

**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 23, 2022**  
**6:00 P.M.**

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

**The City Council meeting will be conducted in hybrid in-person/virtual format.**  
*To join the meeting virtually, please use the link below to join the Zoom meeting:*

<https://bit.ly/3e0zvaR>

Meeting ID: 881 5287 9536

Or by telephone: 1-669-900-9128

Passcode: 052933

*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 August 9, 2022, Council Meeting  
Recommendation: approve and file.
- B. Consideration: City of King Check Register August 1, through August 15, 2022  
Recommendation: receive and file.
- C. Consideration: A Resolution of the City Council of the City of King Making Findings Related to the Continued Existence of a State of Emergency Due to COVID-19 and Re-Authorizing the Conduct of Public Meetings of the Legislative Bodies of the City Via Remote Teleconferencing for an Initial 30-Day Period Pursuant to the Ralph M. Brown Act as Amended by Assembly Bill No. 361  
Recommendation: adopt a Resolution making findings related to the continued existence of a State of Emergency due to COVID-19 and re-authorizing the conduct of public meetings of the legislative bodies of the city via remote teleconferencing for an initial 30-day period pursuant to the Ralph M. Brown act as amended by AB 361.

## **10. PUBLIC HEARINGS**

None

## **11. REGULAR BUSINESS**

None

## **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**

*The City of King is an equal opportunity provider and employer.*

**City Council Meeting  
August 9, 2022**

**1. CALL TO ORDER:**

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

**2. ROLL CALL:**

City Council: Mayor Mike LeBarre, Council member Darlene Acosta, Carlos DeLeon, Rob Cullen Mayor Pro Tem Carlos Victoria.

City Staff: City Manager Steve Adams; Assistant City Attorney Shannon Chaffin (teleconference); City Clerk, Erica Sonne.

**3. FLAG SALUTE:**

The flag salute was led by Mayor LeBarre.

Mayor LeBarre asked for a motion to move item 11(B) to this place in the agenda to be heard now.

Council member Cullen moved to move item 11(B) Future Golf Course Priorities to the beginning of the meeting, seconded by Mayor Pro Tem Victoria. Motion carried 5-0.

**11 B.** Consideration: Future Golf Course Priorities

City Manager Adams introduced this item explaining initially he was going to ask for direction for the vision of the golf course however since this needs more time for discussion, he is proposing a workshop so that the public can have the opportunity to express their concerns and preferences.

The City Manager will work on a date that works for everyone.

Mayor LeBarre asked if there was anyone from the public that would like to speak on this item.

Ms. Darcy stated that the golf course is a jewel and a beautiful course, and she wants to know why we can't have it for all to use and she doesn't want to see us let it go.

Mark Pumphrey has been playing golf on the golf course for 60 years. He and Jon Olson and Yolanda Frudden worked with the kids from First Tee. He sold real state from many years and people came here because of the golf course. The club and the course turn 70 next year. He offered to give a tour of the course to the council and staff. He would really like to see the golf course stay.

Action: to bring this item back at a special meeting to have a workshop for a date to be determined to provide more information and direction by Victoria and seconded by Cullen.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

The workshop will be announced as a date needs to be determined.

#### **4. CLOSED SESSION ANNOUNCEMENTS:**

None

#### **5. PRESENTATIONS:**

- A. Presentation on Drought, Water Use Restrictions and Conservation, Marc Bloom, California Water Service with a PowerPoint on options for landscape and programs to help people conserve water. There is a water schedule. Possible fines for abuse of water usage. They have free conservation kits and are trying to get word out.
- B. Salinas Valley Safe Routes to School Plan, Amelia Conlen, TAMC with a slide show on options for the community to make comments on and surveys and workshops that will be conducted.

#### **6. PUBLIC COMMUNICATIONS:**

Efrain Aguilar, UFCW Local 5 Representative, stated his disappointment in the City Council and City Manager efforts to bully the UFCW Local 5 and their families and trying to silence valid constraints the Local 5 staff have raised about the negative impact and controversial Grocery Outlet project will have on our community, including local workers, jobs, traffic and environment. Local 5 staff and members have been subject to aggressive and attacking emails, phone calls and unwelcome comments. He feels that it is unfortunate the City partnering with Best Development to attack the working families in King City. He feels they are trying to intimidate the people to back down from the lawsuit. They will not be intimidated.

