

CITY OF HOLLISTER AGENDA

for City Council Meeting

of **March 20, 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: **(City Attorney)**
 - i. Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to § 54956.9(b): (One Case)
 - ii. Conference with Legal Counsel – Existing Litigation
Pursuant to §54956.9: (One Case)
 - iii. Public Employment (§54957) (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), City Manager William Avera, City Attorney Bradley Sullivan, Chief of Police David Westrick, and City Clerk Thomas Graves. **(City Clerk)**

Verification of Agenda Posting (City Clerk)

City Attorney Closed Session Oral Report (City Attorney)

A. CONSENT CALENDAR (March 20, 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:

A.1, A.1.2, A.2, A.3, A.4, A5, A.6., A.7., A.8., A.9., A.10., and A.11.

1. Minutes of the City Council meeting of March 6, 2017. **(City Clerk)**

RECOMMENDATION: That the City Council APPROVE the Minutes of the City Council meeting of March 6, 2017.

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

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

A.2.1	February 23, 2017, in the amount of	358,855.66
A.2.2	February 23, 2017, in the amount of	226,177.99
A.2.3.	February 23, 2017, in the amount of	6,855.33
A.2.4.	February 28, 2017, in the amount of	517,320.03
A.2.5.	February 28, 2017, in the amount of	10,551.29
A.2.6.	March 3, 2017, in the amount of	300,708.69
A.2.7.	March 3, 2017, in the amount of	7,032.61
A.2.8.	March 7, 2017, in the amount of	11,173.57

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

Title: Claim against the City – Jaime Ruiz Cortez

Description: A claim against the City was filed by Jaime Ruiz Cortez on March 8, 2017. Staff recommends denial of this claim and seeks authorization to send notices of rejection to the claimants.

Recommendation: That the City Council make the following motion: Deny the claim against the City filed by Jaime Ruiz Cortez and direct staff to send the Notice of Rejection of Claim to the claimant.

4. Claims Against the City - One Claim **(City Clerk)**

Title: Claim against the City – Ruben Mendoza

Description: A claim against the City was filed by Ruben Mendoza on March 14, 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 Ruben Mendoza and direct staff to send the Notice of Rejection of Claim to the claimant.

5. **Title:** RESOLUTION NO. 2017-59, A RESOLUTION CLARIFYING COSTS FOR PARK EQUIPMENT REGARDING THE REIMBURSEMENT AGREEMENT FOR THE RELOCATION OF PARK IMPROVEMENTS AT THE LADD RANCH DEVELOPMENT. **(Development Services)**

Description: The City Council will consider a resolution to clarify the intent of the City Council when it amended the reimbursement agreement for the Nora Drive Pocket Park and approve a resolution to fund the net increase in costs for larger play equipment.

Recommendation: Adopt Resolution No. 2017-59, A Resolution of the City Council of the City of Hollister Approving Additional Expenditures for A Larger Play Structure in Association with the 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.

6. **Title:** RESOLUTION NO. 2017 – 63, A RESOLUTION APPROVING A SUPPLEMENTAL APPROPRIATION OF FUND 620 - WATER ENTERPRISE FUND AND FUND 621 - WATER EXPANSION FOR CIP 2914. **(Development Services)**

Description: This item will approve a supplemental of funds for CIP 2914 for infrastructure and equipment upgrades.

Recommendation: Adopt Resolution No. 2017 - 63, A Resolution of the City Council of the City of Hollister Approving a Supplemental Appropriation of Fund 620- Water Enterprise Fund and Fund 621 - Water Expansion for CIP 2914.

7. **Title:** RESOLUTION NO. 2017-64, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PROPOSED BOUNDARY OF THE COTTAGES SUBDIVISION FOR THE ANNEXATION OF TERRITORY INTO COMMUNITY FACILITY DISTRICT NO. 4 ANNEXATION NO. 13 (PUBLIC FACILITIES SERVICES). **(Development Services)**

Description: Consider approval of the boundary of The Cottages Subdivision for the annexation of territory into Community Facility District No. 4 Annexation No. 13 (Public Facilities Services), and authorize execution of the agreement for the proposed boundary.

Recommendation: Adopt Resolution No. 2017-64, Resolution of the City Council of the City of Hollister approving the proposed boundary of The Cottages Subdivision for the annexation of territory into Community Facility District No. 4 Annexation No. 13 (Public Facilities Services).

8. **Title:** RESOLUTION NO. 2017-65, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING STAFF TO SUBMIT GRANT APPLICATIONS TO CALRECYCLE FOR 5 YEARS. **(Management Services)**

Description: This resolution will authorize staff to submit grant applications for the State of California TDP recycling program for the next five years.

Recommendation: That the City Council Approve Resolution No. 2017-65, approving grant applications for TDP funds for next five years.

9. **TITLE:** RESOLUTION NO. 2017-66, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A SUPPLEMENTAL APPROPRIATION OF \$15,000 FOR THE REPAIR OF 450' OF REDWOOD SOUND WALL. **(Management Services)**

DESCRIPTION: Staff is requesting that the City Council approve the resolution allowing a supplemental appropriation of \$15,000 to repair 450' of redwood sound wall that was damaged on 2/17/17 during a storm.

RECOMMENDATION: Staff recommends that the City Council Approve Resolution No. 2017-66, approving a supplemental appropriation of \$15,000 from Fund 101 reserves to repair the sound wall.

10. **Title:** RESOLUTION NO. 2017-67, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS OF THE FINANCE AND CITY CLERK OFFICE. **(Management Services)**

Description: This item will permit the destruction of old financial records currently being stored by the City of Hollister.

Recommendation: Staff recommends that the City Council Approve Resolution No. 2017-67, approving the destruction of records.

