



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, September 19, 2016

7:00 PM

A. STUDY SESSION ROLL CALL

Mayor THURSTON called the Study Session to order at 5:12 PM.

Present: 6 - Mayor Stanley P. Thurston, Mayor Pro Tempore Joshua Pedrozo, Council Member Michael Belluomini, Council Member Kevin Blake, Council Member Tony Dossetti, and Council Member Mike Murphy

Absent: 1 - Council Member Noah Lor

B. STUDY SESSION

B.1.

SUBJECT: City Council Request to Discuss Maintenance Districts,
Community Facility Districts and Community Facilities Parks

REPORT IN BRIEF

This item is in response to City Council request to discuss the state of the Maintenance Districts, Community Facilities Districts and Community Facilities Parks.

RECOMMENDATION

For information only.

Director of Public Works Ken ELWIN gave a slide show presentation on the Maintenance Districts, Community Facilities Districts, and Community Facilities Parks.

Mayor THURSTON asked about the process to send ballots out to the under funded districts.

Mr. ELWIN explained that Council would direct staff to send out ballots to the districts that are under funded.

Council Member MURPHY asked if maintenance district fees are based on assessed value or land area and if the land owner has responsibility over the unfinished lots.

Mr. ELWIN stated that maintenance districts fees are based on land area

and that whoever owns the parcel is responsible for abatement of the weeds.

Council Member MURPHY and Mr. ELWIN discussed the drought mandate and City medians.

Council Member DOSSETTI asked about the impact of failed ballots on the maintenance districts.

Mr. ELWIN explained that the failed ballots resulted in a lack of maintenance for those districts.

Council Member BELLUOMINI inquired about the impacts the drought and mandated water restrictions had on the maintenance districts.

Mr. ELWIN explained that between the drought and the lack of funding, the water had to be shut off more during the hotter months, which caused trees to die.

City Manager Steve CARRIGAN requested Mr. ELWIN to come back on the October 3rd Council Meeting with details on what it would take to get the eleven maintenance districts on an election ballot.

Eric MOORE, Merced - spoke on the dead trees and the economic development impact the lack of maintenance has on the districts.

Jenny TROST, Merced - spoke on the lack of maintenance in her district and the fees her district pays for maintenance.

Brooks STAYER, Merced - spoke on the lack of maintenance on the sidewalks in Bellevue Ranch.

Clerk's Note: The Study Session adjourned at 6:21 PM.

C. CLOSED SESSION ROLL CALL

Present: 6 - Mayor Stanley P. Thurston, Mayor Pro Tempore Joshua Pedrozo, Council Member Michael Belluomini, Council Member Kevin Blake, Council Member Tony Dossetti, and Council Member Mike Murphy

Absent: 1 - Council Member Noah Lor

D. CLOSED SESSION

Mayor THURSTON called the Closed Session to order at 6:22 PM.

D.1. SUBJECT: CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED

LITIGATION: Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9: 2 Cases

D.2. SUBJECT: CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION: The Legislative Body has Decided or is Deciding to Initiate Litigation Paragraph (4) of Subdivision (d) of Section 54956.9: 1 Case

D.3. SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Property: 725 West 18th Street, Merced, CA; Agency Negotiator: Frank Quintero, Director, Economic Development; Negotiating Parties: City of Merced and Fluetsch and Busby Insurance; Under Negotiation: Price and Terms of Payment.

Clerk's Note: Council adjourned from Closed Session at 7:02 PM.

E. CALL TO ORDER

Mayor THURSTON called the Regular Meeting to order at 7:07 PM.

E.1. Invocation - Pastor Andy Doss, Merced Baptist Church

The invocation was presented by Pastor Andy DOSS from the Merced Baptist Church.

E.2. Pledge of Allegiance to the Flag

F. ROLL CALL

Present: 6 - Mayor Stanley P. Thurston, Mayor Pro Tempore Joshua Pedrozo, Council Member Michael Belluomini, Council Member Kevin Blake, Council Member Tony Dossetti, and Council Member Mike Murphy

Absent: 1 - Council Member Noah Lor

F.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.

G. REPORT OUT OF CLOSED SESSION

There was no report.

H. CEREMONIAL MATTERS

H.1. **SUBJECT: Recognition of Youth Council Member**

REPORT IN BRIEF

A plaque will be received by Linda Moua, a Youth Council Member.

Mayor THURSTON presented Linda MOUA with a plaque in recognition of her time on the Youth Council.

I. WRITTEN PETITIONS AND COMMUNICATIONS

The Clerk did not receive any written petitions or communications.

J. SPECIAL PRESENTATIONS

J.2. Predictive Policing - Chief Norm Andrade | Merced Police Department

Police Chief Norm ANDRADE gave a presentation on Predictive Policing and gave an update on crime in the City.

