

CITY OF HOLLISTER AGENDA

for City Council Meeting

of **February 6, 2017**, 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:

Conference with Legal Counsel – Anticipated Litigation (**City Attorney**)
Initiation of litigation pursuant to § 54956.9(c): (Three Cases)

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**)

002. PRESENTATION – Committee Appointments for CY 2017 (**Mayor**)

003. PRESENTATION – Proclamation Honoring LULAC's 88th Anniversary (**Mayor**)

004. City Attorney Closed Session Oral Report (City Attorney)

A. CONSENT CALENDAR (February 6, 2017):

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.

Consent Items are Numbers A.1, A.2, A.3, A.4, A.5, A.6, A.7, A.8,A.9, A.10 and A.11.

1. **TITLE:** Minutes of the special City Council meeting of January 30, 2017. (**City Clerk**)

RECOMMENDATION: That the City Council APPROVE the Minutes of the special City Council meeting of January 30, 2017.

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

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

January 10, 2017, in the amount of	\$	650,208.34
January 10, 2017, in the amount of	\$	353,675.06
January 12, 2017, in the amount of	\$	223,374.56
January 12, 2017, in the amount of	\$	130,073.82
January 13, 2017, in the amount of	\$	171,977.13
January 18, 2017, in the amount of	\$	2,300.00
January 20, 2017, in the amount of	\$	3,910.70
January 20, 2017, in the amount of	\$	180,626.44
January 25, 2017, in the amount of	\$	399,535.18
January 25, 2017, in the amount of	\$	241,793.37

3. **TITLE:** Claims Against the City - One Claim (**City Clerk**)

Claim filed by Pablo Rosales.

DESCRIPTION: A claim against the City was filed by Pablo Rosales on January 24, 2017. Staff recommends denial of this claim and seeks authorization to send the notice of rejection to the claimant.

RECOMMENDATION: That the City Council make the following motion: Deny the claim against the City filed by Pablo Rosales and direct staff to send the Notice of Rejection of Claim to the claimant.

4. **TITLE:** RESOLUTION NO. 2017-25, A RESOLUTION OF THE CITY COUNCIL APPROVING A LEGISLATIVE RECESS IN JULY 2017. **(City Clerk)**

DESCRIPTION: This Resolution will cancel of all City Council and City Commission Meetings in the month of July 2017.

RECOMMENDATION: That the City Council adopt the Resolution.

5. **TITLE:** ABC License Review – Jessie's Investment Corporation, owner of La Barata Market. **(City Clerk)**

DESCRIPTION: That the City Council acknowledge receipt of the ABC license review for La Barata Market, located at 710 San Benito Street #B, and deny the license.

RECOMMENDATION: Motion to deny the ABC license for La Barata Market.

6. **TITLE:** RESOLUTION NO. 2017-26, A RESOLUTION OF THE CITY COUNCIL APPROVING A REIMBURSEMENT AGREEMENT FOR THE RELOCATION OF PARK FACILITIES AT THE LADD RANCH SUBDIVISION. **(Development Services)**

DESCRIPTION: This Resolution will make a finding of substantial conformance and approve a Reimbursement Agreement between the City and K Hovnanian Homes at the Ladd Ranch LLC. for the re-location and construction of a pocket park at the Nora Drive south stub.

RECOMMENDATION: Adopt Resolution No. 2017-26, a Resolution of the City Council of the City of Hollister Approving A Reimbursement Agreement Between the City of Hollister and K Hovnanian Homes At Ladd Ranch, LLC. For the Ladd Ranch Development, Tract 319 for the Relocation and Installation of Recreation Improvements.

7. **TITLE:** RESOLUTION 2017-27, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE LIBRARY FACILITIES IMPACT FEES OF \$544 FOR SINGLE FAMILY RESIDENTIAL UNITS AND \$495 FOR MULTI-FAMILY RESIDENTIAL UNITS TO BE ADJUSTED ANNUALLY. **(Development Services)**

DESCRIPTION: Consider approval of Library Facilities Impact Fees pursuant to the nexus study prepared by Willdan Financial Services effective December 5, 2016.

RECOMMENDATION: That the City Council adopt Resolution No. 2017-27, approving the Library Facilities Impact fees.

8. **TITLE:** Letters of support for Assembly Bill 1 (Frazier) and Senate Bill 1 (Beall), Transportation Funding. **(Development Services)**

DESCRIPTION: The City Council will receive a request to direct the Mayor to sign letters of support for proposed legislation, AB 1 (Frazier) and SB 1 (Beall) Transportation Funding to implement needed comprehensive transportation reform and funding to help repair and maintain existing transportation infrastructure.

RECOMMENDATION: Staff recommends that the City Council direct the Mayor to sign the attached letters recommending support of AB 1 (Frazier) and SB 1 (Beall) Transportation Funding legislation.

