



# 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, February 3, 2020

6:00 PM

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#### A. CLOSED SESSION ROLL CALL

**Present:** 7 - Council Member Anthony Martinez, Mayor Mike Murphy, Council Member Kevin Blake, Council Member Jill McLeod, Mayor Pro Tempore 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 MCLEOD arrived at 5:04 PM.

- B.1.** **SUBJECT:** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Finance Officer; Authority: Government Code Section 54957
- B.2.** **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Steve Carrigan; Employee Organization: American Federation of State, County, and Municipal Employees (AFSCME) Council 57; Local 2703; International Association of Fire Fighters, Local 1479; Merced Association of City Employees (MACE). AUTHORITY: Government Code Section 54957.6
- B.3.** **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Steve Carrigan; Employee Organizations: Merced Police Officers' Association (MPOA). AUTHORITY: Government Code Section 54957.6
- B.4.** **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)
- B.5.** **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)

**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 6:02 PM.

## D. ROLL CALL

**Present:** 7 - Council Member Anthony Martinez, Mayor Mike Murphy, Council Member Kevin Blake, Council Member Jill McLeod, Mayor Pro Tempore 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:** Proclamation - Teen Dating Violence Awareness and Prevention Month

### REPORT IN BRIEF

Received by a representative from the Valley Crisis Center.

Mayor MURPHY presented the Proclamation for Teen Dating Violence Awareness Month to Liz TYLER from the Valley Crisis Center.

F.2. **SUBJECT:** Proclamation - Black History Month

### REPORT IN BRIEF

Mayor Murphy will present the Black History Month proclamation.

Mayor MURPHY presented the Proclamation for Black History Month to NAACP President Allen BROOKS.

## G. WRITTEN PETITIONS AND COMMUNICATIONS

There were none.

## H. ORAL COMMUNICATIONS

Bruce METCALF, Merced - thanked Council for allocating Community Development Block Grant Program funds for a new house for a family in need.

## I. CONSENT CALENDAR

Item I.7. Approval of Street Closure Request #19-23 by Velo Promo, LLC for the 31st Original Merced Criterium Bicycle Race on February 23, 2020, from 6:00 a.m. to 5:00 p.m for the Area of West 18th Street to West 21st Street Between Mand N Streets, was pulled for separate consideration.

### Approval of the Consent Agenda

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

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

**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.2. **SUBJECT:** Information-Only Contracts for the Month of January 2020

##### REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$32,000 and of Public Works contracts under \$70,939.

**This Consent Item was approved.**

- I.3. **SUBJECT:** Information Only - Planning Commission Meeting  
Minutes of December 4, 2019

**RECOMMENDATION**

For information only.

**This Consent Item was approved.**

- I.4. **SUBJECT:** Approval of City Council/Public Financing and  
Economic Development/Parking Authority Meeting Minutes of  
January 6, 2020

**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 January 6, 2020.

**This Consent Item was approved.**

- I.5. **SUBJECT:** Authorization to Accept \$42,513 in Grant Funds from  
the 2019 Edward Byrne Justice Assistance Grant (JAG) Program  
for the Police Department to Purchase Safety Equipment and  
Supplies for Command Staff Vehicles, Consulting Costs for the  
Transition from the Uniform Crime Reporting Process to the  
National Incident Based Reporting System, Office Wellness  
Software Application, and for Cell Phone Service

**REPORT IN BRIEF**

Considers accepting grant funding from the US Department of Justice offered to the Merced Police Department in the amount of \$42,513 from the 2019 Edward Byrne Justice Assistance Grant (JAG) program for the purchase of additional conducted energy weapons (aka tasers), consulting costs for the transition from the Uniform Crime Reporting process to the National Incident Based Reporting System, and licensing costs for connecting the department body worn cameras to the computer aided dispatch system.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Accepting the grant and increasing the revenue budget in account 050-1025-321.17-00 by \$42,513, and appropriating the same to Fund 050; and,

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

C. Authorizing the Police Department and the City Manager to execute the necessary documents.

**This Consent Item was approved.**

**I.6.**

**SUBJECT:** Accept and File Community Facilities District (CFD) Nos. 2003-1 (Bellevue Ranch East), 2003-2 (Services), 2005-1 (Bellevue Ranch West), 2006-1 (Moraga of Merced) Annual Disclosure Reports For Fiscal Year 2018-2019

**REPORT IN BRIEF**

The Continuing Annual Disclosure Reports contain certain CFD information required to be filed annually by the City per Security and Exchange Commission (SEC) rule 15c2-12(b) and Government Code sections 50075-50077 and 53410-53412.

