



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

Tuesday, September 6, 2022

6:00 PM

A. CLOSED SESSION ROLL CALL

Clerk's Note: Mayor SERRATTO arrived to Closed Session at 5:27 PM.

Present: 7 - Mayor Matthew Serratto, Mayor Pro Tempore Kevin Blake, Council Member Fernando Echevarria, Council Member Delray Shelton, Council Member Bertha Perez, Council Member Jesse Ornelas, and Council Member Sarah Boyle

Absent: 0

B. CLOSED SESSION

Mayor Pro Tempore Kevin BLAKE called the Closed Session to order at 5:00 PM.

B.1. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure of Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Section 54956.9: (3) Cases

B.2. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Section 54956.9: (2) Cases

C. CALL TO ORDER

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

C.1. Invocation - Pastor Al Schaap, Gateway Church Merced

The Invocation was delivered by Pastor Al SCHAAP from Gateway Church Merced.

C.2. Pledge of Allegiance to the Flag

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

D. ROLL CALL

Present: 7 - Mayor Matthew Serratto, Mayor Pro Tempore Kevin Blake, Council Member Fernando Echevarria, Council Member Delray Shelton, Council Member Bertha Perez, Council Member Jesse Ornelas, and Council Member Sarah Boyle

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 \$400.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$100.00 each month as a part of the adopted budget and Resolution 2020-86. 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 - Rail Safety Month

REPORT IN BRIEF

Received by Nancy Sheehan-McCulloch, State Coordinator of California Operation Lifesaver.

Mayor SERRATTO presented the Rail Safety Month Proclamation.

G. WRITTEN PETITIONS AND COMMUNICATIONS

Clerk's Note: There were no emails received.

H. ORAL COMMUNICATIONS

Rick WENDLING, Merced - spoke on the City's taxes and COVID-19 vaccines.

Dove ROPER, Merced - spoke on the issue at the Dog Park in Merced for small dogs.

Mayor SERRATTO stated that City Manager Stephanie DIETZ will follow up.

Victoria ESPINOZA, Merced - spoke on recent events that have happened in the Police Department.

Fernando AGUILERA, Merced - invited Council, staff and Merced citizens to celebrate Mexico's Independence Day event and a soccer game on

September 18th.

I. CONSENT CALENDAR

Items I.6. Request by the Merced County NAACP for the Co-Sponsored Rental Rate for the Merced Senior Community Center on October 1, 2022 for its Annual Freedom Fund Banquet and Requesting the Event be Permanently Co-Sponsored, I.8. Adoption of a Resolution Accepting \$48,597 in Grant Funds from the California Department of Alcoholic Beverage Control for the Police Department to Conduct Enforcement Operations with the Goal of Reducing Underage Drinking and Other Alcohol Crimes Related to Underage Drinking, I.10. Approval of the 2023 Cafeteria Plan Renewal Regarding Employees' and Retirees' Health and Welfare Benefits Including Medical, Dental, Vision, Disability, Life and Flexible Spending, and I.15. Reject All Bids Received for Project No. 122013 Regional Park Restrooms and Project No. 122026 Transient Pilot Restroom; were pulled for separate consideration.

Approval of the Consent Agenda

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

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

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 July 2022 and August 2022**

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$36,000 and of Public Works contracts under \$82,718.

This Consent Item was approved.

I.3.

SUBJECT: Information Only - Site Plan Review Minutes of February 13, 2020, June 4, 2020, July 30, 2020, August 13, 2020, and September 17, 2020

RECOMMENDATION

For information only.

This Consent Item was approved.

I.4.

SUBJECT: Information Only - Bicycle and Pedestrian Advisory Minutes of February 25, 2020, June 23, 2020, August 28, 2020, and October 27, 2020

RECOMMENDATION

For information only.

This Consent Item was approved.

I.5.

SUBJECT: Information Only - Building and Housing Board of Appeal Minutes of June 9, 2020, July 28, 2020, September 3, 2020, October 1, 2020, and December 3, 2020

RECOMMENDATION

For information only.

