



# 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

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Monday, October 18, 2021

6:00 PM

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#### A. STUDY SESSION ROLL CALL

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

**Absent:** 0

#### B. STUDY SESSION

Mayor SERRATTO called the Study Session to order at 5:01 PM.

##### B.1.

**SUBJECT:** Study the Results of the American Rescue Plan Act (ARPA) Survey and Discussion on Developing a Strategic Investment Plan

##### REPORT IN BRIEF

Council and Staff will study the results of the ARPA survey and discuss developing a strategic investment plan.

##### RECOMMENDATION

Provide Staff direction.

City Manager Stephanie DIETZ and Finance Officer Venus RODRIGUEZ gave a presentation detailing the American Rescue Plan Act (ARPA) funding amounts, revenue loss calculations, funding that has already been allocated by the Council, eligible uses for the funding, and provided a detailed review of the community survey results regarding the ARPA funding.

Council briefly discussed funding priorities which included water, infrastructure investments, affordable housing, and youth programs.

Marie JOHNSON, Merced - requested the funding be used for universal basic income for the youth.

Jaylene CRUZ, Merced - requested a guaranteed income program for the youth.

Shirley, Merced resident - requested funding for youth programs

Donna YANCEY, Merced - spoke about the need for affordable housing in Merced.

Carolyn BENSON, Merced - spoke on using the funding for affordable housing.

Sheng XIONG, Leadership Council for Justice and Accountability - requested the funding be used for affordable housing and premium pay for essential workers.

Michael BELLUOMINI, Merced - spoke on the work of Sierra Saving Grace and supported the use of ARPA funding to assist with their work.

Jaden GONZALES-BURNHYER - spoke in support of using the funding for homeless issues and youth programs.

Nathalie MORENO, Merced - spoke in favor of a guaranteed basic income for youth.

Christian NUNEZ, Merced - advocated for open parks for the youth.

Fue XIONG, Merced - spoke in favor of premium pay for essential workers, and funding for affordable housing.

**Clerk's Note:** The Study Session was adjourned at 5:53 PM.

## C. CALL TO ORDER

Mayor SERRATTO called the Regular Meeting to order at 6:06 PM.

C.1. Invocation - Imam Sabahat Ali, Ahmadiyya Muslim Community, Merced Chapter

The invocation was delivered by Shahid SOHAIL from the Ahmadiyya Muslim Community, Merced Chapter.

C.2. Pledge of Allegiance to the Flag

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

## D. ROLL CALL

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

Absent: 0

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

## E. CEREMONIAL MATTERS

### E.1. SUBJECT: Proclamation - Breast Cancer Awareness Month

#### REPORT IN BRIEF

Accepted by a representative from the Merced Fire IAFF Local 1479.

Mayor SERRATTO presented the proclamation for Breast Cancer Awareness Month to members of the Merced Firefighters Union, Local 1479.

## F. WRITTEN PETITIONS AND COMMUNICATIONS

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

Item B.1. - Christina ACOSTA, Lupe AGUILAR, Neama ALAMRI, Lauren ARNEST, Ashley CARDENAS, Jazz DIAZ, Ramos, Elizabeth FABER, John FLORES, Bryan GARCIA, Jose GARDUNO, Fernanda GALVAN, Miranda GRISWOLD, Brendan HARRISON, Josue HERRERA, Jamie, Jocelyn NGO, Xenia ORTIZ, Maria RAMIREZ, Madelyn SAN, Isabella SEGARRA, Adam SHANE, Tony SLATON, Wubel WEBESHETE, Loralai XIONG, Nalee XIONG, Adam YANEZ, Mai YANG, and Ulysses ZAMBRANO.

Item I.1. - Susan BALCARCEL, Val and Cheri FOGLEBERG, Leonard FRANCO, Shawn HENRY, Mamey and Mory KRAMER, Natalie GUZMAN, Nannette LACEY, Karen PATTERSON, Melissa WHITAKER, and Paul WILSON.

Item I.2. - Lynda BARBOUR.

## G. ORAL COMMUNICATIONS

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

Paloma, Merced - suggested using the dollars to help emergency workers.

Irma NAVARRO, Merced - spoke on the health problems and the need to help workers and small businesses.

Elaina SANCHEZ, Merced - asked that the ARPA funds be used for water infrastructure and broadband access.

Jullisa RAMIREZ - asked Council to use funding for a guaranteed income for youth and a jobs training program.

Merced Resident - asked for funding for youth including a guaranteed income program and a job program.

Eugene VANG - read a poem.

Sandra GUTIERREZ - spoke in favor of guaranteed income for youth and a job training program.

Merced Resident - asked for a guaranteed income program for youth.

Ramon RODRIGUEZ, Turlock - spoke in favor of a guaranteed income program for you and a youth job training program.

Noelle ANDERSON, Merced - spoke in favor of spending on youth programs, guaranteed income programs, and housing.

Lauren ARNEST, Merced - requested funding for guaranteed youth income and training programs.

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

Malachi SANCHEZ, Merced - spoke in favor of a LGBTQIA+ resource center.

Pangcha VANG, Merced - spoke in favor of premium pay for essential workers.

Christian, Merced - asked that the funding be used for housing.

