



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, March 21, 2016

7:00 PM

A. STUDY SESSION ROLL CALL

Mayor THURSTON called the Study Session to order at 5:30 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

Planning Commissioners present - Robert Dylina, Kevin Smith, Pete Padilla, Jill McLeod (arrived at 5:55 PM), Vice Chair Bill Baker, and Chairperson Travis Colby. Commissioner Kurt Smoot was absent.

B. STUDY SESSION

B.1. **SUBJECT:** Joint Planning Commission/City Council Study Session on the Draft Zoning Ordinance

REPORT IN BRIEF

The City Council will meet in a joint study session with the Planning Commission to discuss suggested changes to the Public Review Draft of the Merced Zoning Ordinance discussed at the December 7, 2015, Joint Study Session.

RECOMMENDATION

Provide direction to staff on the Zoning Ordinance.

Development Services Director David GONZALVES gave a brief overview of the process to create the zoning document and spoke about the need to get the original focus group back together to review the document as requested to review suggestions presented by Council Member BELLUOMINI.

Planning Manager Kim ESPINOSA gave a review of the changes

suggested by Council Member BELLUOMINI and the responses of the focus group to his changes.

Ms. ESPINOSA posed four questions to the group for discussion.

1. Should staff incorporate all or some of the focus group suggestions?
2. Are there any additional suggestions for changes?
3. Are more Study Sessions required?
4. If no to question 3, should public hearings be scheduled?

Council Member BELLUOMINI gave a slide presentation on his suggested changes to the guidelines originally presented. He spoke about common areas and balconies.

Council and Planning Commission discussed the difference between the use of "shall" and "should" in the document in regards to how developers respond to it. They expressed that flexibility was important.

Planning Manager ESPINOSA stated that if something was deemed an absolute necessity, the word "shall" must be used.

Planning Commission Chair COLBY expressed support for the use of "should" in the document to provide guidance to the developers.

Council Member BELLUOMINI agreed with the use of "should" in the document.

Council Member MURPHY agreed with the focus group recommendations.

Charles VEILLEUX, Merced - spoke about downtown business zoning and medical marijuana.

E.J. LORENZI, Merced - spoke about his experience on the focus group.

A motion was made by Council Member Belluomini, seconded by Council Member Murphy, to approve items 1-12 in the document. 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

All Planning Commissioners voted in favor of the motion with the exception of Commissioner SMOOT who was absent.

Council Member BELLUOMINI reiterated his position on yard and balcony sizes and suggested changes to the document.

A motion was made by Council Member Murphy, seconded by Mayor Pro Tempore Pedrozo, to approve items 13,14, and 15 as recommended by the focus group. The motion carried by the following vote:

Aye: 5 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Blake, Council Member Dossetti, and Council Member Murphy

No: 2 - Council Member Belluomini, and Council Member Lor

Absent: 0

All Planning Commissioners voted in favor of the motion except Commissioner SMOOT who was absent.

A motion was made by Planning Commission Chair Colby, seconded by Mayor Thurston, to increase the standard width of a parking space to 9 feet. The motion carried with a unanimous vote of the Council and Planning Commission with the exception of Commissioner Smoot, who was absent.

B.2.

SUBJECT: Study Session - Fire Fee Study

REPORT IN BRIEF

Draft of Fire Fee Study.

Fire Chief Shawn HENRY introduced Greta DAVIS from NBS to give an overview of the fees in the study.

Ms. DAVIS gave a slideshow presentation on the current fees for the service levels and introduced new fees to reduce the level of subsidy. She stated that the City needs to decide the percentage of recovery that is desired. She also spoke on the various types of fees.

Council Member MURPHY asked if recovering fees could help increase

the weed abatement program. He also asked about other comparable cities fees.

Chief HENRY stated that the Fire Department does the abatement program early in the year but turns it over to Code Enforcement in the summer. He answered that this study would bring the fees in line with other cities like Turlock and Modesto.

Council Member BLAKE asked about EMS services and reimbursement for them.

Chief HENRY stated that EMS calls accounted for about 70 percent of all calls but were not part of this fee study.

Council Member BELLUOMINI asked if staff was looking for full cost recovery and questioned the amount.

