



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 15, 2019

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 7 - Mayor Pro Tempore Anthony Martinez, Mayor Mike Murphy, Council Member Kevin Blake, Council Member Jill McLeod, Council Member Matthew Serratto, Council Member Delray Shelton, and Council Member Fernando Echevarria

Absent: 0

B. CLOSED SESSION

Mayor MURPHY called the Closed Session to order at 5:01 PM.

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

B.1. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION; McKinnon, et. al. v. City of Merced; Case No. 1:18-CV-01124-LJO-SAB; AUTHORITY: Government Code Section 54956.9(d)(1)

B.2. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION; Englert, et. al. v. City of Merced; Case No. 1:18-CV-01239-LJO-EPG; AUTHORITY: Government Code Section 54956.9(d)(1)

Clerk's Note: Council adjourned from Closed Session at 5:38 PM.

C. CALL TO ORDER

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

C.1. Invocation - Lamar Henderson, All Dads Matter

The invocation was delivered by Lamar HENDERSON from All Dads Matter.

C.2. Pledge of Allegiance to the Flag

Council Member ECHEVARRIA led the Pledge of Allegiance to the Flag.

D. ROLL CALL

Present: 7 - Mayor Pro Tempore Anthony Martinez, Mayor Mike Murphy, Council Member Kevin Blake, Council Member Jill McLeod, Council Member Matthew Serratto, Council Member Delray Shelton, and Council Member Fernando Echevarria

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.

F. CEREMONIAL MATTERS

F.1. SUBJECT: Recognition of El Capitan High School Cheer Squad

REPORT IN BRIEF

A certificate will be received by the 2019 USA National Champions, El Capitan High School Cheer Squad.

Mayor Pro Tempore MARTINEZ presented the Certificate of Recognition to the El Capitan High School Cheer Squad.

F.2. SUBJECT: Recognition of Merced United Youth Boys Soccer Club

REPORT IN BRIEF

A certificate will be received by the Merced United Boys FC.

Council Member SERRATTO presented the Certificate of Recognition to the Merced United Boys soccer team.

F.3. SUBJECT: Proclamation - Arbor Day

REPORT IN BRIEF

Received by Director of Public Works Ken Elwin

Mayor MURPHY presented the Arbor Day Proclamation to Director of Public Works Ken ELWIN.

F.4. SUBJECT: Proclamation - Bike Month

REPORT IN BRIEF

Received by a BAC Commissioner

Mayor MURPHY presented the Bike Month Proclamation to Director of Development Services Scott MCBRIDE.

G. SPECIAL PRESENTATIONS

G.1. Merced County Continuum of Care - Homeless Services in Merced County

Board Chair of the Merced County Continuum of Care Leslie ABASTA-CUMMINGS gave a slide show presentation on Homeless Services in Merced County.

Council and Ms. ABASTA-CUMMINGS discussed the services and challenges facing the homeless issue.

H. WRITTEN PETITIONS AND COMMUNICATIONS

There were none.

I. ORAL COMMUNICATIONS

Jorge GARIBAY, Merced - spoke on an issue he is having at the park across from his house.

Ramon LOMELI, Merced - spoke on the Merced United Soccer Club.

J. CONSENT CALENDAR

Items J.5. Approval of a Three-Year Agreement with CDW Government, LLC, for a Microsoft Enterprise Agreement Which Includes the Purchase of Software Licenses, Upgrades and Technical Support Beginning April 29, 2019, for an Annual Cost of \$162,054.90; Authorization to Waive the Competitive Bidding Requirements Based on a Cooperative Purchase Through the County of Riverside, J.8. Approval of City-Owned Real Property Use Request #19-03 by the Greater Merced Chamber of Commerce for the Use of Bob Hart Square Park to Host their Annual Fundraising Event, "Burgers and Brews" Which Includes the Serving of Alcohol, on Saturday, May 18, 2019, from 3:00 p.m. to 9:00 p.m., and J.11. Second Reading - Adoption of Ordinance No. 2500 Approving Site Utilization Plan Revision #6 to Planned Development (P-D) #46; were pulled for separate consideration.