**RECOMMENDATION**

**City Council** - Adopt a motion accepting and filing the CFD Annual Disclosure Reports For Fiscal Year 2018-2019 for CFD Nos. 2003-1 (Bellevue Ranch East), 2003-2 (Services), 2005-1 (Bellevue Ranch West), 2006-1 (Moraga of Merced).

**This Consent Item was approved.**

**I.8.**

**SUBJECT:** Approval of Lease Agreement Between the City of Merced and Transit Joint Powers Authority for Merced County (The Bus) for Use of Office Space and Common Areas at the Merced Transportation Center (710 W. 16th Street) with Rent Starting at \$848.13 per Month and use of the Bus Concourse Area for \$33,286.32 per Year for a Term of Five Years with Annual Extensions by Mutual Agreement of the Parties

**REPORT IN BRIEF**

Considers a Lease Agreement (5-year Term with annual extensions by mutual agreement of the parties) with the Transit Joint Powers Authority for Merced County (The Bus) for use of the Bus Concourse, Common

Areas, 275 Square Feet of Leased Office Space, and facilities located at the Merced Transportation Center, located at 710 W. 16th Street.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the lease agreement between Transit Joint Powers Authority of Merced County (The Bus) and the City of Merced and authorizing the City Manager or the Assistant City Manager to execute all necessary documents.

**This Consent Item was approved.**

**I.9.**

**SUBJECT:** Adoption of Resolutions Amending the Annual Base Salary and Approving the Publically Adopted Pay Scale for the City Attorney as Set Forth in the City Attorney Employment Agreement as Approved by the City Council and Amending the Annual Base Salary and Publically Adopted Pay Scale for the City Manager as Set Forth in the Second Amendment to the City Manager Employment Agreement as Approved by the City Council

**REPORT IN BRIEF**

Considers the adoption of Resolution 2020-04 and 2020-05 to adopt the annual base salaries and the publically adopted pay scales for the City Attorney and City Manager as set forth in the City Attorney Employment Agreement and the Second Amendment to the City Manager Employment Agreement.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Adopting **Resolution 2020-04**, a Resolution of the City Council of the City of Merced, California amending the salary range for the City Attorney; and,

B. Adopting **Resolution 2020-05**, a Resolution of the City Council of the City of Merced, California amending the salary range for the City Manager; and,

C. Authorizing staff to submit the adopted Resolutions to the California Public Employees' Retirement System (CalPERS) for confirmation of annual salary amounts and pay scales.

**This Consent Item was approved.**

**I.10.**

**SUBJECT:** Second Reading and Final Adoption of an Ordinance

Approving Site Utilization Plan Revision #3 to Planned Development #72, Including a Hotel, Medical Office Buildings, Multi-Family Residential Housing, Fast Food Uses, and a Mixed-use Development

**REPORT IN BRIEF**

Second reading and final adoption of an Ordinance approving Site Utilization Plan Revision #3 to Planned Development #72.

**RECOMMENDATION**

**City Council** - Adopt a motion adopting **Ordinance 2512**, an Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #3 to Planned Development #72 changing the land use designation from "Commercial Office" (CO) and "High-Medium Residential" (HMD) to "Neighborhood Commercial" (CN) for 2 parcels of approximately 21.5 acres of land generally located on the northeast corner of Yosemite Avenue and G Street

**This Consent Item was approved.**

I.11.

**SUBJECT:** Second Reading and Final Adoption of an Ordinance Adding the "Tax Transparency Commission" to the Merced Municipal Code to Consolidate all Current and Future Tax Oversight Committees Into One Oversight Commission

**REPORT IN BRIEF**

Second Reading and final adoption of an ordinance to consolidate all current and future tax measure oversight commissions into a single commission.

**RECOMMENDATION**

**City Council** - Adopt a motion adopting **Ordinance 2510**, an ordinance of the City Council of the City of Merced, California, adding chapter 2.56, "Tax Transparency Commission," to the Merced Municipal Code.

**This Consent Item was approved.**

I.7.

**SUBJECT:** Approval of Street Closure Request #19-23 by Velo Promo, LLC for the 31st Original Merced Criterium Bicycle Race on February 23, 2020, from 6:00 a.m. to 5:00 p.m. for the Area of West 18th Street to West 21st Street Between M and N Streets

**REPORT IN BRIEF**

Considers approving a request for use of City streets for the purpose of

a bicycle race on Sunday, February 23, 2020, from 6:00 a.m. to 5:00 p.m. The road closure area is from West 18th Street between M and N Streets, West 19th Street between M and N Streets, West 20th Street between M and N Streets, and West 21st Street between M and N Streets (including the Courthouse loop).

