



CITY OF MERCED

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

Minutes

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

Monday, November 2, 2015

7:00 PM

A. CLOSED SESSION ROLL CALL

Mayor Pro-Tempore PEDROZO called the Closed Session to order at 5:23 PM.

Clerk's Note: All Council Members were present at roll with the exception of Mayor THURSTON who arrived at 5:29 PM and Council Member LOR who arrived at 5:31 PM.

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

Absent: 0

B. CLOSED SESSION

- B.1.** SUBJECT: CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; Thomas Fullerton v. City of Merced; Workers Compensation Appeals Board Case No. FRE-ADJ 2489514; AUTHORITY: Government Code Section 54956.9(d)(1)
- B.2.** SUBJECT: CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; Mark Hazard v. City of Merced; Workers Compensation Appeals Board Case No. FRE-ADJ 9150926; AUTHORITY: Government Code Section 54956.9(d)(1)
- B.3.** SUBJECT: PUBLIC EMPLOYMENT - TITLE: City Manager; AUTHORITY: Government Code 54957. Agency Designated Representative: City Manager John Bramble, City Attorney Randolph Hom, and Gary Phillips of Bob Murray and Associates regarding the recruitment of a City Manager.
- B.4.** SUBJECT: PUBLIC EMPLOYMENT - TITLE: Interim City Manager; AUTHORITY: Government Code 54957.
- B.5.** SUBJECT: PUBLIC EMPLOYMENT - TITLE: City Attorney;

AUTHORITY: Government Code 54957. Agency Designated
Representative: City Manager John Bramble, City Attorney Randolph
Hom, and Gary Phillips of Bob Murray and Associates regarding the
recruitment of a City Attorney.

B.6. SUBJECT: PUBLIC EMPLOYMENT - TITLE: Interim City Attorney;
AUTHORITY: Government Code 54957.

Council adjourned from Closed Session at 7:01 PM.

C. CALL TO ORDER

Mayor THURSON called the Regular Meeting to order at 7:04 PM.

C.1. Invocation - Father David Thatcher, Priest, St. Mary Magdalene Orthodox Church

The invocation was delivered by Father David Thatcher, St. Mary
Magdalene Orthodox Church.

C.2. Pledge of Allegiance to the Flag

D. ROLL CALL

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

Absent: 0

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

E. REPORT OUT OF CLOSED SESSION

There was no report.

F. CEREMONIAL MATTERS

F.1. SUBJECT: Proclamation - Small Business Saturday

REPORT IN BRIEF

Accepted by members of the Merced Main Street Association

Council Member MURPHY read a proclamation on Small Business
Saturday.

F.2. SUBJECT: Certificate of Recognition for Jeanette Carey's Work on the
Recreation and Parks Commission

REPORT IN BRIEF

Accepted by Jeanette Carey.

Mayor Pro-Tempore PEDROZO presented a certificate of recognition to Jeanette CAREY.

G. WRITTEN PETITIONS AND COMMUNICATIONS

City Manager John BRAMBLE reported on a written communication from the Merced Rescue Mission.

H. ORAL COMMUNICATIONS

Michael VASQUEZ, Golden Valley High School Band Director - spoke on the Central California Band Review being hosted in Merced.

Golden Valley High School Band Members Speaking - D.J. McCORMICK, Isabel MORENO, Johnathan MACHURIAN.

Robert HILLHOUSE, El Capitan High School - spoke on the Central California Band Review.

El Capitan High School Band Members Speaking - Samantha MIDDLETON, Carlen WILLIAMS.

Bruce METCALF, Merced Rescue Mission - updated Council on the warming center.

I. CONSENT CALENDAR

Agenda Item I.10. - 2936 Crestwood Court - Vacation 15-01 - Vacation of a Portion of a Public Utilities Easement was pulled for separate consideration.

Approval of the Consent Agenda

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

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

No: 0

Absent: 0

I.1. SUBJECT: Information Only Contracts

This Consent Item was approved.

I.2. SUBJECT: Information Only - Recreation & Parks Commission Minutes of April 27, 2015, June 22, 2015, & July 27, 2015 (No Meetings in May or August)

This Consent Item was approved.