Chief HENRY replied that staff is not recommending full cost recovery at this time. He said that more specific numbers would be brought back at a future meeting.

Mayor Pro Tempore PEDROZO questioned fees for schools.

Clerk's Note: The Study Session adjourned at 7:03 PM.

C. CALL TO ORDER

Mayor THURSTON called the Regular Meeting to order at 7:10 PM.

C.1. Invocation - Monika Grasley, Lifeline Community Development Corp.

The invocation was delivered by Monica GRASLEY of the Lifeline Community Development Corporation.

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. SPECIAL PRESENTATIONS

E.1. CivicSpark Presentation - Rebecca True, CivicSpark Fellow

Rebecca TRUE, CivicSpark Fellow - gave a presentation on community sustainability in the City of Merced. She spoke on several grants available to the City to meet sustainability guidelines.

E.2. Homeless Presentation - Steven S. Carrigan, City Manager

Dr. Joe COLLETTI, Urban Initiatives - gave a presentation on solving homelessness in the City of Merced.

F. WRITTEN PETITIONS AND COMMUNICATIONS

There were none.

G. ORAL COMMUNICATIONS

Rene DAVENPORT, Merced - spoke on homeless issues including shelters.

Gloria SANDOVAL, Merced - spoke on homeless issues and poverty.

Thomas SOUZA, Merced - spoke about homeless in Applegate Park and problems in the parking lots at night.

Lar YANG, Clovis - spoke about the Hmongstory 40 exhibit.

Tru CHANG, Merced - spoke about the Hmongstory exhibit.

Rick McMILLION, Merced - spoke on downtown issues.

Jennifer BUTLER, Alliance Small Business Development Center - spoke about the program offerings at the center.

Monica VILLA, Merced - spoke on various items.

H. CONSENT CALENDAR

Items H.2. Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant for Sidewalk Infill on Alexander Avenue, CML-5085(041), Project 114051, H.8. Transfer of 19th and "N" Streets Property to Merced Designated Local Authority, and H.6. City School District Crossing Guards Agreement were pulled for further consideration.

Approval of the Consent Agenda

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

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.

H.3. **SUBJECT: Increase Contingency Percentage and Approve Change Order for Black Rascal Creek Bike Path Project 111065**

REPORT IN BRIEF

Authorizes approval of a change order to the Black Rascal Creek Bike Path - McKee Road to Yosemite Avenue construction contract in the amount of \$2,756.60 for additional electrical work.

RECOMMENDATION

City Council - Adopt a motion increasing the contingency to 13% and approving a change order for the Black Rascal Creek Bike Path - McKee Road to Yosemite Avenue Project 111065, to Avison Construction, Inc., in the amount of \$2,756.60; and, authorizing the City Manager to sign the necessary documents.

This Consent Item was approved.

H.4.

SUBJECT: Blue Star Memorial

REPORT IN BRIEF

Approve request from Merced Garden Club to locate Blue Star Memorial in Applegate Park.

RECOMMENDATION

City Council - Adopt a motion approving the request from the Merced Garden Club to locate the Blue Star Memorial in Applegate Park, and authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

H.5.

SUBJECT: Brokerage Services Agreement With McLaughlin Hay Service, Incorporated for Wastewater Treatment Plant Land Application Crops

REPORT IN BRIEF

Authorizes a three-year agreement with McLaughlin Hay Service, Inc. for the Wastewater Treatment Plant Land Application Area fodder crops.

RECOMMENDATION

City Council - Adopt a motion authorizing the approval of the agreement for brokerage services with McLaughlin Hay Service, Incorporated for the Wastewater Treatment Plant Land Application crops, and authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

H.7.

SUBJECT: Street Closure #16-04 for Sacred Heart Catholic Church to Host the "Stations of the Cross" Reenactment and the Silent March for Good Friday

REPORT IN BRIEF

Consider a request for use of City streets.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of 13th Street (between M Street and Canal Street), Canal Street (between 13th Street and 11th Street), 11th Street (between Canal Street and M Street), M Street (between 11th Street and 13th Street), and the two alleyways located within the street closure boundary, as requested by Sacred Heart Catholic Church, on Friday, March 25, 2016, from 3:00 p.m. to 4:30 p.m. and from 7:00 p.m. to 8:00 p.m.; subject to the conditions outlined in the administrative staff report.

