



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, July 15, 2024

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 5 - Mayor Matthew Serratto, Mayor Pro Tempore Bertha Perez, Council Member Sarah Boyle, Council Member Ronnie DeAnda, and Council Member Shane Smith
Absent: 2 - Council Member Jesse Ornelas, and Council Member Fue Xiong

B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:05 PM.

- B.1.** **SUBJECT:** CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Property: 755 W. 15th Street, Merced, CA APN 031-360-029; Agency Negotiator: D. Scott McBride, City Manager; Frank Quintero, Deputy City Manager; Venus Rodriguez, Finance Officer; Craig J. Cornwell, City Attorney; Negotiating Parties: California High Speed Rail Authority, and; Under Negotiation: Appraisal of Property
- B.2.** **SUBJECT:** CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Property: 615 W. 15th Street, Merced, CA APN 031-360-060; Agency Negotiator: D. Scott McBride, City Manager; Frank Quintero, Deputy City Manager; Venus Rodriguez, Finance Officer; Craig J. Cornwell, City Attorney; Negotiating Parties: California High Speed Rail Authority, Under Negotiation: Appraisal of Property
- B.3.** **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Reinero v. City of Merced, et al., Case Number 18CV-03052 Pursuant to California Government Code Section 54956.9(d)(1)
- B.4.** **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representatives: City Manager Scott McBride, Deputy City Manager Frank Quintero, Finance Officer Venus Rodriguez, Human Resources Manager Suzanne Fierro, LCW Legal Representative Che Johnson, and LCW Legal Representative Michael Jarvis; Unrepresented Management AUTHORITY: Government Code Section 54957.6

B.5. **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representatives: City Manager Scott McBride, Deputy City Manager Frank Quintero, Finance Officer Venus Rodriguez, Human Resources Manager Suzanne Fierro, LCW Legal Representative Che Johnson, and LCW Legal Representative Michael Jarvis; Employee Organizations: Merced Police Officers' Association (MPOA) and Merced Association of Police Sergeants (MAPS). AUTHORITY: Government Code Section 54957.6

Clerk's Note: Council adjourned from Closed Session at 6:06 PM.

C. CALL TO ORDER

Mayor SERRATTO called the Regular Meeting to order at 6:09 PM.

C.1. Invocation - Pastor Ella Luna Garza, United Methodist Church, Merced

The Invocation was delivered by Pastor Ella LUNA GARZA of the United Methodist Church, Merced.

C.2. Pledge of Allegiance to the Flag

Brian MATTHEWS led the Pledge of Allegiance to the Flag.

D. ROLL CALL

Present: 5 - Mayor Matthew Serratto, Mayor Pro Tempore Bertha Perez, Council Member Sarah Boyle, Council Member Ronnie DeAnda, and Council Member Shane Smith

Absent: 2 - Council Member Jesse Ornelas, and Council Member Fue Xiong

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, the Public Financing and Economic Development Authority, and the Successor Agency to the Redevelopment Agency. 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, the Public Financing and Economic Development Authority, and the Successor Agency to the Redevelopment Agency receive no compensation.

E. REPORT OUT OF CLOSED SESSION

There was no report.

F. SPECIAL PRESENTATIONS

F.1. **SUBJECT:** Presentation on the New Broadband Provider in Merced

REPORT IN BRIEF

A presentation will be given by Jeff Bennyhoff, Director of Information

Technology and Jim Miller from Race Communication to give a community update on a new Broadband service provider coming to the City.

Director of Information Technology Jeffrey BENNYHOFF and Race Communications Vice President Jim MILLER gave a slideshow presentation on the federal and state update on broadband and the new broadband provider in Merced.

Clerk's Note: There was no Council discussion.

G. CEREMONIAL MATTERS

- G.1.** **SUBJECT:** Recognition of Weaver Middle School, El Capitan High School, and West Point Graduate Brian Matthews for Trying Out for the United States Olympic Team in Track and Field

REPORT IN BRIEF

Accepted by Brian Matthews.

Mayor SERRATTO recognized West Point Graduate Brian MATTHEWS for trying out for the United States Olympic Team in track and field.

- G.2.** **SUBJECT:** Proclamation - Parks and Recreation Month

REPORT IN BRIEF

Received by a representatives from local Scouting Troops.

Mayor SERRATTO presented the Parks and Recreation Month Proclamation to the local Girl Scouts troops, the local Boy Scouts troops, and Director of Parks and Recreation Christopher JENSEN.