Nelida Villagomez a King City resident for over 30 years and a local grocery worker. She had a translator read a letter that is opposed to the project.

Karen Jernigan spoke on her book King City the Images of America and gave one out to all of the City Council and staff.

#### **7. COUNCIL COMMUNICATIONS:**

Council Member Cullen commended everyone on National Night Out and commented that it should start earlier, or people should be blocked until it starts from coming into the vendor area. Solid Waste Authority – Closing Sun Street Transfer station moving those activities to Madison Lane. He thanked Karen Jernigan for her book. Southern Mo. Co. Foundation has an event this weekend.

Council Member DeLeon stated nothing to report tonight.

Council Member Acosta stated nothing to report tonight.

Mayor Pro Tem Victoria stated nothing to report tonight.

Mayor LeBarre stated nothing to report tonight.

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

City Manager Steven Adams stated he had nothing for tonight.

#### **9. CONSENT AGENDA**

- A. Consideration: Meeting Minutes of July 12, 2022, Council Meeting
- B. Consideration: City of King Check Register July 1, through July 15, 2022
- C. Consideration: City of King KCCP Payments for the Month of June 2022

- D. Consideration: Part-Time Temporary Human Resources Manager Position
- E. Consideration: An Ordinance Amending Speed Limits
- F. Consideration: Memorandum of Understanding for Local Law Enforcement Access to Automated Fingerprint Identification System
- G. Consideration: Award of Contract for Street Restriping Services
- H. Consideration: Transportation Agency of Monterey County (TAMC) 2022 Pavement Management Program Funding Agreement
- I. Consideration: Revision to Code Enforcement Priorities
- J. Consideration: Amendment to the Master Fee Schedule
- K. Consideration: Side Letter of Agreement with the King City Confidential Employees Association
- L. Consideration: 2022 Monterey County Multi-Jurisdictional Hazard Mitigation Plan Update
- M. Consideration: Transportation Agency of Monterey County (TAMC) Pedestrian and Bicycle Wayfinding Program Funding Agreement

Action: Motion to approve consent agenda items A--M by Victoria and seconded by DeLeon.

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

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

#### **10. PUBLIC HEARINGS:**

None

#### **11. REGULAR BUSINESS:**

Councilmember Cullen recused himself due to a conflict for Item 11(A) and closed session and left the meeting for the night.

- A. Consideration: A Resolution to Authorize the City Manager to Start the Pre-Application Process for a Sphere of Influence (SOI) Amendment and Annexation of the Salinas Riverbed Area

Community Development Director Doreen Liberto introduced this item.

Chief Boyd spoke to the homeless issue and the trespassing in the unincorporated area.

Council member Acosta wants to know why as a City are we tolerating the county saying that they don't have enough staffing.

Chief Boyd spoke to the fact that there is a difference between the County and the Sheriff's department. It is the sheriff's department that is not cooperating.

Dawn Owens, lives on Rio Vista and she stated her frustration with the homeless issue and the problems that they are causing to her and her family. She is one of the people that had to evacuate from her home because of the fire. She had to keep a homeless person out of her house that wanted to go in and wash his hands in her house. She has had to call the police. She has had her motorhome broken into 4 times and one for sure is not homeless, but she doesn't know about the other 3. She finds it hard to believe that the county is allowing children to live in the river bottom with no running water and a shelter with a tarp.

Two days ago, a shelter was being built in the area that is posted not trespassing. She is tired of this, and she is frustrated. More people are being affected.

Mayor LeBarre is frustrated as well; State and Federal Government are hamstringing local government. He stated that there are certain things that we have to do to get the homeless out of the river bottom. He is frustrated as well.

Dawn understands the need to help the homeless to get what they need, but the homeless need to be willing to help themselves.

City Manager Adams feels that we are going to have a really good program for this. It will be permanent housing as long as they need it and they will receive services they need. There will be some enforcement for those that do not want to go to the permanent housing.

Action: adopt Resolution No. 2022-4895 authorizing staff to begin the pre-application process to amend the City's Sphere of Influence (SOI) and annex the Salinas Riverbed Area (Assessor Parcel No. 245-081-031-000) by DeLeon and seconded by Victoria.

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

NOES: Council Members:

ABSENT: Council Members: Cullen,

ABSTAIN: Council Members:

## **12. CITY COUNCIL CLOSED SESSION**

A. Conference with Legal Counsel – Liability Claims (Pursuant to Government Code Section 54956.95) Consideration of claim no. 2022-06 by Claimant Juan Jacobo Parra regarding a motor vehicle incident allegedly involving a city vehicle occurring in King City, CA on 7/03/22.

