



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, January 6, 2020

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 5:03 PM.

- B.1.** **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Steve Carrigan; Employee Organization: American Federation of State, County, and Municipal Employees (AFSCME) Council 57; Local 2703; International Association of Fire Fighters, Local 1479; Merced Association of City Employees (MACE). AUTHORITY: Government Code Section 54957.6
- B.2.** **SUBJECT:** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager; Authority: Government Code Section 54957
- B.3.** **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: Mayor Mike Murphy; Unrepresented Employee: City Manager; AUTHORITY: Government Code Section 54957.6
- B.4.** **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.5.** **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)

Clerk's Note: Council adjourned from Closed Session at 6:01 PM.

C. CALL TO ORDER

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

C.1. Invocation - Lamar Henderson, All Dads Matter

The invocation was delivered by Lamar HENDERSON from All Dads Matter.

C.2. Pledge of Allegiance to the Flag

Mayor Pro Tempore SERRATTO 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 - Dr. Martin Luther King, Jr. - Day of Service

REPORT IN BRIEF

Mayor Murphy will present the proclamation.

Mayor MURPHY presented the Dr. Martin Luther King Jr. Day of Service Proclamation to Tamara COBB Chair Person of the Martin Luther King Committee.

F.2. **SUBJECT:** Proclamation - National Slavery and Human Trafficking Prevention Month

REPORT IN BRIEF

Received by a representative of the Valley Crisis Center.

Mayor MURPHY presented the National Slavery and Human Trafficking Prevention Month Proclamation to Liz TYLER from Valley Crisis Center.

G. WRITTEN PETITIONS AND COMMUNICATIONS

There were none.

H. ORAL COMMUNICATIONS

Diego MARTINEZ, Merced - invited the Council to the Grand Opening of the Golden Valley Health Center facility.

Monica VILLA, Merced - spoke on registering to vote and the homeless count.

I. CONSENT CALENDAR

Clerk's Note: No items were pulled.

Approval of the Consent Agenda

A motion was made by Council Member Blake, seconded by Mayor Pro Tempore Martinez, 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.2. **SUBJECT:** Information-Only Contracts for the Month of December 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:** Information Only - Planning Commission Meeting Minutes of November 6, 2019

RECOMMENDATION

For information only.

This Consent Item was approved.

- I.4. **SUBJECT:** Information Only - Site Plan Review Committee Meeting Minutes of November 14, 2019

RECOMMENDATION

For information only.

This Consent Item was approved.

- I.5. **SUBJECT:** Information Only - Bicycle Advisory Commission Meeting Minutes of April 23 and October 22, 2019

RECOMMENDATION

For information only.

This Consent Item was approved.

- I.6. **SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of December 2, 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 December 2, 2019.

This Consent Item was approved.

I.7.

SUBJECT: Acceptance of a Petition to Annex into Community Facilities District (CFD) No. 2003-2 (Services) and Approval of a Deposit and Reimbursement Agreement with Stonefield Home, Inc. for the Stoneridge South Subdivision

REPORT IN BRIEF

Consider accepting the petition to annex into CFD No. 2003-2 (Services) from Stonefield Home, Inc. and approve a deposit and reimbursement agreement for the costs of annexing into the CFD for the Stoneridge South Subdivision generally located on the north side of Mission Avenue, east of G Street.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting the petition to annex from Stonefield Home, Inc. for annexation into Community Facilities District (CFD) No. 2003-2 (Services); and,

B. Approving the deposit and reimbursement agreement, increasing revenue account in the amount of \$15,000 and appropriating the same in Fund 150 to reimburse the City for the cost of Community Facilities District formation and related expenditures; and,

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

This Consent Item was approved.

I.8.

SUBJECT: Approval of a 5 Year Agreement for the City to Provide Video Production Services to the Merced County Association of Governments (MCAG) and Acceptance and Appropriation of \$450 Payment per Event

REPORT IN BRIEF

Considers entering into a 5 year agreement for the City to provide video production services to the Merced County Association of Governments and the acceptance of a \$450 payment per event.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the agreement with Merced County Association of Governments; and,
- B. Authorizing any receipts of video production services from MCAG to be approved on a continuous basis for the term of this agreement, increasing revenue to account 672-0403-360-01-01 and appropriating the same to account 672-0403-512-29-00; and,
- C. Authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

I.9.