This Consent Item was approved.

I.7.

SUBJECT: Adoption of a Resolution of Intent Regarding Annexation No. 21 into Community Facilities District (CFD) No. 2003-2 (Services), Approving a Deposit & Reimbursement Agreement for Annexation No. 21, and Setting a Public Hearing for September 19, 2022. Annexation No. 21 Consists of Approximately 5.94 Acres of Land Generally Located at the Southeast Corner of Yosemite Avenue and McKee Road

REPORT IN BRIEF

Requests the City Council to adopt a Resolution of Intent to annex 5.94 acres of land generally located at the southeast corner of Yosemite

Avenue and McKee Road (CFD Annexation No. 21) into the City's CFD for Services (CFD 2003-2), approve a Deposit and Reimbursement Agreement for the annexation, and set a public hearing and election for September 19, 2022.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2022-55**, a Resolution of Intention of the City Council of the City of Merced, acting as the Legislative Body of the City of Merced Community Facilities District No. 2003-2 (Services), declaring its intention to annex an area to said district and authorize the levy of a special tax within said annexation and approving a certain agreement related thereto; and,

B. Setting the Public Hearing for September 19, 2022; and,

C. Accepting the Petition, Consent and Waiver from Merced Holdings, L.P. for Annexation No. 21; and,

D. Accepting the deposit amount of \$25,000 in Fund 150, increasing the revenue and appropriating the same to cover the cost of Community Facilities District formation and related expenditures for Annexation No. 21; and,

E. Authorizing the City Manager or Deputy City Manager to execute the Deposit and Reimbursement Agreement.

This Consent Item was approved.

I.9.

SUBJECT: Approval to Waive the Competitive Bid Process to Allow for the Cooperative Purchase Under State of California Cooperative Agreement 1-22-70-31C (PC Goods - Dell Laptops) and State of California Cooperative Agreement 1-19-70-19D-1 (Dell/EMC Products - Enterprise Technology) with PC Specialists Inc., dba Technology Integration Group (TIG) in a not to Exceed Amount of \$80,000 in Fiscal Year 2022/2023

REPORT IN BRIEF

Considers waiving the competitive bid process to allow for the cooperative purchase under State of California Cooperative Agreement 1-22-70-31C (PC Goods - Dell Laptops) and State of California Cooperative Agreement 1-19-70-19D-1 (Dell/EMC Products - Enterprise Technology) with PC Specialists Inc., dba Technology

Integration Group (TIG).in a not to Exceed Amount of \$80,000 in Fiscal Year 2022/2023.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving to waive the competitive bidding requirements as permitted by Merced Municipal section 3.04.210 to utilize cooperative purchases with competitively bid contracts; and,
- B. Authorizing the use of State of California Cooperative Agreement 1-22-70-31C (PC Goods - Dell Laptops); and,
- C. Authorizing the use of State of California Cooperative Agreement 1-19-70-19D1-1 (Dell/EMC Products - Enterprise Technology); and,
- D. Authorizing the City Manager or Deputy City Manager to execute the necessary documents; and,
- E. Authorizing the purchase of up to \$80,000 of goods through PC Specialists Inc., dba Technology Integration Group (TIG).

This Consent Item was approved.

I.11.

SUBJECT: Approval of the Second Amendment to the Agreement with Jackson Lewis, P.C., for Additional Compensation of \$14,000 and the Total not to Exceed Contracted Amount of \$134,000 for Special Legal Services Related to the City's Self-Insured Retention for Employment Risk Management Authority (ERMA) Personnel Related Matters

REPORT IN BRIEF

Considers the approval of the Second Amendment to the Agreement between the City of Merced and Jackson Lewis, P.C., for specialized legal services related to ERMA covered personnel matters.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Second Amendment to the Agreement with Jackson Lewis, P.C. for an amount not to exceed \$134,000 related to legal services for the City's self-insured retention; and,

B. Authorizing the City Manager or designee to execute the necessary documents.

This Consent Item was approved.

