



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

Monday, September 18, 2023

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 7 - Mayor Matthew Serratto, Mayor Pro Tempore Bertha Perez, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Ronnie DeAnda, Council Member Shane Smith, and Council Member Fue Xiong

Absent: 0

B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:32 PM.

Clerk's Note: Council Member XIONG arrived to Closed Session at 5:34 PM.

B.1.

SUBJECT: PUBLIC EMPLOYEE APPOINTMENT - Title: City Manager/City Clerk; Authority: Government Code Section 54957

Clerk's Note: Council adjourned from Closed Session at 5:56 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

The Invocation was delivered by Pastor Juan OCHOA of the Calvary Assembly of God.

C.2. Pledge of Allegiance to the Flag

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

D. ROLL CALL

Present: 7 - Mayor Matthew Serratto, Mayor Pro Tempore Bertha Perez, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Ronnie DeAnda, Council Member Shane Smith, and Council Member Fue Xiong

Absent: 0

D.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority and the Public Financing and Economic Development Authority. City Council members receive a monthly stipend of \$400.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$100.00 each month as a part of the adopted budget and Resolution 2020-86. The members of the Parking Authority and the Public Financing and Economic Development Authority receive no compensation.

E. REPORT OUT OF CLOSED SESSION

Mayor SERRATTO stated, "In Closed Session, the City Council, on a unanimous vote, appointed Scott MCBRIDE as the City Manager of the City of Merced. The appointment is effective November 16, 2023."

Clerk's Note: Mayor SERRATTO moved K.1. and J.1. to be heard prior to Ceremonial Matters.

K.1.

SUBJECT: Approval of the City Manager's Employment Agreement for a Term of Three Years and Adoption of a Resolution to Establish the Publicly Adopted Pay Scale for the City Manager

REPORT IN BRIEF

Considers the approval of the City Manager's Employment Agreement for a term of three years and adoption of Resolution 2023-xx to establish the publicly adopted pay scale for the City Manager.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the City Manager's Employment Agreement for a term of three years; and,

B. Adopting **Resolution 2023-76**, a Resolution of the City Council of the City of Merced, California, appointing Scott McBride as City Manager and Approving an Employment Agreement therefore including compensation and other terms and conditions of employment; and,

C. Authorizing staff to submit the adopted Resolution to the California Public Employees' Retirement System (CalPERS) for confirmation of annual salary amounts and pay scales.

Clerk's Note: Agenda Item K.1. and J.1. were moved to be heard prior to Ceremonial Matters.

Clerk's Note: There was no Council discussion.

Mayor SERRATTO announced, "Adoption of a Resolution appointing Scott MCBRIDE as City Manager and approving an employment agreement setting Mr. MCBRIDE's compensation as \$233,009.71 in base salary plus \$6990.29 in premium pay for a total of \$240,000 in annual compensation, and noting that a corrected Exhibit B to the proposed resolution is being attached to reflect the amounts approved in the contract."

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

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

J.1.

SUBJECT: Election of Chair and Vice Chair, Adoption of Resolution of Approving Amended and Restated Bylaws, and Appointment of an Executive Director, General Counsel, and Secretary for the for the Merced Successor Agency

REPORT IN BRIEF

In order to function as the Successor Agency for the former Merced Redevelopment Agency, the governing board will need to elect a Chair and Vice Chair, adopt bylaws by Resolution, and appoint an Executive Director, General Counsel, and Secretary for the Merced Successor Agency.

RECOMMENDATION

City Council - Adopt a motion:

- A. Nominating and Electing a Chair; and,
- B. Nominating and Electing a Vice Chair; and,
- C. Approving Resolution Successor Agency **Resolution SA 2023-01**, A Resolution of the Successor Agency to the Redevelopment Agency of the City of Merced, Approving Amended and Restated Bylaws; and,
- D. Appointing an Executive Director in accordance with the Amended and

Restated Bylaws; and,

E. Appointing a General Council in accordance with the Amended and Restated Bylaws; and,

F. Appointing a Secretary in accordance with the Amended and Restated Bylaws.

Clerk's Note: Agenda Item K.1. and J.1. were moved to be heard prior to Ceremonial Matters.

Deputy City Manager Frank QUINTERO gave a brief presentation of the approval of the Successor Agency to the Redevelopment Agency.

