



# 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 7, 2024

6:00 PM

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#### 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 Pro Tempore PEREZ called the Closed Session to order at 5:03 PM.

**Clerk's Note:** Council Member ORNELAS arrived to Closed Session at 5:04 PM and Mayor SERRATTO arrived to Closed Session at 5:14 PM.

- B.1.** SUBJECT: CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Dabney v. City of Merced; WCAB Case Number FRE-ADJ 19018315; Pursuant to California Government Code Section 54956.9(d)(1))
- B.2.** SUBJECT: CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Rodriguez v. City of Merced; WCAB Case Numbers SAC-ADJ 10598243; SAC-ADJ 18074141; and SAC-ADJ 18544407; Pursuant to California Government Code Section 54956.9(d)(1))
- B.3.** SUBJECT: CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Rollins v. City of Merced; WCAB Case Number FRE-ADJ 13014905; Pursuant to California Government Code Section 54956.9(d)(1))
- B.4.** SUBJECT: CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Zazueta v. City of Merced; WCAB Case Numbers FRE-ADJ 19106604 and FRE-ADJ 17952935; Pursuant to California Government Code Section 54956.9(d)(1))

**B.5.** SUBJECT: CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION Significant exposure to litigation. One (1) potential case. Pursuant to California Government Code Section Gov. Code § 54956.9(d)(2)

**B.6.** SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representatives: City Manager Scott McBride, Deputy City Manager Frank Quintero, Finance Officer Venus Rodriguez, Human Resources Manager Suzanne Fierro, LCW Legal Representative Che Johnson, and LCW Legal Representative Michael Jarvis; Unrepresented Management AUTHORITY: Government Code Section 54957.6

**Clerk's Note:** Council adjourned from Closed Session at 5:58 PM.

### **C. CALL TO ORDER**

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

C.1. Invocation - Pastor Ceasar Johnson, Christian Life Center Merced

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

C.2. Pledge of Allegiance to the Flag

Pastor Juan OCHOA of the Calvary Assembly of God 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, the Public Financing and Economic Development Authority, and the Successor Agency to the Redevelopment Agency. City Council members receive a monthly stipend of \$400.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$100.00 each month as a part of the adopted budget and Resolution 2020-86. The members of the Parking Authority, the Public Financing and Economic Development Authority, and the Successor Agency to the Redevelopment Agency receive no compensation.

### **E. REPORT OUT OF CLOSED SESSION**

City Attorney Craig CORNWELL stated, "There is one item listed under Anticipated Litigated. City Council voted to approve a Joint Escrow

Instruction Agreement pursuant to a dispute arising under an Escrow Holdback Agreement with Merced Lofts, LLC. The vote was five to two, and members voting no were Council Member XIONG and Council Member ORNELAS."

## F. CEREMONIAL MATTERS

- F.1. **SUBJECT:** Recognition of Local Musician Eduardo Nepomuceno-Vega for a Successful Second Annual Give Back Event

### REPORT IN BRIEF

Accepted by Eduardo Nepomuceno-Vega.

Council Member ORNELAS recognized local musician Eduardo Nepomuceno-Vega.

## G. WRITTEN PETITIONS AND COMMUNICATIONS

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

Public Comment: Steven DONAHUE and Ron RADNEY.

Agenda Item M.3.: Frank KOZLOWSKI.

## H. PUBLIC COMMENT

Cindy KELLY, Merced - thanked Council Member BOYLE, Mayor Pro Tempore PEREZ, and other organizations in the community for their help on the vaccine event, shared the Sammie in Jammies Book Signing event, and the Fall Community Cat Walk event.

Cesar JOHNSON, Merced - shared details of the First Responder Service event.

Robert DYLINA, Merced - spoke on a candidate signage placement and funding from the local election.

Christan SANTOS, Representative of Congressman John DUARTE, Merced - spoke on local businesses for local energy and affordable prescription, the Firefighters Pancake event, the Walk to End Alzheimer's Disease Ribbon Cutting event, and shared details of updates from Washington D.C.

Gloria SANDOVAL, Merced - shared concerns of public parking in the city and requested information on the funding received from the Parcade

owned by El Capitan.

Mayor SERRATTO suggested for Mrs. SANDOVAL to speak to Deputy City Manager Frank QUINTERO.

