



# 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, March 7, 2016

7:00 PM

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#### A. CLOSED SESSION ROLL CALL

Mayor THURSTON called the Closed Session to order at 6:30 PM.

**Present:** 7 - Mayor Stanley P. Thurston, Mayor Pro Tempore Joshua Pedrozo, Council Member Michael Belluomini, Council Member Kevin Blake, Council Member Tony Dossetti, Council Member Noah Lor, and Council Member Mike Murphy

**Absent:** 0

#### B. CLOSED SESSION

**B.1.** **SUBJECT:** PUBLIC EMPLOYEE APPOINTMENT - TITLE: City Attorney; **AUTHORITY:** Government Code 54957.

Council adjourned from Closed Session at 6:58 PM.

#### C. CALL TO ORDER

Mayor THURSTON called the Regular Meeting to order at 7:03 PM.

C.1. Invocation - Pastor Bruce Logue, LifeSpring Church

The invocation was delivered by Pastor Bruce LOGUE of Lifespring Church.

C.2. Pledge of Allegiance to the Flag

#### D. ROLL CALL

**Present:** 7 - Mayor Stanley P. Thurston, Mayor Pro Tempore Joshua Pedrozo, Council Member Michael Belluomini, Council Member Kevin Blake, Council Member Tony Dossetti, Council Member Noah Lor, and Council Member Mike Murphy

**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 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 Public Financing and Economic Development Authority receive no compensation.

## E. REPORT OUT OF CLOSED SESSION

Mayor THURSTON reported that the Council voted unanimously to appoint Jennifer McGRATH as the new City Attorney. He added that the contract would be added to the agenda as item K.7 with a vote from the Council and would be heard directly after the ceremonial items on the agenda.

**A motion was made by Council Member Lor, seconded by Council Member Murphy, to add the contract for City Attorney as item K.7. The motion carried by the following vote:**

**Aye:** 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

**No:** 0

**Absent:** 0

## F. CEREMONIAL MATTERS

### F.1. **SUBJECT:** Presentation of American Flag

#### REPORT IN BRIEF

An American Flag flown in Afghanistan will be presented to the City of Merced by Kendall M. Burgfeld, First Lieutenant, United States Army.

Mayor THURSTON read the inscription on an American Flag presented to the City by Kendall M. Burgeld, First Lieutenant in the United States Army.

### K.7. City Attorney Employment Agreement

Mayor THURSTON introduced the new City Attorney Jennifer McGRATH.

City Attorney Jennifer McGRATH stated her excitement for being selected.

**A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Dossetti, that the employment agreement with Jennifer McGrath be approved. The motion carried by the following vote:**

**Aye:** 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

**No:** 0

**Absent:** 0

## G. WRITTEN PETITIONS AND COMMUNICATIONS

There were none.

## H. ORAL COMMUNICATIONS

Rebecca MANANDIC, Merced - spoke about the Kiki Raina Tahiti Fete and invited the Council and public to attend. Some of the dancers did a brief performance.

Tatiana VIZCAINO-STEWART, BHC Merced - spoke in support of the Youth Council.

Sharon HOFFMAN, Mariposa - spoke about International Jazz Day.

Cathy CARVAJAL, Merced - spoke about the bowling alley blight on Childs Avenue.

Patrick BRYANT, Merced - spoke about graffiti and vandalism in town.

Monica VILLA, Merced - spoke about the upcoming election.

Rick McMILLION, Merced - spoke about Police and Fire staffing.

Rochelle ABRIL, Merced - asked about restrooms at neighborhood parks.

Daniel SABZEHZAR, Merced - spoke about the recent Town Hall meetings and the economic state of Merced.

## I. CONSENT CALENDAR

Agenda items I.3. Investment Policy and I.6. Appropriation of Funds Generated From Zoo Special Events and Activities were pulled for separate consideration.

### Approval of the Consent Agenda

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

**Aye:** 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

**No:** 0

Absent: 0

**I.1. SUBJECT: "Information-Only" Contracts**

**REPORT IN BRIEF**

Notification of awarded Non-Public Works contracts under \$28,000 and of Public Works contracts under \$63,054.

**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 2015 threshold of \$63,054.00, and Chapter 3.04.080 - 3.04.110 of the Merced Municipal Code to execute Non-Public Works contracts under the adjusted 2015 threshold of \$28,000.00, the contracts listed on the attached table were entered into by the City.

