

CITY OF HOLLISTER AGENDA

for **City Council Meeting**

of **February 5, 2018, at 6:30 p.m.**, in the City Council Chambers, City Hall, 375 Fifth Street, Hollister, California.

NOTICE TO PUBLIC

Persons who wish to address the City Council are asked to complete a Speaker's 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.

Call to Order

Pledge of Allegiance

Roll Call: Mayor Ignacio Velazquez, Vice Mayor Mickie Solorio Luna, City Council Members, Raymond Friend, Karson Klauer and Jim Gillio, City Manager William Avera, City Attorney E. Soren Diaz, Chief of Police David Westrick, and City Clerk Christine Black.

Verification of Agenda Posting

CLOSED SESSION: 5:00 p.m.

- A. Public comment (limited to any item listed on the Closed Session agenda).
- B. A Closed Session will be held by the City Council of the City of Hollister to discuss all or some of the following matters:
 - 1. License/Permit Determination (Government Code section 54956.7)
Applicants: 1. Scott McPhail; California Finest Manufacturing
2. LLXP Corporation
(City Manager, Hollister Police Department)

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2. Conference with Legal Counsel-Anticipated Litigation
Significant exposure to litigation pursuant to Government Code section 54956.9(b):
(One potential case, 400 Block Referendum)
(City Attorney, City Clerk) (Ignacio Velazquez recused from 400 Block Referendum.)
3. Conference with Legal Counsel-Existing litigation pursuant to Government Code section 54956.9
Name of case: Award Homes v. City of Hollister, et. al. (City Attorney)
4. Conference with Real Property Negotiators (Government Code section 54956.8)
Property: 420 Hill Street, Hollister, CA 95023
Agency Negotiator: Development Services Director, Bryan Swanson & City Manager Avera
Negotiating Parties: City of Hollister and Global Signal Acquisition IV, LLC.
Under Negotiation: Instructions to Agency negotiator will concern price and terms of payment. (City Manager)

Pledge of Allegiance

Roll Call: Mayor Ignacio Velazquez, Vice Mayor Mickie Solorio Luna, City Council Members, Raymond Friend, Karson Klauer and Jim Gillio, City Manager William Avera, City Attorney E. Soren Diaz, Chief of Police David Westrick, and City Clerk Christine Black.

Verification of Agenda Posting

Closed Session: Report out.

A. CONSENT RESOLUTION (February 5, 2018):

All items listed under consent Resolution will be enacted by one motion authorizing 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, a Staff member, or a Citizen.

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

- A1. The Minutes of the regular City Council meeting of January 16, 2018. (City Clerk) #1

Recommendation: Staff recommends that the City Council approve the regular City Council meeting of January 16, 2018.

A2. Warrant Registers.

#2

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

- January 8, 2018, in the amount of \$ 1,042,755.54
- January 8, 2018, in the amount of \$ 219.42
- January 11, 2018, in the amount of \$ 393,266.41
- January 11, 2018, in the amount of \$ 248,068.37
- January 12, 2018, in the amount of \$ 141.42
- January 12, 2018, in the amount of \$ 236.10
- January 12, 2018, in the amount of \$ 47,923.47
- January 16, 2018, in the amount of \$ 1,304,096.12
- January 18, 2018, in the amount of \$ 4,000.00
- January 19, 2018, in the amount of \$ 904.78
- January 19, 2018, in the amount of \$ 105,146.33
- January 24, 2018, in the amount of \$ 388,439.84
- January 24, 2018, in the amount of \$ 254,164.91

A3. CLAIMS AGAINST THE CITY – FILED BY HUGO LOPEZ AND STATE FARM C/O JOSEPH LIAL. (City Clerk) #3

RECOMMENDATION: That the City Council make the following motion: Deny the claims against the City filed by Hugo Lopez and State Farm c/o Joseph Lial and direct staff to send the Notice of Rejection of Claim to the claimants. #4

A4. ABC LICENSE REVIEW – JOHNNY’S BAR & GRILL, INC. (City Clerk)

RECOMMENDATION: Motion to acknowledge receipt of the ABC license review for Johnny’s Bar & Grill, Inc. and order it filed.

A5. RESOLUTION NO. 2018-21, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING AND AUTHORIZING APPROPRIATION OF THE FUND BALANCE FROM CIP# C1604 TO FUND 205-7000 TO FUND IMPROVEMENTS AT VALLEY VIEW PARK. (Management Services) #5

DESCRIPTION: This item would approve and authorize staff to appropriate the fund balance of CIP# C1604 TO Fund 205-7000 to construct a sports court.

RECOMMENDATION: That the City Council approves the following motion: ADOPT Resolution 2018-21, approving and authorizing appropriation of the fund balance from CIP# C1604 to Fund 205-7000 to fund improvements at Valley View Park.

