



# 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, August 21, 2017

6:00 PM

---

#### A. CLOSED SESSION ROLL CALL

**Present:** 6 - Council Member Michael Belluomini, Council Member Anthony Martinez, Council Member Jill McLeod, Council Member Joshua Pedrozo, Council Member Matthew Serratto, and Mayor Mike Murphy

**Absent:** 1 - Mayor Pro Tempore Kevin Blake

#### B. CLOSED SESSION

**Clerk's Note:** Council adjourned to Closed Session at 5:02 PM.

##### B.1.

**SUBJECT:** CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; California Department of Finance v. City of Merced, et al.; Sacramento County Superior Court Case No.34-2016-80002485;  
**AUTHORITY:** Government Code Section 54956.9(d)(1)

**Clerk's Note:** Council adourned from Closed Session at 5:13 PM.

#### C. STUDY SESSION ROLL CALL

**Present:** 6 - Council Member Michael Belluomini, Council Member Anthony Martinez, Council Member Jill McLeod, Council Member Joshua Pedrozo, Council Member Matthew Serratto, and Mayor Mike Murphy

**Absent:** 1 - Mayor Pro Tempore Kevin Blake

#### D. STUDY SESSION

##### D.1.

**SUBJECT:** Study Session - Discussion on Water

##### REPORT IN BRIEF

A Study Session to discuss water and City conservation efforts. Hicham EITal, an MID representative, and City of Merced staff, will make a presentation.

Mayor MURPHY called the Study Session to order at 5:15 PM.

Hicham ELTAL, MID Representative, gave a slide show presentation on water.

Water Conservation Specialist Leah BROWN gave a slide show presentation.

Mayor MURPHY asked about tier rates.

Ms. BROWN explained rate structures.

Council Member MCLEOD asked about the type of relief rain offers, shift in public education, and tracking the flow of wells.

Ms. BROWN explained that the rain brings very little relief. She also spoke about groundwater deletion the City is facing.

Public Works Water Manager Johnnie BAPTISTA explained the effects the rain offers, the tracking of wells, and water rates.

Council Member PEDROZO spoke about the drought and water conservation. He stated his opposition to adding another day to the watering schedule. He asked about conservation rate structures credits for drought tolerant landscaping.

Mr. BAPTISTA explained that drought tolerant landscape is part of the updated Building Code.

**Clerk's Note:** Mayor and Council Members agreed to continue the Study Session upon completion of the Regular City Council Meeting. The Study Session was adjourned at 6:00 PM.

## **E. CALL TO ORDER**

Mayor MURPHY called the Regular Meeting to order at 6:04 PM.

E.1. Invocation - Pastor Greg Boyd, Calvary Chapel of Merced

The invocation was delivered by Pastor Greg BOYD from the Calvary Chapel in Merced.

E.2. Pledge of Allegiance to the Flag

Council Member PEDROZO led the Pledge of Allegiance.

## **F. ROLL CALL**

**Present:** 6 - Council Member Michael Belluomini, Council Member Anthony Martinez, Council Member Jill McLeod, Council Member Joshua Pedrozo, Council Member Matthew Serratto, and Mayor Mike Murphy

---

**Absent:** 1 - Mayor Pro Tempore Kevin Blake

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 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.

## **G. REPORT OUT OF CLOSED SESSION**

There was no report.

## **H. CEREMONIAL MATTERS**

**H.1.** **SUBJECT:** Recognition of Pacific Gas and Electric Company for Sponsoring the Summer at City Hall Program

### **REPORT IN BRIEF**

Recognition of Pacific Gas and Electric Company for sponsoring the Summer at City Hall Program.

Mayor MURPHY and Assistant to the City Manager Mike CONWAY presented Thomas REEVES from Pacific Gas and Electric with a certificate of recognition for sponsoring the Summer at City Hall Program.

**H.2.** **SUBJECT:** Proclamation - Rail Safety Month

### **REPORT IN BRIEF**

Received by Nancy Sheehan-McCulloch, State Coordinator of California Operation Lifesaver.

Mayor MURPHY presented Nancy SHEEHAN-MCCULLOCH, State Coordinator of California Operation Lifesaver, the Proclamation for Rail Safety Month.

## **I. WRITTEN PETITIONS AND COMMUNICATIONS**

There were none.

