



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, December 17, 2018

6:00 PM

A. CALL TO ORDER

Mayor MURPHY called the Regular Meeting to order at 6:03 PM.

A.1. Invocation - Lamar Henderson, All Dads Matter

The invocation was delivered by Lamar HENDERSON from All Dads Matter.

A.2. Pledge of Allegiance to the Flag

Mayor MURPHY led the Pledge of Allegiance to the Flag.

B. ROLL CALL

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

Absent: 0

B.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 the 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 the Public Financing and Economic Development Authority receive no compensation.

C. REORGANIZATION

C.1. SUBJECT: City Council Certification of November 6, 2018 General Municipal Election Returns

REPORT IN BRIEF

Certifies the November 2018 election returns for the Mayor and three City Council Members.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2018-84**, a Resolution of the City Council of the City of Merced, California, reciting the fact of the General Municipal Election held on November 6, 2018, declaring the result, and declaring such other matters as provided by law for the election of the Mayor and three members of the City Council.

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

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

No: 0

Absent: 0

C.2. Comments From Sitting Council Members

Council Members PEDROZO and BELLUOMINI thanked their families, staff, friends, and the people of Merced. They discussed their time on the Council and growth the City of Merced has had during their terms.

C.3. Recognition of Outgoing City Council Members

City Manager Steve CARRIGAN presented Council Member PEDROZO and Council Member BELLUOMINI with a recognition award for their service to the community.

The remaining sitting Council Members thanked and congratulated Council Members PEDROZO and BELLUOMINI and praised them for their dedication, wisdom, and passion they had for the City of Merced.

C.4.

SUBJECT: Presentation of Certificates of Election and Oaths of Office

REPORT IN BRIEF

The new Mayor and Council Members will be presented their Certificates of Election and take their Oath of Office before taking their seats at the dais.

Assistant City Clerk John TRESIDDER presented the oaths of office to Council Members BLAKE, ECHEVARRIA, SHELTON, and Mayor

MURPHY.

C.5. Comments From Newly Elected Council Members

Newly-elected Council Members ECHEVARRIA, SHELTON, re-elected Council Member BLAKE, and re-elected Mayor MURPHY all thanked their friends, family, and their supporters and expressed their commitment to the people of the City of Merced.

C.6. ROLL CALL

Present: 7 - Mayor Pro Tempore Anthony Martinez, Mayor Mike Murphy, Council Member Kevin Blake, Council Member Jill McLeod, Council Member Matthew Serratto, Council Member Delray Shelton, and Council Member Fernando Echevarria

Absent: 0

C.7.

SUBJECT: Election of Mayor Pro Tempore

REPORT IN BRIEF

Election of a Mayor Pro Tempore to a one-year term (conducted by the newly elected Mayor.)

RECOMMENDATION

City Council - Adopt a motion appointing the Mayor's nominee as Mayor Pro Tempore of the City of Merced for a one-year term of office.

Mayor MURPHY discussed the election of the Mayor Pro Tempore and elected Council Member MARTINEZ.

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

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

No: 0

Absent: 0

C.8.

SUBJECT: Resolutions of Commemoration for Outgoing City Council Members

REPORT IN BRIEF

Resolutions of commemoration for outgoing City Council Members Pedrozo and Belluomini.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2018-82**, Public Service Commemoration, Josh Pedrozo; and,

B. Adopting **Resolution 2018-83**, Public Service Commemoration, Michael Belluomini.

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

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

No: 0

Absent: 0

Clerk's Note: Council recessed at 6:58 PM and returned at 7:16 PM.

D. WRITTEN PETITIONS AND COMMUNICATIONS

There were none.

E. ORAL COMMUNICATIONS

Felipe ROJAS-FLORES, Merced - spoke on commercial truck parking and the City Ordinance for parking Commercial Trucks.

Jason SALTERS, Merced - spoke on the homeless issue in the City.

F. CONSENT CALENDAR

Items F.4. Approval of Agreement with Tyler Technologies in the Amount of \$32,000 for a Custom Interface to Securely Connect the Police Department and District Attorney's Office Records Management Systems and Authorization for the Use of Pooled Cash for the Purchase Until Reimbursement from the County of Merced and F.5. Adoption of Resolution Approving Bellevue Ranch West, Large Lot Final Map for Villages 17,18,19, 21, and 22 - Final Map No. 5368 and Approval of the Associated Subdivision Improvement Agreement; were pulled for separate consideration.

Approval of the Consent Agenda

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

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

No: 0

Absent: 0

F.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.

F.2. **SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of October 25, 2018 and November 19, 2018

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 October 25, 2018 and November 19, 2018.

This Consent Item was approved.

F.3. **SUBJECT:** Acceptance of Donation in the Amount of \$300 from Firefighters Charitable Foundation and Appropriating the same for Fire Prevention Awareness.

REPORT IN BRIEF

Considers accepting a \$300 donation from Firefighters Charitable Foundation.

