



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, February 20, 2018

6:00 PM

A. CLOSED SESSION ROLL CALL

- Present:** 5 - Council Member Michael Belluomini, Council Member Joshua Pedrozo, Council Member Matthew Serratto, Mayor Mike Murphy, and Council Member Kevin Blake
- Absent:** 2 - Council Member Anthony Martinez, and Mayor Pro Tempore Jill McLeod

B. CLOSED SESSION

Mayor MURPHY called the Closed Session to order at 5:03 PM.

Clerk's Note: Council Member MARTINEZ arrived at 5:10 PM.

Clerk's Note: Mayor Pro Tempore MCLEOD arrived at 5:15 PM.

B.1. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure to Litigation pursuant to Government Code section 54956.9(d)(2): (2) cases

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; Unrepresented Management AUTHORITY: Government Code Section 54957.6

Clerk's Note: Council adjourned from Closed Session at 5:59 PM.

C. CALL TO ORDER

Mayor MURPHY called the Regular Meeting to order at 6:03 PM.

C.1. Invocation - Pastor Joel Dorman, First Baptist Church

The invocation was delivered by Pastor Joel DORMAN from First Baptist

Church.

C.2. Pledge of Allegiance to the Flag

Mayor Pro Tempore MCLEOD led the PLedge of Allegiance to the Flag.

D. ROLL CALL

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

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

Mayor MURPHY stated that there was no report out of Closed Session and that Council would continue the Closed Session after the Regular Meeting.

F. CEREMONIAL MATTERS

**F.1. SUBJECT: Certificates of Appreciation to the Donors of the 2017
Lights Before Christmas Event**

REPORT IN BRIEF

Presents certificates of appreciation to the donors of the 2017 Lights Before Christmas event; Martha Hermosillo, Executive Director at First Five, Damien Galarza, General Manager at Radio Merced, and Jason Hicks, Manager at Cyberstation.

Mayor MURPHY presented Certificates of Appreciation to the donors of the 2017 Lights Before Christmas Event.

**F.2. SUBJECT: Certificates of Appreciation for the 2018 State of the City
Sponsors**

REPORT IN BRIEF

Certificates of appreciation for the following 2018 State of the City sponsors; Merced School Employees Federal Credit Union, Educational Employees Credit Union, Mercy Medical Center/Dignity Health, Mape Ranch/ Lyons Investments, Merced Mall, MERCO Credit Union, and

BrightDart Print and Design.

Mayor MURPHY presented certificates of appreciation to the 2018 State of the City Sponsors.

F.3.

SUBJECT: Merced Police Officer Promotion Ceremony

REPORT IN BRIEF

Merced Police Officers' promotion ceremony for newly promoted Officers Lieutenant Alan Ward, Sergeant Joseph Perez, and Sergeant Edward Drum.

Acting Police Chief Chris GOODWIN swore in the newly promoted Police Officers.

Clerk's Note: Council recessed at 6:29 PM and returned at 6:38 PM.

G. WRITTEN PETITIONS AND COMMUNICATIONS

There were none.

H. ORAL COMMUNICATIONS

Nancy Young BERGMAN and Cathie LANCASTER, Merced - spoke on the CASA of Merced County Event.

Jazz DIAZ, Merced - spoke on an arts commission and the type of art she does.

Jennifer MORALES, Merced - spoke on the importance of public art and graffiti abatement.

Kaelee MARTINEZ, Merced - spoke on the importance of public art.

Alan CLAUNCH, Merced - apologized to Director of Public Works Ken ELWIN about a past comment he had made.

Earvin MENDOZA, Merced - spoke on the importance of public art.

Brenda ROJAS, Merced - spoke on the arts council and youth activities.

Patricia PRATT, Merced - spoke on the importance of public art, an arts commission and asked for the City's support.

Rodolfo RODRIGUEZ, Merced - spoke on murals in Merced.

Oscar TORRES, Merced - spoke on murals in Merced and asked for support from the City.

Ruben A. SANCHEZ, Merced - spoke on the importance of public art.

I. CONSENT CALENDAR

Items I.4. Considers Approval of 2017-18 Regional, State and Federal Legislative Platform and I.7. Agreement for Professional Services Contract with NexLevel Information Technology, Inc. for Needs Assessment, Procurement Services of Enterprise Resource Planning (ERP) Systems, and Phase 1 Project Management were pulled for separate consideration.

Approval of the Consent Agenda

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

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

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 - Site Plan Review Committee Minutes of December 7, 2017**

RECOMMENDATION

For information only.

This Consent Item was approved.

- I.3. **SUBJECT:** City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of January 16, 2018

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 16, 2018.

This Consent Item was approved.