## **J. ORAL COMMUNICATIONS**

Don BERGMAN, Merced - spoke on the Merced Community Transportation Investment Celebration Event on August 24th.

Monica VILLA, Merced - spoke on various topics.

## K. CONSENT CALENDAR

Items K.4. Agreement with 5 BARS Communities DBA XG Communities, LLC ("5 BARS") for Wireless Telecommunications Marketing, Facilities Planning, and Evaluation and License Agreement, K.6. Five-Year Extension of Lease Agreement Between the City and the Merced Soccer Academy, Inc., for the Stephen Leonard Park Youth Center, and K.10. Office of Emergency Services - Agreement for Temporary Transfer of Vehicular Equipment, were pulled for further consideration.

### Approval of the Consent Agenda

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

**Aye:** 6 - Council Member Belluomini, Council Member Martinez, Council Member McLeod, Council Member Pedrozo, Council Member Serratto, and Mayor Murphy

**No:** 0

**Absent:** 1 - Mayor Pro Tempore Blake

#### K.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.**

#### K.2. **SUBJECT:** Information Only - Site Plan Review Meeting Minutes of June 29, 2017

##### RECOMMENDATION

For information only

**This Consent Item was approved.**

#### K.3. **SUBJECT:** City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of July 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 July 17, 2017.

**This Consent Item was approved.**

**K.5.**

**SUBJECT:** Street Closure #17-11 (Merced Main Street Association, for Use of W. Main Street Between M and Canal Streets, and to Include the Use of Bob Hart Square)

**REPORT IN BRIEF**

Merced Main Street Association requests the use of City streets and Bob Hart Square for the 2nd Annual "Merced FEAST" farm-to-table event, to include the serving of alcohol, on Thursday, September 21, 2017, from 1:00 p.m. to 11:00 p.m.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the street closure of W. Main Street between M and Canal Streets, and the use of Bob Hart Square, on Thursday, September 21, 2017, from 1:00 p.m. to 11:00 p.m., subject to the details and conditions outlined in the administrative staff report.

**This Consent Item was approved.**

**K.7.**

**SUBJECT:** Terminate a Portion of the Deferment of Construction Agreement with Spalding G. Wathen and Della Wathen

**REPORT IN BRIEF**

Consider terminating the Deferment of Construction Agreement as it relates to the storm drain basin property at Mansionette Drive and Yosemite Avenue.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the Partial Termination of Agreement (Deferment of Construction) with the executors of the Estate of Della Wathen and the

Spalding G. Wathen Q-Tip Trust; and,

B. Authorizing the City Manager or Assistant City Manager to execute all related documents.

**This Consent Item was approved.**

**K.8.**

**SUBJECT:** Authority for Sole Source of Pump Repairs at the Wastewater Treatment Plant

**REPORT IN BRIEF**

Consider waiving competitive bidding requirements for the repair of three influent submersible pumps at the Wastewater Treatment Plant.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Waiving the competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code to Sole Source the Repair of Influent Pumps at the Wastewater Treatment Plant; and,

B. Authorizing the City Buyer to issue a purchase order to Shape, Incorporated, in the amount not to exceed \$200,000.

**This Consent Item was approved.**

**K.9.**

**SUBJECT:** Approval of the Purchase of a Schwarze Street Sweeper and Two Vermeer Brush Chippers Appropriation Through the National Joint Powers Alliance Government Procurement Program; Waiver of the Competitive Bidding Requirement and Supplemental Budget Appropriation

**REPORT IN BRIEF**

Considers approving the purchase of a new Schwarze Street Sweeper and Two Vermeer Chippers through the government procurement program National Joint Powers Alliance; authorizes a supplemental appropriation from the Fleet Capital Replacement Fund to purchase the new brush chipper and authorizes a waiver of the competitive bidding requirement for the purchases.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving a supplemental appropriation from the unappropriated, unreserved fund balance of Capital Fleet Replacement Fund 674 in the amount of \$55,506 for the purchase of one new brush chipper, and;

B. Waiving the City's competitive bidding requirement to purchase two brush chippers and one new street sweeper through the National Joint Powers Alliance (NJPA), and;

C. Authorizing the City's Interim Finance Officer to make the appropriate budget adjustments and City Buyer to issue the Purchase Orders.