K. ORAL COMMUNICATIONS

Dr. Emad HUWAIDI, Merced - spoke on the of the lack of lighting on G Street by Bellevue Ranch and at Elmer Murchie Park in Bellevue Ranch.

Monica VILLA, Merced - spoke on suicide prevention.

Yassir SADEK, Merced - spoke about the condition of his two properties located on Olive Avenue.

Stan BUNCE, Merced - spoke on trees in the City.

Ruth WAX, Merced - spoke on trees in the City.

Necola ADAMS, Merced - spoke on the vandalism of her campaign signs.

Bruce METCALF, Merced - spoke on the annual Homeless Connect Event.

Baldev GREWAL, Merced - spoke on the two properties located on Olive Avenue.

L. CONSENT CALENDAR

Items L.3. City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of February 25, 2016 and August 15, 2016, L.7. Approval of an Agreement with Merced Community College District Contract for Police Services, and L.8. Amendment to the School Resource Officer Contract with Merced City School District, were

pulled for further consideration.

Approval of the Consent Agenda

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

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

No: 0

Absent: 1 - Council Member Lor

L.1. **SUBJECT:** Information Only-Site Plan Minutes of July 28, 2016

RECOMMENDATION

For information only

This Consent Item was approved.

L.2. **SUBJECT:** Information Only-Bicycle Advisory Minutes of June 28, 2016

RECOMMENDATION

For information only

This Consent Item was approved.

L.4. **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.

L.5. **SUBJECT:** Encroachment Permit #16-01 to Allow the Transit Joint Powers Authority for Merced County (TJPAMC) to Install Bus Facilities, Including Shelters, Benches, Signs, and Painted Curbs at Various Transit Stop Locations within the City of Merced.

REPORT IN BRIEF

Request to approve an Encroachment Permit for the Transit Joint Powers Authority for Merced County (TJPAMC) to install transit stops and equipment at various locations within the City of Merced.

RECOMMENDATION

City Council - Adopt a motion approving an Encroachment Permit for the placement, operation, and maintenance of bus stops within the City's property.

This Consent Item was approved.

L.6.

SUBJECT: Administering Agency Amendment Modification Summary (E-76) for Active Transportation Program (ATP) Cycle 1 Grant for the Highway 59 Multi-Use Pathway Crossing Project 115047

REPORT IN BRIEF

Consider accepting \$106,000 in Federal grant funds for the preliminary engineering costs associated with the pedestrian crossing project.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting grant revenue from a Federal Grant, through Caltrans, increasing revenue account 450-1104-324.02-00 in the amount of \$106,000; and,

B. Appropriating the same to account 450-1104-637.65-00-Project 115047 Highway 59 Multi-Use Pathway Crossing; and,

C. Authorizing the City Manager or his designee to execute all necessary documents.

This Consent Item was approved.

L.9.

SUBJECT: Accept and Appropriate Donated Funds for National Night Out Celebration

REPORT IN BRIEF

Accept donations from MERCO Credit Union, Merced Toyota, Jim Costa for Congress Committee, Merced School Employees Federal Credit Union, Merced Chevrolet, and Rabobank, and appropriate funds to offset costs of National Night Out Celebration.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting donations totaling \$1,300 from multiple donors for the National Night Out Celebration

B. Increasing Police revenue account #001-1001-360-02-01 by \$1,300 and appropriating the same amount to expense account #001-1037-522-29-00 for expenses related to National Night Out.

This Consent Item was approved.

L.10.

SUBJECT: Accept Additional FY 2015 State Homeland Security Grant Program (SHSGP) Funds, and Appropriate Supplemental Funds for the Purchase of a Mobile Decontamination Trailer and Accessories

REPORT IN BRIEF

Consider accepting additional FY 2015 SHSGP funds for the purchase of a mobile decontamination trailer, and appropriate supplemental funds to complete the purchase.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2016-50**, a Resolution of the City Council of the City of Merced, California, authorizing the City Manager to Execute the California Governor's Office of Emergency Services FY 2015 Grant Assurances Agreement; and,

B. Accepting additional FY 2015 SHSGP grant funds in the amount of \$4,196.97 as revenue in the Intergovernmental - State Government Grants - Other State Grants account 001-0901-324.02-00; and

C. Appropriating \$4,196.97 to the Machinery/Equipment account 001-0901-523.43-00 to purchase a decontamination trailer; and

D. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed; and;

E. Authorizing the purchase of a Scotty Mobile Decontamination Trailer and accessories from Mobile Concepts, with a total purchase price of

\$104,196.97, utilizing the GSA Schedules Program; and waiving the competitive bid.