Lizeth, Merced - spoke in favor of funding for the youth.

Louis SMITH, Merced - spoke in support of Habitat for Humanity for some available city lots.

Ruben PEREZ, Merced - spoke in support of essential workers.

Jocelyn, Merced - spoke about investments in youth and hazard pay for essential workers.

Crissy GALLARDO - asked for the equitable investment of the ARPA funding.

Brenda - spoke in support of a guaranteed income program for youth.

George SANCHEZ, Merced - spoke about the health of city trees.

Ashley CARDENAS, Merced - spoke in favor of affordable housing and youth programs.

Jocelyn NOJO, Merced - spoke in favor of investing in the youth.

Astrid MORALES, Merced - spoke in favor of funding a guaranteed income program and job training for youth.

Joe HYPES, Merced - asked for funding to help the Merced County Food Bank.

Hope, Merced - expressed support for funding housing and premium pay for essential workers.

Pangcha VANG, Merced - asked about Planning Commission and Redistricting Advisory Commission video.

Fue XIONG, Merced - spoke about Merced County ARPA funding.

Eric, Merced - spoke about police violence.

## H. CONSENT CALENDAR

Items H.11. Approval of Memorandum of Understanding Between Merced County and the City of Merced for Administration of the Proposition 64 Public Health & Safety Grant Program Cohort 2 for the Three-Year Pilot Program, up to a Maximum of \$355,094, to Provide Prevention and Early Intervention Services to the Youth Identified through Middle and High Schools and H.15. Adoption of a Resolution Opposing the Pacific Gas and Electric (PG&E) Company's June 2021 General Rate Case Filing to the California Public Utilities Commission (CPUC) Requesting Substantial Rate Increases; were pulled for separate consideration.

## Approval of the Consent Agenda

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

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

**No:** 0

**Absent:** 0

### 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:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of October 4, 2021

#### **REPORT IN BRIEF**

Official adoption of previously held meeting minutes.

#### **RECOMMENDATION**

**City Council/Public Financing and Economic Development/Parking Authority** - Adopt a motion approving the meeting minutes of October 4, 2021.

**This Consent Item was approved.**

### H.3. **SUBJECT:** Approval to Waive the Competitive Bidding Requirements and Approval of a Contract for Purchases of Personal Protective Equipment, Parts, Equipment, Supplies, and Services Necessary for Fire Suppression and Prevention from L.N.

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Curtis & Sons in an Amount not to Exceed \$200,000 Through June 30, 2022

**REPORT IN BRIEF**

Considers waiving the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving the contract for purchases of various personal protective equipment, parts, equipment, supplies, and services from L.N. Curtis & Sons through June 30, 2022.

**RECOMMENDATION**

**City Council** - Adopt a motion:

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

B. Approving the purchases of personal protective equipment, parts, equipment, and supplies from L.N. Curtis & Sons in an amount not to exceed \$200,000 in Fiscal Year 2021/2022; and,

C. Authorizing the City Manager or the Deputy City Manager, to execute the Agreement for Supplies and Services attached hereto.

**This Consent Item was approved.**

H.4.

**SUBJECT:** Administering Agency Amendment Modification Summary (E-76) - State Agreement for Federal Aid Projects No. 10-5085 and Approval to Accept Congestion Mitigation and Air Quality Improvement (CMAQ) Grant Funds, CML-5085(052) 119070 CMAQ in the Amount of \$403,472 for Construction of the Sidewalks on 7th and 8th Streets Between Linda Lane and West Avenue and Linda Lane Between 7th Street and Lopes Avenue

**REPORT IN BRIEF**

Considers accepting \$403,472 in Federal Congestion Mitigation and Air Quality (CMAQ) Grant funding for Construction of the sidewalks on 7th and 8th Streets between Linda Lane and West Avenue and Linda Lane between 7th Street and Lopes Avenue.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Accepting CMAQ grant funds and increasing revenue in account 450-1104-321.32-00 by \$403,472 and appropriating the same to account 450-1104-637-65-00 (Project No. 119070) for construction costs associated with construction of sidewalks on 7th and 8th Streets between Linda Lane and West Avenue and Linda Lane between 7th Street and Lopes Avenue; and,

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

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

**This Consent Item was approved.**

**H.5.**

**SUBJECT: Approval of a Professional Services Agreement with J.B. Anderson Land Use Planning and Deposit and Reimbursement Agreement with Bellevue Merced, LLC, Baxter Ranches, LLC, and Hostetler Investments, LLC for Preparation of an Environmental Document for General Plan Amendment #17-02 and Site Utilization Plan Revision #12 to Planned Development (P-D) #42**

**REPORT IN BRIEF**

Considers approving a Professional Services Agreement with J.B. Anderson Land Use Planning in the amount of \$96,004 for preparation of an environmental document for General Plan Amendment #17-02 and Site Utilization Plan Revision #12 to Planned Development (P-D) #42 to change land use designations in portions of Bellevue Ranch. Also considers approving a Deposit and Reimbursement Agreement with Bellevue Merced, LLC, Baxter Ranches, LLC, and Hostetler Investments, LLC, in the amount of \$105,604.40 to cover the costs of the preparation of the environmental document and related administrative costs.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the Professional Services Agreement with J.B. Anderson Land Use Planning in the amount of \$96,004 for preparation of an environmental document for General Plan Amendment #17-02 and Site Utilization Plan Revision #12 to Planned Development (P-D) #42; and,

