



CITY OF MERCED

Meeting Agenda

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

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

Monday, March 20, 2017

7:00 PM

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

Closed Session at 5:30 PM/Regular Meeting at 7:00 PM

NOTICE TO PUBLIC

WELCOME TO THE MEETING OF THE MERCED CITY COUNCIL

At least 72 hours prior to each regular City Council meeting, a complete agenda packet is available for review on the City's website at www.cityofmerced.org or at the City Clerk's Office, 678 W. 18th Street, Merced, CA 95340. All public records relating to an open session item that are distributed to a majority of the Council will be available for public inspection at the City Clerk's Office during regular business hours.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK

Members of the audience who wish to address the City Council are requested to complete a speaker card available at the podium against the right-hand side of the Council Chamber. Please submit the completed card to the City Clerk before the item is called, preferably before the meeting begins.

INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the City Clerk at (209) 388-8650. Assisted hearing devices are available for meetings held in the Council Chamber.

A. CLOSED SESSION ROLL CALL

B. CLOSED SESSION

B.1. [17-141](#) **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. [17-138](#) **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. 17-142 **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)

C. CALL TO ORDER

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

C.2. Pledge of Allegiance to the Flag

D. ROLL CALL

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

F. SPECIAL PRESENTATIONS

F.1. 17-123 **SUBJECT:** Tahitian Dance Performance

REPORT IN BRIEF

A Tahitian dance performed by the South Pacific Dance Company.

G. WRITTEN PETITIONS AND COMMUNICATIONS

H. ORAL COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 5 minutes. The Mayor may, at his discretion, reduce the time to 3 minutes if there are more than 3 speakers, in order to accommodate as many speakers as possible. State law prohibits the City Council from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item.

I. CONSENT CALENDAR

Adoption of the Consent Calendar may be made by one motion of the City Council, provided that any Council member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately.

I.1. [17-092](#) **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.

I.2. [17-100](#) **SUBJECT:** Information Only - Planning Commission Meeting Minutes of January 18, 2017

RECOMMENDATION

For information only.

I.3. [17-114](#) **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.

I.4. [17-090](#) **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.

I.5. [17-115](#)

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.

I.6. [17-131](#)

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.

I.7. [17-134](#)

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.

I.8. [17-124](#)

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.

J. PUBLIC HEARINGS

Members of the public who wish to speak on public hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Council for discussion and action. Further comment will not be received unless requested by the Council.

J.1. [17-101](#)

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).

K. BUSINESS

K.1. 17-104 **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.

K.2. 17-087 **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.

K.3. Request to Add Item to Future Agenda

K.4. City Council Comments

L. ADJOURNMENT



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 17-141

Meeting Date: 3/20/2017

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



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File #: 17-138

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ADMINISTRATIVE REPORT

File #: 17-123

Meeting Date: 3/20/2017

SUBJECT: Tahitian Dance Performance

REPORT IN BRIEF

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RECOMMENDATION

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CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 17-100

Meeting Date: 3/20/2017

Report Prepared by: *Stephani Davis, Secretary I, Planning Division*

SUBJECT: Information Only - Planning Commission Meeting Minutes of January 18, 2017

RECOMMENDATION

For information only.

ATTACHMENTS

1. PC Minutes of 01-18-2017

**CITY OF MERCED
Planning Commission**

MINUTES

Merced City Council Chambers
Wednesday, January 18, 2017

Vice-Chairperson Dylina called the meeting to order at 7:01 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Travis Colby, Robert Dylina, Peter Padilla, and Kevin Smith

Commissioners Absent: Bill Baker (unexcused) and Kurt Smoot (excused) (one vacancy)

Staff Present: Planning Manager Espinosa, Associate Planner Nelson, Planner Mendoza-Gonzalez, Chief Deputy City Attorney Fincher, and Recording Secretary Davis

1. APPROVAL OF AGENDA

M/S COLBY-PADILLA, and carried by unanimous voice vote (two absent, one vacancy), to approve the Agenda as submitted.

2. MINUTES

M/S SMITH-COLBY, and carried by unanimous voice vote (two absent, one vacancy), to approve the Minutes of November 9, 2016, as submitted.

3. COMMUNICATIONS

None.

4. **ITEMS**

4.1 Vacation #16-01, initiated by Shelley Cox on behalf of Yosemite and G, LLC, to abandon a 2.18-acre storm drain basin and a 0.95-acre storm drain easement, generally located east of G Street and approximately 390 feet north of Yosemite Avenue.

Planning Manager NELSON reviewed the report on this item. For further information, refer to Staff Report #17-02.

M/S COLBY-SMITH, and carried by the following vote, to find that the proposed Vacation (to abandon a 2.18-acre storm drain basin and a 0.95-acre storm drain easement located east of G Street and approximately 390 feet north of Yosemite Avenue), is consistent with the *Merced Vision 2030 General Plan*.

AYES: Commissioners Colby, Padilla, Smith, and Vice Chairperson Dylina

NOES: None

ABSENT: Commissioners Baker and Smoot (one vacancy)

ABSTAIN: None

4.2 Conditional Use Permit #1215, initiated by Jammu & Kashmir Inc. on behalf of Kashmir Rentals, LLC, property owner(s). This application involves a request to modify an existing beer and wine Alcoholic Beverage Control License (Type 20) to include the sale of general alcohol for off-site consumption (Type 21) for Jessi's Market, generally located on the south side of E. 13th Street, approximately 100 feet west of E Street (at 110 E. 13th Street), within a General Commercial (C-G) Zone.

Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #17-03.

There was no one present wishing to speak regarding the project; therefore, public testimony was opened and closed at 7:17 p.m.

M/S COLBY-SMITH, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #16-32, and

approve Conditional Use Permit #1215, subject to the Findings and twenty (20) Conditions set forth in Staff Report #17-03 (RESOLUTION #3076):

AYES: Commissioners Colby, Padilla, Smith, and Vice Chairperson Dylina

NOES: None

ABSENT: Commissioners Baker and Smoot (one vacancy)

ABSTAIN: None

4.3 Conditional Use Permit #1216, initiated by Tongtoua Yang on behalf of Kajla Mahinder Singh, property owner. This application involves a request to increase the number of card tables for the Merced Poker Room (from 4 to 12) and to allow their employees to participate in gaming activities. The subject site is generally located on the south side of 15th Street, approximately 225 feet west of Martin Luther King, Jr. Way (at 1459 Martin Luther King, Jr. Way, Suites, 4, 5, and 6), within a Thoroughfare Commercial (C-T) zone.

Associate Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #17-01.

Public testimony was opened at 7:33 p.m.

Speaker from the Audience in Favor:

JARHETT BLONIN, on behalf of the applicant, Sacramento

JARHETT BLONIN, in addition to requesting the increase from 4 to 12 card tables, requested that the Commission allow Merced Poker Room to use the remaining 4 unallocated tables as temporary tables in the event of a tournament at the card room. The Commission explained to the representative that his question was better suited for the State and would take further research.

Speaker from the Audience in Opposition:

TAWNI VARGAS, Poker Flats Casino, Merced

Public testimony was closed at 7:41 p.m.

Commissioner COLBY suggested a continuance for Conditional Use Permit #1216 to the next regularly scheduled Planning Commission meeting of February 22, 2017, to allow the Commission the opportunity to review both applications (from Merced Poker Room and Poker Flats Casino) simultaneously during one meeting and make a more educated decision on the division of the additional card tables.

M/S PADILLA-COLBY, and carried by the following vote, to continue the public hearing to the Planning Commission meeting of February 22, 2017:

AYES: Commissioners Colby, Padilla, Smith, and Vice Chairperson Dylina

NOES: None

ABSENT: Commissioners Baker and Smoot (one vacancy)

ABSTAIN: None

[Secretary's Note: At 7:54 p.m., Commissioner PADILLA left the dais.]

4.4 Election of Planning Commission Chairperson and Vice-Chairperson

Due to a lack of a quorum late in the meeting, the Planning Commission was unable to take action on this item.

The Commission will address this item at the next regularly scheduled Planning Commission meeting of February 22, 2017.

4.5 Cancellation of February 8, 2017, Planning Commission Meeting due to lack of items.

Due to a lack of a quorum late in the meeting, the Planning Commission was unable to take action on this item.

Planning Commission Minutes
Page 5
January 18, 2017

6. **ADJOURNMENT**

Due to lack of a quorum, the meeting was adjourned at 7:56 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:



ROBERT DYLINE, Vice-Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #3076

WHEREAS, the Merced City Planning Commission at its regular meeting of January 18, 2017, held a public hearing and considered **Conditional Use Permit #1215**, initiated by Jammu & Kashmir Inc. on behalf of Kashmir Rentals, LLC, property owner(s). This application involves a request to modify an existing beer and wine Alcoholic Beverage Control License (Type 20) to include the sale of general alcohol for off-site consumption (Type 21) for Jessi's Market, generally located on the south side of E. 13th Street, approximately 100 feet west of E Street (at 110 E. 13th Street), within a General Commercial (C-G) Zone; also known as Assessor's Parcel Number 035-031-004; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through G of Staff Report #17-03; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #16-32, and approve Conditional Use Permit #1215, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner Colby, seconded by Commissioner Smith, and carried by the following vote:

AYES: Commissioners Colby, Padilla, Smith, and Vice Chairperson Dylina

NOES: None

ABSENT: Commissioners Baker and Smoot

ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 3076

Page 2

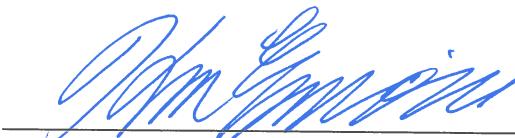
January 18, 2017

Adopted this 18th day of January 2017



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

n:shared:planning:PC Resolutions: CUP#1215 Jessi's Market (110 E. 13th Street)

Conditions of Approval
Planning Commission Resolution #3076
Conditional Use Permit #1215

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (floor plan) -- Attachment B of Staff Report #17-03, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”—except for Condition #16 which has been superseded by Code) shall apply.
3. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
4. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws

and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.

5. Sufficient lighting shall be provided throughout the site to provide a safe environment for employees and patrons of the business.
6. All landscaping shall be kept healthy and maintained in good condition and any damaged or missing landscaping shall be replaced immediately.
7. The premises shall remain clean and free of debris and graffiti at all times. Any damaged materials shall be replaced by matching materials.
8. A temporary banner permit shall be obtained prior to installing any temporary signs. Free-standing temporary signs (i.e., sandwich boards, A-frame signs, etc.) are prohibited.
9. The proprietor and/or successors in interest and management shall be prohibited from advertising or promoting beer & wine and/or distilled spirits on the building or in the windows. No self-illuminated advertising for beer or wine shall be permitted.
10. No beer or wine shall be displayed or stored outside of the cooler areas.
11. No display or sale of beer or wine shall be made from an ice tub.
12. Employees on duty between the hours of 9 p.m. and 11 p.m. shall be at least 21 years of age to sell alcohol.
13. Alcohol sales shall cease by 11:00 p.m. regardless of the business hours for the store in general.
14. The proprietor and/or successors in interest and management shall comply with all Municipal Codes relating to loitering, open container laws and other nuisance-related issues.
15. The area within the convenience market dedicated to the display and sale of alcoholic beverages (beer and wine) shall not be more than 6 cooler spaces (typical of those found in a grocery store or convenience market) or 176 square feet. The display of liquor shall be located behind the cashier and not exceed 60 square feet.
16. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area), including but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace, and disorderly conduct result from the proposed land use, the conditional use permit may be subject to

review and revocation by the City of Merced after a public hearing and in conformance with the procedures outlined in the Merced Municipal Code.

17. No single-serving containers shall be sold separately unless authorized by the City of Merced Police Department. All single-serving beer and wine containers shall be sold as part of a pack or carton.
18. The business shall comply with all applicable requirements from the Merced County Health Department.
19. Prior to obtaining a license from the Alcoholic Beverage Control to sell alcohol, the business (for the convenience market) shall obtain approval for a Finding of Public Convenience or Necessity from the Merced City Council.
20. This approval is subject to the business owner being in good standing with all laws of the State of California, including the Alcohol Beverage Control (ABC), City of Merced, and other regulatory agencies.

n:shared:planning:PC Resolutions: CUP #1215 Exhibit A



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 17-114

Meeting Date: 3/20/2017

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.

ALTERNATIVES

1. Approve as recommended; or,
2. Approve, subject to amendments.

ATTACHMENTS

1. Minutes of April 4, 2016
2. Minutes of April 18, 2016
3. Minutes of April 20, 2016
4. Minutes of February 16, 2017
5. Minutes of February 21, 2017



CITY OF MERCED

Minutes

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

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

Monday, April 4, 2016

7:00 PM

A. STUDY SESSION ROLL CALL

Present: 6 - Mayor Stanley P. Thurston, Council Member Mike Murphy, Council Member Kevin Blake, Mayor Pro Tempore Joshua Pedrozo, Council Member Michael Belluomini, and Council Member Tony Dossetti

Absent: 1 - Council Member Noah Lor

B. STUDY SESSION

Mayor THURSTON called the Study Session to order at 6:00 PM.

B.1. Update on the New Police Headquarters

Principal Architect John SAGIN gave a presentation on possible options and locations for the new Police Headquarters.

Council Member MURPHY asked questions regarding the size of the project and the ability to expand square footage in the future. He also questioned the financing of the project.

Mr. SAGIN discussed the possible savings by using existing Police Station plans and customizing them for the City's needs.

Economic Development Director Frank QUINTERO explained some possible funding options for the project.

Council Member BLAKE asked which option Chief ANDRADE preferred.

Police Chief ANDRADE stated he preferred option 2 (New building at "Sun-Star" location).

City Manager Steve CARRIGAN stated the costs estimates were sound based on his previous experience.

Council Member BELLUOMINI questioned the size of the building and planning for the future.

Mr. SAGIN stated that the original plan included a much larger police force and the forecast population growth for the city was not as first expected.

Council Member BELLUOMINI suggested building the new facility with future growth in mind. He questioned the future ability to expand.

Mr. SAGIN reported that the site had room to expand the building when needed.

Council Member BELLUOMINI questioned administrative fees.

Mr. SAGIN stated that there are extra fees for the architect to oversee the project.

Council briefly discussed the square footage needed based on sworn officers and population numbers.

Mayor THURSTON asked if a bond measure would be needed to finance the project.

Mayor Pro Tempore PEDROZO questioned the lot size available for expansion.

Mr. SAGIN confirmed the lot size being over 5 acres.

Council Member BLAKE conveyed that an office for each sworn officer was not necessary.

Mayor THURSTON expressed concern that the "Sun-Star" property could be sold before financing was obtained.

Mr. QUINTERO confirmed that the property could be purchased before funds for the entire project were obtained.

Clerk's Note: The Study Session adjourned at 6:53 PM.

C. CALL TO ORDER

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

C.1. Invocation - Pastor Steve Moldenhauer, Valley Baptist Church

The invocation was delivered by Pastor Steve Moldenhauer of Valley Baptist Church.

C.2. Pledge of Allegiance to the Flag

D. ROLL CALL

Present: 6 - Mayor Stanley P. Thurston, Council Member Mike Murphy, Council Member Kevin Blake, Mayor Pro Tempore Joshua Pedrozo, Council Member Michael Belluomini, and Council Member Tony Dossetti

Absent: 1 - Council Member Noah Lor

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. CEREMONIAL MATTERS

E.1. SUBJECT: Proclamation - Sexual Assault Awareness Month

REPORT IN BRIEF

Received by Chee Yang, Valley Crisis Center

Council Member BLAKE presented the Proclamation on Sexual Assault Awareness to Valley Crisis Director, Chee Yang.

F. WRITTEN PETITIONS AND COMMUNICATIONS

There were no written petitions or communications.

G. ORAL COMMUNICATIONS

Richard MILLER, Merced - spoke on honoring veterans by renaming "M" Street to Veterans Boulevard.

Rachelle ABRIL, Merced - spoke on blighted homes, City trees, and blighted alleys.

Daniel SABZEHZAR, Merced - spoke on the City budget process.

Jobra S. - spoke on a citation he received.

Greg HOSTETLER, Merced - spoke on his Police Foundation and funds raised. He praised city staff at all levels.

Monica VILLA, Merced - spoke on various issues.

H. CONSENT CALENDAR

Item H.6. Street Closure for Youth Sports Parade was pulled for further 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: 6 - Mayor Thurston, Council Member Murphy, Council Member Blake, Mayor Pro Tempore Pedrozo, Council Member Belluomini, and Council Member Dossetti

No: 0

Absent: 1 - Council Member Lor

H.1.

SUBJECT: "Information-Only" Contracts

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$28,000 and of Public Works contracts under \$63,054.

AUTHORITY

Pursuant to the authority delegated to the City Manager on behalf of the City by Article XI, Section 1109, of the Merced City Charter to execute Public Works contracts under the adjusted 2015 threshold of \$63,054.00, and Chapter 3.04.080 - 3.04.110 of the Merced Municipal Code to execute Non-Public Works contracts under the adjusted 2015 threshold of \$28,000.00, the contracts listed on the attached table were entered into by the City.

This Consent Item was approved.

H.2.

SUBJECT: Information Only - Traffic Committee Minutes of November 10, 2015 and January 12, 2016

This Consent Item was approved.

H.3.

SUBJECT: Information Only - Economic Development Advisory Committee Minutes of November 24, 2015 and Lack of Quorum notice for Economic Development Advisory Committee Meeting of January 26, 2016

REPORT IN BRIEF

For information only.

This Consent Item was approved.

H.4.

SUBJECT: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of October 5, 2015, October 7, 2015 and October 19, 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 October 5, 2015, October 7, 2015 and October 19, 2015.

This Consent Item was approved.

H.5.

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.

H.7.

SUBJECT: Street Closure #16-05 - Street Closure Request for the Merced County Fair (Merced County Sheriff's Department)

REPORT IN BRIEF

Consider a request for use of City streets.

RECOMMENDATION

City Council - Adopt a motion approving the street closure of "G" Street, between W. Childs Avenue and W. 11th Street, from 5:00 p.m. to 12:00 a.m. on Wednesday, June 8, 2016, through Sunday, June 12, 2016, for the Merced County Fair; subject to the details and conditions outlined in the administrative staff report.

