



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, August 19, 2019

6:00 PM

A. CALL TO ORDER

Mayor MURPHY called the Regular Meeting to order at 6:01 PM.

A.1. Pledge of Allegiance to the Flag

Mayor Pro Tempore MARTINEZ led the Pledge of Allegiance to the Flag.

A.2. Invocation - Maggie Fuentes, Chaplain for the Merced Police Department

The invocation was delivered by Maggie FUENTES, Chaplain of the Merced Police Department.

B. ROLL CALL

Present: 6 - Mayor Pro Tempore Anthony Martinez, Mayor Mike Murphy, Council Member Kevin Blake, Council Member Jill McLeod, Council Member Matthew Serratto, and Council Member Fernando Echevarria

Absent: 1 - Council Member Delray Shelton

B.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 the 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 the Public Financing and Economic Development Authority receive no compensation.

C. WRITTEN PETITIONS AND COMMUNICATIONS

The Clerk's Office received a letter from Sean MARCINIAK at Miller Star Regalia and James ARDAIZ regarding item E.8. Adoption of Resolution Denying the Appeal of the Planning Commission Decision to Grant a One Year Extension to Bright Development for Vesting Tentative Subdivision Map #1291 copies were placed at the dais and are available in the Clerk's Office.

D. ORAL COMMUNICATIONS

Frances HOYT, Merced - spoke on the conditions of the housing on Emde

Lane.

Sharon HOFFMANN, Mariposa - spoke on the Truth Act.

Mercedes PIREDA, ICE Out of Merced Coalition, Merced - spoke on ICE and the Truth Act.

Alejandro J, ICE Out of Merced Coalition, Merced - spoke on ICE and the Truth Act.

Josue Moises VAZQUEZ RAMIREZ, Merced - spoke on ICE and the Truth Act.

Nathan MANN, Merced - spoke on ICE and the Truth Act.

Emily MORAN, Merced - spoke on the Truth Act and Police and Community Relations.

Jazz DIAZ, Merced - spoke in support on the Truth Act and transparency within the City and the Police Department.

Jeremy MUMFORD, Merced - spoke in support of the Truth Act.

Ana Maria TABRAN, Merced - spoke in support of the Truth Act.

Tanya GOLOSH BOZE, Merced - spoke in support of the Truth Act and asked for transparency with the City and the Police Department.

Fernando AGUILERA, Merced - spoke on a letter that was sent regarding equity in the City and requested to meet with Council to discuss the items in the letter.

Ejpi SANDOVAL, Kerman - spoke on democracy.

Allen BROOKS, Merced - spoke on a letter that was sent from the NAACP regarding equity in the City.

Patricia RAMOS-ANDERSON, Merced - spoke on meaningful civic engagement, transparency, and City equity.

Gloria SANDOVAL, Merced - spoke on immigration, transparency, and Police training on the Truth Act.

Cheryl FULLERTON, Merced - spoke on the Truth Act and immigration.

Christine MEEUSER, Merced - spoke on the Truth Act and immigration.

John CORDOZA, Merced - spoke on the trash and blighted areas in the City. He also spoke on the homeless issue.

Blanca OJEDA, Merced - spoke in support for the Truth Act. She also asked for more transparency and accountability from the Police Department.

Salvador SANDOVAL, Merced - spoke on the Truth Act and immigration.

E. CONSENT CALENDAR

No items were pulled from the Consent Calendar.

Approval of the Consent Agenda

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

Aye: 6 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, and Council Member Echevarria

No: 0

Absent: 1 - Council Member Shelton

E.1. 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.

E.2. SUBJECT: Information Only-Site Plan Review Committee Meeting Minutes of June 20, 2019

RECOMMENDATION

For information only.

This Consent Item was approved.

E.3.

SUBJECT: Approval of City Council/Public Financing and
Economic Development/Parking Authority Meeting Minutes of July
15, 2019

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 July 15, 2019.

This Consent Item was approved.

E.4.