Mayor SERRATTO and Interim City Attorney Brian DOYLE briefly discussed how to motion and nominate members.

Council agreed to nominate Mayor SERRATTO as Chair, Mayor Pro Tempore PEREZ as Vice-Chair, approve Resolution SA 2023-01, appoint the City Manager as Executive Director, appoint the City Attorney as General Council, and appoint the City Clerk as Secretary.

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: 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

F. CEREMONIAL MATTERS

Clerk's Note: The Ceremonial Matters were moved to be heard after K.1. and J.1.

F.1. SUBJECT: Proclamation - Constitution Week

REPORT IN BRIEF

Received by a representative of the Daughters of the American Revolution the Merced River Chapter.

Mayor SERRATTO presented the Constitution Proclamation to Linda ROLAND Assistant Director of the Daughters of the American Revolution

the Merced River Chapter.

G. WRITTEN PETITIONS AND COMMUNICATIONS

Clerk's Note: There were no emails received.

H. ORAL COMMUNICATIONS

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

Lynn BARRERA, Merced - spoke on spaying and neutering stray dogs and cats and asked Council to find emergency funding.

Concerned Citizen, Merced - spoke on the caller time limit.

Fernando ECHEVARRIA, Merced - spoke on flyers being handed out by Firefighters in Merced.

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

Jose REYES, Merced - invited Council and residents to the Alzheimer's Walk event.

Ana Maria FABIAN, Merced - spoke on her concerns of updating South Merced and the P Street project due to no public lighting, no sidewalks, and lack of grocery stores. She also asked Council to place this on the agenda.

Maria CALDERON, Merced - spoke on her concerns of Childs Avenue regarding the health of residents, sewer lines, the lack of parking at Alicia Reyes Elementary, and the traffic congestion.

Mayor SERRATTO suggested that Ms. CALDERON also speak to the Traffic Committee of the City of Merced, the School District, and Merced County.

Zaray RAMIREZ, Leadership Counsel, Merced - spoke on prioritizing the service needs of South Merced, grocery stores, and pollution from industrial warehouses and semi-trucks.

Christan SANTOS, Representative of Congressman John DUARTE, Merced - spoke on the Veterans Affairs Benefits bill, upcoming events in Merced County, the request for more Town Halls in Merced County, and thanked Colton DENNIS for the Art Walk.

Barbara MCCLELLAND, Merced - expressed appreciation for City's assistance for homeless, spoke on her concerns of drug use and the safety of homeless women.

Mayor SERRATTO referred Ms. MCCLELLAND to Development Services Director Scott MCBRIDE.

Robert DYLINEA, Merced - shared facts of the First Responder Fee.

Mayor SERRATTO reminded the audience of the Town Halls the Fire Department is hosting.

Dwight LARKS, Merced - spoke on his appreciation of working with City Manager Stephanie DIETZ.

Monica SOTELO, Merced - expressed her support for South Merced community members and asked Council Member DEANDA for his support.

I. CONSENT CALENDAR

Agenda Items I.13. Award Bid to Diede Construction Inc. for the Merced Yosemite Regional Airport Terminal, Project Number CP230073, in the Amount of \$15,184,559.87 and I.14. Award Bid to N&S Tractor for the Purchase of One New 24-Foot Hydraulic Folding Disk and One New 20-Foot Hydraulic Folding Laser Drag Scraper for a Total Cost not to Exceed \$191,300 for the Wastewater Treatment Plant Land Application Division; 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: 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

I.1. SUBJECT: Reading by Title of All Ordinances and Resolutions

REPORT IN BRIEF

Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and a summary title may be read with further reading waived.

RECOMMENDATION

City Council - Adopt a motion waiving the reading of Ordinances and Resolutions, pursuant to Section 412 of the Merced City Charter.

This Consent Item was approved.

I.2.

SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of February 6, 2023

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 February 6, 2023.

This Consent Item was approved.

I.3.

SUBJECT: Approval of Allocation of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program Resources and Approval of the Associated Subrecipient Agreement with Habitat for Humanity Merced/Stanislaus Counties for their Homeowner Occupied Rehabilitation "A Brush with Kindness" Program Approved with the Adopted 2022 and 2023 Annual Action Plans

REPORT IN BRIEF

Considers approving to authorize the execution of a three-year program Community Development Block Grant (CDBG) Subrecipient Agreement with Habitat for Humanity Merced/Stanislaus Counties (\$300,000).

