



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, October 19, 2015

7:00 PM

A. STUDY SESSION ROLL CALL

Mayor THURSTON called the Study Session to order at 5:32 pm.

All Council Members were present with the exceptions of Council Member LOR who arrived at 5:35 pm and Mayor Pro-Tempore PEDROZO who arrived at 6:30 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

B. STUDY SESSION

B.1. SUBJECT: Study Session - Police Headquarters Site Review

RECOMMENDATION

Provide direction to staff.

Police Chief Norm ANDRADE gave a brief overview of the existing Police Station and the need for a new facility.

Principal Architect John SAGIN gave an overview of the locations studied for the new Police Station. He stated that a committee comprised of City Staff suggested the Merced Sun-Star building as being the most ideal site for the new headquarters.

Council Member BELLUOMINI questioned why all 11 sites were not in the report.

Mr. SAGIN replied that staff only reported on the top 3 sites, although all sites were reviewed and visited.

Council Member BELLUOMINI stated he would like to see the new station remain downtown and asked for reports from staff on the downtown locations.

Chief ANDRADE stated that a downtown location was not necessary and the Sun-Star location was actually more centrally located geographically in the city.

Principal Architect John SAGIN stated the disadvantages to the downtown Bank of America location.

Council Member BLAKE voiced his support for the Sun-Star location.

Council Member MURPHY questioned what would happen to the existing station if the headquarters were moved to the Sun-Star location.

Chief ANDRADE stated it was not necessary to keep the existing station once the move occurred.

Council Member DOSSETTI voiced his support for the Sun-Star location.

Mayor THURSTON stated his surprise that the Sun-Star location was in the mix but thought it was a good location.

Principal Architect SAGIN reviewed the studies that would need to be done on the location to make sure it is fit for use.

The general consensus from Council was to move forward with the studies on the Sun-Star location.

B.2.

SUBJECT: Study Session - Planning Commission Interviews

Acting City Manager Frank QUINTERO introduced the Planning Commission Candidates.

Candidates in attendance were Dustin SMITH, Jill McLEOD, and Daniel KARRIS.

Acting City Manager QUINTERO asked a series of questions to which the candidates responded.

Clerk's Note: Due to time constraints, Mayor THURSTON requested the interview continue during the Business portion of the agenda. The Study Session adjourned at 6:54 pm.

C. 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

D. CLOSED SESSION

Council adjourned to Closed Session at 6:55 pm.

D.1.

SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS -- Property: 470 E. Olive Avenue, APN 007-050-009; City Negotiators: Mike Conway, Recreation and Parks Department; Negotiating Parties: Kathleen Ann Hill, Trustee; Under Negotiation: Price & Terms of Payment; AUTHORITY: Government Code Section 54956.8

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

E. CALL TO ORDER

Mayor THURSTON called the Regular meeting of the City Council to order at 7:05 pm.

E.1. Invocation - Father David Thatcher, Priest, St. Mary Magdalene Orthodox Church

Father THATCHER was not available so the invocation was delivered by Reverend RAMSEY, St. Matthews Baptist Church.

E.2. Pledge of Allegiance to the Flag

F. 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

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: Proclamation - Lights on After School Day**

REPORT IN BRIEF

Accepted by Dr. May Moua, Merced County Office of Education.

Council Member MURPHY read a Proclamation for Lights on After School Day.

H.2. **SUBJECT: Proclamation - Domestic Violence Awareness Month**

REPORT IN BRIEF

Accepted by Chee Yang, Program Director, Valley Crisis Center.

Council Member DOSSETTI read a Proclamation on Domestic Violence Awareness Month.

I. WRITTEN PETITIONS AND COMMUNICATIONS

There were no written petitions or communications.

J. ORAL COMMUNICATIONS

Cindy KELLY, Merced - spoke about an issue with transients downtown.

Rick McMILLION, Merced - spoke on downtown issues.

Monica VILLA, Merced - spoke on homeless issues.