B. Approving the Deposit and Reimbursement Agreement with Bellevue Merced, LLC, Baxter Ranches, LLC, and Hostetler

Investments, LLC, in the amount of \$105,604.40 to cover the cost of the consultant contract and staff time for the administration of the environmental review process; and,

C. Approving an increase of revenue in the amount of \$96,004 to account 017-0804-360-01-02 - Other Revenue Developers and appropriating \$96,004 to account 017-0804-512-17-00-Professional Services for payment to J.B. Anderson Land Use Planning; and,

D. Approving an increase of revenue in the amount of \$9,601 to account 017-0804-331-01-11 - Cost Recovery; and,

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

**This Consent Item was approved.**

**H.6.**

**SUBJECT:** Approval of a First Amendment to Professional Services Agreement with Economic Planning Systems (EPS) for the Public Facilities Financing Plan and Impact Fee Program Update, Status Report on the Update, and Adoption of a Resolution Amending the Administrative Policy (A-32) for the Impact Fee Program

**REPORT IN BRIEF**

Considers approving an amendment to the Professional Services Agreement with Economic Planning Systems (EPS) in the amount of \$10,000 to complete the Public Facilities Financing Plan and Impact Fee Program Update as well as receiving a status report on the update and considering the adoption of a resolution amending Administrative Policy A-32 for the Impact Fee Program in the areas of exemptions, fee deferrals, and required security.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the First Amendment to the Professional Services Agreement with Economic Planning Systems (EPS) to complete the Public Facilities Financing Plan and Impact Fee Program Update in the amount of \$10,000; and,

B. Approving a supplemental appropriation from Fund 017-Development Services unencumbered, unreserved Fund Balance in the amount of \$10,000 to the Planning Division's Professional Services account (017-0804-512-17-00); and,

C. Approving **Resolution 2021-93**, A Resolution of the City Council of the City of Merced, California, amending Administrative Policy and Procedure A-32 regarding Public Facilities Impact Fees; and,

D. Authorizing the City Manager or Deputy City Manager to execute the agreement.

**This Consent Item was approved.**

**H.7.**

**SUBJECT:** Approval to Accept and Appropriate Grant Funds from the State of California Department of Housing and Community Development (HCD) from the SB2 Planning Grants Program in the Amount of \$310,000, Approval to Accept and Appropriate Grant Funds from the State of California HCD Local Early Action Planning Grant Program (LEAP) in the Amount of \$300,000, and Approval to use Pooled Cash to Cover the Appropriation until Grant Funds are Reimbursed

**REPORT IN BRIEF**

Considers accepting and appropriating grant funds from the State of California Department of Housing and Community Development (HCD) from the SB2 Planning Grants Program in the amount of \$310,000, accepting and appropriating grant funds from the State of California HCD Local Early Action Planning Grant Program (LEAP) in the amount of \$300,000, using pooled cash to cover the appropriation until grant funds are reimbursed, authorizing the Finance Officer to make necessary budget adjustments, and authorizing the City Manager or Deputy City Manager to execute all documents including any amendments.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Accepting SB2 Grant Funds in the amount of \$310,000; and,

B. Increasing revenue account 090-0804-324-02-00 in the amount of \$310,000 and appropriating the same to 090-0804-512-17-00 for expenditures; and,

C. Accepting LEAP Grant Funds in the amount of \$300,000; and,

D. Increasing revenue account 091-0804-324-02-00 in the amount of \$300,000 and appropriating the same to 091-0804-512-17-00 for

expenditures; and,

E. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed; and,

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

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

**This Consent Item was approved.**

**H.8.**

**SUBJECT:** Award Bid to Merced Chevrolet for the Purchase of Two (2) New Crew Cab Pickups for the Fire Department and Three (3) New Four-Door Sedans for the Police Department, for a Total Cost of \$145,001.37

**REPORT IN BRIEF**

Considers awarding the Bid to Merced Chevrolet for the purchase of two new crew cab pickups for the Fire Department and three four-door sedans for the Police Department to replace vehicles at end-of-life cycle.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Awarding the bid to Merced Chevrolet for the supply of two new crew cab pickups and three four-door sedans, for a total amount of \$145,001.37; and,

B. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents and the City Buyer to issue the Purchase Order.

**This Consent Item was approved.**

**H.9.**

**SUBJECT:** Approval of a Professional Services Agreement with Ascent Environmental, Inc., for Environmental Services Relating to the Annexation of the UC Merced Campus to the City of Merced

**REPORT IN BRIEF**

Considers entering into a professional services agreement with Ascent Environmental, Inc., in the amount of \$52,540 to perform environmental

services for the annexation of the UC Merced Campus to the City of Merced.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving a Professional Services Agreement with Ascent Environmental, Inc., to perform environmental services for the Annexation of the UC Merced Campus to the City of Merced in the amount of \$52,540; and,

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

**This Consent Item was approved.**

**H.10.**

**SUBJECT:** Approval to Waive the Competitive Bidding Requirements and Approval of a Professional Services with PrivITation Consulting Corp. in the not to Exceed Amount of \$142,200 (Phases 1 & 2) for Replacement of the Siemens HVAC Automation System at the Civic Center and Central Police Department for the Term Ending June 30, 2023; and Approval of a HVAC Automation Preventative Maintenance Agreement with PrivITation Consulting Corp. in the Amount of \$17,250 for the Term Ending July 31, 2022

**REPORT IN BRIEF**

Considers waiving the City's competitive bidding requirements and approving two separate agreements with PrivITation Consulting Corp. for Phases 1, 2, & 3 of the HVAC automation system replacement project, as well as maintenance of the HVAC automation system at the Civic Center and Central Police Department.