This Consent Item was approved.

H.8.

SUBJECT: Award Bid to Nor-Cal Pump and Well Drilling for the Waste Water Treatment Plant New Well Construction, Project No. 114001

REPORT IN BRIEF

Consider awarding a contract in the amount of \$427,300 to Nor-Cal Pump and Well Drilling to construct a new water supply well for the Waste Water Treatment Plant.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid for the Waste Water Treatment Plant New Well Construction Project 114001, to Nor-Cal Pump and Well Drilling, in the amount of \$427,300; and,

B. Authorizing the City Manager to execute the necessary documents and to approve change orders not to exceed 10% of the total contract.

This Consent Item was approved.

H.9.

SUBJECT: 2020 East Childs Avenue - Land Use Determination 16-01. Finding of Public Convenience or Necessity to Allow Beer and Wine to Be Sold for Off-site Consumption at an Arco AM/PM Gas Station and Convenience store.

REPORT IN BRIEF

This report provides options for the City Council to consider in making a Finding of Public Convenience or Necessity (PCN), as required by the Department of Alcoholic Beverage Control (ABC) to allow the sale of beer and wine for off-site consumption at a proposed Arco/AM/PM Gas Station and Convenience Store to be located at the southwest corner of Childs and Parsons Avenue (2020 East Childs Avenue).

RECOMMENDATION

City Council - Adopt a motion approving the Finding of Public Convenience or Necessity to allow the issuance of a Type 20 Alcohol License (allows the sale of beer and wine for off-site consumption) for the proposed Arco/AM/PM Gas Station Mini-Mart to be located at the southwest corner of Childs and Parsons Avenue.

This Consent Item was approved.

H.10.

SUBJECT: Request to Set a Public Hearing for the 2016 Housing and Urban Development (HUD) Annual Action Plan

REPORT IN BRIEF

Request to set a public hearing for Monday, April 18, 2016, to consider the 2016 Housing and Urban Development (HUD) Annual Action Plan.

RECOMMENDATION

City Council - Adopt a motion setting a public hearing for Monday, April 18, 2016, to consider the Housing and Urban Development Annual Action Plan.

This Consent Item was approved.

H.6.

SUBJECT: Street Closure for Youth Sports Parade

REPORT IN BRIEF

Street closure request for the Youth Sports Parade on Saturday, April 16, 2016.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of East Main Street, from "G" Street to Cedar Avenue and West Main Street, from "G" to "O" Streets, including side streets from Cedar Avenue to "O" Street, as requested by Merced Golden Lions for the Youth Sports Parade Saturday, April 16, 2016. Street closures will be from 8:00 a.m. to 1:00 p.m.; subject to the conditions outlined in the administrative report.

Council Member DOSSETTI pulled this item to mention the scholarship programs available for youth to participate in sports programs.

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

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

No: 0

Absent: 1 - Council Member Lor

I. PUBLIC HEARINGS

I.1.

SUBJECT: Introduction of Ordinance No. 2456, Entitled “Burglar Alarm Systems and False Alarms,” Adding Chapter 8.28 to the Merced Municipal Code

REPORT IN BRIEF

Consider the adoption of an ordinance establishing standards and regulations for the installation and use of alarm systems, requiring a no cost permit to be obtained and imposing a service fee schedule for police responses to false alarms.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance No. 2456**, an Ordinance of the City Council of the City of Merced, California, adding Chapter 8.28 to the Merced Municipal Code, and approve one of the two following options of the Ordinance:

A. Attachment A, which contains a single service fee schedule for police responses to false alarm service calls;

OR,

B. Attachment B, which contains two service fee schedules for police responses to false alarms. This version of the Ordinance contains a service fee schedule that is applicable to public schools.

Chief Deputy City Attorney Kelly FINCHER and Police Dispatch Supervisor Marvin DILLSAVER gave a slide presentation on false alarms. Types of alarms and top offenders were noted. Impacts on police resources were noted including the estimated costs of false alarms.

Ms. FINCHER highlighted different sections in the ordinance and spoke on the public schools' concerns.

Mayor THURSTON expressed concern with the two-tier payment system.

City Manager Steve CARRIGAN stated that the two-tier system had come from a meeting with the School Districts.

Council Member DOSSETTI asked about armed robberies or burglaries.

Ms. FINCHER mentioned special code words that alarm companies have in order to protect businesses and owners.

Clerk's Note: Mayor THURSTON opened the Public Hearing at 7:55 PM.

Greg SPICER, Merced City School District - stated the Districts would like to see the two-tier system.

Mayor THURSTON stated that a \$25.00 penalty may not be enough.

Rosemary PARGA-DURAN, Merced City Schools Superintendent - voiced support for the two-tier system.

Council Member MURPHY expressed concern that the schools were not progressing fast enough.

Mark GOTTSHEL, Merced High School District - Spoke on education needed and actual alarms versus false alarms.

Spencer DAVIES, Merced - spoke about privatizing the response to alarms.

Necola ADAMS, Merced - stated that substitute teachers could be causing false alarms and that suspects could be gone by the time Police arrive.

Clerk's Note: Mayor THURSTON closed the Public Hearing at 8:24 PM.

Council Member BLAKE expressed support for option B.

Council Member BELLUOMINI proposed changes to the ordinance.

Mayor Pro Tempore PEDROZO stated support for option B.

Council Member MURPHY stated support for a two-tier payment system with sunset language included in the ordinance.

A motion was made by Council Member Murphy, seconded by Mayor Pro Tempore Pedrozo, that this agenda item be approved as amended. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Lor

J. REPORTS

J.1. SUBJECT: Future Police Headquarters Building Site

REPORT IN BRIEF

Staff seeks Council direction in selecting the location of the future Police Headquarters Building and approval to proceed with a Request for Proposal for Architectural Services.

RECOMMENDATION

Option 1:

City Council - Adopt a motion directing staff to proceed with Option 1 (Merced Sun-Star Remodel) and proceed with issuing a Request for Proposal for Architectural Services.

OR

Option 2:

City Council - Adopt a motion directing staff to proceed with Option 2 (Merced Sun-Star Demolition) and proceed with issuing a Request for Proposal for Architectural Services.

OR

Option 3:

City Council - Adopt a motion directing staff to proceed with Option 3 (Mansionette Site) and proceed with issuing a Request for Proposal for Architectural Services.

Principal Architect John SAGIN gave a recap of his earlier Study Session presentation. He discussed the environmental assessment and building evaluation completed on the "Sun-Star" site. He gave an estimated cost for the project and presented three options for Council.

Council Member MURPHY questioned if developer fees could be used to pay for the project.

Economic Development Director Frank QUINTERO estimated it would take at least ten years to collect enough in developer fees to pay for the project.

Mayor THURSTON suggested that the only direction that should be given is to direct staff to begin negotiations to purchase the "Sun-Star" site.

Council Member BELLUOMINI cautioned Council regarding public approval of a new tax.

Mayor Pro Tempore PEDROZO supported the idea of negotiations with the "Sun-Star". He asked about the possibility of having to tear down the building after work started.

Mr. SAGIN confirmed that it was possible that a complete tear down would be needed after initial work began.

Council Member DOSSETTI stated that he could only support getting the cost of both locations before making a purchase.

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Belluomini, that staff begin negotiations for the Sun-Star property and get an appraisal of the Mansionette site. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Lor

K. BUSINESS

K.1. SUBJECT: Letter to High Speed Rail Authority

REPORT IN BRIEF

Staff was directed at the March 21st City Council Meeting to draft a letter to the High Speed Rail Authority in support of the high speed rail station in Merced as part of phase 1 planning.

RECOMMENDATION

City Council - Adopt a motion approving the letter to the High Speed Rail Authority.

Mayor Pro Tempore PEDROZO described a letter to the High Speed Rail authority regarding the change in their business plan.

Council briefly discussed the type of letter needed and accepting input from the City Manager as well.

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

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

No: 0

Absent: 1 - Council Member Lor

K.2. Request to Add Item to Future Agenda

Mayor THURSTON requested a report from staff on the steps necessary to rename "M" Street to Veterans Boulevard.

K.3. City Council Comments

Mayor Pro Tempore PEDROZO announced that he and his wife were expecting a new child in October.

Council Member BELLUOMINI reported on attending the San Joaquin Valley Air Pollution Control District Special Selection Committee. He also mentioned the Concerned Men Cook for Education event at City Hall.

Council Member DOSSETTI reported attending block parties held by Rachelle ABRIL and Reverend RAMSEY.

Council Member MURPHY mentioned the One Voice trip to Washington, D.C. and spoke about the platform.

Mayor THURSTON thanked Rachelle ABRIL, Reverend RAMSEY, and Kelly TURNER for their volunteer work.

L. ADJOURNMENT

Clerk's Note: The meeting adjourned at 9:16 PM.

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

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

No: 0

Absent: 1 - Council Member Lor



CITY OF MERCED

Minutes

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

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

Monday, April 18, 2016

7:00 PM

A. CLOSED SESSION ROLL CALL

Present: 5 - Mayor Stanley P. Thurston, Council Member Mike Murphy, Council Member Kevin Blake, Council Member Michael Belluomini, and Council Member Tony Dossetti

Absent: 2 - Mayor Pro Tempore Joshua Pedrozo, and Council Member Noah Lor

B. CLOSED SESSION

Mayor THURSTON called the Closed Session to order at 6:32 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: 2 cases.

C. CALL TO ORDER

Mayor THURSTON called the Regular Meeting to order at 7:03 PM.

Clerk's Note: Mayor Pro Tempore PEDROZO arrived after Roll Call at 7:16 PM.

C.1. Invocation - Paul Coonce, Associate Pastor, Ain't Your Mama's Church

The invocation was delivered by Paul Coonce from Ain't Your Mama's Church.

C.2. Pledge of Allegiance to the Flag

D. ROLL CALL

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

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

Clerk's Note: There was no report out of Closed Session.

Mayor THURSTON announced that Item K.1. would be moved to the first meeting in May.

Acting City Manager Frank QUINTERO also announced that Item L.1. would be moved to the first meeting in May to make some language changes.

F. SPECIAL PRESENTATIONS

F.1. R.A.D.I.C.A.L. Health Education and Screening Program - Presented by Jim Drury

Frank DRURY, Life Saving Images - presented his breast cancer screening project and spoke of its future in Merced.

G. WRITTEN PETITIONS AND COMMUNICATIONS

The Clerk announced a written communication from Kevin Hammond.

H. ORAL COMMUNICATIONS

Daniel KAZAKOS, Merced - invited Council and the public to a community meeting about the Esperanza Project for supportive housing.

I. CONSENT CALENDAR

Item I.5. Driveway License Agreement with Merced Irrigation District for a New Driveway at Stuart Drive and West Avenue and Item I.6. Maintenance Districts Engineer's Reports and Budgets - Fiscal Year 2016/2017 were pulled for separate consideration.

Approval of the Consent Agenda

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

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

No: 0

Absent: 0

I.1.

SUBJECT: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of November 2, 2015 and November 16, 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 November 2, 2015 and November 16, 2015.

This Consent Item was approved.

I.2.

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.3.

SUBJECT: Accept and Appropriate Donated Funds for Police K9 Unit

REPORT IN BRIEF

Accept donation from Edward Suz and appropriate funds to offset costs of the Police K9 Program.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting the donation of \$3,000 from Edward Suz for the Police K9 Program; and,

B. Depositing the \$3,000 donation to revenue account #001-1001-360-01-01 and appropriate the same amount to account #001-1027-522-29-00 to purchase equipment and supplies for the K9 Unit.

This Consent Item was approved.

I.4.

SUBJECT: City-Owned Real Property Use Request #16-02 for Bob Hart Square (The Regents of the University of California/Class of 2016 Graduation Reception)

REPORT IN BRIEF

Consider allowing the exclusive use of Bob Hart Square Park on Friday, May 6, 2016, from 10:00 a.m. to 10:00 p.m. (event time 7:00 p.m. to 9:30 p.m.), for the Regents of the University of California/Merced's annual graduation reception, which includes the serving of wine.

RECOMMENDATION

City Council - Adopt a motion approving the exclusive use of Bob Hart Square Park on Friday, May 6, 2016, from 10:00 a.m. to 10:00 p.m., for a graduation reception (including the serving of wine); subject to the conditions outlined in the administrative report.

This Consent Item was approved.

I.7.

SUBJECT: Purchase Property for Well Site 21, Project No. 113026

REPORT IN BRIEF

Consider reapproving the Agreement to Purchase Tax-Defaulted Property with the County of Merced for property located at the corner of G Street and Bellevue Road for future Well Site 21.

RECOMMENDATION

City Council - Adopt a motion approving the Agreement to Purchase Tax-Defaulted Property with the County of Merced for the property known as APN 224-020-016; and, authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

I.8.

SUBJECT: Consideration of an Ordinance Dealing with Angle Parking, No Parking Zones, Freight and Passenger Loading Zones, and Accessible Passenger Loading Zone on N Street between W. 18th and W. 19th Streets

REPORT IN BRIEF

Consider introducing ordinance for the removal of angle-parking along a portion of N Street and replacing with a Freight and Passenger Loading Zone and Accessible Passenger Loading Zone as part of UC Merced's Downtown Building Project.

RECOMMENDATION

City Council - Adopt a Motion introducing **Ordinance 2458**, an Ordinance of the City Council of the City of Merced, California, amending Merced Municipal Code Sections 10.28.090, "Angle Parking Permitted Where," 10.28.230, "No Parking Zone," and 10.32.050, "Freight and Passenger Loading Zones - Locations," and adding Section 10.28.059, "Accessible Passenger Loading Zones," to the Merced Municipal Code.

This Consent Item was approved.

I.9.

SUBJECT: Second Reading of Ordinance Dealing with False Alarms

REPORT IN BRIEF

Second reading of previously introduced ordinance that includes amendments requested by Council at its introduction.

RECOMMENDATION

City Council - Adopt **Ordinance 2456**, an Ordinance of the City Council of the City of Merced, California, Adding Chapter 8.28, "Burglar Alarm Systems and False Alarms," to the Merced Municipal Code.

This Consent Item was approved.

I.5.

SUBJECT: Driveway License Agreement with Merced Irrigation District for a New Driveway at Stuart Drive and West Avenue

REPORT IN BRIEF

Agreement outlining terms, plans and specifications for a new driveway on the west side of West Avenue at Stuart Drive.

RECOMMENDATION

City Council - Adopt a motion approving the Non-Exclusive Driveway License Agreement with Merced Irrigation District for a new driveway on the west side of West Avenue at Stuart Drive; and, authorizing the City Manager to sign the necessary documents.

Council Member Murphy pulled this item to recuse himself due to a business relationship.

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

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

No: 0

Absent: 0

Abstain: 1 - Council Member Murphy

I.6.

SUBJECT: Maintenance Districts Engineer's Reports and Budgets - Fiscal Year 2016/2017

REPORT IN BRIEF

Consider setting a public meeting for Monday, June 6, 2016, to address the proposed Engineer's Reports and budgets. The Council must then conduct a formal public hearing set for Monday, June 20, 2016, before a determination can be made on the level of assessment to be approved.

RECOMMENDATION

City Council - Adopt **Resolution 2016-12**, a Resolution of the City Council of the City of Merced, California, approving the Engineer's Reports and budgets on the various Maintenance Districts and setting a public meeting and a public hearing thereon.

Council Member BELLUOMINI pulled this item to ask whether trees will be replaced during the cleanup of the Fahrens Park area.

Public Works Director Ken ELWIN stated that the cleanup was for safety reasons and that there were a plentiful amount of seedlings growing to fill in the gaps.

Council Member BELLUOMINI questioned the Mansionette Maintenance

District and the proposed Community Facilities District proposed for the area.

Sr. Deputy City Attorney Ken ROZELL stated that until a project comes forward, the developer is not required to annex into the CFD.

Mayor THURSTON expressed concern about the maintenance of the Mansionette area.

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

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

No: 0

Absent: 0

J. PUBLIC HEARINGS

J.1. SUBJECT: Public Hearing and Adoption of the Department of Housing and Urban Development (HUD) 2016 Annual Action Plan

REPORT IN BRIEF

Public hearing for Adoption of the Federal Department of Housing and Urban Development [HUD] 2016 Annual Action Plan and approval of a Resolution for submission to HUD.

RECOMMENDATION

City Council - Adopt a Motion:

A. Approving **Resolution 2016-13**, a Resolution of the City Council of the City of Merced, California, approving the 2016 HUD Annual Action Plan, certifying compliance with requirements of the Community Development Block Grant (CDBG) Program and Home Investment Partnership (HOME) Program, and authorizing staff to submit all approved documents to the Department of Housing and Urban Development; and

B. Authorizing the City Manager to execute the necessary documents to submit the application; and,

C. Authorizing the City Manager to execute the necessary documents on

acceptance of the grant; and,

D. Authorizing the City Manager to sign the SF 424 and HUD Certificates documents required to be submitted with the 2016 HUD Annual Action Plan; and,

E. Requesting Council to recommend funding the three eligible project activities as submitted. The amount awarded to applicants may not exceed \$467,000 for project activities in the 2016 HUD Annual Action Plan.; and,

F. Requesting Council to recommend funding the seven eligible activities submitted public service applications. The amount awarded to applicants may not exceed \$102,500 for public service activities in the 2016 HUD Annual Action Plan.

Acting City Manager Frank QUINTERO gave a brief overview of the annual requirement by the Department of Housing and Urban Development.

Housing Manager Mark HAMILTON gave a slide presentation describing the available funds and items they could be spent on. He explained the steps requested of Council for this item.

Mayor THURSTON opened the Public Hearing at 7:56 PM.

Chee Yang, Program Director for Valley Crisis Center - spoke about how the funds help many of their programs.

Mayor THURSTON closed the Public Hearing at 7:58 PM.

Council Member LOR asked about the Merced County Rescue Mission's application.

Mr. HAMILTON stated that their application came in after the deadline.

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Mayor Thurston, that this agenda item be approved. The motion carried by the following vote:

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

No: 1 - Council Member Dossetti

Absent: 0

J.2.

