



# 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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Monday, July 2, 2018

6:00 PM

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#### A. CLOSED SESSION ROLL CALL

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

**Absent:** 0

#### B. CLOSED SESSION

Mayor MURPHY called the Closed Session to order at 5:33 PM.

**Clerk's Note:** Council Member SERRATTO arrived to the Closed Session at 5:34 PM.

**B.1.** **SUBJECT:** PUBLIC EMPLOYMENT - Title: City Attorney/Interim City Attorney; Authority: Government Code Section 54957

**Clerk's Note:** Council adjourned from Closed Session at 5:58 PM.

#### C. CALL TO ORDER

Mayor MURPHY called the Regular Meeting to order at 6:01 PM.

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

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

C.2. Pledge of Allegiance to the Flag

Mayor Pro Tempore MCLEOD led the Pledge of Allegiance to the Flag.

#### D. ROLL CALL

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

**Absent:** 0

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

There was no report.

## **F. CEREMONIAL MATTERS**

### **F.1.                   SUBJECT: Proclamation - Parks and Recreation Month**

#### **REPORT IN BRIEF**

Presented to a representative from the Recreation and Parks Department.

Mayor MURPHY presented the Parks and Recreation Month Proclamation to Jeremy JENKINS and Justin ANDERSON from the Recreation and Parks Commission.

### **F.2.                   SUBJECT: Certificate of Recognition for Lorena Ewing**

#### **REPORT IN BRIEF**

Mayor Murphy will present a certificate of recognition to interpreter Lorena Ewing for assisting the Council to be inclusive of Spanish speaking residents.

Mayor MURPHY presented Lorena EWING with a Certificate of Recognition for assisting the Council to be inclusive of Spanish speaking residents.

## **G. WRITTEN PETITIONS AND COMMUNICATIONS**

There were none.

## **H. ORAL COMMUNICATIONS**

Jason CASTRO, Merced - spoke on the homeless issue at the Smart and Final Shopping Center.

## **I. CONSENT CALENDAR**

Items I.2. Information-Only Contracts, I.14. Administering Agency State Program Supplement No. 030-F and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant for the Motel Drive Sidewalks, and I.15. Administering Agency State Program Supplement No. 029-F and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(048) for the John Muir School Sidewalks; were pulled for separate consideration.

### **Approval of the Consent Agenda**

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

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

**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.3. SUBJECT: Information Only - Planning Commission Meeting Minutes of May 23, 2018**

**RECOMMENDATION**

For information only.

**This Consent Item was approved.**

**I.4. SUBJECT: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of June 4, 2018 and June 12, 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 June 4, 2018 and June 12, 2018.

**This Consent Item was approved.**

- I.5. **SUBJECT:** Agreement for Professional Services with THOR, Inc. for AS/400 Programming Services

**REPORT IN BRIEF**

Authorizing a Professional Services Agreement with THOR, Inc. for \$176,000 for AS/400 programming services to support SunGard application suite.

**RECOMMENDATION**

**City Council** - Adopt a motion approving Professional Services Agreement with THOR, Inc.; and, authorizing the City Manager or Assistant City Manager to execute the necessary documents.

**This Consent Item was approved.**

- I.6. **SUBJECT:** Amendment to Agreement with Van Dermynen Maddox Corporation for Complaint Investigation Legal Services

**REPORT IN BRIEF**

Considers Amending an Agreement with Van Dermynen Maddux Corporation to the not to exceed amount of \$70,000.

**RECOMMENDATION**

**City Council** - Adopt a motion approving an amendment to the agreement with the Van Dermynen Maddux Law Corporation for Complaint Investigation Legal Services not to exceed the amount of \$70,000, and authorize the City Manager or Assistant City Manager to execute the necessary documents.