## I. CONSENT CALENDAR

Agenda Items I.12. Adoption of a Resolution Approving Final Map #5416 for Bellevue Ranch West Villages 18 - 22, Phase 1 Subdivision for 61 Single-Family Lots, Generally Located at the Northwest Corner of M Circle and Freemark Avenue, and the Approval of the Subdivision Agreement for the Bellevue Ranch West Villages 18 - 22, Phase 1 Subdivision, I.13. Approval of an Additional Amount of \$33,595.78 to Axon Enterprises for Police Equipment for an Agreement Previously Approved by Council in the Amount not to Exceed of \$823,495.28 Over a Six (6) Year Period, and I.14. Authorization to Accept \$130,000 in Grant Funds from the California Office of Traffic Safety to Conduct DUI Checkpoints, DUI Saturation Patrols, Traffic Safety Enforcement, Distracted Driving Enforcement, Motorcycle Enforcement, Pedestrian/Bicycle Enforcement, Street Racing Enforcement, and Educational Presentations, Along with Funds for Attending Training and Funds for Checkpoint Supplies as Part of the California Office of Traffic Safety Traffic Enforcement Program Grant; were pulled for separate consideration.

### Approval of the Consent Agenda

**A motion was made by Council Member Boyle, seconded by Council Member Ornelas, 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:** Information Only Contracts for the Month of September 2024

**REPORT IN BRIEF**

Notification of awarded Non-Public Works contracts under \$38,000 and of Public Works contracts under \$85,161.

This Consent Item was approved.

I.3. **SUBJECT:** Information Only - Traffic Committee Minutes of July 9, 2024

**RECOMMENDATION**

For information only.

This Consent Item was approved.

I.4. **SUBJECT:** Acceptance of Grant Funding in the Amount of \$1,000 for FY 2024-2025 Merced County First Five Community Engagement Event Sponsorship Program for the 1st Annual Halloween Parade

**REPORT IN BRIEF**

Considers accepting and appropriating grant funding in the amount of \$1,000 from Merced County First Five for the 1st Annual Halloween Parade

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Accepting grant funds from Merced County First Five and increasing revenue in Fund 1018-Parks and Community Service, Contributions account in the amount of \$1,000; and,

B. Appropriating the same to Fund 1018-Parks and Community Service, Operating Materials, Services & Supplies; and,

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

This Consent Item was approved.

- I.5. SUBJECT: Approval of a Fourth Amendment to Agreement for Professional Services with Hanson Bridgett, LLP, in an Amount not to Exceed \$100,000 for a Total Contract Amount of \$370,000

**REPORT IN BRIEF**

Considers approving a Fourth Amendment to an Agreement for legal services with Hanson Bridgett, LLP in an amount not to exceed \$100,000 for a total contract amount of \$370,000.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Approving a Fourth 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 to execute the necessary documents.

**This Consent Item was approved.**

- I.6. SUBJECT: Adoption of a Resolution of Intention to Establish a Tourism Business Improvement District (TBID); Granting Preliminary Approval of the Proposed Management Plan; Scheduling a Public Meeting for November 4, 2024; and Scheduling a Public Hearing for December 2, 2024

**REPORT IN BRIEF**

Considers approving the Resolution of Intention which includes the proposed management plan and conducting both a public meeting as well as a public hearing regarding the installation of a Tourism Businesses Improvement District (TBID).

**RECOMMENDATION:**

**City Council** - Adopt a motion adopting **Resolution 2024-92**, a Resolution of Intention of the City Council of the City of Merced, California, Initiating Formation Proceedings for the Tourism Business Improvement District.

**This Consent Item was approved.**

- I.7. SUBJECT: Authorize the Use of Alternate Suppliers When Ferguson Enterprises LLC and PACE Supply Corp. are Unable to

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Fulfill Purchase Orders of Waterworks Supplies per Bid 11072023  
as Awarded by Council on December 18, 2023

**REPORT IN BRIEF**

Considers allowing the use of alternate suppliers to procure waterworks supplies when the awarded suppliers Ferguson Enterprises LLC and PACE Supply Corp. cannot fulfill purchase orders, if prices offered by alternate suppliers are comparable in function, manufacturing quality, and cost to the products requested from Ferguson and PACE.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Authorizing the use of alternate suppliers for the procurement of waterworks supplies when Ferguson Enterprises LLC and PACE Supply Corp. cannot fulfill purchase orders, if prices offered by alternate suppliers are comparable in function, manufacturing quality, and cost to the products requested from Ferguson and PACE; and,

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

**This Consent Item was approved.**

I.8.

**SUBJECT:** Approval of a Second Amendment to Professional Services Agreement with Eide Bailly LLP for Financial Auditing and Related Services for an Additional \$15,000 for a Total not to Exceed Amount of \$233,850

**REPORT IN BRIEF**

Considers approving a Second Amendment to the Agreement with Eide Bailly LLP for Professional Auditing and Related Services for an additional \$15,000 and a total not to exceed the amount of \$233,850.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the Second Amendment with Eide Bailly LLP to include audit of Prop 64 Public Health & Safety Grant Program Cohort 2 for an additional \$15,000 and a total not to Exceed Amount of \$233,850; and,

