



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

Monday, November 5, 2018

6:00 PM

A. CLOSED SESSION ROLL CALL

Clerk's Note: Council Member BELLUOMINI arrived to Closed Session at 5:09 PM.

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 5:05 PM.

- B.1.** **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - Existing Litigation Case: Merced Citizens for Responsible Planning, et al. v. City of Merced, et al.; Merced County Superior Court Case No. 18CV-01143 Authority: Government Code Section 54956.9(d)(1)
- B.2.** **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - Existing Litigation Case: Mayra Contreras, et al. v. City of Merced; Merced County Superior Court Case No. 16CV-00260 Authority: Government Code Section 54956.9(d)(1)
- B.3.** **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Steve Carrigan; Employee Organizations: Merced Police Officers' Association (MPOA); Merced Association of Police Sergeants. AUTHORITY: Government Code Section 54957.6
- B.4.** **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; McKinnon, et. al. v. City of Merced; Case No. 1:18-CV-01124-LJO-SAB; AUTHORITY: Government Code Section 54956.9(d)(1)
- B.5.** **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL -- EXISTING

LITIGATION; Englert, et. al. v. City of Merced; Case No. 1:18-CV-01239-LJO-EPG; AUTHORITY: Government Code Section 54956.9(d)(1)

Clerk's Note: Council adjourned from Closed Session at 5:49 PM.

C. CALL TO ORDER

Mayor MURPHY called the Regular Meeting to order at 6:00 PM.

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

The invocation was delivered by Joel DORMAN from First Baptist Church.

C.2. Pledge of Allegiance to the Flag

Council Member MARTINEZ 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. WRITTEN PETITIONS AND COMMUNICATIONS

There were none.

G. ORAL COMMUNICATIONS

Alan CLAUNCH, Merced - spoke on the elections.

Darryl DAVIS, Merced - spoke on community and Police relationships.

H. CONSENT CALENDAR

Items H.3. Information Only - Merced Regional Airport Authority Meeting Minutes of June 27, 2017; February 22, 2018; August 21, 2018; and

September 18, 2018, H.7. Acceptance of Donation of Four (4) Pet Oxygen Kits Valued at \$340.00 From Girl Scout Troop 3003, and H.14. Second Reading and Adoption of Ordinance 2496 to Amend Chapter 15.36 "Rates and Charges" for Water Service; 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

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: Information-Only Contracts for the Month of October, 2018**

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$31,000 and of Public Works contracts under \$69,833.

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 2018-2019 threshold of \$69,833.00, and Chapter 3.04.080 - 3.04.110 of the Merced Municipal Code to execute Non-Public Works contracts under the adjusted FY 2018-2019 threshold of \$31,000.00, the contracts listed on the attached table were entered into by the City.

This Consent Item was approved.

H.4. **SUBJECT:** Information Only - Planning Commission Minutes of September 18 and 19, 2018

RECOMMENDATION

For information only.

This Consent Item was approved.

H.5. **SUBJECT:** Information Only - Site Plan Commission Minutes of August 16, 2018

RECOMMENDATION

For information only.

This Consent Item was approved.

H.6. **SUBJECT:** City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of October 1, 2018 and October 8, 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 October 1, 2018 and October 8, 2018.

This Consent Item was approved.

H.8. **SUBJECT:** Adoption of Resolution 2018-72 to Adopt the Annual Base Salary and Approve the Publically Adopted Pay Scale for the City Attorney as set forth in the City Attorney Employment Agreement as Approved by the City Council and Adoption of Resolution 2018-73 to Adopt the Annual Base Salary and Publically Adopted Pay Scale for the City Manager as set forth in the Second Amendment to the City Manager Employment Agreement as Approved by the City Council.

REPORT IN BRIEF

Considers the adoption of Resolution 2018-72 and 2018-73 to adopt

the annual base salaries and the publically adopted pay scales for the City Attorney and City Manager as set forth in the City Attorney Employment Agreement and the Second Amendment to the City Manager Employment Agreement.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2018-72**, a Resolution of the City Council of the City of Merced, California approving the annual base salary and the publically adopted pay scale for the City Attorney as established by the employment agreement for the City Attorney and as approved by the City Council; and,

B. Adopting **Resolution 2018-73**, a Resolution of the City Council of the City of Merced, California approving the annual base salary and the publically adopted pay scale for the City Manager as established by the second amendment to the employment agreement for the City Manager and as approved by the City Council; and,

C. Authorizing staff to submit the adopted Resolutions to the California Public Employees' Retirement System (CalPERS) for confirmation of annual salary amounts and pay scales.

