



CITY OF MERCED

City Council Chamber
Merced Civic Center
2nd Floor
678 W. 18th Street
Merced, CA 95340

Minutes

City Council/Public Finance and Economic Development Authority/Parking Authority

Monday, November 1, 2021

6:00 PM

A. CLOSED 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. CLOSED SESSION

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

Clerk's Note: Council Member PEREZ arrived at 5:07 PM.

B.1.

SUBJECT: CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; Reginald Matthews v. City of Merced; Workers Compensation Appeals Board Case No. FRE-ADJ 11117758; AUTHORITY: Government Code Section 54956.9(d)(1)

B.2.

SUBJECT: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure Litigation Pursuant to Paragraph (2) of Subdivision (d) of Government Code section 54956.9: (1) Potential Case Regarding the Northern Portion of the Arbor Walkway

Clerk's Note: Council adjourned from Closed Session at 5:51 PM.

C. CALL TO ORDER

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

C.1. Invocation - Maggie Fuentes, Chaplain, Merced Police Department

The invocation was delivered by Maggie FUENTES, Chaplain from the Merced Police Department.

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. REPORT OUT OF CLOSED SESSION

There was no report.

F. WRITTEN PETITIONS AND COMMUNICATIONS

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

Item I.1. - Christian ARANA and Diana VILLA.

Item I.2. - Dwight LARKS.

Item K.1. - Mike CARPENTER, Eric HAMM, Erin HAMM, Cristan FAZAL, Alicia HANSEL, Peg LARSON, Caleb MEDEFIND, Melinda PRICE, Jerry PRICE, Robert, Shane SAYERS, Jamie TYRELL, and four anonymous residents.

G. ORAL COMMUNICATIONS

Celeste SOARES, Merced - spoke about the conduct of Council Member PEREZ.

Ricky AGUILERA, Merced - spoke about an event for Latino elected officials.

Tim RAZZARI, Merced - read a comment from Armando ALVARADO regarding the conduct of Council Member PEREZ.

Eliseo GAMINO, Fresno County - spoke against a Council censure of Council Member PEREZ.

Fernando AGUILERA, Merced - spoke against a censure.

Patricia RAMOS, Merced County - suggested Council follow the posted agenda.

Mary Lou RENNICK, Merced - suggested using ARPA funds for community gardens and city beautification.

Astrid MORALES, Merced - asked that ARPA funding be used for guaranteed youth income and a job training program for youth.

Ruben PEREZ, Merced - suggested the use of ARPA funding for the youth.

Cecilia, Merced - suggested the use of the ARPA funding for the youth of Merced.

Ashley, Merced - suggested the use of ARPA funding for guaranteed income for youth.

Christian, Merced - spoke on investing ARPA funding in the youth.

H. CONSENT CALENDAR

Items H.11. Approval of a Professional Service Agreement with Financial Credit Network (FCN) for Collections Services for a Term of Five Years with the Option to Extend for up to Two Additional One-Year Terms, H.14. Approval of Street Closure Request Submitted by Sam Yniguez for the 2021 Central California Band Review on November 13, 2021 from 5:00 A.M. Until 2:30 P.M. and H.15. Second Reading and Final Adoption of an Ordinance Approving Site Utilization Plan (SUP) 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; were pulled for separate consideration.

Approval of the Consent Agenda

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Ornelas, 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: Information-Only Contracts for the Month of October 2021**

REPORT IN BRIEF

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

This Consent Item was approved.

H.3. **SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of October 18, 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 18, 2021.

This Consent Item was approved.

H.4. **SUBJECT: Information Only - Planning Commission Meeting Minutes of July 21, August 4 and 18, 2021**

RECOMMENDATION

For information only.

This Consent Item was approved.

H.5. **SUBJECT:** Information Only - Traffic Committee Minutes of July 13, 2021

RECOMMENDATION

For information only.

This Consent Item was approved.