H. WRITTEN PETITIONS AND COMMUNICATIONS

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

Public Comment: Jeffrey CARTER, Steven DONAHUE, and Fernando ECHEVARRIA.

Agenda Item K.2.: Edwin KAINTH.

Agenda Item L.1. Judy BLACKBURN, Sheila GARCIA, John, Adrienne LOPES, Joanne MILLS, Kaylee NGUYEN, and Rachel RODRIGUEZ.

I. PUBLIC COMMENT

Terry RADNEY, Merced - spoke on the events and community activities held at the Merced Senior Community Center, dedicating funding for a new center, and urged Council to take action to assist those affected by the High Speed Rail.

Sharyl ELGIN, Merced - shared concerns of the street lighting at the 500 to 600 block of 21st Street due to criminal behavior.

Mayor SERRATTO suggested speaking to Interim City Engineer Mike WEGLEY and Police Captain Daniel DABNEY.

Rick WENDLING, Merced - spoke on the definition of Capitalism and the government's Code of Conduct.

James REESE, Merced - shared information of Neighbors Unidos.

Cindy KELLY, Merced - spoke on the statistics of Feline Leukemia and the SPCA's booth for the National Night Out event.

Michael BELLUOMINI, Merced - spoke on the deficiency of parks in the UC Merced annexation and urged Council to direct staff to present an alternative park plan in the UC Merced annexation.

Kevin SWARTWOOD, Merced - spoke on a parks plan in the newly annexed area.

Christan SANTOS, Representative of Congressman John DUARTE, Merced - spoke on political violence, details of the Veterans Act, and shared details of the Town Halls.

Curtis THOMAS, Merced - spoke on the High Speed Rail (HSR) event, the parking plan for HSR, and shared concerns of parking around Merced.

Mayor SERRATTO suggested to speak to Deputy City Manager Frank QUINTERO regarding parking.

Arturo MARTINEZ, Merced - spoke on affordable housing and bringing new entities to the community.

J. CONSENT CALENDAR

Agenda Items J.4. Modification to Street Closure Request #24-14 by the Merced County Hispanic Chamber of Commerce to Host a Vendor Fair Event (El Mercado), Located on W. Main Street Between M Street and Martin Luther King Jr. Way, Canal Street Between Main Street and W. 18th

Street, Including Bob Hart Square, to Change the Approved Date of Thursday, July 11, 2024, to Thursday, July 18, 2024, From 3:00 p.m. to 10:00 p.m., and Approval of a Request for a City of Merced Co-Sponsorship and J.9. Award Bid to Conti LLC for the Council Chamber Audio/Video Technology Refresh Project for \$237,082.58; were pulled for separate consideration.

Approval of the Consent Agenda

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

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

J.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.

J.2.

SUBJECT: Information Only - Recreation & Parks Commission Minutes of April 22, 2024 and May 28, 2024

RECOMMENDATION

For information only.

This Consent Item was approved.

J.3.

SUBJECT: Information Only - Citizens' Stipend Setting Commission Minutes of April 18, 2024 and June 20, 2024

RECOMMENDATION

For information only.

This Consent Item was approved.

J.5.

SUBJECT: Approval of City-Owned Real Property Use Request #24-19 by Man Up Opportunity Foundation for the Use of Bob Hart Square Park to Host Their Annual Fundraising Event, “Burgers and Brews” Which Includes the Serving of Alcohol, on Saturday, September 21, 2024, from 1:00 p.m. to 10:00 p.m.

REPORT IN BRIEF

Considers approving a request by Man Up Opportunity Foundation to allow the exclusive use of Bob Hart Square Park on Saturday, September 21, 2024, from 1:00 p.m. to 10:00 p.m. for their “Burgers and Brews” fundraiser event, to include the serving of alcohol.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the exclusive use of Bob Hart Square Park on Saturday, September 21, 2024, from 1:00 p.m. to 10:00 p.m. for a “Burgers and Brews” gourmet burger and local microbrewery beer sampling event, allowing the serving of alcohol; subject to the conditions outlined in the administrative report; and,

B. Authorizing the City Manager to execute all documents necessary to ensure compliance with the approved conditions.

This Consent Item was approved.

J.6.