**This Consent Item was approved.**

**K.11.**

**SUBJECT:** County of Merced - Agreement for Temporary Transfer of Rescue Boat and Equipment

**REPORT IN BRIEF**

Enter into an Agreement for Temporary Transfer of Rescue Boat and Equipment between the County of Merced and the City of Merced (Fire Department).

**RECOMMENDATION**

**City Council** - Adopt a motion authorizing the signing of the "Agreement for Temporary Transfer of Rescue Boat and Equipment" between the County of Merced (County) and the City of Merced Fire Department (Transferee).

**This Consent Item was approved.**

**K.12.**

**SUBJECT:** Authorization for the Purchase of WEB CAD Monitor Software From Tyler Technologies and Maintenance for WEB CAD Monitor and Career Criminal Software

**REPORT IN BRIEF**

Purchase of new software module and addition of two software modules to existing maintenance agreement dated July 1, 2013.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the purchase of a new software module for our existing public safety software package from Tyler Technologies adding maintenance fees for WEB CAD Monitor and Career Criminal Software to the existing maintenance contract.

**This Consent Item was approved.**

K.13.

**SUBJECT:** Second Reading - Ordinance Establishing Planned Development #74 and Amending Official Zoning Map

**REPORT IN BRIEF**

Second Reading of previously introduced Ordinance.

**RECOMMENDATION**

**City Council** - Adopt a motion adopting **Ordinance 2478**, an Ordinance of the City Council of the City of Merced, California, establishing Planned Development (P-D) #74 and amending the official Zoning Map by rezoning approximately 20 acres of land from R-3-2 to Planned Development (P-D) #74 and approximately 57.5 acres of land from Central Commercial (C-C) to Planned Development (P-D) #74, generally located at the northeast and southeast corners of Coffee Street and Campus Parkway.

**This Consent Item was approved.**

K.4.

**SUBJECT:** Agreement with 5 BARS Communities DBA XG Communities, LLC ("5 BARS") for Wireless Telecommunications Marketing, Facilities Planning, and Evaluation and License Agreement

**REPORT IN BRIEF**

Consider approving a contract and licensing agreement with 5 BARS to allow the marketing of the City's wireless service infrastructure for City designated sites for wireless services. This is a no cost agreement and the City will receive income in the form of a revenue-share model.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Authorizing the City Manager or Assistant City Manager to enter into a contract for a Wireless Marketing Agreement with 5 Bars Communities a dba of XG Communities, LLC; and,

B. Authorizing the City Manager or Assistant City Manager to enter into contracts for licensing agreements for the duration of the Wireless Marketing agreement.

Mayor MURPHY pulled this item at staff's request.

Director of Information Technology Jeff BENNYHOFF, explained the language change in the contract.



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

**Aye:** 6 - Council Member Belluomini, Council Member Martinez, Council Member McLeod, Council Member Pedrozo, Council Member Serratto, and Mayor Murphy

**No:** 0

**Absent:** 1 - Mayor Pro Tempore Blake

**K.6.**

**SUBJECT:** Five-Year Extension of Lease Agreement Between the City and the Merced Soccer Academy, Inc., for the Stephen Leonard Park Youth Center

**REPORT IN BRIEF**

Considers approving a five-year extension to lease agreement with the Merced Soccer Academy, Inc. for the Stephen Leonard Park Youth Center.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the recommendation by the Recreation and Parks staff, extending the Stephen Leonard lease agreement with the Merced Soccer Academy, Inc., and authorizing the City Manager or Assistant City Manager to execute the necessary documents.

Council Member MARTINEZ pulled this item to ask about usage of the facility, the length of the contract, and utilities cost.

Assistant to the City Manager Mike CONWAY explained the exclusive facility usage, the five-year contract, and the annual utilities cost.

Council Member PEDROZO spoke on the length of the contract and suggested a two-year lease, with a review after the two years and an offer of a three year extension.

Council Members further discussed the length of the contract.

Monica VILLA, Merced - spoke on the Atlas Program and the contract.

Jesse ORNELAS, Merced - spoke on the accessibility of the facilities and other organization's programs.

Patricia PRATT, Merced - spoke on the limited usage of Steven Leonard

Park.

Mayor MURPHY spoke on the length of the contract and the success of the program.

