



# CITY OF MERCED

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

## Minutes

### City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency

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Monday, October 2, 2023

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 SERRATTO called the Closed Session to order at 5:03 PM.

**Clerk's Note:** Council Member BOYLE arrived to Closed Session at 5:05 PM, Council Member SMITH arrived to Closed Session at 5:06 PM, and Council Member XIONG arrived to Closed Session at 5:12 PM.

- B.1.** **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Stephanie Dietz; Employee Organizations: Merced Police Officers' Association (MPOA) and Merced Association of Police Sergeants (MAPS). AUTHORITY: Government Code Section 54957.6
- B.2.** **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Stephanie Dietz; Employee Organizations: International Association of Fire Fighters, Local 1479. AUTHORITY: Government Code Section 54957.6
- B.3.** **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Stephanie Dietz; Unrepresented Management AUTHORITY: Government Code Section 54957.6
- B.4.** **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative(s): City Manager Stephanie Dietz; Employee Organizations: American Federation of State, County, and Municipal Employees (AFSCME) Council 57 and Merced Association of City

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Employees (MACE). AUTHORITY: Government Code Section 54957.6

**B.5.** SUBJECT: PUBLIC EMPLOYEE APPOINTMENT - TITLE: City Attorney; AUTHORITY: Government Code 54957

**B.6.** SUBJECT: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of Litigation Pursuant to Government Code Section 54956.9 (d)(4): one (1) Potential Case

**Clerk's Note:** Council adjourned from Closed Session at 5:52 PM.

## **C. CALL TO ORDER**

Mayor SERRATTO called the Regular Meeting to order at 6:01 PM.

C.1. Invocation - Joel Dorman, First Baptist Church

The Invocation was delivered by Pastor Joel DORMAN of the First Baptist Church.

C.2. Pledge of Allegiance to the Flag

Pastor Joel DORMAN led the Pledge of Allegiance to the Flag.

## **D. ROLL CALL**

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

**Absent:** 0

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

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

Mayor SERRATTO "We have a report out of closed session tonight and that is on a 7/0 vote, the City Council has authorized filing a complaint for damages against the State of California, for the damages suffered by reason of the January 2023 flood."

## **F. CEREMONIAL MATTERS**

**F.1.                   SUBJECT: Proclamation - Hispanic Heritage Month**

**REPORT IN BRIEF**

Received by Annissa Fragoso, President of the Hispanic Chamber of Commerce.

Mayor SERRATTO presented the Hispanic Heritage Month Proclamation to President Anissa FRAGOSO of the Hispanic Chamber of Commerce.

**F.2.                   SUBJECT: Proclamation - Breast Cancer Awareness Month**

**REPORT IN BRIEF**

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

Mayor SERRATTO presented the Breast Cancer Awareness Month Proclamation to representatives of the Merced Fire International Association of Firefighters Local 1479.

**G. WRITTEN PETITIONS AND COMMUNICATIONS**

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

Oral Communication: Steven DONAHUE and Linda HINSHAW.

Agenda Item J.1.: Rod BRAWLEY.

Agenda Item K.3.: Adrien AGUILAR, Shani ANDERSON, Jacqueline AZEVEDO, Juliana DOMINGUEZ, Aanisha GILL, Desiree GOMEZ, Bianca GOMEZ, Sravan JAYATI, Brenda MARQUEZ, Daniela MENDIETA, Ariana MUNOZ, Zulette ORDUNA, and Gindale SMITH.

**H. ORAL COMMUNICATIONS**

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

Steven DONAHUE, Merced - spoke on the voicemail public comment process.

Lynn BARRERA, Merced - spoke on the lack of assistance of stray animals in South Merced.

Gloria SANDOVAL, Merced - encouraged Council to hold a Community

Workshop to assist the community in questions on all items on the agenda.

Sarah URBAN, Merced - shared her support for the Fire Department and spoke on the ambulance response.

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

Craig GUNDLACH, Police Chief, Merced - spoke on K-9 Sam's medical condition and treatment, the GoFundMe page, gave Council an update on his condition, and thanked everyone for their support.

