

**Minutes
City Council Meeting
September 13, 2016**

1. CALL TO ORDER:

Meeting was called to order at 6:03 PM by Mayor Cullen.

2. FLAG SALUTE:

The flag salute was led by Mayor Cullen.

RJ Rivera announced that there are translating services available.

3. ROLL CALL:

City Manager Adams conducted roll call.

City Council: Acosta, LeBarre, Hendrickson, Mayor Pro Tem Jernigan, Mayor Cullen.

City Staff: City Manager Steven Adams, Assistant Attorney Dave Hale

4. CLOSED SESSION ANNOUNCEMENTS:

5. PRESENTATIONS:

Robin Cauntay did a presentation on Veterans Resource Center at the King City Library, going over her power point. Launching Dec. 2nd. Mayor Pro Tem Jernigan would like the link put on the City Website.

6. PUBLIC COMMUNICATIONS:

Patrick Garcia, California Water Service, the CPUC is having a meeting here tomorrow night at 6:00p.m.

Gabe Trujillo, Candidate for City Council in District 5, wants to bring a program to the library for coding for apps.

Abraham Aguayo, Candidate for City Council, Leeds St. home owner is running a business out of his home neighbors ask that he bring it to Council's attention.

Brandi Garza, Chamber of Commerce invited everyone to luncheon September 15th and Business Expo.

Aubrey Guidici, spoke on her brother being shot and killed on his own porch. She would like to see more street lights. She stated she doesn't feel the part time investigator is being proactive. She would like to see more being done.

7. COUNCIL COMMUNICATIONS:

Council Member Acosta announced 4C4P meeting is tomorrow. She spoke at the Republican Women's luncheon on concerns regarding Prop.64 and importance on Measure J being passed for tax revenue.

Council Member LeBarre stated he attended the APTA conference, attended a Bicycles and Pedestrian Facilities Committee meeting for TAMC he was able to get a seat on the committee for the Master Plan for a bicycle path from King City to the Pinnacles, MST got grants for new buses and the new bus maintenance facility going into King City. He had a conversation with a gentleman that is the US

correspondent for the Railway Gazette and we may be able to get an article in about our Multi-mogul stop. No on Z meeting in San Ardo tomorrow he will be attending. Water meeting also tomorrow, MST meeting on Monday.

Council Member Hendrickson nothing to report.

Mayor Pro Tem Jernigan attended 100th anniversary of the National Parks Service. Attended the Art Jam at Sol Treasures. Saw the new Website up September 1st. Attended Code Enforcement meeting. A citizen asked her about clearing the Salinas river channel and San Lorenzo creek before we have a flood. Not able to attend the AMBAG meeting tomorrow she asked if the alternate could attend. Thursday and Friday is the Pinnacles Gateway two-day workshop. Dedication of Bacon-Ranch trail out at the Pinnacles. She is also hoping to attend El Grito. She is working with the Political Science class at Hartnell college for a Candidates forum on September 22 at 6:00p.m.

Mayor Cullen stated that the City Manager, Chief of Police and himself are meeting with Senator Cannella. He invited one of the Council and Council member LaBarre is going to attend at 11. He attended the Salinas Valley Fair board meeting he passed out their strategic plan to the council. On Saturday King City in Bloom is having a clean-up day meeting at Starbucks at 8. He asked the alternate (Council member Acosta) if she could attend the Salinas Valley Solid Waste Authority meeting on October 20th. He also had a letter on adopting a tobacco retail license ordinance. Council would like the City Manager research this.

8. CITY STAFF REPORTS AND COMMENTS:

City Manager Adams stated that City is having a Youth Violence Task Force meeting on September 21 at 6:00p.m at the Recreation Center. The first workshop on Street Scape Plan was last night. New website launched September 1, 2016.