I.12.

SUBJECT: Award of Bid and Approval of Contract to HerSchy Environmental, Inc., for Groundwater Sampling and Reporting Services in the Amount of \$29,972

REPORT IN BRIEF

Considers awarding a contract in the amount of \$29,972 to HerSchy Environmental, Inc., to perform groundwater well sampling and reporting services in support of the Airport Hazardous Waste Site investigation.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding a contract with HerSchy Environmental, Inc. for the three-year term, from September 6, 2022 to June 30, 2025, in the amount of \$9,990 annually for each of the fiscal years, FY 2022/23, FY 2023/24, and FY 2024/25, to provide groundwater well sampling and reporting services; and,

B. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.13.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Approve Purchase of UV Lamps and Related Equipment and Supplies for the Wastewater Treatment Plant (WWTP) From Trojan Technologies Group in the Amount not to Exceed \$300,000 Through June 30, 2023

REPORT IN BRIEF

Considers waiving the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving the purchase of various parts, equipment, supplies, and services for Public Works maintenance and operations.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210 for annual supplies and services agreements; and,

B. Approving the Agreement for Supplies and Services with Trojan Technologies Group in the amount not to exceed \$300,000 in Fiscal Year 2022/2023; and,

C. Authorizing the City Manager or the Deputy City Manager, to execute the necessary documents or contracts, and to approve change orders up to the City Manager's purchasing authority.

This Consent Item was approved.

I.14.

SUBJECT: Approval of Measure V Local Funding Agreement with Merced County Association of Governments (MCAG) to Receive Measure V Funds for Fiscal Years 2022/2023 Through 2026/2027

REPORT IN BRIEF

Considers authorizing a Measure V Local Funding Agreement with Merced County Association of Governments to receive Measure V funds for five consecutive fiscal years.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Measure V Local Funding Agreement with Merced County Association of Governments; and,

B. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.16.

SUBJECT: Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(050) for Phase End Date Extension and the Use of \$686,958 in CMAQ Grant Funding for Project No. 119069 - Construct Sidewalks Along R Street, S Street, T Street, and Stuart Drive

REPORT IN BRIEF

Considers approving an extension of the Project End Date (PED) from

May 1, 2023, to July 1, 2024, and accepting \$686,958 in Federal CMAQ Grant funding for Construction of the sidewalks on South R St, South S St, and South T St between Childs Ave and Stuart Dr, and Stuart Dr between West Ave and South R St.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving an extension of the PED from May 1, 2023, to July 1, 2024; and,

B. Accepting CMAQ grant funds and increasing revenue in account 450-1104-321.32-00 by \$686,958 and appropriating the same to account 450-1104-637-65-00 (Project No. 119069) for costs associated with construction of sidewalks on South R St, South S St, and South T St between Childs Ave and Stuart Dr; and Stuart Dr between West Ave and South R St; and,

C. Approving a budget adjustment for local matching funds from Fund 075 - Measure V Alternate Modes, Project No. 123005 - Projects to be Determined, in the amount of \$89,003 to Project No. 119069 - Construct Sidewalks Along R Street, S Street, T Street, and Stuart Drive; and,

D. Approving the use of pooled cash until reimbursement is received from the grant; and,

E. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.17.

SUBJECT: Approval to Waive the Competitive Bidding Requirements to Allow for the Cooperative Purchase Under the Houston-Galveston Area Council Interlocal Contract; Approval to Purchase a Pierce Enforcer Fire Engine for \$891,251.97, and Approval of a Supplemental Appropriation in Fund 674-Fleet Replacement in the Amount of \$105,378

REPORT IN BRIEF

Considers waiving the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 for the purchase of one Pierce Enforcer Fire Engine for \$891,251.97 from Pierce

Manufacturing, Inc., using the Houston-Galveston Area Council Government Cooperative Purchasing Program and approving a supplemental appropriation in Fund 674-Fleet Replacement in the amount of \$105,378.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210 for standardization of equipment; and,