**RECOMMENDATION**

**City Council** - Adopt a motion:

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

B. Approving the agreement for professional services with PrivITation Consulting Corp., in the not to exceed amount of \$142,200 for Phases (1 & 2) for replacement of the Siemens HVAC Automation System at the Civic Center and Central Police Station for a term ending June 30, 2023; and,

C. Approving for future Phase (3), contingent on budget, not to exceed \$69,900, for replacement of the Siemens HVAC Automation System at the Civic Center and Central Police Station; and,

D. Approving the Automation Preventative Maintenance Agreement with PrivTation Consulting Corp., in the not to exceed amount of \$17,250 for HVAC automation system maintenance at the Civic Center and Central Police Station for a term ending July 31, 2022; and,

E. Authorizing the City Manager or the Deputy City Manager, to execute the necessary documents, future amendments to add Phase 3 that are approved as to form by the City Attorney, and to approve change orders not to exceed 10% of the total contract for Phase 2 and Phase 3.

**This Consent Item was approved.**

**H.12.**

**SUBJECT: Adoption of a Resolution Approving Contract Number S2180027 with the State of California Department of Fish and Wildlife for the Shared Habitat Alliance for Recreational Enhancement (SHARE) Program in Order to Provide Hunting and Bird Watching Opportunities at the City's Waste Water Treatment Plant and Approval to Accept \$8,105.50 into Account 024-1216-360.01-01 to Administer the Program, Increase the Revenue Account in the Amount of \$1,052, and Appropriate the Same to the Contingency Account 024-1201-542.34-00**

**REPORT IN BRIEF**

Considers adopting a Resolution and agreement with the Department of Fish and Wildlife to provide hunting and bird watching opportunities at the City's Waste Water Treatment Plant property through the SHARE program, increases the revenue account 024-1216-360.01-01 by the amount of \$1,052, and appropriates the increased amount to the contingency account 024-1201-542.34-00.

**RECOMMENDATION**

**City Council-** Adopt a motion:

A. Approving **Resolution 2021-91**, a Resolution of the City Council of the City of Merced, California, approving contract number S2180027 with the State of California Department of Fish and Wildlife for the Shared Habitat Alliance for Recreational Enhancement (SHARE) Program; and,

B. Increasing the revenue account 024-1216-360.01-01 in the amount of \$1,052, appropriating the same amount to the contingency account 024-1201-542.34-00; and,

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

**This Consent Item was approved.**

**H.13.**

**SUBJECT:** Approval of First Amendment to the Professional Agreement with LPA, Inc., to Conduct a Structural Analysis of the Central Police Station and Assess Programming and Facility Layout for an Additional Cost of \$17,500

**REPORT IN BRIEF**

Consider the approval of the First Amendment to the LPA, Inc. Professional Services Agreement, to conduct a structural analysis of the Central Police Station and assess programming and facility layout for an additional not-to-exceed amount of \$17,500.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the first amendment to the agreement with LPA, Inc., and authorizing the City Manager or Deputy City Manager to execute the necessary documents.

**This Consent Item was approved.**

**H.14.**

**SUBJECT:** Approval of a Memorandum of Understanding with the Merced Police Officers Association (MPOA) with a Term of July 1, 2021 Through June 30, 2024 and Approval of Supplemental Appropriation in Fund 087 American Rescue Plan Act in the Amount of \$121,508 and Fund 157 CFD-Police in the Amount of \$1,445

**REPORT IN BRIEF**

Considers approval of Memorandum of Understanding with Merced Police Officers Association (MPOA) with a term of July 1, 2021 through June 30, 2024 and approval of Supplemental Appropriation in Fund 087 American Rescue Plan Act in the amount of \$121,508 and Fund 157 CFD-Police in the amount of \$1,445.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving **Resolution 2021-96**, a Resolution of the City Council of the City of Merced, California, approving Memorandum of Understanding with Merced Police Officers Association (MPOA); and authorizing the City Manager or Deputy City Manager to make non-substantive modifications subject to City Attorney approval and to execute the necessary documents; and,

B. Approving a supplemental appropriation in the amount of \$121,508 from Fund 087 American Rescue Plan Act for 1% premium pay and transferring to various funds in which MPOA employees are funded; and,

C. Approving a supplemental appropriation in the amount of \$1,445 from Fund 157 CFD-Police to cover unbudgeted costs for the signing bonus; and,

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

**This Consent Item was approved.**

**H.16.**

**SUBJECT:** Second Reading and Final Adoption of an Ordinance Amending Section 8.04.640 “Commercial Recycling Rates and Charges”, Section 8.04.800 “Commercial Green or Organic Waste Rates and Charges”, and Adding Article V of Chapter 8.04 “Commercial Waste Generators” to the Merced Municipal Code

**REPORT IN BRIEF**

Second reading and final adoption an ordinance to amend Section 8.04.640 “Commercial Recycling Rates and Charges”, Section 8.04.800 “Commercial Green or Organic Waste Rates and Charges” and adding Article V of Chapter 8.04 “Commercial Waste Generators” to the Merced Municipal Code to aid in compliance with California State regulations for mandatory recycling and green or organic waste diversion.