K. CONSENT CALENDAR

Items K.6. Memorandum of Understanding with Merced Fire Fighters Local 1479, K.9. Approval of Transportation Improvement Funding Agreement

and Amended and Restated Contract for Water, Sewer and Other Services between the City of Merced and the Regents of University of California, K.10. Professional Services Agreement with Hatch Mott MacDonald for Preparation of the High-Speed Rail Station Area Plan, and K.11. Second Reading - Ordinance Dealing with City Council Districts and Election Districts for Said Districts were pulled for separate consideration.

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

K.1. **SUBJECT: Information Only-Planning Commission Minutes of August 19, 2015**

This Consent Item was approved.

K.2. **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.

K.3. **SUBJECT: Street Closure Veterans Parade**

REPORT IN BRIEF

Consider allowing the use of City streets on November 11, 2015 for the Veteran's Day Parade.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of Calimyrna Avenue from E Main Street to E 18th Street, East Main Street, from "G" Street to Calimyrna Avenue; West Main Street, from "G" to "O" Streets; "H", "I", "K", and "N" Streets, from the north and south alleys of West Main Street; Canal Street, from the north alley of West Main Street to Bob Hart Square; and "O" Street, from the south alley of West Main to 22nd Streets; 22nd Street to N Street where the parade will conclude at 23rd and N Street as requested by John Ceccoli, Merced County Veterans Services for the 2015 Veterans Day Parade on Wednesday November 11, 2015. The street closures will be between 12:00 PM and 4:00 PM; subject to the conditions outlined in the administrative report.

This Consent Item was approved.

K.4.

SUBJECT: Street Closure Request #15-10, Merced County Office of Education "Lights on After School"

REPORT IN BRIEF

The Merced County Office of Education requests the use of City streets and Bob Hart Square to host "Lights on After School" on Thursday, October 22, 2015, from 1:30 p.m. to 10:00 p.m.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of W. Main Street between M and K Streets, Canal Street between W. Main and W. 18th Streets and the use of Bob Hart Square from 1:30 p.m. to 10:00 p.m. as requested by the Merced County Office of Education for "Lights on After School" on Thursday, October 22, 2015, subject to the details and conditions outlined in the administrative staff report.

This Consent Item was approved.

K.5.

SUBJECT: Contract Amendment for Citizen Engagement Application Interface

REPORT IN BRIEF

Amend the contract with SunGard Public Sector (SunGard) for the Web Enablement and Cloud Services Work Order Interface solution.

RECOMMENDATION

City Council - Adopt a motion approving the contract amendment for SunGard's Web Enablement and Cloud Services Work Order Interface; and authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

K.7.

SUBJECT: Third Amendment to Lease Agreement with Finline Industries, LLC

REPORT IN BRIEF

Consider approving third amendment to lease agreement with Finline Industries, LLC and continuation of a Temporary Encroachment Permit, allowing Finline Industries, LLC facilities to convey water from the Merced Irrigation District canal to Finline's boat testing facility.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the third amendment to the lease agreement with Finline Industries, LLC, effective October 31, 2015, through October 30, 2025, and;

B. Approving a continuation of the Temporary Encroachment Permit, allowing Finline Industries, LLC facilities to convey water from the Merced Irrigation District (MID) canal to the boat testing facility, subject to the arrangement between Finline Industries, LLC and MID, and;

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

This Consent Item was approved.

K.8.

SUBJECT: Award Bid to D L Batty, Inc., for the Public Works Corp Yard Fleet Shop Upgrade, Project 114060

REPORT IN BRIEF

Consider awarding a construction contract in the amount of \$193,419.60 for various upgrades, including concrete work and storm drainage, adjacent to the Public Works Corp Yard Fleet Shop.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid for the Public Works Corp Yard Fleet Shop Upgrade, Project 114060, to D L Batty, Inc., in the amount of \$193,419.60; 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.

K.6.

SUBJECT: Memorandum of Understanding with Merced Fire Fighters, Local 1479

REPORT IN BRIEF

Consider approving the Memorandum of Understanding with the Merced Fire Fighters Association.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2015-41**, A Resolution of the City Council of the City of Merced, California, Approving Memorandum of Understanding with the International Fire Fighters Association, Local 1479; and,

B. Authorizing the City Manager to execute the necessary documents; and,

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

Council Member MURPHY pulled this item to recognize the Firefighters.