SUBJECT: Cardrooms

REPORT IN BRIEF

Introduction of an Ordinance Modifying Regulations Relating to Cardrooms

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2457**, an Ordinance of the City Council of the City of Merced, California, Amending Section 9.08.020, "Cards," of the Merced Municipal Code Relating to Cardrooms.

ALTERNATIVES

1. Modify ordinance for introduction; or,
2. Deny; or,
3. Take no further action regarding this matter.

Sr. Deputy City Attorney Ken ROZELL gave a slide presentation on the proposed ordinance to expand the number of card tables in the City from 8 to 16 tables.

Council Member MURPHY asked about covering the cost of the services provided and whether the cost of a Special Election would be covered by the fees.

Mr. ROZELL stated that the fees cover only the services and not an election.

Mayor THURSTON questioned how the tables would be divided between the two operating cardrooms in Merced.

Mr. ROZELL stated that if both businesses apply at the same time, the Planning Commission would decide how to divide the tables.

Mayor THURSTON opened the Public Hearing at 8:06 PM.

Sai SACHAO, Merced - expressed his concern for equality when applying for the permit and possible 24-hour gaming.

Director of Development Services, David GONZALVES stated that the Ordinance could be adjusted.

Mr. ROZELL explained the different zoning between the two clubs and also stated the language in the Ordinance could be adjusted.

Council Member DOSSETTI asked about the Department of Justice fees the cardrooms pay.

Mr. SAECHAO explained the fees.

Council Member MURPHY asked about the possible zone change and future cardrooms.

Mr. ROZELL suggested a Conditional Use Permit change to accomplish the 24-hour gaming and not a change to the current zoning regulations.

Jahrett BLONIEN, Merced Poker Room - expressed support for the ordinance.

Mayor THURSTON closed the Public Hearing at 8:16 PM.

Council Member BELLUOMINI asked whether 24-hour gambling was necessary.

Mr. SAECHAO stated that he would prefer the ability to have 24-hour gaming as customers come at varying hours.

Mr. BLONIEN agreed that 24-hour gaming is necessary to compete with neighboring communities that allow it.

Mayor Pro Tempore PEDROZO stated support for 24-hour operation to maintain fairness.

Mayor THURSTON requested clarification on the 24-hour operation.

Mr. ROZELL stated that the cardroom use would be allowed the 24-hour operations.

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Dossetti, that this Ordinance be introduced as amended to allow for 24 hour operation. The motion carried by the following vote:

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

No: 1 - Council Member Belluomini

Absent: 0

K. REPORTS

K.1. SUBJECT: Revenue Sharing

REPORT IN BRIEF

The report describes the history of Revenue Sharing and latest proposals between the City and County.

RECOMMENDATION

City Council - Provide direction to City Manager on next steps to be taken.

Clerk's Note: This item was moved to the May 2, 2016 agenda.

L. BUSINESS

L.1. SUBJECT: Council Policy C-6, Finance Director's Annual Evaluation

REPORT IN BRIEF

Council Policy C-6 is in response to City Council direction to staff to provide a yearly review of the Finance Director position.

RECOMMENDATION

City Council - adopt a motion adding Council Policy C-6 to the City Council Administrative Policies and Procedures.

Clerk's Note: This item was moved to the May 2, 2016 agenda.

L.2. SUBJECT: Citizens' Oversight Committee - Measure C Appointment

REPORT IN BRIEF

Accept recommendation to fill Citizens' Oversight Committee - Measure "C" vacancy.

RECOMMENDATION

City Council - Adopt a motion accepting recommendation from the Citizens' Oversight - Measure "C" Committee and appointing one individual to the Northern District to serve as a member of the Committee.

A motion was made by Council Member Blake, seconded by Mayor Pro Tempore Pedrozo, to appoint Mr. Wendling to the Citizens Oversight Committee, Measure C. The motion carried by the following vote:

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

No: 0

Absent: 0

L.3. Selection of Dates for Budget Meetings

Acting City Manager QUINTERO proposed the dates for the Budget review.

Council Member BELLUOMINI questioned the turnaround time for any proposed changes.

Mr. QUINTERO explained the process.

Clerk's Note: All Council Members confirmed the proposed dates.

L.4. Request to Add Item to Future Agenda

Council Member LOR requested a discussion on sponsoring the Hmong Story event.

L.5. City Council Comments

Council Member MURPHY announced the OpenGov tool on the City's website. He reported attending the Firefighter of the Year event and congratulated Captain Chad ENGLERT on the award. He also reported attending the Fresno police headquarters to see the latest technology. He mentioned the recent deaths of community members Florencio AGUILAR, Pat RICHARDSON and David BURKE.

Council Member DOSSETTI also reported attending the Firefighter of the Year event.

Mayor Pro Tempore PEDROZO also mentioned the Firefighter of the Year event and the Relay for Life event coming up.

Mayor THURSTON congratulated the youth who completed the Jr. Leadership class.

M. ADJOURNMENT

Clerk's Note: The meeting adjourned at 8:37 PM.

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

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

No: 0

Absent: 0



CITY OF MERCED

Minutes

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

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

Wednesday, April 20, 2016

5:30 PM

A. CALL TO ORDER

Mayor THURSTON called the Special Study Session to order at 5:30 PM.

A.1. Pledge of Allegiance to the Flag

B. STUDY SESSION ROLL CALL

Clerk's Note: Council Member LOR arrived at 5:36 PM.

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

Absent: 0

C. STUDY SESSION

C.1. **SUBJECT:** Medical Marijuana Study Session

REPORT IN BRIEF

Provides a brief overview of medical marijuana issues at the state and local level, answers questions raised by the City Council relating to medical marijuana, and outlines potential amendments for the City Council to consider regarding existing bans on medical marijuana dispensaries, deliveries and cultivation.

RECOMMENDATION

Staff recommends that the City Council take public testimony regarding the medical marijuana issue as it relates to dispensaries, deliveries and cultivation within the City of Merced and either:

- A. Provide direction to staff regarding specific modifications to the City's existing bans on dispensaries, deliveries and/or cultivation of medical marijuana within the City; or,
- B. Schedule another study session on this matter regarding medical

marijuana in general or specifically relating to dispensaries, deliveries and/or cultivation; or,

C. Take no further action regarding medical marijuana at this time.

Senior Deputy City Attorney Ken ROZELL gave a slide presentation with nine questions regarding dispensaries, delivery, and cultivation of Marijuana to be answered in order to draft an ordinance. He gave an overview of some regulations in other jurisdictions. He also touched on regulations and problems in some larger Cities, including San Francisco, San Diego, and Los Angeles.

He briefly described the active ingredients in Marijuana, including THC and CBD, and discussed obtaining a Medical Marijuana Card.

Council Member MURPHY questioned delivery.

Mr. ROZELL stated that the Council would need to take a position on delivery.

Mayor Pro Tempore PEDROZO asked about regulating dispensary locations within a certain zone.

Mr. ROZELL stated that restrictions could be put on the location within a zone, such as proximity to a Church or School.

Charles VEILLEUX and Rex PETERSON, Merced - discussed their proposal on opening a dispensary.

Mayor THURSTON questioned the number of dispensaries needed for Merced.

Mr. PETERSON suggested that eight dispensaries would be appropriate for Merced.

Kathy RODRIGUEZ, Merced - spoke against Medical Marijuana.

Patricia PERRY, Merced - spoke against Medical Marijuana, citing reports that long-term use causes brain damage.

Melissa HERNANDEZ, Merced - asked what the process will be for choosing the dispensaries.

Susan BOUSCAREN, Merced - discussed the expense of growing Marijuana indoors.

Sae SAECHOW, Merced - spoke for the Mien community in favor of outdoor growing.

Kevin BAUER and Emery SILVERMAN, Merced - spoke about the LED grow light they have developed that will use much less energy than standard grow lighting.

Sister KATE, Merced - spoke in favor of Medical Marijuana.

Monica VILLA, Merced - spoke on various aspects of Medical Marijuana use.

Dwight LARKS, Merced - spoke in favor of outdoor growing and dispensaries.

Council Member BLAKE favored 3 dispensaries in commercial office zones at least 500 ft from schools, deliveries by licensed dispensaries and indoor or outdoor growing not to exceed 12 plants.

Council Member BELLUOMINI favored dispensaries for medical purposes only in the commercial office zone. He suggested 4 or 5 dispensaries for competition and expressed concern with deliveries and not to allow cultivation.

Council Member DOSSETTI favored dispensaries with tested product, deliveries and growing 6 plants indoors or outdoors for personal use.

Council Member LOR suggested no limit on the number of dispensaries and would consider commercial growing.

Mayor THURSTON inquired about commercial growing.

Mr. ROZELL stated the license for commercial growing will be state-issued in the future.

Mayor THURSTON favored dispensaries in commercial office zones with delivery. He also favored growing 12 plants indoors only. He stated that he was opposed to selling items that could be smoked.

Clerk's Note: Mayor THURSTON called for a recess at 6:44 PM and resumed the meeting at 6:49 PM.

Council Member MURPHY favored dispensaries in commercial office

zones with a conditional use permit process. He stated support for deliveries from a licensed dispensary. He supported indoor or outdoor cultivation of 6 mature plants, but not to be in the view of the public.

Mayor Pro Tempore PEDROZO agreed with most of the statements, but disagreed with the outdoor growing of plants. He favored indoor growing with 4 or 5 plants. He also stated the deliveries should be done only by licensed dispensaries. He agreed that 4 dispensaries would be appropriate.

Council Member BELLUOMINI asked for clarification on the conditional use permit and the ability to limit the number of dispensaries.

Planning Manager Kim ESPINOSA stated that using the permit to deny a business would be difficult after approving others under the same conditions.

Council Member MURPHY asked about the lag time between the City and State regulations.

Mr. ROZELL stated that because of the dual licensing, a dispensary cannot open until they obtain both a State license and City-issued permit.

City Manager CARRIGAN polled the Council on the questions posed in order to assist Mr. ROZELL in drafting an ordinance.

Police Chief ANDRADE came to the podium to remind the audience about disruptions and the process involved for those who wish to speak.

Council discussed the many options for cultivation as far as indoor and outdoor and immature versus mature plants. Council also discussed requirements for outdoor grows as far as setback and visibility to the public.

D. WRITTEN PETITIONS AND COMMUNICATIONS

There were no written petitions or communications.

E. ORAL COMMUNICATIONS

Monica VILLA, Merced - discussed growing plants outdoors.

Andrew BLAINE, Merced - spoke about commercial growing and testing of Marijuana.

Dwight LARKS, Merced - expressed concern about people living in apartments growing Marijuana.

Eric MOORE, Merced - commended Council for having the meeting and getting public input. He suggested looking at Marijuana from an economic standpoint as well.

Sae SAECHOW, Merced - thanked the Council for allowing citizen input.

F. BUSINESS

F.1. Provide Direction on Ordinance Relating to Medical Marijuana

Clerk's Note: Council input was given during the Study Session portion of the meeting.

G. ADJOURNMENT

Clerk's Note: The meeting adjourned at 7:48 PM.

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

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

No: 0

Absent: 0



CITY OF MERCED

Minutes

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

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

Thursday, February 16, 2017

6:00 PM

A. CALL TO ORDER

Mayor MURPHY called the Town Hall Meeting to order at 6:02 PM.

Clerk's Note: The Town Hall Meeting was held at the Merced Multicultural Arts Center, 645 West Main Street, Merced, CA 95340.

A.1. Pledge of Allegiance to the Flag

B. ROLL CALL

Clerk's Note: Council Member MCLEOD arrived to the Town Hall Meeting at 6:15 PM.

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

Absent: 0

C. OPENING COMMENTS

C.1. Steve Carrigan - City Manager

C.2. Mike Murphy - Mayor

Mayor MURPHY gave an opening statement welcoming everyone to the Town Hall Meeting.

Council Members introduced themselves and touched on the future and hopes for Merced.

D. PUBLIC COMMENT

Sandra HAY, Merced - spoke on her love for Merced, the homeless problem downtown, the treatment of the homeless and solving the homeless problem in a humane way.

City Manager Steve CARRIGAN discussed the Homeless Summit Event.

Bob BARTAK, Business owner, Merced - spoke on the problems with the Motels on 16th Street.

Police Chief Norm ANDRADE stated the Police Department is working on the issues in that area. He also discussed the limited man power and working on increasing the number of Officers.

Rick McMILLION, Merced - spoke on the professionalism of Police Officers, graduating from the Police Citizens Academy, and showing more respect to Police Officers.

Seneca LOPEZ, Downtown Business Owner, Merced - spoke on the downtown homeless problem and the homeless harassing his clients. He stated he understands the Police Department is short staffed but would like more consistency when handling the homeless.

Shelby TAKENOVEHI, UC Merced Graduate, Merced - spoke on the police presence downtown. She discussed art in Merced and asked what will the City do to engage in more art.

Mayor MURPHY stated that the City owned the Multicultural Arts Center and allows the Arts Council to use it for free. He also spoke about the Merced Theater, and the City being a financial sponsor of the Art Hop.

Melissa FLAMSON, Merced - asked the City to declare Merced a Sanctuary City.

Council Member MARTINEZ discussed researching the idea of a Sanctuary City.

Mayor Pro Tempore BLAKE discussed educating the populous and stated the local law enforcement does not have the authority to deport immigrants.

Maryann REYNOLDS, Merced - spoke on the fear immigrant families have, the importance of City Officials reassuring that this is a safe community for everyone, and declaring the City a Sanctuary City.

Emily LINDEN, Merced - thanked the Council Members for having a Town Hall Meeting. She also spoke on Civic Organizations working together with clear policies so people are not treated differently.

Council Member PEDROZO discussed working together with different organizations to make Merced a better place for everyone.

Gloria SANOVAL, Merced - spoke on the Sanctuary movement, deportation and families splitting up. She also spoke on the treatment of the homeless.

Michelle XIONG, Merced - spoke on better visible signage in the parking lots on 16th Street.

Eric MOORE, Merced - asked about clean up on the burned down building on Main Street, the progress on Campus Parkway and the passing of Measure V.

Victoria CASTILLO, Merced - spoke on an encounter with a Police Officer and requested a meeting with the Mayor.

Alan CLAUCH, Merced - spoke on the positive steps Merced has taken, City Departments getting their praise, water meters, G Street and M Street bridges, and lack of lighting on G Street and 27th.

Dr. SANDOVAL, Merced - spoke on water issues and the treatment of the homeless.

Margo VEERS, Merced - asked about grants to clean up buildings downtown, music in town, fixing the road on Highway 59 and Olive Avenue, and recycle bins at apartment complexes.

Christie, Merced - asked about incentives or outreach programs to get businesses to help end homelessness.

Chris RAMIREZ, Merced - asked about a questions and answer forum at the Homeless Summit. He spoke on the fears people have of being deported. He also asked for the Mayor and Council Members to reassure residents and possibly write an op-ed piece supporting undocumented people.

Dwight LARKS, Merced - commended the City for the work they are doing for the homeless. He spoke on cannabis sales in Merced has exceeded alcohol sales. He asked if the City worried about potential floods and if there are any shelters and transparency of the money from the Downtown double tax.

John SIGNS, Merced - asked about watering City trees on their mow strip.

Mayor and Council Members thanked everyone for attending the Town Hall

Meeting and thanked those that spoke.

E. ADJOURNMENT

Clerk's Note: the Town Hall Meeting adjourned at 8:27 PM.

A motion was made by Council Member Martinez, seconded by Council Member McLeod, that the Town Hall Meeting be adjourned. The motion carried by the following vote:

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

No: 0

Absent: 0



CITY OF MERCED

Minutes

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

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

Tuesday, February 21, 2017

7:00 PM

A. CLOSED SESSION ROLL CALL

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

Absent: 0

B. CLOSED SESSION

Mayor MURPHY called the Closed Session to order at 5:50 PM.

B.1. **SUBJECT:** PUBLIC EMPLOYEE PERFORMANCE EVALUATION -
Title: Finance Officer; Authority: Government Code Section 54957

B.2. **SUBJECT:** PUBLIC EMPLOYMENT - Title: City Attorney; Authority:
Government Code Section 54957

B.3. **SUBJECT:** CONFERENCE WITH REAL PROPERTY NEGOTIATORS -
Property: 3033 G Street, Merced, CA APN 007-350-009; Agency
Negotiator: Frank Quintero, Director, Economic Development;
Negotiating Parties: Kevin Crawford representing McClatchey
Newspapers Inc. and City of Merced and; Under Negotiation: Price
and Terms of Payment.

Clerk's Note: Council adjourned from Closed Session at 7:00 PM.

C. CALL TO ORDER

Mayor MURPHY called the Regular Meeting to order at 7:03 PM.

C.1. Invocation - Dr. John Strubhar, First Baptist Church

The invocation was delivered by Dr. John STRUBHAR from First Baptist Church.

C.2. Pledge of Allegiance to the Flag

D. ROLL CALL

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

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.

F. SPECIAL PRESENTATIONS

F.1. RTIF - MCAG Presentation

This item was moved to a future agenda due to a scheduling conflict.

F.2. CalPERS Discount Rate Change

Director of Finance Brad GRANT gave a slide show presentation on the CalPERS Discount Rate Change.

G. WRITTEN PETITIONS AND COMMUNICATIONS

The Clerk's Office received a letter from the California Central Valley Journey for Justice regarding homelessness and it was placed on the dais for Council Members.

H. ORAL COMMUNICATIONS

Sohan SAHOTA, Livingston - spoke on the homeless issues regarding his properties.

Nancy YOUNG-BERMAN, Casa of Merced County - spoke on the April 1st Casa Cup Event and invited the Council to participate.

Esperanza GONZALEZ, Parent Leadership Training Institute - spoke on an event being held on Saturday, February 25th.

Rick McMILLION, Merced - expressed concern with the way one of Riggs Ambulance's vehicles is being driven.

Seneca LOPEZ, Merced - spoke on the Cheerful Giving Event, and his charity event on April 1st.

Rachelle ABRIL, Merced - spoke on various items, including tree trimming, a blighted home on 12th street, alley cleanups, gutter cleanups, Code Enforcement, and people selling items on corners.

