

# **CITY COUNCIL MINUTES**

**June 15, 2015**

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## **A. STUDY SESSION ROLL CALL**

**Clerk's Note:** Closed Session was taken out of order on the Agenda and placed before the Study Session.

All Council Members were present with the exception of Council Members LOR and DOSSETTI who were absent.

## **B. STUDY SESSION**

### **1. Planning Commission Applicant Interviews**

City Manager John BRAMBLE conducted an interview session with the Planning Commission applicants.

Applicants in attendance were William BAKER, Robert DYLINE, and Lee LOR.

## **C. CLOSED SESSION ROLL CALL**

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

Mayor THURSTON called the Closed Session of the City Council of the City of Merced, California to order at 5:30 p.m. All Council Members were present with the exception of Council Member LOR who was absent.

## **D. CLOSED SESSION**

### **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

E. CALL TO ORDER

Mayor THURSTON called the Regular Meeting of the City Council of the City of Merced, California to order at 7:02 p.m.

1. Invocation - Pastor Bruce Logue, Lifespring Church

The Invocation was presented by Pastor Bruce Logue, Lifespring Church.

2. Pledge of Allegiance to the Flag

F. 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. )*

G. REPORT OUT OF CLOSED SESSION

There was no report.

H. CEREMONIAL MATTERS

1. Proclamation - Social Media Day

Council Member MURPHY read a Proclamation for Social Media Day.  
The Proclamation was accepted by Toni PIRTLE, Merced College.

I. 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.

J. ORAL COMMUNICATIONS

Isaias RUMERE, Merced - spoke in favor of High Speed Rail.

Lisa KEYSER-GRANT, Merced - spoke on bicycle issues.

Daniel KAZAKOS, Merced - spoke on issues with the Downtown Fund.

Marco LAGUNA, Merced - spoke on using the Amphitheater in Applegate Park.

Miranda LUTZOW, Assistant City Clerk - introduced the High School Ambassadors.

K. CONSENT CALENDAR

Items K.6. - Award of Bid to West Valley Construction Company, Inc., for the Community Development Block Grant (CDBG) T & 7th Streets Water Main Replacement Project 115033 and K.9. - Appropriation of Additional Funds from Measure C for Police Overtime were pulled for separate consideration.

**Clerk's Note:** The balance of the Consent Calendar was passed in a single vote.

Josh Pedrozo Moved, Kevin Blake 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 May 7, 2015
2. Information Only - Recreation and Park Commission Minutes of November 24, 2014, February 23, 2015 and March 23, 2015
3. Information Only - Planning Commission Minutes of May 6, 2015
4. 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.

5. Amendment to the Contract with ABS Direct, Inc. for Printing and Mailing Services  
( *Consider approving the amendment to the contract with ABS Direct, Inc. for printing and mailing services. )*

**RECOMMENDATION:**

**City Council** - Adopt a motion approving the amended contract with ABS Direct, Inc. to provide printing and mailing services for the City's billing statements; and, authorizing the City Manager to execute all necessary documents.

6. Award of Bid to West Valley Construction Company, Inc., for the Community Development Block Grant (CDBG) T & 7th Streets Water Main Replacement Project 115033.  
( *Consider awarding a construction contract in the amount of \$454,870.10 for the replacement of a City water main located at T and 7th Streets )*

**RECOMMENDATION:**

**City Council** - Adopt a motion:

A. Awarding the bid for the Community Development Block Grant (CDBG) T & 7th Street Water Main Replacement Project 115033, to West Valley Construction Company, Inc., in the amount of \$454,870.10; and,

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

Council Member BELLUOMINI pulled this item to state he would like to see a local contractor preference for construction bids.

Michael Belluomini Moved, Mike Murphy Seconded

**Vote:** 6-0

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

**Absent:** Noah Lor

7. 2015-16 Annual Special Tax Rates for Community Facilities District (CFD) No. 2003-2 (Services) of the City of Merced  
( *Consider setting the Annual Special Tax Rates for Fiscal Year 2015-16 for Community Facilities [CFD] No. 2003-2 [Services.]* )

**RECOMMENDATION:**

**City Council** - Adopt a motion approving **Resolution 2015-23**, a Resolution of the City Council of the City of Merced, Acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced, Authorizing the Establishment of an Annual Special Tax for Said District for Fiscal Year 2015-2016.

8. Supplemental Appropriation from General Fund, Fund Balance for McNamara Park Improvements  
( *Consider authorizing a supplemental appropriation for the widening of the Canal Street driveway to McNamara Park Community Center and to*

*complete purchase of shade sail structures for the picnic/playground area. )*

**RECOMMENDATION:**

**City Council** - Adopt a motion authorizing the a supplemental appropriation from the General Fund, Fund Balance to Account 001-1120-532.25-00 Parks Maintenance, Maintenance Materials and Supplies in the amount of \$10,500 for the following:

A. \$6,000, including building permit, for widening driveway access to the McNamara Community Center and Merced Police Department, South Precinct; and,

B. \$4,500 to complete purchase of shade sail structures in the picnic/playground area of the park

9. Appropriation of Additional Funds from Measure C for Police Overtime  
( *Request to appropriate additional funding for police overtime under Measure C Fund 061. )*

**RECOMMENDATION:**

**City Council** - Adopt a motion authorizing City Finance Officer to make budget adjustments as recommended by staff.

Council Member BELLUOMINI pulled this item to question why Measure C funds were being used to pay overtime. Council discussed the options of this item.