- I.5. **SUBJECT:** First Amendment to Agreement for Professional Services with AECOM Technical Services, Inc., for Well Site Design Services, Project No. 114001

REPORT IN BRIEF

Authorizes an amendment to a contract for well design services for a new production water well at the Wastewater Treatment Plant.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving an amendment to an Agreement for Professional Services with AECOM Technical Services, Inc., in the amount of \$15,382 for engineering design services; and,

B. Authorizing the City Manager or Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

- I.6. **SUBJECT:** Office of Emergency Services - Agreement for Temporary Transfer of Vehicular Equipment - Cal OES Fire Engine No. 393

REPORT IN BRIEF

Enter into an agreement for temporary transfer of Cal OES Fire Engine No. 393 between the State of California Governor's Office of Emergency Services and the Merced City Fire Department.

RECOMMENDATION

City Council - Adopt a motion authorizing the City Manager or his Designee to execute the "Agreement for Temporary Transfer of Vehicular Equipment" between the State of California Governor's Office of Emergency Services (State) and the Merced City Fire Department (Assignee) for the transfer of Cal OES Fire Engine No. 393.

This Consent Item was approved.

I.8.

SUBJECT: Street Closure #17-13 (Merced Main Street Association, for Use of W. Main Street Between M and Canal Streets, and to Include the Use of Bob Hart Square)

REPORT IN BRIEF

Merced Main Street Association requests the use of City streets and Bob Hart Square for the 3rd Annual "Merced FEAST" farm-to-table event, to include the serving of alcohol, on Thursday and Friday, September 20 and 21, 2018, from 12:00 p.m. to 11:00 p.m., and 3:00 p.m. to 10:30 p.m., respectively.

RECOMMENDATION

City Council - Adopt a motion approving the street closure of W. Main Street between M and Canal Streets and use of Bob Hart Square with serving of alcohol, on Thursday, September 20, 2018, from 12:00 p.m. to 11:00 p.m.; and the use of Bob Hart Square on Friday, September 21, 2018, from 3:00 p.m. to 10:30 p.m., subject to the details and conditions outlined in the administrative staff report.

This Consent Item was approved.

I.9.

SUBJECT: Purchase of a Kubota Loader Utilizing the Government Procurement Program and Waiving of the Competitive Bidding Requirement

REPORT IN BRIEF

Considers waiving the competitive bidding requirement for the purchase of a Kubota loader in the amount of \$65,920.76 for the loading of biosolids at the Wastewater Treatment Facility through the National Joint Powers Alliance (NJPA) Government Procurement Program.

RECOMMENDATION

City Council - Adopt a motion waiving the City's competitive bidding

requirement to purchase one Kubota loader from the National Joint Powers Alliance (NJPA) Program for \$65,920.76; and, authorizing the City Buyer to issue the purchase order.

This Consent Item was approved.

I.10.

SUBJECT: First Amendment to Professional Services Agreement with Alliance Refuse Trucks, Inc., for the Refurbishment of Two Refuse Trucks

REPORT IN BRIEF

Consider amending the existing contract with Alliance Refuse Trucks, Inc., to include the 5% contingency previously appropriated by Council on January 2, 2018.

RECOMMENDATION

City Council - Adopt a motion approving the First Amendment to Professional Services Agreement with Alliance Refuse Trucks in the amount of \$14,795 for the refurbishment of two refuse trucks; and, authorizing the City Manager or Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

I.11.

SUBJECT: FY 2018 Merced County First Five Mini Grant - Accept and Appropriate

REPORT IN BRIEF

Consider accepting and appropriating grant funding in the amount of \$3,000 from Merced County First Five for the Applegate Park Zoo's Lights Before Christmas event.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting grant funds from Merced County First Five and increasing revenue in Fund 024 Parks and Community Services in the amount of \$3,000 and appropriating the same to account 024-1254-542-29-00; and,

B. Authorizing the City Manager or Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

- I.12. **SUBJECT:** Friends of Sober Grad Nite Request Co-Sponsored Rate for Use of the Senior Community Center

REPORT IN BRIEF

Consider the Recreation and Parks Commission's recommendation to approve a request for the co-sponsored rate for use of the Senior Community Center by the Friends of Sober Grad Nite on March 30, 2018.

RECOMMENDATION

City Council - Adopt a motion approving the Recreation and Park Commission's recommendation to grant use of the Senior Community Center to the Friends of Sober Grad Nite at the co-sponsored rate.

This Consent Item was approved.

- I.13. **SUBJECT:** Second Reading of Ordinance Regarding Local Business Preference Policy

REPORT IN BRIEF

Second reading of previously introduced ordinance.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance No. 2485**, an Ordinance of the City Council of the City of Merced, California, amending chapter 3.04 by adding section 3.04.215, "Local Business Preference Policy," to the Merced Municipal Code.