This Consent Item was approved.

H.9.

SUBJECT: Resolution Extending the Period for Development or Disposition of Properties Transferred to the Housing Successor Agency (Housing Division) for a Period of Five (5) Years

REPORT IN BRIEF

Request that City Council approve resolution requesting an extension of a period of time for an additional five (5) years to develop or dispose of the properties transferred to the Housing Division from the former Redevelopment Agency.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2018-67**, a Resolution of the City Council of the City of Merced, California, extending the period for development or disposition of properties transferred from the former Merced Redevelopment Agency pursuant to Health and Safety Code Section 34176.1(e).

This Consent Item was approved.

H.10.

SUBJECT: Award Bid and Approve an Agreement in the Amount of \$798,955 with Avison Construction, Inc., for City Project No. 111066 for the CML-5085(029) Congestion Mitigation and Air Quality Improvement Program Westerly Bike Path Connection

REPORT IN BRIEF

Considers awarding a bid and approving an Agreement in the amount of \$798,955 with Avison Construction, Inc. for the construction of a concrete bicycle path near the intersection of Highway 59 and Buena Vista Drive and the installation of a bicycle and pedestrian bridge over Black Rascal Creek.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding a bid and approving an Agreement with Avison Construction, Inc. in the amount of \$798,955 for City Project No. 111066, the CML-5085(029) Congestion Mitigation and Air Quality (CMAQ) Westerly Bike Path Connection Project; and,

B. Authorizing the City Manager or Assistant City Manager to execute the necessary documents; and to approve change orders not to exceed \$79,895.50 (10% of the project cost.)

This Consent Item was approved.

H.11.

SUBJECT: Acceptance of Grant Funding in the Amount of \$346,000 from the California Office of Emergency Services (CAL OES) and \$105,000 in Geographic Information Systems (GIS) from the State of California for Upgrades to the City's 911 and GIS Systems

REPORT IN BRIEF

The City was recently awarded grant funds to upgrade its 911 and GIS systems. The Police Department will be using these funds to perform upgrades within the Public Safety Emergency Communications Center. These are direct funding grants, meaning that the grant funds will be held by CAL OES and the State and that all purchases will be directly funded by these agencies through a state purchasing program.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting the California Office of Emergency Services grant funding in the amount of \$346,000.00 for 911 systems and \$105,000.00 from the State of California for GIS systems; and,

B. Approving the purchase and acceptance of items to upgrade the 911 and GIS systems through the state purchasing program.

This Consent Item was approved.

H.12.

SUBJECT: Acceptance of Department of Justice 2018 Bulletproof Vest Partnership Grant in the Amount of \$10,487.00 to Cover 50% of the Purchase Cost of New Vests

REPORT IN BRIEF

Accept grant award for reimbursement of bulletproof vest expenses.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a supplemental appropriation in the amount of \$10,487 in grant funds to account 061-1026-522.29-00 for 50% of the costs associated with the purchase of bulletproof vests; and,

B. Accepting and increasing the revenue budget in the amount of \$10,487 in account 061-1026-324.37-00 for the grant award amount; and,

C. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed.

This Consent Item was approved.

H.13.

SUBJECT: Authorization to Accept Grant Funding in the Amount of \$14,162 from the Merced County Remote Access Network Board (RAN) as Reimbursement Funding for the Purchase of a New Message Switch for Access to the California Law Enforcement Telecommunications System (CLETS)

REPORT IN BRIEF

Considers authorizing the acceptance of \$14,162 in Remote Access Network (RAN) funding from the Merced County RAN Board for the purchase of a new message switch for the City's use of the CLETS System by using pooled cash which will be reimbursed upon presentation of proof of purchase to the RAN Governing Board.

RECOMMENDATION

City Council - Adopt a motion:

A. Authorizing the acceptance of \$14,162 of grant funding from the Merced County RAN Board for the purchase of a CLETS message switch for the City's police computer system. Increase Revenue in account 001-1002-324-02-00 by \$14,162.00 and appropriate the same to expenditures account 001-1002-523-43-00; and,

B. Authorizing the use of pooled cash for the purchase of the message switch until the City receives reimbursement funds; and,

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

This Consent Item was approved.

H.15.