**This Consent Item was approved.**

- I.7. **SUBJECT:** Agreement with Berliner Cohen, LLP. for Interim City Attorney Legal Services

**REPORT IN BRIEF**

Considers Approving an Agreement with Berliner Cohen, LLP for continued Interim City Attorney Legal Services

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the Agreement for Interim City Attorney Legal Services

with Berliner Cohen, LLP, and;

B. Authorizing the City Manager or Assistant City Manager to execute the Second Amendment to the Agreement for Interim Legal Services with Berliner Cohen, LLP, and;

C. Approving a Supplemental Appropriation in the amount of \$57,000 from the General Fund to account 001-0301-512.17-00 City Attorney Professional Services.

**This Consent Item was approved.**

**I.8.                    SUBJECT: Certification of June 5, 2018 Special Municipal Election Returns**

**REPORT IN BRIEF**

Certifies the June 5, 2018 election returns for City Measure Y.

**RECOMMENDATION**

**City Council** - Adopt **Resolution 2018-52**, a Resolution of the City Council of the City of Merced, California, reciting the fact of the Special Municipal Election held on June 5, 2018, declaring the result, and declaring such other matters as provided by law for Measure Y (Commercial Cannabis Business Tax).

**This Consent Item was approved.**

**I.9.                    SUBJECT: Approval of Resolutions to Call for a General Municipal Election on November 6, 2018 to be Consolidated with the Gubernatorial General Election**

**REPORT IN BRIEF**

Consideration of Resolutions calling a November 6, 2018 General Municipal Election for the Mayor and three members of the City Council by district and requesting the County Board of Supervisors consolidate the City's election with the Gubernatorial General Election being held on the same date.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Adopting **Resolution 2018-39**, a Resolution of the City Council of the City of Merced, California, calling a General Municipal Election for the election of the Mayor and three members of the City Council at the

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General Municipal Election to be held on November 6, 2018; and,

B. Adopting **Resolution 2018-40**, a Resolution of the City Council of the City of Merced, California, requesting that the Board of Supervisors of the County of Merced, California provide for the consolidation of a General Municipal Election with the Gubernatorial General Election to be held on November 6, 2018, direct the filing of a Notice of Election with the Registrar of Voters, submit an Incumbent List and Terms of Office, provide that candidate's statements are to be paid by candidate, and determine that a coin toss is the tie-breaking method; and,

C. Directing the City Manager/City Clerk and the City Attorney's Office to execute documents appropriate to carry out the tasks necessary for the General Municipal Election and to take actions related thereto.

**This Consent Item was approved.**

I.10. This item has been moved to a future agenda.

**I.11.                   SUBJECT: Compensation Plan for Management Employees**

**REPORT IN BRIEF**

Considers approving Compensation Plan for Management Employees.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving **Resolution 2018-50**, a Resolution of the City Council of the City of Merced, California, adopting a compensation plan for the executive management, middle management, supervisory management, and confidential management employees; and,

B. Authorizing the City Manager or Assistant City Manager to execute the necessary documents.

**This Consent Item was approved.**

**I.12.                   SUBJECT: Agreement for Labor Relations Consulting, Labor Contract Negotiations and Employee Related Legal Services with Law Firm Liebert Cassidy Whitmore**

**REPORT IN BRIEF**

Considers approving an agreement for labor relations consulting, labor

contract negotiations and employee related legal services with the law firm Liebert Cassidy Whitmore in the amount not to exceed \$100,000.

**RECOMMENDATION**

**City Council** - Adopt a motion approving an agreement for professional services with Leibert Cassidy Whitmore for labor relations consulting, labor contract negotiations, and employee related matters in an amount not to exceed \$100,000 and authorizing the City Manager or Assistant City Manager to execute the necessary documents.

