



# 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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Tuesday, January 22, 2019

6:00 PM

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#### A. CLOSED SESSION ROLL CALL

- Present:** 4 - Mayor Pro Tempore Anthony Martinez, Council Member Kevin Blake, Council Member Delray Shelton, and Council Member Fernando Echevarria
- Absent:** 3 - Mayor Mike Murphy, Council Member Jill McLeod, and Council Member Matthew Serratto

#### B. CLOSED SESSION

Mayor Pro Tempore MARTINEZ called the Closed Session to order at 5:01 PM.

**Clerk's Note:** Council Member SERRATTO arrived at 5:02 PM.

**Clerk's Note:** Council Member MCLEOD arrived at 5:36 PM.

- B.1.** 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.2.** SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Property: City of Merced Property Mansionette Drive and Yosemite Avenue, Merced, CA APN 231-040-021; Agency Negotiator: Frank Quintero, Director, Economic Development; Negotiating Parties: Jessie Hudgins and Ted Waldron Representing Valley Children's Hospital and City of Merced and; Under Negotiation: Price and Terms of Payment
- B.3.** SUBJECT: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure to Litigation pursuant to Government Code section 54956.9(d)(2): (1) case

**Clerk's Note:** Council adjourned from Closed Session at 5:50 PM.

#### C. CALL TO ORDER

Mayor Pro Tempore MARTINEZ called the Regular Meeting to order at 6:01 PM.

C.1. Invocation - David Sherrill, Merced Cowboy Church

The invocation was delivered by David SHERRILL from Merced Cowboy Church.

C.2. Pledge of Allegiance to the Flag

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

**D. ROLL CALL**

**Present:** 6 - Mayor Pro Tempore Anthony Martinez, Council Member Kevin Blake, Council Member Jill McLeod, Council Member Matthew Serratto, Council Member Delray Shelton, and Council Member Fernando Echevarria

**Absent:** 1 - Mayor Mike Murphy

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.

**F. WRITTEN PETITIONS AND COMMUNICATIONS**

There were none.

**G. ORAL COMMUNICATIONS**

Steve GOMES and Nancy BERGMAN, Merced - spoke on the Arts and Outdoor Education event.

**H. CONSENT CALENDAR**

Items H.5. Approval of a Professional Service Agreement with LPA, Inc. in the Amount of \$165,850 for a Needs Assessment of the Future Police Headquarters Facility (Project #116040) and a Transfer of Funds in the Amount of \$165,850 to Support the Agreement, H.6. Approval of Three-Year Lease Agreement with Seth Rossow for 24.5 Acres Located at Mission Avenue and Tyler Road (CP-42) in the Amount of \$730.00 Per Year, H.8. Approval of the Creation of a Capital Improvement Project for Main Street from M Street to N Street to Include Pavement Reconstruction

and Storm Drain Line Improvements, and H.9. Ratification of Grant Application for Three Congestion Mitigation and Air Quality Improvement Program Projects for a Total Amount of \$1,661,529.27; were pulled for separate consideration.

## Approval of the Consent Agenda

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

**Aye:** 6 - Mayor Pro Tempore Martinez, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

**No:** 0

**Absent:** 1 - Mayor Murphy

### H.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.**

### H.2. **SUBJECT:** Information Only - Traffic Committee Meeting Minutes of September 11, 2018

#### RECOMMENDATION

For information only.

**This Consent Item was approved.**

### H.3. **SUBJECT:** Information Only - Recreation & Parks Commission Minutes of July 23, 2018, August 27, 2018, and September 24, 2018.

#### RECOMMENDATION

For information only.

This Consent Item was approved.

H.4.

**SUBJECT:** Approval of City Council/Public Financing and  
Economic Development/Parking Authority Meeting Minutes of  
December 17, 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 December 17, 2018.

This Consent Item was approved.

H.7.