Council Member BELLUOMINI voiced his support for the Firefighters.

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

K.9.

SUBJECT: Approval of Transportation Improvement Funding Agreement and Amended and Restated Contract for Water, Sewer and Other Services between the City of Merced and the Regents of the University of California

REPORT IN BRIEF

Consider approving the Transportation Improvement Funding Agreement (“Transportation Agreement”) and Amended and Restated Contract for Water, Sewer and Other Services between the City of Merced and the Regents of the University of California (“Services Agreement”), contingent upon either approval by the Board of Regents of the University of California or the UC Merced Chancellor if documentation of authority to sign has been provided. The Transportation Agreement would provide substantial benefits to the City to mitigate the impacts of the expansion of the UC Campus. The Services Agreement would allow water and sewer services to be provided to UC Merced’s 2020 Project.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Transportation Agreement and Services Agreement with the Regents of the University of California; and,

B. Authorizing the City Manager to sign such agreements (including the Form Roadway Repair Agreement and Agreement Affecting Real Property and Covenant to Annex attached as exhibits to the Transportation Agreement and Services Agreement, respectively) when:

1. The Transportation Agreement and the Services Agreement have been approved and executed by the Board of Regents of the University of California or executed by the UC Merced Chancellor after the University’s General Counsel has provided to the City Attorney’s office a legal opinion signed within the past thirty days stating that the Board of Regents has delegated the necessary authority to the Chancellor to sign these agreements on behalf of the Board of Regents; and,

2. UC Merced has provided to the City Attorney’s office legal descriptions, for Attachment 5 to Services Agreement (Agreement Affecting Real Property and Covenant to Annex) that are consistent with the provisions of the Services Agreement; and,

3. The City Attorney’s office has received fully executed original versions of the Transportation Agreement and Services Agreement.

Council Member MURPHY pulled this item to get a brief report.

Sr. Deputy City Attorney Ken ROZELL gave a brief update on the contract negotiations and the resulting contract.

A motion was made by Council Member Belluomini, 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

K.10.

SUBJECT: Professional Services Agreement with Hatch Mott MacDonald for Preparation of the High-Speed Rail Station Area Plan

REPORT IN BRIEF

Consider awarding a professional planning services contract in the amount not to exceed \$663,613 to assist with the preparation of the High Speed Rail Station Area Plan.

RECOMMENDATION

City Council - Adopt a motion awarding the bid for the High-Speed Rail Station Area Plan to Hatch Mott MacDonald, in the amount not to exceed \$663,613; and, authorizing the City Manager to execute the necessary documents.

Mayor THURSTON pulled this item to voice his dissent.

Mayor THURSTON made a motion to deny the contract to Hatch Mott MacDonald, refer the item to staff to create a contract with AECOM and to hold a special meeting if necessary to approve the contract. The motion was seconded by Council Member BELLUOMINI.

Clerk's Note: Before the vote was called for, Council requested public comment.

Cara STOM, Hatch Mott MacDonald - responded to the Mayor's comments.

Jocelyn THALEN, Merced - commented on corruption in government.

Bill BAKER, Merced - suggested looking at all bids again.

Council further discussed the item.

Mayor THURSTON called for the vote on his motion. The motion failed with the following vote:

Aye: Mayor Thurston, Council Member Belluomini, and Council Member Murphy

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

Absent: 0

Mayor THURSTON called for a second motion.

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Lor, that the agreement with Hatch Mott MacDonald 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: 1 - Mayor Thurston

Absent: 0

K.11.

SUBJECT: Second Reading - Ordinance Dealing with City Council Districts and Election Dates for Said Districts

REPORT IN BRIEF

Second reading of previously introduced Ordinance.

RECOMMENDATION

City Council - Adopt **Ordinance 2449**, and Ordinance of the City Council of the City of Merced, California, Adding Chapter 1.17 Entitled "City Council Districts" to the Merced Municipal Code.

Council Member Murphy pulled this item to state his concern with how the election dates were chosen.