City Manager Adams introduced Claudio Valenzuela, REO, Registrar of Voters Monterey County Elections he is explaining the elections polling places change to the High School, showing the new map and the change that two districts (2 and 5) will be "vote by mail" precincts as they have less than 250 registered voters as more than half the voters are vote by mail already. He further explained that voters in these districts can take their information and vote at one of the precincts if they feel more comfortable. They also can drop them in the drop box at City Hall and the precincts if they don't want to mail them. They are going to have meetings for information. They would like to get it out by radio He also supplied the Deputy City Clerk with the wording that is going go in the voter pamphlet.

Mayor and Council Member LeBarre are concerned about the cost and also people being used to voting how they are used too.

Up to 15 days before the election people can register to vote.

9. CONSENT AGENDA

- A. Meeting Minutes of August 27, 2016 Council Meeting
- B. Consideration: City Check Register – Current
- C. City Monthly Treasurer's Report- July 2016
- D. Successor Agency Monthly Treasurer's Report- July 2016
- E. Consideration: Accepting Grant Offer for Updating Airport Layout Plan Including an Airport Narrative and Aeronautical Study at Mesa Del Rey Airport – FAA AIP Project No. 3-06-0113-012-2016
- F. Consideration: New Downtown Street Light Poles

- G. Consideration: Resolution Amending and Restating the Conflict of Interest Code for Designated City Officers and Employees
- H. Consideration: Resolution Amending and Restating the Conflict of Interest Code for Designated City Officers and Employees
- I. Consideration: Agreement for Management of the Golf Course
- J. Consideration: Standard Tow Company Agreement
- K. Consideration: Appointment to the Community Task Force to End Youth Violence

Council members pulled F, G and K for discussion.

Action: Motion to approve consent agenda A-E, H-J by LeBarre and seconded by Hendrickson.

AYES: Council Members: Mayor Cullen, Acosta, LeBarre and Hendrickson Mayor Pro Tem Jernigan

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

Mayor Pro Tem Jernigan spoke on Item F stating that she appreciated the design of the street light poles. This is going to involve some refinancing of the OpTerra solar project and she wanted to bring it to the council's attention. She is concerned that more than \$80,000 dollars has been paid in financing but no savings have happened yet because the project is not completed. She reminded the council that "OpTerra promises to manage the systems to produce a specified amount each year or the City will receive a check for the difference."

Mayor Pro Tem Jernigan moved to approve Item F. Seconded by LeBarre. Motion carried 5 (AYES)-0 (NO).

Council Member Acosta spoke on Item G she feels that the Council should be included in the list for Conflict of Interest. City Manager explained that City Council is already doing the Conflict of Interest. He stated that we could do the League of California Cities policy for Conflict of Interest. Council Member Acosta would like that.

Mayor Pro Tem Jernigan moved to approve Item G. Seconded by Hendrickson. Motion carried 5 (AYES)-0 (NO).

Mayor Cullen spoke to Item K stating that the Fair board would like to have a representative on the Youth Task Force. City Manager is in favor of this.

Council member LeBarre made a motion to approve Item K with the change to include a representative from the Salinas Valley Fair board. Seconded by Hendrickson Motion carried 5 (AYES)-0 (NO).

10. PUBLIC HEARINGS:

10(a) Consideration: First Reading RE: Amending the King City Municipal Code - Repealing and Replacing Section 17.03; Amending Sections 17.30.020 and 17.31.020; Amending the East Ranch Business Park Specific Plan; Adoption of Related Environmental Document

Principal Planner Scott Bruce further introduced this item with a power point.

He went over the 600ft. zoning map.

- ORDINANCE 2016 – 729. SECTIONS 17.30.020 and 17.31.020. Adding Commercial Cannabis Cultivation, Nurseries, Manufacturing and Testing in the City
- ORDINANCE 2016 – 730. EAST RANCH BUSINESS PARK SPECIFIC PLAN AMENDMENT: Adding Commercial Cannabis Cultivation, Nurseries, Manufacturing and Testing
- INITIAL STUDY / MITIGATED NEGATIVE DECLARATION (IS / MND): Assesses potential impacts associated with additional cultivation, nurseries, manufacturing and testing.

