

**CITY COUNCIL
MINUTES
June 1, 2015**

Amended

A. CLOSED SESSION ROLL CALL

Mayor Stanley Thurston, Mayor Pro Tempore Josh Pedrozo, Council Members Michael Belluomini, Kevin Blake, Tony Dossetti, Noah Lor, Mike Murphy

All Council Members were present, with the exception of Council Member Noah LOR who was absent.

B. CLOSED SESSION

Mayor THURSTON called the Closed Session of the City Council of the City of Merced, California, to order at 5:02 p.m. The session adjourned at 6:44 p.m.

1. CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: Director of Support Services Deneen Proctor; Employee Organizations: International Association of Fire Fighters, Local 1479; Merced Association of Police Sergeants. AUTHORITY: Government Code Section 54957.6
2. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; Marcia King v. City of Merced; Workers Compensation Appeals Board Case No. SJO-ADJ 7884556; AUTHORITY: Government Code Section 54956.9(d)(1)

Added 3. CONFERENCE WITH LEGAL COUNSEL --
Late INITIATION OF LITIGATION: One (1) Potential Case
 AUTHORITY: Government Code Section 54956.9 (c)

C. CALL TO ORDER

Mayor THURSTON called the regular meeting of the City Council of the City of Merced, California to order at 7:03 p.m.

1. Invocation - Elder Raymundo Gonzalez, Church of Jesus Christ of

Latter Day Saints

The Invocation was presented by Elder Raymundo Gonzalez, Church of Jesus Christ of Latter Day Saints.

2. Pledge of Allegiance to the Flag

D. ROLL CALL

1. Mayor Stanley Thurston, Mayor Pro Tempore Josh Pedrozo, Council Members Michael Belluomini, Kevin Blake, Tony Dossetti, Noah Lor, Mike Murphy

All Council Members were present, with the exception of Council Member LOR who was absent.

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

E. REPORT OUT OF CLOSED SESSION

There was no report out of Closed Session.

F. WRITTEN PETITIONS AND COMMUNICATIONS

1. City Manager's, City Attorney's and/or City Clerk's Offices will announce the receipt of any written petitions or communications.

There were no written petitions or communications.

G. ORAL COMMUNICATIONS

Jamie JIMENEZ, Merced - expressed appreciation for the cleanup of

Stephen Gray Park.

Anita ASKEW, Merced - described her positive experience with the Merced Police Department Citizens' Academy.

Tamara COBB, Merced - requested the removal of red paint from the sidewalks along K Street to Martin Luther King, Jr. Street.

Mark KAILES, Merced - suggested City Council adopt a Resolution that requires residents to point their sprinklers towards their lawn.

Rick McMILLION, Merced - spoke about issues in the downtown area.

Monica K. VILLA, Merced - spoke about the Districting Committee meetings.

H. CONSENT CALENDAR

At the request of Mayor THURSTON, Items J.1. Stephen Leonard Park Youth Center Use and K.3. Consideration of a Resolution Requesting Merced County Association of Governments to Administer Continuum of Care Services for Program Year 2015/2016 and Conduct a Bid Process were heard before the Consent Calendar.

The following items were removed from the Consent Calendar for separate consideration: H.13. - First Amendment to Agricultural Lease with Seth Rossow and H.15. - Expansion of the 9 hole Disc Golf Course at Fahrens Park. City Manager BRAMBLE removed items H.14. - Contract for Summer Camp Services with Boys and Girls Club of Merced and H.22. - Consideration of a Purchase and Sale Agreement Between the City of Merced and Roig Properties Corporation for consideration at a future meeting.

Josh Pedrozo Moved, Tony Dossetti Seconded

Vote: 6-0

Voting Aye: Michael Belluomini , Kevin Blake , Tony Dossetti , Mike Murphy , Josh Pedrozo , Stan Thurston

Absent: Noah Lor

1. Information Only - Site Plan Review Committee Minutes of February 19, 2015
2. Information Only - Planning Commission Minutes of April 8, 2015
3. Information Only - Traffic Committee Minutes of January 13, 2015
4. Information Only - Site Plan Review Committee Minutes of April 23, 2015
5. Information Only - Planning Commission Minutes of April 22, 2015
6. Information Only - Bicycle Advisory Commission Minutes of February 24, 2015
7. Information Only - Measure "C" Minutes of February 10, 2015
8. Information Only - Programmatic Climate Action Plan Update
(*This is an informational item summarizing Staff's progress in crafting the draft Programmatic Climate Action Plan.*)

RECOMMENDATION:

No action is requested.

