



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

Tuesday, January 17, 2017

7:00 PM

A. CLOSED SESSION ROLL CALL

Mayor Pro Tempore BLAKE called the Closed Session to order at 5:46 PM.

Clerk's Note: Mayor MURPHY attended the Closed Session via conference call.

Clerk's Note: Council Member MCLEOD arrived at 5:53 PM.

Present: 7 - Mayor Mike Murphy, Mayor Pro Tempore Kevin Blake, Council Member Joshua Pedrozo, Council Member Michael Belluomini, Council Member Anthony Martinez, Council Member Jill McLeod, and Council Member Matthew Serratto

Absent: 0

B. CLOSED SESSION

B.1. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; California Department of Finance v. City of Merced; Petition for Writ of Mandate Case No. 34-2016-80002485; AUTHORITY: Government Code Section 54956.9(d)(1)

B.2. **SUBJECT:** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager; Authority: Government Code Section 54957

B.3. **SUBJECT:** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Finance Officer; Authority: Government Code Section 54957

Clerk's Note: Council adjourned from Closed Session at 6:30 PM.

C. CALL TO ORDER

Mayor Pro Tempore BLAKE called the Regular Meeting to order at 7:01 PM.

C.1. Invocation - Greg Boyd, Calvary Chapel of Merced

The invocation was delivered by Greg BOYD from the Calvary Chapel of

Merced.

C.2. Pledge of Allegiance to the Flag

D. ROLL CALL

Present: 6 - Mayor Pro Tempore Kevin Blake, Council Member Joshua Pedrozo, Council Member Michael Belluomini, Council Member Anthony Martinez, Council Member Jill McLeod, and Council Member Matthew Serratto

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 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. WRITTEN PETITIONS AND COMMUNICATIONS

The Clerk's Office did not receive any written petitions and communications.

G. ORAL COMMUNICATIONS

Members of the Youth Council - spoke on their upcoming events and gave an update on the progress of the Youth Council.

Mike CONWAY, Assistant to the City Manager - spoke about the State of the City Address and presented a video.

H. CONSENT CALENDAR

Items H.4. Supplemental Appropriation from the General Fund FY 16/17 Balance for an Engineering and Traffic Study (Speed Zone Study), H.5. Administering Agency Amendment Modification Summary (E-76) for a Bridge Preventative Maintenance Program (BPMP) Grant for M Street Bridge at Bear Creek and the G Street Bridge at Bear Creek, BPMP-5085(034), Project 108026, H.7. Request to Under Fill a Principal Architect Position with a Senior Engineer, and H.9. Land Use Determination #16-02 - Finding of Public Convenience or Necessity for Jessi's Market located at 110 E. 13th Street, were pulled for separate consideration.

Approval of the Consent Agenda

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

Aye: 6 - Mayor Pro Tempore Blake, Council Member Pedrozo, Council Member Belluomini, Council Member Martinez, Council Member McLeod, and Council Member Serratto

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: City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of December 5, 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 December 5, 2016.

This Consent Item was approved.

H.3. SUBJECT: Notice of Vacancy - Planning Commission

REPORT IN BRIEF

Requests direction for filling the newly created vacancy on the Planning Commission.

RECOMMENDATION

City Council - Adopt a motion directing staff to notice a vacancy on the Planning Commission due to the vacancy created by the election of Jill McLeod to the City Council and to seek applicants for the position.

This Consent Item was approved.

H.6.

SUBJECT: Introduction of an Ordinance Dealing with Limited Time Parking Lots, On-Street Disabled Persons Parking, No Parking Zones, and Four-Way Stop Intersections

REPORT IN BRIEF

Consider recommendations from the Traffic Committee approving the removal of a two-hour time limit on Parking Lot 1A, the addition of two on-street disabled persons parking on K Street at Main Street, the addition of a no parking zone on West Childs Avenue, and a four-way stop intersection at R Street and West Childs Avenue.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2472**, an Ordinance of the City Council of the City of Merced, California, Amending Sections 10.28.215 "Limited Time Parking Lots-Two Hours", 10.28.230 "No Parking Zones", 10.28.275 "Disabled Persons-On-Street Parking", 10.28.380 "Stop Intersections Designated" of the Merced Municipal Code.