H.6. **SUBJECT:** Approval to Waive the Competitive Bidding Requirements, Approve Agreements for Supplies and Services for the Purchase of Aggregate Base, Fill Sand, and Related Materials with Central Valley Concrete dba Central Valley Trucking, in the Amount not to Exceed \$40,000, Supply and Delivery of Electrical/Mechanical Parts and Repair/Installation Services with Modesto Industrial Electrical Company, Inc., in the Amount not to Exceed \$60,000, Supply and Delivery of Various Vehicle Parts and Vehicle Repair/Parts Installation Services with Ruckstell California Sales, Inc., in the Amount not to Exceed \$85,000, with the Contracts' Terms Ending June 30, 2022, and Allow the City to Piggyback onto an Existing Contract for Automotive Parts and Supplies Through the National Cooperative Purchasing Alliance (NCPA) Awarded Contract with O'Reilly Auto Enterprises, LLC dba O'Reilly Auto Parts in an Amount not to Exceed \$60,000 Annually

REPORT IN BRIEF

Considers waiving the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving three (3) separate Supply and Service Agreements for the purchase of aggregate base and related materials, electrical/mechanical parts and services, and vehicle parts and repair services, as well as allows for piggybacking onto a NCPA awarded contract for automotive parts and supplies.

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 an Agreement for Supplies and Services with Central Valley Concrete dba Central Valley Trucking, in the amount not to exceed \$40,000; and,

C. Approving the Agreement for Supplies and Services with Modesto Industrial Electrical Company, Inc., in the amount not to exceed \$60,000; and,

D. Approving the Agreement for Supplies and Services with Ruckstell California Sales, Inc., in the amount not to exceed \$85,000; and,

E. Approving piggybacking onto the National Cooperative Purchasing Alliance contract with O'Reilly Auto Enterprises, LLC dba O'Reilly Auto Parts expiring on November 30, 2022 with the option to renew through November 30, 2024 in the amount not to exceed \$60,000 per fiscal year; and,

F. Authorizing the City Manager or the Deputy City Manager, to execute the necessary documents.

This Consent Item was approved.

H.7.

SUBJECT: Approval of a First Amendment to Professional Services Agreement with Stantec Consulting Services, Inc., for Engineering Design Services for the Wastewater Treatment Facility Phase VI Improvement Upgrades for a Total Additional Amount not to Exceed \$1,673,800

REPORT IN BRIEF

Considers authorizing a first amendment to professional services agreement with Stantec Consulting Services, Inc., for engineering design of wastewater treatment facility improvement upgrades in a total additional amount of \$1,673,800.

RECOMMENDATION

City Council - Adopt a motion approving a first amendment to agreement for professional services with Stantec Consulting Services, Inc., in the not to exceed additional amount of \$1,673,800 and, authorizing the City Manager or the Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

H.8.

SUBJECT: Approval of a Sixth Amendment to the Professional Services Agreement with Stantec Consulting Services, Inc., to Update the Sewer Collection Hydraulic Model, Perform a Flow Monitoring Analysis, and Prepare an Updated Draft Wastewater Collection System Master Plan (WCSMP) for a not to Exceed

Additional Amount of \$118,300

REPORT IN BRIEF

Considers approving a sixth amendment to an agreement with Stantec Consulting Services, Inc., to include updates to the Sewer Collection Hydraulic Model, perform a flow monitoring analysis, and preparation of an updated Draft Wastewater Collection System (Sewer) Master Plan.

RECOMMENDATION

City Council - Adopt a motion approving a sixth amendment to professional services agreement with Stantec Consulting Services, Inc., in the additional amount of \$118,300 for the City of Merced Wastewater Collection System Master Plan Update; and, authorizing the City Manager or the Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

H.9.

SUBJECT: Approval of a First Amendment to Agreement for Legal Services with Lozano Smith, LLP, in an Amount not to Exceed \$200,000

REPORT IN BRIEF

Considers approving a first amendment to agreement for legal services with Lozano Smith, LLP, in an amount not to exceed \$200,000.

RECOMMENDATION

City Council - Adopt a motion approving a first amendment to agreement for legal services with Lozano Smith, LLP in an amount not to exceed \$200,000 and, authorizing the City Manager or the Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

H.10.

SUBJECT: Approval to Waive of the Competitive Bidding Requirement and Award a Five-Year Contract to Locality Media, Inc. dba First Due, Based Upon the Unique Aspects of the All-Inclusive Pre-Incident Planning Software and Services for a Total Five-Year Cost of \$79,017

REPORT IN BRIEF

Considers waiving of the competitive bidding requirement and

awarding a five-year contract to Locality Media, Inc. dba First Due, based upon the unique aspects of the all-inclusive pre-incident planning software and services for a total five-year cost of \$79,017.