I.3. 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.4. SUBJECT: Annual Christmas Parade

REPORT IN BRIEF

Street Closure to hold the Annual Christmas Parade on December 5, 2015.

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 the Active 20-30 Club of Merced 53 for the 2015 Christmas Parade and Craft Fair on Saturday, December 5, 2015. Street closures will be from 8:00 a.m. to 6:00 p.m.; subject to the conditions outlined in the administrative report.

This Consent Item was approved.

I.5. SUBJECT: Central California Band Review

REPORT IN BRIEF

Consider allowing street closures on portions of Parsons Avenue, Dinkey Creek, Watertown Drive, and East Childs Avenue to facilitate the Central California Band Review on November 14, 2015.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of Parsons Avenue, from Merced Avenue to Dinkey Creek; Dinkey Creek, from Parsons Avenue to Watertown Drive; Watertown Drive, from Dinkey Creek to East Childs Avenue; and East Childs Avenue, from Coffee Street to Carol Avenue, as requested by Golden Valley High School Band Boosters Coordinators Dave Fossum for the 2015 Central California Band Review scheduled Saturday, November 14, 2015. The street closures will be between 6:30 a.m. and 3:30 p.m.; subject to the conditions of the administrative staff report.

This Consent Item was approved.

I.6.

SUBJECT: Merced City School District Contract for Police Services

REPORT IN BRIEF

MOU between the City of Merced Police Department and the Merced City School District for police services in the District's four middle schools.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a Memorandum of Understanding between the City of Merced and the Merced City School District to provide police services in the District's four middle schools; and,
- B. Authorizing the City Manager to execute the agreement; and,
- C. Authorizing the Finance Officer to make the appropriate budget adjustments.

This Consent Item was approved.

I.7.

SUBJECT: Three Year Contract for Partnership in the School Resource Officer Program

REPORT IN BRIEF

Memorandum of Understanding between the City of Merced and the

Merced Union High School District for police services.

RECOMMENDATION

City Council - Adopt a motion approving MOU between the City of Merced Police Department and the Merced Union High School District for police services in city high schools; and, authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

I.8.

SUBJECT: Merced County Office of Education Contract for Police Services

REPORT IN BRIEF:

Consider approving MOU between the City of Merced Police Department and the Merced County Office of Education for police services at Valley Community School.

RECOMMENDATION:

City Council - Adopt a motion:

A. Approving a contract between the City of Merced Police Department and the Merced County Office of Education (MCOE) for police services of one police officer at Valley Community School; and,

B. Authorizing the City Manager to execute the agreement; and,

C. Authorizing the Finance Officer to make the appropriate budget adjustments.

This Consent Item was approved.

I.9.

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

REPORT IN BRIEF

Transfers a total of \$50,000 in funds for investigation into the Merced Sun-Star Facility as the future Police Headquarters location.

RECOMMENDATION

City Council - Adopt a motion transferring \$25,000 from Fund 047 Facilities-Police (City) and \$25,000 from Fund 057 Facilities-Police (Developer) and appropriating the same to Project 116040 Police Headquarters #2.

This Consent Item was approved.

I.11.

SUBJECT: Reimbursement for the Subsidized Employment Program

REPORT IN BRIEF

Accept reimbursement funds for Subsidized Employment program and appropriate funds to offset staffing costs at Applegate Park Zoo.

RECOMMENDATION

City Council- Adopt a motion:

A. Accepting the reimbursement of up to \$7,020.00 for the Subsidized Employment Program; and,

B. Increasing the Zoo revenue account # 024-1205-334.01-30 by \$7,020 and appropriating the same in Fund # 024-1205-541.03-00 for staffing expenses at the Zoo.

This Consent Item was approved.

I.12.

SUBJECT: Award Bid to Carbon Activated Corporation for Constructing a PCE Wellhead Treatment System at Well 3C, Project No. 115048

REPORT IN BRIEF

Consider awarding a contract in the amount of \$967,890 to Carbon Activated Corporation to construct a wellhead treatment system for Well 3C.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid for the Well 3C PCE Wellhead Treatment System Project No. 115048, to Carbon Activated Corporation, in the amount of \$967,890; 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.