**This Consent Item was approved.**

**I.2. 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.4. SUBJECT: Appropriation From Fleet Capital Replacement**

**REPORT IN BRIEF**

Fleet Services is requesting approval from Council to appropriate \$102,027 from the Fleet Capital Replacement Fund and accepting insurance reimbursements for two police vehicles.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving an appropriation of \$102,027 from the Fleet Capital

Replacement Fund 674-1103-633.63-00 to replace two patrol vehicles and augment Police K-9 expenses, and;

B. Accepting insurance reimbursement revenue from McLaren's Insurance and credit those funds back to the Fleet Capital Replacement Fund 674.

This Consent Item was approved.

I.5.

**SUBJECT:** Contract Agreement With the County of Merced

**REPORT IN BRIEF**

Enter into an agreement to provide parking enforcement in County parking lots.

**RECOMMENDATION**

**City Council** - Adopt a motion approving an agreement between the City of Merced and the County of Merced for the police department to conduct parking enforcement in the County parking lots; and authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

I.7.

**SUBJECT:** Ordinance Dealing with No Parking Zones (Canal Street)

**REPORT IN BRIEF**

Second reading of previously introduced ordinance.

**RECOMMENDATION**

**City Council** - Adopt **Ordinance 2455**, an Ordinance of the City Council of the City of Merced, California, Amending Section 10.28.230, "No Parking Zones" of the Merced Municipal Code.

This Consent Item was approved.

I.3.

**SUBJECT:** Investment Policy

**REPORT IN BRIEF**

Consider update to Investment Policy.

**RECOMMENDATION**

**City Council** - Adopt **Resolution 2016-11**, a Resolution of the City Council of the City of Merced, California, adopting Investment Policy.

Council Member BELLUOMINI pulled this item to discuss the City investing in certain grades of bonds. He was concerned about authorizing investing in single A bonds and preferred a more conservative approach.

Finance Director Brad GRANT stated that it is written to allow flexibility in investing but advised that he preferred a conservative approach as well.

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

**Aye:** 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

**No:** 0

**Absent:** 0

**I.6.**

**SUBJECT:** Appropriation of Funds Generated From Zoo Special Events and Activities

**REPORT IN BRIEF**

Accept and appropriate revenues from zoo special events and activities that are put on by the City of Merced staff.

**RECOMMENDATION**

**City Council** - Adopt a motion authorizing the Finance Officer to make appropriate budget adjustments

Mayor Pro Tempore PEDROZO pulled this item to highlight the Zoo employees and the work they are doing to increase revenue through the programs being offered.

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

**Aye:** 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

**No:** 0

**Absent:** 0

**J. REPORTS**

**J.1.**

**SUBJECT:** Adoption of a Resolution for an Exemption to CalPERS 180-Day Wait Period Pursuant to Government Code Sections 7522.56

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and 21224

**REPORT IN BRIEF**

Adoption of a resolution approving the hiring of Roberta Medina as an extra-help retired annuitant to perform the duties of a Temporary Community Services Officer under Government Code sections 7522.56 and 21224, effective March 14, 2016.

**RECOMMENDATION**

**City Council** - Adopt **Resolution 2016-08**, a Resolution of the City Council of the City of Merced, approving an exception to the CALPERS 180-day wait period pursuant to Government Code sections 7522.56 and 21224.

Police Chief Norm ANDRADE gave a report on the need for CalPers retirees to have 180 days removed from the job before they can come back to work.

Council Member MURPHY was happy that Roberta MEDINA was coming back to train the new Code Enforcement Officers.

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

**Aye:** 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

**No:** 0

**Absent:** 0

**J.2.**

**SUBJECT:** Cardrooms

**REPORT IN BRIEF**

Provides a brief overview of existing City cardroom regulations and outlines potential areas of modification that the City Council may consider, if desired.

**RECOMMENDATION**

Staff recommends that the City Council take public testimony regarding cardrooms and either:

A. Provide direction to staff regarding any proposed modifications to the City's existing cardroom regulations; or,

B. Take no further action regarding this matter.

Senior Deputy City Attorney Ken ROZELL gave a slide show presentation on Cardroom regulations and explained the options available with the regards to the expansion of the number of tables allowed within the city.

Mayor THURSTON questioned the cost for enforcement.

Mr. ROZELL suggested a cost study to determine table fees.

Council Member BLAKE asked about the number of calls for service for cardrooms and if research was done on the Turlock cardroom.

Mr. ROZELL stated that a study had not been done on calls for service yet and that he had done minimal research on Turlock's cardroom.

Council Member MURPHY suggested that the cardroom owners be involved in the process.

Jarhett BLONIN, representing the cardroom owners - stated that Merced's ordinance has not been updated since the late 90's. He relayed that the owners were moving into a new location that was larger and would like to add more tables. He said that each table creates about 10 living wage jobs.

Council Member BELLUOMINI expressed concern for the cost benefit to the City.

The general consensus of the Council was that increasing the number of tables was beneficial.

