seq.](#)

20.Excessive Force:

It will adopt and enforce policies:

- A. Prohibiting the use of excessive force by its law enforcement agencies against individuals engaged in non-violent civil rights demonstrations; and
- B. Enforcing applicable State and local law against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction.

21.Anti-Lobbying:

- A. It certifies and agrees that no federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer of employee of any agency, a Member of Congress in connection with the federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

22.Compliance with Laws:

The jurisdiction will comply with all applicable laws, rules, and regulations governing the activities being applied for herein.

I hereby certify under penalty of perjury that all information contained in this Statement of Assurances (including all supporting documentation) is true and correct. I understand and acknowledge that making false statements on this certification, including any documents submitted in support of it, is a crime under federal and California state laws, which may result in criminal prosecution and fines.

Steve Adams

Printed Name of Authorized Representative (*per the Resolution*)

Signature

City Manager
Title

Date



Item No. 11 (B)

REPORT TO THE CITY COUNCIL

DATE: AUGUST 11, 2020
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: STEVEN ADAMS, CITY MANAGER
RE: CONSIDERATION OF COVID-19 STATUS REPORT

RECOMMENDATION:

It is recommended the City Council: 1) receive the status report on City COVID-19 related activities; and 2) provide staff direction on any additional actions requested.

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 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, a new Order was issued by the County Health

**CITY COUNCIL
CONSIDERATION OF COVID-19 STATUS REPORT
AUGUST 11, 2020
PAGE 2 OF 8**

Officer on July 8th that now once again prohibits operation of bars and indoor dining in restaurants.

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.

Since the pandemic began, the City has been involved in implementing an extensive number of measures aimed at enforcement of the County's orders, safety of City facilities and staff, public education, business assistance, and assistance to the public in need due to the impacts of COVID-19. The City has attempted to maintain a consistent approach throughout this crisis in order to respond to both health and economic needs, as well as the diverse concerns of those in the community. This approach has been to maintain the City's focus on fulfilling the responsibilities it is assigned in the most fair and impartial manner possible; to accurately follow the directions of the County Health Officer, Governor and medical experts; and to take all proactive steps feasible to effectively manage the tasks assigned, but to limit actions to the City's authority and technical expertise.

At the June 23, 2020 meeting, the City Council requested staff to place on each agenda an ongoing status report of City COVID-19 efforts. In response, staff has prepared this report, which provides a history and summary of the impacts, status and response related to COVID-19 in King City. Staff intends to provide the same written report to the Council each meeting with new activities added to it. By doing that, anyone from the public seeking information can obtain the full overview by accessing the most recent report.

DISCUSSION:

COVID-19 Case Summary

As of July 30, 2020, the County of Monterey has had a total of 4,457 confirmed COVID-19 cases, 213 hospitalizations, and 26 fatalities. Of the total number of cases, 2,714 have recovered.

In the 93930 zip code, there have been a total of 341 cases, which represents 7.65% of the total in Monterey County. Of this number, 213 have recovered. This represents a fairly significant increase of cases in Monterey County and the 93930 zip code since the last report. Hospitalizations have continued to increase, but they are still not threatening capacity. Staff has been in regular

**CITY COUNCIL
CONSIDERATION OF COVID-19 STATUS REPORT
AUGUST 11, 2020
PAGE 3 OF 8**

contact with the Mee Memorial Hospital administration, and only a small fraction of their capacity has been impacted.

