



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 4, 2021

6:00 PM

A. CLOSED SESSION ROLL CALL

- Present:** 5 - Mayor Matthew Serratto, Council Member Delray Shelton, Council Member Bertha Perez, Council Member Jesse Ornelas, and Council Member Sarah Boyle
- Absent:** 2 - Mayor Pro Tempore Kevin Blake, and Council Member Fernando Echevarria

B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:06 PM.

Clerk's Note: Pursuant to Assembly Bill 361, Council Member PEREZ participated in the Closed Session virtually.

B.1.

SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Properties: 1823 I Street, 1815 I Street, 1744 I Street, 26 W. 18th Street, 49 W. 18th Street, 205 W. 18th Street, 211 W. 18th Street, 150 W. 19th Street, 202 W. 19th Street, 73 S. R Street; Agency Negotiator: Stephanie Dietz, City Manager; Negotiating Parties: Linc Housing, Housing Development Corporation Monterey County, Habitat for Humanity Merced County, Custom Containers 915 and City of Merced; Under Negotiation: Price and Terms of Payment

B.2.

SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative(s): Travis Lindsey and Janell Van Bindsbergen, Lozano Smith, Attorneys at Law; Employee Organizations: Merced Police Officers' Association (MPOA). AUTHORITY: Government Code Section 54957.6

Clerk's Note: Council adjourned from Closed Session at 5:27 PM.

C. CALL TO ORDER

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

C.1. Invocation - Pastor Juan Ochoa, Calvary Assembly of God Merced

The invocation was delivered by Pastor Juan OCHOA from Calvary

Assembly of God Merced.

C.2. Pledge of Allegiance to the Flag

Pastor Juan OCHOA led the Pledge of Allegiance to the Flag.

D. ROLL CALL

- Present:** 5 - Mayor Matthew Serratto, Council Member Fernando Echevarria, Council Member Delray Shelton, Council Member Jesse Ornelas, and Council Member Sarah Boyle
- Absent:** 2 - Mayor Pro Tempore Kevin Blake, and Council Member Bertha Perez

Clerk's Note: Council Member ECHEVARRIA arrived to the meeting at 6:49 PM.

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 - Domestic Violence Awareness Month

REPORT IN BRIEF

Received by Liz Tyler Volunteer Specialist at Valley Crisis Center.

Mayor SERRATTO presented the proclamation for Domestic Violence Awareness Month to Liz TYLER from Valley Crisis Center.

F.2. SUBJECT: Proclamation - Fire Prevention Month

REPORT IN BRIEF

Accepted by a representative of the Merced Fire Department.

Mayor SERRATTO presented the proclamation for Fire Prevention Month to members of the City of Merced Fire Department.

F.3. SUBJECT: Proclamation - Hispanic Heritage Month

REPORT IN BRIEF

Received by a member of the Hispanic Chamber of Commerce.

Mayor SERRATTO presented the proclamation for Hispanic Heritage Month to Annissa FRAGOSO, President of the Merced County Hispanic Chamber of Commerce.

F.4.

SUBJECT: Proclamation - Code Enforcement Officer Appreciation Week

REPORT IN BRIEF

Received by the City of Merced Code Enforcement Officers.

Mayor SERRATTO presented the proclamation for Code Enforcement Officer Appreciation Week to Merced Code Enforcement Officer Ken BOGLE.

G. WRITTEN PETITIONS AND COMMUNICATIONS

Clerk's Note: Emails were received for the following agenda item and were forwarded to Council prior to the meeting.

Item J.1. - Natalie GONELLA GUZMAN, Nanette LACEY, Shelly WATHEN COX, Leslie WATHEN, and Judy WATHEN FARRIS.

H. ORAL COMMUNICATIONS

Liz CALDERON - spoke on community outreach measures and the use of ARPA funding for youth.

Astrid MORALES, Merced - spoke about supporting the youth of Merced.