Council Member BELLUOMINI made a motion to move this item to later in the meeting. Council Member BLAKE seconded. The motion failed with a 3-3 vote. Council Member LOR was absent.

Mayor Pro Tem PEDROZO made a motion to approve this item. Council Member DOSSETTI seconded. The motion failed with a 4-2 vote. Finance Officer Brad GRANT pointed out that this item requires a Super Majority Vote to pass. Council Members BELLUOMINI and BLAKE voted no. Council Member LOR was absent.

**Clerk's Note:** This item was brought back after Public Hearings at the request of Council Member BLAKE and Mayor THURSTON in order

to vote again.

Kevin Blake Moved, Josh Pedrozo Seconded

**Vote:** 6-0

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

**Absent:** Noah Lor

10. Property, Boiler and Machinery Insurance Renewal  
( *Consider approving the renewal of the City's policy through Alliant Property Insurance Programs [APIP] at 1.65% premium decrease amounting to \$176,972.10 for program year 2015/2016. )*

RECOMMENDATION:

**City Council** - Adopt a motion ratifying the renewal of the property and boiler and machinery insurance through Alliant Property Insurance Programs (APIP) administered by Alliant Insurance Services for the period of July 1, 2015 through June 30, 2016; and authorizing the City Manager to execute any necessary documents.

11. Agreement with Abel Navarrete-Chavez to Operate Food Truck at Applegate Park (25th and P Street)  
( *Consider approving an agreement to provide Food Truck services at Applegate Park [25th and P Street.] )*

RECOMMENDATION:

**City Council** - Adopt a motion approving the Food Truck services agreement for with Abel Navarrete-Chavez (Applegate Park 25th Street parking lot); and, authorizing the City Manager to execute the necessary documents.

12. 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.

13. Amendment to City Manager Employment Agreement  
( *Amendment to City Manager Employment Agreement to clarify that City shall not automatically provide cost of living increase equivalent to other Executive Management employees.*  )

RECOMMENDATION:

**City Council** - Adopt a motion approving the Second Amendment to Employment Agreement of the City Manager.

14. Second Reading Ordinance for Water Conservation Regulations of the Merced Municipal Code  
( *Consider adoption of 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 approving the adoption 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.

15. Increase Revenue Account for HIDTA (High Intensity Drug Trafficking Area) Overtime Reimbursement  
( *Request to increase revenue account for reimbursement of overtime hours worked on HIDTA [High Intensity Drug Trafficking Area] Operation Red Right Hand.*  )

RECOMMENDATION:



**City Council** – Adopt a motion:

- A. Accepting and increasing the revenue budget in account 001-1002-324-02-00 by \$75,000; and,
- B. Appropriating the same amount to Police Operations Division overtime account 001-1002-521-04-01; and
- C. Authorizing the City Manager to sign the necessary documents

**L. PUBLIC HEARINGS**

1. Public Hearing - Maintenance Districts' Engineer's Reports and Budgets - Fiscal Year 2015/2016  
( *Consider adopting a Resolution approving, confirming, and adopting Engineer's Reports and budgets; and a Resolution approving abeyances for Districts with reserve balances above the amount required by the Fund Balance policy for the various Maintenance Districts' after the close of the Public Hearing. )*

**RECOMMENDATION:**

**City Council** - Adopt a motion:

- A. Approving **Resolution 2015-24**, a Resolution of the City Council of the City of Merced, California, approving, confirming, and adopting Engineer's Reports on Maintenance Districts; and,
- B. Approving **Resolution 2015-25**, A Resolution of the City Council of the City of Merced, California, approving, confirming, and adopting Engineer's Reports on Glenhaven Park, Quail Run, Sequoia Hill and Sky Moss Maintenance Districts, including the adoption of temporary partial abeyance of assessments for each district.

Public Works Director Stan MURDOCK gave a slide presentation on Maintenance Districts.

Mayor THURSTON opened the Public Hearing at 7:49 p.m. There

were no audience members who wished to speak. Mayor THURSTON closed the Public Hearing at 7:49 p.m.

Mike Murphy Moved, Josh Pedrozo Seconded

**Vote:** 6-0

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

**Absent:** Noah Lor

2. Adoption of the Fiscal Year 2015-2016 Budget for the City, Public Financing and Economic Development Authority and Parking Authority  
( *A request for the City Council to adopt the Fiscal Year 2015-2016 Budget for the City, Public Financing and Economic Development Authority and Parking Authority of Merced.* )

**RECOMMENDATION:**

**City Council** - Adopt a motion:

A. Approving the adoption of **Resolution 2015-22**, a Resolution of the City Council of the City of Merced, California, Adopting the Budget and Appropriating Revenues for Fiscal Year 2015-2016; and,

B. Approving capital projects based upon the Planning Commission's May 20, 2015 finding of consistency of Capital Improvement Program with the General Plan and as modified by recalculation of carryover projects to reflect actual balances as of June 30, 2015.