SUBJECT: Award of Bid and Approval of Construction Contract with Arthur & Orum Well Drilling, Inc. for Well No. 1B Pump Abandonment, Project No. 118044, in the Amount of \$39,950

REPORT IN BRIEF

Considers awarding a contract in the amount of \$39,950 to Arthur & Orum Well Drilling, Inc. to perform the Well 1B destruction at the Well No. 1 Pump Station Site on St. Lawrence Drive.

RECOMMENDATION

City Council - Adopt a motion awarding the bid for the Well No. 1B Abandonment, Project 118044, to Arthur & Orum Well Drilling, Inc., in the amount of \$39,950; and, 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 contract.

This Consent Item was approved.

I.10.

SUBJECT: Approval of an Option to Purchase and Extension of the Enforceable Funding Commitment Agreement by and Between the City of Merced and Central Valley Coalition for Affordable Housing, Richman Group of California Development Company, and Merced CA Apartment, L.P. for Property Located at the Corner of Childs Avenue and B Street, 1137 B St., APN 035-010-071 in Support of 119 Units of Affordable and Permanent Supportive Multi-Family Housing

REPORT IN BRIEF

Considers approving an Option to Purchase Agreement with Merced

CA Apartments L.P., a Delaware limited Partnership, for the property located at the corner of Childs Avenue and B Street, 1137 B St., APN 035-010-071 in support of the development of 119 units of affordable and permanent-supportive multi-family housing.

RECOMMENDATION

City Council - Adopt a motion:

A. Approval of an option to purchase and extension of the enforceable funding commitment agreement by and between the City of Merced and Central Valley Coalition for Affordable Housing, Richman Group of California Development Company, and Merced CA Apartment, L.P. for Property Located at the Corner of Childs Avenue and B Street, 1137 B St., APN 035-010-071 in Support of 119 Units of Affordable and Permanent Supportive Multi-Family Housing; and

B. Authorizing the City Manager or the Assistant City Manager to execute and, if necessary make minor modifications to the Option to Purchase agreement described above and as attached to this report and all associated documents.

This Consent Item was approved.

I.11.

SUBJECT: Authorization to Waive the Competitive Bidding Requirements and Approval of an Amendment to the Agreement with Tyler Technologies for the Purchase of the Socrata Public Safety Analytics Software Subscription for Three Years in an Amount not to Exceed \$38,320

REPORT IN BRIEF

Approves an amendment to the City's existing agreement with Tyler Technologies for the purchase of the Socrata Public Safety Analytics Software Subscription for three years including initial installation, training, and ongoing maintenance.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the competitive bidding requirements - purchases necessary for standardization on particular types of equipment;

B. Approving an 8th amendment to the original contract with Tyler Technologies for the purchase of a new software subscription (Socrata

Public Safety Analytics) to the existing public safety software package from Tyler Technologies; and,

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

This Consent Item was approved.

I.12.

SUBJECT: Approval of Street Closure of 8th Street Between K Street and Martin Luther King Jr. Way From West 8th Street to West Main Street as Requested by Tamara Cobb for the Annual Martin Luther King Jr. Community March and Celebration on January 20, 2020 From 10:00 A.M. until 12:00 P.M.

REPORT IN BRIEF

Considers allowing the use of City Streets and parking lot on January 20, 2020 for annual Martin Luther King Jr. parade.

RECOMMENDATION

City Council - Adopt a motion approving the street closure of 8th Street between "K" Street and Martin Luther King Jr. Way, Martin Luther King Jr. Way from West 8th Street to West Main Street and to cone off a portion of the City parking lot in the 300 block of W. 18th Street as requested by Tamera Cobb and the Martin Luther King Jr. Committee on Monday, January 20, 2020. The street closure will be between 10:00 a.m. until 12:00 p.m. subject to the conditions of the administrative staff report.

This Consent Item was approved.

I.13.