RECOMMENDATION

City Council - Adopt a motion:

A. Authorizing the waiving of the competitive bidding requirement due to sole source; and,

B. Approving the purchase of pre-incident planning software from Locality Media, Inc. dba First Due for a total five-year cost of \$79,017; and,

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

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

This Consent Item was approved.

H.12.

SUBJECT: Acceptance of Reimbursement from McLaren's Insurance for a Destroyed Street Sweeper, Approval of an Appropriation in the Amount of \$311,301 to Fund 674 - Vehicle Replacement, Approval to Waive Competitive Bidding Requirements, and Approval to Purchase a Replacement Street Sweeper Through a Cooperative Purchasing Agreement with Sourcewell from Municipal Maintenance Equipment (M.M.E.)

REPORT IN BRIEF

Requests approval to accept an insurance reimbursement and appropriate funds to replace a destroyed street sweeper, as well as waiving the City's competitive bidding requirements to purchase the street sweeper utilizing a cooperative purchasing agreement with Sourcewell.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting insurance reimbursement and increasing revenue in an amount up to \$311,301 (estimate) from McLaren's Insurance in Fund 674 - Fleet Capital Replacement; and,

B. Approving a supplemental appropriation in the amount of \$311,301 to Fund 674 - Fleet Capital Replacement to purchase the replacement of the destroyed street sweeper; and,

C. Authorizing the use of pooled cash until a reimbursement is received from McLaren's Insurance; and,

D. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code section 3.04.210 and authorizing the purchase of the street sweeper to be made through a cooperative purchasing agreement with Sourcewell, a government procurement program; and,

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

F. Authorizing the City Manager or the Deputy City Manager to execute any necessary documents and to approve change orders not to exceed 10% of the total purchase amount, the Finance Officer to make the appropriate budget adjustments, and City Buyer to issue the Purchase Order.

This Consent Item was approved.

H.13.

SUBJECT: Approval of Street Closure Request Submitted by Merced County for the 2021 Annual Veterans Day Reverse Parade on November 11, 2021 From 8:00 A.M. Until 5:00 P.M.

REPORT IN BRIEF

Considers Merced County's request for approval of the use of City streets and Bob Hart Square on Thursday November 11, 2021 for the Veterans Day Reverse Parade. The request seeks approval to close W. Main Street, between G Street to M Street, including Bob Hart Square, on Thursday, November 11, 2021 from 8:00 A.M. through 5:00 P.M.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of east bound traffic on West Main Street, from M Street to G Street, including Bob Hart Square, from 8:00 A.M. to 5:00 P.M. on Thursday, November 11, 2021, subject to the details and conditions outlined in the administrative report.

This Consent Item was approved.

H.15.

SUBJECT: Second Reading and Final Adoption of an Ordinance Approving Site Utilization Plan (SUP) 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

REPORT IN BRIEF

Adoption of this Ordinance will revise 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 adopting **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.

Mayor SERRATTO pulled this item to allow certain Council Members to vote in opposition.

A motion was made by Mayor Serratto, seconded by Council Member Ornelas, 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

H.14.

SUBJECT: Approval of Street Closure Request Submitted by Sam Yniguez for the 2021 Central California Band Review on November 13, 2021 from 5:00 A.M. Until 2:30 P.M.

REPORT IN BRIEF

Considers allowing the use of City streets on November 13, 2021 for the Central California Band Review.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of Parsons Avenue, from Merced Avenue to Dinkey Creek; Dinkey Creek, from Parsons Avenue to Watertown Drive; Watertown Drive, from Dinkey Creek to East Childs Avenue; and East Childs Avenue, from Coffee Street to Carol Avenue, as requested by Golden Valley High School Band Boosters Coordinator Sam Yniguez_for the 2021 Central California Band Review scheduled Saturday, November 13, 2021. The street closures will be between 5:00 a.m. and 2:30 p.m., subject to the conditions of the administrative staff report.

Mayor SERRATTO pulled this item due to a request from the public.