RECOMMENDATION

City Council - Adopt a Motion:

A. Approving the agreement for the program identified in the 2022 and 2023 HUD Annual Action Plans using Fiscal Year 2022-23 and 2023-24 CDBG funds with Habitat for Humanity Merced/Stanislaus Counties in the amount of \$300,000 for the “A Brush with Kindness” Program; and,

B. Authorizing the City Manager or the Deputy City Manager to execute, and if necessary, direct staff to make minor modifications to the agreement described above and as attached, and all associated documents and exhibits; and,

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

This Consent Item was approved.

I.4.

SUBJECT: Approval to Waive the Competitive Bidding Requirement for the Professional Services Agreement with Gaetke Medical Corporation and 1582, LLC for the Provision of Comprehensive Occupational Medical Physicals in an Amount not to Exceed \$64,170

REPORT IN BRIEF

Considers approving to waive the competitive bidding requirement for the Professional Services Agreement with Gaetke Medical Corporation and 1582, LLC for the purpose of providing comprehensive occupational medical physicals of fire suppression personnel in an amount not to exceed \$64,170.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the waiver of the competitive bidding requirement due to the vendor being vetted through MFD; and,

B. Approving a Professional Services Agreement with Gaetke Medical Corporation and 1582, LLC in an amount not to exceed \$64,170, for the purpose of providing comprehensive occupational medical physicals of fire suppression personnel through January 1, 2025; and,

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

the necessary documents.

This Consent Item was approved.

I.5.

SUBJECT: Adoption of Resolution of the Successor Agency to the Redevelopment Agency of the City of Merced Approving an Amended Recognized Obligation Payment Schedule for January 1, 2024 Through June 30, 2024 (Amended ROPS 23-24B)

REPORT IN BRIEF

Considers approving and adopting an amended Recognized Obligation Payment Schedule as the Successor Agency to the Redevelopment Agency of the City of Merced for January 1, 2024 through June 30, 2024 which is due to the Department of Finance by October 1, 2023.

RECOMMENDATION

Successor Agency - Adopt a motion:

A. Approving **Resolution SA 2023-02**, a Resolution of the Successor Agency to the Redevelopment Agency of the City of Merced approving the Amended Recognized Obligation Payment Schedule (ROPS 23-24B) for January 1, 2024 through June 30, 2024; and,

B. Authorizing the Finance Officer to make any necessary budget adjustments in order to establish a Fiduciary Fund for the Successor Agency with revenue and expense increases per the Amended Recognized Obligation Payment Schedule.

City Council - Adopt a motion:

A. Authorizing the Finance Officer to make any necessary budget adjustments in order to establish a Fiduciary Fund for the Successor Agency with revenue and expense increases per the Amended Recognized Obligation Payment Schedule.

This Consent Item was approved.

I.6.

SUBJECT: Approval of a First Amendment to Agreement for Professional Services with Hanson Bridgett, LLP, in an Amount not to Exceed \$100,000

REPORT IN BRIEF

Considers approving a First Amendment to an Agreement for legal services with Hanson Bridgett, LLP in an amount not to exceed \$100,000.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a First Amendment to an Agreement for Professional Services with Hanson Bridgett LLP in an amount not to exceed \$100,000; and,

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

This Consent Item was approved.

I.7.

SUBJECT: Approval of Agreement for Labor Relations Consulting, Labor Contract Negotiations and Employee Related Legal Services with the Law Firm of Liebert Cassidy Whitmore in the not to Exceed Amount of \$100,000

REPORT IN BRIEF

Considers approving an agreement for labor relations consulting, labor contract negotiations and employee related legal services with the firm of Liebert Cassidy Whitmore.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving an agreement for professional services with the law firm of Liebert Cassidy Whitmore for labor relations consulting, labor contract negotiations, and employee related matters; and,

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

This Consent Item was approved.

I.8.