**RECOMMENDATION**

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

Code.

This Consent Item was approved.

H.11.

**SUBJECT:** Approval of Memorandum of Understanding Between Merced County and the City of Merced for Administration of the Proposition 64 Public Health & Safety Grant Program Cohort 2 for the Three-Year Pilot Program, up to a Maximum of \$355,094, to Provide Prevention and Early Intervention Services to the Youth Identified through Middle and High Schools

**REPORT IN BRIEF**

Considers approving the Memorandum of Understanding between Merced County and the City of Merced for Administration of the Proposition 64 Public Health & Safety Grant Program Cohort 2 for the three-year pilot program, up to a maximum of \$355,094, to provide prevention and early intervention services to the youth identified through middle schools and high schools.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the Memorandum of Understanding between Merced County and the City of Merced, up to a maximum of \$355,094, for the Proposition 64 Public Health & Safety Grant Program Cohort 2; 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.

Council Member ORNELAS pulled this item to ask questions of staff.

City Manager Stephanie DIETZ explained the counseling services being provided.

Council and Ms. DIETZ discussed the referral sources that could be used to help cannabis use prevention and intervention in youth.

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

**Aye:** 4 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Shelton, and Council Member Boyle

**No:** 3 - Council Member Echevarria, Council Member Perez, and Council Member Ornelas

Absent: 0

H.15.

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

**REPORT IN BRIEF**

Adopting a Resolution calling upon the CPUC and PG&E to cease from authorizing further electricity rate increases until equitable rate reforms and spending control measures offset measures are implemented to offset rate increases.

**RECOMMENDATION**

**City Council** - Adopt a motion - Adopting **Resolution 2021-94**, a Resolution of the City Council of the City of Merced, California, in opposition to Pacific Gas & Electric (PG&E) company's June 2021 general rate care (GRC) filing to the California Public Utilities Commission (CPUC) requesting substantial rate increases.

Council Member ORNELAS pulled this item to request it be moved to a future meeting.

**A motion was made by Council Member Ornelas, seconded by Council Member Echevarria, that this agenda item be continued to the November 15, 2021 meeting. The motion carried by the following vote:**

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

**No:** 0

**Absent:** 0

**Clerk's Note:** At the request of Council Member ORNELAS, Mayor SERRATTO moved item K.1. up in the agenda.

K.1.

**SUBJECT:** Adoption of a Resolution in Support of the BIPOC LGBTQIA+ Community

**REPORT IN BRIEF**

Considers the adoption of a Resolution in support of the BIPOC LGBTQIA+ Community.

**RECOMMENDATION**

**City Council** - Adopt a motion adopting **Resolution 2021-95**, a Resolution of the City Council of the City of Merced, California, to support the black, indigenous, people of color (BIPOC) lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA+) Merced Community.

City Manager DIETZ gave a brief report on the proposed Pride Center and requested a meeting with stakeholders.

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

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

**No:** 0

**Absent:** 0

**I. PUBLIC HEARINGS**

**I.1.**

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

**REPORT IN BRIEF**

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

**RECOMMENDATION**

**City Council-** Adopt a motion:

A. Approving Environmental Review #21-18 (CEQA Section 15162 Findings); and,

B. Introducing **Ordinance 2534**, an Ordinance of the City Council of the City of Merced, California, approving Site Utilization Plan Revision #4 to Planned Development (P-D) #72 to include a car wash, additional retail buildings and 52 additional multi-family units, as well as reconfiguring the location of various buildings on the site; and,

C. Approving the amendment to the Legislative Action Agreement; and,

D. Authorizing the City Manager or the Deputy City Manager to execute all related documents.

Principal Planner Michael HREN gave a presentation on the request by the developer for the Yosemite Crossing development to include a car wash, additional retail buildings, and 52 additional multi-family units, as well as reconfiguring the location of various buildings on the site.

City Manager Stephanie DIETZ reported on neighborhood meetings with the current residents of the Mansionette subdivision which included discussion on parking issues, possible enhancement to the current block wall, and potentially closing the end of the cul de sacs with gates.

Mayor SERRATTO opened the Public Hearing at 7:59 PM.

Sue HOOGENDAM, Merced - spoke in opposition to the additional apartment units to the project.

Kate SUPINGER, Merced - expressed concern with the additional apartment units being requested.

Karen PATTERSON, Merced - spoke in opposition of the additional apartment units to the project but supported the originally approved plan.

Donna HUNTER, Merced - expressed support for the original plan of 44 units but not the proposed 96 units.

Larry SMITH, Merced - spoke in opposition to the additional units.