B. Conference with Legal Counsel – Liability Claims (Pursuant to Government Code Section 54956.95) Consideration of claim no. 2022-07 by Claimant Frank Roney, regarding a motor vehicle incident allegedly involving a city vehicle collision occurring in King City, CA on 5/15/22.

### **ADJOURNMENT:**

Mayor LeBarre adjourned the meeting at 7:50p.m. to closed session. Mayor LeBarre read the closed session titles into the record. Mayor LeBarre adjourned the meeting at 8:05pm. on a motion by Acosta and second by DeLeon, approved 4-0.

### **Approved Signatures:**

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**Mayor, Michael LeBarre**  
City of King

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**City Clerk, Erica Sonne**  
City of King



Item No. 9(B)

**REPORT TO THE CITY COUNCIL**

**DATE:** AUGUST 22, 2022  
**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL  
**FROM:** MIKE HOWARD, FINANCE DIRECTOR  
**RE:** CONSIDERATION OF CITY OF KING CHECK REGISTER  
AUGUST 1 THROUGH AUGUST 15, 2022

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**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 AUGUST 1  
THROUGH AUGUST 15, 2022  
AUGUST 23, 2022  
PAGE 2 OF 2**

Exhibits:

1. Check Register Report

Submitted by:   
Mike Howard, Finance Director

Approved by:   
Steven Adams, City Manager

Check Register Report

August 1 - 15, 2022

Date: 08/15/2022

Time: 7:48 am

Page: 1

KING CITY CITY HALL

BANK: WELLS FARGO BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
<b>WELLS FARGO BANK Checks</b>								
68345	08/04/22	Printed			A & G PUMP	A & G PUMPING INC	Sewer Pumping	2,000.00
68346	08/04/22	Printed			A T T	A T & T	Internet - #139650003	100.94
68347	08/04/22	Printed			ACOSTAD	DARLENE ACOSTA	Per Diem Meals for League of California Cities.	138.00
68348	08/04/22	Void	08/04/22				Void Check	0.00
68349	08/04/22	Printed			KCTVHARD	ALCANTAR HARDWARE INC	Pool Supplies	806.19
68350	08/04/22	Printed			ALVAREZL	ALVAREZ TECHNOLOGY GROUP	Computer Lease #015-1467623-000	1,430.59
68351	08/04/22	Printed			AMAZON	AMAZON CAPITAL SERVICES INC	PD Operating Supplies	879.66
68352	08/04/22	Printed			AT & T	AT & T	Telephone - 831 386-9066 718 1	296.14
68353	08/04/22	Printed			AT&T - C	AT&T	PD Analog Phone #9391048339	24.24
68354	08/04/22	Printed			AT&T - C	AT&T	Long Distance - #9391048347	65.34
68355	08/04/22	Printed			AT&T - C	AT&T	Analog PD Phone - #9391036550	24.49
68356	08/04/22	Printed			GARDEN	SYLVIA KANANI BARBREE	Plant for Steve & Family FM City Council & Staff.	97.88
68357	08/04/22	Printed			BAUGHMAN	SCOTT BAUGHMAN	LARTC Drone Program School 8/8-8/12/2022	915.20
68358	08/04/22	Printed			BENAVIDES	ISAAC BENAVIDES	Football - 13.5 @ 15	202.50
68359	08/04/22	Printed			BENGARDR	BENGARD REALTY INC	Rental Assistance-M Aviles 702 Canal St #C, KC	2,600.00
