



# 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, September 6, 2016

7:00 PM

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#### A. CLOSED SESSION ROLL CALL

**Clerk's Note:** Council Member LOR arrived at 6:32 PM and Council Member BELLUOMINI arrived at 6:34 PM.

**Present:** 6 - Mayor Stanley P. Thurston, Mayor Pro Tempore Joshua Pedrozo, Council Member Michael Belluomini, Council Member Tony Dossetti, Council Member Noah Lor, and Council Member Mike Murphy

**Absent:** 1 - Council Member Kevin Blake

#### B. CLOSED SESSION

Mayor THURSTON called the Closed Session to order at 6:31 PM.

##### B.1.

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

**Clerk's Note:** Council adjourned from Closed Session at 6:59 PM.

#### C. CALL TO ORDER

Mayor THURSTON called the Regular Meeting to order at 7:01 PM.

##### C.1. Invocation - Al Schaap, Gateway Church

The invocation was presented by Al SCHAAP from Gateway Church.

##### C.2. Pledge of Allegiance to the Flag

#### D. ROLL CALL

**Present:** 6 - Mayor Stanley P. Thurston, Mayor Pro Tempore Joshua Pedrozo, Council Member Michael Belluomini, Council Member Tony Dossetti, Council Member Noah Lor, and Council Member Mike Murphy

**Absent:** 1 - Council Member Kevin Blake

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**

There was no report.

## **F. CEREMONIAL MATTERS**

F.1.                    **SUBJECT:** Proclamation - Constitution Week

### **REPORT IN BRIEF**

Received by a representative of the Daughters of the American Revolution.

Mayor THURSTON presented the proclamation for the Constitution Week to a representative of the Daughters of the American Revolution.

## **G. WRITTEN PETITIONS AND COMMUNICATIONS**

The Clerk's Office received letters regarding the zoning code and an email from Five Ten Bistro requesting to remove their item (Item I.8.) from the agenda.

## **H. ORAL COMMUNICATIONS**

Andrew GUZMAN, Merced - spoke on the Merced Municipal Employees Credit Union.

Angi BAXTER, Rosa SERNA, Melinda XIONG, Angela ALEGRIA, Jerome RASBERRY JR., Carla GONSALVES, Arcelia GARCIA, and Rosa BARRAGAN, representatives of the Parents Leadership Training Institute (PLTI) spoke on the PLTI program.

Monica VILLA, Merced - spoke on various topics.

## **I. CONSENT CALENDAR**

Items I.1. Information Only Contracts and I.3. City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of July 18, 2016 and August 1, 2016, were pulled for separate consideration.

### **Approval of the Consent Agenda**

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Mayor Thurston, that this be approved the Consent Agenda.. The motion carried by

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the following vote:

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

**No:** 0

**Absent:** 1 - Council Member Blake

**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: 2017 Cafeteria Plan Renewal**

**REPORT IN BRIEF**

Considers approving the renewal of the 2017 Cafeteria Plan regarding employees' and retirees' health and welfare benefits.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the employees' health and welfare benefits cafeteria plan renewal for calendar year 2017 and authorizing the City Manager to execute the necessary documents.

**This Consent Item was approved.**

**I.5.                    SUBJECT: Accept and Appropriate Donated Funds to the Merced Fire Department**

**REPORT IN BRIEF**

Acceptance of a \$200 Donation and Approval of a Supplemental Budget Request to Accept the Donation.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Accepting a \$200 donation and increasing account 001-0901-360.02-01 (Contribution and Donations); and,

B. Appropriating \$200 to 001-0901-522.26-00 (Other Equipment O & M).

**This Consent Item was approved.**

**I.6.**

**SUBJECT:** Supplemental Appropriation to Fund Special Groundwater Testing for the Airport Hazardous Waste Site

**REPORT IN BRIEF**

Consider authorizing a supplemental appropriation to fund special groundwater well sampling analytical services at the Airport Hazardous Waste Site.

