

## CITY OF HOLLISTER AGENDA

for City Council Meeting  
of **December 19, 2016**, on or after the hour of **6:30 p.m.**, 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 before 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 before the City Council meeting. It is customary for City staff members to review such matters before the formal presentation so 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.

### CLOSED SESSION 6:00 P.M.

- I. Public comment (limited to any item listed on the Closed Session agenda).
- II. A Closed Session will be held by the City Council of the City of Hollister to discuss the following matters:
  - i. Conference with Legal Counsel – Anticipated Litigation **(City Attorney)**  
Initiation of litigation pursuant to § 54956.9(c): (One Case)

### REGULAR SESSION: On or after the hour of **6:30 P.M.**

#### Call to Order

#### Pledge of Allegiance

**Roll Call:** Mayor Ignacio Velazquez, Vice Mayor Karson Klauer (District 3), City Council Members Raymond Friend (District 1), Mickie Solorio Luna (District 2), and Roy Sims (District 4), City Manager William Avera, City Attorney Bradley Sullivan, Chief of Police David Westrick, and City Clerk Thomas Graves. **(City Clerk)**

- a) Councilmember Ray Friend will take the Oath and deliver remarks.
- b) Mayor Ignacio Velazquez will take the Oath and deliver remarks.

**PRESENTATION** – Certificate of Recognition,  
Charlie Bedolla, Hollister Fire Department **(Mayor)**

**A. CONSENT CALENDAR (December 5, 2016):**

All items listed on the Consent Calendar will be enacted in one motion authorizing the actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council or a staff member. **(City Clerk)**

**Consent Items are Numbers A1, A2, A3, A4, A5, A6, A7, A8 and A9.**

1. Minutes of the regular City Council meeting of December 5, 2016. **(City Clerk)**

**Recommendation:** That the City Council APPROVE the Minutes of the regular City Council meeting of December 5, 2016.

- 1.1 Notice of City Council Reorganization

Recommendation: Approve the Notice of Reorganization.

2. Warrant Registers **(Administrative Services)**

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

|                                     |    |            |
|-------------------------------------|----|------------|
| November 29, 2016, in the amount of | \$ | 76,665.42  |
| November 30, 2016, in the amount of | \$ | 243,055.64 |
| November 30, 2016, in the amount of | \$ | 189,251.47 |
| November 30, 2016, in the amount of | \$ | 338,501.94 |
| December 5, 2016, in the amount of  | \$ | 606,047.39 |
| December 5, 2016, in the amount of  | \$ | 82,649.46  |
| December 2, 2016, in the amount of  | \$ | 5,880.92   |

3. Claims Against the City - **(City Clerk)**

None

4. ABC License Review – SIGMA-ALDRICH, INC. **(City Clerk)**

**Description:** The City Council will acknowledge receipt of the ABC license review for SIGMA-ALDRICH, INC., located at 2301 Bert Drive, and order it filed.

**Recommendation:** Motion to acknowledge receipt of the ABC license review for SIGMA-ALDRICH, INC. and order it filed.

5. Accepting the Statement of Election Results for the Presidential Election of November 8, 2016. **(City Clerk)**

**Description:** The San Benito County Clerk has certified the Statement of Votes Cast on November 8, 2016.

**Recommendation:** That the City Council vote to ACCEPT the Statement of Votes cast at the November 8, 2016, election.

6. RESOLUTION NO. 2016-209, A RESOLUTION APPROVING A BUDGET FOR WAYFINDING SIGNAGE INSTALLATIONS WITHIN AND NEAR THE CITY OF HOLLISTER. **(Development Services)**

**Description:** The City Council will consider approval of a resolution and a supplemental appropriation of \$60,000 to fund the installation of wayfinding signs within and near the Hollister city limits.

**Recommendation:** Staff recommends that the City Council receive the report and adopt by consent Resolution 2016-209, A Resolution of the City Council of the City of Hollister Approving a Supplemental Appropriation of \$60,000 for the Construction and Installation of Wayfinding Signs.