68360	08/04/22	Printed			CALSTATE	CALSTATE SUPPLY, INC.	Replace Windsock & Frame	916.97
68361	08/04/22	Printed			CASEY PRIN	CASEY PRINTING INC	HR Manager Brochure Mailing	2,194.59
68362	08/04/22	Printed			SPECTRUMB	CHARTER COMMUNICATIONS	Connection City Camera	119.98
68363	08/04/22	Printed			CHAVEZC	CYNTHIA CHAVEZ	Rental Assistance-M Mariscal 300 Mustang Ct #B, KC	1,400.00
68364	08/04/22	Printed			CLARK	CLARK STOREROOM	187 PC Storage	360.00
68365	08/04/22	Printed			UMSTEAD EL	CLIFTON T UMSTEAD	Building Repair, Hot Wires. PD	1,300.20
68366	08/04/22	Printed			DOWJ	JOHN DOW	Gas for Box Truck used for Narcotics Destruction.	704.17
68367	08/04/22	Printed			ESPINOJACE	JACE ESPINO	Football - 7 @ \$15	105.00
68368	08/04/22	Printed			ESPINOTROY	TROY ESPINO	Football - 14.5 @ \$15	217.50
68369	08/04/22	Printed			GARCIATE	TERRY GARCIA	Water Bottles for NNO	571.28
68370	08/04/22	Printed			GREEN L	GREEN LINE	WWTP Junction Cleaning Qtr	1,955.00
68371	08/04/22	Printed			GRINDSTA	AIDAN GRINDSTAFF	Flag Football - 18 @ \$15.00	270.00
68372	08/04/22	Printed			GURLEY	DAISY GURLEY	LARTC Drone Program School 8/8-8/12/22	915.20
68373	08/04/22	Printed			HAMILTONVI	VICTORIA HAMILTON	Flag Football - 12.5 @ \$15.00	187.50
68374	08/04/22	Printed			HILL BRAND	BRANDON HILL	Flag Football - 14.5 @ \$15.00	217.50
68375	08/04/22	Printed			HILLMAS	MASON HILL	Football - 13.5 @ \$15.00	202.50
68376	08/04/22	Printed			KCARBOLED/	KING CITY ARBOLEDA ASSOCIATES	Rental Assistance-C.Correa 431 Soberanes St Apt#8	2,265.00
68377	08/04/22	Printed			KC IND	KING CITY INDUSTRIAL SUPPLY	Shop Supplies	227.97
68378	08/04/22	Printed			KCRUS	KING CITY RUSTLER	Local Paper - 1 Yr Acct #1707	49.70
68379	08/04/22	Printed			SYMBOL	LEATHAM FAMILY LLC	Department Challenge Coins	906.63
68380	08/04/22	Printed			LINCOLN	LINCOLN AQUATICS	Pool Chemicals	3,543.61
68381	08/04/22	Printed			MTBANK	M & T BANK	Mortgage Assistance - R Lara-628 King St., KC	1,292.56
68382	08/04/22	Printed			MASSEY HEA	MASSEY HEATING & AIR COND	AC Service	185.00
68383	08/04/22	Printed			MIWALL	MIWALL CORPORATION	Ammunition	2,605.63
68384	08/04/22	Printed			MO BAY	MO BAY UNIFIED AIR POLLUTION	FY 22-23 Per Capita Assessment	6,665.50
68385	08/04/22	Printed			MONTEREYS	MONTEREY SIGNS INC	Las Jicamas Variety Store Sign Grant Final Payment	1,250.00
68386	08/04/22	Printed			NATIONSTAR	NATIONSTAR MORTGAGE LLC	Mortgage Assistance-D.Lopez 265 Ermosa Way LN#1824238719	1,450.84
68387	08/04/22	Printed			NEWSV	NEW SV MEDIA INC	WWTP Improvement/Measure Public Hearing	907.50
68388	08/04/22	Printed			OFFICE DEP	OFFICE DEPOT	Office Supplies	4,202.07
68389	08/04/22	Printed			PARTIDAJ	JOSHUE PARTIDA	Supervisory Leadership Session #4 of 8	497.62
68390	08/04/22	Printed			PARTS & SE	PARTS & SERVICE CTR- NAPA INC	Mower Grease	14.03