SUBJECT: Acceptance of Grant Award for a Maximum of \$79,288 From the United Way of Merced County as the Administering Organization for the Heartland Creative Corps for Art Projects on

City Owned Properties in the City of Merced

REPORT IN BRIEF

Considers accepting a Grant Award for a maximum of \$79,288 from the United Way of Merced County as the Administering Organization for the Heartland Creative Corps for Art Projects on City owned properties in the City of Merced.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting grant funds up to maximum of \$79,288 from the United Way of Merced County as the Administering Organization for the Heartland Creative Corps for Art Projects on City Owned Properties in the City of Merced; and,
- B. Authorizing the City Manager or Deputy City Manager to execute the contract/standard agreement, including any amendments, and other necessary documents pertaining to the life of the grant; and,
- C. Increasing revenue in the amount of \$79,288, and appropriating the same in Fund 1000-General Fund-City Manager, project GR240011; and,
- D. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed; and
- E. Authorizing the Finance Officer to make the necessary budget adjustments.

This Consent Item was approved.

I.9.

SUBJECT: Approval of a Memorandum of Understanding with Merced County Probation Department for the CalVIP Program

REPORT IN BRIEF

Considers approving a Memorandum of Understanding with Merced County Probation Department for the CalVIP Program.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving of a Memorandum of Understanding with Merced County Probation Department for the CalVIP Program; and,
- B. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.10.

SUBJECT: Request by the Merced County NAACP for the Co-Sponsored Rental Rate for the Merced Senior Community Center on October 7, 2023, for its Annual Freedom Fund Banquet

REPORT IN BRIEF

Considers approving a request for the co-sponsored rate for the rental of the Merced Senior Community Center by the Merced County NAACP to hold its annual Freedom Fund Banquet on October 7, 2023.

RECOMMENDATION

City Council - Adopt a motion approving the request to rent the Merced Senior Community Center to the Merced County NAACP on October 7, 2023, for the annual Freedom Fund Banquet at the co-sponsored rental rate.

This Consent Item was approved.

I.11.

SUBJECT: Approval to Accept and Appropriate Grant Funds from First 5 Merced County for the Safe Play Initiative in the Amount of \$700,000 for the Development of Playgrounds at Community Park 42 (Project CP220061) and General Vang Pao Park (Project CP240049)

REPORT IN BRIEF

Considers approving to accept and appropriate grant funds from First 5 Merced County for their Safe Play Initiative in the amount of \$700,000 for the development of inclusive playgrounds at Community Park 42 (project CP220061) and General Vang Pao Park (project CP240049) and approving the use of Park Reserve funding in the amount of \$805,000 for the additional costs related to General Vang Pao Park.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting the Safe Play Initiative contract in the amount of \$700,000 in grant funds; and,
- B. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- C. Authorizing the use of pooled cash to cover the expenditures until grant funds are reimbursed; and,
- D. Authorizing the City Manager or Deputy City Manager to execute all documents, including any amendments.

This Consent Item was approved.

I.12.

SUBJECT: Award of Proposal and Approval of Professional Service Agreement to Replace HerSchy Environmental, Inc. with Provost and Pritchard Engineering Group, Inc. for Groundwater Sampling, Testing and Reporting Services in the Amount of \$82,165

REPORT IN BRIEF

Considers awarding a contract in the amount of \$82,165 to Provost and Pritchard Engineering Group, Inc. (to replace HerSchy Environmental, Inc., no longer in business) to perform groundwater well sampling and reporting services in support of the Airport Remediation Site Investigation for FY 2023/24.

RECOMMENDATION

City Council - Adopt a motion:

- A. Awarding a contract with Provost and Pritchard Engineering Group, Inc. FY 2023/24 in the amount of \$82,165 to provide semi-annual groundwater well sampling and reporting services for the Airport site; and,
- B. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.15.

SUBJECT: Approval to Waive the Competitive Bidding

Requirements and Authorizing the Purchase of One Street Sweeper for \$388,347.63 Through a Cooperative Purchasing Agreement with Sourcewell via M.M.E.(Municipal Maintenance Equipment)

REPORT IN BRIEF

Considers approving to waive the competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 to purchase a currently budgeted and Council approved fleet vehicle 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 due to utilizing a cooperative purchase agreement through Sourcewell, a government procurement program; and,
- B. Approving the purchase of one new Schwarze Model A9 Monsoon Sweeper in the amount of \$388,347.63 from M.M.E. through Sourcewell contract #093021-SWZ; and,
- C. Authorizing the City Manager or Deputy City Manager to execute the necessary documents, the Finance Officer to make the necessary budget adjustments, the City Buyer to issue the Purchase Order, and approval of change orders not to exceed 10% of the total purchase price.