RECOMMENDATION

City Council - Adopt a motion accepting the donation of \$300 from Firefighters Charitable Foundation; increasing revenue account 001-0901-360.02-01 Contributions in the amount of \$300 and appropriating the same in account 001-0901-522.29-00 Other Materials and Supplies.

This Consent Item was approved.

F.6.

SUBJECT: Award of Bid and Approval of Agreement with United Pavement Maintenance, Inc. in the Amount of \$510,846.71 for City Project No. 117040 - M Street Rehabilitation North Bear Creek Drive to Rambler Road

REPORT IN BRIEF

Considers awarding a bid and approving an agreement in the amount of \$--510,846.71 with United Pavement Maintenance, Inc., for the M Street Rehabilitation North Bear Creek Drive to Rambler Road.

RECOMMENDATION

City Council - Adopt a motion awarding a bid and approving an Agreement with United Pavement, Inc., in the amount of \$510,846.71 for City Project No. 117040, M Street Rehabilitation North Bear Creek Drive to Rambler Road Project, authorizing the City Manager or Assistant City Manager to execute the necessary documents, and to approve change orders not to exceed \$51,084.67 (10% of the project cost).

This Consent Item was approved.

F.7.

SUBJECT: Authorization to Submit Federal Emergency Management Agency (FEMA) Grant Applications for Pre-Disaster Mitigation (PDM) and Flood Mitigation Assistance (FMA) for Fahrens Creek and Black Rascal Creek/Le Grand Canal

REPORT IN BRIEF

Considers granting retroactive authority for submittal of FEMA grant applications due December 9, 2018 for the Pre-Disaster Mitigation Program and Flood Mitigation Program for Fahrens Creek and Black

Rascal Creek/Le Grand Canal.

RECOMMENDATION

City Council - Adopt a motion granting retroactive authority to the City Manager for submittal of Federal Emergency Management Agency (FEMA) Grant Applications due December 9, 2018 for Pre-Disaster Mitigation (PDM) and Flood Mitigation Assistance (FMA) for Fahrens Creek and Black Rascal Creek/Le Grand Canal.

This Consent Item was approved.

F.4.

SUBJECT: Approval of Agreement with Tyler Technologies in the Amount of \$32,000 for a Custom Interface to Securely Connect the Police Department and District Attorney's Records Management Systems and Authorization for the Use of Pooled Cash for the Purchase Until Reimbursement from the County of Merced

REPORT IN BRIEF

Merced Police Department is requesting reimbursable funds to purchase a custom interface to connect the Merced Police Departments Records Management System with the Merced County District Attorney's Office Records Management System.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving an increase to revenue account 001-1002-332-01-01 Police Operations Cost Recovery in the amount of \$32,000 and appropriating the same to expenditure account 001-1002-522-17-00 Police Operations Professional Services; and,

B. Approving an Amendment with Tyler Technologies for Custom Software Interface; and,

C. Approving a Special Service Agreement with Merced County for cost recovery reimbursement; and,

D. Authorizing the use of pooled cash for the purchase of the custom interface until the City receives reimbursement funds from the County of Merced; and,

E. Authorizing the City Manager or Assistant City Manager to execute all necessary documents.

Council Member SERRATTO pulled this item to recuse himself..

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

Aye: 6 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0

Abstain: 1 - Council Member Serratto

F.5.

SUBJECT: Adoption of Resolution Approving Bellevue Ranch West, Large Lot Final Map for Villages 17, 18, 19, 21, and 22 - Final Map No. 5368 and Approval of the Associated Subdivision Improvement Agreement.

REPORT IN BRIEF

Considers adopting a resolution approving a Final Map for Subdivision No. 5368 for 14 large lots within Bellevue Ranch West and approves the subdivision agreement for this final map.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2018-81**, a Resolution of the City Council of the City of Merced, California, approving the final subdivision map for the Bellevue Ranch West, Villages 17-22 subdivision (final map No. 5368); and,

B. Approving the subdivision agreement for Bellevue Ranch West, Villages 17-22; and,

C. Authorizing the City Manager or Assistant City Manager to execute the subdivision agreement.

Mayor Pro Tempore MARTINEZ pulled this item to request a staff report.

Council Member SHELTON recused himself from this item.

Planning Associate Julie NELSON gave a slide show presentation on the Bellevue Ranch, West, Large Lot Final Map Villages 17,18,19,21, and 22 - Final Map No. 5368.

Council, Ms. NELSON, and Planning Manager Kim ESPINOSA discussed parks and open space.

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

Aye: 6 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, and Council Member Shelton

No: 1 - Council Member Echevarria

Absent: 0

G. PUBLIC HEARINGS

G.2.

SUBJECT: Public Hearing - Vacation No. 18-03 for the Adoption of Resolution Ordering the Vacation of a 20-Foot Wide Temporary Access Easement Located on a Portion of 7 Lots within the Summer Creek Subdivision, Generally Located West of McKee Road at Silverstone Drive

REPORT IN BRIEF

This report provides information regarding the vacation of a 20-foot wide temporary access easement located on a portion of 7 lots within the Summer Creek Subdivision generally located west of McKee Road at Silverstone Drive.

