



CITY OF MERCED

City Council Chamber
Merced Civic Center
2nd Floor
678 W. 18th Street
Merced, CA 95340

Minutes

City Council/Public Finance and Economic Development Authority/Parking Authority

Monday, October 5, 2015

7:00 PM

A. CLOSED SESSION ROLL CALL

Present: 7 - Mayor Stanley P. Thurston, Mayor Pro Tempore Joshua Pedrozo, Council Member Michael Belluomini, Council Member Kevin Blake, Council Member Tony Dossetti, Council Member Noah Lor, and Council Member Mike Murphy

Absent: 0

B. CLOSED SESSION

Mayor THURSTON called the Closed Session to order at 6:01 pm.

B.1.

SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: Director of Support Services Deneen Proctor; Employee Organization: International Association of Fire Fighters, Local 1479. AUTHORITY: Government Code Section 54957.6

B.2.

SUBJECT: CONFERENCE WITH LEGAL COUNSEL - Significant Exposure to Litigation: (2) Cases; Authority: Government Code Section 54956.9(d)(2)

Clerk's Note: Council adjourned from Closed Session at 6:50 pm.

C. CALL TO ORDER

Mayor THURSTON called the Regular Meeting to order at 7:00 pm.

C.1. Invocation - Pastor Al Schaap, Gateway Community Church

The invocation was delivered by Pastor Al Schaap of Gateway Community Church.

C.2. Pledge of Allegiance

D. ROLL CALL

Present: 7 - Mayor Stanley P. Thurston, Mayor Pro Tempore Joshua Pedrozo, Council Member Michael Belluomini, Council Member Kevin Blake, Council Member Tony Dossetti, Council Member Noah Lor, and Council Member Mike Murphy

Absent: 0

D.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority, and Public Financing and Economic Development Authority. City Council Members receive a monthly stipend of \$20.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$50.00 each month as a part of the adopted budget and Resolution 1975-37. The members of the Parking Authority, and Public Financing and Economic Development Authority receive no compensation.

E. REPORT OUT OF CLOSED SESSION

There was no report out of Closed Session.

F. CEREMONIAL MATTERS

F.1. **SUBJECT: Letter of Recognition for Onis Lentz**

REPORT IN BRIEF

Accepted by Onis Lentz.

Council Member MURPHY presented a letter of recognition to Onis LENTZ for 75 years of service to the Boy Scouts of America.

F.2. **SUBJECT: Proclamation - Breast Cancer Awareness Month**

REPORT IN BRIEF

Accepted by representative of Merced City Fire Department, IAFF Local #1479.

Mayor THURSTON read a Proclamation for Breast Cancer Awareness Month which was received by members of the Merced Fire Department.

F.3. **SUBJECT: Proclamation - Fire Prevention Month**

RECOMMENDATION

Accepted by Merced Fire Captain Jim Evans.

Council Member LOR read a Proclamation for Fire Prevention Month which was received by Fire Captain Jim EVANS of the Merced Fire Department.

F.4. **SUBJECT: Proclamation - Freedom from Workplace Bullies Week**

REPORT IN BRIEF

Accepted by Director of Support Services, Deneen Proctor.

Council Member BLAKE read a Proclamation on Freedom from Workplace Bullies Week which was accepted by Director of Support

Services, Deneen PROCTOR.

G. WRITTEN PETITIONS AND COMMUNICATIONS

There were no written petitions or communications.

H. ORAL COMMUNICATIONS

Heike HAMBLEY, Merced - spoke on the Shakespeare Fest and problems with the open air theater.

Bruce METCALF, Merced Rescue Mission - spoke on a warming center for the homeless.

Steve PATEL, Merced - spoke about sidewalks on Motel Drive.

Peter HOWELL, Merced - spoke about leadership.

Stan MURDOCK, Public Works Director - spoke on the volunteer program through Public Works.

I. CONSENT CALENDAR

Item I.3. - City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of May 13, 2015, May 28, 2015, June 1, 2015, June 8, 2015, June 15, 2015, July 6, 2015, July 8, 2015, July 20, 2015, and July 20, 2015 and Item I.5. - Revised Job Description and Salary Range for Public Works Director were pulled for separate consideration.

Approval of the Consent Agenda

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Blake, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

No: 0

Absent: 0

I.1. SUBJECT: Information Only Contracts

This Consent Item was approved.