SUBJECT: Approval of Fiscal Year 2024-2025 Lease and Service Agreements for Use of the Central (27th & K Street), McCombs and McNamara Youth Centers by the Current Youth Service Providers for Fiscal Year 2024/2025 as Recommended by the Recreation and Parks Commission

REPORT IN BRIEF

Considers approving the Recreation and Parks Commission recommendation to extend contracted Youth Service Provider’s use of City owned youth centers for one additional year (FY24/25). Each center is currently in contract for use by Youth Service Providers and each provider has expressed an interest in renewing their agreement for fiscal year 24/25.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a lease agreement with Boys and Girls Club of Merced County & revising the contribution of \$35,000 to \$25,000 for use of McCombs Youth Center; and,
- B. Approving a service agreement with Restorative Justice League for use of the Central Youth Center; and,
- C. Approving a service agreement with Challenged Family Resource Center for use of the Central Youth Center; and,
- D. Approving a service agreement with LifeLine CDC for use of McNamara Youth Center; and,
- E. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- F. Authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

J.7.

SUBJECT: Approval of Services Agreement with Data Ticket, Inc. to Provide Parking Citation Processing and Collection Services for a Five-Year Period Starting July 1, 2024 Through June 30, 2029, for an Annual Amount not to Exceed \$70,000

REPORT IN BRIEF

Considers approving a five-year Services Agreement with Data Ticket, Inc., not to exceed \$70,000 annually, to provide parking citation processing and collections services.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a five-year Service Agreement with Data Ticket, Inc., not to exceed \$70,000 annually, to provide parking citation processing and collections services; and,
- B. Authorizing the City Manager to execute the necessary documents; and,

C. Authorizing the City Finance Officer to make necessary budget adjustments.

This Consent Item was approved.

J.8.

SUBJECT: Approval to Waive the Competitive Bidding Process, Allow the City to Piggyback onto Existing Contracts for Office Supplies and Maintenance Repair and Operations (MRO) Supplies, and Authorize Purchases in a not to Exceed Amount of \$620,000 Per Fiscal Year Through the Life of the Contracts with Staples, Amazon, Fastenal, Lowe's, and The Home Depot

REPORT IN BRIEF

Considers approving to waive the competitive bid process, piggybacking onto existing contracts, and authorizing procurements by various City departments in an amount not to exceed \$620,000 per fiscal year through the life of Sourcewell and OMNIA Partners' multiyear competitively bid contracts for office and MRO supplies and other miscellaneous tools and equipment with Staples, Amazon, Fastenal, Lowe's, and The Home Depot.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the competitive bidding requirements pursuant to Merced Municipal Code Section 3.004.210 due to piggybacking; and,

B. Approving piggybacking onto the Staples contract 012320-SCC expiring October April 6, 2025, for a not to exceed amount of \$60,000 per fiscal year; and,

C. Approving piggybacking onto the Prince William County Public Schools, VA Amazon contract R-TC-17006 expiring January 18, 2022, to be renewed for three (3) additional two-year terms through January 18, 2028, for a not to exceed amount of \$220,000 per fiscal year; and,

D. Approving piggybacking onto Fastenal contract 091422-FAS expiring November 8, 2026, to be renewed for two (2) additional one-year term through November 8, 2028, for a not to exceed amount of \$120,000 per fiscal year; and,

E. Approving piggybacking onto the Region 4 ESC - TX Lowe's

contract R192006 expiring March 31, 2023, to be renewed for two (2) additional one-year term through March 31, 2025, for a not to exceed amount of \$70,000 per fiscal year; and,

F. Approving piggybacking onto the Maricopa County, AZ Home Depot contract 16154 expiring December 31, 2021, to be renewed yearly through 2025 for a not to exceed amount of \$150,000 per fiscal year; and,

G. Authorizing the City Manager to execute the necessary documents; and,

H. Authorizing the Finance Officer to make necessary budget adjustments.

This Consent Item was approved.

J.10.

SUBJECT: Approval to Authorize the City Manager to Execute an Agreement to Renew Software Subscription with Accela for Merced Connect Software for \$26,423 in Fiscal Year 24/25

REPORT IN BRIEF

Considers approving an agreement to renew a software subscription with Accela for Merced Connect Software for \$26,423 through waiving the competitive bidding requirement pursuant to Merced Municipal Code section 3.04.210.

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 pursuant to annual service or supply agreement and purchases necessary for standardization on particular types of equipment; and,

B. Approving a software subscription amendment with Accela for Merced Connect software of \$26,423 for fiscal year 24/25; and,

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

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

This Consent Item was approved.

