



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

Tuesday, January 3, 2017

7:00 PM

A. STUDY SESSION ROLL CALL

Clerk's Note: Council Member SERRATTO arrived at 6:02 PM and Council Member MCLEOD arrived at 6:06 PM.

Present: 7 - Mayor Mike Murphy, Mayor Pro Tempore Kevin Blake, Council Member Joshua Pedrozo, Council Member Michael Belluomini, Council Member Anthony Martinez, Council Member Jill McLeod, and Council Member Matthew Serratto

Absent: 0

B. STUDY SESSION

Clerk's Note: The Study Session was adjourned at 6:59 PM.

B.1.

SUBJECT: New Council Member Training

REPORT IN BRIEF

Training will include an overview of the Brown Act, Public Records Act and Conflicts of Interest.

RECOMMENDATION

Information - Only

Interim City Attorney Jolie HOUSTON gave a slide show presentation on New Council Member Training. She covered topics that included the Brown Act, the Public Records Act and types of conflicts that can occur.

Ms. HOUSTON answered Council Member questions regarding curing Brown Act violations, serial meetings, and proper noticing requirements. She also discussed what types of items were considered public record, including email and cell phone text messages.

Clerk's Note: The Study Session was adjourned at 6:59 PM.

C. CALL TO ORDER

Mayor MURPHY called the Regular Meeting to order at 7:06 PM.

C.1. Invocation - Steve Moldenhauer, Valley Baptist Church

The invocation was delivered by Pastor Steve MOLDENHAUER from Valley Baptist Church.

C.2. Pledge of Allegiance to the Flag

D. ROLL CALL

Present: 7 - Mayor Mike Murphy, Mayor Pro Tempore Kevin Blake, Council Member Joshua Pedrozo, Council Member Michael Belluomini, Council Member Anthony Martinez, Council Member Jill McLeod, and Council Member Matthew Serratto

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. CEREMONIAL MATTERS

E.1. SUBJECT: Oath of Office - Assistant City Manager, Stephanie Dietz

REPORT IN BRIEF

The City Clerk's office will swear in the Assistant City Manager, Stephanie Dietz.

Assistant City Clerk John TRESIDDER delivered the Oath of Office to Assistant City Manager Stephanie DIETZ.

Assistant City Manager Stephanie DIETZ thanked her friends and family and stated her excitement to start this new position.

E.2. SUBJECT: Proclamation - Human Trafficking Awareness Month

REPORT IN BRIEF

Received by representatives from Valley Crisis Center.

Council Member MCLEOD presented representatives from the Valley Crisis Center with the Proclamation for Human Trafficking Awareness Month.

G. ORAL COMMUNICATIONS

Rick MCMILLION, Merced - Thanked the Merced Police Department for

the improvement on the City's Homicide rate. He also spoke about the issue of alcohol being sold at a gas station on U Street and on the recent railroad deaths.

F. WRITTEN PETITIONS AND COMMUNICATIONS

The Clerk's Office received a letter from Jim and Emily ARCHER which was provided to Council.

H. CONSENT CALENDAR

Items H.4. Feet Changing Lives, Inc. Request Co-Sponsored Rate for Use of the Senior Community Center, H.5. Supplemental Budget Appropriation - Maintenance District Street Tree Replacement, and H.9. Supplemental General Fund Appropriation of \$35,000 to Purchase Secured Fencing Around Fire Station 53, were pulled for separate consideration.

Approval of the Consent Agenda

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

Aye: 7 - Mayor Murphy, Mayor Pro Tempore Blake, Council Member Pedrozo, Council Member Belluomini, Council Member Martinez, Council Member McLeod, and Council Member Serratto

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.

This Consent Item was approved.

H.2. SUBJECT: Information Only-Bicycle Advisory Commission Minutes of October 25, 2016

RECOMMENDATION

For information only.

This Consent Item was approved.

H.3.