7. RESOLUTION NO. 2016-215, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE FIRE CHIEF TO STAFF TEMPORARILY THE POSITION OF DEPUTY FIRE MARSHAL, SCALABLE TO MEET THE NEED OF THE FIRE PREVENTION BUREAU. **(Fire Department)**

**Description:** This Resolution will authorize the Fire Department to implement a pilot program utilizing the service of a Deputy Fire Marshal/F73 for the purpose of Fire Prevention and Municipal Code Enforcement responsibilities.

**Recommendation:** ADOPT RESOLUTION NO. 2016 – 215, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE FIRE DEPARTMENT TO IMPLEMENT A PILOT PROGRAM THAT UTILIZES THE SERVICE OF A DEPUTY FIRE MARSHAL/F73 WITHIN THE FIRE PREVENTION BUREAU FOR A PROVISIONAL TERM, SCALABLE TO MEET THE NEED OF THE FIRE PREVENTION BUREAU.

8. RESOLUTION NO. 2016 - 216, A RESOLUTION OF THE CITY COUNCIL APPROVING A SUPPLEMENTAL APPROPRIATION OF FUNDS FOR PROFESSIONAL SERVICES WITH WEST COAST ARBORISTS, INC. FOR CITY-WIDE TREE TRIMMING AND RELATED SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT, and  
RESOLUTION NO. 2016 - 217, AUTHORIZING AN ADDITIONAL SUPPLEMENTAL APPROPRIATION IN AN AMOUNT NOT TO EXCEED \$30,000.00 FOR WEST COAST ARBORISTS, INC. TO PROVIDE A TREE INVENTORY. **(City Manager)**

**Description:** These resolutions will authorize the City Manager to execute an agreement with West Coast Arborists, Inc. and authorize a supplemental appropriation to cover costs associated with providing City-wide Tree Trimming and Related Services.

**Recommendation:** Staff recommends the following:

1. That the City Council Adopt Resolution No. 2016- 216, Authorizing the Execution of a Professional Services Agreement with West Coast Arborists, Inc. for City-Wide Tree Trimming and Related Services and Approve the Supplemental Appropriation of Funds, and:
  2. That the City Council Adopt Resolution No. 2016 - 217, Authorizing an Additional Supplemental Appropriation in an Amount not to Exceed \$30,000.00 for West Coast Arborists, Inc. to Provide a Tree Inventory.
9. The City Requests that the County of San Benito consider its agreement with Maple Park, LLC for approval of "A Pre-Annexation Agreement and Settlement Agreement."

**Description:** This matter was discussed in Closed Session on December 5, 2016. The Council deciding that it would not approve a tax sharing agreement that differed from "Agreement (Master Agreement for Tax Transfer upon Annexation)" (hereafter "Master Agreement") between City of Hollister and San Benito County entered into June 2011, allowing Maple Park, LLC to pay \$8,366 per parcel instead of \$11,035.57. Applicants are not parties to tax share agreements.

**Recommendation:** The City and County are currently involved in litigation over the legality of the "Additional Amount" to be paid County by City for the privilege of annexing properties. Also, although R&T Code Section 99 does allow individual agreements, in practice once a master property tax exchange agreement is operative, cities, districts and counties no longer negotiate single, ad hoc agreements, and follow the master agreement.

The City has requested that the County of San Benito allow it to terminate the Master Agreement, County refused the City's request. The County and Applicant now bring forward an individual request for a tax sharing agreement.

There is also a Part B to this agenda item, which is a part of the agenda packet. Part B is also an Agreement Affecting Real Property – A Pre-Annexation Agreement for APN(s) 019-110-031 and 019-120-038 on Buena Vista Road.

**B. THE 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 before speaking. State law prohibits the City Council from discussing or taking action on any item which is not on the agenda.

**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 any public comments or presentations.

32. West Hills Water Treatment Plant Report – Harry Blohm **(City Manager)**

Mr. Blohm will give an update.

33. First Quarter Budget Review and Quarterly presentation to Council for the City of Hollister's Operating Budget for the Fiscal Year ending June 30th, 2017.

Administrative Services Manager Brett Miller will give an update.