I. CONSENT CALENDAR

Items I.6. Consideration of the First Amendment to the Berliner Cohen, LLP Contract for Interim City Attorney and Interim Legal Services, I.7. Vacation #16-02: Robert Lattanzio for Abandonment of Old Sidewalk Easement at 3172 M Street, and I.8. Supplemental Appropriation from the General Fund FY 16/17 Balance for Professional Services Agreement with SCI Consulting Group for Preparation of Regulations and Selection Process for Medical Marijuana Dispensaries, were pulled for further consideration.

Approval of the Consent Agenda

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

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

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: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of January 17, 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 January 17, 2017.

This Consent Item was approved.

I.3.

**SUBJECT: Information Only - Site Plan Review Meeting Minutes of
November 17, 2016**

RECOMMENDATION

For information only.

This Consent Item was approved.

I.4.

**SUBJECT: Information Only - Traffic Committee Minutes of September
13, 2016 and November 15, 2016**

RECOMMENDATION

For information only.

This Consent Item was approved.

I.5.

SUBJECT: Agreement with Merced Zoological Society

REPORT IN BRIEF

Annual agreement with Merced Zoological Society to contribute at least
\$80,000 of the total operating budget for Fiscal Year 2016/2017.

RECOMMENDATION

City Council - Adopt a motion approving the agreement with the
Merced Zoological Society for payment of at least \$80,000
(approximately 29%) of the total operating budget at the Zoo and
authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

I.9.

**SUBJECT: Supplemental General Fund Appropriation of \$35,000 to
Purchase Secured Fencing Around Fire Station 53.**

REPORT IN BRIEF

Authorizing a Supplemental Appropriation from the General Fund unreserved fund balance in the amount of \$35,000 for a secured fence around Fire Station 53.

RECOMMENDATION

City Council - Adopt a motion authorizing a supplemental appropriation from the General Fund unreserved fund balance in the amount of \$35,000 in account 001-0901-627.65-00 to build a fence around Fire Station 53 to provide necessary station security.

This Consent Item was approved.

I.6.

SUBJECT: Consideration of the First Amendment to the Berliner Cohen, LLP Contract for Interim City Attorney and Interim Legal Services

REPORT IN BRIEF

Consider authorizing a First Amendment to the Agreement with Berliner Cohen, LLP to provide Interim City Attorney Services.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the First Amendment to the Agreement for Interim Legal Services for Interim City Attorney Services with Berliner Cohen, LLP, and;

B. Authorizing the Finance Officer to make any appropriate budget adjustments, and;

C. Authorizing the City Manager or Assistant City Manager to execute the First Amendment to the Agreement for Interim Legal Services with Berliner Cohen, LLP.

Council Member BELLUOMINI pulled this item to state his opposition.

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

Aye: 6 - Mayor Murphy, Mayor Pro Tempore Blake, Council Member Pedrozo, Council Member Martinez, Council Member McLeod, and Council Member Serrato

No: 1 - Council Member Belluomini

Absent: 0

I.7.

SUBJECT: Vacation #16-02: Robert Lattanzio for Abandonment of Old Sidewalk Easement at 3172 M Street.

REPORT IN BRIEF

The City Council will be asked to set a public hearing for March 20, 2017, to abandon a 14-foot wide sidewalk easement along the western property line of 3172 M Street.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2017-08**, A Resolution of the City Council of the City of Merced, California, declaring its intention to vacate 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) setting time and place for public hearing.

Council Member BELLUOMINI pulled this item to ask about changes to the design of the streetscape and plans for a bus shelter.

Planning Manager Kim ESPINOSA explained that the design change was proposed by the property owner and that staff would check with The Bus for more information on a possible shelter.

Interim City Attorney Jolie HOUSTON explained that this item is only to set the Public Hearing.

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

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

No: 1 - Council Member Belluomini

Absent: 0

I.8.

SUBJECT: Supplemental Appropriation from the General Fund FY 16/17 Balance for Professional Services Agreement with SCI Consulting Group for Preparation of Regulations and Selection Process for Medical Marijuana Dispensaries

REPORT IN BRIEF

The City Council will consider approving a Professional Services Agreement with SCI Consulting Group for the preparation of regulations and selection process for medical marijuana dispensaries.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving an Agreement for Professional Services with SCI Consulting Group to prepare regulations and selection process for medical marijuana dispensaries in the amount of \$108,290; and,
- B. Approving a supplemental appropriation from the General Fund balance in the amount of \$108,290 to be transferred to Account 017-0804-512-17-00-Professional Services for payment to SCI Consulting Group for planning services; and,
- C. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- D. Authorizing the City Manager to execute the above agreement.

Council Member BELLUOMINI pulled this item to ask for clarification on the consultant's timeline.

Planning Manager Kim ESPINOSA explained that there are some variables that will determine the time frame.

Council Member SERRATTO asked about the options they will be voting on and the passing of Proposition 64 and how it affects the marketability.

Ms. ESPINOSA explained the options that the Council will be voting on.

Neil HALL from SCI Consulting Group, explained that the Ordinance will be flexible enough to accommodate the passing of Proposition 64.

Council Member MARTINEZ asked about regulatory fees.

Ms. ESPINOSA explained the regulatory fees and stated they were set to cover the City's costs.

Council Member PEDROZO asked if the City will recover the cost of consulting fees.

Interim City Attorney Jolie HOUSTON stated that the City can only collect the cost for the services provided.

Kelly TURNER, Merced - asked for clarification on the cost of the consulting.

Ms. ESPINOSA stated the cost was \$108,000.

Dwight LARKS, Merced - spoke on the zoning for dispensaries and requested to allow the downtown area to be zoned for dispensaries. He also spoke on eliminating the stigma of marijuana.

Council Member MARTINEZ asked about having different zoning for medical and recreational marijuana.

Mayor MURPHY confirmed that there could be different zones for medical and recreational marijuana.

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

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

No: 0

Absent: 0

J. PUBLIC HEARINGS

J.1.

SUBJECT: Vacation #16-01 to Abandon a 2.18-Acre Storm Drain and 0.95-Acre Storm Drain Easement East of G Street and North of Yosemite Avenue.

REPORT IN BRIEF

The City Council will consider the abandonment of a 2.18-acre storm drain and 0.95-acre storm drain easement.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2017-07**, A Resolution of the City Council of the City of Merced, California ordering the vacation of a 2.18-acre storm drain basin and a 0.95-acre storm drain easement generally located east of G Street and approximately 390 feet north of Yosemite Avenue (Vacation #16-01).

Planning Manager Kim ESPINOSA gave a slide show presentation on Vacation #16-01 Storm Drain Basin and Easement.

Mayor MURPHY opened the Public Hearing at 8:28 PM and subsequently closed the Public Hearing due to lack of public comment.

A motion was made by Council Member Pedrozo, seconded by Council Member Belluomini, to approve Resolution 2017-07. The motion carried by the following vote:

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

No: 0

Absent: 0

K. REPORTS

K.1.

SUBJECT: Assessment Ballot Proceeding Voting Results - Oakmont #3, Campus North, and Mansionette Maintenance Districts

REPORT IN BRIEF

Accept ballot results on the proposed increase in assessments to property owners in the Oakmont #3, Campus North, and Mansionette Maintenance Districts

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting assessment ballot proceeding results for the Oakmont #3, Campus North, and Mansionette Maintenance Districts; and,

B. Approving annual increase in assessment levy to Oakmont #3 Maintenance District, from \$70.03 to \$89.75, subject to annual Consumer Price Index adjustments; and,

C. Approving no increase in assessment levies to the Campus North and Mansionette Maintenance Districts.

Director of Public Works Ken ELWIN reported on the results of the Maintenance District Ballot Proceedings.

Council Member BELLUOMINI asked if the residents in the Mansionette Maintenance District voted in favor of the fee increase and asked if the current property owners at Campus North had the ability to vote.

Mr. ELWIN confirmed that a majority of the homeowners in the Mansionette Maintenance District were in favor of the fee increase but a larger landowner was not. He also explained that during the ballot proceedings there was a change in ownership of some properties at the Campus North District.

A motion was made by Council Member Pedrozo, seconded by Council Member Serratto, to accept the assessment ballot proceeding for Oakmont #3 and approve the annual increase from Oakmont #3 and no increase for the levies to Campus North and Mansionette Maintenance Districts. The motion carried by the following vote:

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

No: 0

Absent: 0

K.2.

SUBJECT: Consideration of Resolution 2017-10 to Consolidate the Rules of Order and Procedure for the Conduct of City Council Meetings, Change the City Council Regular Meeting Closed Session and Public Agenda Start Times and Eliminate References to the Redevelopment Agency

REPORT IN BRIEF

Considers Adoption of Resolution 2017-10 to consolidate two Resolutions addressing City Council Rules of Order and Procedure into a single Resolution, change the start times for closed session and the public agenda for regular meetings of the City Council and eliminate references to the Redevelopment Agency. If this Resolution passes, the start time for regular meetings of the City Council will be 5:30 p.m. for Closed Session and 6:00 p.m. for the Public Agenda.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2017-10**, A Resolution of the City Council of the City of Merced, California, Rescinding Resolution 2009-30 and Resolution 2009-64 and Adopting a Values Statement, Adopting Rules of Order and Procedure for the Conduct of City Council Meetings, and Adopting a Code of Conduct for City Council Meetings.

City Manager Steve CARRIGAN gave a brief report on the consideration of Resolution 2017-10.

Council Member MARTINEZ requested to push the new start time to April.

Council Member BELLUOMINI stated his opposition to the time change.

Mayor Pro Tempore BLAKE stated his support for the new time change.

Council Member PEDROZO stated his support for the new time change.

Council Member MCLEOD stated her support for a trial run of the new time change.

Council Member SERRATTO asked if it will give them enough time for Closed Session and if 6:30 would be a good compromise.

Mayor Pro Tempore BLAKE stated that if they had to, they could move the Closed Session to after the meeting.

Kelly TURNER, Merced - asked how the City was letting the public know about the time change and if they asked how the public felt about the time change. She stated the new time change would make it difficult for some people to attend.

Assistant City Manager Stephanie DIETZ explained about posting this item on the agenda and noticing the agenda. She also explained the various ways the City will communicate to the public about the change.

Brenda, Merced - stated the new time change is reasonable.

Rachelle ABRIL, Merced - suggested residents be able to weigh in on the proposed start time.

City Manager Steve CARRIGAN stated he suggested the time change due to the long meetings. He also stated that it could be changed back if found unsuccessful.

A motion was made by Council Member Serratto, seconded by Council Member Pedrozo, to adopt Resolution 2017-10 with the new meeting start time to begin on May 1, 2017. The motion carried by the following vote:

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

No: 1 - Council Member Belluomini

Absent: 0

K.3.

SUBJECT: Crime Statistic Update

REPORT IN BRIEF

Crime statistic update given by Police Chief Andrade.

RECOMMENDATION

For Information Only.

Police Chief Norm ANDRADE gave a slide show presentation on the 2016 Crime Report.

Council Member MARTINEZ asked about predictive policing, auto thefts, and upcoming issues that can be addressed.

Police Chief ANDRADE explained the benefits of Officers utilizing the predictive policing tool to locate themselves in strategic positions. He discussed the passing of AB109 and the early release of criminals. He also discussed homicides and the difficulty in preventing them.

Council Member PEDROZO requested a copy of the slide show presentation. He also asked how the VIPER Program plays a part in predictive policing.

Police Chief ANDRADE stated that the VIPER program is a County program and is designed to go after gang members.

Dwight LARKS, Merced - asked about programs for those being released because of the AB109.

Mayor Pro Tempore BLAKE explained the programs that the Sheriff's Department has for those being released through AB109.

Assistant City Manager Stephanie DIETZ further explained the programs that are offered and the partnership with the County.

L. BUSINESS

L.1. Request to Add Item to Future Agenda

There were no future items added.

L.2. City Council Comments

Council Member SERRATTO announced the last Town Hall Meeting to be held on February 23rd. He also thanked people for attending the Council Meeting and speaking out.

Council Member MARTINEZ announced Weaver School's drama event, the Wizard of Oz.

Council Member PEDROZO asked for the public to be patient with traffic and closed railroad crossings.

Council Member BELLUOMINI thanked people for attending the Town Hall Meetings and mentioned the topic of Sanctuary Cities. He asked City Manager Steve CARRIGAN for a follow-up on High Speed Rail and the EIR for Gateway Shopping Center.

Mayor MURPHY reported on attending the Japanese American Citizen League event.

M. ADJOURNMENT

Clerk's Note: The meeting adjourned at 9:58 PM.

A motion was made by Mayor Murphy, seconded by Council Member Pedrozo, that the Regular Meeting be adjourned in honor of Council Member Bishop Dwight Amey. The motion carried by the following vote:

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

No: 0

Absent: 0



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 17-090

Meeting Date: 3/20/2017

Report Prepared by: Kimberly Nutt, Planning Technician II, Planning Department/Development Services

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.

ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to modifications as conditioned by Council; or,
3. Deny; or,
4. Refer back to staff for reconsideration of specific items as requested by Council; or,
5. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY

City of Merced Charter Section 200; California Vehicle Code (CVC) Section 21100(a), as follows:

“21100. Local authorities may adopt rules and regulations by ordinance or resolution regarding the following matters:

(a) Regulating or prohibiting processions or assemblages on the highways.”

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

The Merced County Sheriff's Department, along with the 35th District Agricultural Association, is requesting closure of City streets in conjunction with the Merced County Fair, to be held June 7, 2017, through June 11, 2017.

The Merced County Fairgrounds is bordered by Martin Luther King Jr. Way, West 11th Street, G

Street, and West Childs Avenue (Attachment 1).

Street Closure Details

The street involved in this request is G Street, from West/East Childs Avenue to West/East 11th Street. The street section will be used to route cars to specific fair parking areas, but will be closed to through traffic. Through access will be provided to emergency vehicles only.

The Merced County Sheriff's Department plans to set up coned-off "traffic lanes" to help guide vehicles wishing to park in the east parking lot. The general public will only be permitted access to the lot from the intersection of West/East 11th and G Streets, while only Fair-related traffic (i.e. livestock exhibitors, fair personnel, etc.) will be allowed access from Childs Avenue.

By restricting access to through traffic in this manner, the Sheriff's Department is able to establish a "safe zone" pedestrian crossing area from the parking lot to the Fairground's eastern entrance gate each day of the fair. Safety is especially important here, as the Kiddie Carnival area is located just inside the gates at this side of the Fairgrounds. In addition to providing families close parking to the Kiddie Carnival area, the eastern parking lot also serves as overflow parking for the northern parking lot on West 11th Street (Attachment 2).

The following are the planned times of the street closure, along with the official Fair hours:

- Street Closure hours: 5:00 p.m. to Midnight, each day of the Fair.
- Fair hours: Wednesday - Friday, 5:00 p.m. through 12:30 a.m.; and Saturday and Sunday, 3:00 p.m. to 12:30 a.m.

Event Background

First held in 1891, the Merced County Fair has been a fixture on regional event calendars each year, drawing crowds of approximately 10,000 each day. In 2010, to accommodate the State Fair's new schedule, the Merced County Fair moved from each July to each June, allowing fairgoers to enjoy the slightly more temperate temperatures of late spring/early summer.

Conditions of Approval

The street closure will be subject to the following conditions, if approved:

1. By applying for the street closure request, the Permittee shall agree to indemnify, protect, defend (with counsel selected by the City), save, and hold the City, its officers, employees, agents, and volunteers harmless from any and all claims or causes of action for death or injury to person, or damage to property resulting from intentional or negligent acts, errors, or omissions of Event Sponsor or Event Sponsor's officers, employees, agents, volunteers, and participants during performance of the Event, or from any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct, negligent acts, or omissions of Event Sponsor or its officers, employees, agents, and volunteers, except for loss caused solely by the gross

negligence of the City. Acceptance by the City of insurance certificates and endorsements required for this Event does not relieve Event Sponsor from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.

2. Prior to closing any streets, Event sponsor shall complete and file with the City a special events, general liability, and automobile policy of at least \$500,000 combined limit for bodily injury and property damage which covers the entire event. Said policy shall stipulate that this insurance will operate as primary insurance and that no other insurance will be called on to cover a loss covered thereunder. Additional insured endorsements evidencing this special events, general liability and automobile coverage, naming the city and its officers, agents, and employees as additional insureds, must be submitted to the City prior to the event. This certificate shall provide that thirty (30) days written notice of cancellation shall be given to the City.
3. Event Sponsor shall contact all businesses and residences affected by the street closures, advising of the hours, conditions, and reason thereof within one half-mile of the closure area at least seventy-two (72) hours prior to the event. Event Sponsor shall provide the City with signed confirmation that the proper notification was given (Attachment 3).
4. Event Sponsor shall be responsible for placing and removing all traffic barricades and posting of parking restrictions where the street will be closed. Specifically, where parking is currently permitted on the proposed closed section of G Street, the applicant shall post "No Parking" signs for the duration of the Fair on both the east and west sides to ensure the street is clear. Any parked vehicles remaining at the start of the Fair shall be towed away. "No Parking" signs shall be posted at least twenty-four (24) hours prior to the towing of vehicle(s) per California Vehicle Code Section 22651(m).
5. Event Sponsor shall maintain a minimum 22-foot-wide emergency vehicle travel lane through the interior of the closure area at all times. Fire hydrant access shall not be blocked at any time whatsoever.
6. Event Sponsor shall provide staffing at or near all barricades, so that personnel is on-hand and readily available to move barricades aside for emergency vehicles, Fair equipment, or other such authorized vehicles to pass through quickly and unobstructed, in the event this is necessary.
7. Event Sponsor shall provide additional sworn personnel and directional signage throughout and surrounding the closure area and all affected intersections to ensure the safe flow of traffic.
8. The Event Sponsor shall make a concerted effort to employ more parking lot attendants in all Fairgrounds parking lots, in order to effectively move vehicles through the lots and reduce traffic congestion.
9. The Event Sponsor shall maintain a dedicated "pedestrian zone" within the closed section of G Street. All areas of the pedestrian zone shall be handicapped accessible, per ADA requirements.
10. To aid the traffic flow of fairgoers leaving the area, the Fair shall make available the use of the G

Street parking lot's rear gate at the elbow intersection of East 9th and E Streets. The Event Sponsor shall ensure that the driveway is clear of obstructions for the safe passage of vehicles out of the parking lot. If the gate is used, additional sworn officer personnel shall be placed at both adjacent intersections at E Street/East 11th Street and D Street/East 9th Street to direct traffic onward. Actual use of this gate shall be at the discretion of the Fair/Sheriff's Department; however, it shall be readied and made available in the event it is needed to ease traffic congestion and/or public safety issues or concerns.