EXISTING CODE

- EXISTING CODE: JANUARY 2016. ALLOWED TYPES 2A and 3A (plant canopy of up to 10,000 or 22,000 sf using all artificial light)
- ADD USE TYPES:
 - Mixed Light Cultivation Type 2B and 3B
 - Nurseries Type 4
 - Manufacturing (Type 1) Type 6
 - Testing Type 8

EXISTING LAND AREA

- EAST RANCH BUSINESS PARK = 107 AC
 - M-1 DISTRICT = 20 AC
 - M-2 DISTRICT (adjacent to ERBP) = 40 AC
- M-2 DISTRICT (First Street/Lonoak) = 20 AC

POTENTIAL USE:

- 1,350,000 (31 acres) of plant canopy
- 40+ acres of structures (includes all use types) (does not include parking / landscaping)

PROPOSED AMENDMENT(S): Specific Uses

- ESTIMATED AREA BY TYPE: (canopy, structure, parking)
 - 4 Type 2A Buildings Cultivation (2 AC)
 - 13 Type 2B Buildings Cultivation (6.5 AC)
 - 8 Type 3A Buildings Cultivation (8 AC)
 - 34 Type 3B Buildings Cultivation (34 AC)
 - 10 Type 4 Buildings Nursery (10 AC)
 - 6 Type 6 Buildings Manufacturing (2 AC)
 - 2 Type 8 Buildings Testing (.5 AC)

63 AC

REGULATORY-ORDINANCE

SECTION 17.03

- REPEALS and REPLACES 17.03.
- “MEDICAL MARIJUANA DISPENSARIES” BECOMES “MEDICAL CANNABIS ACTIVITY” (Example Topics)
 - Purpose and Definitions
 - Licenses
 - Security, Employee Background Check
 - Compliance with State Law
 - Fees
 - Operating, Packaging, Labeling

- Application (CUP) Requirements, Development
- Standards

WILL BE REVISED OVER TIME

LAND USE ORDINANCES: SECTIONS 17.30.020 and 17.31.020; ERBP SP

- M-1 and M-2 Zoning Districts and ERBP SP
- Amends “Uses Permitted Subject to Obtaining A Use Permit”
- Allows Mixed Light Cultivation, Nurseries, Manufacturing and Testing
- Refers Development Standards to Section 17.03

REVISIONS PER PLANNING COMMISSION:

- SECTIONS 17.03.220. 250. 270 (Use of alcohol)
- SECTION 17.03.090 (600’ Separation)
- SECTION 17.30.050: Section 6. (Development Standards)
- SECTION 17.31.150: Section 10 (Development Standards)

IS / MND: ESTIMATING DEVELOPMENT IMPACTS

- MAXIMUM ULTIMATE PROJECT: 1,350,000 sf of CANOPY AREA (Based on earlier water discussions)
- METHOD: ESTIMATED NUMBER OF STRUCTURES BY COMBINING INFORMATION FROM POTENTIAL APPLICANTS and FROM STAFF RESEARCH
- PRIMARY ANTICIPATED IMPACTS FROM CULTIVATION: WATER, POWER, WASTEWATER and TRAFFIC
- MANUFACTURING AND TESTING: MINIMAL IMPACTS
- ADDITIONAL ENVIRONMENTAL REVIEW WILL BE NEEDED ON A PROJECT BY PROJECT BASIS (particularly to evaluate water and power use)
- Available for Public Review beginning August 17, 2016. Included in Public Hearing Notice and noted at Commission / Council Information Sessions.
- Initial Study: Proposed Code Amendments do not create Significant Environmental Impacts – A Mitigated Negative Declaration is appropriate
- Need for Additional Review will be evaluated on a Project by Project basis

FOUR QUESTIONS: ADDRESSED

- PROXIMITY TO SENSITIVE USES: 600’ to Schools (per recent CA Dept. of Food and Ag Notice of Environmental Preparation
- LIMITS ON MANUFACTURING LICENSES: Six (6)
- CANNABIS EXTRACTION and MANUFACTURING (alcohol use): Allowed solely for cleaning and wax extraction
- COMPRESSED GAS (CO2): Eight (8) One hundred fifty (150) lb. canisters

Mayor Cullen opened the public hearing

Jo Koester, thought that we were just growing the marijuana and shipping it out and now we are processing.

