



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 6, 2018

6:00 PM

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 5:03 PM.

B.1. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure to Litigation pursuant to Government Code section 54956.9(d)(2): (1) case

B.2. **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Steve Carrigan; Employee Organizations: Merced Police Officers' Association (MPOA); Merced Association of Police Sergeants. AUTHORITY: Government Code Section 54957.6

B.3. **SUBJECT:** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager; Authority: Government Code Section 54957

Clerk's Note: Council adjourned from Closed Session at 5:55 PM.

C. CALL TO ORDER

Mayor MURPHY called the Regular Meeting to order at 6:00 PM.

C.1. Invocation - Bruce Metcalf, Merced Rescue Mission

The invocation was delivered by Bruce METCALF from the Merced Rescue Mission.

C.2. Pledge of Allegiance to the Flag

Council Member BELLUOMINI 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

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 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.

E. REPORT OUT OF CLOSED SESSION

There was no report.

Clerk's Note: Mayor MURPHY stated that Council would reconvene to Closed Session after the Regular Meeting.

F. CEREMONIAL MATTERS

F.1. SUBJECT: Recognition of Outgoing City Commission Members

REPORT IN BRIEF

Certificates for City Board, Committee, or Commission Members who have completed their terms.

Mayor MURPHY presented certificates of recognition to Planning Commissioner Travis COLBY, Youth Council Member Julian PEREZ, and Youth Council Member Yadira HERNANDEZ.

F.2. SUBJECT: Proclamation - National Health Center Week

REPORT IN BRIEF

Presented to Tony Weber and Jennifer Henson, Golden Valley Health Centers.

Mayor Pro Tempore MCLEOD presented the proclamation for National Health Center Week to Yamilet VALLADOLID, Manager of Government Affairs at Golden Valley Health Centers.

G. WRITTEN PETITIONS AND COMMUNICATIONS

The Clerk's Office received an email regarding Item L.2. that was printed

and placed on the dais.

H. ORAL COMMUNICATIONS

Gary HODNETT, Merced - spoke on a sidewalk that needs repairing.

Monica VILLA, Merced - spoke on various topics.

I. CONSENT CALENDAR

Items I.2. Information-Only Contracts, I.7. City-Owned Real Property Request #18-11 for Use of Bob Hart Square (Merced Center for the Performing Arts and Playhouse Merced), I.8. Agreement with the Merced Irrigation District for Well Site 20 Storm Water Discharge to Hartley Canal, Project No. 107033, I.9. Right-of-Way Dedication for Tyler Road and Mission Avenue, and I.11. Administering Agency State Program Supplement No. 012-N1 and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(029) - Project 111066 Westerly Bike Path Connection; 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 - Traffic Committee Meeting Minutes of May 8, 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 July 2, 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 July 2, 2018.

This Consent Item was approved.

- I.5. **SUBJECT:** Correct Typographical Error on Fiscal Year 2018-19 Annual Special Tax Rates (Exhibit A) for Community Facilities District (CFD) No. 2003-2 (Services) of the City of Merced

REPORT IN BRIEF

Considers amending Exhibit A of Resolution No. 2018-38, authorizing the establishment of Annual Special Tax Rates for Fiscal Year 2018-19 to correct Special Tax Rates typographical error for Improvement Area 35.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2018-53**, a Resolution of the City of Merced, California, acting as the Legislative Body of the Community Facilities No. 2003-2 (Services) of the City of Merced, amending Resolution No. 2018-38 to correct Exhibit A thereto related to the Annual Special Tax Rates for said district for Fiscal Year 2018-19.

This Consent Item was approved.

- I.6. **SUBJECT:** Proposed Facility Use Agreement (Parking Agreement)

Between the Regents of the University of California, on Behalf of its
Merced Campus, and City of Merced

REPORT IN BRIEF

Proposed Agreement to lease 125 parking spaces in the Merced Center Garage to the Regents of the University of California, Merced campus, for the University of California Merced Downtown Campus Center.

RECOMMENDATION:

Parking Authority - Adopt a motion approving the Facility Use Agreement (Parking Agreement) with the Regents of the University of California; and, authorizing the City Manager or Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

I.10.

SUBJECT: Agreement for Use of City Right-of-Way with County of Merced for Fence, Landscape, and Irrigation on 13th Street and 15th Street

REPORT IN BRIEF

Considers approving the agreement for use of City right-of-way with the County of Merced to allow fencing, landscape, and irrigation in the City right-of-way near the new County mental health building.

RECOMMENDATION

City Council - Adopt a motion approving the agreement for use of City right-of-way with the County of Merced; and, authorizing the City Manager or Assistant City Manager to execute the necessary documents.

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 about the Welcome Center and Main Street Association contract and if there were any changes to past practices.

Director of Economic Development Frank Quintero stated that the contract is same as the City has done in the past.

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.7.

