



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, March 20, 2017

7:00 PM

A. CLOSED SESSION ROLL CALL

Clerk's Note: Council Member MCLEOD arrived at 5:41 PM.

Present: 7 - Council Member Michael Belluomini, Council Member Anthony Martinez, Council Member Jill McLeod, Council Member Joshua Pedrozo, Council Member Matthew Serratto, Mayor Mike Murphy, and Mayor Pro Tempore Kevin Blake

Absent: 0

B. CLOSED SESSION

Clerk's Note: Council adjourned to Closed Session at 5:34 PM.

B.1. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION: Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9: 1 Case

B.2. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; Paul Johnson v. City of Merced; Workers Compensation Appeals Board Case Nos. FRE-ADJ 8041585; FRE-ADJ 8405639; FRE-ADJ 10325918; AUTHORITY: Government Code Section 54956.9(d)(1)

B.3. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; Reginald "Andre" Matthews v. City of Merced; Workers Compensation Appeals Board Case Nos. FRE-ADJ 10214661; FRE-ADJ 10214682; FRE-ADJ 10214667 and FRE-ADJ 10214501; AUTHORITY: Government Code Section 54956.9(d)(1)

Clerk's Note: Council adjourned from Closed Session at 6:28 PM.

C. CALL TO ORDER

Mayor MURPHY called the Regular Meeting to order at 7:01 PM.

C.1. Invocation - Bruce Logue, Life Spring Church

The invocation was delivered by Bruce LOGUE from Life Spring Church.

C.2. Pledge of Allegiance to the Flag

Clerk's Note: Council Member PEDROZO led the Pledge of Allegiance.

D. ROLL CALL

Present: 7 - Council Member Michael Belluomini, Council Member Anthony Martinez, Council Member Jill McLeod, Council Member Joshua Pedrozo, Council Member Matthew Serratto, Mayor Mike Murphy, and Mayor Pro Tempore Kevin Blake

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 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.

E. REPORT OUT OF CLOSED SESSION

There was no report.

F. SPECIAL PRESENTATIONS

F.1. **SUBJECT:** Tahitian Dance Performance

REPORT IN BRIEF

A Tahitian dance performed by the South Pacific Dance Company.

The South Pacific Dance Company performed a Tahitian dance.

G. WRITTEN PETITIONS AND COMMUNICATIONS

The Clerks's Office did not receive any written petitions and communications.

H. ORAL COMMUNICATIONS

Interim City Engineer Theron ROSCHEN - gave a brief update on the M and G Street bridge repair.

Dr. Jeanne KNAPP, Merced - thanked the City for the use of the Sam Pipes Room for the Climate Change Project Workshop and also discussed the Workshop.

Rick MCMILLION, Merced - spoke on a business located downtown.

Jesse ORNELAS, Merced - spoke on making South Merced a healthier place and encouraged the Council to participate in the Cesar Chavez rally and event.

Peter HOWELL, Merced - spoke on train deaths and preventative measures.

I. CONSENT CALENDAR

Items I. 4. Street Closure #17-01 - Street Closure Request for the Merced County Fair (Merced County Sheriff's Department) and I.5. Use of the Economic Opportunity Fund to Contribute Toward Public Storm Drain Improvements at the Intersection of South Parsons Avenue and East Childs Avenue, were pulled for separate consideration.

Approval of the Consent Agenda

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

Aye: 7 - Council Member Belluomini, Council Member Martinez, Council Member McLeod, Council Member Pedrozo, Council Member Serratto, Mayor Murphy, and Mayor Pro Tempore Blake

No: 0

Absent: 0

I.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.

I.2. **SUBJECT: Information Only - Planning Commission Meeting Minutes of January 18, 2017**

RECOMMENDATION

For information only.

This Consent Item was approved.

I.3.

SUBJECT: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of April 4, 2016, April 18, 2016, April 20, 2016, February 16, 2017, and February 21, 2017

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 April 4, 2016, April 18, 2016, April 20, 2016, February 16, 2017 and February 21, 2017.

This Consent Item was approved.

I.6.

SUBJECT: Request to Approve a Letter to the State Water Resources Control Board Regarding the Draft Revised Substitute Environmental Document

REPORT IN BRIEF

Requests Approval to Send a Letter to the Chair of the State Water Resources Control Board Regarding the Draft Revised Substitute Environmental Document.

RECOMMENDATION

City Council - Adopt a motion supporting the letter sent to Felicia Marcus, chair of the State Water Resources Control Board asking for revisions in the Draft Revised Substitute Environmental Document.

