



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 18, 2019

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 7 - Council Member Anthony Martinez, Mayor Mike Murphy, Council Member Kevin Blake, Council Member Jill McLeod, Mayor Pro Tempore 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 5:02 PM.

B.1. **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)

B.2. **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.3. **SUBJECT:** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager; Authority: Government Code Section 54957

Clerk's Note: Council adjourned from Closed Session at 6:00 PM.

C. CALL TO ORDER

Mayor MURPHY called the Regular Meeting to order at 6:02 PM.

C.1. Invocation - Bhai Sarbjit Singh, Fresno Sikh Institute

The invocation was delivered by Bhai Sarbjit SINGH from the Fresno Sikh Institute.

C.2. Pledge of Allegiance to the Flag

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

D. ROLL CALL

Present: 7 - Council Member Anthony Martinez, Mayor Mike Murphy, Council Member Kevin Blake, Council Member Jill McLeod, Mayor Pro Tempore 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 - Guru Nanak 550th Gurburb

REPORT IN BRIEF

Accepted by a representative of the Sikh Community

Mayor MURPHY presented the Guru Nanak 550th Gurburb Proclamation to members of the Sikh Community.

G. WRITTEN PETITIONS AND COMMUNICATIONS

There were none.

H. ORAL COMMUNICATIONS

Ken TESTA, Facilities Director of Merced City School District, Merced - spoke on various school improvements and thanked City staff for their help.

Joel KNOX, Merced - thanked City staff for addressing issues in the Golden Valley neighborhood.

Derek PRICE, Merced - encouraged Council to vote on adding a litter abatement program as part of the refuse rates.

Caleb MEDEFIND, Merced - spoke on Restore Merced and their contributions to the City.

Joseph MEDEIROS, Merced - spoke on the Restore Merced program and

how it turned his life around.

Sair LARA, Merced - spoke on the campaign to bring concerts to the Merced Open Air Theater at Applegate Park.

I. CONSENT CALENDAR

Items I.2. Information Only - Planning Commission Meeting Minutes of October 9, 2019, I.9. Adoption of Resolution Approving the Cypress Terrace 6, Phase B - Final Map 5375 for 18 Single-Family Lots, Generally Located on the West Side of N Street, North of Gerard Avenue, and the Approval of the Subdivision Agreement for Cypress Terrace 6, Phase B, I.12. Adoption of Resolution Setting a Public Hearing on December 16, 2019, for the Annual Compliance Report for Development Impact Fees as Required by Government Code Section 66000 et. seq. and City Resolution 88-72, I.13. Authorization to Accept Monetary Donation from Sunrise Rotary Club of Merced, in the Amount of \$10,000, for Purchase of Trees and Tree Planting Materials, Including 24" Box Scarlet Oaks (*Quercus Coccinea*) to be Planted in Downtown and a Variety of Species to be Planted Throughout Merced, and I.15. Second Reading and Final Adoption of Ordinance to Revise Park Hours and Amending Section 14.04.070 - Hours - Permits to Reflect Approved New Park Hours; were pulled for separate consideration.

Approval of the Consent Agenda

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

Aye: 7 - Council Member Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Mayor Pro Tempore 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.3. **SUBJECT:** Information Only - Arts and Culture Advisory Commission Meeting Minutes of February 8, 2019, March 14, 2019, April 18, 2019, June 20, 2019, July 18, 2019, August 15, 2019, and September 19, 2019

RECOMMENDATION

For information only.

This Consent Item was approved.

- I.4. **SUBJECT:** Information Only - Measure C Oversight Committee Meeting Minutes of February 12, 2019, May 14, 2019, and August 13, 2019

RECOMMENDATION

For information only.

This Consent Item was approved.

- I.5. **SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of September 30, 2019 and October 21, 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 30, 2019 and October 21, 2019.

This Consent Item was approved.

- I.6. **SUBJECT:** Adoption of Resolution Acknowledging Receipt of the Annual State Mandated Inspection Compliance Report for the Reporting Period of October 1, 2018 Through September 30, 2019, Pursuant to California Health and Safety Code §13146.4

REPORT IN BRIEF

Considers the adoption of a Resolution acknowledging receipt of the

Merced Fire Department's Annual Compliance Report regarding performance of annual inspections pursuant to California Health and Safety Code (HSC) §13146.4.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2019-70**, a Resolution of the City Council of the City of Merced, California, acknowledging receipt a report made by the Fire Chief of the Merced Fire Department regarding the inspection of certain occupancies required to perform annual inspections in such occupancies pursuant to sections 13146.2 and 13146.3 of the California Health and Safety Code.