Mike Vasquez, Golden Valley High School Band Director and members of the band - spoke about the importance of the band review held in town.

Clerk's Note: Mayor Pro Tempore BLAKE was not in the Chamber at the time of the vote.

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: 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

H.11.

SUBJECT: Approval of a Professional Service Agreement with Financial Credit Network (FCN) for Collections Services for a Term of Five Years with the Option to Extend for up to Two Additional One-Year Terms

REPORT IN BRIEF

Considers approving a Professional Service Agreement with Financial Credit Network for collection services for a term of five years with the option to extend for up to two additional one-year terms.

RECOMMENDATION

City Council - Adopt a motion approving a Professional Service agreement with Financial Credit Network and authorizing the City Manager or the Deputy City Manager to execute all necessary documents.

Mayor SERRATTO pulled this item due to a request from the public.

Sheng XIONG, Merced - requested that collections not be imposed on those individuals impacted by the pandemic and suggested the use of ARPA funding to assist them.

A motion was made by Council Member Boyle, 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: Public Hearing Regarding the Development of a Strategic Investment Plan for the American Rescue Plan Act (ARPA) Funding

REPORT IN BRIEF

Public Hearing to allow for additional input on the development of a Strategic Investment Plan by the City Council and Staff. This is the first of two Public Hearings to allow for input.

RECOMMENDATION

Provide staff direction on elements to include in the Strategic Investment Plan

City Manager Stephanie DIETZ gave a brief overview of the previously held Study Session and the items requested by the citizens for the ARPA funding.

Mayor SERRATTO opened the Public Hearing at 6:55 PM.

Norma CARDONA, Bitwise Industries - suggested leveraging ARPA funding in sustainable programs.

Lauren, Merced - requested ARPA funding for the youth.

Sheng XIONG, Leadership Council - requested the use of ARPA funding for water infrastructure, an affordable housing trust fund, and protection for tenants.

Walter SMITH, Merced - expressed concern with the location of a new

apartment complex and park bathrooms.

Donna YANCY, Merced - expressed the need for safe places for the youth and affordable housing.

Jermaine PASTER, Merced - suggested using the funds for impactful programs for the youth.

Brenda GUTIERREZ, Merced - requested funding for a basic income and a jobs program for youth.

Jocelyn NGO, Merced - suggested investing in youth with a basic income program and jobs training program.

Liz, Merced - spoke about inequalities in the community.

Steve ROUSSOUS, Merced - requested ARPA funding to support child care facilities.

Ale JURADO, Merced - requested a job training program for youth and more support for the youth of Merced.

Gloria SANDOVAL, Merced - suggested using the funding for the youth.

Jeremy VERAMENDI, Merced - requested use of the funding for affordable housing.

Pangcha VANG, Merced - requested the use of the funding for an affordable housing trust fund and premium pay for low wage workers.

Fue XIONG, Merced - requested the funding be invested in youth and programs for affordable housing.

Crisantema GALLARDO, Merced - asked Council be proactive and provide a guaranteed income to the youth.

Lavell WINTON, Merced - asked that the funding be spent on the community.

Edmundo ZARAGOSA, Merced - suggested the funding be used for a guaranteed income program and a jobs program for the youth.

Erika JACKSON, Merced - requested the funding be used for affordable housing.

Hope, Merced - asked that Council fund the youth, affordable housing, and SB 244.

Jazz DIAZ, Merced - spoke on inequities in the community.

Cyana, Merced - requested the funding be spent on the youth.

Blanca OJEDA, Merced - requested the funding be spent on an affordable housing trust fund and premium pay for essential workers.

Luciano QUEZADA, Merced - requested investment in the youth.

Anthony MARTINEZ, Merced - spoke about Council accountability.

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

Rosa MARIA, valley resident - requested funding for a guaranteed youth income program.

Sandra HAY, Merced - suggested using the funds on those most in need.

Christa, Merced - requested the use of the ARPA funds for a guaranteed youth income program and a youth jobs program.

Michael GONZALES, Merced - requested the use of the ARPA funds for a guaranteed youth income program and a youth jobs program.

Anonymous - requested the use of ARPA funding for a guaranteed youth income program and a youth jobs program.

Anonymous - requested the use of ARPA funding for a guaranteed youth income program and a youth jobs program.

