

CITY OF HOLLISTER AGENDA

for **City Council Meeting**

of **May 3, 2010** at **6:30 p.m.** in the City Council Chambers, City Hall, 375 Fifth Street, Hollister

NOTICE TO PUBLIC

Persons who wish to address the City Council must complete a Speakers Card and give it to the City Clerk prior to 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, Section B, 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 and action.

Requests to make presentations to the City Council should be submitted to the City Clerk's Office at least ten days preceding the City Council meeting. It is customary for the staff members to review such matters prior to formal presentation in order that the City Council may have the benefit of all available data.

All matters 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.

Call to Order

**** 6:00 p.m. - Closed Session -- See Attached Agenda.**

Pledge of Allegiance

Roll Call: Mayor Victor Gomez, City Council Members Douglas A. Emerson, Eugenia Sanchez, Pauline Valdivia, and Raymond Friend, City Manager Clint Quilter, City Attorney Stephanie Atigh, Chief of Police Jeff Miller, and City Clerk Geri Johnson.

Verification of Agenda Posting

Proclamations: May 2010 – Water Awareness Month
May 2010 – Older Americans Month
May 9-15 – Police Week and May 15 – Peace Officers' Memorial Day

6:00 p.m. - CLOSED SESSION AGENDA:

- A. Public comment (limited to any item listed on 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:

May 3, 2010

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (3 potential cases will be discussed)
2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (1 potential case will be discussed)
3. Conference with Legal Counsel - Pending Litigation - Pursuant to Government Code Section 54956.9(a) –
 - a. City of Hollister v. Olivet Martin, San Benito County Superior Court, Case Number CU 08-00074
 - b. City of Hollister v. Purple Cross Rx, Inc.
4. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Employee Organizations: Service Employees International Union, Local 521; Hollister Firefighters Union, Local 3395; Hollister Peace Officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential.

5. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

Property: 340 Fourth Street, Hollister, California
Agency Negotiator: Clint Quilter, City Manager
Negotiating Party: Seven Hills
Under Negotiation: Price and Terms of Payment

A. CONSENT RESOLUTION (May 3, 2010):

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, and A9.

- A1. Minutes of the regular City Council meeting of April 19, 2010. #1

Approve Minutes of the regular City Council meeting of April 19, 2010, as submitted.

- A2. Warrant Registers. #2

May 3, 2010

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

- April 2, 2010, in the amount of \$ 129,380.69
- April 2, 2010, in the amount of \$ 9,885.70
- April 11, 2010, in the amount of \$ 348,577.14
- April 14, 2010, in the amount of \$ 489,656.53
- April 16, 2010, in the amount of \$ 169,076.89

- A3. ABC License Review – Los Cuates Super Taqueria. #3

The City Council should acknowledge receipt of the ABC license review for Los Cuates Super Taqueria at 220 San Felipe Road and order it filed.

- A4. Resolution No. 2010-51, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING TEMPORARY STREET CLOSURES FOR THE ANNUAL DOWNTOWN STREET FESTIVAL to be held on July 17, 2010. #4

This Resolution approves the temporary closure of various downtown streets for the Hollister Downtown Association’s Annual Street Festival to be held July 17.

- A5. Claims Against the City – Gail Ann Baraby, West Marine and Christine Michel. #5

The City Council should deny these claims and authorize staff to send the Notice of Rejection of Claims to the claimant.

- A6. Resolution No. 2010-52, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ACCEPTING PROPOSALS, REJECTING BID PROTESTS, AND AWARDING CONTRACT TO REPUBLIC ITS, INC. FOR PROP 1B IMPROVEMENTS – EVP, CIP 2804. #6

This Resolution accepts proposals opened on April 13, 2010, and awards the contract to the lowest responsive bidder, Republic Intelligent Transportation Services, Inc. (Republic ITS, Inc.) of Novato for the Prop. 1B Improvements – Emergency Vehicle Preemption Systems (EVPs), CIP 2804.

- A7. Resolution No. 2010-53, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ACCEPTING BID PROPOSALS AND AUTHORIZING EXECUTION OF CONTRACT FOR HILL STREET REHABILITATION PROJECT CIP 2930 WITH THE DON CHAPIN CO. INC. #7

This Resolution accepts proposals opened on April 23, 2010, and awards the contract to the lowest responsive bidder to the Don Chapin Co., Inc. and appropriates additional funds for CIP 2930, Hill Street Rehabilitation.

- A8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING AND AUTHORIZING EXECUTION OF MEMORANDUM OF #8

May 3, 2010

UNDERSTANDING WITH SAN BENITO COUNTY WATER DISTRICT (SBC), THE SUNNYSLOPE COUNTY WATER DISTRICT (SSCWD), AND THE CITY OF SAN JUAN BAUTISTA (COSJ) TO REPLACE THE WATER RESOURCE ASSOCIATION (WRA) (continued from April 5, 2010).

This item continued to the City Council meeting of May 17, 2010.

- A9. Response to 2008-2009 San Benito County Civil Grand Jury.

#9

The City Council will authorize the response to the Report of the 2008 San Benito County Civil Grand Jury.

B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:

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. 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. Please note that state law prohibits the City Council from discussing or taking action on any item not on the agenda.

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

None.

D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

1. Read by Title Only, Waive Full Reading, and Adopt Ordinance No. 1063, AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING CHAPTER 17 "ZONING CODE" OF THE HOLLISTER MUNICIPAL CODE. #10

This Ordinance amends Chapter 17 of the Hollister Municipal Code to add definitions and standards for a hospitality sign, use of a shipping or cargo container as an accessory structure and minor revisions to storm drainage standards to conform to the recent addition of Chapter 17.24 Grading and Best Management Practices to the Hollister Municipal Code.

2. Resolution No. 2010-54, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT TO PERFORMANCE AGREEMENT (SILVER OAKS SENIOR COMMUNITY PROJECT) #11

This Resolution will authorize an amendment to the Performance Agreement for the Ferreira / Miller Senior Project (Silver Oaks Senior Community Project).

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

City Council Meeting

May 3, 2010

1. Reports from City Council Committees.

Receive oral reports from members regarding the activities of various Ad Hoc and Standing City Council Committees.

2. Reports from City Council, City Manager, City Attorney, and Staff.

Receive oral reports from the City Council, City Manager Quilter, City Attorney Atigh, City Clerk Johnson, Chief of Police Miller, and other Staff as applicable.

3. Lease between the City of Hollister and Gavilan Community College at the Hollister Municipal Airport. #12

The City Council is asked to review the staff report and provide direction to staff regarding the lease between the City of Hollister and Gavilan Community College at the Hollister Municipal Airport.

4. Proposal for Hollister Ordinance regarding Dog Breed Specific Ordinance Mandating Spay and Neutering Programs. #13

Receive report from City Attorney and Chief of Police regarding a dog breed specific Ordinance and provide direction to staff.

F. UNFINISHED BUSINESS:

None.

G. NEW BUSINESS:

None.

H. MISCELLANEOUS:

None.

ADJOURNMENT:

Next regular City Council Meeting is scheduled for May 17, 2010, at 6:30 p.m.

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) 636-4304. Notification of 48 hours prior to the meeting will enable the City 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.)

Such documents may also be available on the City of Hollister website at www.hollister.ca.gov subject to staff's ability to post the documents before the meeting.