



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, October 7, 2019

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 7 - Mayor Pro Tempore Anthony Martinez, Mayor Mike Murphy, Council Member Kevin Blake, Council Member Jill McLeod, Council Member Matthew Serratto, Council Member Delray Shelton, and Council Member Fernando Echevarria

Absent: 0

B. CLOSED SESSION

Mayor MURPHY called the Closed Session to order at 5:30 PM.

B.1.

SUBJECT: CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION Initiation of Litigation pursuant to Government Code section 54956.9(d)(4): (1) case

Clerk's Note: Council adjourned from Closed Session at 5:45 PM.

C. CALL TO ORDER

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

C.1. Invocation - Bruce Metcalf, Merced Rescue Mission

The invocation was delivered by Bruce METCALF from Merced Rescue Mission.

C.2. Pledge of Allegiance to the Flag

Council Member SHELTON led the Pledge of Allegiance to the Flag.

D. ROLL CALL

Present: 7 - Mayor Pro Tempore Anthony Martinez, Mayor Mike Murphy, Council Member Kevin Blake, Council Member Jill McLeod, Council Member Matthew Serratto, Council Member Delray Shelton, and Council Member Fernando Echevarria

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: Proclamation - Domestic Violence Awareness Month**

REPORT IN BRIEF

Received by a representative of the Valley Crisis Center.

Mayor MURPHY presented the Domestic Violence Awareness Month Proclamation to Valley Crisis Center Program Director Chee YANG.

F.2. **SUBJECT: Proclamation - Hispanic Heritage Month**

REPORT IN BRIEF

Received by Rene Gutierrez, President of the Hispanic Chamber of Commerce.

Mayor MURPHY presented the Hispanic Heritage Month Proclamation to the President of the Hispanic Chamber of Commerce Rene GUTIERREZ.

G. WRITTEN PETITIONS AND COMMUNICATIONS

There were none.

H. ORAL COMMUNICATIONS

Anne TRESSLER, Merced - invited Council to the Gateway Quilters Guild event.

Susan HAMMON, Merced - spoke on the Gateway Quilters Guild.

Dennis EVANS, Merced - spoke on ending homelessness.

Fernando AGUILARA, Merced - presented a video on the 209th Mexican Independence celebration.

Tashelle & Colby WRIGHT, Merced - spoke on the dangers of using

e-cigarettes and vaping.

Steve ROUSSOS, Merced - spoke on the tobacco sales trends.

Stephanie GONZALEZ, Health Collaborative, Merced - spoke on the dangers of flavored tobacco and the smoking rate in Merced County.

Amalia MADRIGAL-HERNANDEZ, Merced - spoke on the youth's use of flavored tobacco and vaping.

Robin SIMINOFF, Merced - spoke on her concern for the youth vaping trend and use of flavored tobacco.

Annissa FRAGOSO, Merced - spoke on the on-going issue with the shared trash can use with multiple businesses.

Juan MARTINEZ, Merced - spoke on the vaping issue and requested Council restrict tobacco sales.

Anna SONG, Merced - spoke on the dangers of vaping and tobacco use. She also spoke on instituting a tobacco flavor ban.

Monica VILLA, Merced - spoke on the G.L.O.W Carnival and the Merced Homeless Connect event.

I. CONSENT CALENDAR

Items I.8. Authorization to Modify the Personnel/Budget Allocation in the City Attorney's Department to Reflect a City Attorney, a Deputy City Attorney, a Deputy/Senior Deputy City Attorney, an Office Administrator/Paralegal and a Legal Administrative Assistant, I.9. Approval of the First Amendment to the Agreement with the Lew Edwards Group in the Additional Amount of \$53,000 and the Total not to Exceed Contracted Amount of \$82,000 to Develop a Public Education Strategy Related to the Possible Extension of Measure C, and I.13. Approval of Recreation and Parks Commission's Recommendation to Accept a Donation of a Tile Mosaic Artwork Installation at the Applegate Park Merced Open Air Theater (MOAT) by Monika Modest; were pulled for separate consideration.

Approval of the Consent Agenda

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

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

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 Contracts for the Month of September 2019

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$32,000 and of Public Works contracts under \$70,939.

This Consent Item was approved.

I.3. SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of September 3, 2019

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 September 3, 2019.

This Consent Item was approved.