Christina G - asked for the use of ARPA funding for youth and affordable housing.

Pangcha VANG, Merced - requested that all Planning Commission meetings be recorded and posted.

Rhonda BATSON, Merced - spoke on the Helping One Woman dinners to assist women in need.

I. CONSENT CALENDAR

Items 1.4. Approval to Waive the Competitive Bidding Requirement and Approval of the Purchase and Installation of New Motorola Radio Consoles for the Emergency Communications Dispatch Center in an Amount not to Exceed \$557,000, 1.5. Approval to Waive the Competitive Bidding

Requirement to Allow for the Purchase of Standardized Equipment and Approval of Agreement with Axon Enterprises Inc. for the Purchase of Fifteen (15) In-Car Audio/Video Recording Camera Units for Fifteen (15) Police Department Vehicles with an Additional Two (2) Spare Replacement Camera Units and a 5 Year Licensing and Data Storage Plan for a Total Amount of \$121,351.82, and I.11. Adoption of a Resolution Approving the 2021/2022 Local Transportation Fund (LTF) Claim Form in the Amount of \$92,633.00 to be Filed with the Merced County Association of Governments (MCAG); were pulled for separate consideration.

Approval of the Consent Agenda

A motion was made to approve the Consent Agenda. The motion carried by the following vote:

Aye: 4 - Mayor Serratto, Council Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 3 - Mayor Pro Tempore Blake, Council Member Echevarria, and Council Member Perez

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 October 2021**

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$34,000 and of Public Works contracts under \$76,875.

This Consent Item was approved.

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

September 20, 2021

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 20, 2021.

This Consent Item was approved.

I.6.

SUBJECT: Approval of Amendment to Agreement with Tyler Technologies for the Purchase of an Internet-Based Solution Called ARX Suite with a Subscription Services Cost of \$9,000 per Year for Three Years and a Provision for 1-Year Renewals After the Initial Term for a Total of Five Years

REPORT IN BRIEF

Approves an amendment to the City's existing agreement with Tyler Technologies for the purchase of an internet based software subscription that will connect to our existing Tyler Technologies software and allow a direct connection to the data contained within our Records Management System (RMS) and our Computer Aided Dispatch (CAD) system.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving an amendment to the original contract with Tyler Technologies for the purchase of a new third party software subscription to our existing public safety software package from Tyler Technologies for a maximum of up to five years; and,

B. Authorizing the City Manager or the Deputy City Manager to execute any necessary contracts or documents needed related to this report.

This Consent Item was approved.

I.7.

SUBJECT: Approval of Third Amendment to Agreement for Professional Services with Luhdorff and Scalmanini Consulting Engineers Inc., for Well Site 20 Engineering Design Services, Project No. 107033, in the Amount of \$7,884, for a Contract Not to

Exceed Total of \$640,111

REPORT IN BRIEF

Considers approving an amendment to a contract for well design services for the Well 20 pump station at the intersection of Tyler Road and Mission Avenue, in the amount of \$7,884.

RECOMMENDATION

City Council - Adopt a motion approving a third amendment to an agreement for professional services with Luhdorff and Scalmanini Consulting Engineers Inc., in the amount of \$7,884 for engineering design services and authorizing the City Manager or Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.8.

SUBJECT: Approval of First Amendment for Agreement for Professional Services of Third-Party Litter Abatement with Restore Merced to Reflect the Department of Industrial Relations Recommendations in the Scope of Work and Fees Sheet

REPORT IN BRIEF

Considers approving a first amendment to agreement for Professional Services for third-party litter abatement with Restore Merced to reflect the Department of Industrial Relations recommendations in scope of work and fees sheet.

RECOMMENDATION

City Council - Adopt a motion approving the first amendment to agreement for Professional Services with Restore Merced and authorizing the City Manager or Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.9.