This Consent Item was approved.

H.8.

SUBJECT: BNSF Railway Agreement for State Highway 59 Multi-Use Path Crossing Project 115047

REPORT IN BRIEF

Approves an agreement with BNSF Railway to establish terms and conditions for construction, design, maintenance, and financing for the ATPL (045) State Highway 59 Multi-use Path Crossing Project 115047.

RECOMMENDATION

City Council - Adopt a motion approving the BNSF Railway Grade Crossing Signal Installation Agreement, and authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

H.10.

SUBJECT: Approval of A Legal Services Agreement with the Law Firm Best, Best & Krieger

REPORT IN BRIEF

Consider Approving a First Amended Legal Services Agreement with the law firm Best, Best & Krieger for legal services related to post-Redevelopment dissolution disputes, related Redevelopment dissolution legal work and complex real estate transactions.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a First Amendment to Professional Services Agreement with BBK in the amount of \$100,000; and,

B. Authorizing the Finance Officer to make the necessary budget adjustments; and,

C. Authorizing the City Manager to execute the First Amendment to Legal Services Agreement with Best, Best & Krieger.

This Consent Item was approved.

H.11.

SUBJECT: Reversal of Transfer and Return of Former Redevelopment Agency Assets to City of Merced Designated Local Authority

REPORT IN BRIEF

Reverses or Returns Former Redevelopment Agency Assets to the Merced Designated Local Authority

RECOMMENDATION

Adopt the following motions:

City Council:

A. Adopting **Resolution 2017-03**, a Resolution of the City Council of the City of Merced California, authorizing the City Manager to transfer certain real properties of the former Redevelopment Agency to the City of Merced Designated Local Authority.

Parking Authority:

B. Adopting **Resolution PA 2017-01**, a Resolution of the City of Merced Parking Authority authorizing the Executive Director to transfer certain real properties of the former Redevelopment Agency to the City of Merced Designated Local Authority.

PFEDA:

C. Adopting **Resolution PFA 2017-01**, a Resolution of the City of Merced Public Financing and Economic Development Authority authorizing the Executive Director to transfer certain real properties of the former Redevelopment Agency to the City of Merced Designated Local Authority.

This Consent Item was approved.

H.12.

SUBJECT: Approval of Retention by the City, as the Housing Successor, of Certain Housing Assets Owned by the Former Redevelopment Agency of the City of Merced

REPORT IN BRIEF

Approves the Retention by the City, as the Housing Successor, of Certain Housing Assets Owned by the Former Redevelopment Agency of the City of Merced

RECOMMENDATION

City Council - Adopt a motion:

Adopting **Resolution 2017-02**, A Resolution of the City of Merced Authorizing the Retention by the City, as Housing Successor, of Certain Housing Assets Owned by the Former Redevelopment Agency of the City of Merced and Previously Conveyed to the City which:

1. Makes the determination that the Housing Assets meet the criteria for housing assets as defined in CRL Section 34176; and,
2. Authorizes the retention by the City, as the Housing Successor, of the Housing Assets identified in Exhibit A; and,
3. Authorizes the submission of the supporting documentation to the Oversight Board for consideration and approval.

This Consent Item was approved.

H.13.

SUBJECT: Approval of Retention by the City and Parking Authority of Certain Governmental Use Properties Owned by the Former Redevelopment Agency of the City of Merced

REPORT IN BRIEF

Approves Retention by the City and Parking Authority of Certain Governmental Use Properties Owned by the Former Redevelopment Agency of the City of Merced

RECOMMENDATION

Adopt the following motions:

City Council:

A. Adopting **Resolution 2017-04**, a Resolution of the City Council of the City of Merced authorizing the retention by the City of certain Governmental use properties owned by the former Redevelopment Agency of the City of Merced and previously conveyed to the City which:

1. Determines that the Governmental Use Properties identified in Part 1 of Exhibit A to be retained by the City meet the criteria for assets that were constructed and used for a governmental purpose, as described in CRL Section 34181(a)(1), authorizes the retention by the City of the Governmental Use Properties identified in Part 1 of Exhibit A to be retained by the City, and submits the supporting documentation to the Oversight Board for consideration and approval.

