



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/Successor Agency to the Redevelopment Agency

Tuesday, June 20, 2023

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 6 - Mayor Matthew Serratto, Mayor Pro Tempore Bertha Perez, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Shane Smith, and Council Member Fue Xiong

Absent: 1 - Council Member Ronnie DeAnda

B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:03 PM.

B.1. **SUBJECT:** CONFERENCE WITH REAL PROPERTY NEGOTIATORS -
Property: 3033 G Street, Merced, CA APN 007-350-009; Agency
Negotiator: Frank Quintero, Deputy City Manager; Negotiating Parties:
Eric Hamm Representing IOTA Properties and City of Merced; Under
Negotiation: Price and Terms of Payment

B.2. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED
LITIGATION Initiation of Litigation Pursuant to Paragraph (4) of
Subdivision (d) of Section 54956.9: three (3) Potential Cases

Clerk's Note: Council adjourned from Closed Session at 5:49 PM.

C. CALL TO ORDER

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

C.1. Invocation - Caesar Johnson, Christian Life Center Merced

The Invocation was delivered by Pastor Caesar JOHNSON of the Christian Life Center Merced.

C.2. Pledge of Allegiance to the Flag

Pastor Caesar JOHNSON led the Pledge of Allegiance to the Flag.

D. ROLL CALL

Present: 6 - Mayor Matthew Serratto, Mayor Pro Tempore Bertha Perez, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Shane Smith, and Council Member Fue Xiong

Absent: 1 - Council Member Ronnie DeAnda

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. WRITTEN PETITIONS AND COMMUNICATIONS

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

Oral Communication: Jake.

Agenda Item J.1.: EJ LORENZI.

Agenda Item K.1.: Glenda SMALL, Blanca OJEDA, John POLLOCK, Multiple Residents, and Stan THURSTON.

G. ORAL COMMUNICATIONS

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

Concerned Citizen, Merced - spoke on the lack of medical care for stray cats and dogs.

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

Rick WENDLING, Merced - spoke on the Pride flag in Bob Hart Square and current political agendas.

Ed ROSE, on Behalf of Senior Community Center, Merced - spoke on Council's support for the Senior Community Center.

Pangcha VANG, Merced - stated that the Nut Festival is a Non-Profit Organization.

James REESE, Merced - spoke on the limited amount of bike paths and youth activities in Merced.

Mayor SERRATTO briefly spoke on the Ada Givens Pool.

Christan SANTOS, Representative of Congressman John DUARTE, Merced - spoke on attending the Juneteenth event, the ribbon cutting ceremony for the Kirk Wright Memorial Playground, shared details of the House of Representative-2 Bill, the Dignity Act, the American Dream, and Promise Act.

Necola ADAMS, President of Merced County Nut Festival, Merced - spoke on details of the Nut Festival and the benefits the event has on the community.

Arturo MARTINEZ, Representative of Senator Anna CABALLERO, Merced - spoke on details of the California Statement Appointment Process virtual webinar.

Steve ROUSSOS, Merced - shared training sessions on how to make a public comment.

Patricia MEIDEL, Merced - spoke on the splash pads and requested funding for the Parks and Recreation Department for the community's youth.

Victoria ESPINOZA, Merced - spoke on the trans gender community and shared her religious views.

Robert DYLINE, Merced - spoke on the timeline of the Housing Vouchers.

H. CONSENT CALENDAR

Agenda Items H.4. Approval to Waive the Competitive Bidding Requirements and Authorizing the Purchase of One (1) Fully Equipped All-Terrain Vehicle and Trailer with California Custom Merced Using Funds from the 2022 Edward Byrne Justice Assistance Grant (JAG) Program and Merced Police Department Budget and H.15. Adoption of Resolutions Authorizing the Submittal of Joint Applications and Participation in the State of California Housing and Community Development (HCD) Homekey

Grant Program with Two Affordable Housing Developer/Applicants; were pulled for separate consideration.

Approval of the Consent Agenda

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

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Council Member DeAnda

H.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.

H.2. **SUBJECT:** Information Only - Site Plan Review Minutes of April 13, 2023

RECOMMENDATION

For information only.