I.4. SUBJECT: Authorization to Set a Public Hearing for November 4,

2019 for Introduction of Ordinances, Adopting the 2019 California Building and Fire Codes with Amendments, if Any

REPORT IN BRIEF

Set a Public Hearing for November 4, 2019 for the purpose of introducing and adopting the 2019 California Building and Fire Codes with Amendments, if any.

RECOMMENDATION

City Council - Adopt a motion setting a Public Hearing on November 4, 2019, to consider introducing and adopting the 2019 California Building and Fire Codes and Amendments thereto.

This Consent Item was approved.

I.5.

SUBJECT: Award of Bid and Approval of Construction Contract with Phase 1 Construction for the Cooper Avenue Sanitary Sewer Lift Station Construction, Project No. 114004, in the Amount of \$755,825 and Approval of a Professional Services Agreement with Provost and Pritchard Engineering Group, Inc., for Engineering Design Services in the Amount of \$23,694

REPORT IN BRIEF

Considers awarding a contract in the amount of \$755,825 to Phase 1 Construction to perform the Cooper Avenue sanitary sewer lift station construction and approving the professional services agreement with Provost and Pritchard Engineering Group, Inc. for engineering design services in the amount of \$23,694.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid for the Cooper Avenue Sanitary Sewer Lift Station Construction, Project No. 114004, to Phase 1 Construction in the amount of \$755,825; and,

B. Approving an amendment to an agreement for professional services with Provost and Pritchard Engineering Group, Inc., in the amount of \$23,694 for engineering design services; and,

C. Authorizing the City Manager or the Assistant City Manager to execute the necessary documents and to approve change orders not to exceed 10% of the total construction contract.

This Consent Item was approved.

I.6.

SUBJECT: Approval of Professional Services Agreement with Gaetke Medical Corporation and 1582, LLC to Provide Comprehensive Occupational Medical Physicals in an Amount Not to Exceed \$60,000 and Waiving the Competitive Bidding Requirement

REPORT IN BRIEF

Considers entering into a three year agreement with Gaetke Medical Corporation and 1582, LLC for the purpose of providing comprehensive occupational medical physicals of fire suppression personnel and waiving the competitive bidding requirements.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a professional services agreement with Gaetke Medical Corporation and 1582, LLC in an amount not to exceed \$60,000, for the purpose of providing comprehensive occupational medical physicals of fire suppression personnel for a three year term, with a one year renewal option; and,

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

C. Waiving the competitive bidding requirements.

This Consent Item was approved.

I.7.

SUBJECT: Acceptance and Appropriation of Settlement Funding in the Amount of \$3,092.84 from the LexisNexis Coplogic Solutions to Assist with Communication Needs of the Police Department

REPORT IN BRIEF

Considers accepting and appropriating settlement funding in the amount of \$3,092.84 from LexisNexis Coplogic Solutions to assist with communication needs of the Police Department.

RECOMMENDATION

City Council - Adopt a motion accepting settlement funds from the LexisNexis Coplogic Solutions and increasing revenue in account

001-1006-360.01-01 in the amount of \$3,093 and appropriating the same to account 001-1006-522.12-00.

This Consent Item was approved.

I.10.

SUBJECT: Approval of First Amendment to Elevator Maintenance Agreement with ThyssenKrupp Elevator Corporation in the Amount of \$1,015 Monthly for the Term Ending June 30, 2020 for Maintenance of Seven Elevators Located at the Civic Center, Ralph Shannon Parade, Merced Center Parking Garage, and Police Station

REPORT IN BRIEF

Considers approving a First Amendment with ThyssenKrupp Elevator Corporation in the amount of \$1,015 monthly and extending the agreement term through June 30, 2020, for maintenance of seven elevators located at the Civic Center, Ralph Shannon Parade, Merced Center Parking Garage, and Police Station.

RECOMMENDATION

City Council - Adopt a motion approving the first amendment to elevator maintenance agreement with ThyssenKrupp Elevator Corporation in the amount of \$1,015 monthly, and authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

I.11.

SUBJECT: Acceptance and Appropriation of Grant Funding in the Amount of \$1,000 for FY 2020 Merced County First Five Community Engagement Event Sponsorship Program for Tiny Tots 4th Annual Halloween Pumpkin Party

REPORT IN BRIEF

Considers accepting and appropriating grant funding in the amount of \$1,000 from Merced County First Five for the 4th Annual Tiny Tots Halloween Pumpkin Party.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting grant funds from Merced County First Five and increasing revenue in account 024-1226-360-02-01 - Creative Skills-Contributions

and Donations in the amount of \$1,000; and,

B. Appropriating the same to account 024-1226-542-29-00 - Creative Skills-Supplies and Services; and,

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

This Consent Item was approved.