SUBJECT: Adoption of Resolution Approving a Collaboration
Between the City of Merced, the Fire Fighters Union and the
California Fire Foundation to Provide Financial Assistance to
Victims of Fire and Natural Disasters

REPORT IN BRIEF

Considers the adoption of a Resolution approving the collaboration between the City, the Fire Fighters Union and the California Fire Foundation to implement a Supplying Aid to Victims of Emergency (SAVE) program thereby enabling firefighters to provide gift cards to residents who have lost property and material possessions in an emergency through the execution of a Memorandum of Understanding and development of a Standard Operating Guideline.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2019-54**, a Resolution of the City Council of the City of Merced, California, authorizing the Fire Chief to act for the City Manager by entering into a Memorandum of Understanding (MOU) between the California Fire Foundation (CFF), Merced Fire Department, and the bargaining unit, the International Association of Fire Fighters (IAFF Local 1479), representing Firefighters within the City of Merced, (City) to implement the Supplying Aid to Victims of Emergency (SAVE) within the City: and,

B. Authorizing the Fire Chief to adopt and submit to CFF, the CFF's suggested Standard Operating Guidelines (SOG) for the CFF's SAVE program.

This Consent Item was approved.

E.5.

SUBJECT: Award of Bid and Approval of Contract to Provost and Pritchard Engineering Group, Inc. for Groundwater Monitoring Well and Municipal Well Sampling Services in the Amount of \$220,800

REPORT IN BRIEF

Considers awarding a contract in the amount of \$220,800 to Provost and Pritchard Engineering Group, Inc. to perform groundwater sampling services to support the City's PCE and MTBE environmental investigations

RECOMMENDATION

City Council - Adopt a motion awarding a contract with Provost and Pritchard Engineering Group, Inc. for the three year term of July 1, 2019 to June 30, 2022, in the amount of \$73,600 annually for each of the fiscal years FY 2019/20, FY 2020/21, and FY 2021/22 to provide groundwater well and municipal well sampling services and authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

E.6.

SUBJECT: Approval of Lease Agreement Between the City of Merced and YARTS (Yosemite Area Regional Transportation System) for Use of the Bus Concourse and Common Areas at the Merced Transportation Center (710 W. 16th Street) with Rent Starting at \$200.00 per Month for a Term of Five Years with Annual Extensions by Mutual Agreement of the Parties

REPORT IN BRIEF

Considers a lease agreement (5-year Term with annual extensions by mutual agreement of the parties) with YARTS for use of the bus concourse and common area facilities located at the Merced Transportation Center, located at 710 W. 16th Street.

RECOMMENDATION

City Council - Adopt a motion approving the lease agreement between YARTS and the City of Merced and authorizing the City

Manager or the Assistant City Manager to execute all necessary documents.

This Consent Item was approved.

E.7.

SUBJECT: Approval of City-Owned Real Property Use Request #19-12 by the Greater Merced Chamber of Commerce for the Use of Bob Hart Square Park to Host a Vino and Tapas Fundraiser Event, to Include the Serving of Alcohol, on Saturday, October 12, 2019, from 1:00 p.m. to 9:00 p.m.

REPORT IN BRIEF

Considers approving a request by the Greater Merced Chamber of Commerce to allow the use of Bob Hart Square Park for their Vino and Tapas Tasting fundraiser event, to include the serving of alcohol, on Saturday, October 12, 2019, from 1:00 p.m. to 9:00 p.m.

RECOMMENDATION

City Council - Adopt a motion approving the exclusive use of Bob Hart Square Park on Saturday, October 12, 2019, from 1:00 p.m. to 9:00 p.m. for the Vino and Tapas Tasting fundraising event (including the service of alcohol); subject to the conditions outlined in the administrative report.

This Consent Item was approved.

E.8.

SUBJECT: Adoption of Resolution Denying the Appeal of the Planning Commission's Decision to Grant a One-Year Extension to Bright Development for Vesting Tentative Subdivision Map #1291 for the Subdivision Involving 39.8 Acres Generally Located on the East Side of G Street at Merrill Place (Extended)

REPORT IN BRIEF

Provides Resolution for adoption to deny the appeal filed by BP Investors, LLC, Leeco, LLC, Exposition Properties, LLC and Rick Telegan, as adjacent landowners of the Planning Commission's decision to approve a one-year extension for Vesting Tentative Subdivision Map (VTSM) #1291 per City Council direction on June 3, 2019.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2019-38, A** Resolution of the City Council of the City of Merced, California, denying

an appeal by BP Investors, LLC; Leeco, LLC; and Exposition Properties, LLC, concerning the action of the Planning Commission resulting in the approval of the extension of Vesting Tentative Subdivision Map #1291 (Modified) for Bright Development, which extended the expiration date of the Vesting Tentative Subdivision Map to January 16, 2020.

This Consent Item was approved.

E.9.

