



# 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 19, 2018

6:00 PM

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#### A. CLOSED SESSION 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

#### B. CLOSED SESSION

Mayor MURPHY called the Closed Session to order at 5:08 PM.

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

**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 5:56 PM.

#### C. CALL TO ORDER

Mayor MURPHY called the Regular Meeting to order at 6:01 PM.

C.1. Invocation - Bruce Logue, Life Spring Church

The invocation was delivered by Bruce LOGUE from Life Spring Church.

C.2. Pledge of Allegiance to the Flag

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Council Member BLAKE 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**

There was no report.

#### **F. CEREMONIAL MATTERS**

**F.1.** **SUBJECT:** Recognition of Outgoing Youth Council Member

##### **REPORT IN BRIEF**

Certificate of Recognition will be presented to Guadalupe Aleman for her time and service on the Merced Youth Council.

Mayor MURPHY presented Guadalupe ALEMAN with a Certificate of Recognition for her service on the Merced Youth Council.

#### **G. SPECIAL PRESENTATIONS**

**G.1.** **SUBJECT:** Tahitian Dance Performance

##### **REPORT IN BRIEF**

A Tahitian dance performed by the South Pacific Dance Company.

The South Pacific Dance Company performed a Tahitian dance.

#### **H. WRITTEN PETITIONS AND COMMUNICATIONS**

There were none.

#### **I. ORAL COMMUNICATIONS**

Claudia GONZALEZ, Merced - spoke on the decorum and conduct ordinance.

Alejandro CARRILLO, Merced - spoke on the decorum and conduct ordinance.

## J. CONSENT CALENDAR

Items J.3. City Council/Public Financing and Economic Development/Parking Authority Meeting minutes of February 13, 2018, February 20, 2018, February 26, 2018, and February 27, 2018, J.5. Construction Agreement with BNSF Railway Company for CMAQ Westerly Bike Path, Project 111066, and J.6. City-Owned Real Property Exclusive Use Request #18-01 (Greater Merced Chamber of Commerce, for Use of Bob Hart Square, to Include Serving of Alcohol) 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

#### J.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.**

#### J.2. **SUBJECT:** Information Only - Planning Commission Minutes of February 7, 2018

##### RECOMMENDATION

For information only.

**This Consent Item was approved.**

- J.4.**                    **SUBJECT:** Fiscal Year 2017 California Office of Emergency Services Standard Assurances and Memorandum of Understanding with Merced County

**REPORT IN BRIEF**

Consider approving the Fiscal Year 2017 California Office of Emergency Services (Cal OES) Standard Assurances and Memorandum of Understanding with Merced County to accept any future awards of California State Homeland Security Grant Program funds being funded through the County to the City of Merced Fire Department.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Adopting **Resolution 2018-15**, a Resolution of the City Council of the City of Merced, California, authorizing the City Manager or Assistant City Manager to execute the California Governor's Office of Emergency Services FY2017 Grant Assurances Agreement; and

B. Adopting **Resolution 2018-14**, a Resolution of the City Council of the City of Merced, California, authorizing the City Manager or Assistant City Manager to execute the Office of Emergency Services State Homeland Security Grant Programs -equipment, planning, administration, training and exercises agreement.

**This Consent Item was approved.**

- J.7.**                    **SUBJECT:** Second Reading of Ordinance Regarding Amendments to the City's Commercial Shopping Center (C-SC) Zone

**REPORT IN BRIEF**

Second reading of previously introduced ordinance.

**RECOMMENDATION**

**City Council** - Adopt a motion adopting **Ordinance No. 2486**, an Ordinance of the City Council of the City of Merced, California, amending Table 20.10-1 ("Commercial Zoning Districts") of the Merced Municipal Code.

- J.3.**                    **SUBJECT:** City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of February 13,

2018, February 20, 2018, February 26, 2018, and February 27, 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 February 13, 2018, February 20, 2018, February 26, 2018, and February 27, 2018.

Council Member BELLUOMINI pulled this item to suggest an amendment to the February 20th minutes.