Completed and Ongoing City Activities

The following is a summary of the most significant measures the City has taken in response to the pandemic since it began:

- A comprehensive Pandemic Emergency Plan was immediately prepared, implemented and continues to be updated as circumstances evolve.
- The City is coordinating closely with the other South Monterey County cities, and the City's multi-agency Emergency Preparedness Committee has met via teleconference on a regular basis to coordinate a community-wide response.
- The City partnered with Mee Memorial Hospital to access N-95 masks and training for public safety personnel.
- Strict sanitation and social distancing policies have been implemented in all City operations.
- All City public events and recreation programs were cancelled.
- All park playground, restroom and picnic areas were closed and signs and temporary fencing installed.
- Technology capabilities were established to implement telecommuting practices to reduce the number of staff on site. Public Works crews were divided into separate work units to avoid potential exposure. With the reopening of City Hall, these practices have been discontinued at this time except on an as needed basis.
- New procedures were established and technology acquired to implement virtual City Council and other regular ongoing meetings.
- Notification of each of the Shelter in Place Orders issued by the County Health Officer were translated and distributed door to door to each business by the Police Department. The Police Department provided personal assistance to businesses by explaining and reviewing compliance with reopening requirements.
- Retail business public safety best practices were drafted and delivered to each exempted business during the Shelter in Place Order prior to the State's guidance of safety requirements.

**CITY COUNCIL
CONSIDERATION OF COVID-19 STATUS REPORT
AUGUST 11, 2020
PAGE 4 OF 8**

- The Police Department established a process for making determinations on which businesses met the criteria of an “essential” business in a fair and impartial manner, as well as response to other questions regarding what activities are allowed.
- The Police Department has patrolled the downtown area and responded to complaints regarding violations of the Shelter in Place Order.
- King City was the only jurisdiction in Monterey County to adopt its own enforcement, citation and appeal ordinance.
- Information was distributed to the public regarding procedures to report price gauging violations.
- Warning signs for customers were prepared and placed at the entrance of every exempted store. These have now been replaced by new professionally designed and printed signs that have been distributed to each business to display on their window.
- Instructional pedestrian signs were placed on the sidewalks in the downtown area, and handwashing stations were placed at strategic locations throughout the commercial areas. These items were removed when most businesses were allowed to reopen.
- A budget contingency plan to address the revenue impacts from COVID-19 was prepared and later adopted by the City Council.
- The Finance Department submitted an application for Federal Emergency Management Agency (FEMA) reimbursement of COVID-19 emergency response expenditures and established an expense tracking system.
- The City has distributed public education information to the public on an ongoing basis through regular Facebook posts, flyers, press releases, KRKC radio ads, and public service announcements.
- A direct mailer was distributed to every household to notify the public on the County Health Officer Order requiring face coverings.
- A new section devoted to COVID-19 information was created on the City’s website and updated on a regular basis.
- The Mayor and Mayor Pro Tem recorded a series of public service announcements in both English and Spanish, which were posted on Facebook and YouTube.

**CITY COUNCIL
CONSIDERATION OF COVID-19 STATUS REPORT
AUGUST 11, 2020
PAGE 5 OF 8**

- The City coordinated a joint public service announcement of all the South Monterey County mayors.
- A special issue of the City Newsletter was dedicated entirely to information on COVID-19 and was distributed to every household and business.
- The City developed a contact list of local agricultural employers, facilitated a virtual training session with Mee Memorial Hospital provided to representatives of each employer, developed and distributed guidelines and requested best practices, and provided masks at no cost for agricultural workers.
- City staff prepared an inventory of all food and supply assistance and delivery programs, prepared and distributed informational materials to the public on the services available, coordinated with the Monterey County Food Bank to provide a new weekly food pickup program, and acquired resources to make available free pet food and diapers to the public in need on a periodic basis.
- The City partnered with the Small Business Development Center (SBDC) to offer personal assistance to business owners in applying for Federal Cares Act and other funding grants and loans, prepared and mailed multiple flyers on each of the deadlines to every King City business, and contacted businesses by phone to promote workshops held by the SBDC.
- The City Council adopted an ordinance to prohibit evictions of commercial tenants to accompany the Governor's Order restricting evictions of residential tenants.
- Restricted parking was installed upon request to assist restaurants to provide curbside service.
- A program was developed in partnership with Cal Water to freeze minimum water and wastewater accounts while businesses were closed.
- Hundreds of free Census 2020 masks were distributed by the Police Department to businesses to provide to their customers.
- Equipment was purchased and installed at City Hall to protect the health of City employees and customers in order to reopen City Hall, which include screens, signage, floor mat social distancing signs, and access barriers.