# Check Register Report

August 1 - 15, 2022

Date: 08/15/2022

Time: 7:48 am

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KING CITY CITY HALL

BANK: WELLS FARGO BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
<b>WELLS FARGO BANK Checks</b>								
68391	08/04/22	Printed			PETE'S TOW	PDP INVESTMENTS INC	Towing - PC187	920.00
68392	08/04/22	Printed			PURE WATER	PENINSULA PURE WATER INC	Water for City Hall	84.45
68393	08/04/22	Printed			PEREZCA	CARMELO PEREZ	Vested-Sewer Connection Fee Does not Pertain - Permit	2,554.00
68394	08/04/22	Printed			PAC	PG&E	Electricity-3845488588-0	23,522.22
68395	08/04/22	Printed			PAC	PG&E	Electricity - #2142711617-9	119.43
68396	08/04/22	Printed			PAC	PG&E	Electricity-Lift Station #2351260399-6	565.99
68397	08/04/22	Printed			PBGFS	PITNEY BOWES GLOBAL	Postage Machine Lease #0013093423	473.25
68398	08/04/22	Printed			RAMLOPEZ	JULIAN RAMIREZ LOPEZ	Boots/Uniform	533.82
68399	08/04/22	Printed			RAMONR	ROBERT RAMON	LARTC Drone Program School 8/8-8/12/22	915.20
68400	08/04/22	Printed			RAZZOLINK	RAZZO LINK INC	Website	30.90
68401	08/04/22	Printed			REISS	REISS DESIGN STUDIO,	Design Services-Visitor & History Center Outdoor Dining	17,947.03
68402	08/04/22	Printed			RIOSK	KAREN RIOS	K C Residential Security Camera Grant Program	200.00
68403	08/04/22	Printed			SENSATION	SENSATIONS APPAREL INC	Uniforms	220.68
68404	08/04/22	Printed			SKYDIO	SKYDIO INC	Software/Access	8,240.34
68405	08/04/22	Printed			SPEAK	SPEAKWRITE BILLING DEPT	Dictation Software	171.08
68406	08/04/22	Printed			TAVERNE	ROBERT TAVERNETTI	Skate Park Repairs	400.00
68407	08/04/22	Printed			RC LANDSCA	MARLEN RIOS TORRES	Landscaping-Mowing Little League Field	400.00
68408	08/04/22	Printed			TRANSU	TRANSUNION RISK AND ALTERNATIV	PD Search Tool	75.00
68409	08/04/22	Printed			VASQUEZG	GERARDO JR VASQUEZ	Boots	300.00
68410	08/04/22	Printed			VERIZON WI	VERIZON WIRELESS	Cell Phones - KCPD #842068026-00001	304.08
68411	08/04/22	Printed			VILLAS	VILLA SAN MIGUEL PARTNERS	Rental Assistance-S Escalante 1201 Amherst #27, KC	1,216.00
68412	08/04/22	Printed			WILDHORSE	WILDHORSE APPLIANCE*PROPANE	Hook Up Trailer Cook Tops	190.00
68413	08/05/22	Printed			A T T	A T & T	Internet-139650003	90.95
68414	08/05/22	Printed			ANTHEMSP	ANTHEM SPORTS LLC	Nets-Parks	126.90
68415	08/05/22	Printed			TIRE KING	JOSE RODRIGUEZ	Fleet Wash	2,188.47
68416	08/05/22	Printed			PARTS & SE	PARTS & SERVICE CTR- NAPA INC	Equipment & Repairs Outstanding Balance	79.12
68417	08/05/22	Printed			PETE'S TOW	PDP INVESTMENTS INC	22-0529 Tow	245.00
68418	08/05/22	Printed			PROYOUTH	PROYOUTH	Pro Youth Heart After School Program	13,593.49
68419	08/05/22	Printed			U.S. BAN	US BANK CORP PAYMENT SYSTEM	Various Charges-3393	9,034.48
68420	08/05/22	Printed			CROSSROAD	CROSSROADS SOFTWARE INC	OTS Grant-Collision Software Program	29,200.00
<b>Total Checks: 76</b>							<b>Checks Total (excluding void checks):</b>	<b>161,224.10</b>