I.2. SUBJECT: Information Only - Economic Development Advisory

Committee Minutes of April 2015, Lack of Quorum Form of June 2015 and Economic Development Advisory Committee Minutes of July 2015

This Consent Item was approved.

I.4.

SUBJECT: Reading by Title of All Ordinances and Resolutions

REPORT IN BRIEF

Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and a summary title may be read with further reading waived.

RECOMMENDATION

City Council - Adopt a motion waiving the reading of Ordinances and Resolutions, pursuant to Section 412 of the Merced City Charter.

This Consent Item was approved.

I.6.

SUBJECT: Second Reading - Ordinance Dealing with No Parking Zones, Two-Way Stop Intersections, and Stop Sections Designated

REPORT IN BRIEF

Second Reading of previously introduced Ordinance.

RECOMMENDATION

City Council - Adopt **Ordinance 2448**, and Ordinance of the City Council of the City of Merced, California, Amending Section 10.28.230, "No Parking Zones", Section 10.28.370, "Two-Way Stop Intersections", and Section 10.28.380, "Stop Intersections Designated" of the Merced Municipal Code.

This Consent Item was approved.

I.7.

SUBJECT: Accept and Appropriate Donated Funds for National Night Out Celebration

REPORT IN BRIEF

Accept donation from McLane Company and appropriate funds to offset costs of National Night Out Celebration

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting the donation of \$2,000 from the McLane Company for National Night Out Celebration

B. Increasing Police revenue account #001-1001-360-01-01 by \$2,000 and appropriating the same in Fund #001-1037-522-29-00 for expenses related to National Night Out.

This Consent Item was approved.

I.3.

SUBJECT: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of May 13, 2015, May 28, 2015, June 1, 2015, June 8, 2015, June 15, 2015, July 6, 2015, July 8, 2015, July 20, 2015 and July 22, 2015

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic

Development/Parking Authority - Adopt a motion approving the meeting minutes of May 13, 2015, May 28, 2015, June 1, 2015, June 8, 2015, June 15, 2015, July 6, 2015, July 8, 2015, July 20, 2015 and July 22, 2015.

Council Member BELLUOMINI pulled this item to request amendments to the June 15, 2015, July 6, 2015 and July 20, 2015 meeting minutes.

A motion was made by Council Member Belluomini, seconded by Council Member Lor, to approve the balance of the minutes with the June 15, July 6, and July 20 minutes being amended by staff for approval at a future meeting. The motion carried by the following vote:

Aye: 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

No: 0

Absent: 0

I.5.

SUBJECT: Revised Job Description and Salary Range for Public Works Director

REPORT IN BRIEF

Consider adopting Resolution revising the Job Description and Salary Range for the Public Works Director to become single incumbent

position.

RECOMMENDATION

City Council - Adopt **Resolution 2015-40**, A Resolution of the City Council of the City of Merced, California, amending the personnel allocation in the Public Works Department by deleting one Public Works Director position and amending the Job Description and Salary Range for the Public Works Director.

Council Member BELLUOMINI pulled this item for clarification on the licensing requirements for the new Public Works Director job title.

City Manager BRAMBLE responded that there is a formal City Engineer that would work with the Director on projects.

A motion was made by Council Member Belluomini, seconded by Council Member Lor, that this agenda item be approved. The motion carried by the following vote:

Aye: 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

No: 0

Absent: 0

J. PUBLIC HEARINGS

J.1.

SUBJECT: Consideration of City Council District Maps Recommended by the Independent Districting Advisory Commission and Determination When Council Members Will Be Elected from New Districts

REPORT IN BRIEF

Review City Council district map recommendations submitted by the Independent Districting Advisory Commission. Through the adoption of an ordinance, the City Council will make its selection of one map for the area of the City north of the Burlington/Santa Fe railroad tracks (three City Council districts) and one map for the area of the City south of these railroad tracks (three City Council districts). In addition, through the adoption of this ordinance, the City Council will determine which three of the new City Council districts will be up for election in 2016 and which three will be up for election in 2018.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2449**, an

Ordinance of the City Council of the City of Merced, California, Adding Chapter 1.17 Entitled "City Council Districts" to the Merced Municipal Code.