11. If needed, the Event Sponsor shall also make use of the G Street side gate at the northern paved West 11th Street parking lot for moving overflow parking to the eastern G Street parking lot.

12. Event Sponsor shall be responsible for removing all equipment and disposing of any trash and debris within and around the closure area that is generated from the Fair event prior to the expiration of the closure permit each day.

13. All other provisions addressed in Ordinance #1941, Chapter 12.42 (Temporary Street Closures) shall apply.

History and Past Actions

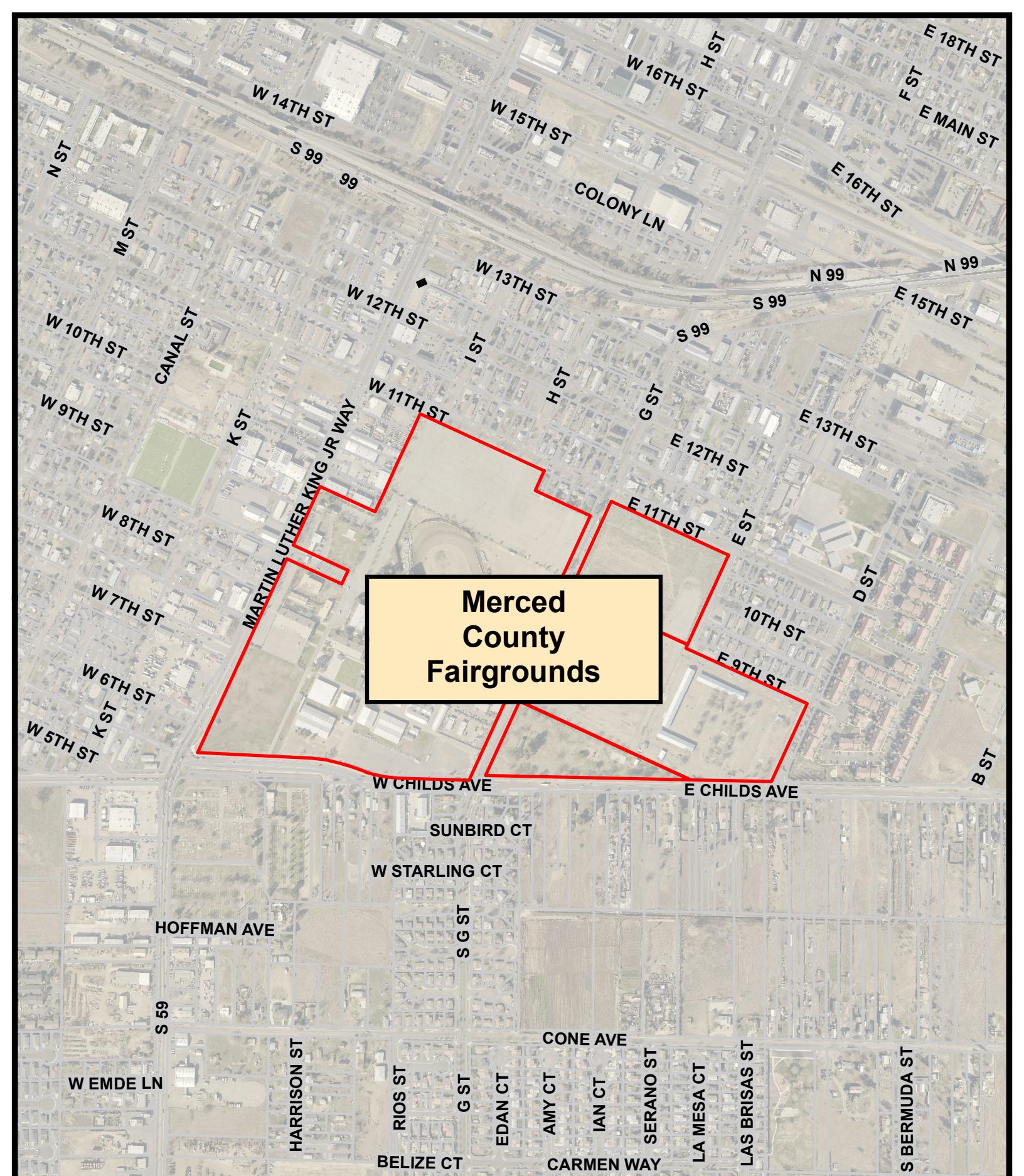
The Merced County Fair and Merced County Sheriff's Department first requested this street closure procedure in 2009. It has operated successfully and has subsequently been approved annually by the City Council.

IMPACT ON CITY RESOURCES

As all traffic control will be handled by the Sheriff's Department and volunteers, no impact to City resources is expected.

ATTACHMENTS

1. Location Map
2. Site Plan/Closure Map
3. Notification of Pending Street Closure



Disclaimer: This document was prepared for general inquiries only. The City of Merced makes no warranty, representation, or guarantee regarding the accuracy of this map. The City of Merced is not responsible for errors or omissions that might occur. Official information regarding specific parcels should be obtained from official recorded or adopted City documents.

LOCATION MAP: Street Closure #17-01
Merced County Fair
Wednesday, June 7 - Sunday, June 11, 2017

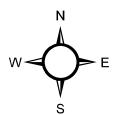




Attachment 2

Disclaimer: This document was prepared for general inquiries only. The City of Merced makes no warranty, representation, or guarantee regarding the accuracy of this map. The City of Merced is not responsible for errors or omissions that might occur. Official information regarding specific parcels should be obtained from official recorded or adopted City documents.

STREET CLOSURE DETAIL: Street Closure #17-01
Merced County Fair
Wednesday, June 7 ⁷⁷ - Sunday, June 11, 2017; 5:00 p.m. to Midnight Daily



NOTIFICATION OF PENDING STREET CLOSURE

This is to notify you of an event that will require the closure of street(s) in your area. Please note the details below, including the date and time of the closure(s), and plan to park your vehicle(s) off the affected street(s) on the day of the event. Your cooperation is greatly appreciated. If you have any concerns, please notify the contact person listed.

Name of Event: _____ **Type of event (parade, etc.):** _____

Contact Person: _____ **Phone Number:** _____

Date(s) of closure: _____ **Time:** between _____ am/pm and _____ am/pm

Streets to be closed: _____

Other streets with restricted access: _____

Please Note: Event Sponsor is responsible for posting of parking restrictions where street is closed. "No Parking" signs shall be posted at least twenty-four (24) hours prior to any necessary towing of vehicle(s), per California Vehicle Code Section 22651(m).

To avoid having your vehicle towed, please keep this notice as a reminder and comply with the posted parking restrictions. If you are a business with employees, please notify your employees as soon as possible and post this notice in a conspicuous location. Thank you.

NOTIFICATION OF PENDING STREET CLOSURE

This is to notify you of an event that will require the closure of street(s) in your area. Please note the details below, including the date and time of the closure(s), and plan to park your vehicle(s) off the affected street(s) on the day of the event. Your cooperation is greatly appreciated. If you have any concerns, please notify the contact person listed.

Name of Event: _____ **Type of event (parade, etc.):** _____

Contact Person: _____ **Phone Number:** _____

Date(s) of closure: _____ **Time:** between _____ am/pm and _____ am/pm

Streets to be closed: _____

Other streets with restricted access: _____

Please Note: Event Sponsor is responsible for posting of parking restrictions where street is closed. "No Parking" signs shall be posted at least twenty-four (24) hours prior to any necessary towing of vehicle(s), per California Vehicle Code Section 22651(m).

To avoid having your vehicle towed, please keep this notice as a reminder and comply with the posted parking restrictions. If you are a business with employees, please notify your employees as soon as possible and post this notice in a conspicuous location. Thank you.

To be signed by Event Sponsor Representative after completion of required 72-hour notification and submitted to the City of Merced Planning Dept, City Hall (2nd Floor), 678 W. 18th Street, Merced.

I have notified the required parties of the dates, times, and affected streets, as required.

Signed _____ Title: _____ Date: _____



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 17-115

Meeting Date: 3/20/2017

Report Prepared by: Theron Roschen, PE - City Engineer

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.

ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to conditions other than recommended by staff (identify specific findings and/or conditions amended to be addressed in the motion); or,
3. Deny; or,
4. Refer to staff for reconsideration of specific items (specific items to be addressed in the motion); or,
5. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY

Charter of the City of Merced, Section 200

CITY COUNCIL PRIORITIES

As provided for in the Fiscal Year 2016-17 Adopted Budget.

DISCUSSION

The Merced Retail Center development is located at the southwest corner of the intersection of East Childs Avenue and South Parsons Avenue (Attachment A). This 3.2-acre lot previously had a bowling alley that has recently been removed. The development proposes to construct three new buildings that will operate a Kentucky Fried Chicken, Steak 'N' Shake, and an ARCO am/pm gas station

(Attachment B).

This intersection currently has no underground storm drain infrastructure and the streets convey the storm water. This results in flooding at the intersection during moderate storm events.

Although the proposed redeveloped project results in slightly less storm water runoff than the existing condition, the City staff is recommending to not allow any additional discharge of storm water into the road due to the existing flooding issues in the area. There is an existing drainage system to the south of the proposed development that is reasonably close for a pipeline connection. However, this system outfalls to the Dinkey Creek Avenue pump station that is at capacity. In addition, new state storm water discharge requirements have significant effects on the redevelopment of this site due to on-site detention. All of these factors have added unanticipated costs to Merced Retail Center development and is potentially jeopardizing its economic viability.

Therefore, a new pipeline is now proposed that would connect the development's storm water run-off and the public street drainage into an existing drainage system that is located approximately 300 feet north of the development in South Parsons Avenue (Attachment C). The "Joe Herb" Storm Water Basin has available capacity. The City will benefit from this proposed public storm drainage system in many ways:

- Elevates street flooding at the intersection of East Childs Avenue and South Parsons Avenue; and,
- Provides relief to the existing Dinkey Creek Avenue storm drain basin; and,
- Provided economic development benefit to the community in the form of property taxes, jobs, and payroll.

Economic Development Opportunity Fund: Staff is requesting authorization to set aside \$61,618.75 from the Economic Development Opportunity Fund for the project-related storm water improvements at Childs Avenue and Parsons Avenue. The purpose of the Economic Development Opportunity Fund is to provide assistance to developments that would otherwise not be feasible, yet provide an economic development benefit to the community and support job creation opportunities. Paying for a portion of the improvements will help retain the commercial project at the subject site and the benefits the project brings to the community.

With the adoption of the FY 16-17 Budget, the Economic Development Opportunity Fund was established and direction was provided to return to the Council with a policy that outlines the use of the funds. The policy is being developed and will be brought to the Council for adoption within the next two months to ensure that funds set aside are allocated consistently and equitably.

The Project & Benefits: The project includes the construction of the three national Quick Serve Retailers, Arco, Steak 'N' Shake, and Kentucky Fried Chicken on a 3.2-acre site formally known as Century Bowl. The value of the land and three buildings is estimated at \$12-million (not including machinery and equipment.) Approximately \$120,000 would be paid annually in property taxes. The

project also has the capacity to generate 114 jobs with a combined payroll of \$2.95-million per year.

After Century Bowl closed its doors, the building became blighted. Via FaceBook, a Town Hall meeting, and a City Council meeting, residents in the neighborhood complained that the dilapidated building was an eyesore. The building is now demolished, and the developer secured approvals to move forward with all Quick Serve Retailers.

The added costs to enhance the storm water system at the intersection of Childs Avenue and Parsons Avenue was not anticipated by the developer. Paying a portion of the improvement costs from the Economic Development Opportunity Fund would help retain the project and its economic benefits including an investment of \$12-million, 114 jobs, and a combined payroll of \$2.95-million per year.

Staff is recommending a contribution from the Economic Opportunity Fund to cover a proportionate share of the cost of construction of drainage improvements that would provide a benefit to the city. The cost share is proposed to be a pro-rata allocation of the construction costs based on public street drainage quantity conveyed in the pipeline (25%) versus the private development drainage quantity conveyed (75%). The estimated costs are outlined in Attachment D, with the City share of \$61,618.75.

The terms of the cooperative agreement will be for the City to reimburse the Merced Retail Center developer based upon occupancy of the proposed buildings. This cooperative agreement will be brought to the City Council for approval.

IMPACT ON CITY RESOURCES

None at this time.

ATTACHMENTS

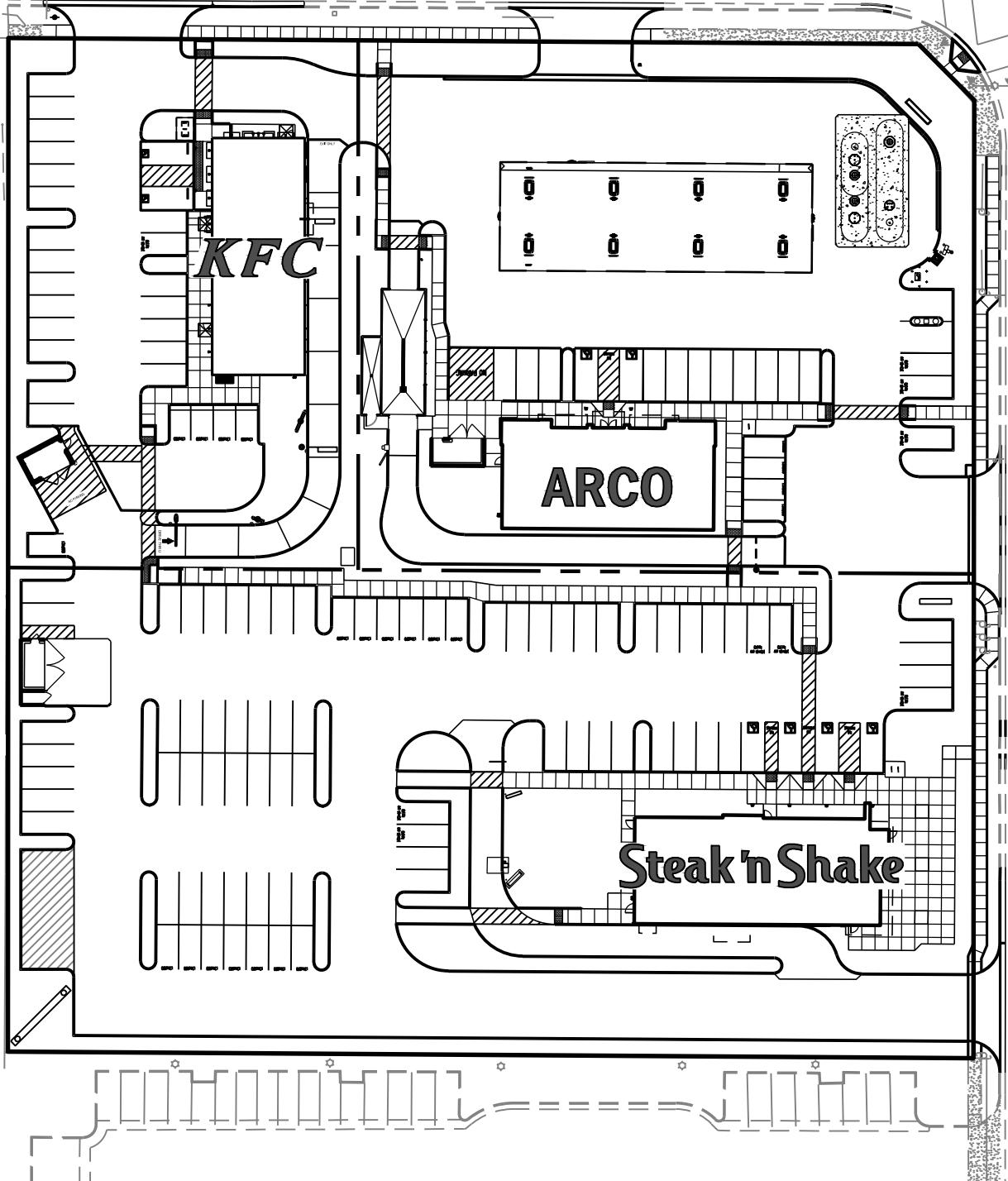
1. Attachment A
2. Attachment B
3. Attachment C
4. Attachment D



