

**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.

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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