This Consent Item was approved.

I.7.

SUBJECT: Approval of First Amendments to Professional Services Agreements with Interwest Consulting Group Inc., CSG Consultants Inc., and Bureau Veritas North American Inc. to Extend the Term of the Agreement to December 17, 2020, in an Amount Not to Exceed the Approved Budget Allocation for Planning and Building Services

REPORT IN BRIEF

Considers approving amendments to Professional Services Agreements with three consultants for planning and building services.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the First Amendment to Contract for Professional Services with Interwest Consulting Group Inc., to extend the term for services to December 17, 2020 in an amount not to exceed funds available in the annual budget or as amended; and,
- B. Approving the First Amendment to Contract for Professional Services with CSG Consultants Inc., to extend the term for services to December 17, 2020 in an amount not to exceed funds available in the annual budget or as amended; and,
- C. Approving the First Amendment to Contract for Professional Services with Bureau Veritas North American Inc., to extend the term for services to December 17, 2020 in an amount not to exceed funds available in the annual budget or as amended; and,

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

E. Authorizing the City Manager or the Assistant City Manager to execute the above agreements.

This Consent Item was approved.

I.8.

SUBJECT: Adoption of Resolution to Amend the Pay Ranges for the Temporary Classifications of Lifeguard I, Lifeguard II, Pool Manager, Recreation Coordinator, Recreation Leader, and Recreation Specialist, Effective January 1, 2020, to Comply with State of California Minimum Wage Requirements

REPORT IN BRIEF

Considers adopting a Resolution to authorize amendments to the Pay Ranges for the Temporary Classifications of Lifeguard I, Lifeguard II, Pool Manager, Recreation Coordinator, Recreation Leader, and Recreation Specialist effective January 1, 2020, to comply with State of California minimum wage requirements.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2019-71**, a Resolution of the City Council of the City of Merced, California, amending the salary ranges for the temporary classifications of Lifeguard I, Lifeguard II, Pool Manager, Recreation Coordinator, Recreation Leader, and Recreation Specialist; and authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

I.10.

SUBJECT: Adoption of Resolution Revising a Policy Regarding Allowable Meeting and Transportation Expenses Including, but not Limited to, Mileage Reimbursement for City Employees

REPORT IN BRIEF

Considers the adoption of a Resolution revising a Policy Regarding Allowable Meeting and Transportation Expenses

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2019-73**, a Resolution of the City Council of the City of Merced, California,

adopting allowable expenses for individuals attending meetings, conferences, conventions and other functions relating to City business.

This Consent Item was approved.

I.11.

SUBJECT: Approval of a Supplemental Appropriation in Fund 361-Airport Debt Service in the Amount of \$6,023 and Transfer to Fund 561- Airport Operations

REPORT IN BRIEF

Considers approving a supplemental appropriation in Fund 361-Airport Debt Service in the amount of \$6,023 and transferring to Fund 561-Airport Operations.

RECOMMENDATION

City Council - Adopt motion approving a supplemental appropriation in the amount of \$6,023 from the unappropriated, unreserved fund balance in Fund 361-Airport Debt Service, and transferring to Fund 561-Airport Operations; and, authorizing the Finance Officer to make the necessary budget adjustment.

This Consent Item was approved.

I.14.

SUBJECT: Authorization to Accept and Appropriate Grant Funding in the Amount of \$500 from Northern California Tennis Foundation to Purchase Supplies for Tiny Tots Events

REPORT IN BRIEF

Considers approving and appropriating grant funding in the amount of \$500 from Northern California Tennis Foundation in the Contributions and Donations account to Creative Skills to purchase supplies for Santa's Workshop.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting grant funds from Northern California Tennis Foundation Contributions and increase revenue in account 024-1226-360.02-01 - Creative Skills-Contributions and Donations in the amount of \$500; 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.16.

SUBJECT: Second Reading and Final Adoption of Ordinances Adopting Title 24, Parts 1-12 of the California Code of Regulation as the 2019 California Building and Fire Codes, and Local Amendments, for the City of Merced