B. Authorizing the City Manager to execute all necessary documents.

**This Consent Item was approved.**

- I.9.** SUBJECT: Award of Bid to LSI SCALES, for the Purchase and Installation of One Portable Truck Scale for the Land Application Division at the Wastewater Treatment Plant, for a Total Cost not to Exceed \$130,694.81

**REPORT IN BRIEF**

Considers awarding the bid to LSI SCALES, for the purchase and installation of one seventy by eleven-foot portable truck scale for the Land Application Division at the Wastewater Treatment Plant.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Awarding the bid to LSI SCALES, for the purchase and installation of one seventy by eleven-foot portable truck scale for the Land Application Division at the Wastewater Treatment Facility not to exceed \$130,694.81; and,
- B. Authorizing the City Manager to execute the necessary documents, 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.10.** SUBJECT: Award of Bid to JAM Services for the Purchase of Accessible Pedestrian Signal Components, for a Total Cost not to Exceed \$97,901.30, for Measure V Funded Project for Push Buttons at Schools, Project Number CP250040

**REPORT IN BRIEF**

Considers approving to award the bid to JAM Services, for the purchase of Accessible Pedestrian Signal components to upgrade 14 traffic signals near schools.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Awarding the bid to JAM Services, for the purchase of Accessible Pedestrian Signal Components for the not to exceed amount of \$97,901.30; and,
- B. Authorizing the City Manager to execute the necessary documents,

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.11.**

**SUBJECT:** Authorization to Approve a Subordination Agreement for the Sunny View Apartments

**REPORT IN BRIEF**

Considers authorizing to approve a Subordination Agreement for the Sunny View Apartments.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Approving the Subordination Agreement presented by Standard Communities for the Sunny View of Merced, LP, a California limited partnership; and,
- B. Authorizing the City Manager to make any minor changes to the agreement should any edits be necessary, subject to the agreement being approved as to form by the City Attorney; and,
- C. Authorizing the City Manager to execute all necessary documents.

**This Consent Item was approved.**

**I.15.**

**SUBJECT:** Approval to Accept the Department of Justice 2024 Bulletproof Vest Partnership Grant in the Amount of \$8,024.04 to Cover 50% of the Purchase Cost of New Vests and Authorization to Utilize the Use of Pooled Cash to Cover the Purchase Cost Which will be Reimbursed from the Grant Proceeds

**REPORT IN BRIEF**

Considers accepting the grant award for reimbursement of bulletproof vest expenses.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Accepting the Department of Justice 2024 Bulletproof Vest Partnership Grant in the amount of \$8,024.04; and,
- B. Authorizing the use of pooled cash to cover the appropriation until

grant funds are reimbursed; and,

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

**This Consent Item was approved.**

**I.16.**

**SUBJECT:** Approval of Street Closure Request Submitted by Liza Servin for the 2023 Central California Band Review on November 9th, 2024, From 5:00 A.M. Until 2:30 P.M.

**REPORT IN BRIEF**

Considers approving the use of City streets on November 9th, 2024, 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 Liza Servin for the 2024 Central California Band Review scheduled Saturday, November 9th, 2024. The street closures will be between 5:00 a.m. and 2:30 p.m., subject to the conditions of the administrative staff report.

**This Consent Item was approved.**

**I.17.**

**SUBJECT:** Approval of Street Closure Request for East Main Street, West Main Street, Canal Street, and "O" Street, the Use of Bob Hart Square, and Power Connections at Bob Hart Square, West Main Street at Martin Luther King Jr Way, and West Main Street at "O" Street; Submitted by Edward Skelton with the County of Merced for the 20th Annual Veterans Day Parade on November 11, 2024, from 7:00 A.M. Until 5:00 P.M.

**REPORT IN BRIEF**

Considers approving the use of City streets on November 11, 2024, for the Veteran's Day Parade. The Street Closure Request includes East Main Street, West Main Street, Canal Street, and O Street. The use of Bob Hart Square, and power connections at Bob Hart Square, West Main Street at Martin Luther King Jr Way, and West Main Street at "O" Street.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the street closures of East Main Street, from “Calimyrna Avenue to G” Street; West Main Street, from “G” to Canal Streets; Canal Street from W. Main Street to West 18th Street; West 18th Street from Canal Street to “O” Street and “O” Street, from W. 18th Street to 20th Street, the use of Bob Hart Square, and power connections at Bob Hart Square, West Main Steet at Martin Luther King Jr Way, and West Main Street at “O” Street as requested by Edward Skelton, Merced County Veterans Services for the 20th Annual Veterans Day Parade on Monday, November 11, 2024.

**This Consent Item was approved.**

I.12.

