



# 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

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Tuesday, February 21, 2017

7:00 PM

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#### A. CLOSED SESSION 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

#### B. CLOSED SESSION

Mayor MURPHY called the Closed Session to order at 5:50 PM.

**B.1.** SUBJECT: PUBLIC EMPLOYEE PERFORMANCE EVALUATION -  
Title: Finance Officer; Authority: Government Code Section 54957

**B.2.** SUBJECT: PUBLIC EMPLOYMENT - Title: City Attorney; Authority:  
Government Code Section 54957

**B.3.** SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS -  
Property: 3033 G Street, Merced, CA APN 007-350-009; Agency  
Negotiator: Frank Quintero, Director, Economic Development;  
Negotiating Parties: Kevin Crawford representing McClatchey  
Newspapers Inc. and City of Merced and; Under Negotiation: Price  
and Terms of Payment.

**Clerk's Note:** Council adjourned from Closed Session at 7:00 PM.

#### C. CALL TO ORDER

Mayor MURPHY called the Regular Meeting to order at 7:03 PM.

C.1. Invocation - Dr. John Strubhar, First Baptist Church

The invocation was delivered by Dr. John STRUBHAR from First 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. REPORT OUT OF CLOSED SESSION

There was no report.

## F. SPECIAL PRESENTATIONS

### F.1. RTIF - MCAG Presentation

This item was moved to a future agenda due to a scheduling conflict.

### F.2. CalPERS Discount Rate Change

Director of Finance Brad GRANT gave a slide show presentation on the CalPERS Discount Rate Change.

## G. WRITTEN PETITIONS AND COMMUNICATIONS

The Clerk's Office received a letter from the California Central Valley Journey for Justice regarding homelessness and it was placed on the dais for Council Members.

## H. ORAL COMMUNICATIONS

Sohan SAHOTA, Livingston - spoke on the homeless issues regarding his properties.

Nancy YOUNG-BERMAN, Casa of Merced County - spoke on the April 1st Casa Cup Event and invited the Council to participate.

Esperanza GONZALEZ, Parent Leadership Training Institute - spoke on an event being held on Saturday, February 25th.

Rick MCMILLION, Merced - expressed concern with the way one of Riggs Ambulance's vehicles is being driven.

Seneca LOPEZ, Merced - spoke on the Cheerful Giving Event, and his charity event on April 1st.

Rachelle ABRIL, Merced - spoke on various items, including tree trimming, a blighted home on 12th street, alley cleanups, gutter cleanups, Code Enforcement, and people selling items on corners.

## I. CONSENT CALENDAR

Items I.6. Consideration of the First Amendment to the Berliner Cohen, LLP Contract for Interim City Attorney and Interim Legal Services, I.7. Vacation #16-02: Robert Lattanzio for Abandonment of Old Sidewalk Easement at 3172 M Street, and I.8. Supplemental Appropriation from the General Fund FY 16/17 Balance for Professional Services Agreement with SCI Consulting Group for Preparation of Regulations and Selection Process for Medical Marijuana Dispensaries, were pulled for further 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

#### I.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.**

#### I.2. **SUBJECT: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of January 17, 2017.**

**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 January 17, 2017.

This Consent Item was approved.

- I.3.** **SUBJECT:** Information Only - Site Plan Review Meeting Minutes of November 17, 2016

**RECOMMENDATION**

For information only.

This Consent Item was approved.

- I.4.** **SUBJECT:** Information Only - Traffic Committee Minutes of September 13, 2016 and November 15, 2016

**RECOMMENDATION**

For information only.

This Consent Item was approved.

- I.5.** **SUBJECT:** Agreement with Merced Zoological Society

**REPORT IN BRIEF**

Annual agreement with Merced Zoological Society to contribute at least \$80,000 of the total operating budget for Fiscal Year 2016/2017.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the agreement with the Merced Zoological Society for payment of at least \$80,000 (approximately 29%) of the total operating budget at the Zoo and authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

- I.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.