9. Information Only Contracts
(*Notification of awarded Non-Public Works contracts under \$28,000 and Public Works contracts under \$61,785.*)
10. Information Only - Boards and Commissions Annual Attendance Reports
(*Annual attendance review conducted with results filed with the City Clerk's Office.*)
11. City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of March 2, 2015 and March 16, 2015
(*Official adoption of previously held meeting minutes.*)

RECOMMENDATION:

City Council/Public Financing and Economic Development Authority/Parking Authority - Adopt a motion approving the meeting

minutes of March 2, 2015 and March 16, 2015.

12. Reading by Title of All Ordinances and Resolutions

(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:

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

13. First Amendment to Agricultural Lease with Seth Rossow

(First amendment to lease agreement with Seth Rossow to change amount of lease.)

RECOMMENDATION:

City Council - Adopt a motion approving the amendment to the lease agreement with Seth Rossow; and, authorizing the City Manager to execute the necessary documents.

This item was removed by Council Member BELLUOMINI to ask that the lease include years 1, 2, 3 and then bring it back for reconsideration for years 4 and 5.

Council Member BELLUOMINI made a motion to delete years 4 and 5 from the lease for low rental rates and make sure the rate is appropriate when closer to years 4 and 5. The motion was seconded by Council Member BLAKE.

Michael Belluomini Moved, Kevin Blake Seconded

Vote: 5-1

Voting Aye: Michael Belluomini , Kevin Blake , Tony Dossetti , Mike Murphy , Josh Pedrozo

Voting Nay: Stan Thurston

Absent: Noah Lor

14. Contract for Summer Camp Services with Boys and Girls Club of Merced
(Consider approving agreement with Boys and Girls Club of Merced to provide summer camp services in the amount of \$20,000 for FY 2015-16.)

RECOMMENDATION:

City Council - Adopt a motion approving the agreement with the Boys and Girls Club of Merced in the amount of \$20,000 to provide summer camp services; and, authorizing the City Manager to execute the necessary documents.

15. Expansion of the 9 Hole Disc Golf Course at Fahrens Park
(Consider expanding the 9 hole disc golf course to 18 holes at Fahrens Park.)

RECOMMENDATION:

City Council - Adopt a motion approving the expansion of the Fahrens Park Disc Golf Course from 9 holes to 18 holes; and authorizing the City Manager to execute the necessary documents.

Mayor Pro Tem PEDROZO removed this item to state he is pleased to see this unique venue expanding.

Josh Pedrozo Moved, Michael Belluomini Seconded

Vote: 6-0

Voting Aye: Michael Belluomini , Kevin Blake , Tony Dossetti , Mike Murphy , Josh Pedrozo , Stan Thurston

Absent: Noah Lor

16. Request to Use Donation to Lower Swim Lesson Fees
(Consider accepting donation from the Swim 4 Jaylin Scholarship Fund to offset City costs and temporarily lower swim lesson fees.)

RECOMMENDATION:

City Council - Adopt a motion:

- A. Accepting the donation from the Swim 4 Jaylin Scholarship Fund through the Boys and Girls Club of Merced County; and,
- B. Approving the temporary reduction in the fee charged for swimming lessons from \$35 to \$10 for lessons during the summer of 2015; and,
- C. Directing staff to meet with partners after the swim season to analyze the program and see how it can become sustainable; and,
- D. Authorizing the City Manager to execute the necessary documents.

17. Fiscal Year 2015-2016 Tow Service Agreement
(*Review and approve the 2015-2016 Tow Service Agreement.*)

RECOMMENDATION:

City Council - Adopt a motion approving **Resolution 2015-21**, a Resolution of the City Council of the City of Merced, California, establishing and approving the 2015-2016 Master Tow Service Agreement; and, authorizing the City Manager to execute the necessary documents.

