



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 5, 2016

7:00 PM

A. CALL TO ORDER

Mayor THURSTON called the Regular Meeting to order at 7:01 PM.

A.1. Invocation - Chaplain James Sanders, Merced County Jail Ministry

The invocation was delivered by Chaplain James Sanders from the Merced County Jail Ministry.

A.2. Pledge of Allegiance to the Flag

B. ROLL CALL

Present: 7 - Mayor Stanley P. Thurston, Council Member Joshua Pedrozo, Council Member Michael Belluomini, Mayor Pro Tempore Kevin Blake, Council Member Tony Dossetti, Council Member Noah Lor, and Mayor Mike Murphy

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 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.

C. CEREMONIAL MATTERS

C.1. **SUBJECT:** Proclamation - Homeless Memorial Day

REPORT IN BRIEF

Accepted by Mary-Michal Rawling - Director of Governmental Affairs, Golden Valley Health Centers and Joseph Homer - Homeless Program Care Coordinator, Golden Valley Health Centers.

Mayor THURSTON presented Joseph HOMER, Homeless Program Care Coordinator from Golden Valley Health Centers and Dr. SANDOVAL, Golden Valley Health Centers, with the Homeless Memorial Day Proclamation.

D. WRITTEN PETITIONS AND COMMUNICATIONS

The Clerk's Office did not receive any written petitions or communications.

E. ORAL COMMUNICATIONS

Vannaleze BARCELOS and Tomi PEREZ, Merced - spoke on the Merced Junior College bike lighting and bicycle thefts on campus.

Monica VILLA, Merced - spoke about homeless issues.

Theo CROUCH and Mark KOSIEN, Merced - spoke on smart cities and public wifi.

F. CONSENT CALENDAR

Items F.7. Second Reading - Ordinance No. 2469 "Regulated Communications in City Procurement Process" Adding Chapter 3.06 to the Merced Municipal Code, F.8. Maintenance Districts Assessment Ballot Proceeding - Oakmont #3, Campus North, and Mansionette Maintenance Districts, and F.14. Final Report to State Grantor, were pulled for separate consideration.

Approval of the Consent Agenda

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

Aye: 7 - Mayor Thurston, Council Member Pedrozo, Council Member Belluomini, Mayor Pro Tempore Blake, Council Member Dossetti, Council Member Lor, and Mayor Murphy

No: 0

Absent: 0

F.1. 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.

F.2.

SUBJECT: Information Only- Planning Commission Minutes of September 21, 2016

RECOMMENDATION

For information only.

This Consent Item was approved.

F.3.

SUBJECT: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of November 7, 2016.

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 November 7, 2016.

This Consent Item was approved.

F.4.

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.5.

SUBJECT: Second Reading - Adoption of 2016 California Building and Fire Codes

REPORT IN BRIEF

Second reading of previously introduced Ordinance.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Ordinance 2467**, an Ordinance of the City Council of the City of Merced, California, Amending Chapter 17.04, 'Building Code,' Article I Title, Sections 17.04.010, 17.04.050, 17.04.110, 17.04.120, 17.05.010, 17.06.010, 17.07.010, 17.09.010, 17.10.010, 17.12.010, 17.20.010, 17.24.010, 17.28.020, and 17.34.010 of the Merced Municipal Code to Adopt by Reference the 2016 California Building Code, 2016 California Administrative Code, 2016 Existing Building Code, 2016 Green Buildings Standards Code, 2016 Historical Code, 2016 Energy Code, 2016 California Electrical Code, 2016 California Mechanical Code, 2016 California Plumbing Code, and 2016 Referenced Standards Code; and,

B. Adopting **Ordinance 2468**, an Ordinance of the City Council of the City of Merced, California, Amending Chapter 17.32, 'Fire Prevention Code,' of the Merced Municipal Code.

This Consent Item was approved.

F.6.

SUBJECT: Second Reading- Ordinance for Residential Sewer Connection Fees

REPORT IN BRIEF

Second reading of previously introduced Ordinance.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2471**, an Ordinance of the City Council of the City of Merced, California, Amending Section 15.08.165, "Payment" of the Merced Municipal Code Regarding Sewer Main Extensions.

This Consent Item was approved.

F.9.

SUBJECT: 2016 Biennial Review and Revisions to the Conflict of Interest Code

REPORT IN BRIEF

Consider adopting a Resolution with amendments to the City's Conflict of Interest Code, as required by the Political Reform Act.

RECOMMENDATION

City Council - Adopt **Resolution 2016-55**, a Resolution of the City Council of the City of Merced, California, re-adopting the City's Conflict of Interest Code.

This Consent Item was approved.

F.10.

SUBJECT: Set a Public Hearing for First Substantial Amendment to the 2017 Housing and Urban Development Action Plan

REPORT IN BRIEF

To set a public hearing for a Substantial Amendment to the 2015/16 and 2016/17 HUD Action Plans, reprogramming a total of \$1,385,000 to the Gateway Terrace II Apartments.