**SUBJECT:** Adoption of a Resolution Approving Final Map #5416 for Bellevue Ranch West Villages 18 - 22, Phase 1 Subdivision for 61 Single-Family Lots, Generally Located at the Northwest Corner of M Circle and Freemark Avenue, and the Approval of the Subdivision Agreement for the Bellevue Ranch West Villages 18 - 22, Phase 1 Subdivision

**REPORT IN BRIEF**

Considers adopting Final Map #5416 for 61 single-family lots, located at the northwest corner of M Circle and Freemark Avenue, and the Subdivision Agreement for the Bellevue Ranch West Villages 18 - 22, Phase 1 Subdivision.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving **Resolution 2024-96**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Bellevue Ranch West Villages 18 - 22, Phase 1 Subdivision (#5416); and,

B. Approving the Subdivision Agreement for the Bellevue Ranch West Villages 18 - 22, Phase 1 Subdivision; and,

C. Authorizing the City Manager to execute all necessary documents.

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

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

**Clerk's Note:** There was no Council discussion.

**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, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, and Council Member Xiong

**No:** 0

**Absent:** 0

**Recused:** 1 - Council Member Smith

**I.13.**

**SUBJECT:** Approval of an Additional Amount of \$33,595.78 to Axon Enterprises for Police Equipment for an Agreement Previously Approved by Council in the Amount not to Exceed of \$823,495.28 Over a Six (6) Year Period

**REPORT IN BRIEF**

Considers approving to increase the amount on Contract No. 300849 / 496 with Axon Enterprises by \$33,595.78 for sales taxes on police equipment that were not included in the original quote approved by City Council at the February 19, 2019, Council meeting.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the payment of \$33,595.78 in sales taxes and increasing the original contract amount from \$789,899.50 to \$823,495.28; and,

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

Mayor SERRATTO pulled this item at the request of Council Member XIONG and resident Gloria SANDOVAL.

Gloria SANDOVAL, Merced - spoke on the contract dates and requested for information on the sales tax.

Council Member XIONG and Police Chief Steven STANFIELD discussed details of the amount being requested and details of the overall agreement.

**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

**I.14.**

**SUBJECT:** Authorization to Accept \$130,000 in Grant Funds from the California Office of Traffic Safety to Conduct DUI Checkpoints, DUI Saturation Patrols, Traffic Safety Enforcement, Distracted Driving Enforcement, Motorcycle Enforcement, Pedestrian/Bicycle Enforcement, Street Racing Enforcement, and Educational Presentations, Along with Funds for Attending Training and Funds for Checkpoint Supplies as Part of the California Office of Traffic Safety Traffic Enforcement Program Grant

**REPORT IN BRIEF**

Considers accepting grant funding from the California Office of Traffic Safety offered to the Merced Police Department in the amount of \$130,000 from the Traffic Enforcement Program Grant to conduct DUI Checkpoints, DUI Saturation Patrols, Traffic Safety Enforcement, Distracted Driving Enforcement, Motorcycle Enforcement, Pedestrian/Bicycle Enforcement, Street Racing and Sideshow Enforcement, Educational Presentations; and, to purchase checkpoint supplies, and to attend training related to alcohol enforcement.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Accepting the California Office of Traffic Safety Traffic Enforcement Program Grant in the amount of \$130,000; and,
- B. Approving the use of pooled cash until grant funds are reimbursed; and,
- C. Authorizing the City Manager and required City Officials to execute the OTS Grant Award and other necessary documents.

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

Council Member XIONG requested to pull this item for separate consideration.

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

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

**No:** 2 - Council Member Ornelas, and Council Member Xiong

**Absent:** 0

## J. PUBLIC HEARINGS

J.1.

**SUBJECT:** Continued Public Hearing to Consider the Adoption of a Resolution Declaring the Intent to Vacate the Arbor Walkway South Easement (Approximately 2,346 Square Feet) Which Would Revert Development Rights Back to the Property Owner of 534 W. Main Street, Generally Located on the South Side of Main Street, Approximately 170 Feet East of M Street (Vacation #24-01)

### REPORT IN BRIEF

Considers the vacation of the southern portion of the Arbor Walkway easement (approximately 2,346 square feet), at 534 W Main Street, generally located on the south side of Main Street, about 170 feet east of M street. which would revert development rights back to the adjacent property owner of 531 W. Main Street.

### RECOMMENDATION

**City Council** - Adopt a motion adopting **Resolution 2024-91**, a Resolution of the City Council of the City of Merced, California, ordering the vacation of the Arbor Walkway south easement (approximately 2,346 square feet), located at 534 W. Main Street, approximately 155 feet east of M street (Vacation #24-01).

Assistant Planner Matt LIVINGSTON gave a slideshow presentation to consider the adoption of a resolution declaring the intent to vacate the Arbor Walkway South Easement.

Mayor SERRATTO opened the Public Hearing at 6:41 PM.

Rick MARCHINI, Attorney for Property Owner, Merced - shared the history of the property, public safety issues, and the intention of vacation being requested.