I.12.

SUBJECT: Authorization to Accept Volunteer Labor and 21 Donated Trees Valued at Approximately \$2,300 from Clean Earth a Harsco Company at the Applegate Park and Zoo on October 19, 2019 for Clean Earth Day Tree Planting Event

REPORT IN BRIEF

Considers approving acceptance of labor and materials valued at approximately \$2,300 for new trees at Applegate Park and Zoo from Clean Earth a Harsco Company for their Clean Earth Day tree planting event on October 19, 2019.

RECOMMENDATION

City Council - Adopt a motion accepting a donation from Clean Earth a Harsco Company for volunteer labor and 21 trees valued at approximately \$2,300 at Applegate Park and Zoo on October 19, 2019 for Clean Earth Day tree planting event.

This Consent Item was approved.

I.14.

SUBJECT: Approval of Recreation and Parks Commission's Recommendation to Grant a Request by the Deaf and Hard of Hearing Service Center for the Co-Sponsored Rental Rate for the Merced Senior Community Center on December 14, 2019 for its Annual Holiday Celebration

REPORT IN BRIEF

Considers approving the Recreation and Parks Commission's recommendation to approve a request for the co-sponsored rate for the rental of the Merced Senior Community Center by the Deaf and Hard of Hearing Service Center to hold its annual Holiday Celebration on December 14, 2019.

RECOMMENDATION

City Council - Adopt a motion approving the Recreation and Park Commission's recommendation to rent the Merced Senior Community Center to the Deaf and Hard of Hearing Service Center (DHHSC) on December 14, 2019, at the co-sponsored rental rate.

This Consent Item was approved.

I.15.

SUBJECT: Second Reading and Final Adoption of Ordinance Amending Section 9.08.020 Regarding Cardrooms and Amending CUP #1216, Merced Poker Room, and CUP #1219, Poker Flats Casino (AKA Golden Valley Casino) to Reflect the Number of Card Tables Allowed Pursuant to State Regulations

REPORT IN BRIEF

Second reading and final adoption of an Ordinance amending the number of card tables allowed within the City of Merced from sixteen (16) to twelve (12) in compliance with state regulations.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2503**, an Ordinance of the City Council of the City of Merced, California, amending Section 9.08.020 "Cardrooms," of the Merced Municipal Code.

This Consent Item was approved.

I.8.

SUBJECT: Authorization to Modify the Personnel/Budget Allocation in the City Attorney's Department to Reflect a City Attorney, a Deputy City Attorney, a Deputy/Senior Deputy City Attorney, an Office Administrator/Paralegal and a Legal Administrative Assistant

REPORT IN BRIEF

Modification to the Personnel/Budget Allocation in the City Attorney's Department.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2019-64**, A Resolution of the City Council of the City of Merced, California, Amending the Personnel/Budget Allocation in the City Attorney Department to Reflect a City Attorney, a Deputy City Attorney, a Deputy/Senior Deputy City Attorney, a Legal Administrative Assistant and a Paralegal Office Administrator to be filled by the incumbent Paralegal effective June 21, 2019.

Council Member MCLEOD pulled this item for a staff report.

City Attorney Phaedra NORTON explained the need for the re-organization of the City Attorney Department to reflect the current operational need. She also suggested a slight modification to the Council action to become effective immediately.

A motion was made by Council Member McLeod, seconded by Council Member Blake, to authorize this item and amending the start time to October 7, 2019. The motion carried by the following vote:

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

No: 0

Absent: 0

I.9.

SUBJECT: Approval of the First Amendment to the Agreement with the Lew Edwards Group in the Additional Amount of \$53,000 and the Total not to Exceed Contracted Amount of \$82,000 to Develop a Public Education Strategy Related to the Possible Extension of Measure C

REPORT IN BRIEF

Considers the approval of the First Amendment to the Agreement with the Lew Edwards Group for an additional amount of \$53,000 and the Total Contracted Amount not to exceed \$82,000 to develop a public education strategy related to the possible extension of Measure C.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the First Amendment to the Agreement with the Lew Edwards Group for an amount not to exceed \$82,000 related to the extension of Measure C; and,

B. Approving a Supplemental Appropriation in the amount of \$53,000 of the unappropriated fund balance in Fund 061-Measure C to provide funding for the amended agreement;

D. Provide staff direction on areas within the Public Education Strategy Related to the Possible Extension of Measure C; and,

C. Authorizing the City Manager or the Assistant City Manager to

execute the necessary documents.