RECOMMENDATION

City Council - Adopt a motion setting a public hearing on December 19, 2016, for a substantial amendment to Fiscal Years' 2015/16 and 2016/17 Housing and Urban Development Action Plans.

This Consent Item was approved.

F.11.

SUBJECT: Minimum Wage Increase

REPORT IN BRIEF

Approve minimum wage increase in accordance with Senate Bill 3.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2016-60**, a Resolution of the City Council of the City of Merced, California, amending the salary ranges for the temporary classifications of Lifeguard I, Lifeguard II, Pool Manager, Recreation Technician, Recreation Leader, and Recreation Specialist; and, authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

F.12.

SUBJECT: Establish the ICMA Retirement Corporation's Vantagecare Retirement Health Savings (RHS) Program

REPORT IN BRIEF

Establish the ICMA Retirement Corporation Vantagecare Retirement Health Savings (RHS) Program for members of the International Fire

Fighter's Association, Local #1479.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2016-52**, A Resolution of the City Council of the City of Merced, California, Adopting ICMA Retirement Corporation's Vantagecare Retirement Health Savings Program.

B. Authorizing the City Manager to execute the agreements with ICMA Retirement Corporation and International Fire Fighter's Association Local #1479.

This Consent Item was approved.

F.13.

SUBJECT: Donation of Miscellaneous Unsellable Surplus Items

REPORT IN BRIEF

Donate unsellable miscellaneous surplus items to qualified local charities.

RECOMMENDATION

City Council - Adopt a motion authorizing the donation of unsold miscellaneous surplus items stored at the Purchasing warehouse that did not sell at publicsurplus.com to local charities.

This Consent Item was approved.

F.15.

SUBJECT: Adopt a Resolution of Intent to Annex Property into Community Facilities District (CFD) No. 2003-2 (Services) and Set a Public Hearing for December 19, 2016.

REPORT IN BRIEF

This report requests the City Council adopt a Resolution of Intent to annex a 7.4-acre parcel located at the southwest corner of Mansionette Drive and Mercy Avenue into Community Facilities District (CFD) No. 2003-2 (Services) and set a public hearing for December 19, 2016, for the annexation.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2016-61**, a Resolution of Intention of the City Council of the City of Merced, acting as the legislative body of the City

of Merced Community Facilities District No. 2003-02 (Services), declaring its intention to annex area to said District and authorize the levy of a special tax within said annexation, and approving a certain agreement related thereto; and,

B. Approving the Deposit and Reimbursement Agreements submitted and appropriate the funds from the deposits to Fund 150 to reimburse the City for Community Facilities District formation and related expenditures; and,

C. Setting the public hearing for December 19, 2016.

This Consent Item was approved.

F.7.

SUBJECT: Second Reading - Ordinance No. 2469 "Regulated Communications in City Procurement Process" Adding Chapter 3.06 to the Merced Municipal Code

REPORT IN BRIEF

Second reading of previously introduced Ordinance.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2469**, an Ordinance of the City Council for the City of Merced, California adding Chapter 3.06, regulated communications in City procurement process to the Merced Municipal Code.

Mayor Pro Tempore PEDROZO pulled this item to allow members of the public to speak on this.

Robert DYLINE, Merced - requested more time to review the Ordinance.

Adam COX, Merced Chamber of Commerce - spoke on the great relationship between the Chamber and the City and requested more time from the Council to review the Ordinance.

Council Members discussed giving the business community time to review the Ordinance and the new Council Members to have the time to familiarize themselves with the Ordinance.

Mayor THURSTON discussed the importance of the Ordinance.

Council Member BELLUOMINI asked counsel if the item were to be moved to another Council Meeting date, whether the item would still be considered a Second Reading; or if the process would have to start over again.

Interim City Attorney Jolie HOUSTON stated that, if there are no changes to the Ordinance, then it would be considered a Second Reading and she encouraged the New Council to familiarize themselves with previous staff reports on this matter.

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Blake, that this agenda item be continued to the January 17th Council Meeting to allow enough time for the Chamber to review. The motion carried by the following vote:

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

No: 2 - Mayor Thurston, and Council Member Lor

Absent: 0

F.8.

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

REPORT IN BRIEF

Consider authorizing an assessment ballot proceeding and setting a public hearing for Monday, February 6, 2017, for the Oakmont #3, Campus North, and Mansionette Maintenance Districts, to obtain property owner approval in advance of increase in annual levy assessments.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2016-63**, a Resolution of the City Council of the City of Merced, California, authorizing an assessment ballot proceeding for the Oakmont #3, Campus North, and Mansionette Maintenance Districts; setting the public hearing for Monday, February 6, 2017, to obtain property owner approval prior to increase in annual levy assessments to cover operation and maintenance costs to each identified District; and,

B. Approving a supplemental budget appropriation from the Unreserved Fund Balance of the General Fund in the amount not to exceed \$2,990, to cover the assessment balloting proceeding noticing costs.

