

CITY OF HOLLISTER AGENDA

for City Council Meeting

of **June 20, 2016**, on or after the hour of **6:00 p.m.**, for a Closed Session, and **6:30 p.m.** for a Regular Session in the City Council Chambers, City Hall, 375 Fifth Street, Hollister, CA.

NOTICE TO PUBLIC

Persons who wish to address the City Council are asked to complete a Speakers Card and give it to the City Clerk prior to addressing the City Council. Those who wish to address the City Council on an agenda item will be heard when the presiding officer calls for comments from the audience. City related items not on the agenda will be heard under the Public Input Section C of the agenda. Following recognition persons desiring to speak are requested to advance to the podium and state their name and address. After hearing audience comments, the public portion of the meeting will be closed and the matter brought to the City Council for discussion.

Requests to make presentations to the City Council should be submitted to the City Clerk's Office at least ten days prior to the City Council meeting. It is customary for City staff members to review such matters prior to formal presentation in order that the City Council may have the benefit of all available data. PowerPoint presentations must be presented to the City Clerk by Noon on the day of the City Council meeting.

CALL TO ORDER

Roll Call: Mayor Ignacio Velazquez, Vice Mayor Victor Gomez, City Council Members Karson Klauer, Raymond Friend, and Mickie Solorio Luna, City Manager William Avera, City Attorney Bradley Sullivan, Chief of Police David Westrick, and City Clerk Thomas Graves.

CLOSED SESSION: 6:00 p.m.

- A. Public comment (limited to any item listed on the Closed Session agenda below as Item B).
- B. Conference with Legal Counsel - Threat to Public Services or Facilities pursuant to Government Code Section 54957:

Consultation with City of Hollister Police & Fire Department Officials

REGULAR SESSION: 6:30 P.M.

Call to Order

Pledge of Allegiance

Roll Call: Mayor Ignacio Velazquez, City Council Members Karson Klauer, Victor Gomez, Raymond Friend, and Mickie Solorio Luna, City Manager William Avera, City Attorney Bradley Sullivan, Chief of Police David Westrick, and City Clerk Thomas A. Graves.

Verification of Agenda Posting (City Clerk)

A. CONSENT RESOLUTION (June 20, 2016):

All items listed under the Consent Resolution will be enacted in one motion authorizing the actions indicated for those items so designated.

Consent Items are Numbers A1, A2, A3, A4, A5, A6, A7 and A8.

1. Minutes of the regular City Council meeting of June 6, 2016. (City Clerk)

Recommendation: That the City Council APPROVE the Minutes of the regular City Council meeting of June 6, 2016.

2. Warrant Registers (Administrative Services)

The City Council will ratify and approve the following Warrant Registers for the General-Special-Enterprise-Assessment Funds dated:

May 27, 2016, in the amount of	\$ 268,206.18
June 1, 2016, in the amount of	\$ 621,247.98
June 1, 2016, in the amount of	\$ 385,756.95
June 3, 2016, in the amount of	\$ 3,847,750.23
June 10, 2016, in the amount of	\$ 129,799.96
June 10, 2016, in the amount of	\$ 16,601.11

3. Claim Against the City – Traveler's A/S/O John Tobias (City Clerk)

Recommendation: That the City Council DENY the claim and authorize staff to send the notice of rejection to the claimant.

4. RESOLUTION 2016-93, A RESOLUTION IMPLEMENTING THE CONTINUATION OF AN AGREEMENT WITH SANTA CRUZ 911 SANTA CRUZ REGIONAL 911 DISPATCH SERVICES.

Description: The City Council will consider a resolution implementing the continuation of an agreement with Santa Cruz 911 for dispatch services for an additional three years.

Recommendation: that the City Council ADOPT Resolution 2016-93.

5. San Benito County Integrated Waste Regional Agency Annual Rate Adjustment Notification for Waste Collection by Recology San Benito County. (Integrated Waste)

Description: In accordance with the terms and conditions of the contract between San Benito County, the City of Hollister, the City of San Juan Bautista, and South Valley Disposal Inc., dba Recology of San Benito County, each San Benito County Integrated Waste Management Regional Agency member is hereby notified of the annual rate adjustment for their jurisdiction. The rate will decrease by .68% for years 2016-2017.