This Consent Item was approved.

H.3. **SUBJECT:** Information Only - Planning Commission Minutes of April 5, 2023

RECOMMENDATION

For information only.

This Consent Item was approved.

H.5. **SUBJECT:** Approval of the First Amendment to the Agreement with

Renne Public Law Group, Doing Business as Renne Public Policy Group, for Additional Compensation of \$3,000 and the Total not to Exceed Contracted Amount of \$183,000 for Federal and State Representation for Legislative Advocacy

REPORT IN BRIEF

Considers the approval of the First Amendment to the Agreement between the City of Merced and Renne Public Law Group, doing business as Renne Public Policy Group (RPPG), for additional compensation of \$3,000 and the total not to exceed contracted amount of \$183,000 for federal and state representation for legislative advocacy.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the First Amendment to the Agreement with Renne Public Law Group, doing business as Renne Public Policy Group (RPPG), for additional compensation of \$3,000 and the total not to exceed contracted amount of \$183,000 for federal and state representation for legislative advocacy; and,

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

This Consent Item was approved.

H.6.

SUBJECT: Authorization of Signing Authority for City Bank Accounts and Local Agency Investment Fund

REPORT IN BRIEF

Considers granting the City's Officers signing authority for City bank accounts and Local Agency Investment Fund.

RECOMMENDATION

City Council/Public Financing and Economic Development Authority/Parking Authority - Adopt a motion:

A. Adopting **Resolution 2023-40**, a Resolution of the City Council of the City of Merced, California, authorizing signature of City checks; and,

B. Adopting **Resolution 2023-41**, a Resolution of the City Council of the City of Merced, California, authorizing investment of City of Merced monies in Local Agency Investment Fund; and,

C. Adopting **Resolution PFA 2023-01**, a Resolution of the City of Merced Public Financing and Economic Development Authority authorizing signature of Authority checks; and,

D. Adopting **Resolution PFA 2023-02**, a Resolution of the City of Merced Public Financing and Economic Development Authority authorizing investment of City of Merced monies in Local Agency Investment Fund; and,

E. Adopting **Resolution PA 2023-01**, a Resolution of the Parking Authority of the City of Merced, California, authorizing signature of Parking Authority checks; and,

F. Adopting **Resolution PA 2023-02**, a Resolution of the Parking Authority of the City of Merced, California authorizing investment of City of Merced monies in Local Agency Investment Fund.

This Consent Item was approved.

H.7.

SUBJECT: Approval of Salary Tables for the Years 2016, 2017, 2018, 2019, 2020, 2021 and 2022 to Bring the City of Merced in Compliance with the CalPERS Requirement for a Publicly Available Pay Schedule

REPORT IN BRIEF

Considers approving the Salary Tables for the Years 2016, 2017, 2018, 2019, 2020, 2021 and 2022 to bring the City of Merced in compliance with the CalPERS requirement for a publicly available pay schedule.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2023-52**, a Resolution of the City Council of the City of Merced, California, approving the Salary Tables for 2016, 2017, 2018, 2019, 2020, 2021 and 2022; and,

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

This Consent Item was approved.

H.8.

SUBJECT: Approval of Property, Boiler and Machinery Insurance
Renewal Through Alliant Property Insurance Program in the
Amount of \$1,049,070.11 for Program Year 2023/2024

REPORT IN BRIEF

Considers approving the renewal of the City's policy through Alliant Property Insurance Programs (APIP) at 55.88% premium increase, amounting to \$1,049,070.44 for program year 2023/2024.

RECOMMENDATION

City Council - Adopt a motion

A. Ratifying the renewal of the property and boiler and machinery insurance through the Alliant Property Insurance Programs (APIP), administered by Alliant Insurance Services for the period of July 1, 2023, through June 30, 2024; and,

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

This Consent Item was approved.

H.9.