This Consent Item was approved.

I.7.

SUBJECT: Appropriation of Funds for the Police Headquarters Site #2 Project 116040

REPORT IN BRIEF

Transfers a total of \$30,000 in funds for consultant services, including environmental consultation and appraisal services to proceed with entitlement modifications and valuation services for the property located at 669 E. Yosemite Avenue.

RECOMMENDATION

City Council - Adopt a motion transferring \$15,000 from Fund 047 Facilities-Police (City) and \$15,000 from Fund 057 Facilities - Police (Developer) to Fund 449 Public Safety CIP and appropriating the same to 449-1001-627.65-00 Project 116040 Police Headquarters #2.

This Consent Item was approved.

I.8.

SUBJECT: Second Reading - Ordinance Amending Chapter 01.08 of the Merced Municipal Code Regarding Custody and Use of the City's Seal

REPORT IN BRIEF

Consider adoption of City Ordinance that confirms that the City Clerk is the Custodian of the City Seal and prohibits the use by any person of the seal of the City of Merced, or any imitations or derivations thereof.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2473**, an Ordinance of the City Council of the City of Merced, California, Amending Chapter 1.08, "City Seal," of the Merced Municipal Code Regarding the Use of the City Seal.

This Consent Item was approved.

I.4.

SUBJECT: Street Closure #17-01 - Street Closure Request for the Merced County Fair (Merced County Sheriff's Department)

REPORT IN BRIEF

Consider a request for use of City streets for the Merced County Fair.

RECOMMENDATION

City Council - Adopt a motion approving the street closure of G Street, between West Childs Avenue and West 11th Street, from 5:00 p.m. to 12:00 a.m. each day, from Wednesday, June 7, 2017, through Sunday, June 11, 2017, for the Merced County Fair, subject to the details and conditions outlined in the administrative staff report.

Mayor Pro Tempore BLAKE pulled this item to recuse himself from this item because of his employment with the Sheriffs Department.

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

Aye: 6 - Council Member Belluomini, Council Member Martinez, Council Member McLeod, Council Member Pedrozo, Council Member Serratto, and Mayor Murphy

No: 0

Absent: 0

Abstain: 1 - Mayor Pro Tempore Blake

I.5.

SUBJECT: Use of the Economic Opportunity Fund to Contribute Toward Public Storm Drain Improvements at the Intersection of South Parsons Avenue and East Childs Avenue

REPORT IN BRIEF

Staff is seeking City Council approval for the use of the Economic Opportunity Fund to contribute toward the construction of public storm drainage facility improvements at the intersection of South Parsons Avenue and East Childs Avenue. If approval is obtained, a future agenda item will be brought before the City Council seeking authority to execute a cooperative agreement for the proposed Merced Retail Center.

RECOMMENDATION

City Council - Adopt a motion directing staff to use the Economic Opportunity Fund to contribute toward public storm drain improvements at the intersection of South Parsons Avenue and East Childs Avenue; and instructing Staff to report back with a Cooperative Agreement with Merced Retail Center developer to construct said public improvements for Council approval.

Council Member MARTINEZ pulled this item asking about the improvements of the storm drain, timeline for completion, and traffic issues.

Interim City Engineer Theron ROSCHEN discussed the storm drainage that will be provided in the intersection that did not previously exist.

Eric LEVAUGHN, Sater Oil, discussed the project and project timeline.

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

Aye: 7 - Council Member Belluomini, Council Member Martinez, Council Member McLeod, Council Member Pedrozo, Council Member Serratto, Mayor Murphy, and Mayor Pro Tempore Blake

No: 0

Absent: 0

J. PUBLIC HEARINGS

J.1. **SUBJECT:** Vacation #16-02 - Submitted by Robert Lattanzio for the Abandonment of an Old Sidewalk Easement at 3172 M Street

REPORT IN BRIEF

The City Council will consider the abandonment of a 14-foot wide sidewalk easement along the western property line at 3172 M Street.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2017-12**, a Resolution of the City Council of the City of Merced, California, ordering the vacation of a 14-foot wide sidewalk easement along the western property line of 3172 M Street, generally located on the east side of M Street, approximately 200 feet north of Fairfield Drive (Vacation #16-02).

Planning Manager Kim ESPINOSA gave a slide show presentation on the abandonment of an old sidewalk easement at 3172 M Street.

Council Member BELLUOMINI asked about the location for a bus shelter.

Ms. ESPINOSA discussed the two designs for the placement of the bus shelter and working closely with the developer.