REPORT IN BRIEF

Second reading and final adoption of Ordinances adopting Title 24, Parts 1-12 of the California Code of Regulations, referred to as the California Building Code, as the referenced Building and Fire Codes for the City of Merced.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Ordinance 2506**, an Ordinance of the City Council of the City of Merced, California, Amending Chapter 17.04, 'Building Code,' Article I Title, Sections 17.04.010, 17.04.050, 17.04.110, 17.04.120, 17.05.010, 17.06.010, 17.07.010, 17.09.010, 17.10.010, 17.12.010, 17.20.010, 17.24.010, 17.28.020, and 17.34.010 of the Merced Municipal Code to Adopt by Reference the 2019 California Building Code, 2019 Residential Code, 2019 Existing Building Code, 2019 Green Buildings Standards Code, 2019 Historical Code, 2019 Energy Code, 2019 California Administrative Code, 2019 California Administrative Code, 2019 California Electrical, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, and 2019 Referenced Standards Code; and

B. Adopting **Ordinance 2507**, an Ordinance of the City Council of the City of Merced, California, Amending Chapter 17.32, "Fire Prevention Code", of the Merced Municipal Code.

This Consent Item was approved.

I.2.

SUBJECT: Information Only - Planning Commission Meeting Minutes of October 9, 2019

RECOMMENDATION

For information only.

Clerk's Note: This item was pulled due to an incorrect attachment, it will be corrected and heard at the December 2, 2019 meeting.

I.9.

SUBJECT: Adoption of Resolution Approving the Cypress Terrace 6, Phase B - Final Map 5375 for 18 Single-Family Lots, Generally Located on the West Side of N Street, North of Gerard Avenue, and the Approval of the Subdivision Agreement for Cypress Terrace 6, Phase B

REPORT IN BRIEF

Considers the approval of Final Map #5375 for 18 single-family lots, generally located on the west side of N Street (extended), north of Gerard Avenue (extended), and the Subdivision Agreement for Cypress Terrace 6, Phase B.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2019-78**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Cypress Terrace 6, Phase B Subdivision (#5375); and,

B. Approving the Subdivision Agreement for Cypress Terrace 6, Phase B; and,

C. Authorizing the City Manager or the Assistant City Manager to execute the subdivision agreement.

Mayor Pro Tempore MARTINEZ pulled this item to ask about extending Gerard Avenue.

Mayor Pro Tempore MARTINEZ and City Engineer Michael BELTRAN discussed plans for Gerard Avenue, street lighting, and the Community Facilities District.

Stonefield Homes Representative Jovan GRANADOS, Merced - spoke on the housing development in south Merced and addressed placing street lights in the new development.

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

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

No: 0

Absent: 0

I.12.

SUBJECT: Adoption of Resolution Setting a Public Hearing on December 16, 2019, for the Annual Compliance Report for Development Impact Fees as Required by Government Code Section 66000 et. seq. and City Resolution 88-72

REPORT IN BRIEF

Considers setting a public hearing for December 16, 2019, to accept public comment and consider approving the annual report regarding the collection and spending of Development Impact Fees.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2019-79**, a Resolution of the City Council of the City of Merced, California, establishing a date when the final annual report of development fees will be available for public review, and setting a public hearing thereon for December 16, 2019.

Clerk's Note: Staff pulled this item to state a typographical error in the Resolution that was corrected.

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

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

No: 0

Absent: 0

I.13.

SUBJECT: Authorization to Accept Monetary Donation from Sunrise Rotary Club of Merced, in the Amount of \$10,000, for Purchase of Trees and Tree Planting Materials, Including 24" Box Scarlet Oaks (Quercus Coccinea) to be Planted in Downtown and a Variety of Species to be Planted Throughout Merced

REPORT IN BRIEF

Considers accepting monetary donation of \$10,000 for trees and tree planting materials from Sunrise Rotary Club of Merced. Trees purchased with this donation will be planted downtown and throughout

Merced.

RECOMMENDATION

City Council - Adopt a motion accepting \$10,000 donation from Sunrise Rotary Club of Merced, increasing revenue account 558-1122-360.02-01 in the amount of \$10,000 and appropriating the same in account 558-1122-532.25-00 (supplies and services).

Mayor MURPHY pulled this item to present a certificate to the Sunrise Rotary Club for their donation.

Assistant City Manager Stephanie DIETZ gave a brief introduction of this item.

Sunrise Rotary Club Representative Pope LAWRENCE, Merced - spoke on the donation Sunrise Rotary gave to the Public Works' Tree Department.

Clerk's Note: After the vote Mayor MURPHY presented a Certificate of Recognition to Pope Lawrence of the Sunrise Rotary Club.

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

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

No: 0

Absent: 0

I.15.

SUBJECT: Second Reading and Final Adoption of Ordinance to Revise Park Hours and Amending Section 14.04.070 - Hours - Permits to Reflect Approved New Park Hours

REPORT IN BRIEF

Second reading and final adoption of an Ordinance revising 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 adopting **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.