SUBJECT: City-Owned Real Property Request #18-11 for Use of Bob Hart Square (Merced Center for the Performing Arts and Playhouse Merced)

REPORT IN BRIEF

Consider allowing the use of Bob Hart Square from 8:00 a.m. to 11:30 p.m. on Saturday, August 18, 2018, by Playhouse Merced for the Playhouse Merced 2018 Gala and fundraising dinner (including the serving of alcohol).

RECOMMENDATION

City Council - Adopt a motion approving the use of Bob Hart Square from 8:00 a.m. to 11:30 p.m. on Saturday, August 18, 2018, for a fundraiser gala and dinner, to include the serving of alcohol; subject to the conditions outlined in the administrative staff report.

Council Member MARTINEZ pulled this item to have a representative discuss the event.

Director of Development Services Scott MCBRIDE gave a brief discription of the event.

A motion was made by Council Member Martinez, seconded by Council Member Belluomini, 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.8.

SUBJECT: Agreement with the Merced Irrigation District for Well Site 20 Storm Water Discharge to Hartley Canal, Project No. 107033

REPORT IN BRIEF

Authorizes an agreement with the Merced Irrigation District (MID) to discharge storm water from the new Well 20 pump station site to the adjacent Hartley Canal.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a water drainage agreement with the Merced Irrigation District and payment of the associated fees; and,

B. Approving an amendment to an Agreement for Professional Services with Luhdorff and Scalmanini Consulting Engineers Inc., in the amount of \$32,440 for engineering design services; and,

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

Council Member BELLUOMINI pulled this item to ask about the drainage basin.

Council Member BELLUOMINI and staff discussed the accessibility to the drainage basin, the maintenance of the field, the timeline of the construction of the drainage basin, and the potential development of a sports complex.

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.9. SUBJECT: Right-of-Way Dedication for Tyler Road and Mission Avenue

REPORT IN BRIEF

Consider dedicating to the public a portion of City owned property along Tyler Road and Mission Avenue for road and public utility purposes.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2018-54**, a Resolution of the City Council of the City of Merced, California, approving dedication of road right-of-way and public utility easement along Tyler Road and Mission Avenue for public road use.

Council Member MARTINEZ pulled this item to ask if it was related to the Item I.8 project.

A motion was made by Council Member Martinez, seconded by Council Member Blake, 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.11. SUBJECT: Administering Agency State Program Supplement No. 012-N1 and Agreement Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(029) - Project 111066 Westerly Bike Path Connection

REPORT IN BRIEF

Consider a resolution approving a California Department of Transportation Program Supplement for the use of \$996,000 in CMAQ Grant funding for construction engineering and project construction of the Westerly Bike Path Connection.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2018-55**, a Resolution of the City Council of

the City of Merced, California, approving Federal-Aid Projects Program Supplement Agreement No. 012-N1; and,

B. Accepting CMAQ grant funds and increasing revenue in account 450-1104-321.32-00 by \$996,000 and appropriating the same to account 450-1104-637.65-00-111066 for construction engineering and project construction of the Westerly Bike Path Connection; 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 SERRATTO pulled this item to ask if this project would effect the Highway 59 Redevelopment project.

Deputy Director of Public Works Steven SON stated that the improvements would be modified to accomodate the redevelopment of Highway 59.

A motion was made by Council Member Serratto, seconded by Council Member Blake, 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: Public Hearing- Amendment to Merced Municipal Code Section 10.44, "Bicycles"

REPORT IN BRIEF

The Bicycle Advisory Commission has recommended the amendment of the Merced Municipal Code Section 10.44, "Bicycles," to modernize the bicycle registration process while continuing to preserve the Police Department's enforcement ability.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2491**, an Ordinance of the City Council of the City of Merced, California, amending Section 10.44, "Bicycles," of the Merced Municipal Code.

Principal Planner Michael HREN gave a slide show presentation on the amendment to the Merced Municipal Code Section 10.44, "Bicycles'.

Mayor MURPHY opened the Public Hearing at 6:41 PM.

Steven LERER, Bicycle Advisory Committee, Merced - spoke on registering his bicycle on the registry.

Ellis ASHBROOK, Merced - spoke on the challenges of registering a bicycle.

Monica VILLA, Merced - spoke on the challenge the homeless face registering their bicycles online. She also asked about a time limit to have bicycles registered.

Mayor MURPHY closed the Public Hearing at 6:48 PM.

Council Member BELLUOMINI and staff discussed the reporting of second hand bicycle sales, a language change in the Ordinance, and the definition of operate and ride.

Council Member BELLUOMINI requested language changes in the Ordinance.

Mayor MURPHY questioned the need to carry proof of registration and suggested deleting that section of the ordinance.

Council and staff discussed police enforcement of bicycle registration.

A motion was made by Council Member Belluomini, seconded by Council Member Blake, introducing Ordinance 2491 with amendments to change the word "operate" to "ride" in section 10.44.030, make the language of weekly reporting for second hand bicycle sales clearer, change L Street to Canal Street, and deleting section 10.44.040. 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 Celebrate Safe Illegal Fireworks Enforcement and Public Outreach Campaign**

REPORT IN BRIEF

Provides an update on the 2018 Fourth of July Celebrate Safe Campaign and efforts to address illegal fireworks within the City.