This Consent Item was approved.

L.11.

SUBJECT: National Association for the Advancement of Colored People Request Co-Sponsored Rate for use of the Senior Community Center

REPORT IN BRIEF

Consider the Recreation and Parks Commission's recommendation to approve a request for the co-sponsored rate for use of the Senior Community Center by the NAACP on October 8, 2016.

RECOMMENDATION

City Council - Adopt a motion approving the Recreation and Park Commission's recommendation to grant use of the Senior Community Center to the NAACP at the co-sponsored rate.

This Consent Item was approved.

L.12.

SUBJECT: Allocation of Fiscal Year 2016/17 Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) to Fund Various Agreements to Provide Allowable Activities per the Approved 2016 Department of Housing and Urban Development Action Plan

REPORT IN BRIEF

Approves various Community Development Block Grant and HOME Investment Partnership Program Sub-Grantee agreements to perform activities throughout the community.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving agreements identified in the 2016 Department of Housing and Urban Development (HUD) Annual Plan with Community Development Block Grant (CDBG) funds from the 2016/17 Fiscal Year (accounts 018-1301-552-17.00 / Supplies and Services and 033-1349-552-17.00 / Supplies and Services) per previous City Council recommendation for:

1. An agreement with Merced County Housing Authority for the Rental Deposits/Rapid Rehousing Program in the amount of \$30,000;

2. An agreement with Habitat for Humanity - Merced County for the purchase and renovation of a property in the amount of \$100,000;

3. An agreement with Sierra Saving Grace for the Homeless Project in the amount of \$167,000;

4. An agreement with Merced Rescue Mission, Inc., for the Room at the Inn Program in the amount of \$200,000;

5. An agreement with Habitat for Humanity - Stanislaus County for the Homeowner Rehabilitation Program in the amount of \$200,000 (\$100,000 from HOME Funds and \$100,000 from CDBG funds); and

B. Authorizing the City Manager to execute, and if necessary, make minor modifications to the agreements described above as attached to this report and all associated documents.

This Consent Item was approved.

L.13.

SUBJECT: Second Reading - Zoning Ordinance Amendment #16-01

REPORT IN BRIEF

Second reading of previously introduced Ordinance.

RECOMMENDATION

City Council - Adopt **Ordinance 2465**, "An Ordinance of the City Council of the City of Merced, California, Amending Title 20 'Zoning' of the Merced Municipal Code."

This Consent Item was approved.

L.3.

SUBJECT: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of February 25, 2016 and August 15, 2016.

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 25, 2016 and August 15, 2016.

The Clerk's Office pulled this item to state a correction was made on the August 15th minutes.

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

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

No: 0

Absent: 1 - Council Member Lor

L.7.

SUBJECT: Approval of an Agreement with Merced Community College District Contract for Police Services

REPORT IN BRIEF

Consider approving an agreement between the City of Merced Police Department and the Merced Community College District for police administrative services at the District's campuses.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Memorandum of Understanding between the City of Merced and the Merced Community College District to provide police services in the District's campuses; and,

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

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

Mayor Pro Tempore PEDROZO pulled this item and asked if the officers were limited to 960 hours of employment.

Police Chief ANDRADE confirmed the number of hours the officers could be employed.

Council Member BLAKE asked about training.

Police Chief ANDRADE explained that the school officers will have the same training as the Merced Police Department officers.

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 Belluomini, Council Member Blake, Council Member Dossetti, and Council Member Murphy

No: 0

Absent: 1 - Council Member Lor

L.8.

SUBJECT: Amendment to the School Resource Officer Contract with Merced City School District

REPORT IN BRIEF

Consider an amendment to the existing School Resource Officer ("SRO") contract between the City of Merced and the Merced City School District to delete the maximum weekly hour limitation.

RECOMMENDATION

City Council - Adopt a motion approving a contract amendment with the Merced City School District; and, authorizing the City Manager to execute the necessary documents.

Mayor Pro Tempore PEDROZO pulled this item and asked who will manage the 960 hours for the school resource officer.

Captain Matt WILLIAMS stated that the resource officer is limited to 960 hours, but there is some flexibility to have an officer available for special events.

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 Belluomini, Council Member Blake, Council Member Dossetti, and Council Member Murphy

No: 0

Absent: 1 - Council Member Lor

M. PUBLIC HEARINGS

M.1.

SUBJECT: Public Hearing - Consideration of Approval of the Consolidated Annual Performance and Evaluation Report for Program Year 2015 - 2016

REPORT IN BRIEF

Review and approve Housing Division activities as reported in the

2015-2016 Program Year Consolidated Annual Performance and Evaluation Report (CAPER).