**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

**J.5.**

**SUBJECT:** Construction Agreement with BNSF Railway Company for CMAQ Westerly Bike Path, Project 111066

**REPORT IN BRIEF**

Consider approving a construction agreement with BNSF Railway Company to allow the City of Merced to construct a bike path in BNSF Railway Company's right-of-way.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the Construction Agreement with BNSF Railway Company; and, authorizing the City Manager or Assistant City Manager to execute the necessary documents.

Council Member BELLUOMINI pulled this item to ask about the amount of funds the City received to perform the work.

Deputy Director of Public Works Steven SON stated that he did not know the actual number, but could provide that information at a later time.

Isai PALMA, Merced - spoke on the need for this project and also spoke

about the other bike paths that need attention.

**A motion was made by Council Member Belluomini, seconded by Council Member Serratto, 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.6.**

**SUBJECT:** City-Owned Real Property Exclusive Use Request #18-01 (Greater Merced Chamber of Commerce, for Use of Bob Hart Square, to include the serving of alcohol)

**REPORT IN BRIEF**

The Greater Merced Chamber of Commerce requests the use of Bob Hart Square for their "Burgers and Brews" fundraiser event, to include the serving of alcohol, on Saturday, May 19, 2018, from 3:00 p.m. to 10:00 p.m.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the exclusive use of Bob Hart Square Park on Saturday, May 19, 2018, from 3:00 p.m. to 10:00 p.m. for a "Burgers and Brews" gourmet burger and local microbrewery beer sampling event (serving of alcohol); subject to the conditions outlined in the administrative report.

Council Member MARTINEZ pulled this item to request information on the event.

President of the Chamber of Commerce Manuel ALVARADO, Merced - discussed the Burgers and Brew Event.

Victoria CASTILLO, Merced - asked about vegan options.

**A motion was made by Council Member Martinez, 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. PUBLIC HEARINGS

K.1. **SUBJECT:** Public Hearing Assessment Ballot Proceeding - Northwood Village, East College Homes, Moss Landing, and Ridgeview Meadows Maintenance Districts

### REPORT IN BRIEF

Conducts a public hearing to allow public testimony regarding proposed assessment increases, and continues the item to allow staff sufficient time to tally returned ballots and report the results at the April 2, 2018 City Council meeting.

### RECOMMENDATION

#### City Council -

A. Conduct a Public Hearing for the Northwood Village, East College Homes, Moss Landing, and Ridgeview Meadows Maintenance Districts to allow for public testimony on proposed assessment increases; and,

B. Adopt a motion continuing the item to allow staff sufficient time to tally the ballots and report the results at the April 2, 2018, City Council Meeting.

Director of Public Works Ken ELWIN spoke briefly on the assessment ballot proceeding for Northwood Village, East College Homes, Moss Landing, and Ridgeview Meadows Maintenance Districts.

Mayor MURPHY opened the Public Hearing at 6:35 PM.

Joel KNOX, Merced - spoke on his concerns with the assessment ballot proceeding for the Ridgeview Meadows Maintenance District.

Melody AVERY, Merced - spoke on her concerns with the assessment ballot proceeding for the Ridgeview Meadows Maintenance District.

Donna WINCHESTER, Merced - spoke on her concerns with the assessment ballot proceeding for the maintenance district she lives in.

Mr. ELWIN addressed the concerns from the public.

Mayor MURPHY closed the Public Hearing at 6:54 PM.

Assistant City Clerk John TRESIDDER discussd the process for the assessment ballot proceedings and stated that the ballots will be counted

on Thursday, March 22nd at 1:30 PM at City Hall in the Sam Pipes Room.

Council and Staff discussed recusing themselves if they live in one of the districts, the cost difference for maintaining the East College Homes Maintenance District, and one-time cost maintenance.

**A motion was made by Council Member Blake, seconded by Mayor Pro Tempore McLeod, that this agenda item be continued to the April 2nd Council 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

## L. REPORTS

### L.1. **SUBJECT: Report on City of Merced Recycling Program**

#### **REPORT IN BRIEF**

At the request of Council Member Serratto, Recycling Coordinator Monique Gama will update City Council on Merced's recycling program.

#### **RECOMMENDATION**

For information only.

Recycling Coordinator Monique GAMA gave a slide show presentation on the City's Recycling Program.