SUBJECT: Information-Only Contracts

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$29,000 and of Public Works contracts under \$65,204.

AUTHORITY

Pursuant to the authority delegated to the City Manager on behalf of the City by Article XI, Section 1109, of the Merced City Charter to execute Public Works contracts under the adjusted FY 2016-2017 threshold of \$65,204.00, and Chapter 3.04.080 - 3.04.110 of the Merced Municipal Code to execute Non-Public Works contracts under the adjusted FY 2016-2017 threshold of \$29,000.00, the contracts listed on the attached table were entered into by the City.

This Consent Item was approved.

H.6.

SUBJECT: Purchase of a Caterpillar Backhoe, John Deere Tractor and a Tiger Extended Boom Mower Utilizing Government Procurement Programs and Waiving the Competitive Bidding Requirement

REPORT IN BRIEF

Fleet Services is requesting approval from the City Council to purchase a new Caterpillar Backhoe from the National Joint Powers Alliance Government Procurement Program (NJPA) and a John Deere Tractor and an Extended Boom Mower from the Houston-Galveston Area Council (HGACBuy) Cooperative Purchasing Program.

RECOMMENDATION

City Council - Adopt a motion:

A. Authorizing the purchase of One Caterpillar model 430F2 Backhoe from the NJPA for \$136,965.60 and One Tiger, Extended Boom Mower and One John Deere model 6145M Tractor combination unit for a combined total of \$215,784.00 from the HGACBuy Program; and,

B. Waiving the City's bidding requirement, allowing a direct purchase

from the NJPA and HGAC Buy Programs for the requested equipment;
and,

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

This Consent Item was approved.

H.7.

SUBJECT: Release of Lien and Agreement for Alternate Security for Deferred Work on Sandpiper Avenue

REPORT IN BRIEF

This is a request to release a lien on the property located at the southeast corner of Mercy Avenue and Mansionette Drive and enter into an agreement to accept \$168,000 in a cash deposit as security for deferred work on Sandpiper Avenue.

RECOMMENDATION

City Council - Adopt a motion approving the agreement and instructions for release of security lien and establishment and maintenance of alternate security and authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

H.8.

SUBJECT: Annual Martin Luther King Jr. Community March and Celebration

REPORT IN BRIEF

Authorizes the use of City streets for the Annual Martin Luther King March and Celebration.

RECOMMENDATION

City Council - Adopt a motion approving the request by Tamara Cobb and The Martin Luther King Jr. Celebration Committee to close Martin Luther King Jr. Way from West 24th Street to West 8th Street on Monday, January 16, 2017; in order to hold a march and parade as part of a community celebration.

This Consent Item was approved.

H.4.

SUBJECT: Feet Changing Lives, Inc. 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 Feet Changing Lives, Inc. on February 11, 2017.

RECOMMENDATION

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

Mayor MURPHY pulled this item to disclose that he does pro bono work for Feet Changing Lives.

Reverend Don RAMSEY explained the upcoming event.

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

Aye: 7 - Mayor Murphy, Mayor Pro Tempore Blake, Council Member Pedrozo, Council Member Belluomini, Council Member Martinez, Council Member McLeod, and Council Member Serratto

No: 0

Absent: 0

H.5.

SUBJECT: Supplemental Budget Appropriation - Maintenance District Street Tree Replacement

REPORT IN BRIEF

Consider authorizing a supplemental budget appropriation for the replacement of dead trees in various Maintenance Districts

RECOMMENDATION

City Council - Adopt a motion authorizing supplemental budget appropriations in the amount of \$11,454, to cover the costs for the replacement of street trees in identified Maintenance Districts (see attachment).

Council Member MARTINEZ pulled this item to inquire about the location of the planting of trees.

Director of Public Works Ken ELWIN stated that he does not have the exact location of where the new trees will be planted.

Interim City Attorney Jolie HOUSTON recommended that Council Member MARTINEZ abstain from voting on this item due to the proximity of his residence to the trees being replaced.