Russell LAWRENCE, Merced - spoke about all the future additions coming to the neighborhood and stated opposition to the increase of apartment units.

Beth LAWRENCE, Merced - expressed traffic and safety concerns that will increase with the proposed development.

Shawn HENRY, Merced - spoke in opposition to the additional units.

Pangcha VANG, Merced - expressed support for the additional apartment units in the project.

Sheng XIONG, Merced - expressed support for the additional units to increase the housing stock.

Rick SANFORD, Merced - opposed the increase to 96 apartment units.

Neil ANGELLILO, Manager of Yosemite & G, LLC - gave a presentation on the proposed project and addressed the residents' concerns.

Council and Mr. ANGELLILO discussed the project, potential rents, the concerns of the residents, and the financial viability of the project.

Rick SANFORD, Merced - spoke in opposition.

Council and Mr. ANGELLILO continued to discuss the project.

Mayor SERRATTO closed the Public Hearing at 8:44 PM.

Council discussed the project, possible concessions, the need for housing, and safety of the neighborhood.

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

**Aye:** 3 - Mayor Pro Tempore Blake, Council Member Echevarria, and Council Member Shelton

**No:** 4 - Mayor Serratto, Council Member Perez, Council Member Ornelas, and Council Member Boyle

**Absent:** 0

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

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

**No:** 3 - Mayor Pro Tempore Blake, Council Member Echevarria, and Council Member Shelton

**Absent:** 0

**Clerk's Note:** Council agreed to rescind the previous approval vote to add conditions to the approval.

**A motion was made by Mayor Serratto, seconded by Council Member Ornelas, that the previous vote be rescinded. The motion carried by the following vote:**

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

**No:** 1 - Council Member Echevarria

**Absent:** 0

**A motion was made by Council Member Ornelas, seconded by Council Member Perez, that the item be approved with the addition of a metal fence around the apartment complex and up to forty thousand dollars of off site improvements funded by the developer. The motion carried by the following vote:**

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

**No:** 3 - Mayor Pro Tempore Blake, Council Member Echevarria, and Council Member Shelton

**Absent:** 0

**Clerk's Note:** The Council took a recess at 9:13 PM and reconvened at 9:25 PM. Mayor Pro Tempore BLAKE left the meeting at 9:13 PM.

**I.2.**

**SUBJECT:** Public Hearing to Consider Introduction of an Ordinance Amending Section 20.44.160 of the Merced Municipal Code Regarding Tobacco Sales Near Schools and Adoption of a Categorical Exemption (Zoning Ordinance Amendment #21-03), as Requested by Ashley Investments

**REPORT IN BRIEF**

Considers introducing an Ordinance amending Section 20.44.160 of the Merced Municipal Code Regarding Tobacco Sales Near Schools, which would more closely match the regulations for Commercial Cannabis Permits and allow for exceptions to be made under certain circumstances for tobacco retailers near youth-oriented facilities.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Adopting a Categorical Exemption (Environmental Review #21-24);  
and,

B. Introducing **Ordinance 2535**, an Ordinance of the City Council of the City of Merced, CA, amending section 20.44.160 "Tobacco Sales Prohibited Near Schools" of the Merced Municipal Code regarding tobacco sales near schools and other sensitive uses.

Planning Manager Kim ESPINOSA gave a presentation on a developer request to amend the Merced Municipal Code Section 20.44.160 regarding tobacco sales near schools.

Mayor SERRATTO opened the Public Hearing at 9:32 PM.

Rick SANFORD, Merced - spoke in opposition to the change.

Isacc SARGAIZ, representing the developer - spoke in favor of the change to facilitate the development of the site in question.

Council and Mr. SARGAIZ discussed the project and the need to amend the ordinance.

Mayor SERRATTO closed the Public Hearing at 9:51 PM.

Council discussed the project location, preventing youth from obtaining tobacco products, and potential economic development in the area.

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

**Aye:** 2 - Council Member Echevarria, and Council Member Boyle

**No:** 4 - Mayor Serratto, Council Member Shelton, Council Member Perez, and Council Member Ornelas

**Absent:** 1 - Mayor Pro Tempore Blake

## J. REPORTS

J.1. **SUBJECT:** Requests for Approval of Additions and Deletions to Positions and a Supplemental Appropriation in the Amount of \$122,957 in Fund 558-Refuse Operations

### REPORT IN BRIEF

Staff seeks approval of additions and deletions to positions and a Supplemental Appropriation in the amount of \$122,957 in Fund

558-Refuse Operations.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Approving the addition of an Economic Development Manager, an Economic Development Associate, and the deletion of an Economic Development Director in the Economic Development Department; and,
- B. Approving the addition of a Human Resources Manager, a Human Resources Technician I, and the deletion of a Human Resources Director in the Human Resources Department; and,
- C. Approving the addition of a Management Analyst and the deletion of a Senior Management Analyst in the Development Services Department; and,
- D. Approving the addition of two Refuse Equipment Operator I and one Container Maintenance Worker in the Public Works - Refuse Division; and,
- E. Approving a Supplemental Appropriate from the unreserved, unencumbered fund balance of Fund 558 - Refuse Operations in the amount of \$122,957 due to the costs associated with recommendation D above; and,
- F. Provide Staff direction to proceed with the Civilian Fire Marshall recruitment; and,
- G. Approving **Resolution 2021-97**, A Resolution of the City Council of the City of Merced, California, amending the classification plan by updating the personnel allocation in the Economic Development Department by deleting one Economic Development Director position and adding one Economic Development Manager position and one Economic Development Associate position; the Human Resources Department by deleting one Human Resources Manager Position and one Human Resources Technician I position; and the Development Services Department by deleting one Senior Management Analyst Position and adding one Management Analyst position; and the Public Works Department by adding two Refuse Equipment Operator I positions and adding one Container Maintenance Worker position; and,
- H. Authorizing the Finance Officer to make the necessary budget adjustments.