Current City Activities

**CITY COUNCIL
CONSIDERATION OF COVID-19 STATUS REPORT
AUGUST 11, 2020
PAGE 6 OF 8**

- The City has developed a new public information campaign to increase public safety compliance by promoting the importance of three basic practices; 1) wearing face coverings; 2) distancing 6 feet from other individuals; and 3) washing hands before touching one's face. Since regulations have become increasingly complex and rapidly changing, the campaign is designed to emphasize the most important basics. A public information mailer has been designed and printed, which will be distributed to all households within King City and the surrounding areas. New radio ads are airing on KRKC and frequent items are being posted on Facebook.
- The City is leading an extensive effort to help identify strategies to relocate the homeless individuals in the nearby encampment to temporary or permanent housing. A committee consisting of over 30 representatives from multiple agencies has been meeting on a regular basis. Funding has been obtained from the County Homeless Coalition and staff is pursuing other funding sources through the County and the City's allocation of various CARES funds. Information has been recorded for each individual by a team of case workers, who are now working together to identify assistance each may be eligible for based on their specific situation and needs.
- An application is being prepared for CDBG Cares funds to develop a program to provide local residents that have lost employment due to COVID-19 with assistance in paying utility bills, rent and mortgage payments.
- Staff is identifying options for meeting increased cleaning requirements in City facilities, as well as in park restroom facilities to be prepared to open them when other areas of the parks are allowed to open in the future.
- A process has been established on how to respond if an employee is tested positive for COVID-19, which has been communicated to all employees. Human Resources has tracked and is prepared to implement all leave benefits established by the Federal government.
- The Recreation Department is working on providing summer recreation opportunities that meet State restrictions. Limited softball practices are currently taking place. The Boxing Club has been allowed to resume, but only for training and no sparring or competition. The racquetball and tennis courts are open for singles play. The skate park is open with restrictions and the splash pads are now on. New banners with restrictions have been ordered to install at City parks since it appears they will be in place for the foreseeable future.

**CITY COUNCIL
CONSIDERATION OF COVID-19 STATUS REPORT
AUGUST 11, 2020
PAGE 7 OF 8**

- Police staff have been visiting each restaurant, bar and salon to notify them of changes in the Governor's order requiring closure of indoor service.
- The City Council adopted an urgency ordinance establishing a citation process on face covering requirements. Staff released a press release, posted a Facebook announcement, and included information on the website.
- A letter was approved and sent to the County Health Officer requesting guidance on concerns involving bounce houses.

Future Options

One of the concerns discussed by Council at the last couple meetings has been continued gatherings and parties at private residences, which has been shown to be one of the primary causes of the spread of COVID-19. However, the Police Department's ability to enforce restrictions on private parties is limited. They are unable to enter a household without a warrant in most circumstances, and it is difficult to validate who is part of a household or social circle that would be allowed at a party.

The mayors, managers and chiefs of the Salinas Valley cities and County have been meeting regarding this issue to develop a coordinated strategy and response. Staff will provide an update on these efforts at the Council meeting if recommendations have been agreed upon.

COST ANALYSIS:

No cost impact is associated with this item since it is limited to an update of past and current activities. Staff continues to track expenses associated with the COVID-19 response for 75% FEMA reimbursement.

ENVIRONMENTAL REVIEW:

Since this is an update on ongoing activities, this matter is not a "project" for the purposes of the California Environmental Quality Act (CEQA) as it does not have the potential for resulting in either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment. No further action is required under CEQA for City Council action.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Receive the status report;
2. Provide staff direction on any desired additional actions;

**CITY COUNCIL
CONSIDERATION OF COVID-19 STATUS REPORT
AUGUST 11, 2020
PAGE 8 OF 8**

3. Provide staff direction on any current activities Council requests to change or discontinue; or
4. Provide staff other direction.

Prepared and Approved by:



Steven Adams, City Manager