SUBJECT: Approval to Waive the Competitive Bidding
Requirements and Approval of Agreement for an Additional \$60,000
Under the State of California Cooperative Agreement
1-19-70-19D-1 (Dell/EMC Products - Enterprise Technology) with
PC Specialists Inc., dba Technology Integration Group (TIG)
Contract Amounts Totaling not to Exceed Amount of \$140,000

REPORT IN BRIEF

Considers waiving the competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code and approving the agreement for an additional \$60,000 under the State of California Cooperative Agreement 1-19-70-19D-1 (Dell/EMC Products - Enterprise Technology) with PC Specialists Inc., dba Technology Integration Group (TIG) contract amounts totaling not to exceed amount of \$140,000.

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 due to piggybacking; and,
- B. Authorizing the use of State of California Cooperative Agreement 1-19-70-19D1-1 (Dell/EMC Products - Enterprise Technology); and,
- C. Authorizing the purchase of an additional \$60,000, for a not to exceed total of \$140,000 of goods through PC Specialists Inc., dba Technology Integration Group (TIG); and,
- D. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

H.10.

SUBJECT: Approval of Two Separate Agreements for the Harvesting and Brokerage of Wastewater Treatment Plant Land Application Crops with Big Iron Custom Farming in the Annual Amount of \$260,000 for Harvesting Services, and San Joaquin Hay Grower's Association for Brokerage Services; Each Agreement for a Three (3) Year Term Beginning July 1, 2023, Through June 30, 2026, with an Option to Extend the Agreements for Two (2) Additional One (1) Year Term(s)

REPORT IN BRIEF

Considers approving two separate agreements with Big Iron Custom Farming, in the amount of \$260,000, for harvesting services and with San Joaquin Hay Grower's Association for brokerage services of Wastewater Treatment Plant Land Application fodder crops.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the agreement with Big Iron Custom Farming, in the annual amount not to exceed \$260,000, for the harvesting of the Wastewater Treatment Plant Land Application Area fodder crops; and,
- B. Approving the agreement for brokerage services with San Joaquin

Valley Hay Growers Association for the brokerage of said crops; and,

C. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents and authorizing future contract amendments for harvesting services for varying crop acreages at a mutually agreeable rate, contingent upon available budget, through June 30, 2028.

This Consent Item was approved.

H.11.

SUBJECT: Adoption of a Resolution Authorizing Fiscal Year 2023-24 Annual Special Tax Rates for Community Facilities District (CFD) No. 2003-2 (Services)

REPORT IN BRIEF

Considers setting the Annual Special Tax Rates for Fiscal Year 2023-24 for Community Facilities District (CFD) No. 2003-2 (Services) for the City of Merced.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2023-45**, a Resolution of the City Council of the City of Merced, California, acting as the legislative body of the Community Facilities District No. 2003-2 (Services) of the City of Merced, authorizing the establishment of an annual special tax for said district for Fiscal Year 2023-2024.

This Consent Item was approved.

H.12.

SUBJECT: Adoption of a Resolution Approving the Fiscal Year 2023/2024 Project List for the Road Repair Accountability Act (SB 1), Local Streets and Roads Funding

REPORT IN BRIEF

Requests the City Council to approve the list of projects proposed to be funded with Road Maintenance and Rehabilitation Account (RMRA) funds pursuant to SB1 for FY 2023/2024.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2023-42**, a Resolution of the City Council of the City of Merced, California, adopting a list of projects for Fiscal Year 2023-2024 funded by SB 1: The Road Repair and Accountability Act of 2017.

This Consent Item was approved.

H.13.

SUBJECT: Award Bid to GSE Construction Company, Inc. for the Merced WWTF Phase VI Project - Headworks Improvements, Project No. CP230035, in the Amount of \$3,152,700

REPORT IN BRIEF

Considers awarding a Construction Contract to GSE Construction Company, Inc., in the amount of \$3,152,700 for the Merced WWTF Phase VI Project - Headworks Improvements.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the Merced WWTF Phase VI Project - Headworks Improvements, Project No. CP230035 to GSE Construction Company, Inc., in the amount of \$3,152,700; and,

B. Authorizing the City Manager or Deputy 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.

H.14.