ATTACHMENT A

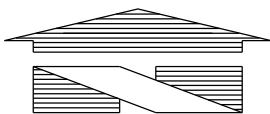
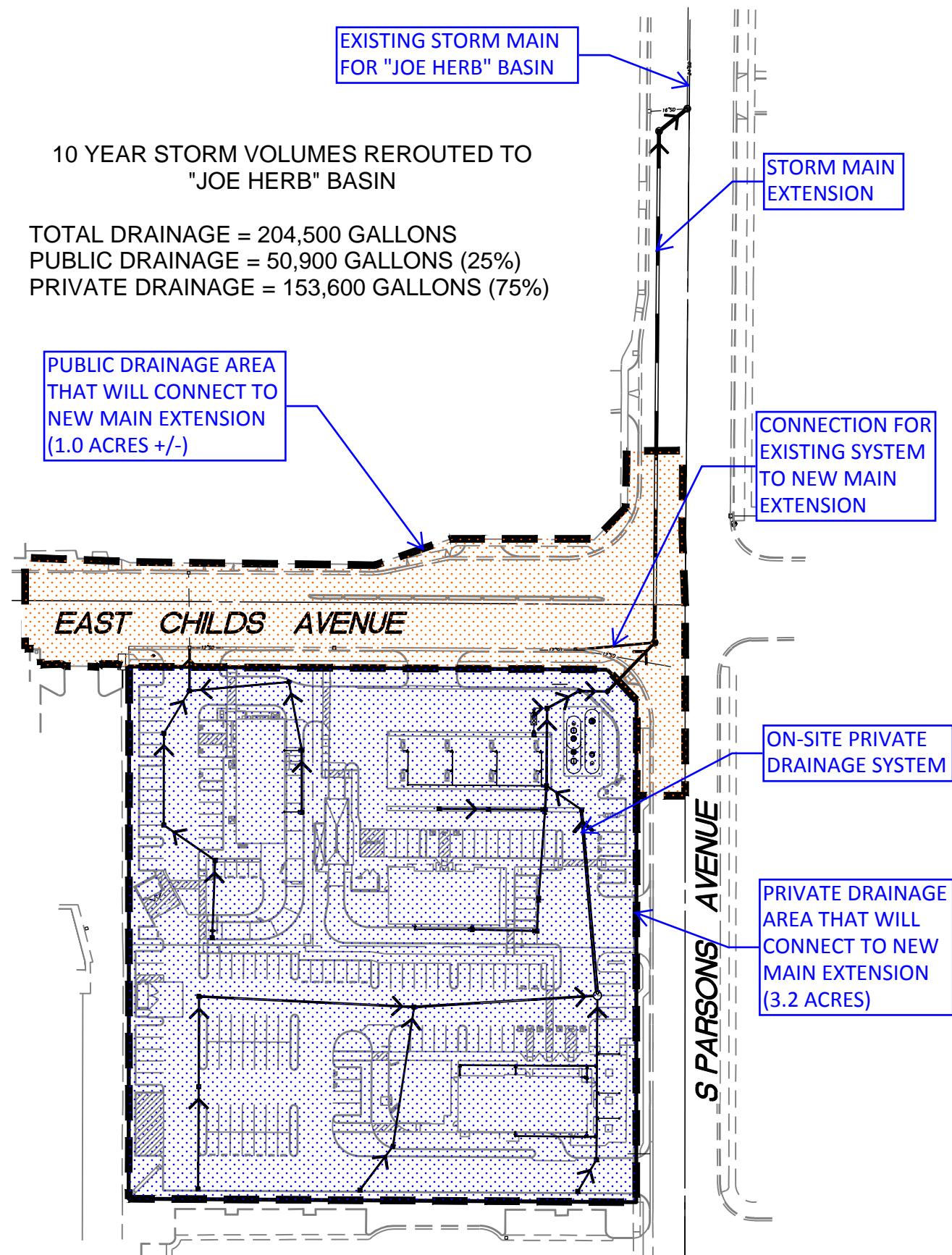
EAST CHILDS AVENUE

S PARSONS AVENUE



1'-60'

ATTACHMENT B
83



1'=100'



ATTACHMENT D

PROJECT NAME/LOCATION: Merced Retail Center - Merced, California

DESCRIPTION: Estimate of Costs for "Joe Herb" Basin Connection

DATE: March 1, 2017

OUR JOB NO. 17655

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL
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PUBLIC IMPROVEMENTS and FEES					
1	Storm Drain Extension (Including Materials and Export of Spoils and Import Backfill)	490	LF	\$175.00	\$85,750
2	Overlay Allowance	1	LS	\$20,000.00	\$20,000
3	Sawcutting	1,000	LF	\$4.00	\$4,000
4	Asphalt and Concrete Removal	270	SY	\$7.50	\$2,025
5	Pavement Patching (2-inch AC Including Rock base, in Addition to Overlay)	270	SY	\$100.00	\$27,000
6	Striping (Includes 800 LF Edge Stripe and 2 Thermoplastic Crosswalks)	1	LS	\$6,500.00	\$6,500
7	Traffic Control (Night Work and Limited Hours and Police for Intersection)	1	LS	\$30,000.00	\$30,000
8	Additional Storm Manholes	2	EA	\$4,800.00	\$9,600
9	Engineering Fees	1	LS	\$25,000.00	\$25,000
10	Additional Survey Fees	1	LS	\$1,600.00	\$1,600
11	Connection to Existing Storm Structure	2	EA	\$1,500.00	\$3,000
12	12" Water Reroute (Inc. fittings, labor, backfill, etc)	1	LS	\$14,000.00	\$14,000
13	16" Water Reroute (Inc. fittings, labor, backfill, etc)	1	LS	\$18,000.00	\$18,000
GRAND TOTAL:					\$246,475



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 17-131

Meeting Date: 3/20/2017

Report Prepared by: Mike Conway, Assistant to the City Manager

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.

ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to other than recommended by staff (identify specific findings and/or conditions amended to be addressed in the motion); or,
3. Deny; or,
4. Refer to staff for reconsideration of specific items (specific items to be addressed in the motion); or,
5. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY

Charter of the City of Merced, Section 200.

CITY COUNCIL PRIORITIES

As provided for in the 2015-16 Adopted Budget

DISCUSSION

The State Water Resources Control Board is considering new rules regarding the regulation of flows on the Merced, Stanislaus and Tuolumne Rivers. This proposal would increase the unimpaired flows of the rivers by 40 percent, which would have a devastating effect on the region, severely impacting agriculture and altering local groundwater recharge.

The Board held several hearings on the subject, including one on December 19, 2016 in Merced. Council members testified at the Merced hearing regarding their concerns and opposition to the

proposal. Staff traveled to Sacramento to present testimony in opposition to the proposal. The City Manager and Economic Development Director sent letters in December opposed to the proposal.

Early this month staff received a request from Assemblyman Adam Gray's office for another letter in opposition to the Draft Revised Substitute Environmental Document. The request came too late to be included on the agenda for the March 6 City Council meeting, however the Assemblyman needed the letter before the March 20 meeting. In light of the City's previous opposition to the proposal, staff drafted a letter and it was signed by the Mayor. Staff is seeking formal Council support for the letter at this meeting.

Staff plans to bring before Council a complete Legislative Platform in the weeks ahead for its discussion and approval. Once a Legislative Platform is approved, staff will be able to respond quickly to requests for letters and to legislative actions, as needed, based on the contents of the adopted platform.

IMPACT ON CITY RESOURCES

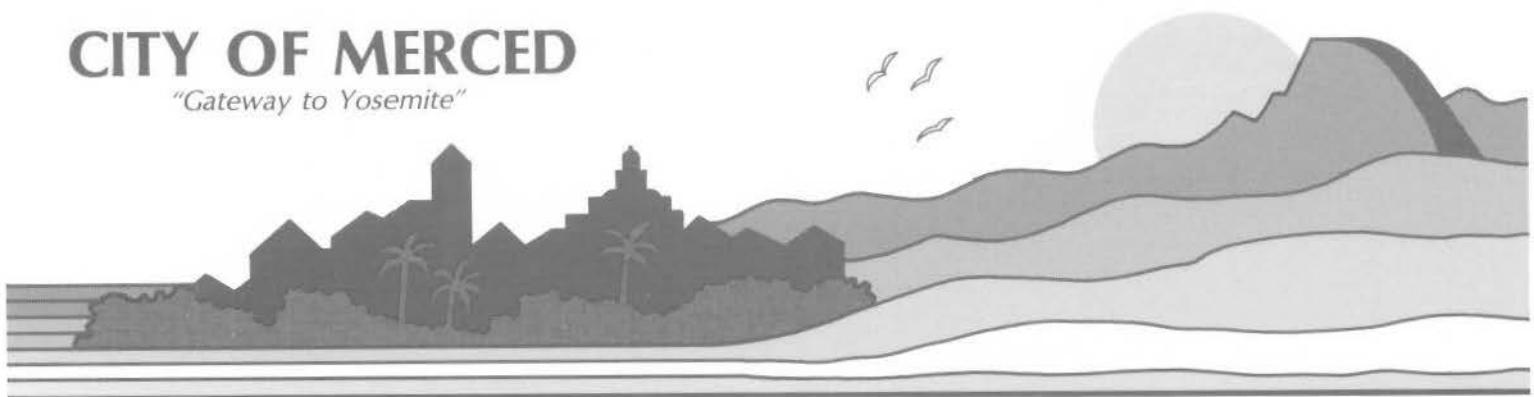
No appropriation of funds is needed.

ATTACHMENTS

1. Letter to Felicia Marcus, State Water Resources Control Board

CITY OF MERCED

"Gateway to Yosemite"



March 7, 2017

Felicia Marcus, Board Chairwoman
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Dear Chairwoman Marcus,

I'm writing to express the grave concerns with the State Water Resources Control Board's proposed actions on behalf of the City of Merced and our 82,000 residents in the Central Valley.

It is imperative to us that our distress over your proposal is included in the official record on the Draft Revised Substitute Environmental Document (SED). We urge you once more to heed the requests of the numerous cities, school districts, and concerned residents who have voiced their opposition to the Bay-Delta Plan. In an area that is largely dependent on agriculture, a proposal that increases the unimpaired flows of the Merced, Stanislaus, and Tuolumne rivers by 40% would devastate a region that has only just now begun to heal from five years of drought.

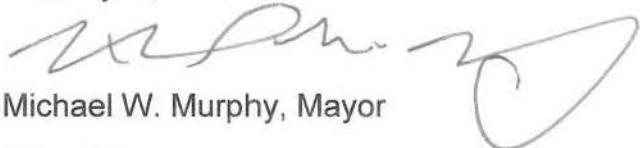
The public hearings held in Merced and Modesto this past December provided ample evidence that local stakeholders have been left out of a process that will severely impact every aspect of their lives. Safe and reliable access to drinking water, our economic vitality, and our very way of life would be jeopardized by your proposed plan.

Given the serious implications of your proposal, there should have been a credible effort to involve us throughout the development phase, but this simply didn't happen. By allowing stakeholders to comment on the plan only after it was released, you have excluded our region from providing valuable local knowledge that could have been used by your scientists and technical experts to create a plan that appropriately balances the competing priorities under your consideration.

To us, "significant, but unavoidable" is more than a term of art – it is a tangible threat and a clear statement of willful disregard for our safety, sustainability, and livelihoods. By failing to include our region in the development process, you have marginalized a community that already suffers from economic challenges and is home to many minority and disadvantage communities. Simply put: we deserve better.

I urge you to give consideration to the voices of our community and revise the current plan to reflect the needs of all the parties involved.

Thank you,

A handwritten signature in black ink, appearing to read "Michael W. Murphy".

Michael W. Murphy, Mayor

City of Merced



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 17-134

Meeting Date: 3/20/2017

Report Prepared by: Frank Quintero, Director of Economic Development

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.

ALTERNATIVES

1. Approve, as recommended by Staff; or,
2. Approve, subject to conditions other than recommended by Staff (identify specific findings and/or conditions as amended to be addressed in the motion); or,
3. Deny; or
4. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY

Charter of the City of Merced, Section 200.

CITY COUNCIL PRIORITIES

City of Merced Fiscal Year Budget Section 10, Public Safety - Police Department, Objective #11.

DISCUSSION

At the City Council meeting of November 21, 2016, staff was directed to pursue acquiring the Merced Sun-Star building as the site for the new Police Headquarters. In order to proceed with the acquisition, changes to the entitlements and land use designation need to occur for the site currently designated for the new Police Headquarters which is at 669 E. Yosemite Avenue (the northwest corner of E. Yosemite Avenue and Mansionette Drive.) Subsequent actions will also need to be taken which includes, but are not limited to, a general plan amendment, rezoning, review of the sale of the property to be in compliance with the general plan, noticing and declaring the property surplus, issuing a Request for Proposal and negotiating a Disposition and Development Agreement.

Staff is requesting the transfer of \$30,000 to move forward through the Development Application

process. Given the complexity of the project, staff will be using consultants (Attorneys, Environmental, and Appraiser) throughout the process. Consultants will also be used to assist staff with disposing the site at Yosemite Avenue and Mansionette Drive and acquiring the Sun-Star property. The work performed by the consultants will be charged to the respective Project Account.

IMPACT ON CITY RESOURCES

Council has indicated the importance of moving the new Police Headquarters project forward, and taking advantage of the expertise provided by the consultants will help keep the project in motion. Staff recommends the transfer of \$15,000 from Fund 047 and \$15,000 from Fund 057 appropriating the same to 449-1001-627.65-00 Project 116040 Police Headquarters #2.



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 17-124

Meeting Date: 3/20/2017

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.

ALTERNATIVES

1. Approve, as recommended by Staff; or,
2. Modify ordinance for introduction; or,
3. Deny.

AUTHORITY

City of Merced, Charter, Section 200.

ATTACHMENTS

1. Proposed Ordinance
2. Redlined Ordinance

ORDINANCE NO. _____

**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**

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:**

SECTION 1. AMENDMENT TO CODE. Chapter 1.08, "City Seal," of the Merced Municipal Code is hereby amended to read as follows:

**"CHAPTER 1.08
CITY SEAL**

Section:

- 1.08.010 City Seal.**
- 1.08.020 Custodian.**
- 1.08.030 Use of City Seal.**
- 1.08.040 Penalty.**

1.08.010 City Seal.

The common seal of the City is hereby adopted and described as follows:

A palm tree, a fountain, and a waterfall, so arranged that the palm tree shall occupy the central space of the seal, the fountain on the right, and the waterfall on the left of the palm tree, surrounding which, in the margin of the seal shall appear the words, 'City of Merced, California, Incorporated April 1, A. D. 1889.'

1.08.020 Custodian.

As provided for in Section 602(D) of the Charter, the City Clerk shall be the custodian of the City Seal.

1.08.030 Use of City Seal.

- A. It shall be unlawful for any person or group to make or use the seal of the City of Merced, or any derivation, rendering, version, expression, logo, stamp or reproduction thereof, for any purpose other than for the official business of the City of Merced, its City Council, officers or departments, except upon approval of the City Council by resolution.
- B. No person or group shall place any imitation of the City Seal, nor any derivation, rendering, version, expression, logo, stamp or reproduction thereof, on any written, printed or electronic material that is designed, intended or likely to confuse, deceive or mislead the public or cause the reader of such material to believe it to be an official city publication.
- C. It shall be unlawful for any person or group to place the City Seal, or any derivation, rendering, version, expression, logo, stamp or reproduction thereof, on any written, printed or electronic material in favor of or against any ballot measure, or in favor of or against any candidate for public office.

1.08.040 Penalty.

A violation of this Chapter is a misdemeanor, punishable in accordance with Chapter 1.12 of this Code. At the discretion of the City, this Chapter may also be enforced by use of civil or administrative remedies.”

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the _____ day of _____, 2017, and was passed and adopted at a regular meeting of said City Council held on the _____ day of _____, 2017, by the following called vote:

AYES: **Council Members:**

NOES: **Council Members:**

ABSTAIN: **Council Members:**

ABSENT: **Council Members:**

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Kelly C. Trincher 2/28/17
City Attorney Date

ORDINANCE NO. _____

**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**

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:**

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**"CHAPTER 1.08
CITY SEAL**

Section:

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The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the _____ day of _____, 2017, and was passed and adopted at a regular meeting of said City Council held on the _____ day of _____, 2017, by the following called vote:

AYES: **Council Members:**

NOES: **Council Members:**

ABSTAIN: **Council Members:**

ABSENT: **Council Members:**

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Date



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 17-101

Meeting Date: 3/20/2017

Report Prepared by: Francisco Mendoza-Gonzalez, Planner, Development Services

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).

ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to modifications as conditioned by Council; or,
3. Deny based on specific findings; or,
4. Refer back to staff for reconsideration of specific items as requested by Council; or,
5. Continue to a future meeting (date and time to be specified in Council motion).

AUTHORITY

Part 3, Chapter 3 of the Streets and Highways Code of the State of California authorizes the City Council to vacate a right-of-way or easement. The vacation shall be made by adoption of a resolution pursuant to Section 8335 of the Code, and shall be recorded pursuant to Section 8336. The City of Merced Administrative Policies and Procedures No. A-6 provides direction to staff for processing vacation requests, and City Resolution 86080 establishes a policy concerning costs associated with the vacation.

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

In 2015, the applicant obtained Site Plan Review approval to develop a 15,237-square-foot office building on a vacant 1.58-acre parcel located at 3172 M Street (Attachment 2). This infill Project includes a new bus turnout and sidewalk configuration along M Street. The proposed sidewalk path

would be located west of an existing sidewalk easement (closer to M Street), but within the City's public right-of-way (Attachment 1). During the development review process, the City's Land Engineer determined that the City would have no need for the existing easement as the new sidewalk would be located away from the sidewalk easement, and he recommended that the Site Plan Review Committee adopt a condition of approval requiring the abandonment of the 14-foot-wide sidewalk easement. The applicant is requesting the vacation of this easement to comply with their Site Plan Review Permit and to obtain their Certificate of Occupancy (to occupy their new building). The new sidewalk path will not require another sidewalk easement, because it will be located within the public right-of-way.

History and Past Actions:

At the Planning Commission meeting of February 22, 2017, the Planning Commission reviewed the vacation for consistency with the City's General Plan and found, by unanimous vote of those present, that the proposed vacation does not conflict with any General Plan policies, text, or maps, and is, therefore, consistent with the General Plan.

On February 21, 2017, the City Council adopted a Resolution of Intention (Resolution #2017-08 - Attachment 3) and set March 20, 2017, as the date for the public hearing to consider Vacation #16-02. During the City Council Meeting, the City Council requested additional information about the proposed bus turnout. After the meeting, staff contacted The Bus Transit Manager, Richard Green, and he confirmed that he is currently working with the City's Engineering Department to install a bus shelter with a bench and trashcan at this location. Transit Manager Green noted that he will be attending the City Council Meeting on March 20, and that he will make himself available for questions from the City Council, if any. Prior to installing the bus shelter, the applicant will be applying for encroachment permits to ensure that both the bus shelter and the sidewalk path satisfy City Engineering Standards and Building Codes. The Engineering Department has noted that re-aligning the sidewalk with a straight configuration (instead of meandering configuration) would help with bus operations and allow ample space for the bus shelter. Other benefits with the realignment include reduced landscape maintenance and easier access to utilities.

Recommendation:

Staff is recommending the adoption of the Resolution at Attachment 4 to abandon the 14-foot wide sidewalk easement as described above.