Council Member PEDROZO further discussed the length of the contract and the success of the organization.

Council Members further discussed the terms of the contract.

**A motion was made by Council Member Belluomini, seconded by Council Member Pedrozo, to grant a three-year lease agreement between the City and Merced Soccer Academy, Inc. for the Stephen Leonard Park Youth Center. The motion carried by the following vote:**

**Aye:** 6 - Council Member Belluomini, Council Member Martinez, Council Member McLeod, Council Member Pedrozo, Council Member Serratto, and Mayor Murphy

**No:** 0

**Absent:** 1 - Mayor Pro Tempore Blake

**K.10.**

**SUBJECT: Office of Emergency Services - Agreement for Temporary Transfer of Vehicular Equipment**

**REPORT IN BRIEF**

Enter into an Agreement for Temporary Transfer of an Urban Search & Rescue Trailer and Associated Equipment Cache between the State of California Governor's Office of Emergency Services and the Merced Fire Department.

**RECOMMENDATION**

**City Council** - Adopt a motion authorizing the signing of the "Agreement for Temporary Transfer of Vehicular Equipment" between the State of California Governor's Office of Emergency Services (State) and the Merced Fire Department (Assignee).

Council Member BELLUOMINI pulled this item to ask about staffing of the equipment.

Fire Chief Michael WILKINSON explained that staff would merely transport the equipment to the location and retrieve it following its use.

Council Member SERRATTO asked how staff will be paid.

Chief WILKINSON explained that staff would be paid through State

reimbursement.

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

**Aye:** 6 - Council Member Belluomini, Council Member Martinez, Council Member McLeod, Council Member Pedrozo, Council Member Serratto, and Mayor Murphy

**No:** 0

**Absent:** 1 - Mayor Pro Tempore Blake

## L. REPORTS

### L.1.

**SUBJECT:** Update on the Building of a Police Station, Fire Station and Fleet Shop

#### REPORT IN BRIEF

An update for the Council on Staff's progress on moving forward with a ballot measure in November of 2018 to fund the building of a police station, fire station and fleet shop.

#### RECOMMENDATION

For Information Only.

Assistant City Manager Stephanie DIETZ gave a slide show presentation with steps to fund and build a police station, fire station, and fleet shop.

City Manager Steve CARRIGAN spoke on public outreach.

Mayor MURPHY asked about parcel tax and the amount collected in developer fees, and the amount in the enterprise fund.

Ms. DIETZ stated that she would get the information regarding developer fees to Council. She also discussed the use of enterprise fees.

Council Member PEDROZO asked about the total timeframe for build-out of a new police station, cost assessment for the proposed timeline, and about Council priorities.

Ms. DIETZ stated that it would take 3-5 years to build out a new police station. She discussed the cost assessment for the proposed timeline.

Mr. CARRIGAN explained that this project is the most important project that

staff is working on.

Council Member BELLUOMINI discussed the timeline he had put together.

Council Member MARTINEZ asked about how the fire station proposed for this project correlates with the fire station proposed for the Merced Gateway Project and the proposed tax increase survey.

Ms. DIETZ explained the funding for both fire stations proposed.

Mr. CARRIGAN explained the process of surveying the public and plans to educate the public.

Council Member MCLEOD stated her support for the proposed projects and timeline.

Council Member SERRATTO spoke on the difficulty of raising the sales tax again and being fiscally responsible.

Council Member BELLUOMINI spoke on developing a document to express the need of a police station and fire station, and requested staff to take into consideration the information he provided.

## M. BUSINESS

### M.1.

**SUBJECT:** Planning Commission Reappointments (2)

#### REPORT IN BRIEF

Consider reappointing currently seated individuals to an additional term on the Planning Commission

#### RECOMMENDATION

**City Council** - Adopt a motion reappointing Robert Dylina and Kevin Smith to a second term on the Planning Commission.

Assistant City Clerk John TRESIDDER gave a brief presentation on the reappointment of two Planning Commissioners.