B. Authorize the use of the Houston-Galveston Area Council Government Cooperative Purchasing Interlocal Contract; and,

C. Approving a supplemental appropriation from the unreserved, unencumbered fund balance in Fund 674-Fleet Replacement in the amount of \$105,378 and appropriating the same to account 674-1103-633.63-00; and,

D. Authorizing the purchase of one (1) Pierce Enforcer Fire Engine with the total purchase price of \$891,251.97; and,

E. Approving additional purchase/change orders to not exceed 10% of the initial purchase price; and,

F. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents, the Finance Officer to make the necessary budget adjustments, and the City Purchasing Supervisor to issue the Purchase Order/Change Order(s).

This Consent Item was approved.

I.18.

SUBJECT: Approval to Accept and Appropriate Grant Funds from the Department of Homeland Security Federal Emergency Agency (FEMA) Fiscal Year 2021 Assistance to Firefighters Grant (AFG) Program in the Amount of \$617,637 and Approving a Supplemental Appropriation from the Unencumbered, Unreserved General Fund Balance in the Amount of \$61,764 for the Match Requirement, for a Total Project Cost of \$679,401 for Aircraft Rescue and Fire Fighting Training Backfill and Travel Costs; Paramedic Internships, Paramedic Backfill and Paramedic Supplies; and Approval to Use Pooled Cash to Cover the Appropriation Until Grant Funds are

Reimbursed

REPORT IN BRIEF

Considers accepting and appropriating grant funds from the Department of Homeland Security Federal Emergency Agency (FEMA) Fiscal Year 2021 Assistance to Firefighters Grant (AFG) Program in the amount of \$617,637, a supplemental appropriation from the unencumbered, unreserved General Fund balance in the amount of \$61,764 for the matching funds, for a total project cost of \$679,401 for Aircraft Rescue and Fire Fighting (ARFF) Training backfill and travel costs; paramedic internships, paramedic backfill and paramedic supplies; and approval to use pooled cash to cover the appropriation until grant funds are reimbursed.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting the FY 2021 AFG in the amount of \$617,637 in grant funds for future costs to be incurred for: personnel, travel, supplies, and registration costs to 001-0901-321.17-00 (Federal Government Grants); and,
- B. Appropriating up to \$454,236 to Fund 001 for personnel costs; and,
- C. Appropriating up to \$35,401 to account 001-0901-522.18-00 for transportation and lodging costs; and,
- D. Appropriating up to \$116,000 to account 001-0901-522.20-00 for registration fees for Federal Aviation Administration's Part 139 live fire training and paramedic field training internships; and,
- E. Appropriating up to \$12,000 to account 001-0901-522.26-00 for materials (books, stethoscopes, goggles, school uniforms, and other miscellaneous costs) required for paramedic field training; and,
- F. Approving a supplemental appropriation in the amount up to \$61,764 from the unencumbered, unreserved General Fund balance for personnel costs for use as the City of Merced's local cash match of 10%, as identified in the grant application; and,
- G. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed; and,

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

I. Authorizing the City Manager or Deputy City Manager to execute all documents, including any amendments.

This Consent Item was approved.

I.19.

SUBJECT: Second Reading and Final Adoption of Ordinance Amending Sections 10.16.010 "Speed Limits," 10.28.230 "No Parking Zones," 10.28.235 "Motorcycle Parking," 10.28.275, "Disabled Persons - On-Street Parking," 10.28.350 "Ten-Minute Parking Zones," and 10.32.056 "Passenger Loading Zones - Permanent" of the Merced Municipal Code

REPORT IN BRIEF

Second reading and final adoption of a previously introduced Ordinance to amend sections 10.16.010, 10.28.230, 10.28.235, 10.28.275, 10.28.350, and 10.32.056 of the Merced Municipal Code.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2542**, an Ordinance of the City Council of the City of Merced, California, amending sections 10.16.010 "Speed Limits," 10.28.230 "No Parking Zones," 10.28.235 "Motorcycle Parking," 10.28.275 "Disabled Persons - On-Street Parking," 10.28.350 "Ten-Minute Parking Zones," and 10.32.056 "Passenger Loading Zones - Permanent" of the Merced Municipal Code.