Rich GREEN, The Bus, stated it would be ideal for the developer to put concrete down in order to place a bus shelter.

Mayor MURPHY opened the Public Hearing at 7:46 PM and subsequently closed the Public Hearing due to lack of public comment.

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

Aye: 7 - Council Member Belluomini, Council Member Martinez, Council Member McLeod, Council Member Pedrozo, Council Member Serratto, Mayor Murphy, and Mayor Pro Tempore Blake

No: 0

Absent: 0

K. BUSINESS

K.1. **SUBJECT:** Council Member Belluomini's Request to Discuss Railroad

Quiet Zones

REPORT IN BRIEF

This item is in response to Council Member Belluomini's request to discuss "railroad quiet zones."

RECOMMENDATION

It is requested Council give Staff direction on this item.

Council Member BELLUOMINI gave a slide show presentation on railroad quiet zones.

Council Member MCLEOD discussed the quality of life issue for residents and businesses, noise and light pollution, and safety issues.

Council Member SERRATTO spoke on cost of quiet zones and quality of life.

Council Member PEDROZO discussed his interest in quiet zones and continuing this item to the Priority Planning Meeting.

Council Member MARTINEZ stated his support for this item.

Mayor MURPHY discussed the potential use of Measure V money for this project and furthering the discussion with the Union Pacific Railroad.

Wayne EISENHART, Merced - stated his support for the railroad quiet zones and discussed vehicle accidents related to the railway.

Gary RUCKER, Merced - stated his support for the railroad quiet zones and discussed his correspondence with the Federal Rail Agency.

Curtis RIGGS, Merced - stated his support for the railroad quiet zones. He discussed funding the project and offered to pay more in property taxes to facilitate the cost.

Mayor MURPHY discussed moving this item to the Priority Planning Meeting on March 29th.

K.2.

SUBJECT: Council Member Martinez' Request to Discuss Awarding Scholarships to Seniors in the Merced High School District

REPORT IN BRIEF

This item is in response to Council Member Martinez' request to discuss

scholarships for Seniors in the Merced High School District.

RECOMMENDATION

It is requested Council give staff direction on this item.

Council Member MARTINEZ gave a slide show presentation on awarding scholarships to seniors in the Merced High School District.

Council Member MCLEOD discussed the importance of youth investment and education.

Mayor MURPHY discussed his reservations for the Council to have discretionary funds.

Dr. Jeanne KNAPP, Merced - offered her expertise to form a mentor program.

Rick MCMILLION, Merced - suggested offering this idea to all high schools in Merced.

Gary RUCKER, Merced - suggested a partnership with UC Merced and Merced Community College.

Council Member SERRATTO discussed other organizations that offer scholarship programs.

Mayor Pro Tempore BLAKE discussed making some changes to the scholarship idea.

K.3. Request to Add Item to Future Agenda

Council Member BELLUOMINI requested to add an update to the Highway Entrance Signs for the May 1st agenda. He also requested to discuss industrial development and annexation on West Mission Avenue for the May 1st agenda.

Mayor MURPHY suggested to discuss the industrial development and annexation of Mission Avenue at the Priority Planning Meeting on March 29th.

K.4. City Council Comments

Council Member BELLUOMINI reported on attending the History of Italian Communities Developing in Merced at the County Museum.

Council Member PEDROZO reported on attending the History of Italian Communities Developing in Merced at the County Museum, the welcoming of Merced College President, and the Merced County Association of Governments Board Meeting. He also announced the next Youth Council Community Cleanup day on March 25th.

Council Member MARTINEZ reported on attending the Citizens Academy at the Police Headquarters.

Mayor Pro Tempore BLAKE reported on attending the International Council of Shopping Centers Annual Idea Exchange in Monterey.

Council Member SERRATTO reported on spending time with Lifeline CDC and learning about their program and attending the Laborers' International Union graduation at Merced College.

Mayor MURPHY spoke on the City's sister City in Nicaragua, the Mayor's Play Ball initiative, and the Walmart Distribution Center.

L. ADJOURNMENT

The Regular Meeting was adjourned at 9:00 PM.

A motion was made by Council Member Pedrozo, seconded by Mayor Pro Tempore Blake, that the Regular Meeting be adjourned. The motion carried by the following vote:

Aye: 7 - Council Member Belluomini, Council Member Martinez, Council Member McLeod, Council Member Pedrozo, Council Member Serratto, Mayor Murphy, and Mayor Pro Tempore Blake

No: 0

Absent: 0