



CITY OF MERCED

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

Minutes

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

Monday, July 6, 2015

7:00 PM

Closed Session at 6:30 p.m.; Regular Session at 7:00 p.m.

A. CLOSED SESSION 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

B. CLOSED SESSION

Closed Session was called to order at 6:30 p.m.

Closed Session adjourned at 6:55 p.m.

B.1.

SUBJECT: 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

C. CALL TO ORDER

Mayor THURSTON called the meeting to order at 7:01 p.m.

C.1 Invocation - Abdur Wali, President Ahmdiya Muslim Community, Merced Chapter

The invocation was presented by Abdur Wali, President Ahmdiya Muslim Community, Merced Chapter.

C.2 Pledge of Allegiance to the Flag

D. ROLL CALL

E. REPORT OUT OF CLOSED SESSION

There was no report out of Closed Session.

F. CEREMONIAL MATTERS

F.1 Proclamation - Parks Make Life Better Month

The Proclamation presented by Council Member Tony DOSSETTI and accepted by Dr. Napoleon WASHINGTON and Jerome RASBERRY.

F.2 Father of the Year Award - Presented by Paul Lundberg

The Father of the Year Award presentation was tabled until the July 20, 2015 City Council meeting.

G. WRITTEN PETITIONS AND COMMUNICATIONS

There were none.

H. ORAL COMMUNICATIONS

Abdur WALI, Merced - spoke on the topic of Ramadan.

Mike CONWAY, Assistant to the City Manager - spoke on the McNamara Park Revitalization Project.

Lorraine ANDERSON, Merced - spoke on the watering schedule for City parks.

Rick TELEGAN, Fresno - spoke on the sewer master plan.

Monica VILLA, Merced - spoke about election districts.

Clifford DALE, Merced - spoke about McNamara Park.

Derek CARLON, Merced - spoke about water issues and planting wildflowers and nut trees around town.

Peter HOWELL, Merced - spoke about annexation of the land between Bellevue and UC Merced.

John BURCHETT, Merced - spoke against the proposed Bellevue Ranch project.

K. REPORTS

Mayor THURSTON requested that Reports be heard before the Consent Calendar.

K.1

SUBJECT: Stephen Leonard Park Youth Center lease

REPORT IN BRIEF

Consider awarding the lease to use the Stephen Leonard Park Youth Center to a local organization to support youth activities.

RECOMMENDATION

City Council - Adopt a motion selecting from one of two applicants to use the Youth Center, and; authorizing the City Manager to sign the necessary documents.

City Manager John BRAMBLE reviewed the conflicts that prevented the NAACP and 4-H Club, and the Atlas Soccer Club had in sharing the Stephen Leonard Park.

Mayor THURSTON spoke in favor of the Atlas Soccer Academy.

Council Member DOSSETTI stated that the Atlas Soccer Academy would be better suited at McNamara Park because soccer fields are located there, and that the groups should work together to share the McNamara space. He expressed his concern that the groups cannot collaborate.

Mayor Pro-Tempore PEDROZO spoke in favor of the Atlas Soccer Academy due to their proven track record, but stated he would like all of the youth groups to get together and cooperatively provide services.

Council Member BLAKE spoke in favor of the Atlas Soccer Academy due to their proven track record, but is hopeful that the NAACP could find an alternative location for their curriculum. He stated that the McNamara Park contract should not be changed.

Council Member BELLUOMINI asked about flexibility in the current McNamara Park contract. Assistant to the City Manager Mike CONWAY responded that the contract can be cancelled within 60 days without any reason. Mr. BELLUOMINI stated that he is supportive of all the proposals, and that the buildings should be shared in order to accommodate everyone, with the assistance of staff to help with scheduling.

Council Member MURPHY suggested the groups get together with the help of a trained mediator to work out a schedule. He expressed his desire to keep the McNamara contract intact with the existing groups.

Council Member LOR stated that he would like to see joint use of the facility, but that it is difficult to have groups collaborate because of the responsibility for damage.

Rosa BARRIGAN, Merced - presented the proposed program for the Atlas Soccer Academy.

William GOMEZ, Merced - spoke about his positive experience with the Atlas Soccer Club.