Josh PEDROZO, Merced County Supervisor, Merced - gave Council and the community an update on Merced County's budget.

Desri SULLIVAN, Merced - questioned K-9 Sam's retirement, thanked the community for their donations, and asked Council to look into officially retiring K-9 Sam.

Florence LAMBERT, Merced - spoke in support of K-9 Sam and asked Council to add this to a future agenda item.

Sharon LOHMAN, New Beginnings of Merced, Merced - spoke on the social media post and Officer K-9 Sam's retirement.

Sandra HAY, Merced - spoke on the vandalism and deteriorating sidewalks regarding the Bear Creek Bike Path between 25th Street and R Street.

Mayor SERRATTO stated that city staff will reach out to Ms. HAY.

Ana Maria FABIAN, Merced - asked Council to support South Merced, spoke on the lack of water, sidewalks, street-use issues, public lighting, and had questions regarding Merced County's funding for housing.

Mayor SERRATTO suggest for Ms. FABIAN to speak to Merced County Supervisor Josh PEDROZO.

Isabella SANCHEZ, Neighbors United for a Better South Merced, Merced - asked who can assist with bettering South Merced and spoke on issues such as emergency vehicles, semi-trucks, and Alicia Reyes School.

Mayor SERRATTO stated to reach out to any Council Members and reach

out to the South Merced Subcommittee.

Kelly SILVA, Merced - raised concerns on the pieces of asphalt, future flooding, and fire hazards on Bear Creek Bike Path on R Street and 25th Street.

John DERBY, Merced - thanked the City of Merced for supporting Merced County Times for over 60 years, spoke on the 60th Year Anniversary Event, and raising money for KiddieLand.

Xerxes ZANGENCH, Merced - spoke on lack of housing, public transportation, high traffic areas, and the High Speed Rail coming soon to Merced.

Maria CALDERON, Merced - asked Council to put South Merced on the agenda and spoke on a letter sent from Merced County regarding contaminated well water.

Mayor SERRATTO suggested to reach out to the South Merced Subcommittee.

## **I. CONSENT CALENDAR**

Agenda items I.8. Approval of a Supplemental Appropriation in Fund 4028-Cypress Terrace Maintenance District in the Amount of \$13,000 and Fund 4029-Las Brisas Maintenance District in the Amount of \$10,100 and Approval of an Agreement for Landscape Maintenance Services with Central Valley Lawnscares, Inc., for Maintenance of Various Maintenance Districts, in an Annual Amount of \$361,560 for a Thirty-Three (33) Month Term Beginning October 3, 2023, Through June 30, 2026, with an Option to Extend the Agreement for Three (3) Additional One (1) Year Term(s) and I.17. Approval of a Supplemental Appropriation in the Amount of \$218,468 from the Unreserved, Unencumbered Fund Balance of Fund 2001-Measure C to Purchase Equipment for Seven (7) Police SUVs, Two (2) Police Trucks and Three (3) Unmarked Sedans and Approval to Waive the Competitive Bidding Requirement for the Purchase of Standardized Equipment from Rugged Depot; were pulled for separate consideration.

### **Approval of the Consent Agenda**

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

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

**No:** 0

**Absent:** 0

**Abstain:** 1 - Council Member Ornelas

**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 2023**

**REPORT IN BRIEF**

Notification of awarded Non-Public Works contracts under \$37,000 and of Public Works contracts under \$84,338.

**This Consent Item was approved.**

**I.3.****SUBJECT: Information Only - Site Plan Review Minutes of July 13, 2023**

**RECOMMENDATION**

For information only.

**This Consent Item was approved.**

**I.4.****SUBJECT: Information Only - Planning Commission Minutes of August 9, 2023**

**RECOMMENDATION**

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For information only.

This Consent Item was approved.

I.5.

**SUBJECT:** Approval of City Council/Public Financing and  
Economic Development/Parking Authority Meeting Minutes of  
February 21, 2023, August 21, 2023, and September 5, 2023

**REPORT IN BRIEF**

Official adoption of previously held meeting minutes.