SUBJECT: Second Reading and Adoption of Ordinance 2497 to Amend Chapter 15.42.050 "Water Conservation Levels and Prohibitions"

REPORT IN BRIEF

Adoption of previously introduced Ordinance to Amend Chapter 15.42 of the Merced Municipal Code "Water Conservation Levels and Prohibitions."

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2497**, an Ordinance of the City Council of the City of Merced, California, amending Chapter 15.42.050, "Water Conservation Regulation," of the Merced Municipal Code.

This Consent Item was approved.

H.3.

SUBJECT: Information Only - Merced Regional Airport Authority Meeting Minutes of June 27, 2017; February 22, 2018; August 21, 2018; and September 18, 2018

RECOMMENDATION

For information only.

Council Member BELLUOMINI pulled this item to ask for clarification on changing the Airport Authority meetings to quarterly.

Director of Economic Development Frank QUINTERO explained that changing the Airport Authority meetings to quarterly to help acclimate the new Airport Manager into his new role. He also explained the Authority decided against it.

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: 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

H.7.

SUBJECT: Acceptance of Donation of Four (4) Pet Oxygen Kits Valued at \$340.00 From Girl Scout Troop 3003

REPORT IN BRIEF

Considers accepting a donation of four (4) pet oxygen kits for fire department apparatus from Girl Scout Troop 3003.

RECOMMENDATION

City Council - Adopt a motion accepting the donation of four (4) pet oxygen kits valued at \$340.00 from Girl Scout Troop 3003 for the fire department to place on fire apparatus.

Council Member PEDROZO pulled this item to allow the Girl Scout Troop 3003 to present their donation to the City of Merced Fire Department.

Mayor MURPHY presented the Girl Scout Troop 3003 with a Certificate of Recognition for their Pet Oxygen Kits.

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

H.14.

SUBJECT: Second Reading and Adoption of Ordinance 2496 to Amend Chapter 15.36 "Rates and Charges" for Water Service

REPORT IN BRIEF

Adoption of previously introduced Ordinance to Amend Chapter 15.36 of the Merced Municipal Code "Rates and Charges".

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2496**, an Ordinance of the City Council of the City of Merced, California, amending various sections of Chapter 15.36, "Rates and Charges," of the Merced Municipal Code dealing with water service.

Council Member BELLUOMINI pulled this item to state his opposition.

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

I. PUBLIC HEARINGS

I.1.

SUBJECT: Public Hearing - Vacation No. 18-02 for the Adoption of a Resolution Ordering the Vacation of an Approximately 5.88 Acre Park Site Generally Located at the Southwest Corner of M Street and Arrow Wood Drive (Extended)

REPORT IN BRIEF

The City Council will consider approving a Resolution to order the vacation of an approximately 5.88 acre park site generally located at the southwest corner of M Street and Arrow Wood Drive.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2018-69**, a Resolution of the City Council of the City of Merced, California ordering the vacation of an approximately 5.88 acre park site generally located at the southwest corner of M Street and Arrow Wood Drive (extended) (Vacation #18-02).

Associate Planner Julie NELSON gave a slide show presentation on ordering the vacation of an approximately 5.88 acre park site.

Council Member BELLUOMINI and Ms. NELSON discussed maintaining park service and park access.

Mayor MURPHY opened the Public Hearing at 6:38 PM.

BM Engineering Consultant Rick MUMMERT spoke on the relocation of the Park.

Council Members and Mr. MUMMERT discussed the relocation of a park, the size of the park, and dual use facilities.

Alondra MORALES, Merced - spoke on parks in Southside Merced

Mayor MURPHY closed the Public Hearing at 6:50 PM.

A motion was made by Council Member Blake, seconded by Council Member Pedrozo, to adopt Resolution 2018-69. 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.2. **SUBJECT:** Public Hearing - Tax Equity and Fiscal Responsibility Act (TEFRA) - Resolution Approving the Issuance of Tax Exempt Bonds for the Benefit of the Gateway Terrace II Project, Located at 13th and K Streets

REPORT IN BRIEF

Due to errors in the original published notice, a corrected notice has been published and this item will now be heard at the November 19, 2018 Council Meeting.

RECOMMENDATION

For Information Only

Clerk's Note: No action was taken on this item.

J. BUSINESS

J.1. **SUBJECT:** Council Member Belluomini's Request to Discuss Police Community Relations

REPORT IN BRIEF

This item is in response to Council Member Belluomini's request to discuss police community relations pursuant to City Council Administrative Policies and Procedures C-1.