**RECOMMENDATION**

**City Council** - Adopt a motion approving a supplemental appropriation from the General Fund unreserved Fund Balance in the amount of \$3,750 transferring to Fund 561 Airport, and appropriating the same to Professional Services account 561-1303-562.17-00.

**This Consent Item was approved.**

**I.7.**

**SUBJECT:** Set a Public Hearing for the Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER)

**REPORT IN BRIEF**

Set a public hearing for Monday, September 19, 2016, to consider the Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER).

**RECOMMENDATION**

**City Council** - Adopt a motion setting a public hearing for Monday, September 19, 2016, to consider the Housing and Urban Development Consolidated Annual Performance and Evaluation Report (CAPER).

**This Consent Item was approved.**

**I.9.**

**SUBJECT:** Street Closure Request for 2016 Cap and Town Festival

**REPORT IN BRIEF**

Request the use of City Streets and Bob Hart Square.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the sale and consumption of alcoholic beverages on a City street, subject to the conditions for alcohol sales listed in the administrative report; the use of Bob Hart Square; and the closure of West Main Street from "M" Street to Martin Luther King Jr. Way, "K" Street from the alley north of West 16th Street to the alley south of West 18th Street, and Canal Street from West Main Street to West 18th Street on Saturday, September 10, 2016, from 8:00 a.m. until Sunday, September 11, 2016 at 12:00 a.m. for the 2016 Cap and Town Festival.

**This Consent Item was approved.**

**I.10.**

**SUBJECT:** 2016 Local Agency Biennial Notice

**REPORT IN BRIEF**

Accept and file the 2016 Local Agency Biennial Notice to review the City's Conflict of Interest Code.

**RECOMMENDATION**

**City Council** - Adopt a motion accepting and filing the 2016 Local Biennial Notice; and, directing staff to return the amended Conflict of Interest Code within 90 days of this date for final adoption by City Council.

**This Consent Item was approved.**

**I.11.**

**SUBJECT:** Second Reading of Ordinance Dealing with No Parking Zones and Freight and Passenger Loading Zones

**REPORT IN BRIEF**

Second reading of previously introduced Ordinance.

**RECOMMENDATION**

**City Council** - Adopt **Ordinance 2466**, an Ordinance of the City Council of the City of Merced, California, Amending Section 10.28.230, "No Parking Zones," and Section 10.32.050, "Freight and Passenger Loading Zones - Locations," and Adding Section 10.32.051, "Freight and Passenger Loading Zones - Locations - Seven A.M. to Four P.M." of the Merced Municipal Code.

**This Consent Item was approved.**

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

**REPORT IN BRIEF**

Notification of awarded Non-Public Works contracts under \$29,000 and of Public Works contracts under \$65,204.

**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 2016-2017 threshold of \$65,204.00, and Chapter 3.04.080 - 3.04.110 of the Merced Municipal Code to execute Non-Public Works contracts under the adjusted FY 2016-2017 threshold of \$29,000.00, the contracts listed on the attached table were entered into by the City.

Council Member BELLUOMINI pulled this item and asked for clarification on the parking garage lease and what Project Centinell is doing for the City.

Director of Economic Development Frank QUINTERO explained that UC Merced is leasing parking spaces at the Merced Center Parking Garage during the 18 month construction period.

Housing Supervisor Mark HAMILTON explained that Project Centinell provides fair housing resources for the community.

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

**No:** 0

**Absent:** 1 - Council Member Blake

**I.3.                                SUBJECT: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of July 18, 2016 and August 1, 2016.**

**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 18, 2016 and August 1, 2016.

Council Member BELLUOMINI pulled this item and requested a revision on the July 18th minutes.

**A motion was made by Council Member Belluomini, seconded by Mayor Thurston, that this agenda item be approved per Council Member Belluomini's revision suggestions. The motion carried by the following vote:**

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

**No:** 0

**Absent:** 1 - Council Member Blake

I.8.