Council, MARCHINI, and Senior Planner Francisco MENDOZA discussed the portion being closed off, details of the fencing, and the permitting

process on Main Street.

Mayor SERRATTO closed the Public Hearing at 6:46 PM.

Council, Mr. MENDOZA, and Mr. MARCHINI discussed the timeline of the project, quick response due to weather, public safety concerns, and different access points.

**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:** 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, and Council Member Smith

**No:** 1 - Council Member Xiong

**Absent:** 0

## K. ACTION ITEMS

### K.1.

**SUBJECT:** Approval of Resolution of the City of Merced City Council Regarding Certain Terms and Conditions of Employment for the Merced Police Non-Sworn Unit

#### REPORT IN BRIEF

Considers approving a Resolution of the City of Merced City Council regarding certain terms and conditions of employment for the Non-Sworn Police Unit.

#### RECOMMENDATION

**City Council** - Adopt a motion:

A. Approving **Resolution 2024-93**, a Resolution of the City Council of the City of Merced, California, approving a certain terms and conditions of employment for the Merced Police Non-Sworn Unit; and,

B. Authorizing the City Manager to make non-substantive modifications subject to City Attorney approval as to form and to execute the necessary documents; and,

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

Deputy City Manager Frank QUINTERO gave a slideshow presentation on the Unrepresented Merced Police Non-Sworn Unit.

**Clerk's Note:** There was no Council discussion.

**A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Smith, that this agenda item be approved. The motion 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.2.**

**SUBJECT:** Approval of American Rescue Plan Act Grant Agreement, Water and Sewer Connection Fees Loan, Deed Restrictions, Affordability Covenants, and Related Grant Documents with Visionary Homes Builders of California, Inc for the Bella Vista Affordable Housing Project on Parsons Avenue

**REPORT IN BRIEF**

Considers approving the American Rescue Plan Act (ARPA) Grant Agreement and Water & Sewer Connection Fees Loan Agreement with Visionary Home Builders of California, Inc. (VHB) along with Restrictions and Covenants related to the grant and loan for the Bella Vista affordable housing project on Parsons Avenue.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving **Resolution 2024-94**, A Resolution of the City Council of the City of Merced, California, Approving a grant to visionary home builders of California, Inc. on behalf of VHB Bella Vista, LLC from Coronavirus local fiscal recovery funds as established under the American Rescue Plan Act in the amount of \$3,500,000, approving and authorizing the execution of a grant agreement, regulatory agreement, and related grant documents, and authorizing certain other actions in connection therewith; and,

B. Approving **Resolution 2024-95**, A Resolution of the City Council of the City of Merced, California, approving a water and sewer connection fee loan to Visionary Home Builders of California, Inc. on behalf of VHB Bella Vista, LLC., in the principal amount of \$1,003,683.20 approving and authorizing the execution of a loan agreement, and related loan documents, and authorizing certain other actions in connection therewith; and,

C. Authorizing the City Manager to make any minor changes to the

agreements should any edits be necessary, subject to the agreements and/or documents being approved as to form by the City Attorney; and,

D. Authorizing the Finance Officer to make any necessary budget adjustments to fulfill the intent of the agreements; and,

E. Authorizing the City Manager to execute all agreements and documents to fulfill the terms and conditions of the agreements and any future documents that may be necessary for the project, subject to the agreements and/or documents being approved as to form by the City Attorney.

Management Analyst Leah BROWN gave a slideshow presentation on the approval of the American Rescue Plan Act (ARPA) Grant Agreement and the Water and Sewer Connection Fees Loan Agreement for the Bella Vista Apartments with Visionary Home Builders, Inc.

Council and Mrs. BROWN discussed the construction timeline and details of the units and bedrooms.

**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

**K.3. SUBJECT: Congestion Mitigation & Air Quality (CMAQ) Project Selection**

**REPORT IN BRIEF**

Selection of projects to submit applications for Merced Association of Governments (MCAG) Congestion Mitigation & Air Quality (CMAQ) and Carbon Reduction Program (CRP) Call for Projects.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Selecting two (2) project locations to submit for the Congestion Mitigation & Air Quality (CMAQ) Program; and,

B. Authorizing staff to submit the CMAQ Applications to MCAG no later than the October 11, 2024, deadline.

Interim City Engineer Richard MADDOX gave a slideshow presentation on the Congestion Mitigation and Air Quality Improvement (CMAQ) program project selection.

Council and City Manager Scott MCBRIDE discussed public involvement, street sweeper funding, and details of the CMAQ projects.

Ashley Marie SUAREZ, Merced - shared details of the CMAQ meeting, prioritizing the remaining areas by Airport Industrial Park and asked to hold off EV vehicles that need to be replaced.

Council, Mr. MADDOX, and Mr. MCBRIDE discussed the cost for sidewalk projects, the process of choosing CMAQ projects, and details of the proposed projects.