**Public Financing and Economic Development Authority** - Adopt a motion:

A. Approving the adoption of **Resolution PFA 2015-01**, a Resolution of the City of Merced Public Financing and Economic Development Authority Adopting the Budget and Appropriating Revenues for Fiscal Year 2015-2016; and,

B. Approving capital projects based upon the Planning Commission's May 20, 2015 finding for consistency of the Capital Improvement

Program with the General Plan and as modified by recalculation of carryover projects to reflect actual balances as of June 30, 2015.

**Parking Authority - Adopt a motion:**

A. Approving the adoption **Resolution PA 2015-01**, a Resolution of the City of Merced Parking Authority Adopting the Budget and Appropriating Revenues for Fiscal Year 2015-2016; and,

B. Approve capital projects based upon the Planning Commission's May 20, 2015 finding of consistency of the Capital Improvement Program with the General Plan and as modified by recalculation of carryover projects to reflect actual balances as of June 30, 2015.

City Manager John BRAMBLE gave a presentation on the 2015/2016 budget.

Council Member MURPHY had questions about the sign ordinance. City Manager BRAMBLE responded.

Mayor THURSTON asked about Police Dispatch positions. City Manager BRAMBLE answered.

Council Member BLAKE questioned adding Police recruitment incentives to the budget. City Manager BRAMBLE clarified on this.

Mayor Pro Tem PEDROZO questioned lighting downtown. City Manager BRAMBLE said it was being looked into.

Council Member BELLUOMINI asked which Police incentives made it into the budget. City Manager BRAMBLE stated the City was paying for the Police Academy and giving a working wage to new applicants.

Council Member MURPHY requested that an Assistant City Manager position be added to the budget. Council discussed the item further.

Council Member BELLUOMINI gave a slide presentation with his ideas for the budget.

Council Member BELLUOMINI answered questions of Council regarding his ideas.

Council discussed adding positions to the Recreation and Parks Department.

Council Member DOSSETTI stated it was too late to try and fund the requested positions but suggested having talks in the future for these items.

Council Member MURPHY moved to add \$10,000 for Art Hop funding which Council Member BELLUOMINI seconded. The motion passed with a 4-2 vote with Council Members PEDROZO and DOSSETTI voting no. Council Member LOR was absent.

Council Member MURPHY moved to add \$36,000 for the shelter which was seconded by Mayor Pro Tem PEDROZO. The motion passed with a 6-0 vote. Council Member LOR was absent.

Mayor THURSTON moved to add \$10,000 for the McNamara Center which was seconded by Council Member BELLUOMINI. The motion failed with a 2-4 vote. Council Members MURPHY, DOSSETTI, BLAKE, and Mayor Pro Tem PEDROZO voted no. Council Member LOR was absent.

Council Member MURPHY moved to add \$30,000 to the budget for the False Alarm Ordinance which was seconded by Council Member DOSSETTI. The motion passed with a 6-0 vote. Council Member LOR was absent.

Mayor THURSTON opened the Public Hearing at 9:55 p.m.

Daniel KAZAKOS, Merced - spoke in favor of changing the sign ordinance.

Wayne EISENHART, Merced - spoke in favor of the proposed budget and public safety.

Marco LAGUNA, Merced - spoke on being involved in the community.

Council discussed when supplemental items would be brought back for further discussion.

Finance Officer GRANT stated all of the numbers used in the five year forecast would not be available until October.

Josh Pedrozo Moved, Mike Murphy Seconded

**Vote:** 6-0

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

**Absent:** Noah Lor

M. BUSINESS

1. Appointment - Planning Commission  
( *Consider accepting nominations and appointing up to two members to the Planning Commission.*  )

RECOMMENDATION:

**City Council** - Accept nominations and appoint up to two individuals to the Planning Commission.

Mayor THURSTON nominated Bill BAKER for the Planning Commission and Mayor Pro Tem PEDROZO seconded. The vote passed 5-0 with Council Member DOSSETTI abstaining and Council Member LOR absent.

Mayor Pro Tem PEDROZO nominated Robert DYLINE for the Planning Commission with Mayor THURSTON seconding. The vote passed 3-2 with Councilmembers BELLUOMINI and MURPHY voting no, Council Member DOSSETTI abstaining and Council Member LOR absent.

2. Requests to Add Item to Future Agenda

There were no requests.

3. City Council Comments

Mayor Pro Tem PEDROZO thanked the Merced Fire Department for removing grass from the landscape at the stations to conserve water during the drought.

N. ADJOURNMENT

1. Adjourn to Monday, July 6, 2015 at 6:30 p.m.

RECOMMENDATION:

**City Council** - Adopt a motion adjourning to Monday, July 6, 2015 at 6:30 p.m. for Closed Session.

Mike Murphy Moved, Josh Pedrozo Seconded

**Vote:** 5-0

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

**Voting Abstain:** Stan Thurston

**Absent:** Noah Lor