18. Purchase Three Equipment Items Using the National Joint Powers Alliance Government Procurement Program
(*Requests authority to sole source purchase three heavy equipment items using a government procurement program. All three items are budgeted for FY 14/15 and no local vendors can supply this equipment.*)

RECOMMENDATION:

City Council - Adopt a motion waiving the City's bidding requirement, allowing a direct purchase from the applicable municipal contracting agency for the purchase of a new Hydro Excavator Truck, a Portable Vacuum trailer and Portable Generator.

19. Merced Regional Airport - Proposed One-Year Extension of Full-Service Consultant Agreement with RS&H California, Inc.
(*Approve one-year extension of existing agreement with RS and H*)

California, Inc., to provide full-service consulting services to the Merced Regional Airport.)

RECOMMENDATION:

City Council - Adopt a motion approving a one-year extension to the term of the contract with RS&H California, Inc., to provide full-service consulting and engineering services to the Merced Regional Airport, as provided in the terms of the existing contract; and, authorizing the City Manager to execute necessary documents.

- Changed 20. Workers' Compensation Structured Settlement With Use of Pooled Cash which will be reimbursed to the City
(Authorization for workers' compensation structured settlement with use of pooled cash not to exceed \$890,000 which will be reimbursed to the City.)

RECOMMENDATION:

City Council - Adopt a motion authorizing the City Finance Officer to make appropriate budget adjustments and advances from pooled cash not to exceed \$890,000 for payment of workers' compensation structured settlement; and, authorizing the City Manager to execute any and all documents.

21. First Amendment to Settlement Agreement between the City of Merced and Plaintiffs Andres Reyes, Cindy Quiralte, and Kristie Marquez [represented by the Mexican American Legal Defense and Educational Fund ("MALDEF")]
(Staff recommends approving an amendment to the City's Settlement Agreement with Plaintiffs Andres Reyes, Cindy Quiralte, and Kristie Marquez [represented by MALDEF].)

RECOMMENDATION:

City Council - Adopt a motion approving an amendment to City's Settlement Agreement with Plaintiffs Andres Reyes, Cindy Quiralte, and Kristie Marquez (represented by MALDEF) allowing for an extension of time for two draft maps to be submitted to City Council by the Independent Districting Advisory Committee; and authorizing the

City Manager to execute the necessary documents.

22. Consideration of a Purchase and Sale Agreement Between the City of Merced and Roig Properties Corporation

(Roig Properties Corporation would like to acquire a 21,738 square feet of property at the Airport Industrial Park in exchange for improvements installed along the perimeter of the Commercial Truck Parking Lot.)

RECOMMENDATION:

City Council - Adopt a Motion:

A. Approving **Resolution 2015-19**, a Resolution of the City Council of the City of Merced, California, Declaring a Portion of Assessor Parcel Number 059-420-064 to be Surplus and Authorizing Its Sale to Roig Properties Corporation; and,

B. Approving the terms of the Purchase and Sale Agreement with Roig Properties Corporation; and,

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

I. PUBLIC HEARINGS

1. Adoption of an Urgency and Regular Ordinance for Water Conservation Regulations of the Merced Municipal Code

(Consider adoption of urgency and regular Ordinance of the City Council to be in compliance with Governor Brown's Executive Order of April 1, 2015 and the State Water Resources Control Board's Resolution and Emergency Statewide Urban Water Conservation Regulations of May 5, 2015.)

RECOMMENDATION:

City Council - Adopt a motion:

A. Approving **Ordinance 2442**, an Urgency Ordinance of The City Council of The City of Merced, California, amending Sections 15.32.140, "Sprinkler Systems," 15.42.040, "Prohibited Uses," and 15.42.090, "Prohibited Uses - Mandatory," of the Merced Municipal Code, and declaring the urgency thereof; and,

B. Approving the introduction of **Ordinance 2443**, an Ordinance of The City Council of The City of Merced, California, amending sections 15.32.140, "Sprinkler Systems," 15.42.040, "Prohibited Uses," and 15.42.090, "Prohibited Uses - Mandatory," of the Merced Municipal Code.

Director of Public Works - Water and Reclamation Mike WEGLEY reviewed the two proposed Ordinances.