City Manager Stephanie DIETZ gave a brief presentation on changes to various staff positions and job titles.

Council and Ms. DIETZ briefly discussed the changes to personnel.

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

**Aye:** 6 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

**No:** 0

**Absent:** 1 - Mayor Pro Tempore Blake

J.2.

**SUBJECT: Report to Council Regarding the Expiration of Governor's Executive Order N-42-20 (Water Shut-Off Moratorium)**

**REPORT IN BRIEF**

Provide direction to staff regarding the expiration of Governor's Executive Orders N-42-20 (Water Shut-Off Moratorium).

**RECOMMENDATION**

**City Council** - Adopt a motion providing direction to staff regarding the expiration of Governor's Executive Order N-42-20 and when to reinstate the utility billing delinquency and water shut-off process.

Finance Officer Venus RODRIGUEZ gave a presentation regarding the expiration of the Governor's Executive Order N-42-20 which would allow for water shut offs for delinquent accounts.

Council and Ms. RODRIGUEZ discussed funding available to individuals to pay delinquent water bills, the time frame in which to reinstate late fees, and when to begin the shut off process again.

Sheng XIONG, Leadership Council - suggested the use of ARPA funding to help citizens with delinquent bills.

Council agreed to revisit this item at a future meeting.

**A motion was made by Council Member Shelton, seconded by Council Member Echevarria, to revisit this item at either a December or January meeting with no late fees or water shut offs until after that conversation. The motion carried by the following vote:**

**Aye:** 5 - Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

**No:** 1 - Mayor Serratto

**Absent:** 1 - Mayor Pro Tempore Blake

**J.3.**

**SUBJECT:** Report to Council to Consider Selection of Affordable Housing Development Partners for Housing Successor Agency In-Fill Properties Including Authorization for the Execution of Exclusive Negotiation Agreements with the Selected Development Partners Subject to Approval by the City Attorney, and the Execution of all Documents by the City Manager or Deputy City Manager

**REPORT IN BRIEF**

Selection of Affordable Housing Development Partners for Housing Successor Agency (HSA) In-Fill Properties, authorizing the execution of Exclusive Negotiation Agreements (ENA) with the selected Development Partners subject to approval by the City Attorney, and authorizing the execution of all documents necessary to implement direction by the City Manager or Deputy City Manager.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Selecting Affordable Housing Development Partners for the Housing Successor Agency In-Fill Properties including:

- Linc Housing - Sites 1 through 5
- Habitat for Humanity Merced County - Sites 6 and 8
- Housing Development Corporation Monterey County - Sites 7 and 9
- Custom Containers 915 - Merced Rescue Mission - Site 10

B. Authorizing the execution of Exclusive Negotiation Agreements (ENA) with the selected Development Partners subject to approval by the City Attorney; and,

C. Authorizing the execution of all documents necessary to implement direction by the City Manager or Deputy City Manager.

Development Services Director Scott MCBRIDE and Suzy KIM, consultant with RSG Inc., gave a presentation on affordable housing development partners for Housing Successor Agency in-fill properties, the affordability requirements, and the proposals submitted for the properties.

Council discussed the various proposals.

Bruce METCALF, Merced - spoke on the proposal from Custom Containers 915.

Lyle ALLEN, Habitat for Humanity - spoke on the mission of Habitat for Humanity and the requirements that must be met by the homeowners.

Robert DYLINA, Merced - spoke about affordable housing.

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

**Aye:** 6 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

**No:** 0

**Absent:** 1 - Mayor Pro Tempore Blake

**J.4.**

**SUBJECT:** Approval of an Affordable Housing Funding Plan and Authorization of Conditional Letters of Commitment Subject to Review by the City Attorney

**REPORT IN BRIEF**

Approval of an Affordable Housing Funding Plan, authorizing Conditional Letters of Commitment consistent with the Council Direction in a form subject to review by the City Attorney, and authorizing the City Manager or Deputy City Manager to execute all related documents to implement the Affordable Housing Funding Plan and Conditional Letters of Commitment.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Approving of an Affordable Housing Funding Plan; and,
- B. Authorizing Conditional Letters of Commitment consistent with the approved Affordable Housing Funding Plan in a form subject to review by the City Attorney; and,
- C. Authorizing the City Manager or Deputy City Manager to execute all related documents to implement the Affordable Funding Plan and Conditional Letters of Commitment.

Development Services Director Scott MCBRIDE gave a presentation on an affordable housing funding plan, various funding sources, and projects that will use the funding.