Council Member BELLUOMINI pulled this item to ask for clarification on a dollar amount for a particular property listed on the staff report, as well as the dollar amount for the same property listed on item F.15.; the fee that

was for the proposed Police Station; why Campus North is paying more in fees than Oakmont, and he further requested a fee calculation.

Director of Public Works Ken ELWIN explained that the dollar amount in question would be the same use and that it shouldn't be doubled. He also stated that the fee that would have been for the Police Station would transfer to the new owner of the property. He stated that fees would be different in different districts based on coverage area.

Mayor THURSTON asked to review of the Yard Masters contract and about prevailing wages.

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, Council Member Pedrozo, Council Member Belluomini, Mayor Pro Tempore Blake, Council Member Dossetti, Council Member Lor, and Mayor Murphy

No: 0

Absent: 0

F.14.

SUBJECT: Final Report to State Grantor

REPORT IN BRIEF

Staff requests the City Council, by minute action, to adopt and certify the Final Report to the State Grantor about the effort to prepare the City's Programmatic Climate Action Plan.

RECOMMENDATION

City Council - Adopt a motion certifying the report by minute action.

Council Member MURPHY pulled this item to ask for an explanation of what the Council was being asked to approve.

Planning Manager Kim ESPINOSA explained that the Council will only be approving the Final Report on how grant money was spent and it would not affect the Programmatic Climate Action Plan.

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, Council Member Pedrozo, Council Member Belluomini, Mayor Pro Tempore Blake, Council Member Dossetti, Council Member Lor, and Mayor Murphy

No: 0

Absent: 0

G. PUBLIC HEARINGS

G.1. SUBJECT: Public Hearing - Establishing a Residential Permit Parking Zone on Beals Avenue and Spalding Court

REPORT IN BRIEF

Considers adopting a resolution to establish a Residential Permit Parking Zone on Beals Avenue, bounded by Yosemite Avenue to just north of Judy Court, as well as Spalding Court, bounded by Beals Avenue to mid-block of Wathen Avenue.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2016-57**, a Resolution of the City Council of the City of Merced, California, Establishing Residential Permit Parking Zone on Beals Avenue and Spalding Court.

Planning Manager Kim ESPINOSA gave a slide show presentation on the Residential Permit Parking Zone on Beals Avenue and Spalding Court.

Mayor THURSTON opened the Public Hearing at 7:55 PM.

Randy STARKWEATHER, Merced - spoke on the issues of the college students parking in the neighborhood.

Council Member BLAKE stated his support for this item and spoke on the traffic in that area.

Council Member BELLUOMINI asked if the residents had talked to the College Administration.

Mr. STARKWEATHER stated that they have spoken to the College Administration as well as the Police Personnel on campus.

City Manager Steve CARRIGAN stated that he and the Police Chief will be meeting with the College President and will bring this topic to them.

Dan SHAMBLE, Merced - spoke on the issues the residents are having with the college students parking in their neighborhood.

Mayor THURSTON closed the Public Hearing at 8:04 PM.

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

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

Aye: 7 - Mayor Thurston, Council Member Pedrozo, Council Member Belluomini, Mayor Pro Tempore Blake, Council Member Dossetti, Council Member Lor, and Mayor Murphy

No: 0

Absent: 0

H. BUSINESS

H.1. Request to Add Item to Future Agenda

There were no items added to any future agenda.

H.2. City Council Comments

Council Member DOSSETTI thanked Director of Development Services Dave GONZALVES for his job performance and friendship.

Mayor Pro Tempore PEDROZO reported on attending the Christmas Parade.

Council Member MURPHY reported on attending the Lao Family Thanksgiving lunch and spoke about the upcoming Hmong New Year event at the Fairgrounds.

Council Member BELLUOMINI reported on attending the Christmas Parade, he asked about warming stations for the homeless and he encouraged people to attend the Christmas Carol program at the Merced College.

City Manager Steve CARRIGAN encouraged everyone to direct the homeless to the Rescue Mission for warming stations.

Council Member BLAKE reported on attending the Christmas Parade.

Council Member LOR requested to give Dr. Sandoval a certificate of recognition for his work with the homeless.

I. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 8:12 PM.

A motion was made by Mayor Thurston, seconded by Mayor Pro Tempore Pedrozo, that the Regular Meeting be adjourned in honor of Dr. Sandoval and his long standing service to the community. The motion carried by the following vote:

Aye: 7 - Mayor Thurston, Council Member Pedrozo, Council Member Belluomini, Mayor Pro
Tempore Blake, Council Member Dossetti, Council Member Lor, and Mayor Murphy

No: 0

Absent: 0