City Council members asked questions, and Director WEGLEY responded.

Mayor THURSTON opened the Public Hearing at 9:51 p.m., and subsequently closed it as no members of the audience wished to speak.

Water Conservation Specialist Leah BROWN said that she has heard from some builders who are already modifying their plans to comply with the Governor's Orders.

Council Member BELLUOMINI made a motion to approve the ordinance minus the sentence referring to drip and micro spray sprinklers in both the urgency and the regular ordinance.

Michael Belluomini Moved, Stan Thurston Seconded

Vote: 6-0

Voting Aye: Michael Belluomini , Kevin Blake , Tony Dossetti , Mike Murphy , Josh Pedrozo , Stan Thurston

Absent: Noah Lor

J. REPORTS

1. Stephen Leonard Park Youth Center Use
(*Award the use of the Stephen Leonard Park Youth Center to a community group.*)

RECOMMENDATION:

City Council - Adopt a motion selecting a user for the Stephen Leonard

Park Youth Center as recommended by the Recreation and Parks Commission and authorize staff to begin drawing up a contract for the use of the center for final approval by the City Council at a later date.

This item was heard before the Consent Calendar.

Assistant to the City Manager Mike CONWAY introduced the two applicants for the Stephen Leonard Park contract.

Fernando AGUILERA and Rosa BARRAGAN, Merced Soccer Academy - gave an overview of their program.

Necola ADAMS and Ida JOHNSON, NAACP - gave an overview of the 4-H program that will be used at the center.

Council Members asked questions of each applicant.

Mayor THURSTON suggested the two groups get together to see if a joint use agreement could be worked out.

Mayor Pro Tem PEDROZO made a motion to bring this item back in July after the applicants have met with each other. Council Member BELLUOMINI seconded the motion.

Clerk's Note: Mayor THURSTON called for a brief recess at 8:30 p.m. The meeting reconvened at 8:41 p.m.

Josh Pedrozo Moved, Michael Belluomini Seconded

Vote: 6-0

Voting Aye: Michael Belluomini , Kevin Blake , Tony Dossetti , Mike Murphy , Josh Pedrozo , Stan Thurston

Absent: Noah Lor

Changed 2. Sewer System Management Plan
(*Request to adopt Sewer System Management Plan.*)

RECOMMENDATION:

City Council - Adopt a motion approving

Resolution 2015-17, a Resolution of the City Council of the City of Merced, California, adopting the Sanitary Sewer Management Plan.

Director of Public Works - Water and Reclamation Mike WEGLEY made a presentation on the Sewer System Management Plan.

Michael Belluomini Moved, Kevin Blake Seconded

Vote: 6-0

Voting Aye: Michael Belluomini , Kevin Blake , Tony Dossetti , Mike Murphy , Josh Pedrozo , Stan Thurston

Absent: Noah Lor

3. Maintenance Districts' Engineer's Reports and Budgets Fiscal Year 2015/2016 - Public Meeting
(*Consider public input on the various Maintenance Districts' budgets during the public meeting, without taking action on the determination of assessment levy, until the close of the public hearing scheduled for Monday, June 15, 2015.)*

RECOMMENDATION:

City Council - Adopt a motion seeking public input on the Fiscal Year 2015/2016 Maintenance Districts' budgets, without taking action until the public hearing is closed on June 15, 2015.

Public Works - Operations Director Stan MURDOCK made a presentation on the Maintenance Districts' Engineer's Reports and Budgets for Fiscal Year 2015-16.

Council Members asked questions, and Director MURDOCK responded.

Council Member BELLUOMINI asked for the ballot language to be brought to Council for approval before it goes out.

K. BUSINESS

1. City Council Member Lor Request to Add Agenda Item to have Staff

Present a Two-Lane Street Connection for Parsons Avenue at a Future City Council Meeting

(This Administrative Report is in response to City Council Member Lor's request to add a Staff Presentation on the Design of Parsons Avenue as a Two-Lane Street for a Future City Council Study Session.)

RECOMMENDATION:

City Council - Discussion regarding adding the Design of Parsons Avenue as a Two-Lane Street to a future City Council Study Session Agenda with full staff analysis.