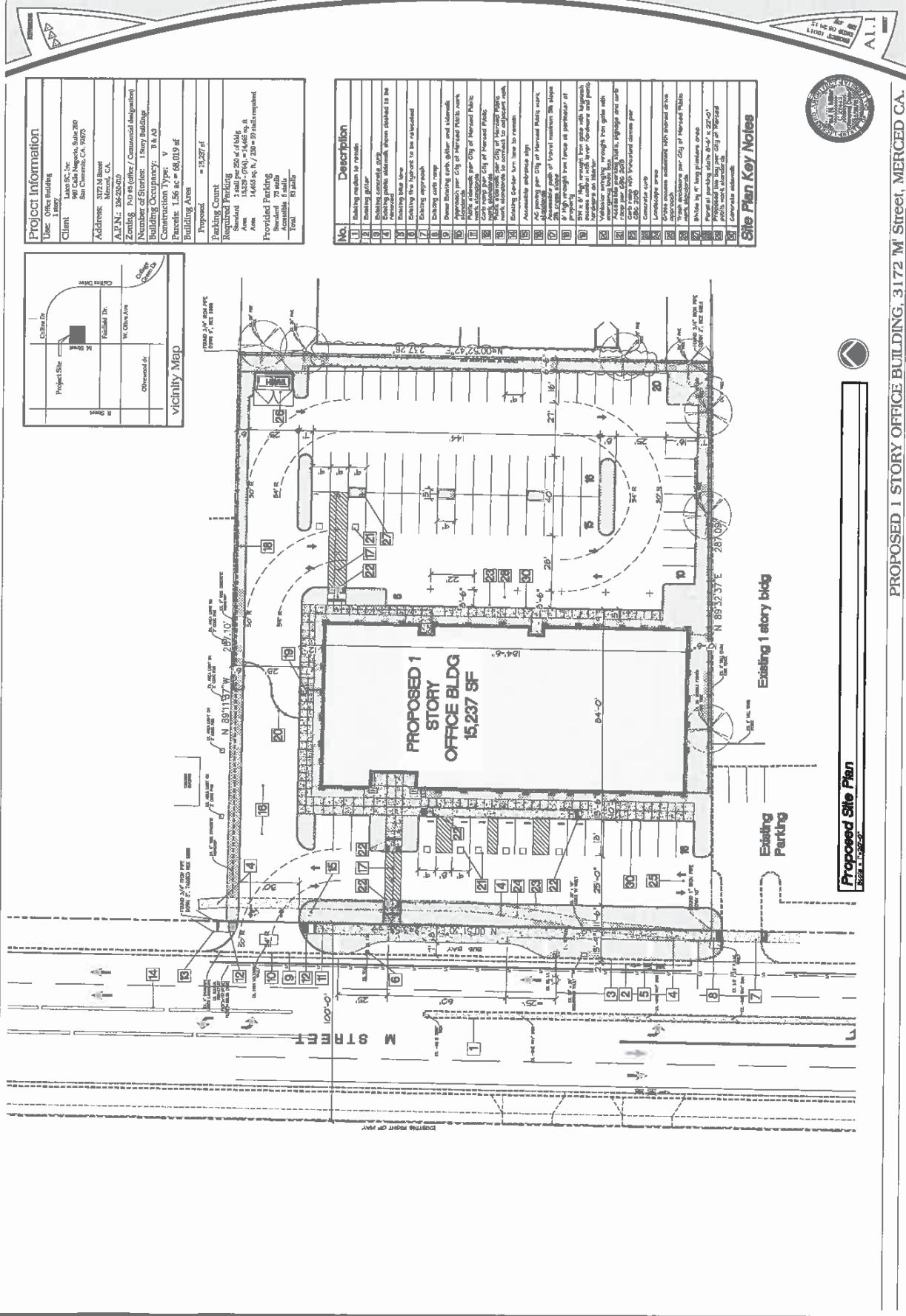
IMPACT ON CITY RESOURCES

The approval of the requested vacation would not result in any impacts on City resources.

ATTACHMENTS

1. Location Map
2. Site Plan for Central Valley Regional Center
3. City Council Resolution #2017-08
4. Draft City Council Resolution approving Vacation #16-02





RESOLUTION NO. 2017- 08

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
DECLARING ITS INTENTION TO VACATE 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) SETTING TIME AND PLACE
FOR PUBLIC HEARING**

WHEREAS, the City Engineer of the City of Merced has recommended that the hereinafter described portion of sidewalk easement is unnecessary for prospective public purposes; and

WHEREAS, the City Engineer has filed maps or plans with the City Clerk of the City of Merced showing the portion of the sidewalk easement to be vacated at a specific time that will be determined.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City of Merced declares its intention to proceed under the provisions of Part 3 of the Streets and Highways Code of the State of California, being the Public Streets, Highways, and Service Easements Vacation Law, Chapter 3, to vacate 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), as described in Exhibits "A" and "B" and shown in Exhibits "A" and "B" attached hereto and incorporated herein by this reference.

SECTION 2. Reference is made to the maps and plans which are filed in the office of the City Clerk of the City of Merced for further particulars as to the proposed vacation and reservation.

SECTION 3. March 20, 2017, at the hour of 7:00 p.m. of said day in the Council Chamber of the City Council, 678 West 18th Street, Merced, California, is

fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation. Said hearing may be postponed or continued.

SECTION 4. The City Engineer is directed to post or cause to be posted at least two weeks before the date set for hearing not less than three (3) notices of vacation of a portion of public right-of-way, not more than three hundred (300) feet apart, conspicuously along the lines of said portion of the public street proposed to be vacated, stating adoption of this resolution and the time and place of the hearing herein called. Posting a copy of this resolution shall constitute the posting of the required notice.

SECTION 5. The City Clerk is directed to cause a copy of this Resolution to be published once each week for two successive weeks prior to the public hearing in the official newspaper.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the 21 day of February 2017, by the following vote:

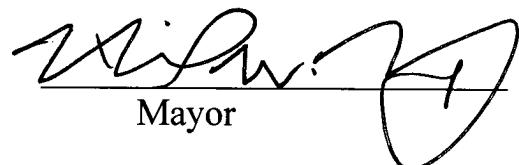
AYES: 6 **Council Members:** BLAKE, MARTINEZ, MCLEOD, MURPHY, PEDROZO, SERRATTO

NOES: 1 **Council Members:** BELLUOMINI

ABSENT: 0 **Council Members:** NONE

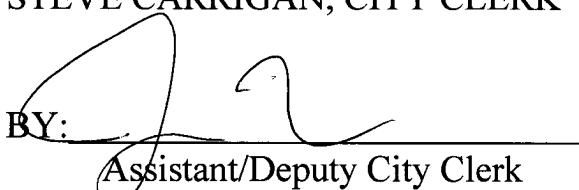
ABSTAIN: 0 **Council Members:** NONE

APPROVED:

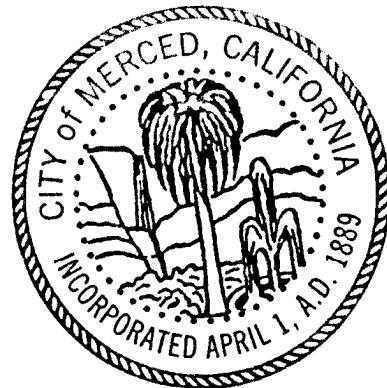


Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: 
Assistant/Deputy City Clerk

(SEAL)



APPROVED AS TO FORM:

~~ADJ~~ 1-25-2017
City Attorney Date

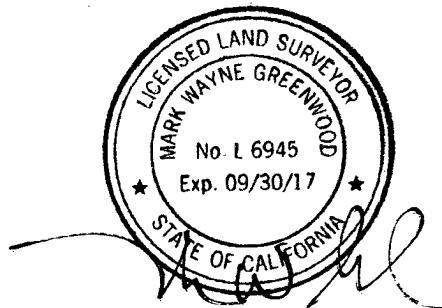
EXHIBIT "A"
EASEMENT ABANDONMENT

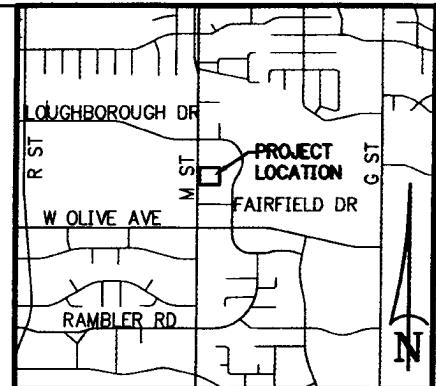
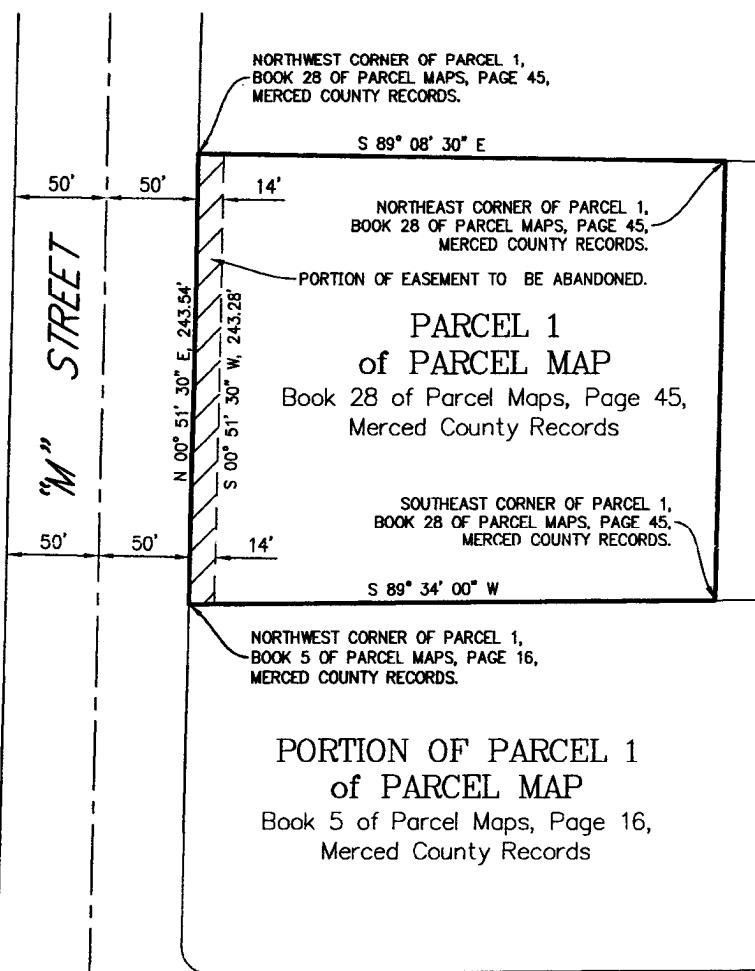
THE LAND REFERENCED TO HEREIN BELOW IS SITUATED IN A PORTION OF SECTION 18, T.7S., R.14E., M.D.B.& M., CITY OF MERCED, COUNTY OF MERCED, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

A STRIP OF LAND LYING WITHIN A PORTION OF PARCEL 1, AS PARCEL 1 IS DELINEATED ON THAT CERTAIN MAP ENTITLED "PARCEL MAP FOR HERBERT H. LOCKYER, ET AL", FILED FOR RECORD DECEMBER 30, 1975, IN BOOK 28 OF PARCEL MAPS, PAGE 45, MERCED COUNTY OF RECORDS, SAID STRIP OF LAND IS DESCRIBED IN GRANT DEED TO THE CITY OF MERCED RECORD APRIL 17, 1970 AS DOCUMENT NUMBER 6782, VOLUME 1823, AT PAGE 722, OFFICIAL RECORDS OF MERCED COUNTY.

A STRIP OF LAND SITUATED IN LOTS 55 AND 72 ACCORDING TO MAP ENTITLED "MAP OF THE CROCKER COLONY", FILED FOR RECORD JUNE 7, 1911, IN VOLUME 5 OF OFFICIAL RECORDS, BEING ALSO A PORTION OF PARCEL 2 ACCORDING TO MAP ENTITLED "PARCEL MAP FOR J.F. COLLINS, ET AL", FILED FOR RECORD JANUARY 17, 1968, IN BOOK 5 OF PARCEL MAPS, AT PAGE 16, MERCED COUNTY RECORDS, SAID PORTION BEING MORE PARTICULARLY DESCRIBE AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF "M" STREET FROM WHENCE THE NORTHWEST CORNER OF PARCEL 2 OF THE AFORESAID "PARCEL MAP FOR J.F. COLLINS, ET AL" BEARS NORTH 00°52'34" EAST 89.48 FEET AND RUNNING THENCE SOUTH 77°50'00" EAST 14.28 FEET; THENCE SOUTH 00°51'30" WEST 1476.79 FEET TO A POINT ON THE NORTH LINE OF PARCEL 1 ACCORDING TO THE AFORESAID "PARCEL MAP FOR J.F. COLLINS, ET AL"; THENCE SOUTH 89°34'00" WEST 14.00 FEET ALONG SAID NORTH LINE TO A POINT ON THE EAST LINE OF "M" STREET; THENCE NORTH 00° 51'30" EAST 1479.90 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.





SCALE: 1" = 100'

100 50 0 100

SCALE IN FEET

SITE ADDRESS:
3172 M STREET
MERCED, CA. 95348
APN: 236-230-010



LEGEND

AREA PROPOSED FOR ABANDONMENT

 EXISTING 14' SIDEWALK EASEMENT GRANTED TO THE CITY OF MERCED, AS DOCUMENT No. 6783 RECORDED ON APRIL 17, 1970, IN BOOK 1823, PAGE 722, OF OFFICIAL RECORDS.

AREA CONTAINS 3,408.0 SQUARE FEET

BUILDING PERMIT NUMBER: 15-1982

REV. 07/13/16 MCG
Fb. 270/35 MC
PLOT VIEW: EXHIBIT
AUTOCAD ID: 15051.DWG

EXHIBIT "B"

BEING A PORTION OF PARCEL 1 OF PARCEL MAP
RECORDED IN BOOK 28 OF PARCEL MAPS
AT PAGE 45, MERCED COUNTY RECORDS.

PREPARED FOR

CVRC NORTH, LLC

R.W.GREENWOOD ASSOCIATES, INC.
CIVIL ENGINEERING — LAND SURVEYING
2558 E. OLIVE AVE. — FRESNO, CALIFORNIA 93701 — Tel. (559) 268-7831

W.O. No. 15051 APRIL 20, 2016

Notes by MC
F.B. No. 270 Pg. 35
Dr. by PWL
Checked by _____
Drawing No. _____

Sheet 1 of 1

EXHIBIT B

RESOLUTION NO. 2017-_____

**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)**

WHEREAS, by adoption of Resolution No. 2017-08 on February 21, 2017, the City Council declared its intention to consider the vacation of a portion of public right-of-way in the City of Merced, consisting 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) described in Exhibits "A" and "B" and shown in Exhibits "A" and "B" attached hereto and incorporated herein by this reference, and set a public hearing thereon; and

WHEREAS, Resolution No. 2017-08 fixed a time and place for hearing all persons interested in or objecting to the proposed vacation to wit: On Monday, March 20, 2017, at the hour of 7:00 p.m. of said day, in the Council Chambers of the City Council, 678 West 18th Street, Merced, California, which said time was not less than fifteen (15) days from the above-mentioned date and passage of Resolution No. 2017-08; and

WHEREAS, Resolution No. 2017-08 was published in the manner prescribed by Section 8320 of the Streets and Highways Code of the State of California; and

WHEREAS, the public hearing occurred on March 20, 2017; and

WHEREAS, On February 23, 2017, notices were conspicuously posted along the lines of the property proposed to be vacated, not more than three hundred (300) feet apart, which notices consisted of copies of Resolution No. 2017-08; and

WHEREAS, the vacation of the public right-of-way as proposed by Resolution No. 2017-08 was submitted to the Planning Commission on February 22, 2017, which found the proposed vacation to be in conformity with the general plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council finds from all of the evidence submitted that the public right-of-way in the City of Merced, as described on Exhibits "A" and "B" and shown in Exhibits "A" and "B," is unnecessary for present or prospective public right-of-way purposes.

SECTION 2. It is hereby ordered that the public right-of-way lying within the above described territory be and the same is hereby abandoned and vacated, pursuant to the provisions of Part 3, Division 9, of the Streets and Highways Code of the State of California, being the Public Streets, Highways, and Services Easements Vacation Law.