Council Member SERRATTO and Ms. GAMA discussed multi-family recycling, commercial recycling, and if the City requires apartment complexes and businesses to participate in recycling.

Rick MCMILLION, Merced - asked if the recycling is moved to the Bay Area and the cost of the program.

Ms. GAMA discussed transporting the recycling to the Bay Area and the cost of the program.

### L.2. **SUBJECT: Assembly Bill 1600 (AB1600) Follow-Up Information From December 18, 2017 Council Meeting**

#### **REPORT IN BRIEF**

Council requested additional information regarding the AB1600 projects



and the available funding amount.

**RECOMMENDATION**

For information only.

Council and Staff discussed funds collected, Water Facilities/Wells funds, water meter installation, water well projects, and improvements to use less ground water.

**L.3.**

**SUBJECT:** Applegate Park Play Equipment and Rose Garden Update

**REPORT IN BRIEF**

Provides Council with an update on the replacement of the play structure at Applegate Park and requests Council direction on the proposed replacement option(s) of the structure and additionally provides Council with an update on the status of the Rose Garden project to receive direction as needed.

**RECOMMENDATION**

Provide direction to staff on how to proceed with replacement option(s) of play equipment at Applegate Park and provide direction to staff on the Rose Garden project as needed.

Director of Public Works Ken ELWIN gave a slide show presentation on the Applegate Park playground equipment.

Assistant City Manager Stephanie DIETZ gave an updated slide show presentation on the Rose Garden.

Council and Staff discussed dedicating a portion of the play equipment specifically for children with disabilities, combination of wood and rubber flooring on the playground, handicap accessibility, price difference between rubber tiles and pouring rubber, and maintenance costs.

Ron COOK, Merced - spoke on his concerns of graffiti on the rubber tiles. He discussed the positive communication from the City with the progress of the Rose Garden. He also spoke about the type of roses to be planted at the Rose Garden.

Rick MCMILLION, Merced - asked about the cleanliness of the wood fiber.

Council Member PEDROZO, BLAKE, and BELLUOMINI stated their support for the Option 3 playground equipment and the rubber tile.

Council Member BLAKE requested additional options that are

ADA-specific.

Council Member BELLUOMINI stated his support for rubber tile, unless pouring rubber is cheaper.

Mayor Pro Tempore MCLEOD discussed inclusivity.

Council Member SERRATTO and Finance Officer Venus RODRIGUEZ discussed the funding source for the park equipment.

Council and Staff discussed the cost of carpet roses, variations of roses, and roses by the Steiner Statue.

**Clerk's Note:** Council directed Staff to use carpet roses for portions of the Rose Garden.

**L.4.**

**SUBJECT:** Update and Discussion on Park Benches and Trash Receptacles in the Downtown Area

**REPORT IN BRIEF**

Staff will provide a brief history on the removal of downtown benches and seek direction on next steps for the benches and trash receptacles.

**RECOMMENDATION**

Provide staff with direction regarding the next steps to take in regards to downtown park benches and trash receptacles.

Assistant City Manager Stephanie DIETZ gave a slide show presentation updating Council on park benches and trash receptacles in the downtown area.

Council discussed the possibility of putting benches back in the downtown area.

Rick MCMILLION, Merced - spoke on bringing back the benches in the downtown area.

E.J. LORENZI, Merced - spoke on the history of Bob Hart Square and the issue of vandalism and misuse of Bob Hart Square. He stated his opposition to replacing the benches in Bob Hart Square.

Wayne EISENHART, Merced - spoke on the atmosphere of downtown and bringing back the benches. He also spoke on the homeless issue in the downtown area.

Council discussed the history of the removal of the benches, the current number of benches downtown, possibly adding more armrests to prevent people from lying down, limiting the number of benches in Bob Hart Square, and the homeless in the downtown area.

Council Member SERRATTO and Mr. LORENZI discussed the issue with the homeless in the downtown area.

Council Member BELLUOMINI made a motion to install six benches with an additional armrest and location to be determined by Staff after consulting with the Bob Hart Square businesses.

**Clerk's Note:** Council Member BELLUOMINI's motion failed for a lack of a second.

**Clerk's Note:** After the motion and the second was made, Council continued discussion on the number of benches to add, adding an additional armrest to the benches, and where to place them.