Angela, Merced - requested the use of ARPA funding for a guaranteed youth income program and a youth jobs program.

Bee, Merced - urged the Council to fund a guaranteed youth income program and a youth jobs program.

Anonymous - requested investment in youth jobs and guaranteed income.

Luis GUTTIEREZ, Merced - requested funding for a guaranteed youth income program and a youth jobs program.

Anonymous - requested a guaranteed youth income program and a youth jobs program.

Tiffany, Merced - requested a guaranteed youth income program and a youth jobs program.

Holly - requested a guaranteed youth income program and a youth jobs program.

Brittany FLEMMING - recommended funding be used for youth programs.

Anonymous - requested ARPA funding be used on a guaranteed youth income program and a youth jobs program.

Diana VILLA, Merced - requested ARPA funding be used on a railroad quiet zone through the city.

Jullissa, Merced - suggested the use of ARPA funding for a guaranteed income program and jobs program for the youth.

Mercedes - urged the Council to fund a guaranteed income program and jobs program for the youth.

Ramon RODRIGUEZ, Turlock - asked Council to fund a guaranteed youth income program and a youth jobs program.

District 2 Resident - requested the funding be used for a universal income program for youth.

Gregorio, Stanislaus County - requested ARPA funding be used for a guaranteed youth income program and a youth jobs program.

Miranda GRISWALD - suggested the use of funding for a universal basic income for the youth.

Veronica WELCH, Merced - stated the funding for affordable housing should be a top priority.

Joseph BERKELY, Merced County - suggested the City use the funding to provide water and sewer services to those within the City's sphere of influence.

Noelle ANDERSON, Merced - suggested the funding be used for those

most affected by the pandemic.

Eugene VANG, San Diego - spoke in support of youth investment.

Adam, Merced - suggested the ARPA funding be used for youth jobs.

Elizabeth BANNON, Merced - suggested the funds be used for an affordable housing trust fund and premium pay for essential workers.

Mayor SERRATTO closed the Public Hearing at 8:51 PM.

Council discussed the various requests of the public for use of the funding and the survey results including a guaranteed basic income for youth, job training for youth, investing in parks, and delinquent utility bills.

A motion was made by Council Member Echevarria, seconded by Council Member Perez, to approve funding for a universal basic income for youth. The motion failed by the following vote:

Aye: 3 - Council Member Echevarria, Council Member Perez, and Council Member Ornelas

No: 4 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Shelton, and Council Member Boyle

Absent: 0

Council continued to discuss various items to fund including CP 42, youth services, broadband infrastructure, Applegate Zoo, Kiddieland, and downtown improvements.

Mayor SERRATTO reopened the Public Hearing at 9:25 PM.

Fernando AGUILERA, Merced - questioned money spent on the downtown area.

Mayor SERRATTO closed the Public Hearing at 9:26 PM.

Council and Ms. DIETZ continued to discuss the various options and decided that staff would bring some funding numbers for housing, water, utility bills, a youth jobs program, CP 42, youth services, broadband, the zoo, Kiddieland, downtown, city beautification, premium pay, and backfilling the Economic Opportunity Fund.

Clerk's Note: Council took a recess at 9:39 PM and reconvened at 9:47 PM.

Clerk's Note: Mayor SERRATTO moved Item K.1. up in the agenda due to a request from Mayor Pro Tempore BLAKE.

K.1.

SUBJECT: Discussion Regarding Two Complaints Lodged by Tim Razzari and Terry Ruscoe Against Council Member Perez and Providing Further Direction to Staff

REPORT IN BRIEF

Discussion and direction related to the two complaints lodged by Tim Razzari and Jared Ruscoe on behalf of Terry Ruscoe against Council Member Perez.

RECOMMENDATION

None.

Mayor Pro Tempore BLAKE requested this item be moved up to state that he would not support a censure of Council Member PEREZ.

Clerk's Note: Mayor Pro Tempore BLAKE left the meeting at 9:53 PM.

Council briefly discussed the potential censure.

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

Sandra HAY, Merced - spoke against a censure.

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

Julissa RAMIREZ, Merced - spoke against a censure.

Nathan MANN, Merced - spoke against a censure.

Jocelyn NGO, Merced - spoke against a censure.