**This Consent Item was approved.**

**I.13.**

**SUBJECT:** Two Amendments to Agreements for Professional Services with Provost and Pritchard Engineering Group, Incorporated, Project No. 119049

**REPORT IN BRIEF**

Considers authorizing two separate agreements for environmental remediation services for a combined total of \$288,500.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the Second Amendment to Agreement for Professional Services (cleanup contract) with Provost and Pritchard Engineering Group, Incorporated, in the amount of \$230,000 for groundwater cleanup; and,

B. Approving the Second Amendment to Agreement for Professional Services (reporting contract) with Provost and Pritchard Engineering Group, Incorporated, in the amount of \$58,500 for report drafting; and,

C. Authorizing the City Manager or Assistant City Manager to execute the necessary documents.

**This Consent Item was approved.**

**I.16.**

**SUBJECT:** Administering Agency - State Master Agreement for Federal-Aid Projects - Program Master Agreement No. 10-5085F15

**REPORT IN BRIEF**

Considers approving the Administering Agency - State Master Agreement for Federal-Aid

**RECOMMENDATION**

**City Council** - Adopt a motion approving **Resolution 2018-51**, a Resolution of the City Council of the City of Merced, California, approving Federal-Aid Projects Program Master Agreement No.10-5085F15.

**This Consent Item was approved.**

**I.17.**

**SUBJECT:** Approval of Agreement with PredPol, Inc., for Predictive Policing Software Subscription

**REPORT IN BRIEF**

Considers approving an agreement with Predpol, Inc. to provide predictive policing software that will assign probabilities and locations of future crimes.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the contract with Predpol, Inc., and; authorizing the City Manager or Assistant City Manager to execute the necessary documents.

**This Consent Item was approved.**

**I.18.**

**SUBJECT:** Fiscal Year 2017 State Homeland Security Grant Program (SHSGP)

**REPORT IN BRIEF**

Considers accepting Fiscal Year (FY) 2017 State Homeland Security Grant Program (SHSGP) funds to purchase Bomb Unit (EOD) equipment for the Merced Police Department Bomb Team

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Accepting FY 2017 SHSGP grant funds in the amount of \$3,000.00 as revenue in account 001-1002-324-02-00; and,

B. Appropriating \$3,000.00 to Machinery/Equipment expense account 001-1002-523-43-00; and,

C. Approving the use of pooled cash until reimbursement from the grant is received; and,

D. Authorizing the City Manager or Assistant City Manager to execute the

necessary documents.

This Consent Item was approved.

**I.19.**

**SUBJECT:** Acceptance of Fiscal Year 2017 State Homeland Security Grant Program Funds to Purchase Additional License Plate Reader Equipment; Waiver of the Competitive Bidding Requirement

**REPORT IN BRIEF**

Considers accepting Fiscal Year (FY) 2017 State Homeland Security Grant Program (SHSGP) funds in the amount of \$48,000 to purchase additional automated license plate reader cameras with a request to waive the competitive bidding process.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Accepting FY 2017 SHSGP grant funds and increasing revenue budget in the amount of \$48,000; in account 001-1002-324-02-00 and,
- B. Appropriating \$48,000.00 to Machinery/Equipment expense account 001-1002-523-43-00; and,
- C. Approving the use of pooled cash until reimbursement from the grant is received; and,
- D. Waiving the competitive bidding requirements, as stated in Section 3.04.210 of the Merced Municipal Code, and authorizing the City to Sole Source purchase the requested license plate reader equipment and its installation through Lehr Auto for an amount not to exceed \$55,505.19; and,
- E. Authorizing the City Manager or Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

**I.20.**

**SUBJECT:** Purchase and Installation of New Motorola Radio Base Stations and Voting Receivers for the Police Department and Waiving the Competitive Bidding Requirement

**REPORT IN BRIEF**

Considers authorizing the purchase (including installation costs) of new Motorola radio base stations and voting receivers for the Police Department using revenue currently available and waives the competitive

bidding requirement for the purchase.

**RECOMMENDATION**

**City Council** - Adopt a motion waiving the competitive bidding requirements, as stated in Section 3.04.210 of the Merced Municipal Code, and authorizing the City to purchase the requested radio equipment through J's Communications, Inc. for equipment and installation costs not to exceed \$90,206.

**This Consent Item was approved.**

**I.2.**

**SUBJECT:** Information-Only Contracts

**REPORT IN BRIEF**

Notification of awarded Non-Public Works contracts under \$30,000 and of Public Works contracts under \$67,779.