This Consent Item was approved.

I.20.

SUBJECT: Second Reading and Final Adoption of Ordinance Amending Merced Municipal Code Sections 20.08 ("Residential Zoning Districts", 20.10 ("Commercial Zoning Districts"), 20.20.020 ("Planned Development Zoning Districts"), 20.32 ("Interface Regulations"), 20.38 ("Parking and Loading"), 20.46 ("Residential Design Standards"), 20.68.050 ("Permit Requirements-Site Plan Review Permit"), and 20.90 ("Glossary")

REPORT IN BRIEF

Second reading and final adoption of a previously introduced ordinance to amend various sections of the Merced Municipal Code regarding zoning.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2543**, an Ordinance of the City Council of the City of Merced, California, amending section 20.08, "Residential Zoning Districts," 20.10, "Commercial Zoning Districts," Section 20.20.020 "Planned Development Zoning Districts," Section 20.32, "Interface Regulations," Section 20.38, "Parking and Loading," Section 20.46, "Residential Design Standards," Section 20.68.050, "Permit Requirements-Site Plan Review Permit," and 20.90, "Glossary" of the Merced Municipal Code.

This Consent Item was approved.

I.6.

SUBJECT: Request by the Merced County NAACP for the Co-Sponsored Rental Rate for the Merced Senior Community Center on October 1, 2022 for its Annual Freedom Fund Banquet and Requesting the Event be Permanently Co-Sponsored

REPORT IN BRIEF

Considers approving a request for the co-sponsored rate for the rental of the Merced Senior Community Center by the Merced County NAACP to hold its annual Freedom Fund Banquet on October 1, 2022, and requesting the event be permanently co-sponsored.

RECOMMENDATION

City Council - Adopt a motion approving the request to rent the Merced Senior Community Center to the Merced County NAACP on October 1, 2022, for the annual Freedom Fund Banquet at the co-sponsored rental rate and adopt as a permanent annual co-sponsored event.

This Item was pulled at the request of Council Member ECHEVARRIA and a member of the public.

Rick WENDLING, Merced - spoke in opposition of a permanent rate.

Council and Director of Recreation and Community Services Christopher JENSEN discussed the permanent rate for NAACP, other groups with events, and the advantages and disadvantages of approving this item.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Perez, to approve the co-sponsored rate for this year only and for applicant to apply annually. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

I.8.

SUBJECT: Adoption of a Resolution Accepting \$48,597 in Grant Funds from the California Department of Alcoholic Beverage Control for the Police Department to Conduct Enforcement Operations with the Goal of Reducing Underage Drinking and Other Alcohol Crimes Related to Underage Drinking

REPORT IN BRIEF

Considers accepting grant funds from the California Department of Alcoholic Beverage Control offered to the Merced Police Department in the amount of \$48,597 for the Merced Police Department to conduct enforcement operations.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2022-53**, a Resolution of the City Council of the City of Merced, California, accepting a grant award from the California Department of Alcoholic Beverage Control Grant Assistance Program; and,

B. Authorizing the use of pooled cash until reimbursement from the grant is received; and,

C. Authorizing the City Manager or Deputy City Manager to execute the necessary documents; and,

D. Approving the Finance Officer to make the necessary budget adjustments.

Council Member ORNELAS requested to pull this item.

There was no Council discussion.

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

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 1 - Council Member Echevarria

Absent: 0

I.10.

SUBJECT: Approval of the 2023 Cafeteria Plan Renewal Regarding Employees' and Retirees' Health and Welfare Benefits Including Medical, Dental, Vision, Disability, Life and Flexible Spending

REPORT IN BRIEF

Considers approving the renewal of the 2023 Cafeteria Plan regarding employees' and retirees' health and welfare benefits.

RECOMMENDATION

City Council - Adopt a motion approving the employees' health and welfare benefits cafeteria plan renewal for calendar year 2023 and authorizing the City Manager or Deputy City Manager to execute the necessary documents.