**SUBJECT:** Approval of First Amendment to the Agreement for Legal  
Services With Sloan, Sakai, Yeung & Wong, LLP for the Not to  
Exceed Amount of \$85,000

**REPORT IN BRIEF**

Considers approving a first amendment to agreement for legal services  
with Sloan, Sakai, Yeung & Wong, LLP for the not to exceed amount of  
\$85,000.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the first amendment to the agreement for legal services  
with Sloan, Sakai, Yeung, & Wong, LLP; and,

B. Authorizing the City Manager or Assistant City Manager to execute  
the agreement and any necessary documents; and,

C. Authorizing the Finance Officer to make any necessary budget  
adjustments.

This Consent Item was approved.

H.10.

**SUBJECT:** Award of Bid and Approval of Agreement with FBD  
Vanguard Construction in the Amount of \$331,434.65 for City  
Project No. 118028 - CDBG John Muir Sidewalks on 25th Street,  
from I to K Streets

**REPORT IN BRIEF**

Considers awarding a bid and approving an agreement in the amount of \$331,434.65 with FBD Vanguard Construction for the Community Development Block Grant (CDBG) John Muir Sidewalks on 25th Street, from I to K Streets.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Awarding a bid and approving an agreement with FBD Vanguard Construction in the amount of \$331,434.65 for the Community Development Block Grant (CDBG) John Muir Sidewalks on 25th Street, from I to K Streets, Project No. 118028; and,

B. Approving change orders not to exceed \$33,143.47 (10% of the project cost); and,

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

**This Consent Item was approved.**

**H.5.**

**SUBJECT:** Approval of a Professional Service Agreement with LPA, Inc. in the Amount of \$165,850 for a Needs Assessment of the Future Police Headquarters Facility (Project #116040) and a Transfer of Funds in the Amount of \$165,850 to Support the Agreement

**REPORT IN BRIEF**

Approval of a professional service agreement with LPA, Inc. in the amount of \$165,850 for a Needs Assessment of the Future Police Headquarters facility and transfers a total of \$165,850 in funds to support the agreement.

**RECOMMENDATION**

**City Council** - Adopt a Motion:

A. Approving a transfer of \$82,925 from Fund 047 - Facilities-Police and a transfer of \$82,925 from Fund 057 Facilities-Police (Developer) and appropriate the same to Project 116040 (Fund 449-1001-627-65-00) Police Headquarters #2; and,

B. Approving Professional Services Agreement with LPA, Inc. in the amount of \$165,850; and,

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

Mayor Pro Tempore MARTINEZ pulled this item to ask for clarification.

Economic Development Director Frank QUINTERO explained LPA, Inc.'s scope of service.

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

**Aye:** 6 - Mayor Pro Tempore Martinez, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

**No:** 0

**Absent:** 1 - Mayor Murphy

**H.6.**

**SUBJECT: Approval of Three-Year Lease Agreement with Seth Rossow for 24.5 Acres Located at Mission Avenue and Tyler Road (CP-42) in the Amount of \$730.00 Per Year**

**REPORT IN BRIEF**

Considers approving a three-year lease agreement with Seth Rossow for 24.5 acres located at Mission Avenue and Tyler Road (CP-42) for \$730.00 per year.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the lease agreement with Seth Rossow; and, authorizing the City Manager or Assistant City Manager to execute the necessary documents.

Mayor Pro Tempore MARTINEZ pulled this item to ask about the long term goal for this property.

Council and Director of Recreation and Parks Joey CHAVEZ discussed building a well, the future of the property, and the terms and cost of the current lease.

Council Member ECHEVARRIA expressed concern for the dollar amount of the lease.