Mayor Cullen closed the public hearing seeing no one else come forward.

Council member Acosta asked for clarification on the Planning Commission and 600Ft. She also wanted to

know about the State and manufacturing. She thanked staff for all the hard work. She has no problem with the cultivation. She asked the City Attorney if they could separate it out with cultivation and manufacturing. City Attorney stated that he would suggest altering it and bringing it back for another first reading. She would like the 600Ft. on manufacturing.

Mayor Cullen explained that putting limits on 600ft it could backfire later for the City as far as growing. He would defer to the state.

Mayor Pro Tem Jernigan feels this is too complex. She feels that staff has worked hard to make sense of this and she is going with staff on this.

City Manager Adams stated that if Council would like to remove the 600ft. restriction, that at the staff level when CUP applications come in staff could do a check of the 600ft. and inform the applicant that if they go forward with their permit that they are taking a risk as there are state requirements pending.

Assistant Attorney Hale explained what legal non-conforming use was.

Mayor Cullen, Council member Hendrickson and Council member LeBarre would take the wording of the 600ft out at this time. Mayor Pro Tem Jernigan would like to leave the wording in.

Mayor Cullen ask for a motion to introduce the Ordinances by title only with the change of removing Section 17.03.090 (D) (600ft.) and schedule the second reading and adoption for the next regular City Council meeting.

Action: Motion by LeBarre to introduce the Ordinance 2016- 728 by title only with the change of removing Section 17.03.090 (D) and schedule the second reading and adoption for the next regular City Council meeting September 27th. Seconded by Hendrickson.

AYES: Council Members: Mayor Cullen, Mayor Pro Tem Jernigan, Acosta, LeBarre, and Hendrickson

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

Action: Motion by LeBarre to introduce the Ordinance 2016-729 by title only with the modification to section 6 of page 3 and 5 to include the repeat of sub section (a) of section 9, and schedule the second reading and adoption for the next regular City Council meeting September 27th. Seconded by Hendrickson.

AYES: Council Members: Mayor Cullen, Mayor Pro Tem Jernigan, Acosta, LeBarre, and Hendrickson

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

Action: Motion by LeBarre to introduce the Ordinance 2016-730 by title only and schedule the second reading and adoption for the next regular City Council meeting September 27th at 6:00p.m. Seconded by Hendrickson.

AYES: Council Members: Mayor Cullen, Mayor Pro Tem Jernigan, Acosta, LeBarre, and Hendrickson

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

10 (b) Consideration: Resolution Approving a Revised and Restated Franchise Agreement with USA Waste of California (DBA Waste Management) for Solid Waste, Recycling and Organics Collection Services and Approving New Customer Rates.

City Manager Adams introduced this item.

Mayor Pro Tem Jernigan would like to see street sweeping be included.

Mayor Cullen continued the public hearing to September 27, 2016.

10 (c) Consideration: Introduction and First Reading of an Ordinance to Repeal and Re-enact Chapter 12 of the King City Municipal Code and Thereby Adopt the 2016 California Code of Regulations Title 24 with Local Administrative Amendments

City Manager Adams introduced this item.

Paul Hodges, Building Official, further introduced this item.

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

Mayor Cullen ask for a motion to introduce the Ordinance for first reading of the Ordinance by title only, and schedule the second reading and adoption for the next regular City Council meeting.

Action: Motion by Jernigan to introduce the Ordinance for first reading of the Ordinance by title only, and schedule the second reading and adoption for the next regular City Council meeting September 27, 2016. Seconded by Acosta.

AYES: Council Members: Mayor Cullen, Mayor Pro Tem Jernigan, Acosta, LeBarre, and Hendrickson

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

8:12p.m. took a break

8:21p.m. back

11. REGULAR BUSINESS:

11(a) Consideration: Resolution in opposition of Measure Z

City Manager Adams introduced this item.