Mayor SERRATTO pulled this item at the request from a member of the public.

Rick WENDLING, Merced - spoke on government employees and salary raises.

Mayor SERRATTO briefly spoke on City employees and their pay ranges.

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

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

I.15.

SUBJECT: Reject All Bids Received for Project No. 122013 Regional Park Restrooms and Project No. 122026 Transient Pilot Restroom

REPORT IN BRIEF

Considers rejecting all bids received to remove and replace restrooms at Fahrens Park, McNamara Park, and Applegate Park, upgrade restrooms at Rahilly Park, install restrooms at the Merced-Yosemite Regional Airport and directing staff to re-bid the projects.

RECOMMENDATION

City Council - Adopt a motion:

A. Rejecting all bids received, Project No. 122013 Regional Park Restrooms and Project No. 122026 Transient Pilot Restroom; and,

B. Directing staff to advertise the project for rebidding.

Council Member ORNELAS requested to pull this item.

City Engineer Michael BELTRAN, City Manager Stephanie DIETZ, and Council discussed the bidding process, District 2 residents obtaining access to a restroom, and the CARES Act funding.

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

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

J. REPORTS

Clerk's Note: Council Member Perez left the Regular Meeting at 6:45 PM.

J.1.

SUBJECT: Report on Establishment of a First Responder Fee for Merced Fire Department, Accept First Responder Fee Feasibility Study, and Provide Direction on Billing Policy and Compassion Waiver Policy

REPORT IN BRIEF

Merced Fire Department report on the establishment of a First Responder Fee (FRF) published by AP Triton, an EMS consultant. Council decision to accept the FRF Feasibility Study. Council to provide direction on a new billing policy and Compassion Waiver policy.

RECOMMENDATION

City Council - Adopt a Motion:

A. Approving First Responder Fee Feasibility Study written by AP Triton, a consultant; and,

B. Indicating general support for Merced Fire Department initiating a First Responder Fee and to return with a proposed resolution for the MFD First Responder Fee; and,

C. Providing direction to establish a policy to withhold billing all Medi-Cal and Medicare recipients and Private Party Merced City residents; and,

D. Providing direction to establish a Compassion Waiver policy.

Fire Chief Derek PARKER gave a slideshow presentation on the First Responder Fee for the Merced Fire Department.

Clerk's Note: The following comments were received via voicemail.

Nellie XIONG, Merced - spoke in opposition of J.1.

Dr. Daniel MELLO, Merced - spoke in opposition of having a first responder fee.

Clerk's Note: The following speakers appeared in person.

Pangcha VANG, Merced - spoke in opposition of a first responder fee and stated the disadvantages of this fee.

Fue XIONG, Merced - spoke on funding for emergency services and in opposition of a first responder fee.

Sheng XIONG, Merced - asked to not approve this fee without further answers from citizens.

City Manager Stephanie DIETZ, Council, and Fire Chief PARKER discussed fees, community outreach, and the process of adopting the fees if approved, the third-party vendor, the Compassion Waiver Policy, the amount of paramedics in the Merced Fire Department, and the three main components that the Merced Fire Department responds to for calls.

A motion was made by Council Member Ornelas, seconded by Council Member Shelton, to move this Report Item forward. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 1 - Council Member Perez

- J.2. **SUBJECT:** Report on City Council Investments by District from Fiscal Year 2018/19 Through Fiscal Year 2021/22

REPORT IN BRIEF

At the request of Council Member Boyle, staff have compiled a list of City Council investments by district from FY 2018/19 through FY 2021/22, including Capital Improvement Projects, Maintenance, Resources and Programs.

RECOMMENDATION

For Information-Only.

City Manager Stephanie DIETZ gave a slideshow presentation on Merced City Council Investments by District from Fiscal year 2018/19 through 2021/22.

Council Mrs. DIETZ discussed the information provided, thanked the staff that compiled this information, and projects that were city funded.

