

CITY OF HOLLISTER AGENDA

for **City Council Meeting**

of **April 16, 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: 6:00 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. Conference with Legal Counsel-Anticipated Litigation
Significant exposure to litigation pursuant to Government Code section 54956.9
(One potential case) (City Manager)
 - 2. Conference with Legal Counsel-Existing litigation pursuant to Government Code section 54956.9
Name of case: City of Hollister, et. al. v. PG&E, et al. (City Attorney)

3. Conference with Legal Counsel-Anticipated Litigation
Significant exposure to litigation pursuant to Government Code section 54956.9
(One potential case, 400 Block Referendum)
(City Attorney, City Clerk) (Ignacio Velazquez recused from 400 Block Referendum.)

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.

Employee Service Awards for 1st Quarter 2018:

Department Heads will recognize Employees who have reached specific milestones with the City of Hollister.

A. CONSENT RESOLUTION (April 16, 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, A7, A8, A9, A10, and A11.

- A1. The Minutes of the regular City Council meeting of April 2, 2018. #1

RECOMMENDATION: Staff requests that City Council APPROVE the Minutes for the regular City Council meeting of April 2, 2018.

- A2. Warrant Registers.

The City Council will ratify and approve the following Warrant Registers for the General-Special-Enterprise-Assessment Funds dated: (Administrative Services) #2

- March 27, 2018, in the amount of \$ 828,828.04
- March 28, 2018, in the amount of \$ 2,211.52
- March 28, 2018, in the amount of \$ 238,631.78
- April 4, 2018, in the amount of \$ 396,186.73
- April 4, 2018, in the amount of \$ 49,703.61
- April 4, 2018, in the amount of \$ 237,227.20

- A3. Claim Against the City – filed by John Curro. (City Clerk) #3

RECOMMENDATION: Staff recommends that the City Council make the following motion: Deny the claim against the City filed by John Curro and direct staff to send the Notice of Rejection of Claim to the claimant.

- A4. Resolution No. 2018-86, a Resolution of the City Council of the City of Hollister approving a Lease with Waste Solutions of San Benito for the Class I Landfill Site for soil stockpiling. (Management Services) #4

DESCRIPTION: This Resolution would instruct the City Manager to sign a 30 year ground lease with Waste Solutions Group of San Benito at a rate of \$31,000 per year. At the conclusion of the lease, the soil will be removed.

RECOMMENDATION: Staff recommends that the City Council approves the following motion: ADOPT Resolution No. 2018-86, approving a Lease with Waste Solutions of San Benito for the Class I Landfill Site for soil stockpiling.

- A5. Resolution No. 2018-87, A Resolution Calling for the Holding of a Consolidated General Municipal Election to be held on Tuesday, November 6, 2018, for the Election of certain officers as required by the provisions of the laws of the State of California relating to General Law Cities; and #5

Resolution No. 2018-88, A Resolution requesting the Board of Supervisors of the County of San Benito to consolidate a General Municipal Election to be held on November 6, 2018, with the Statewide General Election to be held on the date pursuant to Section 10403 of the California Elections Code. (City Clerk)

DESCRIPTION: These Resolutions would (1) Call for the Consolidated General Municipal Election and (2) Request the County Board of Supervisors to conduct the Election.

RECOMMENDATION: Staff recommends that the City Council approves the following motion: ADOPT Resolution No. 2018-87, Calling For the Holding of a Consolidated General Municipal Election to be held on Tuesday, November 6, 2018, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities and ADOPT Resolution No. 2018-88, A Resolution of the City Council of the City of Hollister Requesting the Board of Supervisors of the County of San Benito to Consolidate a General Municipal Election to be held on November 6, 2018, with the Statewide General Election to be held on the Date Pursuant to Section 10403 of the Elections Code.

- A6. Resolution No. 2018-89, a Resolution of the City Council of the City of Hollister approving and authorizing staff to execute certain documents on behalf of the City of Hollister for the purpose of applying and filing with the Governor's Office of Emergency Services to obtain Federal and/or State Financial assistance. (Fire Department) #6

DESCRIPTION: This Resolution would approve a filing of Cal OES Form 130 by the City of Hollister's Governing Body to appoint an Authorized Agent as a Designee in order to be eligible to apply and receive funding from the State of California Governor's Office of Emergency Services.

