



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, December 21, 2015

7:00 PM

A. CLOSED SESSION ROLL CALL

Mayor Pro-Tempore PEDROZO called the Closed Session to order at 6:30 PM.

Present: 6 - 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: 1 - Mayor Stanley P. Thurston

B. CLOSED SESSION

B.1. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - Significant Exposure to Litigation: (1) Case; Authority: Government Code Section 54956.9(d)(2)

C. CALL TO ORDER

Mayor Pro-Tempore PEDROZO called the Regular Meeting to order at 7:00 PM.

C.1. Invocation - Lamar Henderson, Human Services Agency

The Invocation was delivered by Lamar HENDERSON of the Human Services Agency.

C.2. Pledge of Allegiance to the Flag

D. ROLL CALL

Present: 6 - 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: 1 - Mayor Stanley P. Thurston

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. WRITTEN PETITIONS AND COMMUNICATIONS

There were no written petitions or communications.

G. ORAL COMMUNICATIONS

Mayor Pro-Tempre PEDROZO thanked retiring Police Captain Tom TRINDAD for his service.

Police Captain Tom TRINDAD voiced his thanks.

Robert TYLER, Merced - read a statement from the Bicycle Advisory Commission.

Monica VILLA, Merced - spoke on the upcoming homeless count.

Joey ESSIG, Merced - thanked the City for helping put up Christmas decorations for the Merced Main Street Association.

H. CONSENT CALENDAR

Items H.2. Supplemental Appropriation for a Public Safety Person to Staff the Aircraft Rescue and Firefighting (ARFF) Vehicle at the Merced Regional Airport and for On-Call Airport Security Coordinator Costs as Required by the U.S. Code of Federal Regulations and H.6. Award Bid to Avison Construction, Inc. for CMAQ Sidewalk Infill on Buena Vista Drive Project 114048 (5085-042) were pulled for separate consideration.

Approval of the Consent Agenda

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

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

No: 0

Absent: 1 - Mayor Thurston

H.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.

H.3.**SUBJECT:** Temporary Encroachment Permit 15-01 - Request by the Merced Downtown Association to Allow the Certified Farmer's Market to Place Banners Advertising the Certified Farmer's Market on Multiple Light Poles Within the Downtown Area Near the Location of the Certified Farmer's Market.

REPORT IN BRIEF

This is a request to allow the installation of banners advertising the Merced Farmers Market on City-owned light poles in the downtown area.

RECOMMENDATION

City Council - Adopt a motion approving a Temporary Encroachment Permit to allow the installation of ten banners on eight light poles in the downtown area bounded by M Street, Canal Street, 16th Street, Main Street, and in City Parking Lot #9; and, authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

H.4.**SUBJECT:** Award Bid to Nor-Cal Pump and Well Drilling for Well Site No. 20 - Well Construction, Project No. 107033

REPORT IN BRIEF

Consider awarding a contract in the amount of \$594,892 to Nor-Cal Pump and Well Drilling to construct a new municipal groundwater well at the Well 20 site.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid for the Well Site No. 20 - Well Construction Project 107033, to Nor-Cal Pump and Well Drilling, in the amount of \$594,892; 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.5.

SUBJECT: Award Bid to Taylor Backhoe Service, Inc., for the Stephen Leonard Park Renovation - Rebid, Project 115045

REPORT IN BRIEF

Consider awarding a construction contract in the amount of \$639,976.22 for the rehabilitation of Stephen Leonard Park in Merced.

RECOMMENDATION

City Council - Adopt a motion awarding the bid for the Stephen Leonard Park Renovation Project 115045, to Taylor Backhoe Service, Inc., in the amount of \$639,976.22; and, 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.7.

SUBJECT: Introduction of an Ordinance Dealing with No Parking Zones and Two-Hour Parking Zones

REPORT IN BRIEF

Consider recommendations from the Traffic Committee approving the addition of no parking zones adjacent to multiple driveway entrances along East Alexander Avenue, bounded by Oleander Avenue and Tahoe Drive, and the addition of two-hour parking zones along Barclay Way, bounded by Mandeville Lane and Gilmore Drive.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2453**, an Ordinance of the City Council of the City of Merced, California, Amending Section 10.28.230, "No Parking Zones" and Section 10.28.300, "Two-Hour Parking Zones" of the Merced Municipal Code.