Lizeth, Merced - spoke against a censure.

Alyssa CASTRO, Merced - spoke against a censure.

Fue XIONG, Merced - spoke against a censure.

Pangcha VANG, Merced - spoke against a censure.

Jared RUSCOE, Merced - spoke in favor of a censure.

Patricia RAMOS-ANDERSON - spoke against a censure.

Brenda GUTIERREZ, Merced - spoke against a censure.

Curtis RIGGS, Merced - expressed concern over the improper use of the office held.

Tom LEACH, Merced - suggested Council handle itself with decorum.

Christian NUNEZ, Merced - stated that an election is the place handle this issue.

Astrid MORALES, Merced - spoke against a censure.

Ruben PEREZ - spoke in support of Council Member PEREZ.

Lauren, Merced - spoke in support of Council Member PEREZ.

Eric HAMM, Merced - spoke in support of a censure.

Coach PASTER, Merced - suggested this be worked out amongst the parties involved.

Crissy GALLARDO, Atwater - questioned the need for this item to be on the agenda.

Mike WARDA, representing Mr. RAZZARI, - expressed concerns with misuse of an elected official's position.

Alejandro JURADO, Merced - stated that this item was a waste of time.

Luciano QUEZADA, Merced - expressed support for Council Member PEREZ.

John LARSON, Merced - spoke about the credibility of elected officials and abuse of authority.

Dwight LARKS, Livingston - spoke in support of a unified Council.

Sheng XIONG, Merced - suggested this was a personal matter.

Rick SANFORD, Merced - suggested Council should act better.

Erin HAMM, Merced - hoped that changes for the better would occur.

Blanca OJEDA, Merced - spoke with concern about why this item was before the Council.

Council discussed a potential censure and the need for decorum and conduct.

A motion was made by Council Member Ornelas, seconded by Council Member Perez, that this agenda item be denied. 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

I.2.

SUBJECT: Public Hearing and Consideration of Options Related to the Potential Vacation of the Northern Portion of the Arbor Walkway Easement Including; Adoption of Resolutions 2021-55 Approving the Mutual Termination of the Easement Between the City of Merced and Creative Development Concepts, INC. and 2021-56 Approving the Full Vacation of the Northern Portion of the Arbor Walkway Easement, Approximately 2,800 Square Feet and Reverting Development Rights Back to the Adjacent Property Owner of 531 W. Main Street, Merced, Generally Located on the North Side of Main Street, Approximately 150 Feet East of M Street; Denying the Request to Vacate the Full Easement; or Alternative Options with a Partial Vacation of the Easement that Preserves a Minimum of Walkway for Public Use

REPORT IN BRIEF

Public Hearing and consideration of various options related to the potential vacation of the northern portion of the Arbor Walkway easement including adoption of Resolutions 2021-55 Approving the Mutual Termination of the easement agreement between the City of Merced and Creative Development Concepts, INC. and 2021-56 approving the full vacation of approximately 2,800 square feet which would revert development rights back to the adjacent property owner of 531 W. Main Street; denying the full vacation, or Directing Staff to return with a partial vacation of the easement that preserves a walkway for public use.

RECOMMENDATION

City Council - Adopt a motion:

Option 1: Adopting **Resolution 2021-55** a Resolution of the City Council

of the City of Merced, approving the mutual termination of the easement agreement between the City of Merced and Creative Development Concepts, INC., and **Resolution 2021-56**, a Resolution of the City Council of the City of Merced, California, ordering the vacation of the Arbor Walkway North easement (approximately 2,800 square feet) which would revert development rights back to adjacent property owner of 531 W. Main Street (Vacation #21-03).

Option 2: Adopt a motion denying full easement vacation request.

Option 3: Direct Staff to return to the City Council of the City of Merced with a partial vacation of the easement that preserves a minimum of fifty-one inches (51") for Public Use; or

Option 4: A potential 4th option to be presented by Mr. Larks as part of the Public Hearing.

Clerk's Note: Council Member ORNELAS recused himself from this item due to the proximity of his employment to the location.

Associate Planner Francisco MENDOZA-GONZALEZ gave a presentation on options related to the potential vacation of the northern portion of the Arbor Walkway Easement as requested by the property owner.