Council Member Dossetti asked about the types of card games that were played at the location.

Mr. BLONIN stated that most card games are played.

Mayor Pro Tempore PEDROZO asked about security at the location.

Mr. BLONIN stated that currently there is one security guard on duty but if tables are added, more may be needed. He also stated that most cardrooms like to have no limit betting.

Council Member BLAKE asked about other services such as food.

Mr. BLONIN stated the new location would have food and alcohol service.



Council Member BELLUOMINI asked about the hours of operation.

Mr. BLONIN said the cardroom is open all day seven days a week.

Council Member BELLUOMINI asked about criminal behaviour around cardrooms.

Police Chief ANDRADE said that crime related to cardrooms in Merced was not a problem.

Council Members LOR and BELLUOMINI were concerned with unlimited betting limits.

Mayor Pro Tempore PEDROZO stated that Council should not decide how citizens spend their money.

Council Member DOSSETTI said that a tax for cardrooms should be looked at.

Mr. ROZELL stated that he had enough information to begin drafting an ordinance.

Mayor THURSTON called for a recess at 8:35 PM.

Mayor THURSTON called the meeting back to order at 8:45 PM.

## **K. BUSINESS**

### **K.1.                    SUBJECT: Discussion on City Manager Evaluation Form**

#### **REPORT IN BRIEF**

This item is in response to Council Member Belluomini's request to discuss changes to the City Manager Evaluation Form.

Council Member BELLUOMINI referred to a memo he wrote regarding the City Manager evaluation form.

Council Member MURPHY stated his support.

Council Member DOSSETTI suggested a change in the rating system to have only three levels.

Mayor Pro Tempore PEDROZO stated support for the ICMA form.

**A motion was made by Mayor Thurston, seconded by Mayor Pro Tempore Pedrozo, to approve the ICMA form with changes suggested by Council Member Dossetti. The motion carried by the following vote:**

**Aye:** 6 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

**No:** 1 - Council Member Belluomini

**Absent:** 0

**K.2. SUBJECT: Discussion on Finance Director Evaluation Form**

**REPORT IN BRIEF**

This item is in response to Council Member Belluomini's request to discuss changes to the Finance Director Evaluation Form.

Mayor THURSTON stated he could not recall ever evaluating the Finance Director.

City Manager CARRIGAN offered to review the Finance Director and discuss with Council in a Closed Session.

Council Member BELLUOMINI read sections from the City Charter regarding the hiring of and evaluation of the Finance Director.

Mayor THURSTON suggested a Council Policy regarding the review of the Finance Director.

**A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Dossetti, directing staff to create a Council Policy stating the City Manager is to evaluate the Finance Director and discuss with Council in Closed Session for their input. The motion carried by the following vote:**

**Aye:** 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

**No:** 0

**Absent:** 0

**K.3. SUBJECT: Confirmation of Date for Budget Priority Session**

**REPORT IN BRIEF**

Available dates for selection are:

Wednesday, March 9th

Thursday, March 10th

Wednesday, March 23rd  
Monday, March 28th  
Tuesday, March 29th  
Wednesday, March 30th  
Thursday, March 31st

**RECOMMENDATION**

Select a date from the list to hold a Budget Priority Session.

Council agreed on March 31st, April 4th and April 12th from 5:00 PM to 7:00 PM for the Budget Priority Sessions.

K.4. Presentation on Economic Development by Council Member Belluomini

Council Member BELLUOMINI gave a presentation on economic development in the City of Merced. He spoke about the need to create jobs for Merced as it has one of the highest unemployment rates in the State. He spoke about research done to find out what the City needs to attract industrial development. He suggested a Master Plan for the University Industrial Park in order to show the City's commitment to development. He requested a preliminary report from staff. He stated the economic climate seemed better for development at this time.

Mayor THURSTON suggested waiting until the City Manager had been on the job longer.

Mayor Pro Tempore PEDROZO asked about the virtual buildings.

Economic Development Director Frank QUINTERO stated the City would be involved in more meetings with some consultants to discuss what they would like to see in the virtual buildings.

Council Member MURPHY agreed to keep this item moving forward.

K.5. Request to Add Item to Future Agenda

There were no requests at this time.

K.6. City Council Comments

Council Member MURPHY asked about downtown signs on behalf of Rick McMILLION. He noted the existence of a Chamber of Commerce sign that should be removed.

Council Member DOSSETTI commented on medicinal marijuana.

## L. ADJOURNMENT

**Clerk's Note:** The meeting adjourned at 9:21 PM.

**A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Dossetti, to adjourn the meeting. The motion carried by the following vote:**

**Aye:** 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

**No:** 0

**Absent:** 0