This Consent Item was approved.

H.2.

SUBJECT: Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant for Sidewalk Infill on Alexander Avenue, CML-5085(041), Project 114051

REPORT IN BRIEF

Consider accepting California Department of Transportation Program Amendment Modification Summary (E-76), CMAQ Grant Funding, in the amount of \$332,076, for construction costs associated with the sidewalk infill on Alexander Avenue, bounded by Bel Air Drive and Nottingham Lane.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting and appropriating \$332,076 in grant funds from CMAQ for construction costs associated with sidewalk infill on Alexander Avenue; and,
- B. Transferring matching funds of \$43,024 from Street and Signal CIP Fund 450-1104-637.65-00-Projects to be Determined to 450-1104-637.65-00-114051; and,
- C. Approving the use of pooled cash until reimbursement is received from the grant; and,
- D. Authorizing the City Manager or his designee to execute the necessary documents.

Council Member MURPHY pulled this item to ask about a list of sidewalks

that need improvement.

A motion was made by Council Member Murphy, seconded by Council Member Blake, 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

H.8.

SUBJECT: Transfer of 19th and "N" Streets Property to Merced Designated Local Authority

REPORT IN BRIEF

Authorizes transfer of the property at 19th and "N" Streets to the Merced Designated Local Authority, which - in turn - will license the property to UC Merced as a construction staging site for UC Merced's new downtown administrative building project.

RECOMMENDATION

Parking Authority - Adopt a motion authorizing the Executive Director of the Parking Authority to sign all necessary documents to facilitate the transfer of the parcel at the corner of 19th and "N" Streets to the Merced Designated Local Authority, the successor agency to the Merced Redevelopment Agency.

ALTERNATIVES

1. Approve as recommended;
2. Refer back to staff with specific direction;
3. Take no further action regarding this matter.

Council Member MURPHY pulled this item to clarify that this was the lot at the southeast corner of 19th and "N" streets which was confirmed by City Manager CARRIGAN.

A motion was made by Council Member Murphy, seconded by Mayor Pro Tempore Pedrozo, 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

Council Member LOR questioned why Merced was being moved from the phase one plan and if the plan included local labor.

Ms. GOMEZ stated that Merced was still in phase one and relayed that special training was being offered to construction companies and that small businesses will be used in planning and construction. She said that a job fair could be held in Merced.

Council Member DOSSETTI asked about employment opportunities available to Merced residents.

Ms. GOMEZ replied that dispatch centers and training facilities would be opened along the line.

Council Member BELLUOMINI asked if there were any alternative routes involving Merced and the Pacheco Pass.

Ms GOMEZ stated Merced has always been in the plan.

Mayor Pro Tempore PEDROZO and Council Member MURPHY voiced their displeasure at the decision removing Merced without open discussions.

Mayor THURSTON voiced his scepticism of the train ever coming to Merced.

Mayor Pro Tempore PEDROZO requested a letter be written from the City to the High Speed Rail Authority.

J. BUSINESS

J.1.

SUBJECT: Recreation and Parks Commission Appointments

REPORT IN BRIEF

Consider accepting nominations and appointing individual(s) to the Recreation and Parks Commission.

RECOMMENDATION

City Council - Adopt a motion accepting nominations and appointing one individual to serve as a member of the Recreation and Parks Commission until July 2017 and one individual to serve as a member until July 2019.

A motion was made by Council Member Lor, seconded by Council Member Belluomini, that both applicants be appointed to the Recreation and Parks Commission with Corrine Chavez given the longer term. 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.2. Request to Add Item to Future Agenda

Council Member LOR requested to speak about co sponsoring the HmongStory 40 exhibit on a future agenda.

J.3. City Council Comments

Mayor Pro Tempore PEDROZO reported attending the Merced High Athletics Hall of Fame dinner.

K. ADJOURNMENT

Clerk's Note: The meeting adjourned at 9:37 PM.

A motion was made by Council Member Blake, 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