**WELLS FARGO BANK EFTs**

1065123	08/04/22	Reconciled	08/04/22	ALVAREZ	ALVAREZ TECHNOLOGY GROUP INC	Axon/Crossroads Integration	27,833.65
1065124	08/04/22	Reconciled	08/04/22	CARMEL FIR	ART BLACK	Fire Alarm System	250.00
1065125	08/04/22	Reconciled	08/04/22	MAGICC	NORMA L DOMINGUEZ	Airport Restroom Janitorial - July 2022	13,612.00
1065126	08/04/22	Void	08/04/22			Void Check	0.00
1065127	08/04/22	Reconciled	08/04/22	EARTH DESI	EARTH DESIGN INC	SB2 Planning Land Use Element Grant-Cont Services	13,602.60
1065128	08/04/22	Reconciled	08/04/22	GIS	GONZALES IRRIGATION SYSTEMS	Trailer Sewer Hook Up @ FG	673.14
1065129	08/04/22	Reconciled	08/04/22	LA HEARNE	LA HEARNE COMPANY	Pool Chemicals	208.54
1065130	08/04/22	Reconciled	08/04/22	SPECTRUMT	SPECTRUM ENTERPRISE	Internet-113362301	1,219.40
1065131	08/04/22	Reconciled	08/04/22	TORO	TORO PETROLEUM CORP	Fuel - Acct #1679	6,430.69
1065132	08/05/22	Reconciled	08/05/22	CARMEL FIR	ART BLACK	Coast Pipe	1,350.00
1065133	08/05/22	Reconciled	08/05/22	CSGCON	CSG CONSULTANTS INC	Bldg Inspector Service	10,530.00
1065134	08/05/22	Reconciled	08/05/22	GREEN ACCT	GREENS ACCOUNTING	June 2022 Finance Services	14,938.03
1065135	08/05/22	Reconciled	08/05/22	LA HEARNE	LA HEARNE COMPANY	Pool Chemicals	434.58
1065136	08/05/22	Reconciled	08/05/22	PACIFIC CR	PACIFIC CREST ENGINEERING INC	Closed Landfill Well Monitorin	2,376.00

Check Register Report

August 1 - 15, 2022

Date: 08/15/2022

Time: 7:48 am

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KING CITY CITY HALL

BANK: WELLS FARGO BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
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**WELLS FARGO BANK EFTs**

1065137	08/05/22	Reconciled		08/05/22	SPCA	THE SPCA FOR MONTEREY COUNTY	Shelter Fees	5,976.00
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Total EFTs: 15

EFTs Total (excluding void checks): 99,434.63

Total Payments: 91

Bank Total (excluding void checks): 260,658.73

Total Payments: 91

Grand Total (excluding void checks): 260,658.73



Item No. 9 (C)

**REPORT TO THE CITY COUNCIL**

**DATE:** AUGUST 23, 2022

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

**FROM:** STEVEN ADAMS, CITY MANAGER

**RE:** CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING MAKING FINDINGS RELATED TO THE CONTINUED EXISTENCE OF A STATE OF EMERGENCY DUE TO COVID-19 AND RE-AUTHORIZING THE CONDUCT OF PUBLIC MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY VIA REMOTE TELECONFERENCING FOR AN ADDITIONAL 30-DAY PERIOD PURSUANT TO THE RALPH M. BROWN ACT AS AMENDED BY ASSEMBLY BILL NO. 361

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**RECOMMENDATION:**

It is recommended the City Council adopt a Resolution making findings related to the continued existence of a State of Emergency due to COVID-19 and re-authorizing the conduct of public meetings of the legislative bodies of the city via remote teleconferencing for an additional 30-day period pursuant to the Ralph M. Brown act as amended by AB 361.

**BACKGROUND:**

Starting March 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.

In March 2020, in response to the spread of COVID-19 in the County of in the County of Monterey, the County proclaimed a state of local emergency for the County of Monterey and thereafter issued orders from the County of Monterey Health Officer aimed at containing COVID-19.

## **CITY COUNCIL**

### **CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING MAKING FINDINGS RELATED TO THE CONTINUED EXISTENCE OF A STATE OF EMERGENCY DUE TO COVID-19 AND RE-AUTHORIZING THE CONDUCT OF PUBLIC MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY VIA REMOTE TELECONFERENCING FOR AN ADDITIONAL 30-DAY PERIOD PURSUANT TO THE RALPH M. BROWN ACT AS AMENDED BY ASSEMBLY BILL NO. 361**

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On March 20, 2020, the City Council adopted Resolution No. 2020-4753 declaring and proclaiming the existence of a local emergency in the City in response to COVID-19.

The Governor subsequently issued a number of executive orders aimed at promoting social distancing to reduce the spread of COVID-19. The Orders included suspending the following requirements of the Ralph M. Brown Act governing how public meetings are conducted:

- the requirement that local agencies provide notice of each teleconference location from which a member of the legislative body will be participating in a public meeting;
- the requirement that each teleconference location be accessible to the public;
- the requirement that members of the public be able to address the legislative body at each teleconference conference location;
- the requirement that local agencies post agendas at all teleconference locations; and
- the requirement that at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

The legislative bodies conducted many of their meetings via remote teleconferencing consistent with the declaration of local emergency and executive orders issued by the Governor during the shutdown. Equipment was then installed in the Council Chambers that provides the added capability of hybrid simultaneous in-person and virtual meetings.