Approval of the Consent Agenda

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

Aye: 7 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0

J.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.

J.2. **SUBJECT:** Information Only - Planning Commission Meeting Minutes of February 20, 2019

RECOMMENDATION

For information only.

This Consent Item was approved.

J.3. **SUBJECT:** Information Only - Merced Regional Airport Authority Meeting Minutes of December 18, 2018 and January 24, 2019.

RECOMMENDATION

For information only.

This Consent Item was approved.

J.4. **SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of March 4, 2019

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 March 4, 2019.

This Consent Item was approved.

J.6.

SUBJECT: Approval of Street Closure Request #19-06 by the Merced County Sheriff's Department for Merced County Fair (35th District Agricultural Association/Merced County Fair) to Close Traffic on G Street, Between W. Childs Avenue and 11th Street, During the Merced County Fair on June 5 and 6, 2019, from 3:00 p.m. to 11:00 p.m.; and on June 7, 8, and 9, 2019, from 5:00 p.m. to 12:00 a.m.

REPORT IN BRIEF

Considers approving a request by the Merced County Sheriff's Department for Merced County Fair (35th District Agricultural Association/Merced County Fair) for the closure and use of City streets on June 5 through June 9, 2019, to control traffic for the Merced County Fair. The request seeks approval to close G Street, between W. Childs Avenue, on June 5 and 6, 2019, from 3:00 p.m. to 11:00 p.m. and on June 7, 8, and 9, 2019, from 5:00 p.m. to 12:00 a.m.

RECOMMENDATION

City Council - Adopt a motion approving the street closure of G Street, between W. Childs Avenue and W. 11th Street, from 3:00 p.m. to 11:00 p.m. from Wednesday, June 5, 2019, through Thursday, June 6, 2019; and from 5:00 p.m. to 12:00 a.m. from Friday, June 7, 2019, through Sunday, June 9, 2019, for the Merced County Fair, subject to the details and conditions outlined in the administrative staff report.

This Consent Item was approved.

J.7.

SUBJECT: Approval of City-Owned Real Property Use Request #19-04 by The Regents of the University of California, Merced (UC Merced) for the Use of Bob Hart Square Park to Host the Class of 2019 Graduation Reception, Which Includes Serving Alcohol on Friday, May 3, 2019, from 12:00 p.m. to 11:00 p.m.

REPORT IN BRIEF

Considers approving a request by UC Merced allowing the exclusive use of Bob Hart Square Park on Friday, May 3, 2019, from 12:00 p.m. to 11:00 p.m. (event time 7:00 p.m. to 10:30 p.m.), for the Graduating Class of 2019's graduation reception, which includes the serving of alcohol.

RECOMMENDATION

City Council - Adopt a motion approving the exclusive use of Bob Hart Square Park on Friday, May 3, 2019, from 12:00 p.m. to 11:00 p.m., for a graduation reception (including the serving of alcohol); subject to the conditions outlined in the administrative report.

This Consent Item was approved.

J.9.

SUBJECT: Approval of Supplemental Budget Appropriation From the Unreserved, Unappropriated Fund Balance of the General Fund to Fund 666-Worker's Compensation in the Amount of \$120,000 Due to Increased Activity in Worker's Compensation Claims in Fiscal Year 2018-19

REPORT IN BRIEF

Considers approving a supplemental budget appropriation from the Unreserved, Unappropriated Fund Balance of the General Fund to Fund 666-Worker's Compensation by \$120,000. This adjustment is necessary due to higher than projected worker's compensation claims activity than what was originally budgeted in fiscal year 2018-2019.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a supplemental appropriation from the unreserved, unappropriated fund balance of the General Fund in the amount of \$120,000, transferring to Fund 666-Worker's Compensation Fund, and appropriating the same in Fund 666; and,

B. Authorizing the Finance Officer to make the necessary budget adjustments.

This Consent Item was approved.