SUBJECT: Approval of an Agricultural Ground Lease Between the City of Merced and James Wolf for Use of Approximately Seventy-Eight (78.84) Acres in and Around the Merced Regional Airport with Rent Starting at \$17,640.00 per Year for a Term of Three (3) Years, with Annual Extensions by Mutual Agreement of Both Parties

REPORT IN BRIEF

Considers a lease agreement (3-year term with annual extensions by mutual agreement of the parties) with James Wolf for use of approximately seventy-eight (78.84) acres located in and around the Merced Regional Airport.

RECOMMENDATION

City Council - Adopt a motion approving a lease agreement between James Wolf and the City of Merced, and authorizing the City Manager or the Assistant City Manager to execute all necessary documents.

This Consent Item was approved.

I.14.

SUBJECT: Approval of a Parking Lease Agreement Between the Tioga Investors, LLC, and the City of Merced to Lease Up to 70 Parking Spaces in Parking Lot #4 and Parking Lot #5 for a Charge of \$35.00 Per Parking Space with an Initial Term of Five (5) Years with Three (3) - Five (5) Year Options to Extend

REPORT IN BRIEF

Considers a lease agreement for up to 70 parking spaces in parking lot #4 and parking lot #5, for The Tioga apartment tenants at \$35 for each parking space per month.

RECOMMENDATION:

City Council - Adopt a motion approving the parking lease agreement with the Tioga Investors, LLC and authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

I.15.

SUBJECT: Approval of a Second Amendment to the Lease Agreement Between the City of Merced and NCWPCS MPS 29-Year Tower Holding, LLC. Allowing up to Three Additional Renewal Options for Use of the Transmission Tower Located on Top of the Ralph Shannon Parade (1729 M Street) for a Minimum Base Rent of \$2,000.00 Per Month

REPORT IN BRIEF

Considers a second lease agreement amendment allows two additional five-year terms and up to one additional two-year term for the use of the transmission tower located on the top floor of the Ralph Shannon Parade.

RECOMMENDATION

City Council - Adopt a motion approving the second amendment to the lease agreement between the City of Merced and NCWPCS MPS 29-Year Tower Holding, LLC and authorizing the City Manager or the Assistant City Manager to execute all the necessary documents.

This Consent Item was approved.

J. PUBLIC HEARINGS

J.1. **SUBJECT:** Public Hearing and Potential Introduction of Ordinance Amending Section 8.22, "Fireworks" of the Merced Municipal Code to Limit the Time Period for the Sale/Discharge of Safe and Sane Fireworks

REPORT IN BRIEF

Considers amending section 8.22, "Fireworks" of the Merced Municipal Code to limit the time period for the Sales/Discharge of Safe and Sane Fireworks.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance No. 2509**, an Ordinance of the City Council of the City of Merced, California amending section 8.22.090, "operating hour of fireworks stands," and section 8.22.100, "prohibitions," of the Merced Municipal Code.

Deputy Fire Chief Casey WILSON gave a slide show presentation on the potential introduction of Ordinance amending section 8.22, "Fireworks" of the Merced Municipal Code to limit the time period for the sale/discharge of safe and sane fireworks.

Mayor MURPHY opened the Public Hearing at 6:33 PM.

Mike SMITH, Merced - spoke on the time change and the use of illegal fireworks.

Mayor MURPHY and Mr. SMITH discussed sales after the 4th of July.

Corbett BROWNING, Merced - spoke on the proposed hours change.

Megan NEELY, Merced - spoke on the Ordinance requirements and the uniformity of the ordinance.

Mayor MURPHY closed the Public Hearing at 6:43 PM.

Council and Fire Chief Billy ALCORN discussed the hours change, the uniformity of hours of sales and discharge, and the use of illegal fireworks.

A motion was made by Council Member BLAKE and a second by Council Member MCLEOD to introduce Ordinance 2509.

Clerk's Note: Council continued their discussion after the motion was made.

Council Member MCLEOD, Beverly BOMERSBACH, and Mike SMITH discussed the effects of the hours change on sales.

Clerk's Note: Council Member BLAKE withdrew his motion.

Clerk's Note: There was no formal vote on this item.

J.2.