This Consent Item was approved.

- I.4. **SUBJECT:** Considers Approval of 2017-18 Regional, State and Federal Legislative Platform

REPORT IN BRIEF

Council is asked to update Regional, State, and Federal Legislative Platform.

RECOMMENDATION

City Council - Adopt a motion adopting the updated 2017-18 Regional, State and Federal Legislative Platform.

Council Member BELLUOMINI pulled this item to suggest a language change in the 2017-18 Regional, State and Federal Legislative Platform.

Council and Staff discussed language changes to the legislative platform.

Kristen SULLIVAN, Merced - spoke on the effects of smoking in multifamily complexes.

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

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

No: 0

Absent: 0

I.7.

SUBJECT: Agreement for Professional Services Contract with NexLevel Information Technology, Inc. for Needs Assessment, Procurement Services of Enterprise Resource Planning (ERP) Systems, and Phase 1 Project Management

REPORT IN BRIEF

Consider approving an agreement for professional services contract with NexLevel Information Technology, Inc. for needs assessment, procurement services of enterprise resource planning (ERP) systems, and phase 1 project management.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Professional Services Agreement for \$97,750 with NexLevel Information Technology, Inc.

B. Approving the NexLevel Optional Project Management Assistance for Phase 1 on a time and materials basis not to exceed \$170,688.

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

Council Member SERRATTO pulled this item to question the needs assessment.

Director of Information Technology Jeff BENNYHOFF explained the need to update the City systems and reasons for hiring experts in the field.

Council and Staff discussed funding for the project.

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

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

No: 0

Absent: 0

J. PUBLIC HEARINGS

J.1. **SUBJECT:** Vacation #17-02 to Abandon a 40-Foot-Wide "Avenue" Generally Located East of Kibby Road Between East Highway 140 and Childs Avenue

REPORT IN BRIEF

The City Council will consider the abandonment of a 40-foot wide "Avenue" generally located along the east property line of two parcels generally located at the northeast corner of Childs Avenue and Kibby Road and the southeast corner of East Highway 140 and Kibby Road.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2018-09 A** Resolution of the City Council of the City of Merced, California ordering the vacation of a 40-Foot-Wide "Avenue" located along the eastern property line of three parcels generally located at the northeast corner of Childs Avenue and Kibby Road and the southeast corner of East Highway 140 and Kibby Road (Vacation #17-02).

Planning Manager Kim ESPINOSA gave a slide show presentation on Vacation #17-02 to abandon a 40-foot-wide "Avenue".

Mayor MURPHY opened and subsequently closed the Public Hearing at 7:49 PM due to a lack of public comment.

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

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

No: 0

Absent: 0

K. REPORTS

K.1. **SUBJECT: Calling a Special Election for June 5, 2018 for the Purpose of Enacting a Commercial Cannabis Business Tax**

REPORT IN BRIEF

Consideration of Resolutions Calling June 5, 2018 Special Municipal Election for the purpose of placing a tax measure on the ballot regarding cannabis sales and commercial activity and requesting the County Board of Supervisors consolidate the City's election with the Statewide Direct Primary Election being held on the same date.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting **Resolution 2018-10**, a Resolution of the City Council of the City of Merced, California, calling a Special Municipal Election to be held on June 5, 2018, for the Purpose of Submitting a Commercial Cannabis Business Tax to the Electorate; and,
- B. Adopting **Resolution 2018-11**, a Resolution of the City Council of the City of Merced, California, requesting that the Board of Supervisors of the County of Merced, California provide for the consolidation of a Special Municipal Election and a Ballot Measure with the Statewide Direct Primary Election to be held on June 5, 2018; and,
- C. Adopting a Categorical Exemption (Environmental Review #18-12) in regards to the proposed Ordinance in accordance with the California Environmental Quality Act; and,
- D. Approving the form and content of the City Council sponsored Initiative Ordinance, entitled: Ordinance No. ____ An Ordinance of the People of the City of Merced, California, Adding Chapter 3.52 to the City of Merced Municipal Code, Approving and Implementing a Commercial Cannabis Business Tax; and,
- E. Directing the City Manager/City Clerk and the City Attorney's Office to execute documents appropriate to carry out the tasks necessary for the Special Municipal Election and to take actions related thereto; and,
- F. Approving a supplemental appropriation from the General Fund

unreserved, unencumbered Fund balance in the amount of \$35,000 to cover the cost of the special election.

Director of Development Services Scott MCBRIDE, Planning Manager Kim ESPINOSA, and Principal Planner Michael HREN gave a slide show presentation on enacting a commercial cannabis business tax.

Council and Staff discussed language changes in the proposed draft ordinance and tax rate.