**SUBJECT:** City-Owned Real Property Request #16-11 (510 Bistro and Playhouse Merced for Octoberfest Beer Garden)

**REPORT IN BRIEF**

Consider allowing the use of Bob Hart Square on Saturday, September 24, 2016, from 4:00 p.m. to 11:00 p.m., for 510 Bistro and Playhouse Merced to host their first annual Octoberfest Beer Festival.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the use of Bob Hart Square (including the sale of alcohol) on Saturday, September 24, 2015, from 4:00 p.m. to 11:00 p.m. for the Octoberfest Beer Festival; subject to the conditions outlined in the administrative staff report.

This item was withdrawn from consideration.

**This Consent Item was withdrawn.**

**J. PUBLIC HEARINGS**

J.1.

**SUBJECT:** Public Hearing - Merced Fire Department User Fees

**REPORT IN BRIEF**

Public Hearing to hear comments and adopt a resolution updating the Merced Fire Department's user fees.

**RECOMMENDATION**

**City Council** - Adopt **Resolution 2016-48**, A Resolution of the City Council of the City of Merced, California, Adopting Fees for Required Permitted Fire and Life Safety Inspections.

Financial Consultant Greta DAVIS gave a slide show presentation on the Fire Fee Study.

Mayor THURSTON asked who is currently performing fire inspections.

Fire Marshall Mike STEPHENSON explained that there is a temporary Fire Marshall and a Fire Inspector as well as the Fire Crews doing the inspections.

Council Member MURPHY asked about inspection fees on low risk occupancy.

Mr. STEPHENSON explained that low risk occupancy inspections are not charged a fee and that the Fire Crews are the ones to administer the inspection.

Council Member BELLUOMINI asked about the cost estimate difference between the older draft and the current draft, building inspection fees, and other inspection fees. He requested this item to come back with answers for the fee reduction.

Ms. DAVIS explained that the difference between the two drafts is the new construction plan review and inspection was not in the current draft.

Mr. STEPHENSON explained that the fire inspection fees were included in the building department fees that were created under one resolution. To change that, there would need to be a change to all building permit fees and the resolution. He also explained the fees for inspections in various levels of occupancy risk.

Mayor THURSTON opened the Public Hearing at 8:11 PM.

John CARLISLE, Merced - Spoke on the fire inspection fees for fireworks stands.

Council Members discussed the firework inspection fees.

Acting Fire Chief Billy ALCORN further explained the hours related to the fireworks stand fees.

Mayor THURSTON closed the Public Hearing at 8:24 PM.

Council Member BELLUOMINI suggested to postpone acting on the annual business safety, fire safety inspection occupancy fees B, E, F, H, and I until



there is an explanation on the dollar amount.

Interim City Attorney Jolie HOUSTON stated that the resolution adopts the entire fee schedule and dividing the resolution will result in adopting two resolutions with two fee schedules. She suggested to continue the entire item for another meeting date.

**A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Murphy, that this agenda item be continued to the October 3rd Council Meeting. The motion carried by the following vote:**

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

**No:** 0

**Absent:** 1 - Council Member Blake

**J.2.**

**SUBJECT: Public Hearing - Zoning Ordinance Amendment #16-01 - Adoption of a New Zoning Ordinance for the City of Merced**

**REPORT IN BRIEF**

The City Council will be asked to consider adoption of a new Zoning Ordinance for the City of Merced.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Adopting a Negative Declaration and Introducing **Ordinance 2465**, "An Ordinance of the City Council of the City of Merced, California, Amending Title 20 'Zoning' of the Merced Municipal Code;" and,

B. Approving a supplemental appropriation in Fund 017 in the amount of \$2,260 to pay for the State filing fees for the Negative Declaration and allowing the Finance Officer to make the necessary budget adjustments.