This Consent Item was approved.

H.8.

SUBJECT: 2015 California Department of Alcoholic Beverage
Control Mini Grant

REPORT IN BRIEF

Accept grant funds for costs associated with conducting enforcement operations to reduce underage drinking and alcohol related crimes.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting and increasing the revenue budget in account 001-1002-324.02-0 by \$24,738, and appropriating the same amount in Police Operations Division 001-1002; and,

B. Authorizing the use of pooled cash until reimbursement from the grant is received; and,

C. Authorizing the City Manager, Chief of Police, and/or Finance Director to execute the necessary documents.

This Consent Item was approved.

H.2.

SUBJECT: Supplemental Appropriation for a Public Safety Person
to Staff the Aircraft Rescue and Firefighting (ARFF) Vehicle at the
Merced Regional Airport and for On-Call Airport Security
Coordinator Costs as Required by the U.S. Code of Federal
Regulations, §1542.3(6)(2)

REPORT IN BRIEF

Authorizing a Supplemental Appropriation up to \$54,994 for a Firefighter or Fire Engineer or Fire Captain to staff the ARFF vehicle at the Merced Regional Airport and for \$8,154.80 for on-call service by the Airport Operations Technician to serve as Security Coordinator from August 27, 2015, through December 31, 2015.

RECOMMENDATION

City Council - Adopt a motion authorizing the supplemental appropriation from the General Fund up to \$54,994 for a Firefighter or Fire Engineer or Fire Captain to staff the ARFF vehicle at the Airport; \$8,154.80 for the on-call cost for service of the Airport Operations Technician as Airport Security Coordinator as required by TSA; and

authorizing the Finance Officer to make budget adjustments as necessary.

Council Member BELLUOMINI pulled this item to receive a report from staff.

Fire Chief Shawn HENRY gave a report on the need for additional funds. He explained FAA rules that require a fire safety vehicle during certain times related to the number of flights coming into and leaving the Merced Municipal Airport.

Council Member BELLUOMINI questioned how the City was paying for this item. He wondered that if in the future the Airport turned a profit, if the fire service could be paid from that money.

Interim City Manager BRAMBLE explained that the Airport has been subsidized by the General Fund for years. He spoke of the possibility of a landing fee at the Airport to help pay for this service.

Council Member MURPHY questioned if this appropriation would be through the fiscal year.

Chief HENRY stated this would carry through to the end of the fiscal year.

A motion was made by Council Member Belluomini, seconded by Council Member Blake, that this agenda item be approved with the condition that if and when the Airport turned a profit, that this service would be paid for from the Airport fund. The motion carried by the following vote:

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

No: 0

Absent: 1 - Mayor Thurston

H.6.

SUBJECT: Award Bid to Avison Construction, Inc., for CMAQ Sidewalk Infill on Buena Vista Drive Project 114048 (5085-042)

REPORT IN BRIEF

Consider awarding a construction contract in the amount of \$136,558 for sidewalk infill on portions of Buena Vista Drive.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid for the CMAQ Sidewalk Infill on Buena Vista Drive Project 114048 (5085-042), to Avison Construction, Inc., in the amount of \$136,558; and,

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

Council Member MURPHY pulled this item to ask about sidewalk priorities.

Principal Architect John SAGIN stated that this project was part of a grant that was applied for in 2012.

Interim City Manager BRAMBLE interjected that the list of sidewalk priorities was in progress.

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

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

No: 0

Absent: 1 - Mayor Thurston

I. PUBLIC HEARINGS

I.1.