**A motion was made by Council Member Blake, seconded by Mayor Pro Tempore McLeod, to place up to eleven benches in Bob Hart Square, giving staff discretion on the layout of the benches. The motion carried by the following vote:**

**Aye:** 5 - Council Member Belluomini, Council Member Martinez, Mayor Pro Tempore McLeod, Mayor Murphy, and Council Member Blake

**No:** 2 - Council Member Pedrozo, and Council Member Serratto

**Absent:** 0

**Clerk's Note:** Council recessed at 8:59 PM and returned at 9:06 PM.

**L.5.**

**SUBJECT:** Direction on Establishing an Arts Commission within the City of Merced

**REPORT IN BRIEF**

Provides the City Council with an update on the progress that has been made to establish a Public Arts Commission in the City of Merced.

**RECOMMENDATION**

Provide staff with further direction as necessary on the creation and implementation of a City Arts Commission.

Assistant City Manager Stephanie DIETZ gave an updated slide show presentation on establishing an Arts Commission within the City of Merced.

Council discussed the need for public art, what department would oversee the Commission, the number of members, and the role of the commission.

**Clerk's Note:** Council directed staff to continue working on the development of the Arts Commission.

**L.6.**

**SUBJECT:** Priority Setting Session

**REPORT IN BRIEF**

On March 5, 2017, Staff presented a summary of items that were discussed at the recent Town Hall meetings. The summary was based on comments made by residents for the City Council to consider. Following of the presentation of the summary, Council members provided a list of priorities. Staff have summarized the comments from Council members and are presenting this list for consideration to assist with the development of the 2018-19 budget.

**RECOMMENDATION**

Provide staff direction on City Council priorities after taking public comment.

City Manager Steve CARRIGAN gave a slide show presentation on Council goals and priorities, explaining the nine categories to which staff placed them.

Council and Staff discussed ranking the Council's goals and priorities within the categories. There was a consensus that the list was well-organized, with the exception of some minor modifications to assist staff in preparing the budget.

Mayor MURPHY stated that he would like to no longer pursue the Decorum and Council Conduct Policy ordinance.

Interim City Attorney Jolie HOUSTON suggested bringing the decorum ordinance back to the next meeting for a second vote.

**M. BUSINESS**

**M.1.**

**SUBJECT:** Citizens' Oversight Committee - Measure C Appointments

**REPORT IN BRIEF**

Accept recommendation to fill Citizens' Oversight Committee - Measure "C" vacancies.

#### **RECOMMENDATION**

**City Council** - Adopt a motion accepting recommendation from the Citizens' Oversight - Measure "C" Committee and appointing one individual to the Central District to serve as a member of the Committee and one individual to the Northern District to serve as a member of the Committee.

Council discussed the applicants for the Citizens' Oversight Committee - Measure C.

**A motion was made by Council Member Martinez, seconded by Council Member Pedrozo, to appoint Greg Wright and Robert Matsuo to the Citizens' Oversight Committee - Measure C. 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

#### **M.2. Request to Add Item to Future Agenda**

Council Member BELLUOMINI requested to add an item on the April 16th meeting to allow a representative from the Recreation and Parks Commission to present their discussion on budget priorities.

Mayor Pro Tempore MCLEOD requested to add an item for the April 2nd meeting to discuss a downtown subcommittee.

#### **M.3. City Council Comments**

Council Member PEDROZO reported on attending the Golden Valley Neighborhood Association meeting and the Citizens for the Betterment of South Merced meeting.

Mayor MURPHY reported on attending the Merced College Registered Dietician Lunch, a recognition dinner for the Hmong New Year, updated Merced College's management team, the California Partnership for the San Joaquin Valley meeting, the Rotary Shrimp Feed, and meeting with the High Speed Rail CEO Brian Kelly in Sacramento. He also discussed his upcoming trip to Merced's Sister City, Somoto, Nicaragua.

#### **N. ADJOURNMENT**

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**Clerk's Note:** The Regular Meeting was adjourned at 10:25 PM.

**A motion was made by Council Member Pedrozo, seconded by Council Member Blake, 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