Council, Mr. MCBRIDE, and City Manager Stephanie DIETZ discussed the funding required for certain projects, adjustments that could occur, entitlements, and the need to keep Council updated on the project funding.

Ryan WILSON, Project Manager, Upholdings - spoke on funding required for various projects currently in development.

Fue XIONG, Merced - questioned the funding amounts and the proposals submitted.

Ms. DIETZ explained the funding and when the funding is released to the developer.

Sheng XIONG, Merced - expressed support for the projects but stated the need for affordable housing is still not being met.

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

**Aye:** 6 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

**No:** 0

**Absent:** 1 - Mayor Pro Tempore Blake

## K. BUSINESS

### K.2.

**SUBJECT:** Findings to Hold City Council, Commission, and Committee Meetings Using a Combination of In-Person/Virtual (Hybrid) Meetings Under Assembly Bill (AB) 361

#### REPORT IN BRIEF

That the City Council finds that during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing, the City Council and all commission and committee meetings will be held as hybrid meetings.

#### RECOMMENDATION

**City Council** - Adopt a motion adopting **Resolution 2021-98**, a Resolution of the City Council of the City of Merced, California, making findings consistent with the requirements of AB 361 to allow for in-person/virtual (hybrid) public meetings.

City Manager Stephanie DIETZ briefly explained Assembly Bill 361 regarding holding virtual meetings.

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

**Aye:** 6 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

**No:** 0

**Absent:** 1 - Mayor Pro Tempore Blake

**K.3.**

**SUBJECT:** Appointment to the Vacant Redistricting Advisory Committee District 1 Seat

**REPORT IN BRIEF**

The City Council will appoint an individual to the vacant Redistricting Advisory Committee District 1 seat.

**RECOMMENDATION**

**City Council** - Adopt a motion appointing a qualified applicant to the vacant Redistricting Advisory Committee District 1 seat

Council briefly discussed the applicants.

**A motion was made by Council Member Ornelas, seconded by Council Member Echevarria, to appoint Anthony Aldana to the Redistricting Advisory Commission District 1 seat. The motion carried by the following vote:**

**Aye:** 6 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

**No:** 0

**Absent:** 1 - Mayor Pro Tempore Blake

**K.4.**

**SUBJECT:** Appointments to the Tax Transparency Commission by District, Appointment to the At-Large Seat and Appointment of a Liaison to a Vacant District Seat

**REPORT IN BRIEF**

Considers appointing sitting commission members to Council District seats as required by Ordinance 2525.

**RECOMMENDATION**

**City Council** - Adopt a motion appointing sitting commission members to District 1, District 3, District 4, District 6, the At-Large Seat, and appoint the remaining member as a liaison to either District 2 or District 5.

Council briefly discussed the current members and the district

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appointments and agreed as follows:

District 1 - Alane QUIEN  
District 2 - Christina GARCIA  
District 3 - Cody BIJOU  
District 4 - Glen DAVIS  
District 5 - remains vacant  
District 6 - Douglas PIUSER  
At-Large - Michael HARRIS

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

**Aye:** 6 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

**No:** 0

**Absent:** 1 - Mayor Pro Tempore Blake

**K.5.**

**SUBJECT: Council Member Echevarria's Request to Discuss Potential Changes to the Merced Municipal Code Chapter 8.30 "Regulation of Shopping Carts"**

**REPORT IN BRIEF**

Council Member Echevarria's Request to Discuss potential changes to the City's current shopping cart ordinance pursuant to City Council Administrative Policies and Procedures C-1.

**RECOMMENDATION**

Provide direction to staff on any potential changes to the City's current shopping cart ordinance.

Council Member ECHEVARRIA discussed the need to update the City's ordinance regarding shopping carts due to the amount of abandoned carts located all over the community.

City Manager Stephanie DIETZ and Council briefly discussed the ordinance and when it would return to Council.

Interim City Attorney Kim FLORES briefly discussed the current levels of the ordinance.

Council agreed that a subcommittee of Mayor SERRATTO and Council Member ECHEVARRIA would meet with staff to modify the ordinance, do some outreach to local retailers, and return to the second meeting of January with the findings.

Ron COOK, Merced - stated support for amendments to the ordinance in order to reduce the number of shopping carts left throughout the community and requested an updated contact list.

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

**K.6.**                    **SUBJECT:** Request to Add Item to Future Agenda

**REPORT IN BRIEF**

Provides members of the City Council to request that an item be placed on a future City Council agenda for initial consideration by the City Council.

There were no requests.

**K.7.**                    **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 commented on attending the State of the University at UC Merced, a community cleanup in District 5, and the State of the College at Merced College.

Council Member ECHEVARRIA commented on attending the Harvest of Hope event.

Council Member ORNELAS commented on attending the State of the College and the Hispanic Chamber dinner.

Mayor SERRATTO commented on the final Mercado on Main, recent community clean ups, National Night Out, Merced Walks and cooking at the Merced Rescue Mission on November 10th.

**L. ADJOURNMENT**

**Clerk's Note:** The Regular Meeting was adjourned at 11:31 PM.

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

**Aye:** 6 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

**No:** 0

**Absent:** 1 - Mayor Pro Tempore Blake