Council Member SERRATTO asked about a local nursery that had donated trees to the County.

City Manager Steve CARRIGAN explained that the trees from the local nursery will be a future discussion.

Mr. ELWIN stated that they are just replacing the trees with like species, but that there is room to explore drought-tolerant trees.

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

Aye: 6 - Mayor Murphy, Mayor Pro Tempore Blake, Council Member Pedrozo, Council Member Belluomini, Council Member McLeod, and Council Member Serratto

No: 0

Absent: 0

Abstain: 1 - Council Member Martinez

H.9. **SUBJECT: Supplemental General Fund Appropriation of \$35,000 to Purchase Secured Fencing Around Fire Station 53.**

REPORT IN BRIEF

Authorizing a Supplemental Appropriation from the General Fund unreserved fund balance in the amount of \$35,000 for a secured fence around Fire Station 53.

RECOMMENDATION

City Council - Adopt a motion authorizing a supplemental appropriation from the General Fund unreserved fund balance in the amount of \$35,000 in account 001-0901-627.65-00 to build a fence around Fire Station 53 to provide necessary station security.

Clerk's Note: This item was pulled by staff to be moved to the January 17th Council Meeting. There was no vote taken on this item.

I. REPORTS

I.1. **SUBJECT: Adoption of a Resolution for an Exemption to CalPERS**

180-Day Wait Period Pursuant to Government Code Sections 7522.56
and 21224

REPORT IN BRIEF

Adoption of a resolution approving the hiring of RuthAnne Harbison as an extra-help retired annuitant to perform the duties of the GIS Coordinator under Government Code sections 7522.56 and 21224, effective January 9, 2016.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2017-01**, a Resolution of the City Council of the City of Merced, for exemption to the CALPERS 180-day wait period pursuant to Government Code sections 7522.56 and 21224.

Director of Public Works Ken ELWIN spoke on the adoption of a resolution for an exemption to CalPERS 180-Day wait period so that GIS Coordinator Ruthanne HARBISON could train her replacement.

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

Aye: 7 - Mayor Murphy, Mayor Pro Tempore Blake, Council Member Pedrozo, Council Member Belluomini, Council Member Martinez, Council Member McLeod, and Council Member Serratto

No: 0

Absent: 0

I.2. SUBJECT: City Council Appointment to Splash Park Naming Selection Committee

REPORT IN BRIEF

Appoint two City Council members to the committee designated to review written requests for the naming of City parks and facilities.

RECOMMENDATION

City Council- Adopt a motion selecting two Council members to serve with the Recreation and Parks Commission on the Splash Park Naming Selection Committee to consider naming the splash park in Stephen Leonard Park after Marci Stenberg.

Assistant to the City Manager Mike CONWAY gave a presentation to select two Council Members to serve on the committee to name the Splash Park at Steven Leonard Park.

Nicola ADAMS, Merced - asked if there was a discussion about the naming of the splash park.

Mr. CONWAY stated that Marci STENBERG's name was suggested from someone on the outside and that a Public Hearing would be held by the Recreation and Parks Committee.

Mayor MURPHY clarified the process of naming the splash park, and stated that this item was only to vote two council members to join the committee.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Belluomini, to appoint Council Members McLeod and Pedrozo to the Splash Park Naming Selection Committee . The motion carried by the following vote:

Aye: 7 - Mayor Murphy, Mayor Pro Tempore Blake, Council Member Pedrozo, Council Member Belluomini, Council Member Martinez, Council Member McLeod, and Council Member Serratto

No: 0

Absent: 0

J. BUSINESS

J.1.

SUBJECT: Council Member Belluomini's Request to Discuss Land Annexation

REPORT IN BRIEF

This item is in response to Council Member Belluomini's request to discuss land annexation near Highway 99.

RECOMMENDATION

It is requested Council give staff direction on this item.

Council Member BELLUOMINI gave a slide show presentation on the need for more industrial land.