This Consent Item was approved.

I.6.

**SUBJECT:** Consideration of the First Amendment to the Berliner Cohen, LLP Contract for Interim City Attorney and Interim Legal Services

**REPORT IN BRIEF**

Consider authorizing a First Amendment to the Agreement with Berliner Cohen, LLP to provide Interim City Attorney Services.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the First Amendment to the Agreement for Interim Legal Services for Interim City Attorney Services with Berliner Cohen, LLP, and;

B. Authorizing the Finance Officer to make any appropriate budget adjustments, and;

C. Authorizing the City Manager or Assistant City Manager to execute the First Amendment to the Agreement for Interim Legal Services with Berliner Cohen, LLP.

Council Member BELLUOMINI pulled this item to state his opposition.

**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 Martinez, Council Member McLeod, and Council Member Serratto

**No:** 1 - Council Member Belluomini

**Absent:** 0

**I.7.****SUBJECT: Vacation #16-02: Robert Lattanzio for Abandonment of  
Old Sidewalk Easement at 3172 M Street.**

**REPORT IN BRIEF**

The City Council will be asked to set a public hearing for March 20, 2017, to abandon a 14-foot wide sidewalk easement along the western property line of 3172 M Street.

**RECOMMENDATION**

**City Council** - Adopt a motion adopting **Resolution 2017-08**, A Resolution of the City Council of the City of Merced, California, declaring its intention to vacate a 14-foot wide sidewalk easement along the western property line of 3172 M Street, generally located on the east side of M Street, approximately 200 feet north of Fairfield Drive (Vacation #16-02) setting time and place for public hearing.

Council Member BELLUOMINI pulled this item to ask about changes to the design of the streetscape and plans for a bus shelter.

Planning Manager Kim ESPINOSA explained that the design change was proposed by the property owner and that staff would check with The Bus for more information on a possible shelter.

Interim City Attorney Jolie HOUSTON explained that this item is only to set the Public Hearing.

**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 Martinez, Council Member McLeod, and Council Member Serratto

**No:** 1 - Council Member Belluomini

**Absent:** 0

**I.8.****SUBJECT: Supplemental Appropriation from the General Fund FY  
16/17 Balance for Professional Services Agreement with SCI  
Consulting Group for Preparation of Regulations and Selection  
Process for Medical Marijuana Dispensaries**

**REPORT IN BRIEF**

The City Council will consider approving a Professional Services Agreement with SCI Consulting Group for the preparation of regulations and selection process for medical marijuana dispensaries.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving an Agreement for Professional Services with SCI Consulting Group to prepare regulations and selection process for medical marijuana dispensaries in the amount of \$108,290; and,

B. Approving a supplemental appropriation from the General Fund balance in the amount of \$108,290 to be transferred to Account 017-0804-512-17-00-Professional Services for payment to SCI Consulting Group for planning services; and,

C. Authorizing the Finance Officer to make the necessary budget adjustments; and,

D. Authorizing the City Manager to execute the above agreement.

Council Member BELLUOMINI pulled this item to ask for clarification on the consultant's timeline.

Planning Manager Kim ESPINOSA explained that there are some variables that will determine the time frame.

Council Member SERRATTO asked about the options they will be voting on and the passing of Proposition 64 and how it affects the marketability.

Ms. ESPINOSA explained the options that the Council will be voting on.

Neil HALL from SCI Consulting Group, explained that the Ordinance will be flexible enough to accommodate the passing of Proposition 64.

Council Member MARTINEZ asked about regulatory fees.

Ms. ESPINOSA explained the regulatory fees and stated they were set to cover the City's costs.

Council Member PEDROZO asked if the City will recover the cost of consulting fees.

Interim City Attorney Jolie HOUSTON stated that the City can only collect the cost for the services provided.