SECTION 3. The City Clerk is directed to cause a certified copy of this resolution, attested under seal of the City of Merced, to be recorded in the Office of the County Recorder of Merced County.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the _____ of _____, 2017, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: Kelly C. Fischer 3/21/17
City Attorney Date

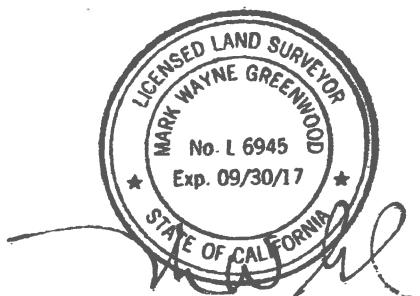
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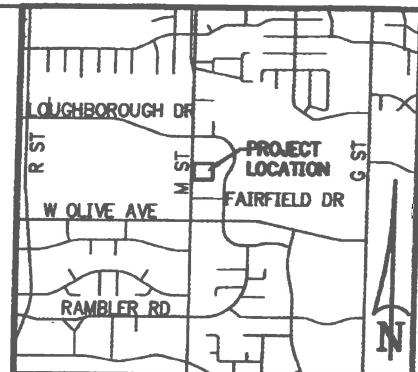
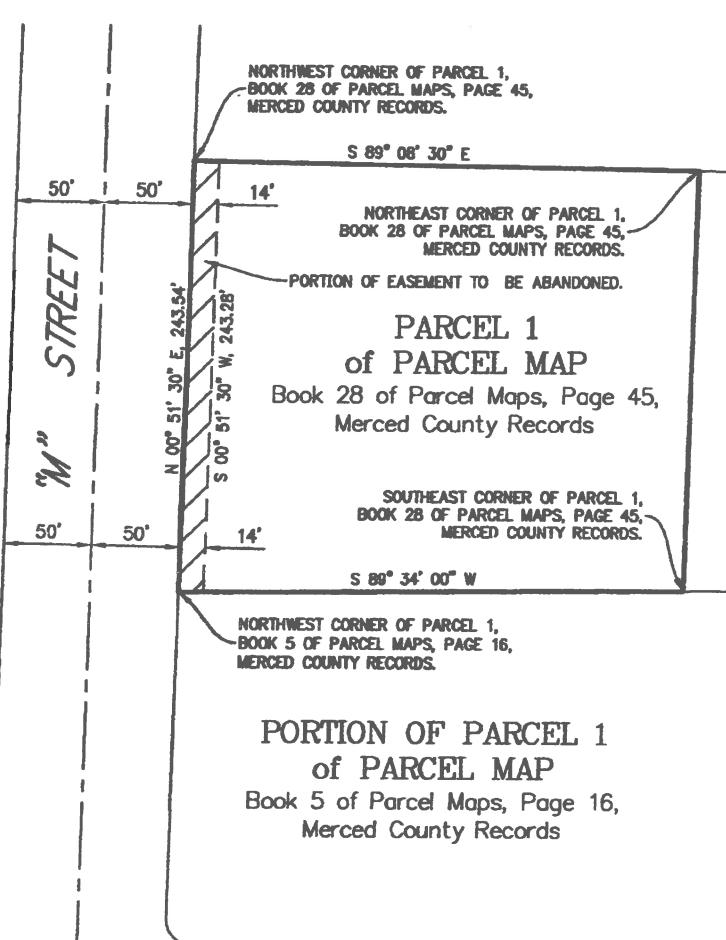
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EPI/MG
15051 SIDEWALK LEGAL.DOC



SCALE: 1" = 100'
 100 50 0 100
 SCALE IN FEET

SITE ADDRESS:
 3172 M STREET
 MERCED, CA. 95348
 APN: 236-230-010



LEGEND

AREA PROPOSED FOR ABANDONMENT

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AREA CONTAINS 3,408.0 SQUARE FEET

BUILDING PERMIT NUMBER: 15-1982

REV. 07/13/16 MGG
 Fb. 270/35 MC
 PLOT VIEW: EXHIBIT
 AUTOCAD ID: 15051.DWG

EXHIBIT "B"

BEING A PORTION OF PARCEL 1 OF PARCEL MAP RECORDED IN BOOK 28 OF PARCEL MAPS AT PAGE 45, MERCED COUNTY RECORDS.

PREPARED FOR

CVRC NORTH, LLC

R.W.GREENWOOD ASSOCIATES, INC.

CIVIL ENGINEERING — LAND SURVEYING
 2558 E. OLIVE AVE. — FRESNO, CALIFORNIA 93701 — Tel. (559) 268-7831

W.O. No. 15051 APRIL 20, 2016

Notes by	MC
F.B. No.	270 Pg. 35
Dr. by	PWL
Checked by	
Drawing No.	

Sheet 1 of 1

EXHIBIT B



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 17-104

Meeting Date: 3/20/2017

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.

ATTACHMENTS

1. Railroad Quiet Zones at Existing and New Road Crossings

To: Merced City Council

March 13, 2017

From: Michael Belluomini *Michael Belluomini*

Ref: Railroad Quiet Zones at Existing and New Road Crossings

BACKGROUND

The impact of railroad noise on Central Merced has been an issue for many years. The City General Plan for 2030 indicates that the 26 daily trains passing through Merced on the Burlington Northern Santa Fe (BNSF) Railroad generate an average of 100 decibels of sound at 110 feet from the track. In response to an increase in train collisions, the federal government enacted regulations in 2005 that require the use of train horns at at-grade crossings as follows: 1) the horn must sound at 96 to 110 decibels; 2) must sound between 15 and 20 seconds before reaching a crossing; 3) if the train is exceeding 60 mph, it must be within a quarter mile before sounding the horn. The BNSF rail line runs along 24th Street through residential neighborhoods for approximately four miles. There are at-grade railroad crossings at 1) North Highway 59; 2) Bear Creek; 3) "U" Street; 4) "R" Street; 5) "M" Street; 6) Canal Street; 7) "K" Street and 8) Glen Avenue. At "G" Street and Yosemite Parkway the street and rail line are not at-grade, but separated, so no sounding of the train horn is required. In 2007, 11 of the 26 daily train trips occurred between 10:00 p.m. and 7:30 a.m. The number of train trips has increased to 40 per day in 2017. The Downtown Neighborhood Association (DNA) raised train noise in Central Merced as a quality of life issue in 2016. Reducing train noise would improve the living environment of Central Merced. Establishing Quiet Zone Crossings is conditioned on increasing crossing safety.

RAILROAD QUIET ZONES

The Federal Railroad Administration (FRA) allows an exemption from the regulations requiring trains to sound their horns at at-grade road crossings designated "quiet zone" crossings. Though the city is the driver of quiet zone establishment, crossing qualifications must be reviewed and approved by the railroad, the Public Utility Commission (PUC) and the FRA. Sometimes a quiet zone crossing can include: 1) a concrete median island over six inches high on both sides of the track extending a minimum of 100 feet from the crossing gate down the roadway (Exhibit 1); 2) four rather than two automated crossing gates with flashing light resulting in full closure of the crossing to cars (Exhibit 2); and 3) permanent closure of intersecting roadways within 60 feet of crossing gate and 4) creation of a quiet zone of minimum of half a mile in length.

THE PROCESS

The establishment of quiet zone crossings must be at the request of the city, or if a county road, the county. The city is responsible for funding the quiet zone crossing improvements if any are required which cost between \$200,000-\$600,000 at each crossing.

The city works with the BNSF railroad and applies to the FRA and PUC for approval of quiet zone status for those railroad crossings it chooses. The city issues a Notice of Intent (NOI) to create a quiet zone. The NOI intent to BNSF, FRA, Cal Trans (for North 59 crossing only) and the PUC. A 60 day comment period begins. Representative of the BNSF, FRA, PUC, Cal Trans and the city meet at each proposed quiet zone crossing to discuss existing conditions and possible changes. The affected agencies agree on what changes, if any, need to be made to make the crossing a quiet zone.

The city uses the FRA's Quiet Zone Calculator online to determine whether the Quiet Zone Risk Index of the proposed quiet zone is less than the Nationwide Significant Risk Threshold. If it is less, then the city can designate the crossing a quiet zone and apply for PUC approval. After approval quiet zone signs are installed at each crossing and the affected agencies are notified. No significant physical changes to the crossing are required.

If the Quiet Zone Calculator shows the proposed crossing exceeds the Significant Risk Threshold, the city must pay for installation of Supplementary Safety Measures (SSM's) such as median islands, crossing gates or wayside horns. Such SSM's are installed by the railroad or the city as appropriate. If the crossings are equipped with one or more SSM's the Quiet Zone can be established through city designation of the crossings installation of required signage per crossing, notification of the affected agencies and application for PUC approval. The City of Richmond, California has 14 quiet zone crossings, none of them have four crossing gates. This design, application and review process is specialized such that the city may want to contract with a consultant engineer experienced in establishing quiet zones to assist it.

WHICH CROSSINGS

Of the eight crossings of the BNSF railroad, "U" Street and "Glen Avenue" are the only ones that may not qualify as a quiet zone. This is because Santa Fe Avenue runs parallel and near the railroad tracks at the intersection making a raised median 100 feet long problematic for traffic flow and control. In such situations a permitted alternative is a "wayside horn" which are horns located at the crossing which sound when the train passes. Though loud, the noise is limited to 80 decibels within 400 feet of the crossing, compared to up to a quarter mile from the crossing experiencing a moving train horn blowing (Exhibits 3 & 4).

The city circulation pattern for north-south streets is to locate a major street every half a mile. These streets are North Highway 59, "R" Street, "M" Street, "G" Street, Glen Avenue and Parsons Avenue (planned.) If all eight existing crossing were changed to quiet zone crossings at \$400,000 each, 3.2 million is needed.

An alternative is to completely close street crossings of the railroad to avoid the cost of making quiet zone improvements. Streets which might be considered for closing are those that

duplicate the road access of other streets. "K" Street and Canal Street cross the railroad within two blocks of "M" Street crossing and are redundant of "M" Street in some ways. If "K" Street and Canal Street railroad crossings were closed at a cost of \$100,000, then the quiet zone crossings for six crossings plus two crossing closures is \$2.5 million, a reduction of \$700,000.

PARSONS AVENUE RAILROAD CROSSING

The City General Plan for 2030 Transportation and Circulation Element (page 4-38) states "The City has shown one additional rail crossing (Parsons Avenue/Santa Fe Railroad) on plans for many years. The PUC must approve any new railroad crossings for the city. Such approvals are rarely granted by the PUC, especially at-grade crossings and the crossings remain only on plans. As Merced continues to grow, the constraints imposed by a restricted number of railroad crossings will also increase." The reaction of the PUC to an additional railroad crossing at Parsons Avenue and BNSF Railroad is not known. The BNSF staff has indicated that it will consider supporting a new crossing at Parsons Avenue if two existing at-grade railroad crossings were eliminated. For the railroad, the goal is to increase safety and reduce liability. Fewer railroad crossings are safer than more crossings. A request by the city, with the support of BNSF, may be considered by the PUC for approval.

FUNDING QUIET ZONE IMPROVEMENTS

Quiet zones are for nearby residents an issue of noise reduction. For the railroad, the PUC and the general public quiet zones are an issue of increasing public safety and reducing hazards. Funding opportunities may exist in federal or state programs based on increasing safety or reducing noise. The cost of creating Merced's quiet zones will not be known until after the NOI, the meeting of the affected agencies at each crossing and the running of the FRA Quiet Zone Calculation for each crossing. The cost range is \$1.4 million to \$4.8 million for 7 to 8 crossings.

The areas benefitting significantly from noise reduction resulting from quiet zones is a function of distance from the noise source. For illustrative purposes if the area of significant benefit was set at half a mile, the benefit area is shown on Exhibit "5". In that area there are approximately 5,000 lots, If the cost of establishing quiet zones is \$3,000,000 then the cost per lot is \$600 or spread over five years \$10 per month approximately.

PROPOSAL

Based on the information above I recommend the council direct the city manager and city attorney to initiate a Notice of Intent to create quiet zone crossing designations for the eight existing BNSF railroad crossings with the FRA and BNSF Railroad, then report to council the required changes to these crossings and estimated costs to establish them as quiet zone crossings.

Gates with Medians or Channelization Devices



Channelization Device



Non-traversable Curb

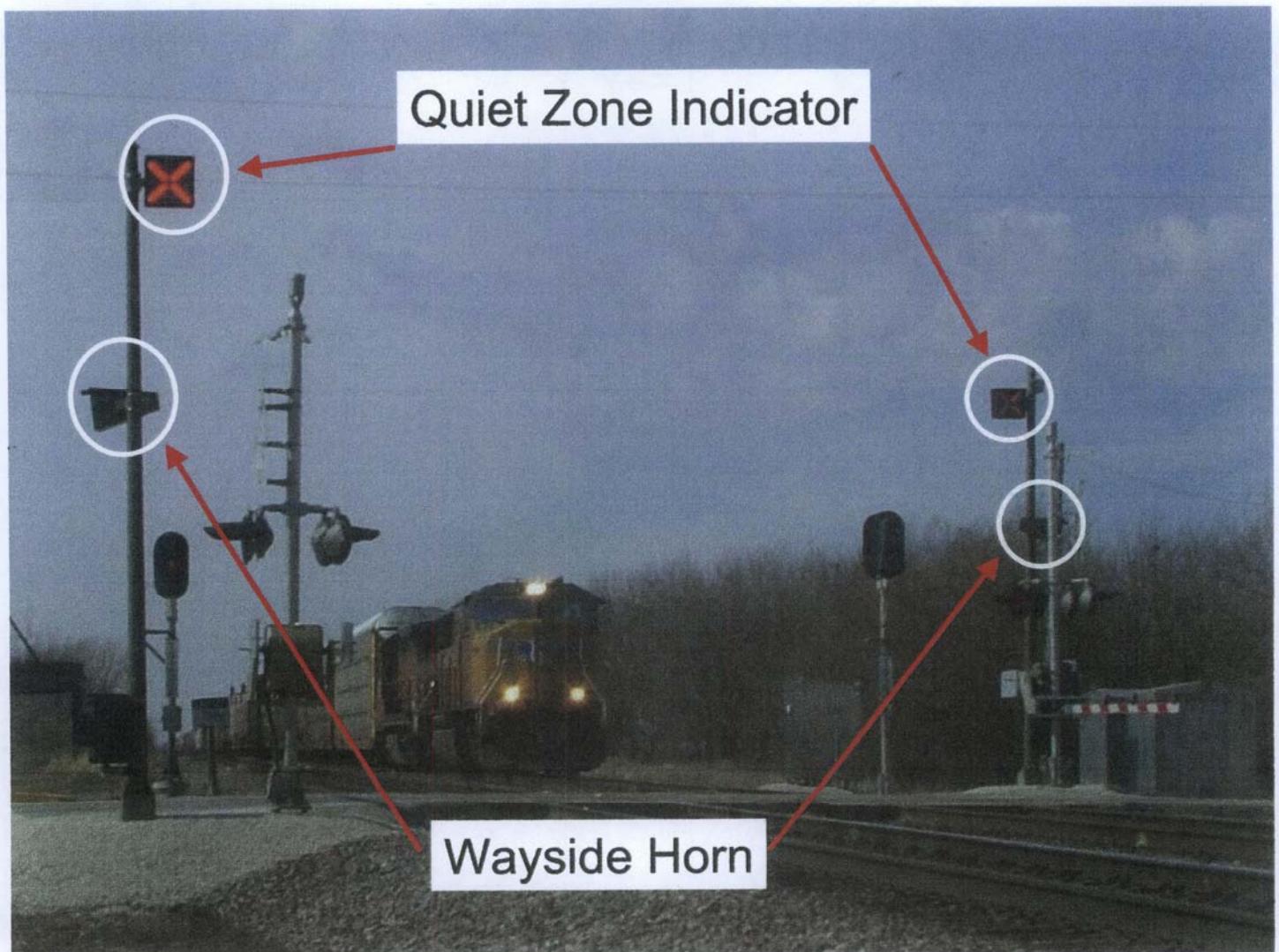


Four-Quadrant Gates



Four-Quadrant Gates





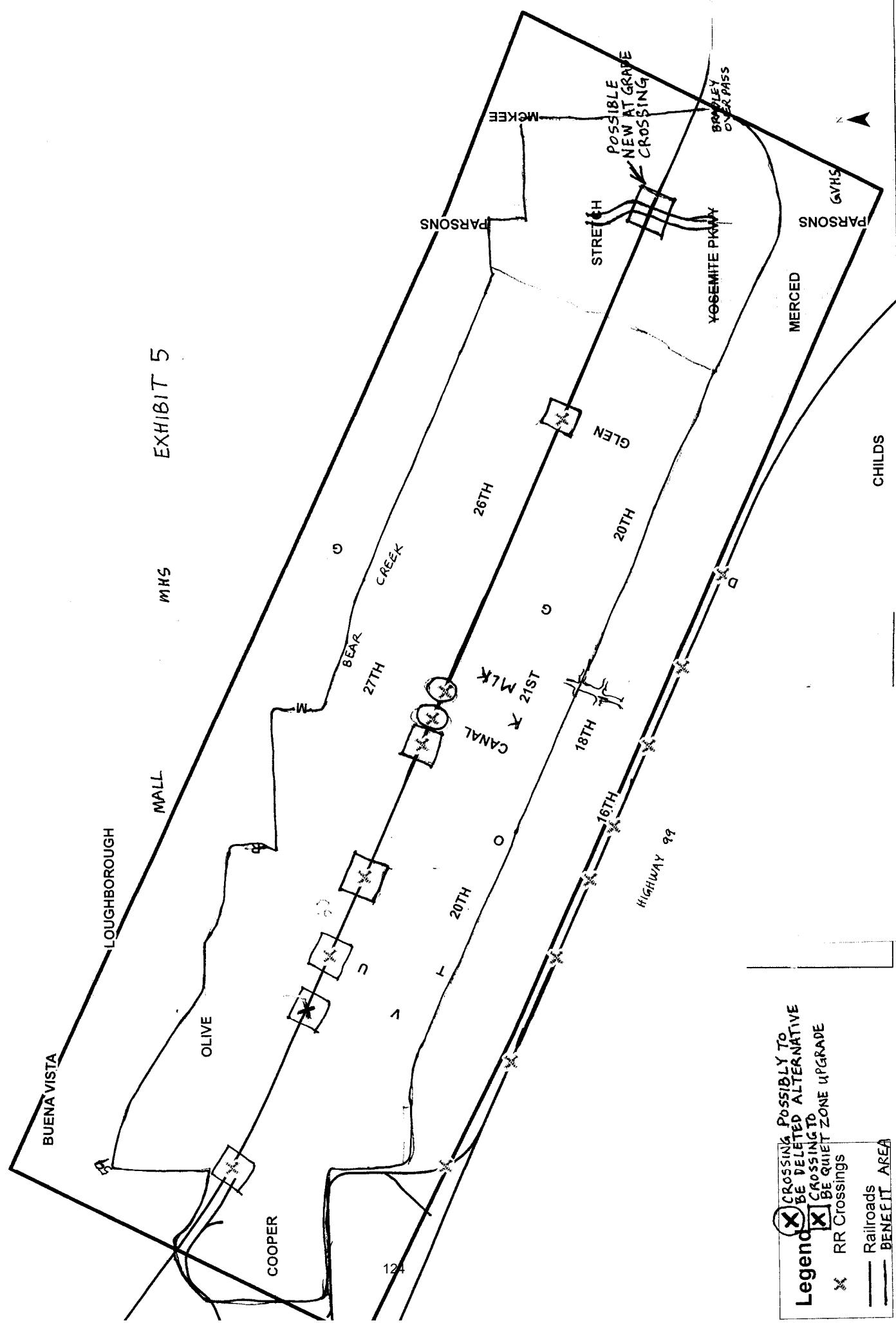


Red area is the 92dB sound contour

Blue area is the 80dB sound contour



EXHIBIT 5



Legend

- CROSSING POSSIBLY TO BE DELETED ALTERNATIVE
- CROSSING TO BE QUIET ZONE UPGRADE
- RR Crossings
- Railroads
- Benefit Area



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 17-087

Meeting Date: 3/20/2017

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.