



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, April 18, 2016

7:00 PM

A. CLOSED SESSION ROLL CALL

Present: 5 - Mayor Stanley P. Thurston, Council Member Mike Murphy, Council Member Kevin Blake, Council Member Michael Belluomini, and Council Member Tony Dossetti
Absent: 2 - Mayor Pro Tempore Joshua Pedrozo, and Council Member Noah Lor

B. CLOSED SESSION

Mayor THURSTON called the Closed Session to order at 6:32 PM.

B.1.

SUBJECT: CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: 2 cases.

C. CALL TO ORDER

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

Clerk's Note: Mayor Pro Tempore PEDROZO arrived after Roll Call at 7:16 PM.

C.1. Invocation - Paul Coonce, Associate Pastor, Ain't Your Mama's Church

The invocation was delivered by Paul Coonce from Ain't Your Mama's Church.

C.2. Pledge of Allegiance to the Flag

D. ROLL CALL

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

Clerk's Note: There was no report out of Closed Session.

Mayor THURSTON announced that Item K.1. would be moved to the first meeting in May.

Acting City Manager Frank QUINTERO also announced that Item L.1. would be moved to the first meeting in May to make some language changes.

F. SPECIAL PRESENTATIONS

F.1. R.A.D.I.C.A.L. Health Education and Screening Program - Presented by Jim Drury

Frank DRURY, Life Saving Images - presented his breast cancer screening project and spoke of its future in Merced.

G. WRITTEN PETITIONS AND COMMUNICATIONS

The Clerk announced a written communication from Kevin Hammond.

H. ORAL COMMUNICATIONS

Daniel KAZAKOS, Merced - invited Council and the public to a community meeting about the Esperanza Project for supportive housing.

I. CONSENT CALENDAR

Item I.5. Driveway License Agreement with Merced Irrigation District for a New Driveway at Stuart Drive and West Avenue and Item I.6. Maintenance Districts Engineer's Reports and Budgets - Fiscal Year 2016/2017 were pulled for separate consideration.

Approval of the Consent Agenda

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

No: 0

Absent: 0

I.1. **SUBJECT:** City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of November 2, 2015 and November 16, 2015.

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 2, 2015 and November 16, 2015.

This Consent Item was approved.

I.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.

I.3. **SUBJECT:** Accept and Appropriate Donated Funds for Police K9 Unit

REPORT IN BRIEF

Accept donation from Edward Suz and appropriate funds to offset costs of the Police K9 Program.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting the donation of \$3,000 from Edward Suz for the Police K9 Program; and,

B. Depositing the \$3,000 donation to revenue account #001-1001-360-01-01 and appropriate the same amount to account #001-1027-522-29-00 to purchase equipment and supplies for the K9 Unit.

This Consent Item was approved.

I.4.

SUBJECT: City-Owned Real Property Use Request #16-02 for Bob Hart Square (The Regents of the University of California/Class of 2016 Graduation Reception)

REPORT IN BRIEF

Consider allowing the exclusive use of Bob Hart Square Park on Friday, May 6, 2016, from 10:00 a.m. to 10:00 p.m. (event time 7:00 p.m. to 9:30 p.m.), for the Regents of the University of California/Merced's annual graduation reception, which includes the serving of wine.

RECOMMENDATION

City Council - Adopt a motion approving the exclusive use of Bob Hart Square Park on Friday, May 6, 2016, from 10:00 a.m. to 10:00 p.m., for a graduation reception (including the serving of wine); subject to the conditions outlined in the administrative report.

This Consent Item was approved.

I.7.

SUBJECT: Purchase Property for Well Site 21, Project No. 113026

REPORT IN BRIEF

Consider reapproving the Agreement to Purchase Tax-Defaulted Property with the County of Merced for property located at the corner of G Street and Bellevue Road for future Well Site 21.

RECOMMENDATION

City Council - Adopt a motion approving the Agreement to Purchase Tax-Defaulted Property with the County of Merced for the property known as APN 224-020-016; and, authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

- I.8. **SUBJECT:** Consideration of an Ordinance Dealing with Angle Parking, No Parking Zones, Freight and Passenger Loading Zones, and Accessible Passenger Loading Zone on N Street between W. 18th and W. 19th Streets

REPORT IN BRIEF

Consider introducing ordinance for the removal of angle-parking along a portion of N Street and replacing with a Freight and Passenger Loading Zone and Accessible Passenger Loading Zone as part of UC Merced's Downtown Building Project.

RECOMMENDATION

City Council - Adopt a Motion introducing **Ordinance 2458**, an Ordinance of the City Council of the City of Merced, California, amending Merced Municipal Code Sections 10.28.090, "Angle Parking Permitted Where," 10.28.230, "No Parking Zone," and 10.32.050, "Freight and Passenger Loading Zones - Locations," and adding Section 10.28.059, "Accessible Passenger Loading Zones," to the Merced Municipal Code.

This Consent Item was approved.