Planning Manager Kim ESPINOSA gave a slide show presentation on the Zoning Ordinance.

Mayor Pro Tempore PEDROZO asked if businesses close to schools would have to get a permit to sell tobacco.

Ms. ESPINOSA explained that this ordinance would only affect new businesses not existing businesses.

Council Member MURPHY asked if there is a change in ownership of a business if the tobacco sales restriction will affect the business and the

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community gardens fee.

Ms. ESPINOSA explained that it will only affect new businesses not existing businesses even if there is a change in ownership. She also explained revising the fee schedule and that the community gardens could have a specific fee.

Council Member BELLUOMINI asked if a new grocery store close to a school would be prohibited from selling tobacco.

Ms. ESPINOSA explained that grocery stores exceeding 20,000 square feet would be able to sell tobacco.

Mayor Pro Tempore PEDROZO asked about the fee schedule.

Ms. ESPINOSA explained they plan on being flexible with the fee schedule and that the public has input on it as well.

Interim City Attorney Jolie HOUSTON explained how the fees can be changed when an ordinance is adopted and the resolution can allow the change in fees.

Mayor THURSTON opened the Public Hearing at 8:56 PM.

Stephanie RUSSELL, Merced - spoke on health statistics and access to healthy food.

Stephanie NATHAN, Merced - spoke on youth tobacco usage and tobacco advertising.

Nancy TAPIA, Merced - spoke on emphysema and the dangers of tobacco use.

Brittany OAKES, Merced - spoke on community gardens and the fees to start one.

Monica VILLA, Merced - spoke on community gardens.

Zach VAN HOUTON, Merced - spoke on community gardens.

Wayne EISENHART, Merced - spoke on community gardens.

Maryam CRAGMAN, Merced - spoke on tobacco and youth health.

Araceli FIGUEROA, Merced - spoke on college students going hungry and the importance of community gardens.

Katilyn MCINTIRE, Merced - spoke on community gardens.

Nicita DARYANANI, Fresno - spoke on community gardens.

Mayor THURSTON closed the Public Hearing at 9:34 PM.

Council Member BELLUOMINI asked about the site plan review for community gardens and the cost.

Ms. ESPINOSA explained what a site plan review is and the difference between residential and commercial community garden use and gave the cost of a site plan review.

Ms. HOUSTON explained the process of adopting the ordinance then discussing and voting on the fees.

Council Members continued discussion on community gardens, the fees, and the process to start a community garden.

**A motion was made by Council Member Belluomini, seconded by Council Member Murphy, to adopt the negative declaration and introduce Ordinance 2465 and approve the supplemental appropriation of \$2,260 and a zero cost for community gardens. The motion carried by the following vote:**

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

**No:** 0

**Absent:** 1 - Council Member Blake

**J.3.**

**SUBJECT: Public Hearing for the City's Automatic License Plate Reader Program and Consideration of an Agreement with Vigilant Solutions for the Purchase of License Plate Readers and Related Software for the Police Department**

**REPORT IN BRIEF**

Hold a Public Hearing to receive public comment regarding the use of Automated License Plate Readers ("ALPR"). Enter into a service agreement for \$129,500 with Vigilant Solutions Incorporated to purchase License Plate Reader ("LPR") cameras and analytic software that will read license plates of vehicles that are in public roadways and provide analytical tools to conduct criminal investigations.

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**RECOMMENDATION**

**City Council** - Adopt a motion waiving the competitive bidding process allowing the purchase of LPR cameras from Vigilant Solutions on a sole source basis and authorizing the City Manager to execute the necessary documents.

Captain Matt WILLIAMS gave a presentation on license plate readers.

Council Member MURPHY asked if the license plate reader was a red light camera and about subscription for tow truck services use.

Captain WILLIAMS explained that the license plate reader does not act like a red light camera. He also explained that there is a private and public sector of this program.