Mayor THURSTON moved to decline to take action.

Stan Thurston Moved, Kevin Blake Seconded

Vote: 6-0

Voting Aye: Michael Belluomini , Kevin Blake , Tony Dossetti , Mike Murphy , Josh Pedrozo , Stan Thurston

Absent: Noah Lor

2. Request to Schedule a Joint meeting with the Parks and Recreation Advisory Commission and City Council for a Pre-City Council Meeting Study Session

(A Member of the Parks and Recreation Advisory Commission requested that the City Council meeting in a Study Session setting to discuss current and future recreation and park issues.)

RECOMMENDATION:

City Council - Discussion regarding selection of a meeting date that will work for the City Council and Parks and Recreation Advisory Commission in August or September of this year.

City Manager BRAMBLE suggested that the meeting be scheduled for August 17, September 8, or September 21st as a 5:00 p.m. study session.

Napoleon WASHINGTON, Merced - spoke about the concern that the Parks & Recreation Commission feel they are not being given information needed to make decisions, and that information about

Commission decisions is not being given to Council.

3. Consideration of a Resolution Requesting Merced County Association of Governments to Administer Continuum of Care Services for Program Year 2015/2016 and Conduct a Bid Process
(*Consider adoption of Resolution requesting Merced County Association of Governments to administer Continuum of Care services for Program Year 2015/2016 and conduct a bid process.*)

RECOMMENDATION:

City Council - Adopt a motion approving **Resolution 2015-20**, a Resolution of the City Council the City of Merced, California, authorizing Merced County Association of Governments to administer the Continuum of Care services for Program Year 2015-2016 on behalf of the City of Merced.

This item was heard before the Consent Calendar.

Mayor THURSTON recommended that no action be taken on this item because the Continuum of Care will be transitioning to be run by a different organization.

Carol BOWMAN, Atwater, CEO of United Way - spoke about the purpose of the Continuum of Care.

Council Member DOSSETTI expressed his concern that there needs to be more done about the homeless problem.

Council Member BELLUOMINI pointed out that the language in the Resolution is unclear and needs to be clarified.

Housing Supervisor Mark HAMILTON stated that the Urban Initiatives contract ends at the end of the fiscal year, and that services are contracted through MCAG.

Council Member MURPHY stated that it is good practice to go out to bid.

Margie Kern, Executive Director MCAG - stated MCAG is looking to get out from underneath this project as it is primarily a transportation planning agency who took this project to fill a need because no other

agency would do it.

Council Member BELLUOMINI expressed concern that the Resolution, as written, does not communicate the Council's concerns.

Mayor THURSTON made a motion to deny the Resolution and direct staff to write a letter to MCAG and United Way that the Continuum of Care facilitator be put out to bid. Council Member MURPHY seconded.

Stan Thurston Moved, Mike Murphy Seconded

Vote: 5-1

Voting Aye: Michael Belluomini , Kevin Blake , Mike Murphy , Josh Pedrozo , Stan Thurston

Voting Nay: Tony Dossetti

Absent: Noah Lor

4. Requests to Add Item to Future Agenda

There were no requests.

5. City Council Comments

Mayor Pro-Tem PEDROZO gave an update on the One Voice trip to Washington, D.C. made by himself, Council Member MURPHY and Mayor THURSTON.

Mayor THURSTON provided details on the activities during the trip.

Council Member MURPHY also added details on conversations he had with Senators on his flight home.

L. ADJOURNMENT

1. Adjourn to June 8, 2015 at 5:30 p.m.

RECOMMENDATION:

City Council - Adopt a motion adjourning to June 8, 2015 at 5:30 p.m.

A motion was made by Mayor Pro-Tem PEDROZO, seconded by Council Member DOSSETTI to adjourn to Monday, June 8, 2015 at 5:30 p.m. for a Adjourned Regular Meeting for budget discussions.

Clerk's Note: The meeting adjourned at 10:47 p.m.

Josh Pedrozo Moved, Tony Dossetti Seconded

Vote: 6-0

Voting Aye: Michael Belluomini , Kevin Blake , Tony Dossetti , Mike Murphy , Josh Pedrozo , Stan Thurston

Absent: Noah Lor