Clerk's Note: No formal vote was taken, this item was information only.

K. BUSINESS

- K.1. **SUBJECT:** Annual Appointments to the Arts and Culture Advisory Commission (Districts 3 & 6) (2 Ex-Officio)

REPORT IN BRIEF

Accept nominations to fill the Arts and Culture Advisory Commission.

RECOMMENDATION

City Council - Adopt a motion accepting nominations and appointing individuals to serve as members of the Arts and Culture Advisory Commission (Districts 3 & 6) (2 Ex-Officio).

Council discussed the vacancies and applicants for the Arts and Culture Advisory Commission.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Boyle, to appoint Jazz Diaz and Eddie Rodriguez as Ex-Officio members, appoint Angelina Thompson to the District 6 seat, and Sandra Hay to the District 3 seat on the Arts and Culture Advisory Commission. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 1 - Council Member Perez

K.2.

SUBJECT: Annual Appointments to the Bicycle and Pedestrian
Advisory Commission (Districts 2 and 6)

REPORT IN BRIEF

Accept nominations to fill vacancies on the Bicycle and Pedestrian
Advisory Commission.

RECOMMENDATION

City Council - Adopt a motion accepting nominations and appointing
individuals to serve as members of the Bicycle and Pedestrian Advisory
Commission (Districts 2 and 6).

Council discussed the vacancies and applicants for the Bicycle and
Pedestrian Advisory Commission.

**A motion was made by Council Member Echevarria, seconded by Council
Member Shelton, to appoint Anthony Aldana to the District 2 seat and Ashwin
Thomas to the District 6 seat on the Bicycle and Pedestrian Advisory Commission.
The motion carried by the following vote:**

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council
Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 1 - Council Member Perez

K.3.

SUBJECT: Annual Appointments to the Planning Commission (District
2)

REPORT IN BRIEF

Accept nominations to fill the District 2 seat on the Planning Commission.

RECOMMENDATION

City Council - Adopt a motion accepting nominations and appointing an
individual to serve as a member of the Planning Commission (District 2).

Council discussed the vacancies and applicants for the Planning
Commission.

**A motion was made by Mayor Pro Tempore Blake, seconded by Council Member
Boyle, to re-appoint Ronnie DeAnda to the District 2 seat on the Planning
Commission. The motion carried by the following vote:**

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council
Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 1 - Council Member Perez

K.4. **SUBJECT:** Annual Appointments to the Recreation and Parks
Commission (Districts 1 and 6)

REPORT IN BRIEF

Accept nominations to fill vacancies on the Recreation and Parks Commission.

RECOMMENDATION

City Council - Adopt a motion accepting nominations and appointing individuals to serve as members of the Recreation and Parks Commission (Districts 1 and 6).

Council discussed the vacancies and applicants for the Recreation and Parks Commission.

A motion was made by Council Member Ornelas, seconded by Council Member Boyle, to appoint Walter Smith to the District 1 seat and Joseph Bauer to the District 6 seat on the Recreation and Parks Commission. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 1 - Council Member Perez

K.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 ORNELAS requested to receive a report from a Merced Police Department investigation.

K.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 El Mercado event, congratulated the soccer team and El Chiquito, he spoke on the NAACP Forum, Merced County of Education's assistance on a water leak, the feline entrapment, the Family Resource Center on 13th St, and Walter Smith's appointment to the Recreation and Parks Commission.

Council Member BOYLE reported on attending the Catholic Charities fundraiser in August, and the Mayor's Ball.

Council Member SHELTON reported on attending the Mayor's Ball.

Mayor SERRATTO reported on attending the Mayor's Ball, El Mercado event, the Parks and Recreation Dodge Ball events, a meet and greet with the Los Angeles Mayor on his infrastructure, the Children's Summit, and Merced's Got Talent event. He stated that September 6th was the hottest day in Merced history.

L. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 7:55 PM.

A motion was made by Council Member Ornelas, seconded by Mayor Pro Tempore Blake, that the Regular Meeting be adjourned. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 1 - Council Member Perez