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2016-49**, a Resolution of the City Council of the City of Merced, California, approving the 2015-2016 Program Year CAPER; and,

B. Authorizing the City Manager to make minor modifications to the final CAPER document as necessary to implement the City Council's actions.

Housing Supervisor Mark HAMILTON gave a slide show presentation on the Annual Performance and Evaluation Report (CAPER) for Program Year 2015-2016.

Council Members applauded staff for the work that was done on this CAPER program.

Mayor THURSTON opened and subsequently closed the Public Hearing at 8:15 PM with no audience members wishing to speak.

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 Belluomini, Council Member Blake, Council Member Dossetti, and Council Member Murphy

No: 0

Absent: 1 - Council Member Lor

N. REPORTS

N.1. **SUBJECT: Contract Authorization for Black Rascal Creek Storm Drain Emergency Replacement Project - 116045**

REPORT IN BRIEF

Consider approving the contract for Black Rascal Creek Storm Drain Emergency Replacement - Project 116045, which was declared an emergency due to the threat of flooding caused by a failing culvert.

RECOMMENDATION

City Council - Adopt a motion:

A. Deeming the Black Rascal Creek Storm Drain Project to be of urgent necessity for the preservation of life, health, or property based on the finding of facts; and,

B. Approving the emergency contract for Project 116045 with Rolfe Construction, including subsequent change orders, in the total amount of \$297,722.00; and,

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

City Engineer Theron ROSCHEN gave a slide show presentation on the Black Rascal Creek Storm Drain Emergency Replacement Project and stated that the other storm drains in the City were checked for issues to ensure safety.

Council Member BELLUOMINI requested more frequent reports on emergency items in the future.

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

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

No: 0

Absent: 1 - Council Member Lor

Mayor THURSTON called for a break at 8:27 PM.

Council returned from break at 8:34 PM.

O. BUSINESS

O.1.

SUBJECT: Council Member Murphy's Request to Discuss the Recreation and Parks Unexpended Budget

REPORT IN BRIEF

This item is in response to Council Member Murphy's request to discuss the Recreation and Parks Unexpended Budget.

RECOMMENDATION

It is requested Council give staff direction on this item.

Council Member MURPHY discussed utilizing the Recreation and Parks

unexpended budget to allow the Boys and Girls Club to be open on Saturdays.

Council Members and the Executive Director of the Boys and Girls Club, Tony SLATON, further discussed a pilot program to see how successful having a half day open on Saturday would be, because long-term funding is uncertain.

A motion was made by Council Member Murphy, seconded by Council Member Belluomini, to direct staff to bring back a plan for a pilot project to have the Boys and Girls Club open half days on Saturdays with funding to be identified by staff. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Lor

O.2.

SUBJECT: Council Member Belluomini's Request to Discuss Street Trees and Parks

REPORT IN BRIEF

This item is in response to Council Member Belluomini's request to discuss the street trees and parks.

RECOMMENDATION

It is requested Council give staff direction on this item.

Council Member BELLUOMINI gave a presentation on parks and street trees.

He proposed that the City replace dead trees based on four components.

1. Maintenance and Community Facilities Districts - The City should remove and replace dead trees and shrubs and ensure adequate irrigation.
2. Parks - The City should remove and replace all dead trees and ensure adequate irrigation.
3. Median islands - The City should remove and replace trees and irrigate in a reliable manner.
4. Street trees - Trees should be replaced first on all main streets and then smaller streets but only after an assurance from property owners that they will water the trees.

A motion was made by Council Member Belluomini, seconded by Mayor Pro Tempore Pedrozo, to direct staff to prepare a plan to address the loss of trees in

public places to include the four components in his presentation and suggested completion by an outside contractor so it could be done in a timely manner. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Lor

O.3. Request to Add Item to Future Agenda

There were no requests to add items.

O.4. City Council Comments

Council Member MURPHY reported on being a part of the 9/11 parade, Feet Changing Lives cookout at Steven Leonard Park, and the Day of the Kid at the Boys and Girls Club.

Council Member BELLUOMINI asked about the Sun-Star appraisal for the new Police Station.

Council Member DOSSETTI reported on attending the 9/11 parade and the Cap & Town Event.

Mayor Pro Tempore PEDROZO reported on attending the 9/11 parade and the Cap & Town Event.

Mayor THURSTON reported on attending the 9/11 parade and driving a Blue Star mom at the parade.

Council Members returned to Closed Session at 9:11 PM.

Clerk's Note: Council Member MURPHY recused himself from the Real Estate Closed Session.

There was no report out of Closed Session.

P. ADJOURNMENT

Mayor THURSTON adjourned the Regular Meeting at 9:38 PM.

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Blake, to adjourn the meeting. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Lor