**A motion was made by Council Member Smith, seconded by Mayor Pro Tempore Perez, to select staff proposals 1 and 2 and to permit staff to take all necessary steps to file the grants by October 11, 2024. 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.4.**

**SUBJECT:** Approval to Authorize the City Manager to Execute a Design Professional Service Agreement with JLB Traffic Engineering and a Supplemental Appropriation From Fund 2001 - (Former) Measure C for an Engineering and Traffic Study (Speed Zone Study) in the Amount of \$115,000

**REPORT IN BRIEF**

Considers authorizing the City Manager to execute a Design Professional Service Agreement with LB Traffic Engineering and a supplemental appropriation in the amount of \$115,000 to complete the 2024 Speed Zone Study from Fund 2001 - (Former) Measure C.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving a supplemental appropriation from the unencumbered,

unreserved fund balance of Fund 2001 - (Former) Measure C in the amount of \$115,000 for a Speed Zone Study; and,

B. Authorizing the City Manager to execute a Design Professional Service Agreement with JLB Traffic Engineering.

Interim City Engineer Richard MADDIX briefly discussed details of the Design Professional Service Agreement with JLB Traffic Engineering and the Engineering and Traffic Study.

**Clerk's Note:** There was no Council discussion.

**Clerk's Note:** Council Member XIONG stepped out during the vote.

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

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

**No:** 0

**Absent:** 1 - Council Member Xiong

**K.5.**

**SUBJECT:** Approval of a Brown Bag Lunch Concert Series as Recommended by the Arts and Culture Advisory Commission

**REPORT IN BRIEF**

Considers approving a Brown Bag Lunch Concert Series as recommended by the Arts and Culture Advisory Commission.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving a Brown Bag Lunch Concert Series as recommended by the Arts and Culture Advisory Commission; and,

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

Senior Management Analyst Jennifer FLACHMAN briefly discussed details of the Arts and Culture Advisory Commission's proposal of a Brown Bag Lunch Concert Series.

Council and Ms. FLACHMAN discussed details of the Brown Bag Lunch Concert, details of the funding allocated to the project, the role of the Arts and Culture Advisory Commission, a potential list of arts events, and the

steps to obtaining the performers.

**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

**K.6.**

**SUBJECT:** Approval of a Second Annual Local Photography Event at Applegate Park, Merced Open Air Theatre (MOAT) as Recommended by the Arts and Culture Advisory Commission

**REPORT IN BRIEF**

Considers approving a Second Annual Local Photography Exhibition and event at the Applegate Park MOAT as recommended by the Arts and Culture Advisory Commission.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving Second Annual Local Photography Exhibition and event at the Applegate Park MOAT; and,

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

Senior Management Analyst Jennifer FLACHMAN briefly discussed details of the Arts and Culture Advisory Commission's proposal of a Second Annual Photography Event.

Council and Ms. FLACHMAN discussed details of the submissions and selections from the first and second annual event.

**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

**K.7.**                    **SUBJECT: Approval of a Public Art Mural to be Installed Along the R Street and Fahrens Park Multiuse Path Undercrossing**

**REPORT IN BRIEF**

Considers approving a public art mural installation along the R Street and Fahrens Park multiuse path undercrossing.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving a public art mural installation along the R Street and Fahrens Park multiuse path undercrossing as recommended by the Arts and Culture Advisory Commission; and,

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

Senior Management Analyst Jennifer FLACHMAN briefly discussed details of a public art mural along R Street and Fahrens Park multiuse path under crossing.

Council, Ms. FLACHMAN, and City Manager Scott MCBRIDE discussed potentially incorporating art above the under crossing, the process of projects being heard at the Arts and Culture Advisory Commission, details of Arts Districts, the role of the Arts and Culture Advisory Commission, previous Council direction and identifying art districts.

Colton DENNIS, Merced - spoke on the process of choosing locations, the need of art in areas with graffiti, and details of art districts in a city.

Council and Ms. FLACHMAN discussed the process of presenting art projects to Council, implementing art in city parks, and the lack of lighting in the under crossing area.

**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:** 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, and Council Member Smith

**No:** 1 - Council Member Xiong

**Absent:** 0

**K.8.**                    **SUBJECT: Approval of a Sculpture Project in Fahrens Park Made from Recycled Materials Found in the Park**

**REPORT IN BRIEF**

Considers approving a sculpture project in Fahrens Park made from recycled materials found in the park as recommended by the Arts and Culture Advisory Commission.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving a sculpture project in Fahrens Park made from recycled materials found in the park; and,

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

Senior Management Analyst Jennifer FLACHMAN briefly discussed the approval of a sculpture project in Fahrens Park made from recycled material found in the park.