Parking Authority:

A. Adopting **Resolution PA 2017-02**, a Resolution of the City of Merced Parking Authority authorizing the retention by the Parking Authority of certain Governmental use properties owned by the former Redevelopment Agency of the City of Merced and previously conveyed to the Parking Authority which:

1. Determines that the Governmental Use Properties identified in Part 2 of Exhibit A to be retained by the Parking Authority meet the criteria for assets that were constructed and used for a governmental purpose, namely parking facilities and lots dedicated solely to public parking, as described in CRL Section 34181(a)(1) and (2), authorizes the retention by the Parking Authority of the Governmental Use Properties identified in Part 2 of Exhibit A to be retained by the Parking Authority, and submits the supporting documentation to the Oversight Board for

consideration and approval.

This Consent Item was approved.

H.4.

SUBJECT: Supplemental Appropriation from the General Fund FY 16/17 Balance for an Engineering and Traffic Study (Speed Zone Study)

REPORT IN BRIEF

Approves a supplemental appropriation not to exceed \$100,000 to complete the 2017 Speed Zone Study.

RECOMMENDATION

City Council - Adopt a motion authorizing a supplemental appropriation from the General Fund balance not to exceed \$100,000 to transfer to the Development Services Fund 017, and authorizing the Finance Officer to make the necessary budget adjustments.

Council Member MARTINEZ pulled this item to ask about the expiration of the speed study, if speed laws are being enforced, and a timeline of completion.

Interim City Engineer Theron ROSCHEN explained the process of the speed study and the time it takes to complete it.

Police Chief Norm ANDRADE explained the methods used by the Police use to enforce speed laws.

Council Member BELLUOMINI asked about the cost and if it is offset by ticket revenues.

Police Chief ANDRADE stated that the City receives a small percentage from speeding tickets.

Council Member SERRATTO asked if the money is worth spending on the speed study.

Police Chief ANDRADE explained the importance of the speed study.

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

Aye: 6 - Mayor Pro Tempore Blake, Council Member Pedrozo, Council Member Belluomini, Council Member Martinez, Council Member McLeod, and Council Member Serratto

No: 0

Absent: 1 - Mayor Murphy

H.5.

SUBJECT: Administering Agency Amendment Modification Summary (E-76) for a Bridge Preventive Maintenance Program (BPMP) Grant for M Street Bridge at Bear Creek and the G Street Bridge at Bear Creek, BPMPL-5085(034), Project 108026

REPORT IN BRIEF

Consider accepting an additional \$1,298,482 in Federal grant funds for the G and M Street Bridges at Bear Creek Repair Design Project and Development of the City of Merced's Bridge Preventative Maintenance Program (BPMP).

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting grant revenue from BPMP State grant, increasing revenue 450-1104-324-02-00 in the amount of \$1,298,482 and appropriating the same to account 450-1104-637.65-00 - project 108026 for the repair costs associated with the M Street Bridge at Bear Creek and the G Street Bridge at Bear Creek; and,

B. Transferring matching funds of \$168,233 from Street and Signal CIP Fund 450-1104-637.65-00 - Projects to be Determined to 450-1104-637.65-00 - project 108026; and,

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

D. Authorizing the City Manager or his designee to execute the necessary documents.

Council Member SERRATTO pulled this item to ask about the aesthetics of the design.

Interim City Engineer Theron ROSCHEN discussed the architectural features that are included in the design.

Council Member BELLUOMINI asked to see a rendering in the next Council Information Report.

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

the following vote:

Aye: 6 - Mayor Pro Tempore Blake, Council Member Pedrozo, Council Member Belluomini, Council Member Martinez, Council Member McLeod, and Council Member Serratto

No: 0

Absent: 1 - Mayor Murphy

H.7.

SUBJECT: Request to Under Fill a Principal Architect Position with a Senior Engineer

REPORT IN BRIEF

Under fill a Principal Architect with a Senior Engineer in the Development Services Department.

RECOMMENDATION

City Council - Adopt a motion approving the recommendation of staff to under fill the position of Principal Architect with a Senior Engineer with existing Development Services Department payroll accounts.