9. **TITLE:** RESOLUTION 2017-34, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE SUBDIVISION IMPROVEMENT AGREEMENT FOR WALNUT PARK 14, TRACT NO. 145 AND AUTHORIZING EXECUTION OF THE AGREEMENT FOR THE IMPROVEMENT WITH WALNUT PARK, LLC. **(Development Services)**

DESCRIPTION: Consider approval of the Subdivision Improvement Agreement for Walnut Pak 14, a 42 lot residential subdivision, and authorize execution of the agreement for the improvement of associated infrastructure requirements.

RECOMMENDATION: Adopt Resolution 2017-34, approving the subdivision improvement agreement for Walnut Park 14, Tract 145, and authorizing execution of the agreement for the improvement with Walnut Park, LLC.

10. **TITLE:** RESOLUTION NO. 2017-32 OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PROPOSED BOUNDARY OF WALNUT PARK NO. 14 SUBDIVISION FOR THE ANNEXATION OF TERRITORY INTO COMMUNITY FACILITY DISTRICT NO. 2 ANNEXATION NO. 18 (POLICE & FIRE SERVICES). (Development Services)

DESCRIPTION: Consider approval of the boundary of Walnut Park No. 14 Subdivision for the Community Facility District No. 2 Annexation No.18 for the Police and Fire Services and authorize execution of the agreement for the proposed boundary.

RECOMMENDATION: Adopt Resolution No. 2017-32, a Resolution of the City Council of the City of Hollister approving the proposed boundary of Walnut Park No. 14 Subdivision for the annexation of territory into Community Facility District No. 2 Annexation No. 18 (Police & Fire Services).

11. **TITLE:** RESOLUTION NO. 2017-33, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PROPOSED BOUNDARY WALNUT PARK NO. 14 AND 1640 CIENEGA CROSS SUBDIVISIONS FOR THE ANNEXATION OF TERRITORY INTO COMMUNITY FACILITY DISTRICT NO. 4 ANNEXATION NO. 10 AND 11 (PUBLIC FACILITIES SERVICES).

DESCRIPTION: Consider approval of the boundary of Walnut Park No. 14 and 1640 Cienega Cross Subdivisions for the annexation of territory into Community Facility District No. 4 Annexation No. 10 and 11 (Public Facilities Services), and authorize execution of the agreement for the proposed boundary.

RECOMMENDATION: Adopt Resolution No. 2017-33, a Resolution of the City Council of the City of Hollister approving the proposed boundary Walnut Park No. 14 and 1640 Cienega Cross Subdivisions for the annexation of territory into Community Facility District No. 4 Annexation No. 10 and 11 (Public Facilities Services).

B. THE CITY OF HOLLISTER AS THE SUCCESSOR HOUSING 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. **TITLE:** City Manager's oral report. **(City Manager)**

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

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

41. **TITLE:** ADOPTION OF ORDINANCE NO. 1135 REGARDING THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE. **(Development Services)**

DESCRIPTION: The City will hold a public hearing to consider an ordinance amending 15.04 Building Regulations of the Hollister Municipal Code, and adopting by reference, The California Code of Regulations Title 24, 2016 Edition of the California Building Standards Code with amendments.

Open Public Hearing
Conduct Public Hearing
Close Public Hearing

RECOMMENDATION: Open public hearing, close public hearing, Read by Title Only, Waive Full Reading, and Introduce Ordinance No. 1135 An Ordinance of the City Council of the City of Hollister Amending Chapter 15.04 to Update Hollister Building Code and direct staff to schedule the ordinance for a second reading on February 21, 2017.

42. **TITLE:** ADOPTION OF ORDINANCE NO. 1136 APPROVING THE COMMUNITY CHOICE AGGREGATION PROGRAM. **(City Manager)**

DESCRIPTION: The City Council will conduct the first reading of an Ordinance implementing the Community Choice Aggregation Program Ordinance.

Open Public Hearing
Conduct Public Hearing
Close Public Hearing

RECOMMENDATION: Open public hearing, Close public hearing, Read by Title Only, Waive Full Reading, and Introduce Ordinance No. 1136, An Ordinance of the City Council of the City of Hollister Approving the Community Choice Aggregation Program, and directing staff to schedule the ordinance for a second reading on February 21, 2017.

F. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

- 50-A. **TITLE:** Monterey Bay Community Power Joint Powers Authority

DESCRIPTION: The City Council will consider adopting a Resolution establishing the Joint Powers Association and approving City of Hollister as a founding member.

RECOMMENDATION: Adopt Resolution 2017-37 approving the City's participation in the MBCP Joint Powers Authority.