11. **Title:** RESOLUTION 2017- 68, AUTHORIZATION FOR LIVE SCAN / CRIMINAL HISTORY CHECKS FOR EMPLOYMENT, LICENSING AND CERTIFICATION FOR THE CANNABIS FACILITIES (ALL FORMS AS ALLOWED IN THE CITY OF HOLLISTER). **(Police)**

Description: This Resolution will authorize the Hollister Police Department to Live Scan individuals as required by local ordinance for employment, licensing and certification.

Recommendation: Adopt Resolution 2017- 68, authorizing the Hollister Police Department to Live Scan individuals as required by local ordinance for employment, licensing and certification.

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. 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. **FIRST READING: Title: ORDINANCE NO. 1131-A**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AMENDING CHAPTER 5.42 "MEDICAL CANNABIS FACILITIES REGULATORY PERMIT" TO TITLE 5 "BUSINESS LICENSES AND REGULATIONS" OF THE HOLLISTER MUNICIPAL CODE AND ADMINISTRATIVE PROCEDURE FOR THE ISSUANCE OF MEDICAL CANNABIS FACILITIES REGULATORY PERMITS AND REGULATIONS FOR THE OPERATION OF MEDICAL CANNABIS FACILITIES ("REGULATIONS"). **(City Special Counsel on Cannabis)**

Description: This Ordinance will amend two errors that became apparent when reviewing and adopting the Regulations on February 20, 2017. They were related to requirements in the Ordinance that the relevant age to be banned for sales is under eighteen (18) years of age, instead of twenty-one (21); and ownership interest will be changed from seventy-five (75) to fifty (50) percent, and who will be California residents.

Recommendation: That the City Council read by title only and schedule for second reading and adoption on April 3, 2017.

42. **FIRST READING: Title: ORDINANCE NO. 1137**, AMENDING CHAPTER 17.16.100 "NOISE – A. CONSTRUCTION, LANDSCAPE MAINTENANCE, GROUNDS MAINTENANCE." AND 17.16.100 "NOISE – B. LANDSCAPING AND GROUNDS MAINTENANCE." AND ADDING CHAPTER 17.16.100 "NOISE – C. CONSTRUCTION." OF THE HOLLISTER MUNICIPAL CODE RELATING TO CONSTRUCTION NOISE. **(Development Services)**

Description: This Ordinance will amend the Municipal Code by including additional clarification, restrictions and regulations regarding noise for construction, landscaping and grounds maintenance.

Recommendation: Read by title only, Waive Full Reading, and Introduce Ordinance No. 1138, An Ordinance of the City of Hollister amending section 17.16.11 of Title 17 Zoning, Chapter 17.16, "Performance Standards," 17.16.100 "Noise," of the Hollister Municipal code relating to additional restrictions and regulations of noise for construction, landscaping and grounds maintenance, and schedule for second reading and adoption on April 3, 2017.

F. INTRODUCTION AND ADOPTION OF RESOLUTIONS, ORDINANCES and REPORTS:

51. **Title:** RESOLUTION NO. 2017-58, A RESOLUTION INTERPRETING AND CLARIFYING BUSINESS LICENSE TAXES FOR SHORT TERM BUSINESSES. **(Development Services)**

Description: The City Council will consider adoption of a resolution interpreting and clarifying business license taxes for short term business activities.

Recommendation: Staff recommends that the City Council receive the report and consider adoption of Resolution 2017- 58, A Resolution of the City Council of the City of Hollister Making Determinations Regarding Business License Taxes for Seasonal and Temporary Businesses.

52. **Title:** Selection of Requests for Proposal for the use of \$700,000 of the Low-Moderate Income Housing Asset Fund. **(Development Services)**

Description: The City Council will consider two proposals for the use of the Low-Moderate Income Housing Asset Funds (LMHAF) and a request to direct staff to prepare loan agreements with CHISPA in partnership with the Community Services Development Corporation (CSDC).

Recommendation: That the City Council receive the report and approve the following motion: Select the Request for Proposal from CHISPA in partnership with the Community Services Development Corporation (CSDC) for \$700,000 to assist with a 48 unit affordable senior housing project at 560 Line Street and direct staff to prepare loan agreements for City Council approval.

F. INTRODUCTION AND ADOPTION OF RESOLUTIONS, ORDINANCES and REPORTS (Cont'd.)

53. **Title:** RESOLUTION NO'S. 2017-60, 2017-61, 2017-62, RESOLUTIONS OF THE CITY COUNCIL APPROVING ANNEXATION AGREEMENTS BETWEEN THE CITY OF HOLLISTER AND MR. FERNANDO GONZALEZ AND MR. FRANK BORELLI AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY OF HOLLISTER AND A RESOLUTION OF 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: Resolutions approving the annexation agreements between the applicants and the City of Hollister and authorizing the Mayor to execute the agreements on behalf of the City and a resolution requesting LAFCo to initiate proceedings to annex the territory 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:

1. ADOPT RESOLUTION NO. 2017-60, APPROVING THE ANNEXATION AGREEMENT WITH FRANK P. BORELLI JR. AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF HOLLISTER.
2. ADOPT RESOLUTION NO. 2017-61, APPROVING THE ANNEXATION AGREEMENT WITH FERNANDO GONZALEZ AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF HOLLISTER.
3. ADOPT RESOLUTION NO. 2017-62, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER REQUESTING LAFCO TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF TERRITORY.

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 oral informational 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 before 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 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 – Monday, April 3, 2017, at 6:30 p.m.
- Regular City Council Meeting – Monday, April 17, 2017, at 6:30 p.m.
- Regular City Council Meeting – May 1, 2017, at 6:30 p.m.
- Regular City Council Meeting – May 15, 2017, at 6:30 p.m.