Council further discussed the ordinance and possible changes to the election dates.

City Attorney Randy HOM stated that a vote would have to be taken on the

ordinance as introduced.

Council Member BELLUOMINI restated that the election dates did not have to be decided upon until a later date.

Mayor THURSTON called for a motion.

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

Aye: 4 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Blake, and Council Member Dossetti

No: 3 - Council Member Belluomini, Council Member Lor, and Council Member Murphy

Absent: 0

L. PUBLIC HEARINGS

L.1.

SUBJECT: Public Hearing -Certificate of Public Convenience and Necessity for Yellow Cab of Merced Inc.

REPORT IN BRIEF

This report outlines the findings of an investigation conducted per Merced Municipal Code 5.16.210 with regards to the sale of Yellow Cab of Merced and the issuance of new Certificates of Public Convenience and Necessity.

RECOMMENDATION

City Council - Adopt a motion approving the issuance of the Certificates of Public Convenience and Necessity to Khan, Akber the new owner of Yellow Cab of Merced.

Captain Tom TRINDAD, Merced Police Department - stated the Police Department had no issues with the transfer of ownership for this taxi service.

Mayor THURSTON opened the Public Hearing at 8:49 PM and closed the Public Hearing at 8:50 PM as no members of the audience wished to speak on this item.

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: 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

M. BUSINESS

Mayor THURSTON called for 5 minute recess before reconvening the Study Session interviews of Planning Commission applicants.

The Study Session reconvened at 8:57 PM.

Acting City Manager QUINTERO continued posing interview questions to the applicants.

City Council asked clarifying questions at the conclusion of the interviews.

M.1.

SUBJECT: Appointment - Planning Commission

REPORT IN BRIEF

Consider accepting nominations and appointing one member to the Planning Commission as a replacement.

RECOMMENDATION

City Council - Accept nominations and appoint one individual to the Planning Commission

Council thanked all of the applicants for attending.

A motion was made by Council Member Lor, seconded by Mayor Pro Tempore Pedrozo, to appoint Jill McLeod to the Planning Commission. 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

M.2. Council Member Belluomini Request to Discuss the Format of City Council Minutes

Council Member BELLUOMINI requested this item to state he would like to see summary type minutes instead of action minutes that have been provided by the Clerk's Office in recent meetings. He stated that he felt the minutes were a very important function of the Clerk's Office and cited the City Clerks Association of California with regards to minutes.

Acting City Manager Frank QUINTERO noted that longer form minutes use more staff time. He also stated that the City Clerks Association of California was updating its policy on minutes to try and standardize action oriented minutes in California.

Council Member MURPHY explained that accessing the video recordings had become much more user friendly. He stated he would like to see the direction the City Clerks Association takes with action minutes.

Council Member DOSSETTI stated that staff should not spend too much time on minutes.

M.3. Confirmation of Dates for City Manager Interviews

Council discussed the available dates and times for interviewing candidates for the City Manager position.

The tentative dates were Friday, November 13th and Saturday, November 14th.

M.4. Confirmation of the Process to Conduct Citizens' Workshop Regarding City Manager Position

Council discussed the possibility of holding a public workshop for citizens to express the qualities they would like to see in the next City Manager. Council showed a desire to let the people have input but not to have citizens in the actual interview.

It was decided staff would work with Bob Murray and Associates to facilitate the forum.

M.5. Confirmation of Date for Joint Meeting with Planning Commission

Council decided on the date of December 7th to hold a joint Study Session with the Planning Commission.

M.6. Request to Add Item to Future Agenda

Council Member MURPHY requested a future agenda item regarding the proposed Regional Mental Health Center at the old hospital.

M.7. City Council Comments

Mayor Pro-Tempore reported on the Merced County Association of Governments meeting regarding becoming a self-help county and a

possible new sales tax for public safety.

Council Member DOSSETTI relayed a story about the quick work of Public Works to repair a pothole.

Mayor THURSTON described the Honor Flight that left from Castle Airport for Washington D.C.

N. ADJOURNMENT

A motion was made by Council Member Belluomini, seconded by Council Member Lor, that 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