SUBJECT: Second Reading and Final Adoption of Ordinance Amending Section 20.42 and Various Other Sections of the Merced Municipal Code Regarding Accessory Dwelling Units (Zoning Ordinance Amendment #19-02)

REPORT IN BRIEF

Second reading and final adoption of ordinance which would modify the City's zoning regulations regarding accessory dwelling units.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2502**, An Ordinance of the City Council of the City of Merced, California, Amending Sections 20.42 ("Second Units") as well as Tables 20.08-1 ("Permitted Land Uses in the Residential Zoning Districts"), 20.16-1 ("Permitted Land Uses in the Urban Village Zoning Districts"), and 20.38-1 ("Off-Street Parking Requirements"); and Sections 20.08.030.F.1 ("Development Standards for Residential Zoning Districts, Parking"), 20.20.010.C.3 ("Urban Transition Zoning District, Development Standards"); 20.46.010 ("Residential Design Standards, Purpose"), and 20.90.020 ("Glossary, Definitions") of the Merced Municipal Code.

This Consent Item was approved.

F. PUBLIC HEARINGS

F.1.

SUBJECT: Public Hearing - Adoption of Resolution to Abandon a Storm Drainage Easement and Street Light Easement at 1368 Griffin Street, Generally Located on the East Side of Griffin Street, Approximately 525 Feet North of McSwain Road (Vacation #19-03)

REPORT IN BRIEF

The City Council will consider the abandonment of an old storm drainage easement and street light easement at 1368 Griffin Street.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2019-52**, A Resolution of the City Council of the City of Merced, California, ordering the vacation of a storm drainage easement and street light easement at 1368 Griffin Street, generally located on the east side of Griffin Street, approximately 525 feet north of McSwain Road (Vacation #19-03)

Associate Planner Francisco MENDOZA gave a slide show presentation on the Abandonment of a Storm Drainage Easement and Street Light Easement on 1368 Griffin Street (Vacation #19-03).

Mayor MURPHY opened the Public Hearing at 6:54 PM.

Jose MORALES, Merced - spoke on the easement that runs through the middle of his property and requested Council approve the vacation of the easement.

Mayor MURPHY closed the Public Hearing at 6:55 PM.

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

Aye: 6 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, and Council Member Echevarria

No: 0

Absent: 1 - Council Member Shelton

G. REPORTS

G.1.**SUBJECT: Report to the City Council on Economic Opportunity Zones**

REPORT IN BRIEF

Presentation to the City Council on the Opportunity Zone program created by the 2017 Federal Tax Cuts and Jobs Act.

RECOMMENDATION

Information-Only.

Director of Economic Development Frank QUINTERO gave a slide show presentation on an Overview of Opportunity Zones.

Council and Mr. QUINTERO discussed how projects get funded, tax benefits, Enhanced Infrastructure Financing Districts, opportunity zones in the City, and the nation wide use of opportunity zones. They also spoke on

investor response to opportunity zones.

Clerk's Note: No formal vote was taken, this item was information-only.

H. BUSINESS

H.1. **SUBJECT:** Request to Add Item to Future Agenda

REPORT IN BRIEF

Provides members of the City Council to request that an item be placed on a future City Council agenda for initial consideration by the City Council.

Council Member MCLEOD requested to add an item on environmental policies for the second meeting in October.

H.2. **SUBJECT:** City Council Comments

REPORT IN BRIEF

Provides an opportunity for the Mayor and/or Council Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the City and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.

Council Member SERRATTO reported on attending the Merced Playhouse Gala event, the UC Merced 2020 event, the National Night Out event, and meeting with residents in the Loughborough neighborhood.

Council Member MCLEOD reported on attending the Merced Playhouse Gala event.

Mayor Pro Tempore MARTINEZ reported on attending the District 1 Town Hall meeting, the Arts and Culture Advisory Commission meeting, and the Citizens Charter Advisory Committee meeting. He also spoke on the Marci STEINBERG plaque dedication.

Council Member ECHEVARRIA reported on attending the grand re-opening of El Palmar Taqueria.

Mayor MURPHY reported on attending the National Night Out event, meeting with the State Transportation Agency, meeting in Mountain View, touring the 2020 UC Merced Project Buildings, meeting with the Boy Scouts, and the Merced Playhouse Gala event.

I. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 7:26 PM.

A motion was made by Council Member McLeod, seconded by Council Member Blake, to adjourn the Regular Meeting. The motion carried by the following vote:

Aye: 6 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, and Council Member Echevarria

No: 0

Absent: 1 - Council Member Shelton