RECOMMENDATION

City Council - Adopt a motion continuing the Public Hearing to the City Council meeting of January 7, 2019.

Council Member BLAKE recused himself from this item.

Planning Manager Kim ESPINOSA gave a slide show presentation ordering the vacation of a 20-foot wide temporary access easement.

Mayor Pro Tempore MARTINEZ and Ms. ESPINOSA discussed current and future access points into the subdivisions.

Mayor MURPHY opened the Public Hearing at 8:12 PM.

Mary BROOKS, Merced - spoke on the need to keep the easement.

Casey STEED, Merced - spoke on the history and current use of the

easement.

Mayor MURPHY closed the Public Hearing at 8:26 PM.

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

Aye: 6 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0

Abstain: 1 - Council Member Blake

G.1.

SUBJECT: Public Hearing - Adoption of Resolution Accepting the Annual Report on Development Impact Fees for Fiscal Year 2017/2018 as Required By Government Code Section 66006(b)

REPORT IN BRIEF

Considers adopting a Resolution of the City Council of the City of Merced accepting the City's Annual Compliance Report for Development Impact Fees (AB 1600) as required by Government Code section 66006(b).

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting the Annual Compliance Report for Development Impact Fees for Fiscal Year 2017/2018 which contains the information required by California Government Code Section 66006(b); and,

B. Adopting **Resolution 2018-85**, a Resolution of the City Council of the City of Merced, California, accepting the Fiscal Year 2017/2018 Development Impact Fees Annual Report as required by California Government Code Section 66006(b).

City Engineer Steven SON gave a slide show presentation on the AB 1600 Annual Report.

ECHEVARRIA and Mr. SON discussed the allocation of money from the impact fees.

Mayor MURPHY opened and subsequently closed the Public Hearing at 8:35 PM.

A motion was made by Mayor Pro Tempore Martinez, seconded by Council

Member Blake, that this agenda item be approved. The motion carried by the following vote:

Aye: 6 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, and Council Member Shelton

No: 1 - Council Member Echevarria

Absent: 0

H. BUSINESS

H.1. **SUBJECT: City Council Appointment to the Arts and Culture Advisory Commission for City Council District 3**

REPORT IN BRIEF

Considers accepting nominations and appointing one individual to Council District 3 on the Arts and Culture Advisory Commission.

RECOMMENDATION

City Council - Adopt a motion accepting nominations and appointing one individual to the Arts and Culture Advisory Commission to represent City Council District 3.

Mayor MURPHY explained the process for each Council Member to appoint an applicant from their district.

Council Member MCLEOD nominated Diana ODOM GUNN for appointment to the Arts and Culture Advisory Commission.

A motion was made by Council Member McLeod, seconded by Council Member Blake, to appoint Diana Odom Gunn to the Arts and Culture Advisory Commission. The motion carried by the following vote:

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

No: 0

Absent: 0

H.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 requested Council look over the various committees and to bring this item back to a future meeting.

H.3.

SUBJECT: Selection of Town Hall Dates in North, Central and South Merced.

REPORT IN BRIEF

Request that Council Select Dates for Town Halls in North, Central and South Merced.

RECOMMENDATION

Provide Staff With Dates for Three Town Hall Meetings.

Assistant to the City Manager Mike CONWAY briefly discussed the Town Hall meeting dates.

Council confirmed the dates for the Town Hall Meetings.

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

Aye: 6 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, and Council Member Shelton

No: 1 - Council Member Echevarria

Absent: 0

H.4. Request to Add Future Agenda Item

There were no items added.

H.5. City Council Comments

Mayor Pro Tempore MARTINEZ reported on attending the El Capitan High School Breakfast Fundraiser, and the California League of Cities dinner.

Council Member ECHEVARRIA reported on attending the Latino Elected Officials event.

Council Member BLAKE reported on attending the California League of Cities dinner.

Mayor MURPHY reported on attending a meeting with Governor elect Gavin NEWSOM, a meeting with City of Merced Fire Fighters, the Building

Young Leaders performance, the Cheerful Giving event, and the Merced County Board of Supervisors meeting. He also spoke on the Hmong New Year event and the swearing-in of new Fire Fighters.

I. CLOSED SESSION

Clerk's Note: Council adjourned to Closed Session at 9:00 PM.

I.1. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure to Litigation pursuant to Government Code section 54956.9(d)(2): (1) case

I.2. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure to Litigation pursuant to Government Code section 54956.9(d)(2): (1) case. The existing facts and circumstances are as follows: On December 3, 2018, Harvest of Merced, at an open and public meeting, stated that "... Ordinance 24-80 as applied to Harvest violated Harvest's due process rights and because none of the public records indicate that a school exists on 760 W. 13th Street. Harvest would be forced to look to the Courts to protect and uphold its legal rights. . .
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Clerk's Note: Council adjourned from Closed Session at 10:07 PM.

J. ADJOURNMENT

Clerk's Note: Council adjourned the Regular Meeting at 10:08 PM.

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

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

No: 0

Absent: 0