SUBJECT: Approval of a First Amendment to the Agreement for Professional Services with RSG Inc. for Affordable Housing Consulting Services

REPORT IN BRIEF

Considers approving the First Amendment to the Agreement for Professional Services with RSG Inc. for Affordable Housing Consulting Services

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the First Amendment to the Agreement with RSG Inc. for Affordable Housing Consulting Services by extending the end date; and,

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

agreements.

This Consent Item was approved.

H.4.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Authorizing the Purchase of One (1) Fully Equipped All-Terrain Vehicle and Trailer with California Custom Merced Using Funds from the 2022 Edward Byrne Justice Assistance Grant (JAG) Program and Merced Police Department Budget

REPORT IN BRIEF

Considers authorizing to waive the competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving the procurement with California Custom Merced for one fully equipped all-terrain vehicle and trailer using funds from the 2022 Edward Byrne Justice Assistance Grant (JAG) Program and Merced Police Department budget.

RECOMMENDATION

City Council - Adopt a motion:

- A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code section 3.04.210 in order to standardize equipment; and,
- B. Approving the purchase of one fully equipped all- terrain vehicle and trailer from California Custom Merced; and,
- C. Authorizing the City Manager or Deputy City Manager to execute any necessary documents; and,
- D. Authorizing the Finance Officer to make any necessary budget adjustments; and,
- E. Authoring the Purchasing Department to issue a purchase order for the purchase of the all-terrain vehicle and trailer.

Mayor SERRATTO pulled this item at the request of Council Member XIONG.

Council Member XIONG requested a separate vote.

Clerk's Note: There was no Council discussion.

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

Aye: 5 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 1 - Council Member DeAnda

H.15.

SUBJECT: Adoption of Resolutions Authorizing the Submittal of Joint Applications and Participation in the State of California Housing and Community Development (HCD) Homekey Grant Program with Two Affordable Housing Developer/Applicants

REPORT IN BRIEF

Considers adopting resolutions authorizing the submittal of joint applications for participation in HCD Homekey Grant Program with CC915 Merced, Inc. and Shangri-La Industries LLC.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting Resolution **2023-43**, a Resolution of the City Council of the City of Merced, California, authorizing a joint application to and participation in the Homekey Program with CC915 Merced, Inc.; and,

B. Adopting Resolution **2023-44**, a Resolution of the City Council of the City of Merced, California, authorizing a joint application to and participation in the Homekey Program with Shangri-La Industries LLC; and,

C. Authorizing the City Manager or Deputy City Manager to execute the Standard Agreements if selected for such funding and any amendments thereto, and any related documents necessary to participate in the Homekey Program; and,

D. Authorizing the Finance Officer to make any budget amendments necessary for the implementation of the use of the Homekey Program; and,

E. Authorizing the use of pooled cash until reimbursement if one or both projects are granted awards from the Homekey Program.

Mayor SERRATTO pulled this item at the request of Council Member XIONG and residents.

Council Member XIONG spoke on the proposals listed on the Administrative Report and more affordable housing in North Merced.

Adam CONOUR - spoke on the support of different agencies and thanked all personnel involved.

Bruce METCALF, Merced - thanked Council for addressing the homeless issue, their support of the Home Key Project, and for collaborating with outside agencies.

Clerk's Note: There was no Council discussion.

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

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Council Member DeAnda

I. PUBLIC HEARINGS

I.1.

SUBJECT: Public Hearing on the Various Maintenance Districts' Engineer's Reports and Budgets for Fiscal Year 2023/2024 with Adoption of Resolution for Approval, Confirmation, and Adoption of the Engineer's Reports for the Various Maintenance Districts as Originally Submitted or as Modified

REPORT IN BRIEF

Consider adopting a Resolution approving, confirming, and adopting Engineer's Reports and Budgets for Maintenance Districts after the close of the Public Hearing.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2023-39**, a Resolution of the City Council of the City of Merced, California, approving,

confirming, and adopting Engineer's Reports on Maintenance Districts.

Director of Public Works Ken ELWIN gave a slideshow presentation on the various Maintenance Districts' Engineer's reports and budget for the fiscal year of 2023-2024.