SUBJECT: Public Hearing to Consider Work and Expense Report for the Abatement Work Done for 636, 638 and 640 West Main Street (Abatement of Public Nuisance and Demolition of Building) and Assess a Charge Therefor Against the Property and Approving a Lien Against the Property on Assessed Roll as a Special Assessment

REPORT IN BRIEF

Requests the City Council to conduct a Public Hearing and consider adopting a resolution approving the work and expense report for the abatement work done for 636, 638 and 640 West Main Street, assessing a charge therefor against the property and approving a lien against the property.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2020-01**, a Resolution of the City Council of the City of Merced, California, confirming the cost assessment report relating to the nuisance abatement at 636, 638 and 640 (APN 031-134-003) West Main Street, Merced, California, assessing a charge therefor against the property, approving a lien against the property, directing the Tax Collector of the Merced County to collect the delinquent account, and directing the City Clerk to file a certified copy of this Resolution with the County Recorder to provide notice of the lien; and,

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

City Attorney Phaedra NORTON recused herself from this item due to her office's work on the project.

Clerk's Note: Lozano Smith Law Firm Attorney Mike LINDEN provided

legal counsel for this item.

Building Inspector Denise FRAZIER gave a slide show presentation on the work and expense report for the abatement work done for 636,638, and 640 West Main Street.

Mayor MURPHY opened the Public Hearing at 7:07 PM.

Corbett BROWNING, Legal Counsel for Phil Reiner, Merced - spoke on the cause of the damage to the building and disputed the cost assessment.

Legal Counsel Mike LINDEN clarified what is being considered by Council.

Council, Mr. BROWNING, and Ms. FRAZIER discussed the cost assessment and Council action.

Mayor MURPHY closed the Public Hearing at 7:28 PM.

Council discussed the cost assessment details.

A motion was made by Council Member Echevarria, seconded by Council Member McLeod, to approve Resolution 2020-01. 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

K. REPORTS

K.1. SUBJECT: Presentation and Discussion Regarding the Railroad Quiet Zone Feasibility Study and Updated Costs for Implementation

REPORT IN BRIEF

Presentation for Quiet Zone Feasibility and updated costs for implementation.

RECOMMENDATION

City Council - Provide direction on next steps

City Engineer Michael BELTRAN gave a slide show presentation on the Railroad Quiet Zone Feasibility Study.

Council and Mr. BELTRAN discussed policies and procedures for High Speed Rail and ACE Train on quiet zones, and fencing.

Michael BELLUOMINI, Merced - spoke on improving quality of life, adding more crossing arms, and encouraged Council to continue working on the project.

Wayne EISENHART, Downtown Neighborhood Association Merced - stated this project as a high priority for the Downtown Neighborhood Association and encouraged Council to continue the working on the project.

Gary RUCKER, Merced - spoke on the excessive noise from the train horns.

Council, Mr. BELTRAN, and Assistant City Manager Stephanie DIETZ discussed adding safety features, liability, phasing intersections, funding sources, and potential crossing closures.

City Manager Steve CARRIGAN and Ms. DIETZ discussed bringing this item back with more information.

A motion was made by Council Member McLeod, seconded by Council Member Shelton, to direct staff to come back with more information to a future meeting. The motion carried by the following vote:

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

No: 1 - Council Member Echevarria

Absent: 0

L. BUSINESS

L.1. 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 MARTINEZ requested to add an item on a Homeless Action Plan.

L.2. 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 MARTINEZ reported on attending a celebration at Adam GRAY'S office.

Council Member ECHEVARRIA reported on attending a toy giveaway event.

Council Member SHELTON reported on attending the Greater Merced Chamber of Commerce end of the year event, the Merced County Association of Governments end of the year gathering, a celebration at Adam GRAY'S office, and a meeting with Restore Merced.

Mayor MURPHY reported on attending the Bitwise announcement, the Regional Homeless group meeting, and the City Select Committee meeting. He also spoke on the upcoming State of the City event.

Clerk's Note: Council adjourned to Closed Session at 8:43 PM.

Clerk's Note: Council adjourned from Closed Session at 9:32 PM.

M. ADJOURNMENT

Clerk's Note: Council adjourned from the Regular Meeting at 9:32 PM.

A motion was made by Council Member Echevarria, seconded by Council Member McLeod, to adjourn from the Regular Meeting. 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