**A motion was made by Mayor Pro Tempore Martinez, seconded by Council Member McLeod, that this agenda item be approved. The motion carried by**

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the following vote:

**Aye:** 5 - Mayor Pro Tempore Martinez, Council Member Blake, Council Member McLeod, Council Member Serratto, and Council Member Shelton

**No:** 1 - Council Member Echevarria

**Absent:** 1 - Mayor Murphy

**H.8.**

**SUBJECT:** Approval of the Creation of a Capital Improvement Project for Main Street from M Street to N Street to Include Pavement Reconstruction and Storm Drain Line Improvements

**REPORT IN BRIEF**

Considers approving the creation of a new Capital Improvement Project on Main Street from M Street to N Street to include pavement reconstruction and storm drain line improvements. It is estimated that the improvements will cost approximately \$300,000 and anticipated that the improvements will be paid for with Measure V funds.

**RECOMMENDATION**

**City Council** - Adopt a motion authorizing staff to create a Capital Improvement Project for Main Street from M Street to N Street to include pavement reconstruction and storm drain line improvements.

Council Member SERRATTO pulled this item to suggest making the project area more unique.

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

**Aye:** 5 - Mayor Pro Tempore Martinez, Council Member Blake, Council Member McLeod, Council Member Serratto, and Council Member Shelton

**No:** 1 - Council Member Echevarria

**Absent:** 1 - Mayor Murphy

**H.9.**

**SUBJECT:** Ratification of Grant Application for Three Congestion Mitigation and Air Quality Improvement Program Projects for a Total Amount of \$1,661,529.27

**REPORT IN BRIEF**

Ratify grant application for three (3) Congestion Mitigation and Air Quality Improvement Program (CMAQ) projects at various locations within the City limits of Merced for a total amount of \$1,661,529.27.

**RECOMMENDATION**

**City Council** - Adopt a motion ratifying the grant application for three Congestion Mitigation and Air Quality Improvement Program (CMAQ) projects grants at various locations within the City.

Council Member SERRATTO pulled this item to highlight this project.

**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:** 6 - Mayor Pro Tempore Martinez, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

**No:** 0

**Absent:** 1 - Mayor Murphy

**I. REPORTS**

**I.1.**

**SUBJECT:** Policy Direction Regarding Parking and Owner Occupancy Requirements for Accessory Dwelling Units

**REPORT IN BRIEF**

The City Council will be asked to provide further policy direction regarding parking and occupancy requirements for accessory dwelling units (ADU's) in preparation for amendments to the Zoning Ordinance to meet recent State law changes.

**RECOMMENDATION**

The City Council should provide policy direction to staff regarding parking and owner occupancy requirements for accessory dwelling units.

Planning Manager Kim ESPINOSA gave a slide show presentation on the Policy Direction regarding Parking and Owner Occupancy Requirements for Accessory Dwelling Units.

Council, Ms. ESPINOSA, and City Manager Steve CARRIGAN discussed if the owner of the property should be required to live onsite, parking requirements, and counting the driveway as part of the parking space.

Gloria CONLIN, Merced - spoke on requiring the owner to live onsite and increasing Code Enforcement to enforce the requirements.

**Clerk's Note:** No formal vote was taken.

**J. BUSINESS**



J.1. Request to Add Item to Future Agenda

Mayor Pro Tempore MARTINEZ requested to add an item to discuss awarding graduation awards to students.

J.2. City Council Comments

Council Member SERRATTO reported on attending the Martin Luther King Jr. event and a Cioppino Fundraiser dinner.

Council Member MCLEOD reported on attending the Martin Luther King Jr. event.

Council Member SHELTON reported on attending the Martin Luther King Jr. event.

Council Member ECHEVARRIA reported on attending the NAACP President Installation, the Martin Luther King Jr. event, and meeting with Congressman Jim COSTA.

Mayor Pro Tempore MARTINEZ reported on attending the Lions Club Fundraiser event, the Merced Art Hop, and the Martin Luther King Jr. event.

**K. ADJOURNMENT**

**Clerk's Note:** The Regular Meeting adjourned at 7:19 PM.

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

**Aye:** 6 - Mayor Pro Tempore Martinez, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

**No:** 0

**Absent:** 1 - Mayor Murphy