Sol RIVAS, Merced - spoke on cannabis tax monies going towards youth services.

Council and Staff discussed the proposed draft ordinance including whether to designate 20% of tax revenues each police, fire, and recreation and parks.

Mayor MURPHY questioned a "whereas" in the resolution, regarding the community's feeling on whether crime was increasing and asked that it be stricken if it was not factual.

Christopher JENSON, Merced - spoke on equally distributing the cannabis tax money.

Isai PALMA, Merced - spoke on the use of the cannabis tax.

Clerk's Note: Council and Staff continued discussing the ordinance after the motion and second was made.

A motion was made by Council Member Blake, seconded by Council Member Pedrozo, to approve as presented with the striking of the "whereas" regarding crime rates. The motion carried by the following vote:

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

No: 1 - Council Member Belluomini

Absent: 0

Clerk's Note: Council recessed at 8:51 PM and returned at 9:00 PM.

K.2.

SUBJECT: Update on Public Facilities Projects

REPORT IN BRIEF

At the request of Council Member Belluomini, staff are presenting an update on the Public Facilities projects.

RECOMMENDATION

Provide staff with further direction on Public Facilities Projects.

Assistant City Manager Stephanie DIETZ gave a slide show presentation updating public facilities projects.

K.3.

SUBJECT: Downtown Merced Entry Sign

REPORT IN BRIEF

Provides an update to City Council on the proposed Merced entry sign to be located in downtown Merced.

RECOMMENDATION

Provide staff with direction on the presented options.

Director of Public Works Ken ELWIN gave a slide show presentation on the downtown Merced entry signs.

Council and Staff discussed the downtown archway sign, the location of the sign, and made some suggestions regarding the archway.

Clerk's Note: Council directed Staff to bring back a cost estimate for both archways, design options, and location options for the second meeting in April.

L. BUSINESS

L.1.

SUBJECT: Recreation and Parks Commission Appointments (2)

REPORT IN BRIEF

Consider accepting nominations and appointing individual(s) to the Recreation and Parks Commission.

RECOMMENDATION

City Council - Adopt a motion accepting nominations and appointing two individuals to serve as members of the Recreation and Parks Commission, with term dates of July 1, 2019 and July 1, 2021.

Council discussed the applicants for the Recreation and Parks Commission vacancies.

Justin ANDERSON, Recreation and Parks Commission applicant - spoke on his work with the youth and how he can contribute to the Recreation and Parks Commission.

A motion was made by Mayor Murphy, seconded by Council Member Pedrozo, to appoint Norma Cardona to the Recreation and Parks Commission. The motion was carried by the following vote:

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

No: 0

Absent: 0

Council Member Belluomini made a motion to appoint Valente Huitron to the Recreation and Parks Commission. The motion failed for a lack of a second.

A motion was made by Council Member Serratto, seconded by Council Member Blake, to appoint Justin Anderson to the Recreation and Parks Commission. The motion carried by the following vote:

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

No: 0

Absent: 0

L.2. SUBJECT: Selection of Council Members to Attend the One Voice Trip

REPORT IN BRIEF

Council to decide who will attend the One Voice trip.

Council discussed who will attend the One Voice trip.

Clerk's Note: Mayor MURPHY, Council Member SERRATTO, and Council Member PEDROZO were selected to attend the One Voice Trip.

L.3. Request to Add Item to Future Agenda

Council Member MARTINEZ requested to add an item to discuss an arts

commission.

Council Member SERRATTO requested to add an item to discuss recycling for businesses and apartments.

Council Member BLAKE requested to add an item to discuss downtown benches.

Council Member BELLUOMINI requested to add an item to discuss the future of the "Sun-Star" building, to be placed on the March 19th meeting.

L.4. City Council Comments

Council Member PEDROZO reported on attending the Merced County Association of Governments meeting and the Japanese American Citizens League Dinner.

Council Member BELLUOMINI commented on the State of the City Event.

Council Member SERRATTO commented on the State of the City Event.

Council Member MARTINEZ reported on attending the report on our schools meeting and visiting Golden Valley High School. He spoke about a Fitness Fair event at McNamara Park, the Weaver Performing Arts performing the Little Mermaid, and a Food Drive at UC Merced.

Mayor MURPHY commented on the State of the City Event. He also reported on attending the registration for the Blue Devils Youth Football League, and the Merced County Flip the Switch Event. He mentioned the upcoming Town Hall meetings and the Seussical Musical. He also congratulated Council Member SERRATTO for his promotion in the District Attorney's Office.

Clerk's Note: Council adjourned back to Closed Session at 10:00 PM.

Clerk's Note: Council adjourned from Closed Session at 10:29 PM.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 10:29 PM.

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

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

No: 0

Absent: 0