Douglas JOHNSON, National Demographics Corporation - gave an overview of how the districting process came about, the formation of the Districting Committee and the timeline involved in selecting the maps. He also went over the legal requirements in selecting districts. He spoke about the outreach done in order to get the public maps submitted and gave an overview of the final maps being presented to Council.

Council asked how the future annexation of UC Merced would affect the proposed maps and whether census blocks could be divided to maintain neighborhoods.

Mr. JOHNSON stated that due to time constraints, moving lines was not an option.

Council questioned how certain lines were decided upon and had concerns that some groups were not being represented properly.

Mr. JOHNSON answered that after the main neighborhoods had been decided, it really came down to balancing the population numbers that moved lines away from major streets.

Mayor THURSTON opened the Public Hearing at 8:20 pm. He asked that people speaking on southern maps come to the podium first and people speaking on northern maps follow.

South Merced Maps:

Onis LENTZ, Merced - spoke on the importance of voting districts.

Cindy MORSE, Merced - read a statement from the Downtown Neighborhood Association supporting NDC C map for South Merced.

Daniel KAZAKOS, Merced - spoke in favor of the NDC C map for South Merced.

Keith ENSMINGER, Merced - spoke in favor of the NDC C map for South Merced.

Clifford DALE, Merced - spoke in favor of the Palma map for South Merced.

Loretta SPENCE, Merced - spoke in favor of the Palma map for South Merced.

Joyce DALE, Merced - spoke in favor of the Palma map for South Merced.

Samantha VALADEZ, Merced - spoke in favor of the Palma map for South Merced.

Dakota LOCKE, Merced - spoke in favor of the Palma map for South Merced.

Isai PALMA, Merced - spoke in favor of the Palma map for South Merced.

North Merced Maps:

Keith ENSMINGER, Merced - spoke in favor of the Belluomini map for North Merced.

Rick MCMILLION, Merced - spoke on districting in general

Onis LENTZ, Merced - spoke in favor of the Belluomini map for North Merced.

Miguel LOPEZ, Independent Districting Advisory Committee Chair - spoke about the process and their final decision.

See LEE, Independent Districting Advisory Committee Member - spoke on the selection process the committee went through.

Kelly ROSEMAN, Independent Districting Advisory Committee Member - spoke on how the final maps were decided on.

Mayor THURSTON closed the Public Hearing at 9:04 pm.

Council thanked the Independent Districting Advisory Committee for their work narrowing down the maps to the final submissions and the community for coming to the meeting to show their support.

Council further discussed the maps to note positives and negatives for each map that had been presented regarding the lines drawn, voter population, and fairly representing the neighborhoods.

Council Member LOR voiced his concern with both southern maps representing the community in an equitable manner.

Mayor Pro-Tempore PEDROZO voiced his support for the NDC South and NDC North maps.

Council Member DOSSETTI voiced his support for the NDC North map for its use of major streets to divide the districts. He stated his concerns with both southern maps as far as streets used to divide the areas.

Council Member BLAKE stated concern with the Palma map which could leave South Merced without a representative and two members from the Downtown area.

Council Member MURPHY stated he would like to see neighborhoods remain intact and voiced concerns with the Palma map dividing the downtown neighborhood. He voiced his support for the NDC South map. He stated his preference for the Belluomini map in the North but had a concern with Lehigh drive being divided down the center thus dividing a neighborhood.

Council Member BELLUOMINI spoke to the importance of the selection of districts for the City of Merced. He also voiced concern with the Palma map possibly leaving South Merced without representation and stated that he favored the NDC South map. He stated his concern with the NDC North map not using natural barriers to divide the district and voiced his preference for the Belluomini map due to the way it keeps neighborhoods together. He sided with Council Member MURPHY with regards to the division of Lehigh drive.

Mayor THURSTON concurred with previous comments regarding the Palma map possibly having two representatives from Central Merced and no representatives from South Merced. He voiced support for the NDC South map. He voiced his support for the NDC North map because it eliminates pairing of seated Council Members.

Council briefly discussed which Council Member resides in each district and who would run in the upcoming election year. The discussion continued as to which districts should be selected for the 2016 and 2018 elections.

Mayor THURSTON called for a vote on the maps before discussing the election dates for districts further.