SUBJECT: Approval of Agreement for Professional Services with Allied Weed Control, Inc., in the Annual Amount of \$87,738 for Weed Abatement Services at Various Locations for a Term Ending June 30, 2023, with an Option to Extend the Agreement for Three (3) Additional One (1) Year Term(s)

REPORT IN BRIEF

Considers approving an agreement with Allied Weed Control, Inc., in

the annual amount of \$87,738 for weed abatement services at various locations.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the agreement for professional services with Allied Weed Control, Inc., in the annual amount of \$87,738 for weed abatement services at various locations for a term ending June 30, 2023, with the option to renew for a maximum of three (3) additional one-year periods; and,

B. Approving future amendments to include additional service locations and funding as needed during the contract term; and,

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

This Consent Item was approved.

I.10.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Authorizing the Purchase of Five (5) Budgeted Fleet Vehicles Through Cooperative Purchasing Agreements with Sourcewell, Including One Rear Loader Refuse Truck for \$232,207.38, Two Side Loader Refuse Trucks for \$294,470.70 Each, and One Front Loader Refuse Truck for \$268,636.80 from Ruckstell California Sales Co., as well as One Street Sweeper for \$311,300.70 from Municipal Maintenance Equipment (M.M.E.)

REPORT IN BRIEF

Considers authorizing a waiver of competitive bidding requirement pursuant to Merced Municipal Code Section 3.04.210 to purchase five currently budgeted and Council approved fleet vehicles through the government procurement program Sourcewell.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code section 3.04.210 and authorizing the purchases to be made with cooperative purchase agreements through Sourcewell, a government procurement program; and,

B. Approving the purchase of one rear loader refuse truck in the amount of \$232,207.38, plus applicable sales tax, from Ruckstell California Sales Co. through Sourcewell contract # 112014-NWY; and,

C. Approving the purchase of two side loader refuse trucks in the amount of \$294,470.70, plus applicable sales tax, each from Ruckstell California Sales Co. through Sourcewell contract # 112014-NWY; and,

D. Approving the purchase of one front loader refuse truck in the amount of \$268,636.80, plus applicable sales tax, from Ruckstell California Sales Co. through Sourcewell contract # 112014-NWY; and,

E. Approving the purchase of one street sweeper model A9 in the amount of \$311,300.70, plus applicable sales tax, from Municipal Maintenance Equipment (M.M.E.) through Sourcewell contract # 122017-SZW; and,

F. Authorizing the City Manager or the Deputy City Manager to execute any necessary documents for the purchases specified above, the Finance Officer to make the appropriate budget adjustments and City Buyer to issue the Purchase Orders.

This Consent Item was approved.

I.12.

SUBJECT: Approval of a Release of Deferred Improvement Agreement, Release of Subdivision Agreement with Continuing Covenants (CFD Condition), and Release of Legislative Action Agreement as Requested by the Merced City School District for a Proposed School Site in the Bellevue Ranch Area

REPORT IN BRIEF

The Merced City School District is seeking the release of several agreements to allow them to secure a site in the Bellevue Ranch area for a proposed school. Those include a Release of Deferred Agreement, Release of Subdivision Agreement with Continuing Covenants (CFD Condition), and Release of Legislative Action Agreement, and authorizing the City Manager or Deputy City Manager to execute the necessary documents.

RECOMMENDATION

City Council - Adopt a motion approving a Release of Deferred Improvement Agreement, Release of Subdivision Agreement with Continuing Covenants (CFD Condition), Release of Legislative Action

Agreement related in support of a proposed school site in the Bellevue Ranch Area by the Merced City School District and authorizing the City Manager or Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.13.

SUBJECT: Approval of City-Owned Real Property Use Request #21-06 by the Merced Boys and Girls Club for the Use of Bob Hart Square Park to Host a Fundraiser Dinner and Auction for the Organization, Which Includes the Service of Alcohol, on Saturday, October 9, 2021, from 3:00 p.m. to 10:00 p.m.