**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 2017-2018 threshold of \$67,779.00, and Chapter 3.04.080 - 3.04.110 of the Merced Municipal Code to execute Non-Public Works contracts under the adjusted FY 2017-2018 threshold of \$30,000.00, the contracts listed on the attached table were entered into by the City.

Council Member BELLUOMINI pulled this item to ask for clarification on the RSG Inc. and Thomas Carpenter Contracts.

Council Member BELLUOMINI and staff discussed the scope of services of both contracts.

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

**No:** 0

**Absent:** 0

**I.14.**

**SUBJECT:** Administering Agency State Program Supplement No. 030-F and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant for the Motel Drive

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Sidewalks

**REPORT IN BRIEF**

Considers a resolution approving a California Department of Transportation Program Supplement for the use of \$53,983 in CMAQ Grant funding for Preliminary Engineering for the Motel Drive Sidewalk from Merced Avenue to Carol Avenue.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Adopting **Resolution 2018-49**, a Resolution of the City Council of the City of Merced, California, approving Federal-Aid Projects Program Supplement Agreement No. 030-F; and,

B. Accepting CMAQ grant funds and increasing revenue in account 450-1104-321.32-00 by \$53,983 and appropriating the same to account 450-1104-637.65-00 (Project No. 119043) for preliminary engineering costs associated with design of sidewalk on Motel Drive; and,

C. Approving the use of pooled cash until reimbursement is received from the grant; and,

D. Authorizing the City Manager or Assistant City Manager to execute the necessary documents.

Council Member BELLUOMINI pulled this item along with Item I.15. to highlight the sidewalk improvement projects.

Council Member MARTINEZ and staff discussed drainage on Motel Drive.

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

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

**No:** 0

**Absent:** 0

**I.15.**

**SUBJECT: Administering Agency State Program Supplement No. 029-F and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(048) for the John Muir School Sidewalks**

**REPORT IN BRIEF**

Considers a resolution approving a California Department of Transportation Program Supplement for the use of \$67,906 in CMAQ Grant funding for Preliminary Engineering for the sidewalks near John Muir School.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Adopting **Resolution 2018-48**, a Resolution of the City Council of the City of Merced, California, approving Federal-Aid Projects Program Supplement Agreement No. 029-F; and,

B. Accepting CMAQ grant funds and increasing revenue in account 450-1104-321-32-00 by \$67,906 and appropriating the same to account 450-1104-637-65 (Project No. 119042) for preliminary engineering costs associated with design of sidewalk near John Muir School; and,

C. Approving the use of pooled cash until reimbursement is received from the grant; and,

D. Authorizing the City Manager or Assistant City Manager to execute the necessary documents.

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

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

**No:** 0

**Absent:** 0

**J. PUBLIC HEARINGS**

**J.1.** **SUBJECT:** Ordinance Establishing an Arts and Culture Advisory Commission for the City of Merced

**REPORT IN BRIEF**

Asking the City Council to establish a Public Arts and Culture Advisory Commission in the City of Merced.

#### RECOMMENDATION

**City Council** - Adopt a motion introducing **Ordinance 2489**, an Ordinance of the City Council of the City of Merced, California, adding Chapter, 2.54 "Arts and Culture Advisory Commission," to the Merced Municipal Code.

Assistant City Manager Stephanie DIETZ gave a slide show presentation on Establishing an Arts and Culture Advisory Commission for the City of Merced.

Mayor MURPHY opened and subsequently closed the Public Hearing at 6:28 PM due to lack of public comment.

Ms. DIETZ stated that there were typos that would be amended in the Ordinance when it is brought back for a second reading.

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

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

**No:** 0

**Absent:** 0

#### K. REPORTS

##### K.1. **SUBJECT: Update on Commercial Cannabis Business Permits**

#### REPORT IN BRIEF

City Staff will update the City Council on the status of the Commercial Cannabis Business Permit applications.

#### RECOMMENDATION

For information only.

Planning Manager Kim ESPINOSA gave a slide show presentation updating the Council on the Commercial Cannabis Business Permits. She noted that applications were in review and will be scheduled at upcoming Planning Commission meetings.