J.10.

SUBJECT: Adoption of Resolution Setting a Public Meeting and

Public Hearing Regarding Maintenance Districts Engineer's
Reports and Budgets - Fiscal Year 2019/2020

REPORT IN BRIEF

Considers setting a public meeting for Monday, June 3, 2019, to address the proposed Engineer's Reports and Budgets and a formal public hearing for Monday, June 17, 2019, before a determination is made on the level of assessment to approve.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2019-14**, a Resolution of the City Council of the City of Merced, California, approving Engineer's Reports on Maintenance Districts and setting a public meeting and a public hearing thereon.

This Consent Item was approved.

J.5.

SUBJECT: Approval of a Three-Year Agreement with CDW Government, LLC, for a Microsoft Enterprise Agreement Which Includes the Purchase of Software Licenses, Upgrades and Technical Support Beginning April 29, 2019, for an Annual Cost of \$162,054.90; Authorization to Waive the Competitive Bidding Requirement Based on a Cooperative Purchase Through the County of Riverside

REPORT IN BRIEF

Considers the approval of a three-year agreement with CDW Government, LLC, for the purchase of Microsoft Software licenses and upgrades, as well as technical support for an annual cost of \$162,054.90. Also considers waiving the competitive bidding requirement set forth in Merced Municipal Code section 3.04.210 based on a cooperative purchasing agreement through the County of Riverside.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the City's competitive bid requirements as stated in Section 3.04.210 of the Merced Municipal Code; and,

B. Approving a three-year agreement with CDW- Government LLC, for Microsoft Enterprise Agreement "EA" software licensing, upgrades, and technical support for the City's personal computers and servers;

and,

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

Mayor Pro Tempore MARTINEZ pulled this item to ask for a report.

Information Technology Manager J.R. WRIGHT discussed the three-year software agreement with Microsoft Enterprise.

Mayor Pro Tempore MARTINEZ and Mr. WRIGHT discussed other options the City could use.

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

Aye: 7 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0

J.8.

SUBJECT: Approval of City-Owned Real Property Use Request #19-03 by the Greater Merced Chamber of Commerce for the Use of Bob Hart Square Park to Host their Annual Fundraising Event, "Burgers and Brews" Which Includes the Serving of Alcohol, on Saturday, May 18, 2019, from 3:00 p.m. to 9:00 p.m.

REPORT IN BRIEF

Considers approving a request by the Greater Merced Chamber of Commerce to allow the exclusive use of Bob Hart Square Park on Saturday, May 18, 2019, from 3:00 p.m. to 9:00 p.m. for their "Burgers and Brews" fundraiser event, to include the serving of alcohol.

RECOMMENDATION

City Council - Adopt a motion approving the exclusive use of Bob Hart Square Park on Saturday, May 18, 2019, from 3:00 p.m. to 9:00 p.m. for a "Burgers and Brews" gourmet burger and local microbrewery beer sampling event, allowing the serving of alcohol; subject to the conditions outlined in the administrative report.

Mayor Pro Tempore MARTINEZ pulled this item to allow the President of the Greater Merced Chamber of Commerce Manuel ALVARADO to discuss the second annual Burgers and Brew event.

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: 7 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0

J.11.

SUBJECT: Second Reading - Adoption of Ordinance No. 2500 Approving Site Utilization Plan Revision #6 to Planned Development (P-D) #46

REPORT IN BRIEF

Adoption of previously introduced Ordinance 2500 approving Site Utilization Plan revision #6 to Planned Development (P-D) #46.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2500**, an Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #6 to Planned Development (P-D) #46 changing the land use designation from "Business Park" (BP) to "High-Medium Density Residential" (HMD) for 10.73 acres of land, generally located on the west side of San Augustine Avenue at Pacific Drive.