- A6. RESOLUTION NO. 2018-22, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF HOLLISTER AND PANOCHÉ VALLEY SOLAR LLC FOR FIRE PROTECTION SERVICES. (Fire Department) #6

DESCRIPTION: The City Council will consider a Resolution to provide Fire Protection and Emergency Medical Response services to the Panoche Valley Solar LLC project.

RECOMMENDATION: That the City Council approves the following motion: ADOPT Resolution 2018-22, A Resolution of the City Council of the City Hollister authorizing the Mayor to execute a contract with Panoche Valley Solar, LLC. for Fire Protection Services.

- A7. RESOLUTION NO. 2018-23, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER RECEIVING THE TRAFFIC CONTROL DEVICE WARRANT ANALYSIS PREPARED BY PINNACLE TRAFFIC ENGINEERING AND APPROVING THE PLACEMENT OF STOP SIGNS AT SEVENTH STREET AND EAST STREET. (Development Services) #7

DESCRIPTION: The City Council will receive the Traffic Control Device Warrant Analysis prepared by Pinnacle Traffic Engineering and will approve the installation of two stop signs at the intersection of Seventh Street and East Street to make the intersection an “all-way” stop at that intersection.

RECOMMENDATION: That the City Council approves the following motion: ADOPT Resolution 2018-23, A Resolution of the City Council of the City Of Hollister Receiving the Traffic Control Device Warrant Analysis prepared by Pinnacle Traffic Engineering and approving the placement of Stop signs at Seventh Street and East Street.

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

None.

C. PUBLIC INPUT:

1. PUBLIC INPUT.

This is the time for anyone in the audience to speak on any item not on the agenda and within the subject matter jurisdiction of the council. Speaker cards are available in the lobby, and are to be completed and given to the City Clerk before speaking. When the City Clerk calls your name, please come to the podium, state your name and city for the record, and speak to the City Council. Each speaker will be limited to three (3) minutes with a maximum of 30 minutes per subject. Please note that state law prohibits the City Council from discussing or taking action on any item not on the agenda.

D. PETITIONS, REMONSTRANCE’S, AND COMMUNICATIONS:

1. City Manager Report.
Receive report from the City Manager.

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

1. A PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF HOLLISTER FOR THE CANNABIS APPEAL FROM CALIFORNIA FINEST MANUFACTURING (SCOTT MCPHAIL). (City Manager) #8

DESCRIPTION: The City of Hollister City Manager is recommending that the Regulatory Permit for California Finest is not issued and denied pursuant to HMC 5.42.060. Scott McPhail is the CEO, General Manager, and Security Liaison of the business and filed an appeal to the City Council in a timely manner. The City Council set the appeal hearing for January 16, 2018.

Open Public Hearing.
Conduct Public Hearing.
Close Public Hearing.

RECOMMENDATION: That the City Council hear the appeal from California Finest Manufacturing (Scott McPhail) and render a decision.

2. A PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF HOLLISTER FOR THE CANNABIS APPEAL FROM LLXP CORPORATION APPEAL (JOSEPH AND NICHOLAS MAXWELL). (City Manager) #9

DESCRIPTION: The City of Hollister City Manager is recommending that the Regulatory Permit LLXP Corporation be revoked pursuant to HMC 5.42.060. Joseph and Nicholas Maxwell are the primary owners and operators of the business and filed an appeal to the City Council in a timely manner. The City Council set the appeal hearing for January 16, 2018.

Open Public Hearing.
Conduct Public Hearing.
Close Public Hearing.

RECOMMENDATION: That the City Council hear the appeal from LLXP Corporation (Joseph and Nicholas Maxwell) and render a decision.

3. ORDINANCE NO. 1149, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AMENDING CHAPTER 5.42 "CANNABIS FACILITIES REGULATORY PERMIT" TO TITLE 5 "BUSINESS LICENSES AND REGULATIONS" OF THE HOLLISTER MUNICIPAL CODE AND ADMINISTRATIVE PROCEDURE FOR THE ISSUANCE OF CANNABIS FACILITIES REGULATORY PERMITS AND REGULATIONS FOR THE OPERATION OF CANNABIS FACILITIES AND MEDICAL CANNABIS DISPENSARIES. (City Manager) #10

DESCRIPTION: The City Council will consider the first reading to amend Ordinance 1131 and 1131A which set forth the requirements for the operations of Medical Cannabis Facilities to allow for the inclusion of "Adult Use" cultivation, manufacturing, testing and distribution. Medical Cannabis Dispensing shall remain medical only for retail purposes.

Open Public Hearing.
Conduct Public Hearing.
Close Public Hearing.

RECOMMENDATION: Staff recommends the City Council hold the Public Hearing, Read by Title Only, Waive Full Reading and Introduce Ordinance No. 1149.

F. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

1. RESOLUTION NO. 2018-24, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A CANNABIS USE PERMIT/DEVELOPMENT AGREEMENT FOR HIGH SIERRA ANALYTICS INC., TO OPERATE A CANNABIS TESTING LABORATORY AT 1851 AIRWAY DRIVE (APN 053-420-012-000). (Development Services) #11

DESCRIPTION: The City Council will consider conditionally approving cannabis testing laboratory for High Sierra Analytics Inc.

RECOMMENDATION: That the City Council approves the following motion: ADOPT Resolution 2018-24, Approving a Cannabis Use Permit/Development Agreement for CUP/DA 2018-3 High Sierra Analytics Inc.

2. RESOLUTION NO. 2018-25, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE INITIATION OF GENERAL PLAN AMENDMENT NO. 2017-2 AND REZONE 2017-2 TO RE-DESIGNATE A SECTION OF A PARCEL FROM THE NORTH GATEWAY COMMERCIAL DESIGNATION TO HIGH DENSITY RESIDENTIAL (APN 053-380-004) (SUNSET HILLS DEVELOPMENT, LLC & PETER LARSON) (Development Services) #12

DESCRIPTION: This Resolution would consider approval of the proposed initiation of General Plan Amendment to re-designate a section of a parcel from North Gateway Commercial to High Density Residential. Section 17.24.290 of the Hollister Municipal Code (HMC) requires City Council authorization to initiate a General Plan Amendment.

RECOMMENDATION: That the City Council approves the following motion: ADOPT Resolution 2018-25, authorizing the initiation of General Plan Amendment 2017-2.

3. RESOLUTION NO. 2018-26, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE SUMMARY VACATION OF A PUBLIC UTILITY EASEMENT AND A TREE PLANTING AND MAINTENANCE EASEMENT ON PROPERTY BOARDED ON THE WEST BY MCCRAY STREET, ON THE NORTH BY EAST PARK STREET AND ON THE EAST BY STATE ROUTE 25. (Development Services) #13

DESCRIPTION: This Resolution would approve a summary vacation of a Public Utility Easement and a Tree Planting and Maintenance Easement on property boarded on the west by McCray Street, on the North by East Park Street, and on the west by Pinnacles National Park Highway (State Route 25) to accommodate the proposed Hollister Farms commercial development.

RECOMMENDATION: That the City Council approves the following motion: ADOPT Resolution 2018-26, Approving the Summary Vacation of a Public Utility Easement and a Tree Planting and Maintenance Easement on property boarded on the west by McCray Street, on the north by East Park Street and on the east by State Route 25.

4. RESOLUTION NO. 2018-27, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER FORMING THE GENERAL PLAN ADVISORY COMMITTEE (GPAC) FOR THE UPDATE OF THE HOLLISTER GENERAL PLAN. (Development Services) #14

DESCRIPTION: This Resolution would approve the formation of an advisory committee along with its by-laws for the City of Hollister General Plan Update, it would ratify Commissioner Gabriel Torres and Commissioner David Huboi to serve as the two planning commissioners for the General Plan Advisory Committee, it would ratify two city council members to serve in the advisory committee, and direct staff to advertise a volunteer position for one member of the public to serve in the General Plan Advisory Committee.

RECOMMENDATION: That the City Council approves the following motion: ADOPT Resolution 2018-27, a Resolution of the City Council forming the five-member General Plan Advisory Committee and by-laws.

5. READ BY TITLE ONLY, WAIVE FULL READING AND ADOPT ORDINANCE NO. 1145, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AMENDING HOLLISTER MUNICIPAL CODE, TITLE 9 PUBLIC PEACE, MORALS AND WELFARE, ADDING CHAPTER 9.10 PROHIBITING AGGRESSIVE SOLICITATION. (City Attorney) #15

DESCRIPTION: On January 16, the City Council unanimously approved the first reading of the proposed aggressive solicitation ordinance. This item is the required second reading of the ordinance, which would approve and authorize the enactment of an aggressive panhandling ordinance that would regulate the activity of aggressive panhandling on public property situated in the City. Currently, the City does not have an applicable ordinance covering this activity.

RECOMMENDATION: Read by Title Only, Waive Full Reading and ADOPT Ordinance No. 1145.

6. READ BY TITLE ONLY, WAIVE FULL READING AND ADOPT ORDINANCE NO. 1146, AN ORDINANCE OF THE CITY COUNCIL AMENDING TITLE 17 "ZONING" OF THE HOLLISTER MUNICIPAL CODE. (Development Services) #16

DESCRIPTION: This item would adopt an ordinance amending the municipal code to clarify text, make changes to, and implement standards pertaining to on-site notification of proposed projects in the City of Hollister and allowing with an Administrative Permit Review (APR) minor vehicle repair land use facilities and drive-thru establishments in the Downtown Commercial and Mixed Use (DMU) Zoning District except in the Downtown Hollister Historic District.