J.11.

SUBJECT: Approval to Authorize the City Manager to Execute an Agreement with Entisys Solution Doing Business As e360 in a not to Exceed Amount of \$557,400 in Fiscal Year 2024/2025

REPORT IN BRIEF

Considers approving to authorize the City Manager to execute an agreement with Entisys Solution Doing Business As e360 in an amount not to exceed \$557,400 in Fiscal Year 2024/2025 through the State of California's Cooperative Agreement 1-19-70-19H1.

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 the State of California's cooperative purchasing program; and,
- B. Approving the use of State of California Cooperative Agreement 1-19-70-19H1 (Enterprise Technology Data Center); and,
- C. Authorizing the City Manager to execute the necessary documents; and,
- D. Authorizing the Finance Officer to make necessary budget adjustments; and,
- E. Authorizing the City Manager to execute an agreement with Entisys Solution Doing Business As e360 in an amount not to exceed \$557,400 of technology solutions with e360 for storage area network systems.

This Consent Item was approved.

J.12.

SUBJECT: Accepting and Appropriating Youth Community Access Grant in the Amount of \$102,764 from the California Natural Resources Agency to Fund the Purchase of Two Hybrid Vehicles to Transport the Youth to Local, State and National Parks Through Parks and Community Services Outdoor Recreation Programs

REPORT IN BRIEF

Considers accepting and appropriating the Youth Community Access Grant from the California Natural Resources Agency. Grant funds will be used to purchase two Hybrid vehicles that will be used to transport program participants in the My City Mentoring and other outdoor recreational programs offered through Parks & Community Services.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting the California Natural Resources Agency, Youth Community Access grant funds in the amount of \$102,764; and,
- B. Increasing revenue in the amount of \$102,764 and appropriating the same in Fund 1018-Parks and Community Services- Project GR250000; and,
- C. Authorizing the use of pooled cash to cover the expenses until grant funds are reimbursed; and,
- D. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- E. Authorizing the City Manager to execute all documents.

This Consent Item was approved.

J.13.

SUBJECT: Second Reading and Final Adoption of an Ordinance Adopting Police Department's Military Equipment Policy

REPORT IN BRIEF

Second reading and final adoption of an Ordinance adopting the Police Department's military equipment policy.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2566**, an Ordinance of the City Council of the City of Merced, California, adopting a Military Equipment Use Police, Otherwise Referred to Herein as a Specialized Police Equipment Use Policy, Pursuant to Assembly Bill 481 and Government Code Sections 7070, et seq.

This Consent Item was approved.

J.4.

SUBJECT: Modification to Street Closure Request #24-14 by the Merced County Hispanic Chamber of Commerce to Host a Vendor

Fair Event (El Mercado), Located on W. Main Street Between M Street and Martin Luther King Jr. Way, Canal Street Between Main Street and W. 18th Street, Including Bob Hart Square, to Change the Approved Date of Thursday, July 11, 2024, to Thursday, July 18, 2024, From 3:00 p.m. to 10:00 p.m., and Approval of a Request for a City of Merced Co-Sponsorship

REPORT IN BRIEF

Considers approving a request by the Merced County Hispanic Chamber of Commerce to modify the approved closure and use of City streets and Bob Hart Square for a Vendor Fair Event (El Mercado) previously approved for Thursday, July 11, 2024, to move the event to Thursday, July 18, 2024, due to the hot weather. The request seeks approval to close W. Main Street, between M Street and Martin Luther King Jr. Way, Canal Street between Main Street and W. 18th Street, including Bob Hart Square from 3:00 p.m. to 10:00 p.m. The application also includes a request for City of Merced Co-Sponsorship. On June 17, 2024, the City Council considered this matter and voted to approve the consent item.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the modification to the street closure of W. Main Street between M Street and Martin Luther King Jr. Way, Canal Street between Main Street and W. 18th Street, and the use of Bob Hart Square on Thursday, July 18, 2024, from 3:00 p.m. to 10:00 p.m.; and,
- B. Approving City of Merced Co-Sponsorship, subject to the Conditions of Approval outlined in the Administrative Staff Report; and,
- C. Authorizing the City Manager to approve any modified event dates for the year 2024, with or without a change of location contingent upon the availability of W. Main Street between M and K Streets, Canal Street between Main Street and W. 18th Street, and the use of Bob Hart Square, subject to the details and conditions outlined in the Administrative Staff Report.