Andy Shaw Coreon, Proponent of Measure Z handed out flyers to the City Council. He spoke on wastewater being injected back into the aquifers.

Jason Redder, Attorney, Opposition of Measure Z, stated it will shut down all new gas and oil in San Ardo.,

Mary Orradre, she would be a no on Measure Z. She reminds that families have been able to help King City because of the oil. She lives in the fields and it is safe.

Gina Barrios, San Ardo School District, the school needs the oil fields to stay open. Chevron helped the

school stay open. Chevron supports lots of activities in King City.

Brandi Garza, Chamber of Commerce, encourages a no vote on Measure Z

Mary Shaw Coreon, proponent of Measure Z is a volunteer and concerned about the water. She is concerned about the water contaminating ag fields.

Margaret Benetti, stated that the money does not come from Doyle (Chevron) to help schools it comes from the government. She referenced that Oklahoma had earthquakes from fracking.

A Citizen of Greenfield, is concerned about the water and ag chemicals in the water from the fracking process.

Council is in consensus with being in opposition of Measure Z.

Mayor Cullen ask for a motion to approve Resolution in opposition of Measure Z.

Action: Motion by Acosta to approve Resolution in opposition of Measure Z. Seconded by Hendrickson.

AYES: Council Members: Mayor Cullen, Mayor Pro Tem Jernigan, Acosta, LeBarre, and Hendrickson

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

11(b) Consideration: Resolution in Support of Measure T

City Manager Adams introduced this item.

Dr. Lewallen, Hartnell College president, spoke in favor of Measure T.

Two Hartnell students spoke on how hard it is to commute to Salinas so it would be great to keep classes here in King City.

Mayor Cullen ask for a motion to approve Resolution in Support of Measure T.

Action: Motion by LeBarre to approve Resolution in Support of Measure T. Seconded by Acosta.

AYES: Council Members: Mayor Cullen, Mayor Pro Tem Jernigan, Acosta, LeBarre, and Hendrickson

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

11(c) Positon on High Speed Rail Project.

City Manager Adams introduced this item.

Mayor is not in favor of taking a position on this item.

Mayor Pro Tem Jernigan finds the High Speed Rail Project is a waste.

Council Member Hendrickson is in favor of staff's position.

Council Member LeBarre agrees.

Council Member Acosta is in favor of staff's position.

11 (d) Memorandum of Understanding with SGH Holdings, LLC and Smith-Monterey, LLC.

Mayor Pro Tem Jernigan recused herself from this item because of a potential conflict of interest and left the building.

Community Development Director Doreen Liberto Blanck introduced this item. She read changes into the record, Page 5 # 3. takes out the statement, and concurrent with the City's approval of the Parcel Map Application, Page 5 #4. SGH shall convey the Broadway Street Right of Way and the MMTC/Bassett Street Right of Way to the City and City, SGH and Smith-Monterey agree to negotiate in good faith with each to arrive at compensation for other towards; Page 11 take out word initially & Should those contingencies not materialize within a 10-year period from the execution of the MOU City may elect to accept the Offer of Dedication if other options for the use of those right-of-way are identified. Page 16 take out word initially & Should those contingencies not materialize within a 10-year period from the execution of the MOU, City may elect to accept the Offer of Dedication if other options for the use of those right-of-way are identified.

Mayor Cullen ask for a motion to approve Memorandum of Understanding with SGH Holdings, LLC and Smith-Monterey, LLC.

Action: Motion by LeBarre to approve Memorandum of Understanding with SGH Holdings, LLC and Smith-Monterey, LLC. Seconded by Hendrickson.

AYES: Council Members: Mayor Cullen, Acosta, LeBarre, and Hendrickson

NOES: Council Members:

ABSENT: Council Members: Mayor Pro Tem Jernigan

ABSTAIN: Council Members:

ADJOURNMENT:

There being no further business to come before the City Council, Mayor Cullen adjourned the meeting at 9:45 pm.

Approved Signatures:



Mayor, Robert Cullen
City of King



City Clerk, Steven Adams
City of King