Kelly TURNER, Merced - asked for clarification on the cost of the consulting.

Ms. ESPINOSA stated the cost was \$108,000.

Dwight LARKS, Merced - spoke on the zoning for dispensaries and requested to allow the downtown area to be zoned for dispensaries. He also spoke on eliminating the stigma of marijuana.

Council Member MARTINEZ asked about having different zoning for medical and recreational marijuana.

Mayor MURPHY confirmed that there could be different zones for medical and recreational marijuana.

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

## J. PUBLIC HEARINGS

**J.1.** **SUBJECT:** Vacation #16-01 to Abandon a 2.18-Acre Storm Drain and 0.95-Acre Storm Drain Easement East of G Street and North of Yosemite Avenue.

### REPORT IN BRIEF

The City Council will consider the abandonment of a 2.18-acre storm drain and 0.95-acre storm drain easement.

### RECOMMENDATION

**City Council** - Adopt a motion approving **Resolution 2017-07**, A Resolution of the City Council of the City of Merced, California ordering the vacation of a 2.18-acre storm drain basin and a 0.95-acre storm drain easement generally located east of G Street and approximately 390 feet north of Yosemite Avenue (Vacation #16-01).



Planning Manager Kim ESPINOSA gave a slide show presentation on Vacation #16-01 Storm Drain Basin and Easement.

Mayor MURPHY opened the Public Hearing at 8:28 PM and subsequently closed the Public Hearing due to lack of public comment.

**A motion was made by Council Member Pedrozo, seconded by Council Member Belluomini, to approve Resolution 2017-07. 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

## K. REPORTS

### K.1.

**SUBJECT: Assessment Ballot Proceeding Voting Results - Oakmont #3, Campus North, and Mansionette Maintenance Districts**

#### REPORT IN BRIEF

Accept ballot results on the proposed increase in assessments to property owners in the Oakmont #3, Campus North, and Mansionette Maintenance Districts

#### RECOMMENDATION

**City Council** - Adopt a motion:

A. Accepting assessment ballot proceeding results for the Oakmont #3, Campus North, and Mansionette Maintenance Districts; and,

B. Approving annual increase in assessment levy to Oakmont #3 Maintenance District, from \$70.03 to \$89.75, subject to annual Consumer Price Index adjustments; and,

C. Approving no increase in assessment levies to the Campus North and Mansionette Maintenance Districts.

Director of Public Works Ken ELWIN reported on the results of the Maintenance District Ballot Proceedings.

Council Member BELLUOMINI asked if the residents in the Mansionette Maintenance District voted in favor of the fee increase and asked if the current property owners at Campus North had the ability to vote.

Mr. ELWIN confirmed that a majority of the homeowners in the Mansionette Maintenance District were in favor of the fee increase but a larger landowner was not. He also explained that during the ballot proceedings there was a change in ownership of some properties at the Campus North District.

**A motion was made by Council Member Pedrozo, seconded by Council Member Serratto, to accept the assesment ballot proceeding for Oakmont #3 and approve the annual increase fro Oakmont #3 and no increase for the levies to Campus North and Mansionette Maintenance Districts . 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

**K.2.**

**SUBJECT:** Consideration of Resolution 2017-10 to Consolidate the Rules of Order and Procedure for the Conduct of City Council Meetings, Change the City Council Regular Meeting Closed Session and Public Agenda Start Times and Eliminate References to the Redevelopment Agency

**REPORT IN BRIEF**

Considers Adoption of Resolution 2017-10 to consolidate two Resolutions addressing City Council Rules of Order and Procedure into a single Resolution, change the start times for closed session and the public agenda for regular meetings of the City Council and eliminate references to the Redevelopment Agency. If this Resolution passes, the start time for regular meetings of the City Council will be 5:30 p.m. for Closed Session and 6:00 p.m. for the Public Agenda.