Fernando AGULIAR, Atlas Soccer Club - spoke about the number of children they assist.

Juan MENA, Merced - spoke about his positive experience with the Club.

Necola ADAMS, Merced NAACP - reviewed the Spirit of Excellence Academy proposal.

Monica GRASLEY, Lifeline - expressed her willingness to work cooperatively with other groups.

Kelly TURNER, Merced - spoke of her willingness to collaborate with other groups.

Rochelle ABRIL, Merced - expressed her frustration that 5 groups should share McNamara Park when Stephen Leonard will only house 1 group.

A motion was made by Council Member Dossetti that use of Stephen Leonard Park Youth Center be granted to both applicants, who can coordinate with the assistance of a third party. The Motion failed due to a lack of second.

The meeting went into recess at 9:02 p.m.

The meeting reconvened at 9:12 p.m.

A motion was made by Mayor Thurston, seconded by Council Member Blake, to award the contract to Atlas. The motion carried by the following vote:

Aye: 5 - Mayor Thurston, Council Member Belluomini, Council Member Blake, Council Member Lor, and Council Member Murphy

No: 2 - Mayor Pro Tempore Pedrozo, and Council Member Dossetti

Absent: 0

I. CONSENT CALENDAR

I.3

SUBJECT: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of February 9, February 23, April 1, April 6, April 20 and May 4, 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 February 9, February 23, April 1, April 6, April 20 and May 4, 2015.

Council Member BELLUOMINI removed this item to request changes to the April 6, 2015 City Council Meeting minutes.

A motion was made by Council Member Belluomini, seconded by Council Member Blake, that the minutes be approved with amendments. 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.5

SUBJECT: Award Bid to Carbon Activated Corporation for Well #3C GAC Adsorption System, Project No. 115048

REPORT IN BRIEF

Consider awarding a contract in the amount of \$519,717.42 to Carbon Activated Corporation to construct wellhead treatment system carbon vessels for Well #3C.

RECOMMENDATION

City Council - Adopt a motion awarding the bid for the Well #3C GAC Adsorption System Project No. 115048 to Carbon Activated Corporation,

in the amount of \$519,717.42; and, authorizing the City Manager to execute the necessary documents and to approve change orders not to exceed 10% of the total contract.

Council Member BELLUOMINI removed this item to ask a question relating to the costs of the well. Environmental Project Manager Joe ANGULO responded.

A motion was made by Council Member Belluomini, seconded by Council Member Dossetti, that this agenda item be adopted. 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.7

SUBJECT: Reject All Bids for the CMAQ Traffic Signal Synchronization Project 113066 (5085-035)

REPORT IN BRIEF

Consider rejecting all bids due to insufficient funding.

RECOMMENDATION

City Council - Adopt a motion rejecting all bids for the CMAQ Traffic Signal Synchronization Project 113066 (5085-035) and directing staff to advertise the project for rebidding.

Council Member BELLUOMINI removed this item to ask clarifying questions about the timeline of the project.

City Engineer Ken ELWIN responded.

A motion was made by Council Member Belluomini, seconded by Council Member Blake, that this agenda item be adopted. 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.8

SUBJECT: Increase Contingency Percentage and Approve Change Order for CMAQ Sidewalk Infill on Carol Avenue Project 114047

REPORT IN BRIEF

Authorizes approval of a change order to the CMAQ Sidewalk Infill on Carol Avenue construction contract in the amount of \$33,838.49 for additional concrete work.

RECOMMENDATION

City Council - Adopt a motion increasing the contingency to 15% and approving a change order for the CMAQ Sidewalk Infill on Carol Avenue Project 114047, to George Reed, Incorporated, in the amount of \$33,838.49; and, authorizing the City Manager to sign the necessary documents.

City Manager BRAMBLE removed this item to clarify that the contingency requested is 10.56%

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Blake, that this agenda item be adopted. 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.9

SUBJECT: Increase Contingency Percentage of Avison Construction, Inc., Construction Contract for the Merced Roadway Rehabilitation Project 114037/115032

REPORT IN BRIEF

Consider approval of an increase to the contingency for up to 15% of the original contract bid amount for the roadway rehabilitation of M and R Streets.