Mayor SERRATTO opened the Public Hearing at 6:54 PM and subsequently closed the Public Hearing at 6:55 PM due to lack of public comments.

Clerk's Note: There was no Council discussion.

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

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Council Member DeAnda

I.2.

**SUBJECT: Public Hearing to Consider Parks and Community Services
Updated Fee Schedule**

REPORT IN BRIEF

Hold a public hearing to consider the proposed Parks and Community Services fee schedule.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2023-46**, a Resolution of the City Council of the City of Merced, California, approving Parks and Community Services programs and service fees.

Parks and Community Services Director Christopher JENSEN gave a brief presentation on the updated Parks and Community Services Fee Schedule.

Mayor SERRATTO opened the Public Hearing at 6:58 PM and subsequently closed the Public Hearing at 6:58 PM due to lack of public comments.

Council, City Manager Stephanie DIETZ, and Mr. JENSEN discussed raising the fees, allocating funds from different Measures to cover the fees,

the need to update the facilities, child safety, details of Measure C allocation to Parks, and funds allocated to the Voucher Program.

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

Aye: 5 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 1 - Council Member DeAnda

I.3.

SUBJECT: Continued Public Hearing to Allow Interested Persons to be Heard Regarding the City Council, Public Financing and Economic Development Authority, and Parking Authority Fiscal Year 2023-24 Budget, Adoption of the Budget with Revision(s), and Appropriation of the Revenue and Approval of the Capital Projects for Each Respective Budget

REPORT IN BRIEF

Continued Public Hearing and adoption of the Fiscal Year 2023-24 City Council, Public Financing and Economic Development Authority, and Parking Authority Budget.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2023-47**, Resolution of the City Council of the City of Merced, California, Adopting the Budget and Appropriating Revenue for Fiscal Year 2023-2024; and,

B. Adopting **Resolution 2023-48**, Resolution of the City Council of the City of Merced, California, Adopting the Salary Range for the City Manager; and,

C. Adopting **Resolution 2023-49**, Resolution of the City Council of the City of Merced, California, Adopting the Salary Range for the Interim City Attorney; and,

D. Adopting **Resolution 2023-50**, Resolution of the City Council of the City of Merced, California, Adopting the Salary Range for the Finance Officer; and,

E. Adopting **Resolution 2023-51**, Resolution of the City Council of the City of Merced, California, Continuing the Base Water Service Rates and Charges Unchanged; and,

F. Adopting **Resolution 2023-54**, Resolution of the City Council of the City of Merced, California, Rescinding Resolution No. 2020-85 and Adopting the Updated Economic Development Opportunity Fund Policy; and,

G. Adopting **Resolution 2023-55**, Resolution of the City Council of the City of Merced, California, Adopting the Affordable Housing Fund Policy; and,

H. Approving capital projects based upon the Planning Commission's June 7, 2023, finding of consistency of Capital Improvement Program with the General Plan and as modified by recalculation of carryover projects to reflect actual balances as of June 30, 2023; and,

Public Financing and Economic Development Authority - Adopt a motion:

A. Adopting **Resolution PFA 2023-03**, Resolution of the City of Merced Public Financing and Economic Development Authority, adopting the Budget and Appropriating Revenue for Fiscal Year 2023-2024; and,

B. Approving capital projects based upon the Planning Commission's June 7, 2023, finding of consistency of Capital Improvement Program with the General Plan and as modified by recalculation of carryover projects to reflect actual balances as of June 30, 2023; and,

Parking Authority - Adopt a motion:

A. Adopting **Resolution PA 2023-03**, Resolution of the City of Merced Parking Authority, adopting the Budget and Appropriating Revenue for Fiscal Year 2023-2024; and,

B. Approving capital projects based upon the Planning Commission's June 7, 2023, finding of consistency of Capital Improvement Program with the General Plan and as modified by recalculation of carryover projects to reflect actual balances as of June 30, 2023; and,

Finance Officer Venus RODRIGUEZ gave a slideshow presentation on the

City Council, Public Financing and Economic Development Authority, and Parking Authority Fiscal Year 2023-2024 budget.