- I.9. **SUBJECT:** Second Reading of Ordinance Dealing with False Alarms

REPORT IN BRIEF

Second reading of previously introduced ordinance that includes amendments requested by Council at its introduction.

RECOMMENDATION

City Council - Adopt **Ordinance 2456**, an Ordinance of the City Council of the City of Merced, California, Adding Chapter 8.28, "Burglar Alarm Systems and False Alarms," to the Merced Municipal Code.

This Consent Item was approved.

- I.5. **SUBJECT:** Driveway License Agreement with Merced Irrigation District for a New Driveway at Stuart Drive and West Avenue

REPORT IN BRIEF

Agreement outlining terms, plans and specifications for a new driveway on the west side of West Avenue at Stuart Drive.

RECOMMENDATION

City Council - Adopt a motion approving the Non-Exclusive Driveway License Agreement with Merced Irrigation District for a new driveway on the west side of West Avenue at Stuart Drive; and, authorizing the City Manager to sign the necessary documents.

Council Member Murphy pulled this item to recuse himself due to a business relationship.

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

Aye: 6 - Mayor Thurston, Council Member Blake, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Dossetti, and Council Member Lor

No: 0

Absent: 0

Abstain: 1 - Council Member Murphy

I.6.

SUBJECT: Maintenance Districts Engineer's Reports and Budgets - Fiscal Year 2016/2017

REPORT IN BRIEF

Consider setting a public meeting for Monday, June 6, 2016, to address the proposed Engineer's Reports and budgets. The Council must then conduct a formal public hearing set for Monday, June 20, 2016, before a determination can be made on the level of assessment to be approved.

RECOMMENDATION

City Council - Adopt **Resolution 2016-12**, a Resolution of the City Council of the City of Merced, California, approving the Engineer's Reports and budgets on the various Maintenance Districts and setting a public meeting and a public hearing thereon.

Council Member BELLUOMINI pulled this item to ask whether trees will be replaced during the cleanup of the Fahrens Park area.

Public Works Director Ken ELWIN stated that the cleanup was for safety reasons and that there were a plentiful amount of seedlings growing to fill in the gaps.

Council Member BELLUOMINI questioned the Mansionette Maintenance

District and the proposed Community Facilities District proposed for the area.

Sr. Deputy City Attorney Ken ROZELL stated that until a project comes forward, the developer is not required to annex into the CFD.

Mayor THURSTON expressed concern about the maintenance of the Mansionette area.

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

No: 0

Absent: 0

J. PUBLIC HEARINGS

J.1. **SUBJECT:** Public Hearing and Adoption of the Department of Housing and Urban Development (HUD) 2016 Annual Action Plan

REPORT IN BRIEF

Public hearing for Adoption of the Federal Department of Housing and Urban Development [HUD] 2016 Annual Action Plan and approval of a Resolution for submission to HUD.

RECOMMENDATION

City Council - Adopt a Motion:

A. Approving **Resolution 2016-13**, a Resolution of the City Council of the City of Merced, California, approving the 2016 HUD Annual Action Plan, certifying compliance with requirements of the Community Development Block Grant (CDBG) Program and Home Investment Partnership (HOME) Program, and authorizing staff to submit all approved documents to the Department of Housing and Urban Development; and

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

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

acceptance of the grant; and,

D. Authorizing the City Manager to sign the SF 424 and HUD Certificates documents required to be submitted with the 2016 HUD Annual Action Plan; and,

E. Requesting Council to recommend funding the three eligible project activities as submitted. The amount awarded to applicants may not exceed \$467,000 for project activities in the 2016 HUD Annual Action Plan.; and,

F. Requesting Council to recommend funding the seven eligible activities submitted public service applications. The amount awarded to applicants may not exceed \$102,500 for public service activities in the 2016 HUD Annual Action Plan.

Acting City Manager Frank QUINTERO gave a brief overview of the annual requirement by the Department of Housing and Urban Development.

Housing Manager Mark HAMILTON gave a slide presentation describing the available funds and items they could be spent on. He explained the steps requested of Council for this item.

Mayor THURSTON opened the Public Hearing at 7:56 PM.

Chee Yang, Program Director for Valley Crisis Center - spoke about how the funds help many of their programs.

Mayor THURSTON closed the Public Hearing at 7:58 PM.

Council Member LOR asked about the Merced County Rescue Mission's application.

Mr. HAMILTON stated that their application came in after the deadline.

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

Aye: 6 - Mayor Thurston, Council Member Murphy, Council Member Blake, Mayor Pro Tempore Pedrozo, Council Member Belluomini, and Council Member Lor

No: 1 - Council Member Dossetti

Absent: 0

J.2.

SUBJECT: Cardrooms

REPORT IN BRIEF

Introduction of an Ordinance Modifying Regulations Relating to Cardrooms

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2457**, an Ordinance of the City Council of the City of Merced, California, Amending Section 9.08.020, "Cards," of the Merced Municipal Code Relating to Cardrooms.