RECOMMENDATION

City Council - Adopt a motion approving a contingency percentage increase not to exceed 15% of the original contract bid amount for the Merced Roadway Rehabilitation Project 114037/115032 with Avison Construction, Inc.; and, authorizing the City Manager to execute the necessary documents and to approve change orders not to exceed 15% of the total contract.

A motion was made by Council Member Murphy, seconded by Council Member Blake, that this agenda item be adopted. 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

J. PUBLIC HEARINGS

J.1

SUBJECT: General Plan Amendment #15-01, Site Utilization Plan Revision #11 to Planned Development (P-D) #42, Appeal of Conditional Use Permit #1197 for the Bellevue Apartment Project

REPORT IN BRIEF

C.W.N. Development, LLC seeks City Council approval to: modify the road improvement order and financing of off-site infrastructure and to allow the construction of a 432-unit apartment project on a site bounded by M Street, M Street Circle, Mandeville Lane and Barclay Way within the Bellevue Ranch Master Development Plan Area.

RECOMMENDATION

City Council - Adopt a motion (denying the project as recommended by the Planning Commission) approving **Resolution 2015-26**, "A Resolution of The City Council of The City of Merced, California, Adopting a Notice of Exemption (Environmental Review #15-03), Denying the Amendment of the General Plan (General Plan Amendment #15-01) to Modify the Order and Financing of Off-site Public Infrastructure of the Bellevue Ranch Master Development Plan; Denying a Site Design with all Parking Lots to be Sited Between the Street and Buildings (Site Utilization Plan Revision #11 to Planned Development #42); and Rejecting the Applicant's Appeal to Approve Conditional Use Permit #1197 (Attachment 9).

OR

City Council - Adopt a motion (approving the projects, overturning the recommendation of the Planning Commission):

- A. Approving Resolution 2015-27, "A Resolution of The City Council of The City of Merced, California, Adopting a Notice of Exemption (Environmental Review #15-03), Amending the General Plan (General Plan Amendment #15-01) to Modify the Order and Financing of Off-site Public Infrastructure of the Bellevue Ranch Master Development Plan; to Allow a Site Design with all Parking Lots to be Sited Between the Street and Buildings; Upholding

- Applicant's Appeal to Approve Conditional Use Permit #1197; and
Approving a Developer Agreement Therefore (Attachment 10); and,
- B. Introducing **Ordinance 2444**, "An Ordinance of The City Council of The City of Merced, California, Amending Planned Development #42 by Changing the Order and Financing of Off-Site Public Infrastructure of the Bellevue Ranch Master Development Plan, and to Allow a Site Design with All Parking Lots to be Sited Between the Street and Buildings, and Approving the Developer Agreement Therefore (Attachment 11); and,
- C. Authorizing the City Manager to execute the Developer Agreement (Attachment 12) and all related documents.

City Planner Bill KING reviewed the proposed project and the Planning Commission's decision to deny the General Plan Amendment.

Council Member BELLUOMINI asked if Council had any obligation to approve the General Plan Amendment, whether Council could impose conditions, and why a 20-year EIR is being used. City Planner Bill KING responded. City Attorney HOM responded to the question about the EIR.

Council Member LOR asked clarifying questions. City Planner KING responded.

Council Member MURPHY asked why the building was setback and whether the building would house students. Mr. CARTER responded.

Council Member BELLUOMINI asked why the design requires visitors to go through a bedroom to get to a bathroom. Mr. CARTER responded.

Council Member MURPHY expressed that City Council could not legally take away the right to build multi-housing units.

Council Member BELLUOMINI suggested that building units 2, 3, and 4, were reduced to single-story units, it would reduce the height, number of total units by 102 bedrooms and free up parking for the other units. In addition, buildings 1 and 5 were reduced to 2-story unit, it would reduce 34 bedrooms. The total units would be reduced 848 to 576 bedrooms.

Mayor THURSTON expressed his concern that this project is too big, even for future student demand. He also stated that the Planning Commission's finding of incompatible use should be respected. Mayor THURSTON suggested that Council Member BELLUOMINI's idea be plotted out before City Council made a decision.