Mayor MURPHY pulled this item for further discussion on the Ordinance.

Council discussed the park hours and park incidents.

Benjamin KURTZ, Merced - spoke on his concerns with the proposed park hours.

Elaine DENNY, Merced - spoke on her concerns about the proposed park hours.

Renee DAVENPORT, Merced - spoke on her concerns with the proposed park hours.

Emily Jane MCTAVISH Merced - spoke on the park proposed park hours.

Sair LARA, Merced - spoke on the health and safety issue regarding park hours.

Director of Recreation and Parks Joey CHAVEZ discussed the park facilities that have and do not have lighting.

Council and Mr. CHAVEZ discussed using the Boys and Girls Club for after hours use of the basketball courts.

Lee PEVESNER, Merced - spoke on obtaining statistics regarding crime in the parks.

Steven GRAHAM, Merced - spoke on his concern targeting the homeless. He also asked about statistics regarding crime in the parks.

Council and staff discussed a pilot program for the Ordinance, access to lit facilities, evaluating the Ordinance in a year with statistics, and restrictions.

City Attorney Phaedra NORTON proposed alternate language regarding lighted facilities.

A motion was made by Council Member Blake, seconded by Council Member Echevarria, to introduce the Ordinance 2505 with alterations. The motion carried by the following vote:

Aye: 4 - Council Member Blake, Mayor Pro Tempore Serratto, Council Member Shelton, and Council Member Echevarria

No: 3 - Council Member Martinez, Mayor Murphy, and Council Member McLeod

Absent: 0

J. PUBLIC HEARINGS

J.1. **SUBJECT:** Public Hearing Regarding Vacation No. 19-02 for the Adoption of Resolution Ordering the Vacation of a 20-Foot Wide Temporary Access Easement Located on Lot 137 within the Summer Creek Subdivision, Generally Located East of McKee Road at Silverstone Drive

REPORT IN BRIEF

This report provides information regarding the vacation of a 20-foot wide temporary access easement located on Lot 137 within the Summer Creek Subdivision generally located west of McKee Road at Silverstone Drive.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2019-72**, a Resolution of the City Council of the City of Merced, California ordering the vacation of a 20-foot-wide temporary emergency access easement on Lot 137 within Summer Creek, Phase Two Subdivision (Vacation #19-02).

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

Planning Manager Kim ESPINOSA gave a slide show presentation on Vacation 19-02.

Mayor MURPHY opened the Public Hearing at 7:31 PM.

Bright Development representative Dave BUTTZ, Merced - stated he was there for any questions Council may have.

Mayor MURPHY closed the Public Hearing at 7:32 PM.

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

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

No: 0

Absent: 0

Abstain: 1 - Council Member Blake

J.2. **SUBJECT:** Public Hearing for Approving a Categorical Exemption for

Environmental Review #19-21 and Potential Introduction of an Ordinance for Sign/Zoning Ordinance Amendment #19-04 Regarding Various Additions and Modifications to the City's Requirements for Signs

REPORT IN BRIEF

Considers approving a Categorical Exemption for Environmental Review #19-21 and introducing an Ordinance for Sign/Zoning Ordinance Amendment #19-04 regarding various additions and modifications to the City's requirements for signs.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting a Categorical Exemption for Environmental Review #19-21; and,

B. Introducing **Ordinance 2508**, an Ordinance of the City Council of the City of Merced, California, Amending Chapter 20.62, "Signs" of the Merced Municipal Code and Chapter 17.36, "Signs" of the Merced Municipal Code, including Article I-Definitions, Article II-General Regulations, Article III-Regulations for North Merced, and Article IV-Regulations for Downtown. Planning Manager Kim ESPINOSA gave a slide show presentation on the Sign/Zoning Ordinance Amendment.

Mayor MURPHY opened the Public Hearing at 7:44 PM.

Michael BELLUOMINI, Merced - spoke on his concern regarding the proposed digital signs.

Mayor MURPHY closed the Public Hearing at 7:46 PM.

Council and Ms. ESPINOSA discussed sign limits and standards in North and Central Merced and digital signs.

Council Member MCLEOD and Economic Development Director Frank QUINTERO discussed developers input on the sign/zoning Ordinance.

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

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

No: 0

Absent: 0

Clerk's Note: Council recessed at 8:01 PM and returned at 8:10 PM.

Clerk's Note: Council Member MCLEOD left the meeting during the break.

K. REPORTS

K.1. **SUBJECT:** City of Merced Financial Forecast and CalPERS Update

REPORT IN BRIEF

Presentation of the Financial Forecast and CalPERS Update.