REPORT IN BRIEF

Considers approving a request by the Merced Boys and Girls Club allowing the exclusive use of Bob Hart Square Park on Saturday, October 9, 2021, from 3:00 p.m. to 10:00 p.m. (event time 6:00 p.m. to 9:00 p.m.), to host a fundraiser dinner and auction, which includes the service of alcohol.

RECOMMENDATION

City Council - Adopt a motion approving the exclusive use of Bob Hart Square Park on Saturday, October 9, 2021, from 3:00 p.m. to 10:00 p.m., for a fundraiser dinner and auction (including the serving of alcohol); subject to the conditions outlined in the administrative report.

This Consent Item was approved.

I.14.

SUBJECT: Second Reading and Final Adoption of an Ordinance Amending Section 20.44.170 "Regulation of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required" of the Merced Municipal Code

REPORT IN BRIEF

Second reading and final adoption of an ordinance regarding commercial cannabis businesses, including expanding the zones that allow cannabis businesses and expanding operating hours for dispensaries.

RECOMMENDATION

City Council- Adopt a motion adopting **Ordinance 2532**, an Ordinance of the City Council of the City of Merced, California, Amending Section 20.44.170, "Regulation of Commercial Cannabis Activities- Commercial Cannabis Business Permit Required," of the Merced Municipal Code.

This Consent Item was approved.

I.4.

SUBJECT: Approval to Waive the Competitive Bidding Requirement and Approval of the Purchase and Installation of New Motorola Radio Consoles for the Emergency Communications Dispatch Center in an Amount not to Exceed \$557,000

REPORT IN BRIEF

Considers waiving the competitive bidding requirements for the purchase and authorizing the purchase (including installation costs) of six (6) new Motorola radio consoles for the City's emergency communications dispatch center in an amount not to exceed \$557,000.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the competitive bidding requirements, as stated in Section 3.04.210 of the Merced Municipal Code due to standardization; and,

B. Authorizing the City to purchase the requested radio equipment through Motorola Inc and J's Communications, Inc. for equipment and installation costs not to exceed \$557,000; and,

C. Authorizing the City Manager or Deputy City Manager to execute any necessary contracts or documents needed related to this report.

Mayor SERRATTO pulled items I.4. and I.5. for discussion due to a request from the public.

Fue XIONG, Merced - expressed concern with the use of City funds for the purchase of radios and in car cameras for the Merced Police Department.

Police Chief Thomas CAVALLERO stated that the radio consoles were at end of life and would not be serviced any longer.

Council discussed the need to replace the dated radios and having in car cameras to increase transparency.

Clerk's Note: Items 1.4. and I.5. were discussed together and voted on in a single motion.

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

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Perez

I.5.

SUBJECT: Approval to Waive the Competitive Bidding Requirement to Allow for the Purchase of Standardized Equipment and Approval of Agreement with Axon Enterprises Inc. for the Purchase of Fifteen (15) In-Car Audio/Video Recording Camera Units for Fifteen (15) Police Department Vehicles with an Additional Two (2) Spare Replacement Camera Units and a 5 Year Licensing and Data Storage Plan for a Total Amount of \$121,351.82

REPORT IN BRIEF

Considers waiving the competitive bidding requirement pursuant to Merced Municipal Code section 3.04.210 for purchases necessary for standardization of particular types of equipment. Also the approval of an agreement with Axon Enterprises Inc. for the purchase of fifteen (15) in-car audio/video recording cameras for the Police Department and two (2) spare replacement cameras for a total amount of \$121,351.82 with the year 1 cost of \$24,270.37 to be funded out of the 2021-2022 budget in full.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving to waive the competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code; and,

B. Approving a 5-year agreement with Axon Enterprises Inc. for the purchase of fifteen (15) in-car audio/video recording cameras, 2 spare replacement cameras, and a 5-year licensing and data storage plan in the amount of \$121,351.82; and,

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

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

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Perez

I.11.