Mayor SERRATTO pulled this item at the request of resident Annissa FRAGOSO.

Annissa FRAGOSO, Merced - asked the Council to approve the Agenda Item and invited the community.

Mayor SERRATTO thanked Annissa FRAGOSO for her efforts on the Mercado event.

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

J.9.

SUBJECT: Award Bid to Conti LLC for the Council Chamber Audio/Video Technology Refresh Project for \$237,082.58

REPORT IN BRIEF

Considers awarding a Services Agreement for the Council Chamber Audio/Video Technology Refresh Project bid to Conti LLC for \$237,082.58 and to approve change orders or contract amendments of 10% for a total cost of \$260,791.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid for the Council Chamber Audio/Video Technology Refresh project to Conti LLC, in the amount of \$237,082.58; and,

B. Authorizing the City Manager to execute the necessary documents and to approve change orders or contract amendments of 10% with a total cost of \$260,791; and,

C. Authorizing the Finance Officer to make necessary budget adjustments.

Mayor SERRATTO pulled this item at the request of himself.

Council and Director of Information of Technology Jeff BENNYHOFF discussed details of the bid results, the proposed updates, and the benefits of updating the Council Chamber functions.

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 Boyle, Council Member DeAnda, and Council Member Smith

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

K. ACTION ITEMS

K.1.

SUBJECT: Approval of the Citizens' Stipend Setting Commission's Written Recommendation to the City Council Regarding the Recommended City Council Monthly Stipend to be \$500 and the Mayor's Monthly Stipend to be \$600

REPORT IN BRIEF

Considers the approval of the Citizens' Stipend Setting Commission's written recommendation to increase the monthly stipend for the City Council and the Mayor.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2024-78**, a Resolution of the City Council of the City of Merced, California, adopting the Citizens' Stipend Setting Commission's recommendation to increase the monthly stipend it deems appropriate for the City Council and the Mayor pursuant to Section 402 of the City of Merced Charter; and,

B. Approving a Supplemental Appropriation from the unreserved, unencumbered General Fund balance of \$4,522 to cover the cost of the City Council stipend from January 2025 through June 2025.

Mayor SERRATTO discussed the City Council's monthly stipend.

Council and Assistant City Clerk Jennifer LEVESQUE discussed the Citizens Stipend Setting Commission's role, the meetings held, the proposed recommendation, details of the Council's monthly stipend, and the role as a Council Member.

Clerk's Note: Council Member SMITH seconded Mayor Pro Tempore PEREZ's motion with a proposed amendment to delay the implementation until the beginning of the fiscal year in 2025. Ms. PEREZ did not amend her original motion to adopt and Mr. SMITH withdrew his second.

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: 4 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, and Council Member DeAnda

No: 1 - Council Member Smith

Absent: 2 - Council Member Ornelas, and Council Member Xiong

K.2.

SUBJECT: Approval of a Resolution to Call for a General Municipal Election for the Purpose of Placing a Ballot Measure Before the Voters to Increase the Transient Occupancy Tax by Two Percent on November 5, 2024, to be Consolidated with the Presidential General Election to be Conducted by the County of Merced and Requesting the Merced County Board of Supervisors to Consolidate Said Election with the General Municipal Election Being Held on the Same Date

REPORT IN BRIEF

Considers approving a Resolution calling a November 5, 2024, General Municipal Election for the purpose of placing a measure on the ballot regarding the two percent increase in Transient Occupancy Tax (TOT) and requesting the County Board of Supervisors to consolidate the City's election with the General Municipal Election being held on the same date.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2024-79**, Resolution of the City Council of the City of Merced Approving and Ordering the Submission to the Qualified Electors of the City of Merced a Ballot Measure to Amend Merced Municipal Code Section 3.08.030 to Increase the Transient Occupancy Tax (Tot) Rate by Two Percent at the General Election to be Held on Tuesday, November 5, 2024, Directing that the City Attorney Prepare an Impartial Analysis and Providing for Arguments and Rebuttals Related to the Measure and Authorizing Merced County Elections Department to Conduct the Election and Canvass the Returns and Expressing Intent to Reimburse Merced County for the Actual Costs of the Election; and,

B. Approving the form and ballot question of the Ballot Measure; and,

C. Directing the City Manager/City Clerk and the City Attorney's Office to prepare and execute documents appropriate to carry out the tasks necessary for the General Municipal Election and to take actions related thereto.