ALTERNATIVES

1. Modify ordinance for introduction; or,
2. Deny; or,
3. Take no further action regarding this matter.

Sr. Deputy City Attorney Ken ROZELL gave a slide presentation on the proposed ordinance to expand the number of card tables in the City from 8 to 16 tables.

Council Member MURPHY asked about covering the cost of the services provided and whether the cost of a Special Election would be covered by the fees.

Mr. ROZELL stated that the fees cover only the services and not an election.

Mayor THURSTON questioned how the tables would be divided between the two operating cardrooms in Merced.

Mr. ROZELL stated that if both businesses apply at the same time, the Planning Commission would decide how to divide the tables.

Mayor THURSTON opened the Public Hearing at 8:06 PM.

Sai SACHAO, Merced - expressed his concern for equality when applying for the permit and possible 24-hour gaming.

Director of Development Services, David GONZALVES stated that the Ordinance could be adjusted.

Mr. ROZELL explained the different zoning between the two clubs and also stated the language in the Ordinance could be adjusted.

Council Member DOSSETTI asked about the Department of Justice fees the cardrooms pay.

Mr. SAECHAO explained the fees.

Council Member MURPHY asked about the possible zone change and future cardrooms.

Mr. ROZELL suggested a Conditional Use Permit change to accomplish the 24-hour gaming and not a change to the current zoning regulations.

Jahrett BLONIEN, Merced Poker Room - expressed support for the ordinance.

Mayor THURSTON closed the Public Hearing at 8:16 PM.

Council Member BELLUOMINI asked whether 24-hour gambling was necessary.

Mr. SAECHAO stated that he would prefer the ability to have 24-hour gaming as customers come at varying hours.

Mr. BLONIEN agreed that 24-hour gaming is necessary to compete with neighboring communities that allow it.

Mayor Pro Tempore PEDROZO stated support for 24-hour operation to maintain fairness.

Mayor THURSTON requested clarification on the 24-hour operation.

Mr. ROZELL stated that the cardroom use would be allowed the 24-hour operations.

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Dossetti, that this Ordinance be introduced as amended to allow for 24 hour operation. The motion carried by the following vote:

Aye: 6 - Mayor Thurston, Council Member Murphy, Council Member Blake, Mayor Pro Tempore Pedrozo, Council Member Dossetti, and Council Member Lor

No: 1 - Council Member Belluomini

Absent: 0

K. REPORTS

K.1. **SUBJECT:** Revenue Sharing

REPORT IN BRIEF

The report describes the history of Revenue Sharing and latest proposals between the City and County.

RECOMMENDATION

City Council - Provide direction to City Manager on next steps to be taken.

Clerk's Note: This item was moved to the May 2, 2016 agenda.

L. BUSINESS

L.1. **SUBJECT:** Council Policy C-6, Finance Director's Annual Evaluation

REPORT IN BRIEF

Council Policy C-6 is in response to City Council direction to staff to provide a yearly review of the Finance Director position.

RECOMMENDATION

City Council - adopt a motion adding Council Policy C-6 to the City Council Administrative Policies and Procedures.

Clerk's Note: This item was moved to the May 2, 2016 agenda.

L.2. **SUBJECT:** Citizens' Oversight Committee - Measure C Appointment

REPORT IN BRIEF

Accept recommendation to fill Citizens' Oversight Committee - Measure "C" vacancy.

RECOMMENDATION

City Council - Adopt a motion accepting recommendation from the Citizens' Oversight - Measure "C" Committee and appointing one individual to the Northern District to serve as a member of the Committee.

A motion was made by Council Member Blake, seconded by Mayor Pro Tempore Pedrozo, to appoint Mr. Wendling to the Citizens Oversight Committee, Measure C. The motion carried by the following vote:

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

No: 0

Absent: 0

L.3. Selection of Dates for Budget Meetings

Acting City Manager QUINTERO proposed the dates for the Budget review.

Council Member BELLUOMINI questioned the turnaround time for any proposed changes.

Mr. QUINTERO explained the process.

Clerk's Note: All Council Members confirmed the proposed dates.

L.4. Request to Add Item to Future Agenda

Council Member LOR requested a discussion on sponsoring the Hmong Story event.

L.5. City Council Comments

Council Member MURPHY announced the OpenGov tool on the City's website. He reported attending the Firefighter of the Year event and congratulated Captain Chad ENGLERT on the award. He also reported attending the Fresno police headquarters to see the latest technology. He mentioned the recent deaths of community members Florencio AGUILAR, Pat RICHARDSON and David BURKE.

Council Member DOSSETTI also reported attending the Firefighter of the Year event.

Mayor Pro Tempore PEDROZO also mentioned the Firefighter of the Year event and the Relay for Life event coming up.

Mayor THURSTON congratulated the youth who completed the Jr. Leadership class.

M. ADJOURNMENT

Clerk's Note: The meeting adjourned at 8:37 PM.

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Dossetti, that the meeting be adjourned. The motion carried by the following vote:

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

No: 0

Absent: 0