RECOMMENDATION

For Information only.

Finance Officer Venus RODRIGUEZ gave a slide show presentation updating Council on the Financial Forecast and CalPERS.

Mayor MURPHY and Ms. RODRIGUEZ discussed assumptions of development permits and development services revenue.

Ms. RODRIGUEZ continued her presentation.

City Manager Steve CARRIGAN discussed the airport and the development services fund.

Mayor Pro Tempore MARTINEZ suggested changing how the five-year forecast is presented.

Ms. RODRIGUEZ continued her presentation.

Council and Ms. RODRIGUEZ discussed CalPERS, average percentage, and the 2014 reforms.

K.2. **SUBJECT:** Review of Council Directed Variations of Scenario 3 of the Draft Report of the Solid Waste Collection and Related Services Rate Study with R3 Consulting Group, Inc., Approval of the Report and Request to Set a Public Hearing Following the Proposition 218

Notification

REPORT IN BRIEF

Presentation of Variations of Scenario 3 per Council Direction and the Draft Solid Waste Collection and Related Services Rate Study.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Solid Waste Collection and Related Services Rate Study Report; and,

B. Selecting a Version of Scenario 3 and specifying with OR without an additional third party litter abatement funding; and,

C. Authorizing staff to proceed with the Public Notification process following Proposition 218 guidelines; and,

D. Setting a Public Hearing for February 18, 2020, at 6:00 PM to approve the amended rates.

Clerk's Note: This item will be heard at the December 2, 2019.

K.3.

SUBJECT: Report and Continued Discussion on Vaping and Flavored Tobacco

REPORT IN BRIEF

A presentation will be made by Dr. MariaElena Gonzalez and Dr. Anna Epperson from UC Merced's Nicotine and Cannabis Policy Center and Dr. Gordon Arakawa from Merced County Department of Public Health.

RECOMMENDATION

It is requested Council give staff further direction on this item.

Dr. MariaElena GONZALEZ, Dr. Anna EPPERSON gave a slide show presentation on Vaping and Flavored Tobacco.

Merced County Health Officer Gordon ARAKAWA gave a slide show presentation on Youth and Flavored Tobacco.

Stephanie RUSSELL, Merced - spoke on the impact of tobacco and nicotine addiction.

Dulce VELAZQUEZ, Merced - spoke on the impact of tobacco and

nicotine addiction.

Hortencia SILVA, Merced - spoke on the impact of tobacco and nicotine addiction.

Nancy TAPIA, Merced - spoke on the impact of tobacco and nicotine addiction.

Kathy FLAHERTY, Merced - spoke on the impact of tobacco and nicotine addiction.

Stephanie GONZALEZ and Patrik WHITE, Merced - spoke on the impact of tobacco and nicotine addiction.

Sergio MENDEZ, Merced - spoke on the Merced City Schools campaign for anti-vaping.

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

L. BUSINESS

L.1. **SUBJECT: Appointment to the Building and Housing Board of Appeals**

REPORT IN BRIEF

Accept nomination to fill a Building and Housing Board of Appeals vacancy.

RECOMMENDATION

City Council - Adopt a motion accepting nomination and appointing James Allen to the Building and Housing Board of Appeals with a term ending date of July 1, 2022 and directing staff to continue recruitment for additional vacancies.

Assistant City Clerk John TRESIDDER gave a brief presentation on the Building and Housing Board of Appeals.

A motion was made by Council Member Blake, seconded by Council Member Serratto, to appoint James Allen to the Building and Housing Board of Appeals. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member McLeod

L.2. 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 SERRATTO requested to add an item on restoring Laura's Fountain and the CP-42 field for the December 16, 2019 Council Meeting.

Council Member ECHEVARRIA requested to bring back options for a flavored tobacco ban.

City Manager Steve CARRIGAN explained that staff is researching what other cities and seeing the state are doing.

L.3. 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.

Mayor Pro Tempore MARTINEZ reported on attending the Ms. Merced County event and the Golden Valley Neighborhood meeting. He also mentioned the Turkey Giveaway event.

Council Member ECHEVARRIA reported on attending the Veterans Day parade and his District 2 Town Hall meeting.

Mayor MURPHY reported on attending the Merced Irrigation District's 100th Anniversary event, the California Economic Summit, a Homeless Court Planning Meeting, the Field of Honor Opening Ceremony, the Central California Band Review, the Veterans Day Parade, and a meeting with Housing Secretary Ben CARSON in Washington D.C.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 9:31 PM.

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

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

No: 0

Absent: 1 - Council Member McLeod