Council Member LOR asked how fast the information gets to the officers and if more officers would be needed when the Police Department starts using the new program.

Captain WILLIAMS explained that officers receive information in a matter of seconds and stated that the program will reduce staff work.

Council Member BELLUOMINI asked why there wasn't a competitive bid.

Captain WILLIAMS stated that this program had a wider range of abilities than the other two systems they reviewed.

Mayor THURSTON opened and subsequently closed the Public Hearing at 10:18 PM with no audience members wishing to speak.

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

**No:** 0

**Absent:** 1 - Council Member Blake

Mayor THURSTON called for a break at 10:20 PM.

Council returned from break at 10:25 PM.

**Clerk's Note:** Council Member LOR did not return to the meeting after the break.

## K. BUSINESS

### K.1. **SUBJECT: Bicycle Advisory Commission Appointment**

#### **REPORT IN BRIEF**

Consider accepting nominations and appointing one individual to the Bicycle Advisory Commission as a replacement.

#### **RECOMMENDATION**

**City Council** - Adopt a motion accepting nominations and appointing one applicant to serve on the Bicycle Advisory Commission with a term expiration date of July 1, 2019.

**A motion was made by Council Member Dossetti, seconded by Council Member Belluomini, to appoint Ann THURSTON to the Bicycle Advisory Commission. The motion carried by the following vote:**

**Aye:** 4 - Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Dossetti, and Council Member Murphy

**No:** 0

**Absent:** 2 - Council Member Blake, and Council Member Lor

**Abstain:** 1 - Mayor Thurston

### K.2. **SUBJECT: Mayor Thurston's Request to Discuss a Competitive Bidding Communications Ordinance**

#### **REPORT IN BRIEF**

This item is in response to Mayor Thurston's request to discuss the competitive bidding communications ordinance.

#### **RECOMMENDATION**

It is requested Council give staff direction on this item.

Mayor THURSTON discussed a competitive bidding communications ordinance.

Council Members discussed communicating with competitive bidders, violations in doing so, and the steps to report said conversations.

Interim City Attorney Jolie HOUSTON requested time to research before

drafting the ordinance.

**A motion was made by Mayor Thurston, seconded by Council Member Belluomini, to direct staff to draft an ordinance for communicating with competitive bidders. The motion carried by the following vote:**

**Aye:** 5 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Dossetti, and Council Member Murphy

**No:** 0

**Absent:** 2 - Council Member Blake, and Council Member Lor

**K.3.** **SUBJECT: Council Member Belluomini's Request to Discuss Police Station Development Process and Schedule**

**REPORT IN BRIEF**

This item is in response to Council Member Belluomini's request to discuss the Police Station Development Process and Schedule.

**RECOMMENDATION**

It is requested Council give staff direction on this item.

Council Member BELLUOMINI gave a slide show presentation on the steps and timeline to complete the new Police Station.

Council Member DOSSETTI stated his opposition for the tax ballot that was proposed and asked for staff input.

Council Members directed staff to move forward diligently and expeditiously on planning, financing and development of the new Police Station.

**K.4.** **SUBJECT: Council Member Belluomini's Request to Discuss Street Trees and Parks**

**REPORT IN BRIEF**

This item is in response to Council Member Belluomini's request to discuss the street trees and parks.

**RECOMMENDATION**

It is requested Council give staff direction on this item.

This item was moved to the September 19th meeting.

**K.5. Request to Add Item to Future Agenda**

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No future agenda items were added.

K.6. City Council Comments

Mayor Pro Tempore PEDROZO encouraged people to attend the Cap & Town Event.

Council Member MURPHY mentioned the 9/11 parade and flag ceremony event for the following weekend.

**L. ADJOURNMENT**

**A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Murphy, that the meeting be adjourned. The motion carried by the following vote:**

**Aye:** 5 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Dossetti, and Council Member Murphy

**No:** 0

**Absent:** 2 - Council Member Blake, and Council Member Lor