SUBJECT: Adoption of a Resolution Approving the 2021/2022 Local Transportation Fund (LTF) Claim Form in the Amount of \$92,633.00 to be Filed with the Merced County Association of Governments (MCAG)

REPORT IN BRIEF

Approves and accepts \$92,633.00 in Local Transportation Funds (LTF) from Merced County Association of Governments (MCAG) for the Highway 59 and 16th Street Right Turn Channelization project.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2021-90**, a Resolution of the City Council of the City of Merced, California, approving the Local Transportation Fund (LTF) Claim to be filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2021/2022; and,

B. Authorizing the Finance Officer to make any necessary budget adjustments.

Mayor SERRATTO pulled this item due to a request from staff.

City Manager Stephanie DIETZ stated the request to pull this item was due to the Charter requirement of five affirmative Council votes to approve a budget appropriation but only four Council Members were present at roll call. She stated that with the arrival of Council Member ECHEVARRIA, this item could be approved as is.

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

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Perez

J. PUBLIC HEARINGS

J.1.

SUBJECT: Public Hearing to Consider the Introduction of an

Ordinance Approving Site Utilization Plan (SUP) Revision #4 to Planned Development (P-D) #72 Initiated by Yosemite & G, LLC., Property Owner, and Approval of an Amendment to the Legislative Action Agreement for the Yosemite Crossing Development to Include a Car Wash, Additional Retail Buildings, and 52 Additional Multi-Family Units, as Well as Reconfiguring the Location of Various Buildings on the Site

REPORT IN BRIEF

This application is to modify the Site Utilization Plan (SUP) for the Yosemite Crossing Development at the northeast corner of Yosemite Avenue and G Street to allow inclusion of a car wash, additional retail buildings, realignment of the uses on-site, and an increase of 52 multi-family units from 44 (approved) to 96 (proposed).

RECOMMENDATION

City Council- Adopt a motion:

- A. Approving Environmental Review #21-18 (CEQA Section 15162 Findings); and,
- B. Introducing **Ordinance 2534**, an Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #4 to Planned Development (P-D) #72 to include a car wash, additional retail buildings and 52 additional multi-family units, as well as reconfiguring the location of various buildings on the site; and,
- C. Approving the amendment to the Legislative Action Agreement; and,
- D. Authorizing the City Manager or the Deputy City Manager to execute all related documents.

Principal Planner Michael HREN gave a presentation on the changes requested by the developer of the Yosemite Crossing Development at the northeast corner of Yosemite Avenue and G Street to allow inclusion of a car wash, additional retail buildings, realignment of the uses on-site, and an increase of 52 multi-family units from 44 to 96.

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

Neil ANGELLILO, Manager of Yosemite & G, LLC - gave a brief overview of the project, spoke about the addition of a car wash, additional partners acquired to assist with the development and explained the need to add additional housing in order to have on site management of the complex.

Council briefly asked questions of the developer and their partners regarding the project including the need for additional apartments added to the plan.

Donna HUNTER, Merced - spoke in opposition of adding additional apartments to the project.

Karen PATTERSON, Merced - spoke in opposition of adding additional apartments and suggested closing the openings at the end of the cul-de-sacs.

Anthony AQUINO, Merced - expressed concerns about people seeing into the neighborhood backyards.

Shawn HENRY, Merced - expressed concerns with increasing the number of apartment units and asked that Council stick with the original proposal.

Fue XIONG, Merced - spoke in support of adding additional units to the apartments to help alleviate the housing crisis in Merced.

Genevieve RASMUSSEN, Merced - spoke against adding additional apartment units to the project.

Michael BELLUOMINI, Merced - spoke in favor of the project but suggested design changes to the apartment building layout.

Russel LAWRENCE, Merced - spoke in opposition to the project and expressed concern with the parking and traffic that will be created.

Monique GAMA, Merced - spoke in support of the project.

Beth LAWRENCE, Merced - expressed traffic and safety concerns with the additional units proposed to the apartment complex.