RECOMMENDATION: Staff recommends that the City Council approves the following motion: ADOPT Resolution No. 2018-89, approve and assign a Designation of Applicant's Agent for the required Non-State Agencies Form 130 to be eligible to receive funding from the State of California Governor's Office of Emergency Services.

- A7. Resolution No. 2018-90, a Resolution of the City Council of the City of Hollister approving the Third Amendment to the Franchise Agreement for Residential, Commercial and Multi-family refuse collection and disposal and Yard and wood waste, recyclables and bulky items collection, processing, marketing and diversion in carts, cans and bins; abandoned cans and bins; abandoned refuse collection and disposal; and public receptacle refuse collection and disposal. (City Manager) #7

DESCRIPTION: This Resolution would authorize the City Manager to execute an amendment to the Franchise Agreement with Recology to continue to haul waste from June 30, 2018 to October 31, 2018.

RECOMMENDATION: Staff recommends that the City Council approves the following motion: ADOPT Resolution No. 2018-90, approving the continuation of service to October 31, 2018.

- A8. Resolution No. 2018-91, a Resolution of the City Council of the City of Hollister authorizing a Lease Agreement by and between the City of Hollister and Ann Marie Barragan Burns for Office Space Located at 211 Fifth Street, Hollister, California. (City Manager) #8

DESCRIPTION: This Resolution would consider a Resolution authorizing the City Manager to execute a Lease Agreement with Ann Marie Barragan Burns.

RECOMMENDATION: Staff recommends that the City Council approves the following motion: ADOPT Resolution No. 2018-91, authorizing the City Manager to execute a Lease Agreement with Ann Marie Barragan Burns.

- A9. Resolution No. 2018-92, a Resolution of the City Council of the City of Hollister repealing and replacing Resolution 2017-203 and approving the First Amendment to the Lease between the City of Hollister and American Tower Asset Sub, LLC for the original lease entitled "Communication Site Lease Agreement" dated August 4, 1997, Authorizing the City Finance Director to make necessary entry and authorizing City Manager to execute the First Amendment to the Lease Agreement on behalf of the City of Hollister and American Tower Asset Sub LLC. (City Attorney) #9

DESCRIPTION: This Resolution repeals and replaces the August 21, 2017 amendment to a Lease Agreement with American Tower Asset Sub, LLC approved by Resolution 2017-203 and authorizes the City Manager to execute a revised First Amendment to the Lease Agreement and a Memorandum of Lease between the City of Hollister and American Tower Asset Sub, LLC (Lessee), a Delaware limited liability company, who is the successor-in-interest to the original lessee, Nextel Communications at 420 Hill Street (APN 053-023-002).

RECOMMENDATION: Staff recommends that the City Council approves the following motion: ADOPT Resolution No. 2018-92, a Resolution of the City Council of the City of Hollister Repealing and Replacing Resolution 2017-203 and approving the First Amendment to the Lease Agreement between the City of Hollister and American Tower Asset Sub, LLC for the original lease entitled "Communication Site Lease Agreement" dated August 4, 1997, Authorizing City Finance Director to make necessary entry and authorizing City Manager to execute the First Amendment to the lease agreement on behalf of the City and the Memorandum of Lease between the City of Hollister and American Tower Asset sub, LLC.

- A10. Resolution No. 2018-93, a Resolution of the City Council of the City of Hollister adopting a list of projects funded by SB1: The Road Repair and Accountability Act. (Development Services) #10

DESCRIPTION: This Resolution would adopt a list of road projects being funded by the Road Repair and Accountability Act for 2018-2019.

RECOMMENDATION: Staff recommends that the City Council approves the following motion: ADOPT Resolution No. 2018-93, adopting a list of projects funded by SB 1: the Road Repair and Accountability Act.

- A11. Resolution No. 2018-94, A Resolution of the City Council of the City of Hollister approving a contract with Granicus, Inc. for Legislative Management Software in the amount of \$17,136.00. (City Clerk) #11

DESCRIPTION: This Resolution will authorize staff to enter into a contract with Granicus, Inc. for Legislative Management Software for Agenda Management.

RECOMMENDATION: Staff recommends that the City Council approves the following motion: ADOPT Resolution No. 2018-94, approving a contract with Granicus, Inc. for Legislative Management Software in the amount of \$17,136.00.