SUBJECT: Public Hearing - Assembly Bill 1600 (AB 1600) Annual Compliance Report for Development Impact Fees

REPORT IN BRIEF

Consider adopting a Resolution of the City Council of the City of Merced accepting AB 1600 Annual Compliance Report for Development Impact Fees.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting the Annual Compliance Report for AB1600 Development Fees for Fiscal Year 2014/2015 and make findings related to unexpended balances as required by California Government Code Section 66001; and,

B. Adopting **Resolution 2015-48**, a Resolution of the City Council of the City of Merced, California, accepting the Development Impact Fees Fiscal Year 2014/2015 Annual Report and making findings related to unexpended

developer deposits for public improvements as required by California Government Code Section 66001.

Interim Public Works Director Ken ELWIN gave a report to Council on the AB1600 requirement to report impact fees collected from developers for the City's future growth. He gave a brief background on the fees and spoke on the various requirements.

Council Member BELLUOMINI questioned why the Park Fund balance was negative.

Interim City Manager BRAMBLE stated that most of the funds were used for City Park 42, and with the amount of funds per household it, would take approximately 12-15 years to repay the fund.

Director of Finance Brad GRANT expanded on the statement to clarify that the Park Fund monies were only spent on parks.

Council Member MURPHY asked about the restricted Water Well Fund and how the money would be spent.

Mr. ELWIN stated that most of the money would be used for wells and wellsites.

Interim City Manager BRAMBLE stated a new Water Master Plan would guide how the money would be spent.

Council Member BELLUOMINI asked for specific dollar amounts for the budgeted projects.

Mr. ELWIN reviewed the figures for several projects.

Mayor Pro-Tempore PEDROZO opened the Public Hearing at 7:50 PM and subsequently closed it when no audience members wished to speak.

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

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

No: 0

Absent: 1 - Mayor Thurston

I.2. **SUBJECT: Continued Public Hearing Regarding Proposed Changes to the Massage Establishment Regulations and Specific Zoning Provisions Relating to Massage Uses**

REPORT IN BRIEF

Consider amendments to Chapter 5.44 of the Merced Municipal Code relating to massage establishments and amendments to the Zoning Ordinance (Title 20) relating to massage uses.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving Environmental Review #14-25 (Categorical exemption); and,

B. Introducing **Ordinance 2451**, an Ordinance of the City Council of the City of Merced, California Amending Chapter 5.44, "Massage Establishments," of the Merced Municipal Code; and,

C. Introducing **Ordinance 2452**, an Ordinance of the City Council of the City of Merced, California Amending Sections 20.20.020, "Permitted Uses," 20.20.040, "Conditional Uses," 20.22.020, "Permitted Uses," 20.22.050, "Conditional Uses," 20.24.020, "Permitted Uses," 20.24.040, "Conditional Uses," 20.26.040, "Conditional Uses," and 20.28.040, "Conditional Uses," of the Merced Municipal Code Regarding the Zoning of Massage Establishments as Conditional Uses Subject to Specific Conditions.

Senior Deputy City Attorney Ken ROZELL gave a brief report on the modified Ordinance.

Mayor Pro-Tempore PEDROZO opened the Public Hearing at 7:52 PM and subsequently closed the hearing with no audience members wishing to speak.

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

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

No: 0

Absent: 1 - Mayor Thurston

J. BUSINESS

J.1. Request to Add Item to Future Agenda

There were no requests.

J.2. City Council Comments

Council Member DOSSETTI wished everyone a Merry Christmas.

Council Member MURPHY noticed the Milliken Institute report ranking Merced in several categories. He also noted the wage growth occurring in Merced.

Mayor Pro-Tempore PEDROZO reported on being at the toy giveaway coordinated by Fernando Aguilera. He thanked the Hmong community for the New Year celebration.

Council Member BELLUOMINI stated that he also enjoyed the Hmong New Year festival.

K. ADJOURNMENT

Clerk's Note: The meeting adjourned at 8:00 PM.

A motion was made by Council Member Lor, seconded by Council Member Blake, that the meeting be adjourned to January 4, 2016 at 5:15 PM. The motion carried by the following vote:

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

No: 0

Absent: 1 - Mayor Thurston