Deputy City Manager Frank QUINTERO discussed the resolution to call for a General Municipal Election for the purposes of placing a ballot measure

to increase the Transient Occupancy Tax (TOT).

Council, Mr. QUINTERO, and Assistant City Clerk Jennifer LEVESQUE discussed the timeline of setting the Tourism Business Improvement District (TBID), details of the Property Based Improvement District (PBID), and placing this ballot measure on the November election.

Ashley Marie SUAREZ, Merced - encouraged Council to amend the Resolution to include affordable housing.

LaTanya RI'CHARD, Merced - spoke on the needs of South Merced and asked for the benefits for South Merced.

Darin DUPONT, Merced - expressed support for TBID and spoke on the development of TBID will build connectivity for areas in Merced.

Council and City Attorney Craig CORNWELL discussed the amount of votes needed to pass and forming the TBID.

Council and Mr. QUINTERO agreed to come back on the August 5th Council Meeting with more information.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, to forego placing the TOT increase on the ballot in November, in lieu of allowing the Hotel Association to attempt to form a TBID and a funding mechanism as they outline in their letter to Council and return in December or January with an update on their progress and with direction from Council to move to the ballot in 2026. The motion carried by the following vote:

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

L. PUBLIC HEARINGS

Clerk's Note: Council took a recess at 7:37 PM and reconvened at 7:47 PM.

Clerk's Note: Council agreed to re-discuss Agenda Item K.1. before Agenda Item L.1.

City Attorney Craig CORNWELL stated that Agenda Item K.1., recommendation B requires 5 affirmative votes in order to pass due to the supplemental appropriation.

Council discussed the recommendation.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, to approve Recommendation B. The motion failed by the following vote:

Aye: 4 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, and Council Member DeAnda

No: 1 - Council Member Smith

Absent: 2 - Council Member Ornelas, and Council Member Xiong

Council, City Manager Scott MCBRIDE, and Finance Officer Venus RODRIGUEZ discussed direction to return at a future Council meeting, potentially increasing the amount to 2025, and details of the increase in 2021.

Clerk's Note: Mayor Pro Tempore PEREZ made a motion to direct staff to return with ideas to cover the increase. Ms. PEREZ amended her motion.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Smith, to approve and delay to July 2025. The motion failed by the following vote:

Aye: 4 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member DeAnda, and Council Member Smith

No: 1 - Council Member Boyle

Absent: 2 - Council Member Ornelas, and Council Member Xiong

Council, Mr. CORNWELL, and Mrs. RODRIGUEZ discussed details of the motion, the reconsideration of recommendation B, and City Manager authority to approve budget adjustments.

Clerk's Note: A motion was made by Council Member BOYLE, seconded by Mayor Pro Tempore PEREZ to table the item. Council agreed to direct staff to search for ways to cover the \$4,522 increase. The motion was withdrawn.

L.1.

SUBJECT: Request for Continuance of Second Public Hearing Regarding the U.S. Department of Housing and Urban Development (HUD) 2024 Annual Action Plan to the Council Meeting of August 5, 2024

REPORT IN BRIEF

Requests Council to continue the scheduled Second Public Hearing to the August 5, 2024, Council meeting, to allow staff additional time to finalize the plan to an approval-ready status.

RECOMMENDATION

City Council -

A. Open the scheduled Public Hearing, receive any new public comment; and,

B. Adopt a motion continuing the Public Hearing to the Council Meeting of August 5, 2024

Clerk's Note: Council Member SMITH recused himself due to the applicant being a client at his law firm.

Housing Program Supervisor Kim NUTT gave a slideshow presentation on the continued public hearing for the 2024 United States Department of Housing and Urban Development (HUD) Annual Action Plan.

Council and Ms. NUTT discussed the action requested from Council.

Mayor SERRATTO opened the Public Hearing at 8:12 PM.

Dr. Yvonna BROWN, Walking By Faith, Merced - shared details of the after school program up for consideration.

Sheila GARCIA, Harvest Time, Merced - spoke on Council's decisions in previous Council meetings, funding options for the various programs for consideration, and asked Council to expedite the funding allocation.

Mika MARTINEZ, Harvest Time, Merced - spoke on how Harvest Time assisted her and her family and the benefits of the program to the community.