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

41. PUBLIC HEARING AND RESOLUTION NO. 2016-197 TO JOIN THE STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM AND BECOME A PARTICIPATING AGENCY MEMBER IN THE PROGRAM. **(Development Services)**

**Description:** The City Council will hold a public hearing to consider participation in the Statewide Community Infrastructure Program (“SCIP”), which is sponsored by the California Statewide Communities Development Authority (“CSCDA”) and bonds to be issued by CSCDA and consider approval of a resolution making certain findings and authorizing certain matters necessary to participate in SCIP.

**Recommendation:** That the City Council do the following:

- 1) Receive the staff report;
- 2) Continue the public hearing to order and invite any interested members of the public to provide testimony regarding SCIP and the proposed action;

**OPEN PUBLIC HEARING  
CONDUCT PUBLIC HEARING  
CLOSE PUBLIC HEARING**

- 3) Upon the close of the hearing, the Council consider the report and public testimony and if the Council wishes to join SCIP and become a participating member agency in this program

4) Staff has attached two alternative resolutions to this staff report that are both titled A Resolution of the City Council of the City of Hollister Authorizing the City to Join the Statewide Community Infrastructure Program; Authorizing the California Statewide Communities Development Authority to Accept Applications From Property Owners, Conduct Special Assessment Proceedings and Levy Assessments Within the Territory of the City of Hollister; Approving Form of Acquisition Agreement for Use When Applicable; and Authorizing Related Actions.

Staff recommends approval of Resolution 2016-A -207 which would allow the use of the SCIP for commercial, industrial and multi-family residential rental developments with five or more units. If the City Council determines that the SCIP program should be limited to just commercial and industrial development, staff recommends that the City Council adopt Resolution 2016-B-208.

**F. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:**

51. **SECOND READING AND ADOPTION OF ORDINANCE:** READ BY TITLE ONLY, WAIVE FULL READING, AND **ADOPT ORDINANCE NO. 1131**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AMENDING AND RESTATING CHAPTER 5.42 "MEDICAL CANNABIS FACILITIES REGULATORY PERMIT" TO TITLE 5 "BUSINESS LICENSES AND REGULATIONS" OF THE HOLLISTER MUNICIPAL CODE. **(City Attorney)**

**Description:** This Medicinal Cannabis Administrative Ordinance will provide for cultivation, dispensing, manufacturing processes to be performed on, and other ancillary services provided to Medicinal Cannabis businesses. The original *ad hoc* committee of Councilmembers Ray Friend and Karson Klauer has reviewed the new Medical Cannabis 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, and in the recently ended session six others clarifying (AB 21, 821, 2516, 2679. SB 443, 837) the concerning this area of the law, including the changing the mention of marijuana to cannabis, regulating flammable or toxic solvents such as butane. 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 Cannabis use and regulation.

The original *ad hoc* committee of Councilmembers Ray Friend and Karson Klauer completed their efforts and First Reading and Introduction on June 20, 2016, and Second Reading presentation on August 15, 2016. Thereafter, the Second Reading did not result in an adoption of Ordinance, and Councilmember Klauer was replaced by Mayor on *ad hoc* committee by Mayor Ignacio Velasquez. After a series of stakeholder meetings, it being determined that changes had taken place in previously read ordinances, another first reading was held on December 5, 2016. At that meeting, some of the ordinance changes were accepted by a majority of Council, some not. The ordinance is again before the Council for consideration and adoption.

**Recommendation:** Read by title only; waive full reading and **Adopt Ordinance No. 1131**.

52. **SECOND READING AND ADOPTION OF ORDINANCES:** READ BY TITLES ONLY, WAIVE FULL READING, AND **ADOPT ORDINANCES NO. 1133 AND 1134.** Ordinance No. 1133 Amending the City of Hollister General Plan on approximately 81.01 acres of property located on the north side of North Street between the east terminus of Buena Vista Road and the west terminus of North Street, further identified as APN 053-370-038, 053-370-037, 019-130-027, and 019-130-026 from High Density Residential which requires 12 to 35 dwelling units per acre to Medium Density Residential which requires 8 to 12 dwelling units per acre and for the expansion of the sphere of influence to encompass the entire site, and another Ordinance No. 1134 amending Municipal Code Chapter 17.24.250 Pre-zoning of Specifically Described Real Property (APN 019-130-027 and 019-130-026) to Medium Density Residential Performance Overlay Zoning District and Re-zoning Real Property (APN 053-370-038 and 053-370-037) to Medium Density Residential Performance Overlay Zoning District. **(Development Services)**