RECOMMENDATION: Read by Title Only, Waive Full Reading and ADOPT Ordinance 1146.

7. READ BY TITLE ONLY, WAIVE FULL READING AND ADOPT ORDINANCE 1148, AN ORDINANCE AMENDING THE CITY OF HOLLISTER GENERAL PLAN AND AMENDING THE CITY OF HOLLISTER ZONING MAP FOR AN APPROXIMATELY 4.82 ACRE SITE FROM WEST GATEWAY WHICH REQUIRES 20 TO 35 DWELLING UNITS PER ACRE TO MEDIUM DENSITY RESIDENTIAL PERFORMANCE OVERLAY ZONE WHICH REQUIRES 8 TO 12 DWELLING UNITS PER ACRE. THE GENERAL PLAN AMENDMENT AND RE-ZONE PROPERTY IS IDENTIFIED AS ASSESSOR PARCEL NUMBER 052-300-001 AND IT'S LOCATED BETWEEN FOURTH STREET AND JAN AVENUE, WEST OF WESTSIDE BLVD. (Development Services) #17

DESCRIPTION: This item would adopt an ordinance amending an approximately 4.82 acre site from West Gateway which requires 20 to 35 dwelling units per acre to Medium Density Residential Performance Overlay Zone which requires 8 to 12 dwelling units per acre. The General Plan Amendment and Re-zone property is identified as Assessor Parcel Number 052-300-001 and it's located between Fourth Street and Jan Avenue, west of Westside Blvd.

RECOMMENDATION: Read by title only, Waive Full Reading and ADOPT Ordinance No. 1148.

8. RESOLUTION NO. 2018-28, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING EXECUTION OF LOAN DOCUMENTS FOR A \$1,000,000 LOAN OF HOUSING FUND MONIES AND \$500,000 LOAN OF IN-LIEU FEE MONIES TO THE AFFORDABLE SUNRISE SENIOR APARTMENT PROJECT AND THE SUBORDINATION OF THE CITY INTERESTS TO DEEDS OF TRUST SECURING OTHER FINANCING FOR THE PROJECT AND RELATED MATTERS. (Development Services) #18

DESCRIPTION: The City Council will consider approval of a resolution approving a loan agreement for the 49 unit Sunrise Senior Apartments affordable housing project between the City of Hollister for \$1,000,000 from the Low Moderate Income Housing Asset Fund (LMIHAF) and \$500,000 from the Silver Oaks Project In-Lieu Fee.

RECOMMENDATION: That the City Council approves the following motion: ADOPT Resolution 2018-28, Authorizing Execution Of Loan documents for a \$1,000,000 Loan Of Housing Fund Monies And \$500,000 Loan Of In-Lieu Fee Monies To The Affordable Sunrise Senior Apartment Project And The Subordination Of The City Interests To Deeds Of Trust Securing Other Financing For The Project And Related Matter.

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

1. 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.
2. Informational Reports from City Council, City Manager, City Attorney, and Staff.
Receive informational oral reports from the City Council, City Manager Avera, City Attorney Diaz, Chief of Police Westrick, City Clerk Black, and other Staff as applicable.
3. Report on the Pinnacles Gateway Partners January 18, 2018, Meeting at the West Entrance to the Pinnacles National Park. (Development Services) #19
The City Council will receive a written report.
4. Bonnie View Road Extension – Gate information. (Development Services) #20
The City Council received a request from the neighbors on Bonnie View Road to be heard on the new development that makes a connection to the existing Bonnie View Road within the City’s jurisdiction.

5. City Attorney Services. (City Manager)

#21

Staff requests that City Council by consensus appoint two members to the Selection Committee for City Attorney Services.

H. UNFINISHED BUSINESS:

None.

I. NEW BUSINESS:

None.

J. MISCELLANEOUS:

None.

K. CITY OF HOLLISTER AS THE SUCCESSOR HOUSING 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. 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].

Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at City Hall, 375 Fifth Street, Hollister, Monday through Friday, 8:00 a.m. to noon, 1:00 p.m. to 5:00 p.m. (City Hall is closed between 12:00 and 1:00 p.m.)

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 www.CMAP.com and periodically on Cable Channel 17.

Next regular City Council Meetings are scheduled as follows:

Regular City Council meeting – Tuesday, February 20, 2018, at 6:30 p.m.

Regular City Council meeting – Monday, March 5, 2018, at 6:30 p.m.

Regular City Council meeting – Monday, March 19, 2018, at 6:30 p.m.

Regular City Council meeting – Monday, April 2, 2018, at 6:30 p.m.