Pancha VANG, Merced - expressed support for the project.

Rick SANFORD, Merced - expressed concerns with the increased traffic to the area.

Carmen, Merced - spoke in opposition to the requested increase in the number of apartments due to safety concerns.

Council, Mr. ANGELLILO and staff discussed the requested increase in

units, the onsite management for the apartments, and the potential to increase the wall height on Sandpiper Avenue.

Mayor SERRATTO closed the Public Hearing at 8:07 PM.

Council continued to discuss the project and possible concessions, safety concerns and the need for housing.

A motion was made by Council Member Shelton, seconded by Council Member Echevarria, that this agenda item be approved as amended to allow the car wash, the rearranging of buildings on the site, but to only allow the originally approved 44 apartment units. The motion failed by the following vote:

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

No: 3 - Mayor Serratto, Council Member Ornelas, and Council Member Boyle

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Perez

A motion was made by Council Member Ornelas, seconded by Mayor Serratto, that this item be approved as requested. The motion failed by the following vote:

Aye: 3 - Mayor Serratto, Council Member Ornelas, and Council Member Boyle

No: 2 - Council Member Echevarria, and Council Member Shelton

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Perez

A motion was made by Council Member Shelton, seconded by Council Member Ornelas, that this item be continued to the October 18th Council Meeting. The motion carried by the following vote:

Aye: 4 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, and Council Member Ornelas

No: 1 - Council Member Boyle

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Perez

Clerk's Note: The Council took a recess at 8:56 PM and reconvened at 9:10 PM.

J.2.

SUBJECT: Public Hearing to Consider the Introduction of an

Ordinance Amending Section 8.04.640 "Commercial Recycling Rates and Charges", Section 8.04.800 "Commercial Green or Organic Waste Rates and Charges", and Adding Article V of Chapter 8.04 "Commercial Waste Generators" to the Merced Municipal Code

REPORT IN BRIEF

At the close of the public hearing, introduction of an ordinance to amend Section 8.04.640 "Commercial Recycling Rates and Charges", Section 8.04.800 "Commercial Green or Organic Waste Rates and Charges" and adding Article V of Chapter 8.04 "Commercial Waste Generators" to the Merced Municipal Code to aid in compliance with California State regulations for mandatory recycling and green or organic waste diversion. No adjustments to the collection rates tables are being proposed.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2533**, an Ordinance of the City Council of the City of Merced, California, amending sections 8.04.640 "Commercial Recycling Rates and Charges", and 8.04.800, "Commercial Green or Organic Waste Rates and Charges" and adding Article V, "Commercial Waste Generators," to Chapter 8.04, "Garbage and Rubbish" of the Merced Municipal Code.

Recycling Coordinator Monique GAMA gave a presentation on the City's need to comply with California state regulations for mandatory recycling and green or organic waste diversion.

Mayor SERRATTO opened the Public Hearing at 9:21 PM.

Robert DYNLINA, Merced - spoke about the recycling of various materials and the potential to process some of those materials locally.

Mayor SERRATTO closed the Public Hearing at 9:27 PM.

A motion was made by Council Member Shelton, seconded by Council Member Boyle, that this agenda item be approved and to introduce ordinance 2533. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Perez

K. REPORTS

K.1. SUBJECT: Informational Report to the City Council on SB 244

Requirements and Out of Boundary Services Available for Residents
within the Unincorporated Community Near the City of Merced

REPORT IN BRIEF

Provides the City Council with an informational report on the existing process by which residents within the unincorporated community near the City of Merced can receive access to services and the long-term planning needs to bring the City's General Plan and Housing Element into compliance with SB 244.

RECOMMENDATION

Information only.

City Manager Stephanie DIETZ gave an overview of SB 244 and outlined the process for individuals within the City's sphere of influence to request municipal services.

Clerk's Note: The following comment was received via voicemail.