This Consent Item was approved.

I.16.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Approval of a Statement of Services with PrivITation Consulting Corp. in the not to Exceed Amount of \$82,600 for Replacement of the Johnson Controls HVAC Automation System for the Laboratory at the Wastewater Treatment Plant

REPORT IN BRIEF

Considers approving to waive the City's competitive bidding requirements and approving an agreement with PrivITation Consulting Corp. in the amount of \$82,600 for the HVAC automation system

replacement project at the Wastewater Treatment Plant.

RECOMMENDATION

City Council - Adopt a motion:

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

B. Approving the Statement of Services with PrivTation Consulting Corp., in the not to exceed amount of \$82,600 for replacement of the Johnson Controls HVAC Automation System at the Lab for the Wastewater Treatment Plant; and,

C. Authorizing the City Manager, the Deputy City Manager, or designee, to execute the necessary documents, and to approve change orders not to exceed 10% of the total contract.

This Consent Item was approved.

I.17.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Authorizing the Purchase of One Electric Forklift for \$44,699.99 Through a Cooperative Purchasing Agreement with Sourcewell via Cromer Material Handling

REPORT IN BRIEF

Considers approving to waive the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 to purchase a currently budgeted and Council approved fleet equipment 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 to utilize a cooperative purchasing agreement through Sourcewell, a government procurement program; and,

B. Approving the purchase of one new electric Doosan Forklift in the amount of \$44,699.99, plus applicable taxes, from Cromer Material Handling through Sourcewell contract #091520-DIV; and,

C. Authorizing the City Manager or Deputy City Manager to execute the necessary documents, the Finance Officer to make the necessary budget adjustments, the City Buyer to issue the Purchase Order, and approval of change orders not to exceed 10% of the total purchase price.

This Consent Item was approved.

I.18.

SUBJECT: Second Reading and Final Adoption of an Ordinance Amending Section 10.28.230 “No Parking Zones;” and Section 10.28.380, “Stop Intersections Designated,” of the Merced Municipal Code

REPORT IN BRIEF

Second reading and final adoption of Ordinance 2554 an Ordinance of the City Council of the City of Merced, California, amending section 10.28.230 “No Parking Zones;” and Section 10.28.380, “Stop Intersections Designated,” of the Merced Municipal Code

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2554**, an Ordinance of the City Council of the City of Merced, California, amending section 10.28.230 “No Parking Zones;” and Section 10.28.380, “Stop Intersections Designated,” of the Merced Municipal Code.

This Consent Item was approved.

I.19.

SUBJECT: Second Reading and Final Adoption of an Ordinance Amending Section 10.28.230 No Parking Zones and 10.32.056, “Passenger Loading Zones - Permanent”, of the Merced Municipal Code

REPORT IN BRIEF

Second reading and final adoption of an Ordinance of the City Council of the City of Merced, California, amending section 10.28.230 “No Parking Zones;” and 10.32.056, “Passenger Loading Zones - Permanent”, of the Merced Municipal Code

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2553**, an Ordinance of the City Council of the City of Merced, California, amending section 10.28.230 “No Parking Zones;” and 10.32.056, “Passenger Loading Zones - Permanent”, of the Merced Municipal Code.

This Consent Item was approved.

I.20.

SUBJECT: Second Reading and Final Adoption of an Ordinance Amending Chapters 20.08, 20.42, and 20.90 of the Merced Municipal Code to Revise Regulations Regarding Accessory Dwelling Units, Junior Accessory Dwelling Units and Tiny Homes on Wheels; and Second Reading and Final Adoption of an Ordinance Amending Chapter 20.56 of the Merced Municipal Code (Density Bonus) to Bring the Codes into Compliance with Current State Law and to Clarify Ambiguities in the Chapter

REPORT IN BRIEF

Second reading and final adoption of an ordinance that would modify the City’s requirements for Accessory Dwelling Units to meet state laws, Junior Accessory Dwelling Units, and Tiny Homes on Wheels; and second reading and final adoption of an ordinance amending the Density Bonus chapter to bring that code into compliance with current state law and to clarify ambiguities in the chapter.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Ordinance 2555**, An Ordinance of the City Council of the City of Merced, California, amending Chapters 20.08, 20.42, and 20.90 of the Merced Municipal Code to revise regulations regarding accessory dwelling units, junior accessory dwelling units and tiny homes on wheels; and,

B. Adopting **Ordinance 2556**, an Ordinance of the City Council of the City of Merced, California, amending Chapter 20.56, “Density Bonus,” of the Merced Municipal.