**Clerk's Note:** There was no Council discussion.

**A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Smith, that this agenda item be approved. The motion 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 Smith

**No:** 1 - Council Member Xiong

**Absent:** 0

**K.9.**

**SUBJECT:** Approval of a Supplemental Appropriation from the General Fund not to Exceed \$48,000 to Host the Second Annual Gran Fondo Hincapie Cycling Event on March 14 -15, 2025, Approval of a Participation Agreement with Hincapie Events, LLC, and Authorization to Accept Donations of \$30,000 or More in the General Fund

**REPORT IN BRIEF**

Considers approving a supplemental appropriation from the General Fund not to exceed \$48,000 to host the second annual Gran Fondo Hincapie Merced Bike Event, Family Festival & Expo on March 15, 2025, approve participation agreement with Hincapie Events, LLC, and authorize acceptance of donations of \$30,000 or more in the General Fund.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Approving a Supplemental Appropriation from the unreserved, unencumbered fund balance of the General Fund in the amount of \$48,000 to host the Second Annual Gran Fondo Hincapie Cycling Event; and,
- B. Approving the participation agreement with Hincapie Events, LLC.; and,
- C. Authorizing acceptance of donations of \$30,000 or more in the General Fund for the Gran Fondo Hincapie to offset the Supplemental Appropriation of \$48,000; and,
- D. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- E. Authorizing the City Manager to execute the necessary documents.

Senior Management Analyst Jennifer FLACHMAN briefly discussed the request for approving a supplemental appropriation to host the Second Annual Gran Fondo Hincapie Cycling event.

**Clerk's Note:** There was no Council discussion.

**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

**L. REPORTS**

**L.1.**

**SUBJECT:** Presentation of the Annual AB 481 Report Detailing Military Equipment Currently Used by the Merced Police Department

**REPORT IN BRIEF**

Merced Police Department is required by State Assembly Bill 481 to report and obtain approval for the use and funding of any equipment defined under the bill as Military Equipment. Chief Stanfield will make a brief presentation that will include an inventory of all defined Military Equipment

currently in use at the Merced Police Department.

**RECOMMENDATION**

Information Only.

Chief of Police Steven STANFIELD discussed the Annual AB 481 report detailing military equipment currently used by the Merced Police Department and details of the Open House event.

Council and Mr. STANFIELD discussed details of the military equipment, tracking the amount of times this equipment is used, and replacement.

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

**M. BUSINESS**

**Clerk's Note:** Council took a recess at 8:08 PM and reconvened at 8:18 PM

**M.1.**

**SUBJECT:** Council Member Xiong's Request to Discuss a Rental and Code Enforcement Registry

**REPORT IN BRIEF**

Council Member Xiong's request to discuss a rental and code enforcement registry.

**RECOMMENDATION**

Provide direction to staff on the next steps.

Council Member XIONG briefly discussed the request to discuss a rental and code enforcement registry.

Council and City Attorney Craig CORNWELL discussed details of enhancing code enforcement, details of annual rental inspection, steps to bringing an Ordinance back for Council consideration, work done on rental registry by city staff, previous discussion, direction, and action from Council, and the City Attorney's department taking over work on Ordinances.

Ashley SUAREZ, Merced - spoke on habitability issues for renters and suggested stronger policies to protect renters.

Cindy KELLY, Merced - shared details of the a Rental Inspection Program

of 2006 in Merced and spoke in opposition of the city being involved in rental programs.

Erin HAMM, Merced - shared details of being a property owner and the work property owners put into rental homes for tenants.

Blanca OJEDA, Merced - spoke on the rent amount, keeping habitable rental homes, and protecting tenants.

Ernie OCHOA, Merced - spoke on the real estate community, proposed to enhance the Code Enforcement Division, and the cost of the program to the city.

Gloria SANDOVAL, Merced - spoke on creating a policy to assist tenants and in support of the proposed rental registry.

Robert DYLINE, Merced - spoke in opposition of a rental registry, previous Council actions on rental registries, details of tenants rights, and the requirements that landlords must follow by California Law.

Delvina JOHNSON, Merced - spoke on the benefits of a rental registry and holding landlords accountable.

Council and Mr. CORNWELL discussed the outcomes of similar ordinances and programs in other cities, details of the work put in by City Attorney's department, details of the Code Enforcement Division, creating the rental registry to benefit tenants and landlords, and enhancing the Code Enforcement Division.

**Clerk's Note:** Council took a recess at 9:06 PM and reconvened at 9:18 PM.

Council discussed the City of Merced's code of conduct.

**Clerk's Note:** Council took a recess at 9:19 PM, Council Member DEANDA left the regular meeting at 9:23 PM, and Council reconvened the meeting at 9:26 PM.