RECOMMENDATION

It is recommended that the City Council accept the report and provide staff with recommendations and direction for addressing issues related to the use of illegal fireworks for next year's Fourth of July holiday.

Fire Chief Michael WILKINSON and Police Chief Christopher GOODWIN gave a slide show presentation updating the Celebrate Safe Illegal Fireworks Enforcement and Public Outreach Campaign.

City Manager Steve CARRIGAN spoke briefly on the Illegal Fireworks Enforcement and Public Outreach Campaign.

Council and staff discussed the hours and days of operation for firework booths, partnering with the County for illegal firework enforcement, and the impact on City resources. Council also suggested getting young people involved through the Youth Council or the high schools and a possible venue for a family firework show.

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

K.2.

SUBJECT: Discussion on the Speed Zone Study and Request to Set a Public Hearing Regarding the Speed Zone Ordinance

REPORT IN BRIEF

Requests the City Council to set a public hearing for August 20, 2018, to consider amending Merced Municipal Code Section 10.16.010- Speed Limits to implement recommendations made in the speed zone study.

RECOMMENDATION

City Council - Adopt a motion setting a public hearing for Monday, August 20, 2018 at 7:00 PM to consider amending the Speed Zone Ordinance.

Deputy Public Works Director Steven SON gave a slide show presentation on the Speed Zone Study.

Council and Mr. SON discussed lowering the speed limit on various streets throughout the city and justifying speed limit changes.

Rick SANDFORD JR.- spoke on speed limits in residential areas.

A motion was made by Council Member Pedrozo, seconded by Council Member Blake, to set the Public Hearing for the August 20th Council 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

L. BUSINESS

L.1. SUBJECT: Continued Discussion on a Volunteer Recognition Program

REPORT IN BRIEF

This item is in response to Mayor Murphy's request to discuss a volunteer recognition program pursuant to City Council Administrative Policies and Procedures C-1 with examples from other municipalities.

RECOMMENDATION

It is requested Council give staff further direction on this item.

Mayor MURPHY spoke on developing a volunteer recognition program.

Council discussed a selection committee, holding a reception, selecting recipients from council districts, number of recipients, and using other City volunteer recognition program models.

Council directed staff to develop a volunteer recognition program to include an April reception, a recipient from each district, and to use criteria similar to that of Elk Grove.

L.2. SUBJECT: Appointment - Recreation and Parks Commission

REPORT IN BRIEF

Considers accepting nominations and appointing one individual to the Recreation and Parks Commission.

RECOMMENDATION

City Council - Adopt a motion accepting nominations and appointing one individual to serve on the Recreation and Parks Commission, with a term date of July 1, 2022.

Valente HUITRON, Recreation and Parks Commission Applicant, Merced - gave a brief introduction of himself and discussed his involvement in the community.

A motion was made by Council Member Pedrozo, seconded by Council Member Blake, to appoint Valente Huitron 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.3. Request to Add Item to Future Agenda

Council Member PEDROZO requested an update on the High Speed Rail project.

Council Member BELLUOMINI requested a Local Agency Formation Commission (LAFCO) presentation on Agriculture Preservation for the September 4th meeting and a Recreation and Parks Resolution for the September 4th meeting.

Council Member BLAKE - requested to add an item on the VIPER Program, options for incentive programs for downtown infill, and a feasibility of a park or extension of Bob Hart Square.

Mayor MURPHY - requested to add a resolution to the August 20th meeting on water.

L.4. City Council Comments

Council Member PEDROZO reported on attending the Campus Parkway groundbreaking ceremony.

Council Member BELLUOMINI reported on attending the Campus Parkway groundbreaking ceremony. He encouraged everyone to attend the National Night Out event and the Playhouse Gala event. He also reported on attending the Local Agency Formation Commission (LAFCO) meeting.

Mayor Pro Tempore MCLEOD reported on attending the Main Street Association meeting.

Council Member BLAKE reported on attending the Hotel/Motel dinner and the Main Street Association meeting.

Council Member SERRATTO reported on attending the Main Street Association Meeting, Campus Parkway groundbreaking ceremony and the Hotel/Motel dinner.

Council Member MARTINEZ reported on attending the Hotel/Motel dinner and Campus Parkway groundbreaking ceremony.

Mayor MURPHY reported on attending the swearing-in ceremony of new Police Officers, the Merced County Association of Governments meeting, the recognition for Binational Teachers, the Campus Parkway groundbreaking ceremony, and a meeting with two members of the State Water Resource Control Board. He encouraged the community to attend the Water Rally in Sacramento on August 20th.

Clerk's Note: Council adjourned to Closed Session at 8:50 PM.

M. ADJOURNMENT

Clerk's Note: Council adjourned the Regular Meeting at 9:39 PM to Monday August 20, 2018 at 7:00 PM.

A motion was made by Council Member Blake, seconded by Council Member Serratto, to adjourn the Regular Meeting to Monday August 20, 2018 at 7:00 PM. 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