I.10.

SUBJECT: 2936 Crestwood Court - Vacation 15-01 - Vacation of a Portion of a Public Utilities Easement

REPORT IN BRIEF

Sets a public hearing for December 7, 2015 to vacate a portion of a Public Utilities Easement located along the eastern property line of the property located at 2936 Crestwood Court.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2015-42**, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate a portion of a Public Utilities Easement (Vacation 15-01) located along the eastern property line of the property located at 2936 Crestwood Court and setting a time and place for public hearing.

Council Member BELLUOMINI pulled this item to avoid the perception of a conflict due to the proximity of his residence to this location.

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

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

No: 0

Absent: 0

Abstain: 1 - Council Member Belluomini

J. PUBLIC HEARINGS

J.1.

SUBJECT: Public Hearing- Introduction of Ordinance Amending Chapter 17.05, "Residential Building Code," of the Merced Municipal Code

REPORT IN BRIEF

Consider amending Section 17.05 of Merced Municipal Code, Adding Article I Residential Code and adding Article II Additional Provisions, sections 17.05.030 Small Residential Solar Systems-Defined, 17.05.040 Small Residential Solar Systems-Permitting Process and 17.05.050 Small Residential Solar Systems-Inspection Process.

RECOMMENDATION

City Council- Adopt a Motion introducing **Ordinance 2450**, an Ordinance of the City Council of the City of Merced, California, Amending Chapter 17.05, "Residential Building Code" of the Merced Municipal Code.

Development Services Director David GONZALVES gave brief report on the streamlining process of permits for the solar industry.

Council Member MURPHY asked about streamlining other permits.

Director GONZALVES said that the department was looking at other permits to see how this process would work.

Mayor THURSTON opened the Public Hearing at 7:35 and with no audience members wishing to speak, subsequently closed the Public Hearing.

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

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

No: 0

Absent: 0

K. BUSINESS

K.1.

SUBJECT: Potential Revision of the City's Card Club Ordinance

REPORT IN BRIEF

City Council direction is requested on the potential revision of Section 9.08 of the Merced Municipal Code related to the number of tables allowed in the City, the number of tables per Card Club and that unlimited betting limits be allowed.

RECOMMENDATION

That the City Council direct the staff to evaluate the three requests included in Mr. Blonien's letter dated October 7, 2015 requesting amendments to the City's Card Club Ordinance and provide recommendations to the City's Card Club Ordinances.

City Manager BRAMBLE asked for approval from Council to study the revision of the Cardroom Ordinance.

Mayor THURSTON asked if alcohol would be involved.

Mr. BRAMBLE stated there would be a Conditional Use Permit for alcohol.

Council Member BELLUOMINI asked if the report back would include reports from the Police Department on the impact of adding card tables.

City Manager BRAMBLE stated there would be a full report.

Mayor Pro-Tempore PEDROZO stated he was in favor of staff doing the research.

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Blake, to direct staff to evaluate the request including additional items requested by Council. The motion carried by the following vote:

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

No: 0

Absent: 0

K.2. Request to Add Item to Future Agenda

Mayor THURSTON offered an apology to Council Member BELLUOMINI regarding the Council Policy to add an item to a future agenda.

Council briefly discussed the County's mental health facility plans.

County Board Supervisor Hub WALSH offered that any public documents available on the project would be given to the City.

K.3. City Council Comments

Council Member MURPHY questioned the ability to limit dollar retail stores in the City.

Mayor Pro-Tempore PEDROZO spoke on the "One Voice" trip planning with MCAG. He also reported on the Transportation Expenditure Plan Committee meeting.

Mayor THURSTON gave his views on High Speed Rail.

Clerk's Note: Council adjourned back into Closed Session at 7:58 PM and emerged from Closed Session at 8:20 PM.

L. ADJOURNMENT

Clerk's Note: The meeting adjourned at 8:21 PM.

A motion was made by Council Member Belluomini, seconded by Mayor Pro

Tempore Pedrozo, that the meeting be adjourned.. The motion carried by the following vote:

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

No: 0

Absent: 0