50. **TITLE:** RESOLUTION NO. 2017-36, A RESOLUTION ADOPTING THE ADMINISTRATIVE PROCEDURE FOR THE ISSUANCE OF MEDICAL CANNABIS FACILITIES REGULATORY PERMITS AND REGULATIONS FOR THE OPERATION OF MEDICAL CANNABIS FACILITIES.
- DESCRIPTION:** This Resolution will authorize procedures and regulations concerning the implementation of Ordinance No. 1131 amending and restating Chapter 5.42 "Medical Cannabis Facilities Regulatory Permit" to Title 5 "Business Licenses and Regulations" of the Hollister Municipal Code (the "Ordinance"). **(City Attorney (Outside Counsel))**
- RECOMMENDATION:** That the City Council Adopt Resolution No. 2017-36.
51. This number was not used.
52. **TITLE:** RESOLUTION NO. 2017-28, REQUEST FOR PROPOSALS WITH INTEGRATED WASTE MANAGEMENT FOR THE JOINT FRANCHISE AGREEMENT FOR WASTE HAULING. **(City Manager)**
- DESCRIPTION:** The City Council will consider a Resolution approving participation in the Request for Proposal process with Integrated Waste Management for the Joint Franchise Agreement for Waste Hauling.
- RECOMMENDATION:** That the City Council Adopt Resolution 2017-28.
53. **TITLE:** RESOLUTION NO. 2017-29, A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE INITIATION OF PREZONING ON AN APPROXIMATELY 1.55 ACRE SITE LOCATED IN THE UNINCORPORATED AREA OF THE COUNTY OF SAN BENITO AND WITHIN THE CITY OF HOLLISTER SPHERE OF INFLUENCE AT 1091 SAN FELIPE ROAD, EAST OF SAN FELIPE ROAD AND SOUTH OF COMMUNITY PARKWAY, FURTHER IDENTIFIED AS SAN BENITO COUNTY ASSESSOR PARCEL NUMBERS 019-040-019 AND 019-040-010. **(Development Services)**
- DESCRIPTION:** Section 17.24.250 of the Hollister Municipal Code (HMC) requires City Council authorization to initiate prezoning for annexation.
- RECOMMENDATION:** That the City Council approve the following motion: Adopt Resolution No. 2017-29, A Resolution Of The City Council Authorizing The Initiation Of Pre-Zone Application No. 2017-1 For The Property Identified As San Benito County Assessor Parcel Numbers: 019-040-019 And 019-040-010.

54. **TITLE: RESOLUTION NO. 2017-30** OF THE CITY COUNCIL APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF HOLLISTER AND DENOVA HOMES, INC. AUTHORIZING THE MAYOR TO SIGN THE ANNEXATION AGREEMENT ON BEHALF OF THE CITY OF HOLLISTER; AND **RESOLUTION NO 2017-31**, AN APPLICATION BY THE CITY OF HOLLISTER REQUESTING THE LOCAL AGENCY FORMATION COMMISSION OF SAN BENITO COUNTY (LAFCO) TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF TERRITORY. **(Development Services)**

DESCRIPTION: A resolution approving the annexation agreement between the applicant and the City of Hollister and authorizing the Mayor to execute the agreement on behalf of the City and a resolution requesting LAFCo to initiate proceedings to annex the territory of 57.9 acres to the City of Hollister. The annexation agreement establishes criteria for annexing property in compliance with and subject to all City ordinances, resolutions, and policies, and in compliance with all applicable provisions of the Tax Sharing Agreement dated June 6, 2011, between the City of Hollister and County of San Benito, as amended from time to time.

RECOMMENDATION: That the City Council approve the following motion:

- Adopt Resolution No. 2017-30 approving the Annexation Agreement and authorizing the Mayor to execute the agreement on behalf of the City of Hollister; and
 - Adopt Resolution No. 2017-31, a Resolution of the City Council of the City of Hollister requesting LAFCo to initiate proceedings for the annexation of territory.
55. This number was not used.
56. This number was not used.
57. **TITLE: RESOLUTION NO. 2017-35**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING SUPPLEMENTAL ADJUSTMENTS FOR THE CITY OF HOLLISTER'S OPERATING BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2017. **(Administrative Services)**

DESCRIPTION: This Resolution approves Supplemental Adjustments for the City of Hollister's Operating Budget for the Fiscal Year ending June 30, 2017.

RECOMMENDATION: Adopt Resolution No. 2017-35, a Resolution of the City Council of the City of Hollister approving Supplemental Adjustments for the City of Hollister's Operating Budget for the Fiscal Year ending June 30, 2017.

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, February 21, 2017, at 6:30 p.m.
- Regular City Council Meeting – Monday, March 6, 2017, at 6:30 p.m.
- Regular City Council Meeting – Monday, March 20, 2017, at 6:30 p.m.
- Regular City Council Meeting – Monday, April 3, 2017, at 6:30 p.m.