Leticia LUQUE, Harvest Time, Merced - spoke on the volunteers for Harvest Time and the amount of food donated to the community.

Mayor SERRATTO closed the Public Hearing at 8:24 PM.

Mayor SERRATTO shared details of the projects and community programs up for consideration.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, to continue the Public Hearing to the August 5, 2024 Council Meeting. The motion carried by the following vote:

Aye: 4 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, and Council Member DeAnda

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

Recused: 1 - Council Member Smith

M. BUSINESS

M.1. SUBJECT: Council Member Xiong's Request for an Updated on the American Rescue Plan Act (ARPA) Agreements Timeline

REPORT IN BRIEF

Council Member Xiong's request for an updated on the American Rescue Plan Act (ARPA) agreements timeline.

RECOMMENDATION

Provide direction to staff on the next steps.

Mayor SERRATTO and City Manager Scott MCBRIDE discussed moving the Agenda Item to the August 5th Council meeting due to Council Member XIONG's absence.

Maria CALDERON, Merced - spoke on the needs of the community and providing assistance to unemployed farm workers.

Ashley Marie SUAREZ, Merced - spoke on the stimulus payments and making it a priority to fund community assistance.

Council and Mr. MCBRIDE discussed the list of projects under contract.

Clerk's Note: This Agenda Item was moved to the August 5th Council meeting.

M.2. SUBJECT: Annual Appointments to the Arts and Culture Advisory Commission (At-Large, District 3, District 4, and One Ex-Officio)

REPORT IN BRIEF

Accept nominations to fill the Arts and Culture Advisory Commission.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting nominations and appointing individuals to serve as members of the Arts and Culture Advisory Commission (At-Large, District 3, District 4, and 1 Ex-Officio); or,

B. Accepting nominations and appointing as many members as Council sees appropriate and directing staff to continue the recruitment of applicants.

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

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Smith, to continue the District 3 appointments to the August 5th Council meeting. The motion carried by the following vote:

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

A motion was made by Council Member Smith, seconded by Council Member Boyle, to appoint Rob Hypes to the District 4 seat on the Arts and Culture Advisory Commission for a full-term ending on July 1, 2028. The motion carried by the following vote:

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

A motion was made by Mayor Serratto, seconded by Mayor Pro Tempore Perez, to appoint Colton Dennis to the At-Large seat on the Arts and Culture Advisory Commission for a full-term ending on July 1, 2028. The motion carried by the following vote:

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

A motion was made by Council Member Smith, seconded by Mayor Pro Tempore Perez, to table the Ex-Officio appointment to the August 5th Council meeting. The motion carried by the following vote:

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

M.3.

SUBJECT: Annual Appointments to the Bicycle and Pedestrian Advisory Commission (Four Ex-Officio Members)

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting nominations and appointing individuals to serve as members of the Bicycle and Pedestrian Advisory Commission (4 Ex-Officio Members); or,

B. Accepting nominations and appointing as many members as Council sees appropriate and directing staff to continue the recruitment of applicants.

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

A motion was made by Council Member Smith, seconded by Mayor Pro Tempore Perez, to appoint Randall Pellissier to the Ex-Officio seat on the Bicycle and Pedestrian Advisory Commission for a full-term ending on July 1, 2028. The motion carried by the following vote:

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

A motion was made by Council Member Smith, seconded by Council Member

Boyle, to appoint Curtis Thomas to the Ex-Officio seat on the Bicycle and Pedestrian Advisory Commission for a full-term ending on July 1, 2028 and to appoint Mylia Chambers to the Ex-Officio seat on the Bicycle and Pedestrian Advisory Commission for a partial-term ending on July 1, 2026. The motion carried by the following vote:

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

A motion was made by Council Member Boyle, seconded by Council Member Smith, to appoint Omar Sandoval to the Ex-Officio seat on the Bicycle and Pedestrian Advisory Commission for a partial-term ending on July 1, 2026. The motion carried by the following vote:

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

M.4.

SUBJECT: Annual Appointments to the Building and Housing Board of Appeals (Two Seats)

REPORT IN BRIEF

Accept nominations to fill vacancies on the Building and Housing Board of Appeals.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting nominations and appointing individuals to serve as members of the Building and Housing Board of Appeals (two [2] vacancy); or,

B. Accepting nominations and appointing as many members as Council sees appropriate and directing staff to continue the recruitment of applicants.