Council, Mrs. RODRIGUEZ, and City Manager Stephanie DIETZ discussed the allocation of funds to the Parks and Recreation Department.

Mayor SERRATTO opened the Public Hearing at 7:22 PM.

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

Ana Maria FABIAN, Merced - spoke against the South Merced Industrial Study and stated the funds should go to stores, first-time home buyers, and lighting in South Merced.

Yesenia CUEVAS, Merced - spoke against the Industrial Study in South Merced and told Council to reach out to the South Merced residents to see what is needed.

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

Jeremy VERATIENDI, Merced - spoke on the economic state of the City and in support of the first-time home buyers program, revitalizing South Merced, the Right-to-Counsel program, and public transit.

Madeline HARRIS, Merced - spoke on details of Industrial Study in South Merced and the annexed area for the Virginia Smith Trust.

Robert DYLINE, Merced - spoke on funding for the Police Department.

Victoria ESPINOZA, Merced - spoke in opposition of lowering budget for public safety.

Rick WENDLING, Merced - spoke on bringing business and the industrial park in South Merced.

Crisantema GALLARDO, Merced - spoke on investing in safety, prevention, and limiting law enforcement.

Mayor SERRATTO closed the Public Hearing at 7:43 PM.

Council discussed the affordable housing fund, details of the Industrial Park Study in South Merced, and affordable housing.

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

Aye: 5 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 1 - Council Member DeAnda

J. REPORTS

Clerk's Note: Council took a recess at 7:57 PM and returned at 8:06 PM.

J.1.

SUBJECT: Adoption of a Resolution Initiating the Formation Proceeding for the Property Based Improvement District for Downtown Merced

REPORT IN BRIEF

Developed by a coalition of property and business owners, the Downtown Merced Property Based Improvement District is a proposed benefit assessment district designed to enhance safety, maintenance, and beautification programs in Downtown Merced above and beyond those already provided by the City. Petitions signed by property owners representing greater than 50% of the district budget must be received by the City prior to initiating a ballot procedure to officially establish the Property and Business Improvement District for Downtown Merced. The Council is being asked to adopt a resolution of intent to establish the district.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2023-53**, a Resolution of Intention of the City Council of the City of Merced, California, Initiating Formation Proceedings for the Business Improvements District for Downtown Merced.

Deputy City Manager Frank QUINTERO gave a slideshow presentation on initiating the formation of the Property Based Improvement District (PBID) for Downtown Merced.

Council, Mr. QUINTERO, and City Manager Stephanie DIETZ discussed the seats on the PBID Board and details of the PBID.

EJ LORENZI, Merced - spoke on the importance of investing in Downtown

Merced by initiating the PBID and asked Council for their support.

Eric HAMM, Merced - shared details of the benefits PBID has for Downtown Merced.

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

Aye: 5 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 1 - Council Member DeAnda

K. BUSINESS

K.1.

SUBJECT: Council Member Xiong's Request to Discuss that the City Council Consider a Tenants' Right to Counsel Ordinance within the City of Merced

REPORT IN BRIEF

Council Member Xiong's Request to discuss that the City Council consider a Tenants' Right to Counsel Ordinance within the City of Merced.

RECOMMENDATION

Provide staff direction related to drafting a Tenants' Right to Counsel Ordinance for future City Council consideration within the City of Merced.

Council Member XIONG gave a slideshow presentation on the consideration of a Tenants' Right to Counsel Ordinance within the City of Merced.

Council discussed the funding source and the Central California Legal Services.

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

Elizabeth, Merced - spoke in support of assisting Tenants' Right to Counsel.

Concerned Citizen, Merced - spoke in support of the City funding lawyers to assist tenants in danger of being evicted and funding housing assistance for residents.

Michael FLORES, Merced - spoke on the issues that landlords face.

Vicci SHUEY, Merced - spoke in opposition of the Tenants' Right to Counsel due to the hardship it puts on landlords.

Isabella SEGUERA, Merced - spoke in support of Agenda Item K.1.

Allen SIETSEMA, Owner of AGS Real Estate, Merced - spoke on attorneys creating more lawsuits against landlords.