Council Member BELLUOMINI pulled this item to ask for further explanation about the underfilling of the Principal Architect position.

Interim City Engineer Theron ROSCHEN explained the department decided to underfill the Principal Architect position as it has evolved into more engineering and less actual architecture. He also explained the department is looking for someone to grow into the position.

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

Aye: 6 - Mayor Pro Tempore Blake, Council Member Pedrozo, Council Member Belluomini, Council Member Martinez, Council Member McLeod, and Council Member Serratto

No: 0

Absent: 1 - Mayor Murphy

H.9.

SUBJECT: Land Use Determination #16-02 - Finding of Public Convenience or Necessity for Jessi's Market located at 110 E. 13th Street.

REPORT IN BRIEF

This report provides options for the City Council to consider in making a Finding of Public Convenience or Necessity (PCN), as required by the

Department of Alcoholic Beverage Control (ABC) to allow a change in existing alcohol license issued for Jessi's Market (located at 110 E. 13th Street) from a Type 20 (off-sale beer and wine) to a Type 21 (off-sale general allowing the sale of beer, wine, and distilled spirits).

RECOMMENDATION

City Council - Adopt a motion approving the Finding of Public Convenience or Necessity to allow Jessi's Market, located at 110 E. 13th Street, to obtain a Type 21 license for off-sale general allowing the sale of beer, wine, and distilled spirits (Option #1 as shown in the "Council Action" section of this Administrative Report).

Council Member MARTINEZ pulled this item to discuss his opposition to alcohol sales near schools.

Marilyn Mochel, Merced - spoke about her opposition to this item.

Council Member BELLUOMINI enquired about the number of liquor stores in the area. He stated that this was more of a neighborhood market versus being just a liquor store.

Planning Manager Kim ESPINOSA stated that she did not have that information, but did explain using the census tract numbers to determine if it is a necessity or convenience.

Council Member SERRATTO asked for clarification on the differences between what is necessity or convenience for a liquor license. He also suggested getting feedback from the County of Mental Health Department.

Ms. ESPINOSA explained the tools used to determine if a liquor license is a necessity or convenience.

City Manager Steve CARRIGAN discussed a potential grocery store coming to South Merced and impact of placing limits on what can be sold.

Council Member MCLEOD asked for clarification on transferability of a liquor license.

Ms. ESPINOSA explained the sale of a liquor license and the process in which to do so.

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

Aye: 5 - Mayor Pro Tempore Blake, Council Member Pedrozo, Council Member Belluomini, Council Member McLeod, and Council Member Serratto

No: 1 - Council Member Martinez

Absent: 1 - Mayor Murphy

I. BUSINESS

I.1. Request to Add Item to Future Agenda

There were no items added to a future agenda.

I.2. City Council Comments

Council Member SERRATTO reported on attending the Martin Luther King Jr. Day Parade and encouraged everyone to participate in the Joe Herb Park cleanup on January 28th.

Council Member MARTINEZ reported on attending a trip with his school to Camp Green Meadows and discussed how great the program is.

Council Member PEDROZO reported on attending the Youth Council dinner meeting, the maintenance district meeting, and the Martin Luther King Jr. Day Parade. He congratulated Chief ANDRADE for his newly-sworn-in officers and he also thanked City Staff for their preparedness for the storm.

Council Member BELLUOMINI reported on attending the swearing in of new officers, the maintenance district meeting, and the Martin Luther King Jr. Day Parade. He asked for a presentation on the Sewer Master Plan and he also asked for a follow-up on the McNamara Park kiosk, the traffic study and flow follow-up report, the progress of the Police Headquarters, and a follow-up on the public tree replacement schedule.

J. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 8:01 PM.

A motion was made by Council Member Pedrozo, seconded by Mayor Pro Tempore Blake, to adjourn the Regular Meeting. The motion carried by the following vote:

Aye: 6 - Mayor Pro Tempore Blake, Council Member Pedrozo, Council Member Belluomini, Council Member Martinez, Council Member McLeod, and Council Member Serratto

No: 0

Absent: 1 - Mayor Murphy