Joseph BURKLEY, Jr. - requested the City's assistance with water connections for residents living in his area on Cone Avenue.

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

Sheng XIONG, Leadership Council - asked the City to complete the municipal services review required by SB 244 and update the City's General Plan as needed.

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

K.2.

SUBJECT: Review and Discussion of an Adopted Ordinance
Appointing Planning Commission by Districts

REPORT IN BRIEF

Review and discussion regarding Ordinance 2527 amending MMC Chapter 2.20 with respect to the procedure for appointment of Planning Commissioners by districts.

RECOMMENDATION

For information only.

Assistant City Clerk Jennifer LEVESQUE gave a brief overview of Council's ability to appoint at large individuals to district seats based on applications received and length of the vacancy.

Council briefly discussed the process to appoint individuals to vacant board and commission seats with outstanding vacancies.

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

L. BUSINESS

L.1.

SUBJECT: Provide Staff Direction on Adopting a Resolution Opposing the Pacific Gas and Electric (PG&E) Company's June 2021 General Rate Case Filing to the California Public Utilities Commission (CPUC) Requesting Substantial Rate Increases

REPORT IN BRIEF

Provide staff direction on presenting the City Council with a Resolution calling upon the CPUC and PG&E to cease from authorizing further electricity rate increases until equitable rate reforms and spending control measures offset measures are implemented to offset rate increases.

RECOMMENDATION

City Council - Provide staff direction on whether or not to present the City Council with a Resolution calling upon the CPUC and PG&E to cease from authorizing further electricity rate increases until equitable rate forms and spending control measure are implemented to offset rate increases.

City Manager Stephanie DIETZ described a resolution adopted by the City of Fresno regarding the Pacific Gas and Electric proposed rate increase.

Council briefly discussed the resolution.

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

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Perez

L.2.

SUBJECT: Provide Staff Direction on Funding Sources for Services to Support the Proposed BIPOC LGBTQIA+ Resource Center at the Multicultural Arts Center and Provide Direction on a Resolution in Support of the BIPOC LGBTQIA+ Community

REPORT IN BRIEF

Provide Staff direction on the funding source for services to support the proposed BIPOC LGBTQIA+ Resource Center at the Multicultural Arts Center and provide direction on a Resolution in support of the BIPOC LGBTQIA+ Community.

RECOMMENDATION

City Council - Adopt a motion providing staff direction on the funding sources for services at the proposed BIPOC LGBTQIA+ Resource Center located at the Multicultural Arts Center and on the draft language for a Resolution in support of the BIPOC LGBTQIA+ Community.

Eli SASCHE, Merced - spoke in favor of funding the proposed resource center, described the need for it and read an email of support for the item.

Jennifer MQUEEN, Merced - spoke in support of the proposed center and spoke on various events that have been held.

Jeremy GLEESON, Merced - expressed support for the proposed center and the important health care services offered.

Pangcha VANG, Merced - spoke in favor of the center.

Alejandro JURADO, Merced - spoke in favor of funding the center.

Fue XIONG, Merced - spoke about the sources of funding for this item.

Council discussed funding sources for services to support the proposed BIPOC LGBTQIA+ Resource Center at the Multicultural Arts Center and discussed direction and potential language changes to a resolution in support of the BIPOC LGBTQIA+ Community.

City Manager Stephanie DIETZ briefly explained the processes for using the various funding sources.

Council agreed that using CDBG funding for this item would be appropriate and agreed to allow staff to work out details with the proposer before coming back to Council.

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

L.3.

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.

There were no requests.

L.4. **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 commented on Breast Cancer Awareness Month.

Mayor SERRATTO commented on the upcoming final Mercado on Main and the upcoming community cleanup in the Loughborough and Fahren's Park area.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 10:24 PM.

A motion was made by Council Member Ornelas, seconded by Council Member Boyle, that the meeting be adjourned. The motion carried by the following vote:

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 2 - Mayor Pro Tempore Blake, and Council Member Perez