Laurie PRESCOL, Merced - spoke in opposition of Agenda Item K.1.

Josue HERRERA, Merced - urged Council to make it a priority for legal representation and a Rights to Counsel program.

Terry RUSCOE, Merced - expressed that the consideration is a bad idea and if Council chooses to fund this program, it should fund both Rights to Counsel for landlords and tenants.

Leah, Merced - spoke in support of Agenda Item K.1.

Omar, Merced - spoke in support of renters to have Rights to Counsel and asked Council to support it.

Pangcha VANG, Merced - spoke in support of Agenda Item K.1.

Astrid, Merced - spoke in support of renters having a Rights to Counsel program.

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

Thom GRIMALDI, Merced - spoke on details of evictions, shared information on how to obtain tenant and landlord rights, and requested Council not to accept this proposal.

Kay FLANAGAN, Merced - spoke against Agenda Item K.1. He also spoke on renters insurance and suggested allocating the funds elsewhere.

Bill BAKER, Merced - spoke on details of the Tenant Protection Act and the proposed Ordinance.

Tasha CURTICE, Merced - spoke in support of the Rights to Counsel Ordinance and on the K Street Apartment fire.

Jennie REED, Regional Manager of Buckingham Management, Merced - shared details on the events that happened during the floods at the Woodbridge Apartments.

Claudia CORCHADO, Cultiva La Salud, Merced - spoke on having a healthy home, shared details of a tenant that lost her home due to the floods in the Woodbridge Apartments, and suggested obtaining grants to fund the proposition.

Gloria SANDOVAL, Merced - spoke on details of eviction and the importance of a Rights to Counsel program.

Blanca OJEDA, Merced - shared details of a previous speaker's eviction story.

Rebecca MARTINEZ, Merced - spoke on the urgency of the housing crisis and in support of tenants rights.

Madeline HARRIS, Merced - spoke on different options for funding the Rights to Counsel program, Council choosing sides, and the difficulties for undocumented tenants.

Jesus CONTRERAS, Merced - shared a story of a Merced resident Martha regarding a change in landlord in her apartment complex.

Russell MCGARRY, Merced - spoke on details of reasons for eviction and the Rights to Counsel.

Ernie OCHOA, Merced - shared an eviction story he faced and spoke on the funds being used elsewhere.

Amanda GALLEGOS, Heritage Management, Merced - shared details of evictions from a landlord's prospective and asked Council to reject Agenda Item K.1.

Erin HAMM, Merced - spoke on the data regarded evictions in the Central Valley and not taking away rental property.

John SCHWALBACK, Merced - shared a personal story of a tenant

housed in one of his properties and spoke on how this will negatively affect landlords.

Greg TERAZAKIS, Merced - shared his concerns of the program due to the cost, the eviction process, the effect it would have on landlords, and urged opposition to K.1.

Charles WARREN, Merced - spoke on justice and homelessness.

Crisantema GALLARDO, Merced - voiced her support for Rights to Counsel and spoke on the housing issue in Merced.

Corinthia HURLEY, Merced - spoke on details of the Rights to Counsel, landlord issues, and tenant's rights.

Robert DYLINA, Merced - shared information on why landlords have attorneys, the process of renting a property, and evictions.

Council discussed obtaining more information from City staff, Merced County funding a Rights to Counsel program, budget allocation, the potential impact of housing availability, the cost, legal services for tenants, and being proactive to better the community.

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

Aye: 3 - Mayor Pro Tempore Perez, Council Member Ornelas, and Council Member Xiong

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

Absent: 1 - Council Member DeAnda

Council and Interim City Attorney Brian DOYLE discussed the steps of bringing this item back when there is a full Council present, the guidelines for consideration, and motions from prior Council meetings.

Clerk's Note: Council took a recess at 10:17 PM and returned at 10:28 PM.

K.2.

SUBJECT: Council Member Ornelas' Request to Discuss the Consideration of City Initiated Block Party Trailer Events in Community Violence Impacted Areas

REPORT IN BRIEF

Council Member Ornelas' request to discuss the consideration of City initiated Block Party Trailer Events in community violence impacted areas of the City of Merced.