**Clerk's Note:** No formal action was taken on this item.

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**K.2.** **SUBJECT: Update on Public Facilities Bond Measure Survey Results**

**REPORT IN BRIEF**

City Staff will provide an update to the City Council on the results of a recent survey conducted to test the viability of a Public Facilities Bond Measure on the November 2018 ballot.

**RECOMMENDATION**

Provide staff direction on next steps for pursuing Public Facilities financing options.

Assistant City Manager Stephanie DIETZ, Finance Officer Venus RODRIGUEZ, and Director of Economic Development Frank QUINTERO gave a slide show presentation on the Public Facilities Bond Measure Survey Results.

Council and staff discussed the needs assessment, Public/Private Partnership, ballot survey results, and financing for the fire stations, Corporate Yards, and facilities.

Council Member BELLUOMINI gave an example of a needs assessment.

Police Chief Christopher GOODWIN discussed what the new police station would entail.

Mayor Pro Tempore MCLEOD and Police Chief GOODWIN discussed the impact a new Police Station would have on the officers and the public.

A majority of Council agreed the Bond Measure should not go on the November Ballot but a possible future ballot.

Council directed staff to proceed with the needs assessment and give Council updates in the process.

Council Member BELLUOMINI suggested directing staff to reduce the cost of placing only the Police Station on the November ballot.

**Clerk's Note:** No formal action was taken on this item.

**L. BUSINESS**

**L.1.** **SUBJECT: Boards and Commissions Reappointments - Recreation and Parks Commission (2)**

**REPORT IN BRIEF**

Consider reappointing currently seated individuals to an additional term.

**RECOMMENDATION**

**City Council** - Adopt a motion reappointing qualified individuals who are eligible for, and interested in, an additional term on the Recreation and Parks Commission.

Assistant City Clerk John TRESIDDER gave a brief report on this item.

**A motion was made by Council Member Pedrozo, seconded by Council Member Belluomini, to reappoint Yesenia Curiel and Jeremy Jenkins to the Recreation and Parks Commission. The motion carried by the following vote:**

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

**No:** 0

**Absent:** 0

**L.2.**

**SUBJECT:** City Council/Merced City School District Joint Meeting Request

**REPORT IN BRIEF**

The Merced City School District Board of Education has invited the City Council to hold a joint meeting to discuss items of mutual interest.

**RECOMMENDATION**

Provide staff direction on holding a joint meeting and possible dates and times that would work best for the Council.

Assistant City Manager Stephanie DIETZ gave a brief report on the City Council/Merced City School District Joint Meeting.

Council set a tentative date of August 9th for the joint meeting.

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

Council Member SERRATTO requested to add an item on safe driving public information campaign to a future meeting.

Council Member BLAKE requested to add an item on street lights on Oleander Avenue to a future meeting.

Council Member BELLUOMINI requested to add an item on a complete

parks resolution for the August 6th meeting. He also requested to add an item on safe routes to school for the August 6th meeting.

Mayor MURPHY requested to add an item on a policy to release body cam footage to a future meeting.

#### L.4. City Council Comments

Council Member MARTINEZ reported on attending the California League of Cities conference in Monterey.

Council Member SERRATTO reported on attending the California League of Cities conference in Monterey.

Council Member BLAKE reported on attending the California League of Cities conference in Monterey.

Council Member PEDROZO reported on attending a Civil Liberties panel at the Multicultural Arts Center.

Mayor MURPHY spoke on the Summer at City Hall program. He also reported on attending the Merced County Association of Governments, a roundtable luncheon, the Greater Merced Chamber of Commerce Installation Dinner, the City County Dinner, the Merced Boosters meeting, and a ribbon cutting.

#### M. ADJOURNMENT

**Clerk's Note:** The Regular Meeting was adjourned at 8:19 PM.

**A motion was made by Council Member Pedrozo, seconded by Council Member Blake, to adjourn the Regular Meeting. The motion carried by the following vote:**

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

**No:** 0

**Absent:** 0