Council Member DOSSETTI stated he could not support the project as it is now, but that property owners could get together with the developer to work something out that is mutually agreeable.

Planning Manager Kim ESPINOZA stated if the City Council denies the item without prejudice, it could be brought back before a year if there are significant changes.

Council Member PEDROZO agreed that the density should be lowered, and would like the project to come back with options for lower density.

Council Member BLAKE expressed his concern with the current plan, but would potentially support a scaled-back project.

Council Member MURPHY requested the proposed number of occupants be included when the revised project comes before Council.

Director of Development Services David GONZALVES suggested that Council continue the item and allow the developer to come back with a substantially changed project.

Mayor THURSTON opened the Public Hearing at 9:38 p.m.

Kevin CARTER, CNW Developments - briefly reviewed the project and answered City Council questions.

Jenny TROST, Merced - spoke against overturning the Planning Commission's decision.

Eric MOORE, Merced - spoke against overturning the Planning Commission's decision.

Steve GUTIERREZ, Merced - spoke against overturning the Planning Commission's decision.

Wendy BLAINE, Merced - spoke against overturning the Planning Commission's decision.

Karen CRANE-McNAB, Merced - spoke against overturning the Planning Commission's decision.

John BURCHETT, Merced - spoke against overturning the Planning Commission's decision.

Tia MAXON, Merced - spoke against overturning the Planning Commission's decision.

John ANGUS, Merced - spoke against overturning the Planning Commission's decision.

Marilyn OBERA, Merced - spoke against overturning the Planning Commission's decision.

Mike LUEVANO, Merced - spoke against overturning the Planning Commission's decision.

Judy HARSE, Merced - spoke against overturning the Planning Commission's decision.

Brenda TOVAR, Merced - spoke against overturning the Planning Commission's decision.

Delores CRULL, Merced - spoke against overturning the Planning Commission's decision.

William HEISER, Merced - spoke against overturning the Planning Commission's decision.

Gloria ACOBA, Merced - spoke against overturning the Planning Commission's decision.

Lois WELLS, Merced - spoke against overturning the Planning Commission's decision.

Ricky WELLS, Merced - spoke against overturning the Planning Commission's decision.

Peter HOWELL, Merced - spoke against overturning the Planning Commission's decision.

Mayor THURSTON closed the Public Hearing at 10:38 p.m.

Mayor THURSTON re-opened the public hearing at 10:37 p.m.

Kevin CARTER, CNW Developments spoke in favor of the project.

Mayor THURSTON re-closed the Public Hearing at 10:51 p.m.

Meeting went into Recess at 11:25 p.m.

A motion was made by Mayor Thurston, seconded by Mayor Pro Tempore Pedrozo, that this agenda item be tabled. 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

L. BUSINESS

L.1. SUBJECT: Appointments - Planning Commission and Regional Airport Authority

REPORT IN BRIEF

Consider reappointing one member to the Planning Commission and one member to the Regional Airport Authority and accepting one nomination and appointing one new member to the Regional Airport Authority.

RECOMMENDATION

City Council - Accept nominations and appoint individuals to serve as members of the Planning Commission and the Regional Airport Authority for a full term.

A motion was made by Council Member Murphy, seconded by Mayor Pro-Tempore PEDROZO, that Alvin Osborn, Jr. be appointed to the Regional Airport Commission. 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

A motion was made by Council Member Dossetti, seconded by Council Member Belluomini, that Peter Padilla be appointed to the Planning Commission for a second term. The motion carried by the following vote:

Aye: 5 - Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, and Council Member Lor

No: 1 - Council Member Murphy

Absent: 1 - Mayor Thurston

L.2 Request to Add Item to Future Agenda

L.3 City Council Comments

Council Member MURPHY reported he attended the Greater Merced Chamber of Commerce's installation dinner.

Council Member BELLUOMINI requested if there is another way to save the required 36% of water without neglecting the landscape in parks and requested a report back from staff.

Council Member PEDROZO thanked the Streets and Roads department for their work on R street.

M. ADJOURNMENT

The meeting adjourned at 11:49 p.m.

A motion was made by Council Member Murphy, seconded by Council Member Lor, adjourning the meeting to Wednesday, July 8, 2015 at 5:00 p.m. 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