This Consent Item was approved.

I.13.

SUBJECT: Award Bid to Diede Construction Inc. for the Merced Yosemite Regional Airport Terminal, Project Number CP230073, in

the Amount of \$15,184,559.87

REPORT IN BRIEF

Considers awarding a Construction Contract to Diede Construction Inc. in the amount of \$15,184,559.87 for the Merced Yosemite Regional Airport Terminal project.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the Merced Yosemite Regional Airport Terminal Project, Project CP230073 to Diede Construction Inc, in the amount of \$15,184,559.87; and,

B. Approving a transfer in the amount of \$2,384,075 from the Fund 1017-Economic Development Opportunity and appropriating in Fund 5006-Airport CIP to Project CP230073; and,

C. Authorizing the use of pooled cash in accordance with the Funding Plan described, until grant reimbursement is received; and,

D. Authorizing the City Manager or Deputy City Manager to execute the necessary Construction Contract and to approve change orders not to exceed 5% of the total contract; and,

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

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

Council Member XIONG and City Surveyor Joe CARDOSO discussed the bidding process for this project and the bidding amount from all vendors.

City Manager Stephanie DIETZ thanked Senator Alex PADILLA for his assistance on the funding for the Airport Terminal project.

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

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

I.14.

SUBJECT: Award Bid to N&S Tractor for the Purchase of One New 24-Foot Hydraulic Folding Disk and One New 20-Foot Hydraulic Folding Laser Drag Scraper for a Total Cost not to Exceed \$191,300 for the Wastewater Treatment Plant Land Application Division

REPORT IN BRIEF

Considers awarding the bid to N&S Tractor for the purchase of one new 24-foot hydraulic folding disk and one new 20-foot hydraulic folding laser drag scraper for the Wastewater Treatment Plant Land Application Division in a not to exceed amount of \$191,300.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid to N&S Tractor for the purchase of one new 24-foot hydraulic folding disk and one new 20-foot hydraulic folding laser drag scraper for a total amount not to exceed \$191,300; and,

B. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents, the City Buyer to issue the Purchase Order(s), and approval of change orders not to exceed 10% of the total purchase price.

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

Council Member SMITH recused himself due the vendor being a client of his workplace.

A motion was made by Council Member Boyle, 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 DeAnda, and Council Member Xiong

No: 0

Absent: 0

Abstain: 1 - Council Member Smith

J. REPORTS

J.2.

SUBJECT: Review and Discussion a Possible Ordinance to Reduce Number of Nuisance Calls at Hotels and Motels

REPORT IN BRIEF

Review and discuss a potential ordinance to reduce number of crime related calls to hotels and motels.

RECOMMENDATION

Information only and possible staff direction on next steps.

Development Services Director Scott MCBRIDE gave a slideshow presentation on a possible ordinance to reduce number of nuisance calls at hotels and motels.

Council, Mr. MCBRIDE, and City Manager Stephanie DIETZ discussed cities with similar ordinances, communication with the Hotel Motel Association, community outreach, incident count numbers at all motels/hotels, amount of 911 calls, incidents taking place at Golden Valley, the types of crimes that take place, preventative measures, proactive and reactive actions, details of a drug abatement program, and possibly having a guest list.

Council agreed for City Staff to receive feedback from the Hotel Motel Association and the Public Safety Subcommittee to work with Mr. MCBRIDE.

Clerk's Note: There was no formal vote taken, item was for information only.

J.3.

SUBJECT: Report and Adoption of a Resolution Approving the U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2022-23 and Authorizing Submittal of the CAPER to HUD

REPORT IN BRIEF

Review and approve Housing Division activities as reported in the Draft 2022 Consolidated Annual Performance and Evaluation Report (CAPER)

and authorize its submission to HUD.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2023-75**, A Resolution of the City Council of the City of Merced, California, Approving the 2022-2023 Program Year Consolidated Annual Performance and Evaluation Report (CAPER); and,

B. Authorizing the City Manager or Deputy City Manager to execute and, if necessary, direct staff to make minor modifications to, the above referenced items and all associated documents as attached to this report; and,

C. Authorizing the Finance Officer to make necessary budget adjustments, if any.

Housing Program Supervisor Kim NUTT gave a slideshow presentation on the draft 2022 Consolidated Annual Performance and Evaluation Report (CAPER).