When the Order expired, State legislation was adopted that extended the ability to meet remotely under specified circumstances. When that expired, the City temporarily discontinued the ability of elected officials and board members to participate in meetings remotely. Additional State legislation has been proposed and is under consideration. In the meantime, the Governor's declared State of Emergency remains in effect. This, along with the CDC and County Health Officer's guidelines, provides the City Council the ability to make the findings necessary to continue to participate in meetings virtually.

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The findings were last approved by the City Council at the June 14, 2022 meeting. Therefore, the approval is necessary again at this time because the last one has expired.

#### **DISCUSSION:**

Provisions regarding the ability of Council, Board and Commission members participating in meetings remotely remain the same, which include the following:

- In each instance in which notice of the time of the teleconferenced meeting is given or the agenda for the meeting is posted, the legislative body shall also give notice of the manner by which members of the public may access the meeting and offer public comment;
- The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option;
- The legislative body shall allow members of the public to access the meeting, and the agenda shall include an opportunity for members of the public to address the legislative body directly;
- In the event of a disruption which prevents the local agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored; and
- Written/remote public comment must be accepted until the point at which the public comment period is formally closed; registration/sign-up to provide/be recognized to provide public comment can only be closed when the public comment period is formally closed.

A number of circumstances could involve the need for virtual attendance, such as the following:

**CITY COUNCIL**

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- If a member is exposed to COVID-19 and chooses to participate virtually in order to limit the risk of exposing others;
- An increase in cases cause a change in restrictions that may require virtual attendance or make it preferable if masks were required; and
- Other circumstances that may make it feasible to attend a meeting virtually when in-person attendance is not possible.

The City Attorney has drafted the attached Resolution, which will enable the City to maintain virtual attendance by Council, board and commission members at meetings if approved by a majority of the Council.

**COST ANALYSIS:**

There are no anticipated costs for this action.

**ENVIRONMENTAL REVIEW:**

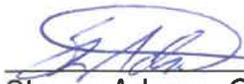
This action is not a "project" for the purposes of the California Environmental Quality Act (CEQA) as it does not have the potential for resulting in either a direct physical change to the environment or a reasonably foreseeable indirect physical change in the environment. No further action is required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

**ALTERNATIVES:**

The following alternatives are provided for City Council consideration:

1. Adopt the Resolution
2. Modify and adopt the Resolution;
3. Do not adopt the Resolution and require all members to follow normal Brown Act requirements to participate virtually; or
4. Provide staff other direction.

Prepared and Approved by:

  
\_\_\_\_\_  
Steven Adams, City Manager

**RESOLUTION NO. 2022-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KING MAKING FINDINGS RELATED TO THE CONTINUED EXISTENCE OF A STATE OF EMERGENCY DUE TO COVID-19 AND RE-AUTHORIZING THE CONDUCT OF PUBLIC MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY VIA REMOTE TELECONFERENCING FOR AN ADDITIONAL 30-DAY PERIOD PURSUANT TO THE RALPH M. BROWN ACT AS AMENDED BY ASSEMBLY BILL NO. 361**

**WHEREAS**, the City Council of the City of King (“City”) are committed to preserving and nurturing public access and participation in meetings of the legislative bodies (as that term is defined in Government Code §54952, including commissions, boards and committees subject to the Brown Act) of the City (collectively, the “Legislative Bodies”); and

**WHEREAS**, all meetings of the Legislative Bodies are open and public as required by the Ralph M. Brown Act, codified as Government Code §§ 54950 *et seq.*, so that any member of the public may attend, participate, and observe the Legislative Bodies conduct their business; and

**WHEREAS**, the Brown Act, at Government Code § 54953(e), as amended by Assembly Bill (AB) 361 effective October 1, 2021, makes provision for remote teleconferencing participation in public meetings by members of a Legislative Body without compliance with the provisions of Government Code § 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, a required condition under Government Code § 54953(e) is that the meeting is held during a state of emergency that has been declared by the Governor pursuant to Government Code § 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code § 8558; and

**WHEREAS**, a proclamation can be made under circumstances including conditions when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the City’s boundaries, caused by natural, technological, or human-caused disasters

**WHEREAS**, it is further required that state or local officials continue to impose or recommend measures to promote social distancing; and