Council Member ECHEVARRIA pulled this item to state his concern for the amount of apartments in one area of the City and traffic congestion in the San Augustine Avenue area.

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

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

No: 1 - Council Member Echevarria

Absent: 0

K. PUBLIC HEARINGS

K.1.

SUBJECT: Public Hearing - Review and Consideration of the Prioritization of CDBG and HOME Project Funding Applications Received and Consideration of Projects for Inclusion in the 2019 HUD Annual Action Plan

REPORT IN BRIEF

Conducts a Public hearing for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program to allow the public an opportunity to comment on the proposed project selections for Fiscal Year 2019-2020 and requests that the City Council consider prioritizing and provide modifications, if any, to proposed projects for inclusion in the City's Department of Housing and Urban Development (HUD) 2019 Annual Action Plan.

RECOMMENDATION

City Council - Adopt a motion providing prioritization and modifications, if any, to the project selections based on the applications received and directing staff to fund them in order of priority as funding becomes available from the U.S. Department of Housing and Urban Development (HUD) after holding the required Public Hearing.

Housing Supervisor Mark HAMILTON gave a slide show presentation on the 2019 HUD Annual Action Plan.

Council and Mr. HAMILTON discussed programming funding, advertising the Public Hearing, and the first time home buyer program. They also discussed home maintenance education classes and the selection process.

Mayor MURPHY opened the Public Hearing at 7:37 PM.

Habitat for Humanity Board Member Lyle ALLEN, Merced - spoke on the Habitat for Humanity of Merced County.

Don SPIVA, Merced - asked for the definition of the CDBG Block Grant.

Mr. Hamilton explained a CDBG Block Grant and how the funding is spent.

Mayor MURPHY closed the Public Hearing at 7:49 PM.

Council discussed prioritizing the project selections for funding from the U.S. Department of Housing and Urban Development.

A motion was made by Council Member Blake, seconded by Council Member McLeod, to have staff return with additional information and funding options. The motion carried by the following vote:

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

No: 1 - Council Member Echevarria

Absent: 0

L. REPORTS

L.1. **SUBJECT:** Report - Adoption of Resolution Approving the Fiscal Year 2019/20 Project List for the Road Repair Accountability Act (SB 1) and Council Prioritization of SB1 and Measure V Local Street Projects for the Fiscal Year 2019/20

REPORT IN BRIEF

Requests the City Council to approve the list of projects proposed to be funded with Road Maintenance and Rehabilitation Account (RMRA) funds pursuant to SB1 for FY 2019/2020, and requests City Council prioritization of Fiscal Year (FY) 2019/2020 SB1 and Measure V local projects.

RECOMMENDATION

City Council - Adopt a motion selecting Projects for the FY 2019-2020 Project List (SB1) and Prioritizing FY 2019-2020 Projects and approving **Resolution 2019-13**, A Resolution of the City Council of the City of Merced, California, Approving the "FY 2019-2020 Project List" for the Road Repair and Accountability Act (SB1), Local Streets and Roads Funding for Fiscal Year 2019-2020".

Director of Public Works Ken ELWIN gave a slide show presentation on the Road Repair Accountability Act (SB1) FY 19/20 Project List and Measure V - Proposed Project List.

Council and Mr. ELWIN discussed the funding of roads in District 2, allocation for sidewalk repairs, alternatives to sidewalk patching, scrub sealing on El Portal and 26th Street, and leveraging other funding for street repairs. They also spoke on the funding for the Childs Avenue to Parsons Avenue and Campus Parkway project, grants available for projects, and arterial road repairs.

Council and staff continued discussing funding for the Childs Avenue 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: 7 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0

M. BUSINESS

M.1. SUBJECT: Council Discussion and Direction Regarding the Formation of a Citizens Advisory Charter Review Committee

REPORT IN BRIEF

Considers the composition of an advisory committee to review the City of Merced Charter for possible updates to be placed on the March 2020 Primary Election and the process of recruiting and accepting applications for the committee.