Mayor MURPHY requested to pull this item to state his opposition of the amendment.

Council and City Manager Steve CARRIGAN discussed Council direction and the delay to take the contract out to bid.

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

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

No: 0

Absent: 0

I.13.

SUBJECT: Approval of Recreation and Parks Commission's Recommendation to Accept a Donation of a Tile Mosaic Artwork Installation at the Applegate Park Merced Open Air Theater (MOAT) by Monica Modest

REPORT IN BRIEF

Considers approving the Recreation and Parks Commission's recommendation to accept a donation of a tile mosaic artwork installation at the Applegate Park Merced Open Air Theater (MOAT) from Monica Modest.

RECOMMENDATION

City Council - Adopt a motion approving the Recreation and Park Commission's recommendation to accept a donation of a tile mosaic artwork installation from Monica Modest, to be placed at the Applegate Park Merced Open Air Theater (MOAT); and, authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

Clerk's Note: This item was pulled to be heard at the October 21, 2019 City Council Meeting.

J. PUBLIC HEARINGS

J.1.

SUBJECT: Public Hearing and Adoption of Resolution Granting a Certificate of Public Convenience and Necessity for McHenry Protective Services

REPORT IN BRIEF

Considers approving a Resolution granting and issuing a certificate of public convenience and necessity to McHenry Protective Services.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2019-49**, a Resolution of the City Council of the City of Merced, California, granting a certificate of public convenience and necessity to McHenry Protective and Investigative Services.

Police Lieutenant Jay STRUBLE gave a brief presentation on the three Public Hearing items on the adoption of Resolution Granting a Certificate of Public Convenience and Necessity for McHenry Protective, Stonewall Private Security Services, and First Alarm Security & Patrol Inc.

Mayor MURPHY opened and subsequently closed the Public Hearing due to a lack of public comment.

Clerk's Note: Council took action on items J.1., J.2., and J.3. collectively.

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

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

No: 0

Absent: 0

J.2.

SUBJECT: Public Hearing and Adoption of Resolution Granting a Certificate of Public Convenience and Necessity for Stonewall Private Security Services

REPORT IN BRIEF

Considers approving a Resolution to grant and issue a certificate of public convenience and necessity to Stonewall Private Security Services.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2019-50**, a Resolution of the City Council of the City of Merced, California, granting a certificate of public convenience and necessity to Stonewall Private Security Services.

Clerk's Note: This item was approved collectively with items J.1. and J.3.

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

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

No: 0

Absent: 0

J.3.

SUBJECT: Public Hearing and Adoption of Resolution Granting a Certificate of Public Convenience and Necessity for First Alarm Security & Patrol, Inc.

REPORT IN BRIEF

Considers approving a resolution to grant and issue a certificate of public convenience and necessity to First Alarm Security & Patrol, Inc.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2019-59**, a Resolution of the City Council of the City of Merced, California, granting a certificate of public convenience and necessity to First Alarm Security & Patrol, Inc.

Clerk's Note: This item was approved collectively with items J.1. and J.2.

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

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

No: 0

Absent: 0

J.4.

SUBJECT: Public Hearing for Approving a Mitigated Negative Declaration for Environmental Review #19-18 and Potential Introduction of an Ordinance, Approving Zone Change #426 and Adoption of a Resolution Approving General Plan Amendment #19-02 Changing the Zoning and General Plan Designations for Approximately 0.52 Acres of Land Generally Located on the East Side of McKee Road Approximately 360 Feet South of Yosemite Avenue and the Appeal of

the Planning Commission's Denial of Conditional Use Permit #1231 to
Allow a Mixed-Use Project to be Constructed at the Southeast Corner
of Yosemite Avenue and McKee Road

REPORT IN BRIEF

Considers approving a Mitigated Negative Declaration for Environmental Review #19-18, and introducing an Ordinance, General Plan Amendment #19-03, Zone Change #426, and an appeal of the Planning Commission's denial of Conditional Use Permit #1231 for a mixed-use project.