**WHEREAS**, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor proclaimed a state of emergency for the State of California and thereafter issued a number of executive orders aimed at containing COVID-19; and

**WHEREAS**, on March 20, 2020, the City Council adopted Resolution No. 2020-4753 declaring and proclaiming the existence of a local emergency in the City in response to COVID-19. The Legislative Bodies have since conducted many of their meetings via remote teleconferencing consistent with the declaration of local emergency and executive orders issued by the Governor; and

**WHEREAS**, the executive orders issued by the Governor, among other things, waived requirements of the Brown Act expressly or impliedly requiring the physical presence of members of the legislative body, the clerk or other personnel of the body, or of the public as a condition of participation in or for the purpose of establishing a quorum for a public meeting. Without limitation, the orders waived the following requirements of Government Code §54953(b)(3):

- the requirement that local agencies provide notice of each teleconference location from which a member of the legislative body will be participating in a public meeting;
- the requirement that each teleconference location be accessible to the public;
- the requirement that members of the public be able to address the legislative body at each teleconference conference location;
- the requirement that local agencies post agendas at all teleconference locations; and
- the requirement that at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction; and

**WHEREAS**, on June 11, 2021, the Governor issued Executive Order N-08-21, which rescinded the modifications made by the aforementioned executive orders, effective September 30, 2021. On September 16, 2021, the Governor signed AB 361, creating a modified set of provisions for local agencies for compliance with the Brown Act relative to remote meetings. AB 361 was made effective on October 1, 2021. These modifications include the following:

- In each instance in which notice of the time of the teleconferenced meeting is given or the agenda for the meeting is posted, the legislative body shall also give notice of the manner by which members of the public may access the meeting and offer public comment;
- The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option;
- The legislative body shall allow members of the public to access the meeting, and the agenda shall include an opportunity for members of the public to address the legislative body directly;
- In the event of a disruption which prevents the local agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored; and
- Written/remote public comment must be accepted until the point at which the public comment period is formally closed; registration/sign-up to provide/be recognized to

provide public comment can only be closed when the public comment period is formally closed.

**WHEREAS**, the Governor's proclaimed state of emergency and the City's proclaimed local emergency related to COVID-19 remain in effect and encompass the jurisdictional boundaries of the City and Successor Agency. State of California and County of Monterey Public Health officials have recommended measures to promote social distancing, and the Centers for Disease Control and Prevention ("CDC") continue to recommend physical distancing; and

**WHEREAS**, as a consequence of the persisting state of emergency and the imposed or recommended social distancing measures, the Legislative Bodies may conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code § 54953, as authorized by subdivision (e) of Government Code § 54953, and that the Legislative Bodies may comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Government Code § 54953; and

**WHEREAS**, consistent with AB 361, during the effectiveness of this Resolution, the Legislative Bodies and their staff may choose to avail themselves with AB 361 and give notice of the manner by which members of the public may access the Legislative Bodies' meetings and offer public comment; identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option; and allow members of the public to access the meeting, and the agenda shall include an opportunity for members of the public to address the Legislative Body directly.

**NOW, THEREFORE**, the City Council of the City of King does resolve as follows:

**SECTION 1.** The foregoing recitals are true and correct and are incorporated herein by reference.

**SECTION 2.** The City Council has considered the existing conditions of the state of emergency in the City and, consistent with the provisions of Government Code § 54953(e), hereby finds and determines that: (1) a proclaimed statewide state of emergency and a proclaimed local emergency related to COVID-19 are both currently in effect and persist in the jurisdictional boundaries of the City; and (2) State, local and CDC officials have imposed or recommended measures to promote social distancing in connection with the COVID-19 emergency.

**SECTION 3.** The City Council hereby acknowledges the Governor's proclaimed state of emergency and the City's proclaimed local emergency (as may have been amended since their initial proclamation) which encompass their jurisdictional boundaries.

**SECTION 4.** The Legislative Bodies and staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, which may include the alternative of conducting all open and public meetings of the Legislative Bodies in accordance with Government Code § 54953(e) and other applicable provisions of the Brown Act.

**SECTION 5.** This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) September 22, 2022, or (ii) such time as the City Council adopts a subsequent resolution in accordance with Government Code § 54953(e)(3) to extend the time during which the Legislative Bodies may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code § 54953.

**SECTION 6.** Should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

This resolution was passed and adopted this **23<sup>rd</sup>** day of **August, 2022** 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

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.