#### **RECOMMENDATION**

**City Council** - Adopt a motion approving the request by Velo Promo, LLC, to close West 18th Street between M and N Streets, West 19th Street between M and N Streets, West 20th Street between M and N Streets, and West 21st Street between M and N Streets (including Courthouse loop) on Sunday, February 23, 2020, from 6:00 a.m. to 5:00 p.m., subject to the conditions listed in the body of this report.

Mayor MURPHY pulled this item to recuse himself due to the proximity of his office.

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

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

**No:** 0

**Absent:** 0

**Abstain:** 1 - Mayor Murphy

## **J. REPORTS**

### **J.1.**

**SUBJECT:** Update on City Council Goals and Priorities

#### **REPORT IN BRIEF**

Update on the City Council's goals and priorities for FY 2019-2020.

#### **RECOMMENDATION**

For information only.

City Manager Steve CARRIGAN and Assistant City Manager Stephanie DIETZ gave a slide show presentation updating Council on Goals and Priorities.

Council, Ms. DIETZ, and Mr. CARRIGAN discussed the Measure C transition timeline and the vaping policy discussion.



Wayne EISENHART, Merced - spoke on the Downtown Neighborhood Association's goals and priorities.

**Clerk's Note:** This item was information-only, no formal action was taken.

## K. BUSINESS

### K.1. **SUBJECT:** Update on the Loughborough Neighborhood Project

#### **REPORT IN BRIEF**

An update will be given on the Loughborough Neighborhood project.

#### **RECOMMENDATION**

Provide staff direction for possible next steps.

Mayor Pro Tempore SERRATTO gave a slide show presentation updating Council on the Loughborough Neighborhood Pilot Project.

Council Member MARTINEZ, Mayor Pro Tempore SERRATTO, and Assistant City Manager Stephanie DIETZ discussed the Public Works cost estimate, neighborhood advisory committee, and the project timeline.

Julian KELLY, Merced - spoke on his organization Mighty Minds program and partnering on the project.

Council directed staff to bring the supplemental appropriation for the block party trailer to the February 18th Council Meeting, other appropriations during the budget process, and to bring an update on the project in April.

### K.2. **SUBJECT:** Request to Add Item to Future Agenda

#### **REPORT IN BRIEF**

Provides members of the City Council to request that an item be placed on a future City Council agenda for initial consideration by the City Council.

No future items were added.

### K.3. **SUBJECT:** City Council Comments

#### **REPORT IN BRIEF**

Provides an opportunity for the Mayor and/or Council Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of

the City and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.

Council Member MCLEOD reported on attending the UC Regents dinner.

Mayor Pro Tempore SERRATTO reported on attending the UC Regents dinner, the Ravello's pasta charity event, the Measure J kickoff event, meeting with Valley Children's Hospital representatives, meeting with Bitwise representatives, a play at the Multicultural Arts Center, the point in time homeless count, and the Campus Parkway ground breaking event.

Council Member ECHEVARRIA congratulated NAACP President Allen BROOKS for all of his hard work.

Council Member MARTINEZ reported on attending the UC Regents dinner, meeting with Bitwise representatives, the Campus Parkway ground breaking event, the Arts and Culture Advisory Commission meeting, and the Historical Society gathering.

Mayor MURPHY reported on attending the US Conference of Mayor's meeting in Washington DC, a lunch presentation to the Women's Club, the regional homeless meeting, the monthly homeless court meeting, the Golden Valley Health Centers ribbon cutting, the Merced County Association of Governments meeting, the Harlem Globetrotters event, the Firefighter swearing-in ceremony, the Martin Luther King Jr. March event, the UC Regents dinner, and the Campus Parkway ground breaking event.

**Clerk's Note:** Council adjourned to Closed Session at 7:19 PM.

**Clerk's Note:** Council adjourned from Closed Session at 9:01 PM.

## L. ADJOURNMENT

**Clerk's Note:** Council adjourned the Regular Meeting at 9:01 PM.

**A motion was made by Mayor Murphy, seconded by Council Member Blake, to adjourn the Regular Meeting in memory of Ralph Temple. The motion carried by the following vote:**

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

**No:** 0

Absent: 0