RECOMMENDATION

General Plan Amendment #19-02 and Zone Change #426

City Council - Adopt a motion:

A. Adopting **Resolution 2019-63**, a Resolution of the City Council of the City of Merced, California, approving a Mitigated Negative Declaration for General Plan Amendment #19-02 and Zone Change #426, approving General Plan Amendment #19-02 to change the General Plan Designation from Low Density Residential (LD) to Neighborhood Commercial (CN) for approximately 0.52 acres of land generally located on the east side of McKee Road approximately 360 feet south of Yosemite Avenue, and approving a Legislative Action Agreement for the same; and,

B. Introducing **Ordinance 2504**, an Ordinance of the City Council of the City of Merced, California, amending the Official Zoning Map by rezoning approximately 0.52 acres of land generally located on the east side of McKee Road, approximately 360 feet south of Yosemite Avenue from R-1-6 to Neighborhood Commercial (C-N); and,

C. Authorizing the City Manager or the Assistant City Manager to execute the Legislative Action Agreement.

Conditional Use Permit #1231

A. Open the public hearing and hear all testimony regarding the appeal; and,

B. Close the public hearing; and,

C. Provide direction to staff regarding Findings to grant or deny the appeal.

Clerk's Note: Council Member BLAKE recused himself from this item due to the proximity of his residence.

Planning Associate Julie NELSON gave a slide show presentation on the University Village at Yosemite Apartments/Mixed-Use Project.

Council and Ms. NELSON discussed parking, alternative transportation, sewer capacity, and the density issue.

City Attorney Phaedra NORTON discussed the outside legal opinion regarding the single occupancy, the City Attorney review, and the Public Hearing proceedings.

Council, Ms. NORTON, and Director of Community Development Scott MCBRIDE discussed fair housing concerns, standard of review, and addressing concerns and meeting the needs of the students.

Mayor MURPHY opened the Public Hearing at 7:38 PM.

Joe ENGLANOFF, Merced Holdings LP, Applicant - gave a slide show presentation on the housing project development.

Mayor MURPHY disclosed a conversation he had with Mr. ENGLANOFF regarding the project.

Mayor Pro Tempore MARTINEZ disclosed a conversation he had with Mr. ENGLANOFF regarding the concerns of the proposed project.

Council Member MARTINEZ and Mr. ENGLANOFF discussed construction timeline.

Casey STEED, Designated Representative, Merced - spoke in opposition of this project. He requested that Council deny the Conditional Use Permit.

Council and Mr. STEED discussed the number of tenants per unit, the opposition of the project, parking issue in the area, and safety.

Council Member MARTINEZ disclosed a conversation he had with Mr. STEED regarding this project.

Joel MOSES, Merced - spoke on his concern of the project. He suggested a lot merger to make the lot one site.

Lily WALKER, Merced - stated her opposition of the project.

Michael STRESSER, Merced - stated his opposition of the project.

Dave BUTZ, Bright Development - stated his opposition of the project.

Michael BELLUOMINI, Merced - stated his opposition of the project.

Applicant's rebuttal:

Mr. ENGLANOFF spoke in response to the concerns of the citizens. He stated that they are trying to address the housing shortage.

Council and Mr. ENGLANOFF discussed housing and the proposed retail space.

Mr. STEED rebuttal -spoke on the occupancy per unit and the location of the proposed project.

Irene, Merced - spoke on being a close resident and not being notified about this project.

Curtis GORMAN, Merced - stated his opposition of the project.

Ricardo TORRES, Merced - stated his opposition of the project.

Mayor MURPHY closed the Public Hearing at 8:42 PM.

Council discussed the concerns of the residents regarding traffic, sewer capacity, parking, and neighborhood impact.

A motion was made by Council Member McLeod, seconded by Council Member Echevarria, to introduce Ordinance 2504, approve Resolution 2019-63, deny the Conditional Use Permit, and have staff come back with findings. The motion carried by the following vote:

Aye: 6 - Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 1 - Mayor Pro Tempore Martinez

Absent: 0

Clerk's Note: Council recessed at 9:08 PM and returned at 9:22 PM.

J.5.

SUBJECT: Public Hearing and Adoption of Resolution to Abandon a Sewer Easement and Working Easement at 3600 G Street, Generally Located on the Northeast Corner of G Street and Yosemite Avenue (Vacation #19-04)

REPORT IN BRIEF

Considers the abandonment of an old sewer easement and working easement at 3600 G Street.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2019-61**, a Resolution of the City Council of the City of Merced, California, ordering the vacation of a sewer easement and working easement at the northeast corner of G Street and Yosemite Avenue (Vacation #19-04).