Mayor SERRATTO opened the Public Hearing at 11:26 PM.

Dwight LARKS, property owner, gave a presentation on the development of the Arbor Walkway and the need for the easement to be abandoned to allow for closure of the walkway at night.

Erin HAMM, Merced - questioned all of the options for the easement and the inability of the parties to agree.

City Manager Stephanie DIETZ briefly described an option for a negotiated access to allow for the public to use the walkway during the day.

Mike WARDA, representing adjacent property owner - discussed the public use of this easement and the need for Council to find a reason to abandon it.

Steve ROUSSOS, Merced - commented on the United Way location at the property and the potential uses for the development of the property.

Tim RAZZARI, adjacent property owner - urged Council to maintain the easement for benefit of the public.

Dwight LARKS, property owner - stated that his development would improve the area and urged Council to abandon the easement.

Mayor SERRATTO closed the Public Hearing at 12:11 AM.

Council discussed potential solutions including keeping the easement, City operated gates, and a potential use agreement with the property owner to restrict hours of use.

Mayor SERRATTO reopened the Public Hearing at 12:21 AM.

Dwight LARKS, property owner - wanted to make sure a potential agreement met legal standards.

Tim RAZZARI, adjacent property owner - requested the walkway be reopened in the interim.

Mayor SERRATTO closed the Public Hearing at 12:22 AM.

A motion was made by Mayor Serratto, seconded by Council Member Shelton, to deny the abandonment of the easement and amend the agreement for the easement access. The motion carried by the following vote:

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

No: 1 - Council Member Echevarria

Absent: 1 - Mayor Pro Tempore Blake

Recused: 1 - Council Member Ornelas

J. REPORTS

J.1.

SUBJECT: Adoption of Resolutions Declaring City-Owned Property as Surplus Land and Exempt Surplus Land Including the Former Merced Sun Star Facility (Assessor Parcel Number 007-350-009) and Properties Located in the Airport Industrial Park Including (Assessor Parcel Numbers (059-300-026, 059-420-012, 059-420-013, 059-420-046, and 059-420-073)

REPORT IN BRIEF

The Surplus Lands Act requires the City to declare City-owned properties as surplus land or exempt surplus land before they are sold to be developed with something other than a qualified public agency use. If surplus land, the City must issue a 60-day Notice of Availability to give

housing sponsors registered with the State and certain public agencies priority to make an offer to purchase the sites.

The City Council will consider a Resolution declaring a City-Owned property known as the former Merced Sun Star site as surplus land. The City Council will also consider a Resolution declaring City-owned properties in the vicinity of the Merced Regional Airport as exempt surplus land.

RECOMMENDATION

City Council - Adopt a Motion:

A. Approving **Resolution 2021-101** of the City Council of the City of Merced Declaring Certain Property as Surplus Land and Directing the City Manager to Follow the Procedures Set Forth in the Surplus Lands Act for its Disposition; and,

B. Approving **Resolution 2021-102** of the City Council of the City of Merced Declaring Certain Properties as Exempt Surplus Land and Directing the City Manager to Follow the Procedures Set Forth in the Surplus Lands Act for their Disposition.

Deputy City Manager Frank QUINTERO gave a brief presentation requesting that Council declare certain City owned properties as surplus.

Michael BELLUOMINI, Merced - urged Council not to declare the former Sun Star site as surplus as it was designated to be the location of a new Police Station.

Council and City Manager Stephanie DIETZ discussed work being done by a consultant to evaluate a remodel of the existing downtown Police Station.

A motion was made by Council Member Echevarria, seconded by Council Member Boyle, to adopt Resolution 2021-101 and Resolution 2021-102. 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: Request to Add Item to Future Agenda

REPORT IN BRIEF

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

Council Member SHELTON requested the tobacco ordinance recently defeated be brought back at a future meeting for reconsideration.

A motion was made by Council Member Shelton, seconded by Council Member Echevarria, that amendments to the tobacco ordinance be placed on the December 6, 2021 meeting. 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: 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 ORNELAS commented on a Dia De Los Muertos event at McNamara Park.

L. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned on November 2, 2021 at 12:47 AM.

A motion was made by Council Member Ornelas, seconded by Mayor Serratto, 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