Council discussed the vacancies and applicants for the Building and Housing Board of Appeals.

A motion was made by Council Member Smith, seconded by Mayor Pro Tempore Perez, to appoint Jeffrey Hawks and Casey Steed as members to the Building and Housing Board of Appeals for full-terms ending on July 1, 2028. The motion carried by the following vote:

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

M.5.

SUBJECT: Annual Appointments to the Personnel Board to Appoint One Employee Nominated Individual

REPORT IN BRIEF

Considers appointing one Employee nominated individual to the Personnel Board.

RECOMMENDATION

City Council - Adopt a motion appointing Dorothea White to serve as the Employee Nominated member for the Personnel Board with a full term expiring on July 1, 2028, respectively.

Council discussed the vacancy and applicants for the Personnel Board.

A motion was made by Council Member Boyle, seconded by Mayor Pro Tempore Perez, to appoint Dorothea White to the Employee Appointed seat on the Personnel Board for a full-term ending on July 1, 2028. The motion carried by the following vote:

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

M.6.

SUBJECT: Annual Appointments to the Planning Commission (At-Large)

REPORT IN BRIEF

Accept nominations to fill seats on the Planning Commission.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting nominations and appointing an individual to serve as a member of the Planning Commission (At-Large); or,

B. Accepting nominations and appointing as many members as Council sees appropriate and directing staff to continue the recruitment of

applicants.

Council discussed the vacancies and applicants for the Planning Commission.

A motion was made by Mayor Serratto, seconded by Council Member Smith, to appoint Jeremiah Greggains to the At-Large seat on the Planning Commission for a full-term ending on July 1, 2028. The motion carried by the following vote:

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

M.7.

SUBJECT: Annual Appointments to the Recreation and Parks Commission (District 3)

REPORT IN BRIEF

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

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting nominations and appointing individuals to serve as members of the Recreation and Parks Commission (District 3); or,

B. Accepting nominations and appointing as many members as Council sees appropriate and directing staff to continue the recruitment of applicants.

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

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Smith, to appoint Randall Pellissier to the District 3 seat on the Recreation and Parks Commission for a partial-term ending on July 1, 2026. The motion carried by the following vote:

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

M.8.

SUBJECT: Annual Appointments to the Tax Transparency Commission (Districts 1 and 3)

REPORT IN BRIEF

Accept nominations to fill seats on the Tax Transparency Commission.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting nominations and appointing individuals to serve as members of the Tax Transparency Commission (Districts 1 and 3); or,

B. Accepting nominations and appointing as many members as Council sees appropriate and directing staff to continue the recruitment of applicants.

Council discussed the vacancies and applicants for the Tax Transparency Commission.

A motion was made by Council Member Boyle, seconded by Mayor Pro Tempore Perez, to table the District 1 seat. The motion carried by the following vote:

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

Clerk's Note: Mayor Pro Tempore PEREZ made a motion to appoint Sabrina ABONG to the District 3 seat on the Tax Transparency Commission, the motion failed for a lack of second.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Smith, to appoint Michael Harris to the District 3 seat on the Tax Transparency Commission for a full-term ending on July 1, 2028. The motion carried by the following vote:

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

M.9.

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 BOYLE requested a future agenda item for more information on the recent court ruling homeless encampment to be heard at the August 19th Council meeting.

Council and City Attorney Craig CORNWELL discussed adding the agenda item to a future meeting.

M.10.

SUBJECT: City Council Comments

REPORT IN BRIEF

Provides an opportunity for the Mayor and/or Council Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the City and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.

Mayor Pro Tempore PEREZ congratulated Council Member ORNELAS for his marriage.

Council Member SMITH congratulated Council Member ORNELAS for his marriage and thanked Interim City Engineer Mike WEGLEY for his work in the City.

Council Member BOYLE congratulated Council Member ORNELAS for his marriage.

Mayor SERRATTO congratulated Council Member ORNELAS for his marriage, thanked Interim City Engineer Mike WEGLEY for his work in the City, and congratulated the Housing and Planning Departments for the HomeKey award.

N. ADJOURNMENT

Clerk's Note: Council adjourned to Closed Session 9:01 PM.

A motion was made by Council Member Boyle, seconded by Council Member Smith, to congratulate Council Member Ornelas' marriage. The motion carried by the following vote:

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

No: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong

Clerk's Note: Council adjourned from Closed Session at 9:27 PM.