Recommendation: That the City Council RECEIVE this notification letter and acknowledge the rate decrease.

6. RESOLUTION NO. 2016 – 94, A RESOLUTION AUTHORIZING TEMPORARY STREET CLOSURES FOR THE 2016 HOLLISTER MOTORCYCLE RALLY TO BE HELD JULY 1 - 3, 2016.

Description: This Resolution will authorize temporary downtown street closures for the 2016 Hollister Motorcycle Rally to be held July 1 -3, 2016.

Recommendation: Adopt Resolution No. 2016-94, A Resolution of the City Council of the City of Hollister Approving Temporary Street Closures for the 2016 Hollister Freedom (Motorcycle) Rally.

7. RESOLUTION NO. 2016-99, A RESOLUTION APPROVING TEMPORARY STREET CLOSURE OF SAN BENITO STREET FOR NATIONAL NIGHT OUT, AUGUST 2, 2016. (CITY CLERK)

Description: Will authorize temporary street closures.

Recommendation: That the City Council ADOPT Resolution No. 2016-99.

8. RESOLUTION NO. 2016-96, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A REIMBURSEMENT AGREEMENT WITH BMC PROMISE WAY, LLC. (ED)

Description: This item will approve a Reimbursement Agreement for construction of a portion of San Benito Street and water lines along City owned frontage between Promise Way and Southside Road.

Recommendation: Adopt Resolution 2016 – 96, approving a Reimbursement Agreement with BMC Promise Way, LLC for construction of a portion of San Benito Street along City owned frontage between Promise Way and Southside Road.

B. CITY OF HOLLISTER AS THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY:

None.

C. PUBLIC INPUT:

Members of the public may address the City Council on any matter within the City Council's jurisdiction that is not on the agenda. Comments are limited to three (3) minutes per person, with a maximum of 30 minutes per subject. Speaker Cards are available in the Foyer, and are to be completed and given to the City Clerk prior to speaking. State law prohibits the City Council from discussing or taking action on any item which is not on the agenda.

Note: Time allotted to speakers may be increased or decreased at the Presiding Officer's discretion.

D. PETITIONS, REMONSTRANCE'S, AND COMMUNICATIONS:

31. City Manager's oral report. (City Manager)

The City Manager will give an oral report regarding activities and/or any public comments or presentations.

E. PUBLIC HEARINGS (After the hour of 6:30 p.m.)

41. RESOLUTION NO. 2016 – 91, A RESOLUTION ESTABLISHING THE FUTURE ANNEXATION AREA FOR THE CITY OF HOLLISTER COMMUNITY FACILITIES DISTRICT NO. 2; and

INTRODUCE ORDINANCE: READ BY TITLE ONLY, WAIVE FULL READING, AND HOLD PUBLIC HEARING FOR ORDINANCE NO. 1130 LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2015-2016 AND FOLLOWING TAX YEARS SOLELY WITHIN AND RELATING TO COMMUNITY FACILITIES DISTRICT NO. 2 FOR FIRE SUPPRESSION AND POLICE SERVICES AROUND THE VILLAGES, BELLA CENTRO, APRICOT LANE AND SADDLEBROOK DEVELOPMENT PROJECTS (ED)

Description: Resolution No. 2016-91 will establish the Future Annexation Area for the City of Hollister Community Facilities District No. 2 and Levying a Special Tax within Future Annexed Areas to Finance Police and Fire Services; and

Ordinance No. 1130 will Levy a Special Tax for the Property Tax Year 2015-2016 and Following Tax Years Solely Within and Relating to Community Facilities District No. 2 for Fire Suppression and Police Services.

Open Public Hearing
Conduct Public Hearing
Close Public Hearing

Recommendation: Hold a Public Hearing, Receive comments, questions, and provide information. Adopt Resolution No 2016 – 91, Establishing the Future Annexation Area for the City of Hollister Community Facilities District No. 2, and

- 1.) Introduce Ordinance No. 1130, read by title only, and hold Public Hearing.
- 2.) Discuss and provide input to staff on any further changes to the ordinance.
- 3.) Set the matter for second reading and FINAL ADOPTION on August 1, 2016.

F. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

51. Adoption of City of Hollister's Fiscal Year 2016-2017 Annual Operating, Debt Service Budget, Capital Improvement Plan, and Appropriations Limit. (AS)

Description: The Hollister City Council is required to adopt a formal operating budget for each Fiscal Year. The Hollister City Council, after conducting budget hearings and reviewing the proposed budget, adopts the budget with or without changes. This process involves the adoption of a resolution as required by law.

Recommendation: That the City Council ADOPT RESOLUTION NUMBER 2016 - 88, A RESOLUTION ADOPTING THE BUDGET FOR THE CITY OF HOLLISTER FOR THE FISCAL YEAR ENDING JUNE 30, 2017, and

RESOLUTION NO. 2016 - 89, A RESOLUTION ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR THE CITY OF HOLLISTER FOR THE FISCAL YEARS 2016/2017 TO 2020/2021; and

RESOLUTION NO. 2016 - 90, A RESOLUTION DEFINING THE FACTORS USED TO DETERMINE THE CITY'S APPROPRIATION LIMIT AND SETTING THE APPROPRIATION LIMIT FOR THE FISCAL YEAR ENDING JUNE 30, 2017.

- 51.A. RESOLUTION No. 2016 – 95, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A SUPPLEMENTAL BUDGET APPROPRIATION FOR FISCAL YEAR 2015/16. (ED) (AS)

Description: This item will approve a Supplemental Budget Appropriation for replacement and upgrade of the MBR cassettes at the Domestic Wastewater Treatment Plant.

Recommendation: That the City Council ADOPT Resolution No. 2016 – 95, Approving a Supplemental Budget Appropriation for Fiscal Year 2015/16.

52. RESOLUTION NO. 2016 – 92, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH DEVELOPMENT & PUBLIC FINANCE, LLC TO ANNEX NEW SUBDIVISION DEVELOPMENTS INTO COMMUNITY FACILITIES DISTRICT NO. 2. (ED)

Description: This item will adopt a Resolution approving the Amendment No. 2 to Professional Services Agreement with Development & Public Finance, LLC to Annex New Subdivision Developments into Community Facilities District No. 2 (Fire and Police Services)

Recommendation: Adopt Resolution No. 2016 – 92 approving the Amendment No. 2 to the Professional Services Agreement with Development & Public Finance, LLC.

53. RESOLUTION NO. 2016-98, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS FOR PEACE OFFICERS TO STAFF THE HOLLISTER MOTORCYCLE RALLY.

Description: This Resolution authorizes the City Manager to execute various contracts for peace officers to staff the Hollister Freedom (Motorcycle) Rally.

Recommendation: That the City Council ADOPT Resolution No. 2016-98.

54. RESOLUTION NO. 2016 – 97, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ACCEPTING BID PROPOSALS, AUTHORIZING EXECUTION OF THE CONTRACT WITH DALIAN CONSTRUCTION FOR THE SIDEWALK AND STREET IMPROVEMENT PROJECT, CIP C1410.

Description: This item will accept proposals opened on May 24, 2016 and award the contract to the lowest responsive bidder, Dalian Construction of Bakersfield, CA for the Sidewalk and Street Improvement Project, CIP No. C1410.

Recommendation: Approve the following motion: Adopt Resolution 2016-97, a Resolution of the City Council of the City of Hollister accepting bid proposals, authorizing execution of the contract with Dalian Construction for the Sidewalk and Improvement Project CIP No. C1410.

55. Introduce Ordinance: Read By Title Only, Waive Full Reading, and Hold Public Hearing for ORDINANCE NO. 1131, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AMENDING AND RESTATING CHAPTER 5.42 "MEDICAL MARIJUANA FACILITIES REGULATORY PERMIT" TO TITLE 5 "BUSINESS LICENSES AND REGULATIONS" OF THE HOLLISTER MUNICIPAL CODE

Description: This Medicinal Marijuana Administrative Ordinance will provide for cultivation, dispensing, manufacturing processes to be performed on, and other ancillary services provided to Medicinal Marijuana businesses. The ad hoc committee of Councilmembers Ray Friend and Karson Klauer has reviewed the new Medical Marijuana Regulation and Safety Act (MMRSA) that consists of three separate bills (AB 243, AB 266 & SB 643) which were enacted together on Sept 11, 2015. The bills create a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis. All licenses must also be approved by local governments. The included ordinance initiates this process, and will be followed with regulations that can be adopted and updated to account for foreseeable changes at state and federal level relating to marijuana use and regulation.