RECOMMENDATION

It is requested Council give staff direction on this item.

Council Member BELLUOMINI gave a slide show presentation on Police and Community Relations.

Isai PALMA, Merced - spoke on his support for improving police and community relations and a committee to give input to the Police Chief.

Sol RIVAS, Merced - spoke on her support for improving police and community relations.

Christina ACOSTA, Merced - spoke on her support for improving police and community relations and youth involvement in the committee input.

Victoria CASTILLO, Merced - spoke on police incidents with community members and citizen complaints.

Edward FLORES, Merced - spoke on community and faith based organizations to police relations.

Claudia GONZALEZ, Merced - spoke on improving police and community relations.

Reyna PERALTA, Merced - spoke on improving police and community relations.

Lizeth TORRES, Merced - spoke on improving police and community relations and her support for an advisory committee.

Whitney PIRTLE, Merced - spoke on using data for information and stated her support for improving police and community relations.

Alondra MORALES, Merced - spoke on her support for improving police and community relations.

Council discussed the state law policy changes, School Resource Officers, the City Council's role in policy making, and allowing the Police Chief to work on some of the issues before giving Council direction. They also discussed language in the current Police Policy, and a potential advisory

board.

Council Member BELLUOMINI made a motion to direct staff to prepare a report regarding the revisions to the Police Department procedures to conform with changes in state law in Senate Bill 1421 and Assembly Bill 748 regarding release of police records, revisions to the Police Department Citizen's Complaint Procedure and form to improve responsiveness within the limits of state law, and how additional training and an advisory board modeled on Stockton Police Department can be used to improve police community relations; to be presented at the January 21st Council Meeting.

Council discussed the motion.

Clerk's Note: Council Member BELLUOMINI'S motion failed due to a lack of a second.

A motion was made by Mayor Murphy, seconded by Council Member Pedrozo, to direct the Police Chief to give a presentation on the efforts to improve Police and Community Relations and his proposal on how to implement the new state laws and to better improve Police interaction with residents. 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

Clerk's Note: Council recessed at 8:04 PM and returned at 8:15 PM.

J.2.

SUBJECT: Update on Council Member Serratto's Request to Discuss City Council Code of Conduct Resolution (Ethics)

REPORT IN BRIEF

A subcommittee report and draft changes will be presented regarding Council Member Serratto's request to discuss a Council Code of Conduct Resolution update pursuant to City Council Administrative Policies and Procedures C-1.

RECOMMENDATION

It is requested Council give staff direction on this item.

Council Member SERRATTO gave a presentation on City Council Code of

Conduct Resolution (Ethics).

Council and City Attorney Phaedra NORTON discussed violations of the resolution.

Council Member BELLUOMINI requested language changes regarding request to speak forms and the election of chair when the Mayor and Mayor Pro Tempore are not present. He also requested a revision to the contents on the agenda, and rules of order regarding making motions.

Council discussed revising language regarding disclosing conversations with constituents.

A motion was made by Council Member Serratto, seconded by Council Member Pedrozo, to direct City Attorney Phaedra Norton to prepare an amended Resolution with the following changes: revising the communications section regarding discussions involving constituents, rules of order regarding speaker forms, and modifying the language regarding the selection of a Council Member as chair in the absence of the Mayor and Mayor Pro Tempore. 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.3. Request to Add Item to Future Agenda

No items were added.

J.4. City Council Comments

Council Member PEDROZO reported on attending the Mayor's Cup game. He also encouraged everyone to vote.

Council Member BELLUOMINI reported on attending the Merced Breakfast Lions Club Banquet.

Council Member SERRATTO encouraged everyone to vote.

Council Member MARTINEZ spoke on upcoming events in Merced and encouraged everyone to vote.

Mayor MURPHY reported on attending the Realtor Association meeting, the ribbon cutting for Cardenas Market, the Soropitimid meeting, meeting with Leadership Merced, the movie at the park event, UC Merced

Homecoming event, the Mayor's Cup game, a panel for a UC Merced class, a High Speed Rail meeting, the Police Swearing-In ceremony, the Merced Theatre Gala, the Merced Breakfast Lions Club Banquet, and reading a book to an elementary class at St. Paul's Elementary School. He also discussed the upcoming Veterans Day Parade, the Field of Honor event, and the Sharing of Harvest event.

K. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 8:53 PM.

A motion was made by Council Member Blake, seconded by Council Member Belluomini, 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