**A motion was made by Council Member Pedrozo, seconded by Council Member Serratto, to reappoint Robert Dylina and Kevin Smith to a second term on the Planning commission. The motion carried by the following vote:**

**Aye:** 6 - Council Member Belluomini, Council Member Martinez, Council Member McLeod, Council Member Pedrozo, Council Member Serratto, and Mayor Murphy

**No:** 0

---

**Absent:** 1 - Mayor Pro Tempore Blake

**M.2.** **SUBJECT:** Council Member Martinez' Request to Discuss a City Arts Commission

**REPORT IN BRIEF**

This item is in response to Council Member Martinez' request to discuss the formation of a City Arts Commission

**RECOMMENDATION**

It is requested Council give staff direction on this item.

Council Member MARTINEZ gave a slide show presentation on a proposed City Arts Commission.

Council Member MCLEOD asked for clarification on the difference between the proposed Arts Commission and the Merced Arts Council.

Council Member MARTINEZ explained that the Arts Commission could serve in an advisory capacity to the Merced Arts Council.

Council Member BELLUOMINI stated his support on beautifying the City. He also discussed the Redevelopment Advisory Committee and the resources it had to bring art to the community.

Council Member SERRATTO spoke on the impact of beautifying the City.

Council Member PEDROZO spoke on the difficulty of relying on City funds.

Jesse ORENLAS, Merced - spoke on culturally-based art and beautifying the City.

Mayor MURPHY stated his support for this proposal. He also discussed the loss of the Redevelopment Agency, the newer version of the committee, and utilizing funds in a better way.

**Clerk's Note:** At the general consensus of the Council, staff was directed to return with proposals on this item.

**M.3.** Request to Add Item to Future Agenda

There were no items added.

**M.4.** City Council Comments

Council Member BELLUOMINI reported on attending the Playhouse Merced Gala.

Council Member PEDROZO reported on attending the 100-year anniversary of 4-H and the Superintendent kickoff event. He also thanked the community for their patience with road construction. He discussed his conversation with students about the Summer at City Hall Program. He spoke on the UC Merced move-in weekend.

Council Member MARTINEZ spoke on a robbery he experienced at his home.

Mayor MURPHY reported on attending the first meeting of the Joint Powers Authority for the Integrated Regional Water Management Board, the Police Swearing-In, the Memorial for Fire Fighter Clay Ogdon, the Womens Spotlight Network Luncheon, the first meeting of the Measure V East Side Committee Meeting, and the 4- H Picnic.

**Clerk's Note:** Council took a break at 8:15 PM.

**Clerk's Note:** The Study Session reconvened at 8:19 PM.

Council Member BELLUOMINI spoke about the challenges residents face without the use of automatic sprinklers and suggested a time change for working residents to be able to water their yards.

Council Member SERRATTO spoke on maintaining water conservation.

Council Member MARTINEZ asked about regulations for homeowners, identifying water waste, and the policy regarding school facilities.

Water Conservation Specialist Leah BROWN explained the process of regulating homeowners for water waste, how water waste is identified, and the steps the City takes to ensure it does not continue to happen, which include notices and findings. She also explained the agreement the City has with city schools regarding watering.

Council Member PEDROZO spoke on the number of days and times to water. He also asked about using water trucks to water trees in the parks.

Public Works Water Manager Johnnie BAPTISTA discussed the use of

water trucks and developing a program to use the water trucks. He also discussed surface water and the City's plan to recycle water.

Council Member MCLEOD asked about data on water usage.

Mr. BAPTISTA discussed water usage.

Mayor MURPHY spoke on the number of days to water and water meters.

Assistant City Manager Stephanie DIETZ cautioned Council to make a decision that benefits the City and not based solely on what other jurisdictions are doing. She also discussed an alternative water pattern.

Director of Public Works Ken ELWIN spoke on the number of days to water and expanding public outreach.

Council directed staff to draft an ordinance to extend the number of watering days to three and to establish drought contingency measures.

Ms. DIETZ stated the draft ordinance will be presented to Council in a month.

## N. ADJOURNMENT

**Clerk's Note:** The Regular Meeting was adjourned concurrently with the Study Session at 8:58 PM.

**A motion was made by Council Member Pedrozo, seconded by Council Member Belluomini, that the Regular Meeting be adjourned. The motion carried by the following vote:**

**Aye:** 6 - Council Member Belluomini, Council Member Martinez, Council Member McLeod, Council Member Pedrozo, Council Member Serratto, and Mayor Murphy

**No:** 0

**Absent:** 1 - Mayor Pro Tempore Blake