Planning Manager Kim ESPINOSA gave a slide show presentation on the abandonment of a sewer easement and working easement at 3600 G Street.

Mayor MURPHY opened and subsequently closed the Public Hearing at 9:24 PM due to lack of public comment.

Clerk's Note: Council Member SERRATTO briefly left the room during the vote.

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

Aye: 6 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 1 - Council Member Serratto

J.6.

SUBJECT: Public Hearing and Potential Introduction of Ordinance to Revise Park Hours and Amending Section 14.04.070 - Hours - Permits to Reflect Approved New Park Hours

REPORT IN BRIEF

Public Hearing regarding revision of park hours and update of Code of Ordinances Title 14, Chapter 14.04, Amending Section 14.04.070 - Hours - Permits.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2505**, an Ordinance of the City Council of the City of Merced, California, amending Section 14.04.070, "Hours - Permit," of the Merced Municipal Code regarding City parks.

Director of Parks and Community Services Joey CHAVEZ gave a presentation on a potential introduction of an Ordinance to revise Park hours.

Mayor MURPHY opened the Public Hearing at 9:28 PM.

Bob SCOBLE, Merced - requested to change the open hour to 6:00 AM.

Tom SOUZA, Merced - encouraged Council to approve the revised Park hours. He also spoke on the current issues at Applegate Park.

Lee PEVSNER, Merced - spoke in support of the proposed ordinance.

Sair LARA, Merced - spoke on the current issues at the parks in the City.

Diana ODOM GUNN, Downtown Neighborhood Association, Merced - spoke in support for the revised park hours.

Mayor MURPHY closed the Public Hearing at 9:38 PM.

Council discussed enforcement, excluding the bike path, health and safety issues, and hours allowed in the park.

Council and Police Lieutenant Jay STRUBLE discussed enforcement and Police procedures of enforcement.

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

Aye: 6 - Mayor Pro Tempore Martinez, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 1 - Mayor Murphy

Absent: 0

K. REPORTS

K.1.

SUBJECT: Adoption of Resolutions for Calling a Special Election for March 3, 2020 for the Purpose of Placing a Ballot Measure Before the Voters to Amend Various Sections of the City of Merced Charter and Requesting the Merced County Board of Supervisors Consolidate Said Election with the Statewide Primary Election Being Held on the Same Date

REPORT IN BRIEF

Consideration of Resolutions Calling a March 3, 2020 Special Municipal Election for the purpose of placing a measure on the ballot regarding amending various sections of the City of Merced Charter and requesting the County Board of Supervisors consolidate the City's election with the Statewide Primary Election being held on the same date.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2019-67**, a Resolution of the City Council of the City of Merced, California, calling a Special Municipal Election to be held on March 3, 2020, for the Purpose of Submitting a Ballot Measure to Amend Various Sections of the City of Merced Charter to the Electorate; and,

B. Adopting **Resolution 2019-68**, 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 Primary Election to be held on March 3, 2020; and,

C. Approving the form and ballot question of the City Council sponsored Measure; and,

D. 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; **or**,

E. Directing staff to make adjustments to the form or number of ballot questions being proposed, suggesting any language changes to the items going before the electorate and directing staff to return to the October 21, 2019 meeting for final adoption of the amended resolutions.

Assistant City Clerk John TRESIDDER gave a brief presentation on the calling of a Special Election for the March 3, 2020 placing a ballot measure.

Council discussed amending parts of the Charter by Ordinance.

Lee PEVSNER, Merced - spoke on the number of ballot questions that should be placed on the ballot.

Shane SMITH, Merced - spoke on the process the Charter Review Committee took to make suggested changes to the Charter.

Council discussed amending parts of the Charter by Ordinance, amending the Mayor's term language, and the number of ballot questions.

Clerk's Note: Council directed staff to draft language for the Mayor term limit, draft Ordinance language for Reducing the Cash Basin, by District Boards and Commission, and a Citizens Tax Transparency Committee. They also directed staff to place three separate ballot questions on the March Primary Election, and return the Resolutions to the October 21, 2019 Council Meeting.