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. Read by Title Only, Waive Full Reading, and INTRODUCE Ordinance No. 1155, An Ordinance adding Chapter 9.40 relating to unlawful camping.(City Attorney)

#12

DESCRIPTION: This Ordinance would approve and authorize the addition of Chapter 9.40 to Title 9 of the Hollister Municipal Code, relating to Unlawful Camping.

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

RECOMMENDATION: Staff recommends that the City Council Read by Title Only, Waive Full Reading, and INTRODUCE Ordinance No. 1155, relating to unlawful camping.

F. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

1. Resolution No. 2018-95, A Resolution of the City Council of the City of Hollister approving a Memorandum of Understanding (MOU) between the City of Hollister (“City”) and the San Benito County Chamber of Commerce and Visitors Bureau (“Chamber”) for Tourism Marketing. (Development Services) #13

DESCRIPTION: This Resolution would approve and authorize the Mayor to execute a Memorandum of Understanding between the City and Chamber to provide financial assistance of \$103,000 per year for five years for tourism marketing.

RECOMMENDATION: Staff recommends that the City Council approves the following motion: ADOPT Resolution No. 2018-95, approving A Memorandum of Understanding (MOU) between the City of Hollister (“City”) and the San Benito County Chamber of Commerce and Visitors Bureau (“Chamber”) for Tourism Marketing.

2. Resolution No. 2018-96, A Resolution of the City Council of the City of Hollister approving the Initiation Proceedings for the Levy and Collection of the Annual Assessment for Landscape and Lighting District No. 93-1 and order the City Engineer to prepare and file the required Special District Report. (Development Services) #14

DESCRIPTION: This Resolution would consider approval of the initiation proceedings for the Levy and Collection of the Annual Assessment for Landscape and Lighting District No. 93-1 and order the City Engineer to prepare and file the required Special District Report for Fiscal Year 2018/2019.

RECOMMENDATION: Staff recommends that the City Council approves the following motion: ADOPT Resolution No. 2018-96, approving the initiation proceedings for the Levy and Collection of the Annual Assessment for Landscape and Lighting District No. 93-1.

3. Resolution No. 2018-97, A Resolution of the City Council of the City of Hollister Authorizing the Release of a Request for Qualifications for Design Services for the Waste Water Reclamation Recreational Facility Master Plan. (Development Services) #15

DESCRIPTION: The City Council will receive a report on the Draft Park Facility Master Plan PFMP and provide direction on any changes to the draft document. The City Council will also consider a request to release a Request for Qualifications for Design Services for the Waste Water Reclamation Recreational Facility Master Plan in Chapter 8 of the document.

RECOMMENDATION: Staff recommends that the City Council approves the following motion: ADOPT Resolution No. 2018-97, authorizing the Release of a Request for Qualifications for Design Services for the Waste Water Reclamation Recreational Facility Master Plan.

4. Resolution No. 2018-98, A Resolution of the City Council of the City of Hollister for a Franchise Agreement Selection Committee Recommendation to Enter into Exclusive Negotiations with Recology San Benito County for a New Franchise Agreement for Collection of Recyclables, Organics, and Solid Waste. (City Manager) #16

DESCRIPTION: The City Council is being asked to approve the selection of Recology San Benito County as the future service provider under a new Franchise Agreement expected to take effect November 1, 2018. The current Franchise Agreement expires after June 30, 2018, but a short-term extension will be brought forward for approval by each Regional Agency Member at an upcoming meeting to enable sufficient time for the transition to new services.

RECOMMENDATION: Staff recommends that the City Council approves the following motion: ADOPT Resolution No. 2018-98, approving the Franchise Agreement Selection Committee recommendation to enter into exclusive negotiations with Recology San Benito County for a new Franchise Agreement.

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. Ratify City Council Member District 1 appointment to the Parks and Recreation Commission. #17

RECOMMENDATION: That the City Council motion to ratify the appointment of Jose Fernandez to the Hollister Parks and Recreation Commission for District 1.

4. Flavored Tobacco Ordinance #18

RECOMMENDATION: Receive report and provide direction.

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.

The next regular City Council Meetings are scheduled as follows:

- Regular City Council meeting – Monday, May 7, 2018, at 6:30 p.m.
- Regular City Council meeting – Monday, May 21, 2018, at 6:30 p.m.
- Regular City Council meeting – Monday, June 4, 2018, at 6:30 p.m.
- Regular City Council meeting – Monday, June 18, 2018, at 6:30 p.m.