**Description:** An Ordinance for a general plan amendment of approximately 81.01 acres APN 053-370-038, 053-370-037, 019-130-027, and 019-130-026 from High Density Residential which requires 12 to 35 dwelling units per acre to Medium Density Residential which requires 8 to 12 dwelling units per acre and to expand the sphere of influence to encompass the entire site and another ordinance to pre-zone (APN 019-130-027 and 019-130-026) to Medium Density Residential Performance Overlay Zoning District and Re-zone (APN 053-370-038 and 053-370-037) to Medium Density Residential Performance Overlay Zoning District.

**Recommendation:** Read by title only and **adopt Ordinance No. 1133 and Ordinance No.1134.**

53. RESOLUTION NO. 2016 - 210, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE ADMINISTRATIVE SERVICES DIRECTOR TO AMEND THE FY 2016/17 BUDGET FOR THE FIRE DEPARTMENT TO HIRE ONE (1) TEMPORARY FULLTIME FIREFIGHTER FOR THE PURPOSE OF MINIMIZING OVERTIME CREATED BY THE PANOCHÉ VALLEY SOLAR (PVS) PROJECT CONTRACT ASSIGNMENT. **(Fire Department)**

**DESCRIPTION:** This Resolution will authorize the fire department to augment the fire department staffing level by hiring one (1) temporary fulltime firefighter. This will allow the fire department the staffing needed to reduce overtime created from firefighters who are assigned to the fire protection contract obligation of the PVS project.

**RECOMMENDATION:** Adopt Resolution No. 2016-210, a Resolution of the City Council of the City of Hollister authorizing the Administrative Services Director to amend the FY 2016/17 budget to hire one (1) temporary fulltime firefighter at a cost of \$84,166. The adjustment to the fire department personnel budget will be funded by the PVS project contract (Fund 271).

54. RESOLUTION NO. 2016- 211 OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE CITY OF HOLLISTER COMMUNITY FACILITY DISTRICT NO. 2 (POLICE & FIRE SERVICES) ANNUAL ACCOUNTABILITY REPORT FOR THE FISCAL YEAR 2015/16. **(Development Services)**

**Description:** A specific section of the California Government Code (section 50075.1 and 53410) requires annual reporting for voter-approved special taxes issued subsequent to January 2001. The Local Agency Special Tax and Bond Accountability Act (Accountability Act) was enacted by the California State Legislators through Senate Bill 165 requiring annual reporting of any local special tax and/or bond to be filed by the local agency. The report includes information of the purpose of the special tax and/or bond measure, proceeds of the special tax, account into which proceeds are deposited and amounts of funds collected.

**Recommendation:** Adopt Resolution No. 2016 – 211, a Resolution of the City Council of the City of Hollister approving the (Attached) City of Hollister Community Facility District No. 2 Annual Accountability Report for the fiscal year 2015/16.

55. RESOLUTION NO. 2016-212, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE CITY OF HOLLISTER COMMUNITY FACILITY DISTRICT NO. 4 (PUBLIC FACILITIES SERVICES) ANNUAL ACCOUNTABILITY REPORT FOR THE FISCAL YEAR 2015/16. **(Development Services)**

**Description:** A specific section of the California Government Code (section 50075.1 and 53410) requires annual reporting for voter-approved special taxes issued subsequent to January 2001. The Local Agency Special Tax and Bond Accountability Act (Accountability Act) was enacted by the California State Legislators through Senate Bill 165 requiring annual reporting of any local special tax and/or bond to be filed by the local agency. The report includes information of the purpose of the special tax and/or bond measure, proceeds of the special tax, account into which proceeds are deposited and amounts of funds collected.