Council, Interim Fire Chief Casey WILSON, Chief of Police Steven STANFIELD, and City Manager Scott MCBRIDE discussed the process of the Fire Department conducting fire inspections, the process of the Code Enforcement Division, complaints received by Code Enforcement, a

proposed fee schedule for staffing, details of a proposed code enforcement registry, details of similar programs in other cities, and potentially visiting different city's code enforcement programs.

Council agreed to provide direction for city staff to have our City Attorney work with the Police Chief on creating an ordinance that mirrors the current ordinance and work on a code enforcement registry while at the same time, taking a trip to Fresno to figure out lessons we can learn.

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

**Aye:** 4 - Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, and Council Member Xiong

**No:** 2 - Mayor Serratto, and Council Member Smith

**Absent:** 1 - Council Member DeAnda

**M.2.**

**SUBJECT: Council Member Ornelas' Request for an Update from Staff on Policy Agenda Items**

**REPORT IN BRIEF**

Council Member Ornelas' request for an update from staff on Policy Agenda Items.

**RECOMMENDATION**

Provide direction to staff on the next steps.

Council Member ORNELAS briefly discussed the request for an update on Policy Agenda Items.

City Manager Scott MCBRIDE gave an update on staff's work on Policy Agenda Items coming to Council at future dates.

Council, Mr. MCBRIDE, and City Attorney Craig CORNWELL discussed the time frame of when items are requested, details of the process of city staff working on Policy Agenda Items, departments with low amount of staff, support for additional hires, the process of bringing Policy Agenda Items, details of Goals and Priorities, potentially partnering with University for internships, potentially creating full-time positions for Council Members, previously discussed Ordinances, and previous Council direction.

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

**M.3.**                    **SUBJECT: Council Member Ornelas' Request for an Update from Staff on the Southside Grocery Store**

**REPORT IN BRIEF**

Council Member Ornelas' request for an update from staff on the Southside Grocery Store.

**RECOMMENDATION**

Provide direction to staff on the next steps.

Deputy City Manager Frank QUINTERO gave a slideshow presentation on West Childs Avenue and South Canal grocery market updates.

Council, Mr. QUINTERO, and City Manager Scott MCBRIDE discussed details of the designated local authority, the process of making off-site improvements, details of the proposed property, previous grocery store developments, grocery store opportunities that developers have shown interest in, details of proposed locations, and tools to enhance economic development.

LaTonya RICHARD, Merced - spoke on her needs for healthy food due to health conditions.

Maria CALDERON, Merced - asked Council what needs to be done to get a grocery store in South Merced.

Ashley SUAREZ, Merced - spoke on residents driving to grocery stores, details of stores with groceries in South Merced, and taking action to incentivize developers to develop in South Merced.

Delvina JOHNSON, Merced - shared suggestions on social media platforms and improving South Merced.

Dr. Salvador SANDOVAL, Merced - spoke in support of a grocery store in South Merced, developing areas in Merced, and assisting to solve health issues in the community.

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

**M.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.

Council Member XIONG requested to discuss providing direction to staff to apply for an EPA Grant and to be heard at the October 21, 2024, Council meeting.

Council and City Manager Scott MCBRIDE discussed details of the proposed EPA grants, grants that city staff is currently working on, the process of expediting an item, and the process of writing a grant.

**A motion was made by Council Member Ornelas, seconded by Mayor Pro Tempore Perez, to expedite Council Member Xiong's request to obtain more information. The motion failed by the following vote:**

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

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

**Absent:** 1 - Council Member DeAnda

Mayor SERRATTO suggested to bring Council Member XIONG's item back at a future date.

**Clerk's Note:** Council Member XIONG did not request to bring the item for discussion at a future date.

Mayor Pro Tempore PEREZ requested to update the signs that state Merced's population.

City Manager Scott MCBRIDE stated he would reach out to California Department of Transportation (CALTRANS).

**M.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 BOYLE reported on attending various events in the community, including the ribbon cutting of the Healing Youth Center event.

Council Member SMITH gave a shoutout to Merced County Office of Education, Director of Parks and Community Services Christopher JENSEN, Merced's Parks and Community Services Department, and the Disc Golf Club for the Fund Run event.

Mayor Pro Tempore PEREZ thanked Kiwanis and the Merced Police Explorers for the childrens event held at Kiddieland.

Council Member ORNELAS reported on attending the Central Valley Opportunity Fund event and Hispanic Chamber of Commerce installation. He also discussed the Circus opening in South Merced and shared details of four youth Merced boxers being sent to the International League Boxing Tournament.

Mayor SERRATTO congratulated Merced High School for winning the Mayor's Cup and reported on attending the Gratitude Day event at the Merced Lake.

## N. ADJOURNMENT

**Clerk's Note:** The Regular Meeting was adjourned at 11:09 PM.

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

**Aye:** 5 - Mayor Serratto, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

**No:** 0

**Absent:** 1 - Council Member DeAnda

**Abstain:** 1 - Mayor Pro Tempore Perez