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Mayor Thurston, to adopt the NDC South map. The motion carried

by the following vote:

Aye: 6 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, and Council Member Murphy

No: 1 - Council Member Lor

Absent: 0

Abstain: 0

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Murphy, to adopt the NDC North map. The motion carried by the following vote:

Aye: 4 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Dossetti, and Council Member Murphy

No: 3 - Council Member Lor, Council Member Belluomini, and Council Member Blake

Absent: 0

Abstain: 0

Council held a brief discussion on which districts should be up for election in 2016.

Council Member DOSSETTI stated that it was not a concern of his as to which districts were chosen for election in 2016.

Council Member MURPHY recommended a totally random fashion to select which districts would be up for election.

Council Member BLAKE questioned who would run for election in 2016.

Mayor Pro-Tempore PEDROZO suggested a random selection of which districts would be up for election.

Mayor THURSTON reopened the Public Hearing at 9:48 pm for audience members wishing to speak on election dates.

Daniel KAZAKOS, Merced - spoke in favor of having two southern districts up for election in 2016.

Onis LENTZ, Merced - asked Council to consider the people and not the political aspects of which districts to choose for election in 2016.

Lane WATSON, Merced - asked Council to consider multiple districts from the south up for election in 2016.

Keith ENSMINGER, Merced - spoke in favor of making the best choice for the City.

Theresa McINTIRE, Districting Committee Member - suggested the use of odd and even numbers to choose which districts should be up for election in 2016.

Angela BAXTER, Merced - spoke in favor of two southern districts for election in 2016.

Marylin MOCHEL, Merced - spoke in favor of odd districts up for election in 2016.

Anthony MARTINEZ, Merced - spoke about the unity of our city.

See LEE, Districting Committee Member - suggested that lower voter turnout districts should be up for election in 2016.

Onis LENTZ, Merced - stated that the problems of our city are not unique.

Miguel LOPEZ, Districting Committee Member - thanked Council and the City for the opportunity to serve on the committee.

Mayor THURSTON closed the Public Hearing at 10:07 pm.

Council continued to discuss the different options and scenarios that could occur in regards to the election dates for the different districts.

A motion was made by Council Member Dossetti, seconded by Mayor Pro Tempore Pedrozo, to have Districts 1, 3, and 5 up for election in 2016 and Districts 2, 4, and 6 up for election in 2018. The motion carried by the following vote:

Aye: 4 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Blake, and Council Member Dossetti

No: 3 - Council Member Belluomini, Council Member Lor, and Council Member Murphy

Absent: 0

K. REPORTS

Clerk's Note: Prior to hearing Reports, Mayor THURSTON called for a 10 minute recess.

K.1.

SUBJECT: City of Merced Water Conservation Efforts Update

REPORT IN BRIEF

Report on the efforts made to date by City forces for water conservation.

RECOMMENDATION

Information Only

Stan MURDOCK, Public Works Director - gave a brief report on the City's water conservation efforts. He commended the City and the citizens for the water savings.

Council asked for an estimate on trees lost from the drought and the current watering situation in the parks.

Mr. MURDOCK stated that approximately one hundred trees had to be removed at this point. He pointed out that the City has well over one hundred thousand trees. He stated that the water had been turned off at the introduction of the Governor's Executive Order, but in June the City began watering parks once a week and then twice a week starting in August.

L. BUSINESS

L.1. Request to Add Item to Future Agenda

Mayor Pro Tempore PEDROZO requested a future discussion on adding sidewalks near Motel Drive.

City Manager BRAMBLE stated this will be discussed at the November budget review.

L.2. City Council Comments

Council Member MURPHY reported that he attended the ribbon cutting for Boutique Air. He also reported attending the press conference on water conservation at Applegate Park and the "Back the Blue" event at the Police

station.

Council Member BELLUOMINI reported attending the League of California Cities Conference and found it very useful and interesting. He also reported attending the American Planning Association Conference in Oakland.

Council Member LOR also reported attending the League of California Cities Conference.

Mayor Pro Tempore PEDROZO also reported attending the League of California Cities Conference. He also gave a report on the Transportation Expenditure Plan Meeting with MCAG.

Council Member DOSSETTI gave a report on the MCAG meeting and the sessions he attended at the League of California Cities Conference.

M. ADJOURNMENT

On a motion by Mayor Pro Tempore Pedrozo and a second by Council Member Blake, with all in favor, the meeting was adjourned to October 7, 2015 at 5:30 pm.

Clerk's Note: The meeting adjourned at 10:46 pm.