Mayor Pro Tempore BLAKE asked how many residences were located in the area.

Council Member BELLUOMINI stated that there are 35 registered voters listed to those parcels.

City Manager Steve CARRIGAN stated that the City needs more industrial land, but discussed the risk and reward of developing the land for industrial

use. He requested to have two weeks to come back to consult with staff.

Council Member MARTINEZ discussed the job opportunities the industrial land can provide.

Mayor Pro Tempore BLAKE asked what needed to happen to make the land attractive to industrial investors.

Council Member BELLUOMINI stated that the City of Merced is competing against Turlock, Madera, and Patterson for industrial investors and explained what the City of Merced needs to do in order to compete against those cities.

Bill LYONS, Representative of the University Industrial Park, Merced - spoke on the business relationship the Lyons Family has with the City of Merced and the work the Lyons Family has put into their Industrial Park.

Steve TINETTI, Tinetti Realty, Merced - spoke on annexation and the cost of annexing land.

Dwight LARKS, Merced - discussed the limitation of industrial areas within the city and also discussed property for cannabis industries.

Council Member PEDROZO discussed allowing staff to do their job and and for the Council to set the policy.

City Manager Steve CARRIGAN spoke about the workload staff has and where on the priority list this item will go.

Council Member PEDROZO stated that this item should be added to the Priority Planning Budget Meeting.

Council Members and City Manager Steve CARRIGAN further discussed a timeline to bring this item back and what information will be reported on.

A motion was made by Council Member Belluomini, seconded by Council Member Martinez, for Staff to come back on the February 6th Meeting with information on industrial parks. The motion carried by the following vote:

Aye: 7 - Mayor Murphy, Mayor Pro Tempore Blake, Council Member Pedrozo, Council Member Belluomini, Council Member Martinez, Council Member McLeod, and Council Member Serratto

No: 0

Absent: 0

J.2. SUBJECT: City Council Committee Appointments

REPORT IN BRIEF

Confirming City Council Member appointments to various committees.

RECOMMENDATION

City Council - Adopt a motion confirming the Mayor's appointments to various committees populated by City Council Members.

Mayor MURPHY discussed how he appointed Council Members to the various committees. He also assigned the three Council districts that have yet to be represented to the Council Members at large.

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

Yes: 7

No: 0

A motion was made by Mayor Murphy, seconded by Mayor Pro Tempore Blake, that Mayor Pro Tempore Blake will be the liasion for District 4, Council Member Belluomini to District 2, and Council Member Pedrozo to District 6. The motion carried by the following vote:

Aye: 7 - Mayor Murphy, Mayor Pro Tempore Blake, Council Member Pedrozo, Council Member Belluomini, Council Member Martinez, Council Member McLeod, and Council Member Serratto

No: 0

Absent: 0

J.3. Request to Add Item to Future Agenda

Council Member SERRATTO requested to add an item for the February 6th meeting regarding a partnership between the Police Department and Fire Department.

J.4. City Council Comments

Council Member PEDROZO wished everyone a Happy New Year, and reported on attending the Water Board Meeting and congratulated Assistant City Manager Stephanie DIETZ.

Council Member BELLUOMINI stated he received calls in regard to the Maintenance Districts Ballots.

Mayor MURPHY discussed the Martin Luther King Jr. Parade, the Conference he will be attending in January, and the State of the City Address, and encouraged people to attend.

K. ADJOURNMENT

The Regular Meeting was adjourned at 8:53 PM.

A motion was made by Mayor Pro Tempore Blake, seconded by Mayor Murphy, that the Regular Meeting be adjourned in honor of Eleanor Criswell, a loyal volunteer of the Merced Police Department. The motion carried by the following vote:

Aye: 7 - Mayor Murphy, Mayor Pro Tempore Blake, Council Member Pedrozo, Council Member Belluomini, Council Member Martinez, Council Member McLeod, and Council Member Serratto

No: 0

Absent: 0