RECOMMENDATION

Provide staff direction related to City initiated use of the Block Party Trailer for events in areas of the community that are impacted by violence throughout the City of Merced.

Council Member ORNELAS briefly discussed the consideration of City initiating a Block Party Trailer events in community violence impacted areas.

Council, City Manager Stephanie DIETZ, and Director of Parks and Community Services Christopher JENSEN discussed the cost, issues with mobilizing the trailer, potential events that can host the trailer, operation procedures with Full-time employees, different community members utilizing the trailer, the primary uses, and potential liabilities.

Council agreed to have City staff find ways to utilize and deploy the Block Party Trailer.

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

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Council Member DeAnda

K.3.

SUBJECT: Council Member Ornelas' Request to Discuss the Consideration of Launching a Citizenship Campaign

REPORT IN BRIEF

Council Member Ornelas' request to discuss the consideration of the City Council to approve staff developing a Citizenship Campaign that would promote unity, community accountability.

RECOMMENDATION

Provide staff direction related to the development of a Citizenship Campaign promoting unity and community accountability.

Council Member ORNELAS briefly discussed the consideration of launching a Citizenship Campaign.

Council and City Manager Stephanie DIETZ discussed including the participants of the CalVIP program, being youth lead, and having City staff look into more ideas.

Rick WENDLING, Merced - spoke on immigration and stated he misunderstood the Agenda Item.

Council and Mrs. DIETZ discussed exploring options and reaching out to Schools.

Council agreed to have City staff explore different options and come back to Council at a later meeting.

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

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Council Member DeAnda

K.4.

SUBJECT: Council Member Boyle's Request for Council to Consider Providing City Funding for a Designated Slot as a Member of the Great Valley American Leadership Forum (ALF) Chapter Annually

REPORT IN BRIEF

Council Member Boyle's request to consider providing City funding for a designated slot as a member of the Great Valley American Leadership Forum (ALF) Chapter annually.

RECOMMENDATION

Provide direction to staff on next steps.

Council Member BOYLE briefly discussed the consideration of providing city funding for a designated slot as a member of the Great Valley American Leadership Forum (ALF) Chapter annually.

Council, City Manager Stephanie DIETZ, Interim City Attorney Brian DOYLE discussed the cost, details of the ALF program, allocating public funds, setting a City slot to fund annually, the public benefits of the program, and making a motion to allocate travel funds.

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

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Council Member DeAnda

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 SMITH requested a report from the City Manager and Interim City Attorney on the Procedural Rules during Council meetings.

City Manager Stephanie DIETZ stated she will bring this to Council on August 7th.

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 BOYLE reported on attending the Merced County Fair opening ceremony and the Juneteenth Parade.

Council Member SMITH reported on attending the Merced County Fair, the Juneteenth Parade, gave a shout out to the organizers of the parade, and thanked the Fire Department for allowing him to ride at the top of the ladder.

Mayor Pro Tempore PEREZ reported on attending the Merced County Fair opening ceremony, the Juneteenth celebration, and thanked staff for their presentations.

Council Member XIONG reported on attending the Merced County Fair, the Juneteenth celebration, and the Drag Show event.

Council Member ORNELAS reported on attending Merced County's Virtual Opioid Presentation, the Pride Flag raising ceremony, weekly meetings with Central Valley Justice Coalition, the Merced County Fair, the Equity Summit event, and the ribbon cutting event for Coffee Cart.

Mayor SERRATTO reported on attending the League Dinner event, Homeless Connect, Clean up day, Merced Union grand opening, and the Juneteenth celebration. He also spoke on upcoming events such as the Merced Junior Giants game and the Movie in the Park event.

Interim City Attorney Brian DOYLE reported on attending the Homeless Oversight Committee and spoke on trainings that Council Members are required to complete.

Council, Mr. DOYLE, and City Manager Stephanie DIETZ discussed Council's current compliance with the trainings required and a Special Meeting for Council to remain in compliance.

L. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 11:21 PM.

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

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Council Member DeAnda