RECOMMENDATION

City Council - Adopt a motion:

- A. Establishing an intent to form an Citizens Advisory Charter Review Committee specifying the number of members and makeup of the committee (i.e. selected by district or at large); and,
- B. Declaring the vacancies and directing staff to commence the standard process for filling the committee by noticing the vacancies and recruiting qualified applicants (qualified electors of the City) for a period of 30 days after the posted notice; and,
- C. Directing staff to bring the qualified applications to the May 20, 2019, regular City Council meeting for possible appointment.

Assistant City Clerk John TRESIDDER briefly discussed the next steps for the Citizens Advisory Charter Review Committee.

Council and Mr. TRESIDDER discussed next steps and the process to move forward with the Citizens Advisory Charter Review Committee.

A motion was made by Council Member Blake, seconded by Council Member Serratto, to create a committee with six members by district and three at-large members. The motion carried by the following vote:

Aye: 7 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0

A motion was made by Council Member Blake, seconded by Mayor Pro Tempore Martinez, to appoint Mayor Murphy and Mayor Pro Tempore Martinez as ex-officio members to the Citizens Advisory Charter review Committee. The motion carried by the following vote:

Aye: 7 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0

M.2.

SUBJECT: Downtown Sub-Committee Report to the City Council

REPORT IN BRIEF

Sub-Committee to provide a report on recent efforts to evaluate other valley cities downtown strategies.

RECOMMENDATION

Provide direction for the development of a Downtown strategy.

Assistant City Manager Stephanie DIETZ gave a slide show presentation reorting the Downtown Sub-Committee's recent efforts to evaluate other valley cities downtown strategies.

The Downtown Sub-Committee discussed their experiences and findings from visiting the City of Modesto, City of Turlock, and City of Visalia's downtown and made recommendations.

Kevin HAMMON, Merced - spoke on downtown partnerships and funding.

Manuel ALVARADO, Merced - spoke on making Merced's downtown unique and developing a downtown coalition.

A motion was made by Council Member Blake, seconded by Council Member McLeod, to adopt staff's recommended next steps and to have staff bring a variety of options for Council coinsideration. The motion carried by the following vote:

Aye: 7 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0

M.3. Request to Add Item to Future Agenda

Mayor Pro Tempore MARTINEZ requested to add an item to update Council on the Merced Soccer Academy's Nonprofit Status.

Mayor MURPHY requested to add an item on adding a sister City from Thailand for the May 20th Meeting.

M.4. City Council Comments

Council Member BLAKE spoke on the 15th anniversary of Police Officer Stephan Grey's passing.

Council Member ECHEVARRIA reported on attending a meeting concerning South Merced and met with the Seattle Sounders Soccer Club.

Council Member SHELTON reported on attending the Lao New Year event.

Mayor Pro Tempore MARTINEZ reported on attending the Youth 2 Youth event, the Lao New Year event, and reading a book to children at the library.

Council Member MCLEOD reported on reading to children at the library.

Council Member SERRATTO spoke on an article he read about a neighborhood improvement committee in the League of California Cities magazine.

Mayor MURPHY reported on touring the El Capitan Hotel and Tioga Hotel construction project, attending a meeting at the Boys and Girls Club, the Measure V meeting, the Ada Givens Elementary School's presentation on Civil Rights, meeting with Judge PROETTI on the homeless court, the Fire Fighter of the Year award, the One Voice meeting, and the Lao New Year event. He spoke about an upcoming check in with constituents in District 6.

N. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 10:22 PM.

A motion was made by Mayor Murphy, seconded by Council Member Blake, to adjourn the Regular Meeting in honor of Joe Cortez. The motion carried by the following vote:

Aye: 7 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0