L. BUSINESS

L.1. SUBJECT: Mayor Murphy's Request to Discuss Naming a Park After a Member of the Hmong Community

REPORT IN BRIEF

Mayor Murphy's request to discuss naming a park after a member of the Hmong Community pursuant to City Council Administrative Policies and Procedures C-1.

RECOMMENDATION

It is requested Council give staff direction on this item.

Mayor MURPHY discussed naming a park after someone from the Hmong Community.

Clerk's Note: Council Member BLAKE briefly left the room during the vote.

A motion was made by Mayor Murphy, seconded by Council Member Shelton, to have staff bring back information on naming a park after a member of the Hmong Community. The motion carried by the following vote:

Aye: 6 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 1 - Council Member Blake

L.2. SUBJECT: Mayor Murphy's Request to Discuss Hosting a Stage of the Amgen Tour of California Bike Race

REPORT IN BRIEF

Mayor Murphy's request to discuss hosting the Amgen Bike Tour pursuant to City Council Administrative Policies and Procedures C-1.

RECOMMENDATION

It is requested Council give staff direction on this item.

Mayor MURPHY discussed hosting the stage of the Amgen Tour of California Bike Race.

Doug FLUETSCH, Merced - discussed the Amgen Tour of California Bike Race and the potential benefits of the City hosting a stage of the tour.

A motion was made by Mayor Murphy, seconded by Council Member McLeod, to direct staff to bring back a planning and preparation plan and a cost breakdown for the event. The motion carried by the following vote:

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

No: 0

Absent: 0

L.3.

SUBJECT: Discussion on, and Potential Appointments to, the City of Merced Planning Commission (3 Vacancies)

REPORT IN BRIEF

Considers options for appointing individuals to the City of Merced Planning Commission.

RECOMMENDATION

City Council - Adopt a motion:

A. Directing staff to schedule a Special Meeting to conduct interviews of Planning Commission applicants; **or**,

B. Appointing a City Council subcommittee to complete interviews of the applicants and make recommendations to the full Council at the next Regular Meeting; **or**,

C. Appointing one, two or three of the qualified applicants to the open seats either by Council District or At-Large at Council discretion; **or**,

D. Continuing this item to a future meeting (specify date in motion).

Assistant City Clerk John TRESIDDER briefly discussed the current vacancies of the Planning Commission and options for appointments.

Council discussed the appointment process.

A motion was made by Mayor Pro Tempore Martinez, seconded by Council Member Blake, to appoint Stephanie Butticci as the District 1 representative for the Planning Commission. The motion carried by the following vote:

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

No: 0

Absent: 0

A motion was made by Council Member Echevarria, seconded by Council Member Serratto, to appoint Casey Steed as the District 2 representative for the Planning Commission. The motion failed by the following vote:

Aye: 2 - Council Member Shelton, and Council Member Echevarria

No: 5 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, and Council Member Serratto

Absent: 0

Clerk's Note: Council agreed to bring this item back to the October 21, 2019 Council Meeting to fill the remaining open District seats.

L.4.

SUBJECT: City Council Position on League of California Cities Resolutions

REPORT IN BRIEF

Provides direction to the City's official League of California Cities voting delegate on two proposed League Resolutions.

RECOMMENDATION

City Council - Adopt a motion stating the City's position on each of the two proposed League Resolutions and directing the City's official League voting delegate to cast votes as such at the League's Annual Business Meeting on Friday, October 18, 2019, at the Long Beach Convention Center.

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

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

No: 0

Absent: 0

L.5.**SUBJECT: Request to Add Item to Future Agenda**

REPORT IN BRIEF

Provides members of the City Council to request that an item be placed on a future City Council agenda for initial consideration by the City Council.

Council Member ECHEVARRIA requested to add an item on tobacco sales and McNamara Park maintenance.

L.6.**SUBJECT: City Council Comments**

REPORT IN BRIEF

Provides an opportunity for the Mayor and/or Council Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the City and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.

Council Member ECHEVARRIA reported on attending the 209th Mexican Independence Celebration.

Council Member SHELTON reported on attending the Hispanic Chamber dinner.

Mayor Pro Tempore MARTINEZ reported on attending a meeting with community members, meeting with the I.C.E Out of Merced Organization, and the Recreation and Parks Commission meeting. He also spoke on an upcoming fundraiser event.

Mayor MURPHY reported on attending a meeting with surrounding county representatives.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 11:04 PM.

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

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

No: 0

Absent: 0