**RECOMMENDATION**

**City Council** - Adopt a motion adopting **Resolution 2017-10, A** Resolution of the City Council of the City of Merced, California, Rescinding Resolution 2009-30 and Resolution 2009-64 and Adopting a Values Statement, Adopting Rules of Order and Procedure for the Conduct of City Council Meetings, and Adopting a Code of Conduct for City Council Meetings.

City Manager Steve CARRIGAN gave a brief report on the consideration of Resolution 2017-10.

Council Member MARTINEZ requested to push the new start time to April.

Council Member BELLUOMINI stated his opposition to the time change.

Mayor Pro Tempore BLAKE stated his support for the new time change.

Council Member PEDROZO stated his support for the new time change.

Council Member MCLEOD stated her support for a trial run of the new time change.

Council Member SERRATTO asked if it will give them enough time for Closed Session and if 6:30 would be a good compromise.

Mayor Pro Tempore BLAKE stated that if they had to, they could move the Closed Session to after the meeting.

Kelly TURNER, Merced - asked how the City was letting the public know about the time change and if they asked how the public felt about the time change. She stated the new time change would make it difficult for some people to attend.

Assistant City Manager Stephanie DIETZ explained about posting this item on the agenda and noticing the agenda. She also explained the various ways the City will communicate to the public about the change.

Brenda, Merced - stated the new time change is reasonable.

Rachelle ABRIL, Merced - suggested residents be able to weigh in on the proposed start time.

City Manager Steve CARRIGAN stated he suggested the time change due to the long meetings. He also stated that it could be changed back if found unsuccessful.

**A motion was made by Council Member Serratto, seconded by Council Member Pedrozo, to adopt Resolution 2017-10 with the new meeting start time to begin on May 1, 2017. The motion carried by the following vote:**

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

**No:** 1 - Council Member Belluomini

**Absent:** 0

**K.3. SUBJECT: Crime Statistic Update**

**REPORT IN BRIEF**

Crime statistic update given by Police Chief Andrade.

**RECOMMENDATION**

For Information Only.

Police Chief Norm ANDRADE gave a slide show presentation on the 2016 Crime Report.

Council Member MARTINEZ asked about predictive policing, auto thefts, and upcoming issues that can be addressed.

Police Chief ANDRADE explained the benefits of Officers utilizing the predictive policing tool to locate themselves in strategic positions. He discussed the passing of AB109 and the early release of criminals. He also discussed homicides and the difficulty in preventing them.

Council Member PEDROZO requested a copy of the slide show presentation. He also asked how the VIPER Program plays a part in predictive policing.

Police Chief ANDRADE stated that the VIPER program is a County program and is designed to go after gang members.

Dwight LARKS, Merced - asked about programs for those being released because of the AB109.

Mayor Pro Tempore BLAKE explained the programs that the Sheriff's Department has for those being released through AB109.

Assistant City Manager Stephanie DIETZ further explained the programs that are offered and the partnership with the County.

**L. BUSINESS**

L.1. Request to Add Item to Future Agenda

There were no future items added.

L.2. City Council Comments

Council Member SERRATTO announced the last Town Hall Meeting to be held on February 23rd. He also thanked people for attending the Council Meeting and speaking out.

Council Member MARTINEZ announced Weaver School's drama event, the Wizard of Oz.

Council Member PEDROZO asked for the public to be patient with traffic and closed railroad crossings.

Council Member BELLUOMINI thanked people for attending the Town Hall Meetings and mentioned the topic of Sanctuary Cities. He asked City Manager Steve CARRIGAN for a follow-up on High Speed Rail and the EIR for Gateway Shopping Center.

Mayor MURPHY reported on attending the Japanese American Citizen League event.

## M. ADJOURNMENT

**Clerk's Note:** The meeting adjourned at 9:58 PM.

**A motion was made by Mayor Murphy, seconded by Council Member Pedrozo, that the Regular Meeting be adjourned in honor of Council Member Bishop Dwight Amey. 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