Recommendation:

- 1.) Introduce Ordinance, read by title only, and hold Public Hearing.
- 2.) Discuss and provide input to staff on any further changes to ordinance – that provide a two-part regulatory process whereby a use permit can be conferred on real property with appropriate conditions to minimize, if not eliminate impacts on neighboring properties: and an operator's permit to qualified and screened individuals. Bring back Ordinance for second reading and adoption along with proposed regulations.
- 3.) Authorize the City Manager to seek an RFQ for entities to provide a study of costs and impacts on city services if adopted, and set the matter for second reading and FINAL ADOPTION on August 1, 2016.

G. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:

61. Reports from City Council Members regarding Committees on which they serve.

Receive oral reports from members regarding the activities of various Ad Hoc and Standing City Council Committees, and take additional action as appropriate.

62. Informational Reports from City Council, City Manager, City Attorney, City Clerk, and Staff.

Receive informational oral reports from the City Council, City Manager Avera, the City Attorney, Chief of Police Westrick, City Clerk Graves, and other Staff as applicable, and take additional action as appropriate.

H. UNFINISHED BUSINESS:

71. RESOLUTION NO. 2016-81, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER REVISING THE CITY'S WATER SHORTAGE EMERGENCY AND IMPLEMENTING THE CITY'S WATER SHORTAGE CONTINGENCY PLANS. (City Clerk)

Status: This item was pulled from the Consent Agenda by Councilmember Klauer on June 6, 2016, who questioned the thinking behind the proposed Resolution. He said four years of drought cannot be relieved by one year of water savings, and that he does not want to increase water usage at this time. Councilmember Friend said that the State Water Resources Control Board has declared the drought to be over, but he agreed with Councilmember Klauer that it is still necessary for the City to recharge its aquifers. The City Council voted unanimously to bring this item back for discussion and possible action on June 20, 2016.

Recommendation: That the City Council ADOPT Resolution 2016-81, revising the City's Water Shortage Emergency and Implementing the City's Water Shortage Contingency Plans.

I. NEW BUSINESS:

81. Designation of Voting Delegate and Alternate(s) for League of California Cities Annual Conference.

Description: The League of California Cities Annual Conference will be held in Long Beach, California from October 5 – October 7, 2016. The City Council should designate a Voting Delegate and up to two (2) Voting Alternates if anyone is planning on attending this year.

Recommendation: That Council designate a Voting Delegate and up to two Voting Alternates to the 2016 League of California Cities Annual Conference to be held in Long Beach, California from October 5 – October 7, 2016 and then direct staff to make the applicable reservations. (City Clerk)

82. Regarding the Mayor's term of office, Councilmembers are asked to consider the following questions:
- A). Shall the term of Mayor be changed from its current two year term to a term of four years? And, if so,
 - B). Shall a measure be put to the voters in the upcoming Consolidated Presidential Election? And, if so,
 - C). Shall the four year term be voted upon in the November 6, 2018 Consolidated Gubernatorial Election, with the successful candidate starting on the date of January 1, 2019? (Mayor)

J. MISCELLANEOUS:

None.

K. CITY OF HOLLISTER AS THE HOUSING SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY:

None.

ADJOURNMENT:

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (831) 636-4300, extension 16. Notification of 48 hours prior to the meeting will enable the City to attempt to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

Notice to anyone attending any public meeting: The meeting may be broadcast live on Cable Channel 17 and/or videotaped or photographed. Recent City Council meetings may also be viewed at <http://vp.telvue.com/player?id=T01268&video=10250> and periodically on Cable Channel 17.

Next City Council Meetings scheduled for:

Special Joint City Council/Board of Supervisors Meeting – Monday, June 30, 2016, at 6:30 p.m.

Regular City Council Meeting – Monday, **August 1, 2016, at 6:30 p.m.

Regular City Council Meeting – Monday, August 15, 2016, at 6:30 p.m.

Regular City Council Meeting – Tuesday, September 6, 2016, at 6:30 p.m.

**The City Council recesses in July in accordance with Resolution No. 2015-148.