Clerk's Note: There was no Council discussion.

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: 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

J.4.

SUBJECT: Review and Discuss Broadband for Unserved and Underserved Residents and Grant Funding Opportunities

REPORT IN BRIEF

Review and discuss broadband for unserved and underserved residents and grant funding opportunities.

RECOMMENDATION

Information only and possible Staff direction on revisions and/or next steps.

Director of Information Technology Jeff BENNYHOFF gave a slideshow presentation on the Broadband for unserved and underserved residents.

Council, Mr. BENNYHOFF, and City Manager Stephanie DIETZ discussed details of both options given by staff, County's upcoming meeting, urgency component, communication with Merced County, the Request for Proposal (RFP) that was sent out, details of Broadband, and a possible partnership agreement with Merced County.

Council agreed to wait for Merced County to make a decision and discuss further actions.

Clerk's Note: There was no formal vote taken, item was for information only.

J.5.

SUBJECT: Youth Citizenship Campaign Direction

REPORT IN BRIEF

Council to provide direction on development of a Youth Citizenship Campaign.

RECOMMENDATION

City Council - Provide direction for the development and implementation of a Youth Citizenship Campaign.

Public Information Officer Jennifer FLACHMAN gave a slideshow presentation on the Youth Citizenship Campaign.

Council, Ms. FLACHMAN, and City Manager Stephanie DIETZ discussed conversations with the Public Safety Subcommittee, creating a formal City campaign, reaching out to youth, community accountability, and details of the scope that the Peer Support Specialists follow as described in the California Violence Intervention and Prevention (CalVIP) Grant.

Clerk's Note: There was no formal vote taken, item was for information only.

K. BUSINESS

K.2.

SUBJECT: Mayor Serratto's Request to Discuss a Downtown Arch

REPORT IN BRIEF

Mayor Serratto's Request to discuss a Downtown Arch.

RECOMMENDATION

Provide direction to assign this project to a City Council Sub-Committee

Mayor SERRATTO gave a brief presentation on the request to discuss a downtown arch.

Council discussed placement of the arch, Bob Hart projects, funding sources, signage wording, asking for assistance from Main Street Association, the right-of-way of 16th Street, and different organizations that could assist.

A motion was made by Mayor Serratto, seconded by Council Member Ornelas, to appoint the Downtown Subcommittee to work with staff, community groups, and the Arts and Culture Advisory Commission to come back to Council at a later date with options that include cost estimate for a Bob Hart Square arch and an additional arch over a street to be later determined. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

K.3.

SUBJECT: Council Member Boyle's Request to Discuss the Arts Districts

REPORT IN BRIEF

Council Member Boyle's request to discuss the arts districts.

RECOMMENDATION

Provide direction to staff on next steps.

Council Member BOYLE gave a brief description of the request to discuss the Arts Districts.

Council discussed creating arts projects in locations within each district and the open call for arts projects.

Council agreed to bring back multiple spaces, make a selection, and go

out for Request for Proposal (RFP).

Clerk's Note: There was no formal vote taken, item was for information only.

K.4. **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.

Clerk's Note: No future items were added.

K.5. **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 DEANDA shared personal matters.

Council Member ORNELAS reported on attending the Public Safety Committee meeting, City Attorney Interviews, and City Manager interviews.

Council Member PEREZ congratulated the next City Manager Scott MCBRIDE, thanked City Manager Stephanie DIETZ, attended the Children's Summit, and spoke on Dollywood Library Program for children.

Council Member SMITH reported on attending the Reading of the Constitution of the United States at the Fresno Courthouse and shared his experience with Advanced Air.

Council Member BOYLE reported on attending the American Leadership Forum Wilderness Camp, Arts Meet and Greet event, City Attorney interviews, and Hispanic Month Kickoff.

Mayor SERRATTO reported on attending the Jail Ministry Fundraiser, Merced High School's Football Game, Mayor's Ball, and the Jackie Winzer Golf Tournament.

L. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 8:31 PM.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, that this Regular Meeting be adjourned in the honor of City Employee Caleb Rasmussen. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0