**Recommendation:** Adopt Resolution No. 2016 - 212, Resolution of the City Council of the City of Hollister approving the (Attached) City of Hollister Community Facility District No. 4 Annual Accountability Report for the fiscal year 2015/16.

56. RESOLUTION 2016 - 213, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE SUBDIVISION IMPROVEMENT AGREEMENT FOR ORCHARD PARK, TRACT NO. 324, AND AUTHORIZING EXECUTION OF THE AGREEMENT FOR THE IMPROVEMENT WITH PANEGYRIC FINANCIAL, INC. **(Development Services - Engineering)**

**Description:** Consider approval of the Subdivision Improvement Agreement for a 82 lot residential subdivision, located North of Central Avenue, South of Buena Vista Road, West of Calaveras Elementary School, and East of Miller Road, and authorize execution of the agreement for the improvement of associated infrastructure requirements.

**Recommendation:** Adopt Resolution 2016 - 213, approving the subdivision improvement agreement for Orchard Park, Tract 324, and authorizing execution of the agreement for the improvement with Panegyric Financial, Inc.

57. RESOLUTION 2016 – 214, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE SUBDIVISION IMPROVEMENT AGREEMENT FOR THE COTTAGES, TRACT NO. 327, AND AUTHORIZING EXECUTION OF THE AGREEMENT FOR THE IMPROVEMENT WITH PANEGYRIC FINANCIAL, INC. **(Development Services – Engineering)**

**Description:** Consider approval of the Subdivision Improvement Agreement for a 39 lot residential subdivision, located south of South Street and west of Westside Boulevard, and authorize execution of the agreement for the improvement of associated infrastructure requirements.

**Recommendation:** Adopt Resolution 2016 - 214 approving the subdivision improvement agreement for The Cottages, Tract 327, and authorizing execution of the agreement for the improvement with Panegyric Financial, Inc.

58. RESOLUTION NO. 2016-218, A RESOLUTION APPROVING VARIOUS TEMPORARY STREET CLOSURES DOWNTOWN FOR THE HOLLISTER DOWNTOWN ASSOCIATION FOR ANNUAL EVENTS FOR 2017. **(City Manager)**

**Description:** This Resolution will approve various temporary street closures in the downtown area for the Hollister Downtown Association for the Farmers Market, 31st Anniversary Street Festival and Car Show, and Lights on Celebration and Parade.

**Recommendation:** That the City Council consider ADOPTING Resolution No. 2016 – 218, a Resolution of the City Council of the City of Hollister approving various temporary street closures downtown for the Hollister Downtown Association for annual events in 2017.

59. Resolution No. 2016 - 196, a Resolution of the City Council of the City of Hollister Approving an Agreement with Roadshows Inc. to promote the Hollister 2017 Motorcycle Rally, or Resolution No. 2016 – 219, a Resolution of the City Council to cancel the event.

**DESCRIPTION:** The City Council will have the opportunity to consider a contract with Roadshows Inc. as the promoter of the 2017 Rally or adopt a Resolution to cancel the 2017 Motorcycle Rally event.

**RECOMMENDATION:** Staff recommends the City Council receive the report and consider adopting a contract with Roadshows Inc. 2017 Hollister Motorcycle Rally, or consider a resolution cancelling the 2017 event.

**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, and City Clerk.

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 action as appropriate.

**H. UNFINISHED BUSINESS:**

None

**I. NEW BUSINESS:**

None.

**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.

The next City Council Meetings are scheduled for:

~~Regular City Council Meeting – Tuesday, January 3, 2017, **CANCELED**~~

Special City Council Meeting – Monday, January 9, 2017, at 5:00 p.m.

Regular City Council Meeting – Tuesday, January 17, 2017, at 6:30 p.m.

Regular City Council Meeting – Monday, February 6, 2017, at 6:30 p.m.

Regular City Council Meeting – Tuesday, February 21, 2017, at 6:30 p.m.

Regular City Council Meeting – Monday, March 6, 2017, at 6:30 p.m.