**RECOMMENDATION**

**City Council/Public Financing and Economic  
Development/Parking Authority/Successor Agency to the  
Redevelopment Agency** - Adopt a motion approving the meeting  
minutes of February 21, 2023, August 21, 2023, and September 5,  
2023.

This Consent Item was approved.

I.6.

**SUBJECT:** Approval of an Agreement for Services with Dudek for  
Environmental Services and a Deposit and Reimbursement  
Agreement with Gardner Ranch 2, LLC and Gardner Commercial  
LP, Relating to the Annexation of the Approximately 70 Acres of  
Land at the Northeast Corner of Yosemite Avenue and Gardner  
Avenue

**REPORT IN BRIEF**

Considers approving an agreement for services with Dudek, in the amount of \$202,820 to perform environmental services for the annexation of approximately 70 acres at the northeast corner of Yosemite Avenue and Gardner Avenue to the City of Merced and entering into a deposit and reimbursement agreement with Gardner Ranch 2, LLC and Gardner Commercial, LP, in the amount of \$223,102 to fund the Dudek contract and to reimburse for City staff time to manage the contract.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving an Agreement for Services with Dudek, in the amount of

\$202,820 to perform environmental services for the annexation of the University Vista project to the City of Merced; and,

B. Approving a Deposit and Reimbursement Agreement with Gardner Ranch 2, LLC, and Gardner Commercial LP, in the amount of \$223,102 to cover the cost of the consultant contract (\$202,820) and staff time (\$20,282) for the administration of the environmental review process and contract; and,

C. Approving an increase of revenue in the amount of \$208,820 to Fund 3000-Development Services, Developer Capital Fees account and appropriating the same to Fund 3000-Development Services, Professional Services account for payment to Environmental Science Associates; and,

D. Approving an increase in revenue in the amount of \$20,282 to Fund 3000-Development Services, Cost Recovery account; and,

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

**This Consent Item was approved.**

**I.7.**

**SUBJECT: Approval of a Supplemental Appropriation from the Unencumbered, Unreserved Fund Balance of Fund 3002-Bell Station in the Amount of \$11,600 and Unencumbered, Unreserved Fund Balance of Fund 1000-General Fund in the Amount of \$38,400, for Mold and Asbestos Remediation, and Other Expenditures at the Bell Station Located at 415 W. 18th Street**

**REPORT IN BRIEF**

Considers approving a Supplemental Appropriation from the unencumbered, unreserved fund balance of Fund 3002-Bell Station and unencumbered, unreserved fund balance of Fund 1000-General Fund in the amount of \$38,400 for a total of \$50,000, for Mold and Asbestos Remediation, and Other Expenditures at the Bell Station located at 415 W. 18th Street.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving a supplemental appropriation from the unencumbered,



unreserved fund balance of Fund 3002-Bell Station in the amount of \$11,600, for mold and asbestos remediation, and other expenditures at the Bell Station located at 415 W. 18th Street; and,

B. Approving a supplemental appropriation from the unencumbered, unreserved fund balance of Fund 1000-General Fund in the amount of \$38,400, transferring to Fund 3002-Bell Station and appropriating the same for mold and asbestos remediation, and other expenditures at the Bell Station located at 415 W 18th Street; and,

C. Authorizing the City Manager and 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.**

**I.9.**

**SUBJECT: Award Bid to Razzari Ford for the Purchase of Two (2) New Crew Cab Pickups with Service Bodies for a Cost of \$61,982.40 each for the Parks and Streets Departments**

**REPORT IN BRIEF**

Considers awarding the bid to Razzari Ford for the purchase of two new crew cab pickups with service bodies for the Parks Department and Streets Departments.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Awarding the bid to Razzari Ford for the supply of two new crew cab pickups with service bodies, for a cost of \$123,964.80; and,

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

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

D. Authorizing the City Buyer to issue the Purchase Order(s), and approval of change orders not to exceed 10% of the total purchase price.

This Consent Item was approved.

I.10.

**SUBJECT:** Approval to Accept and Appropriate \$24,973 in Grant Funds from the California Fire Foundation (CFF); and Approval to Use Pooled Cash to Cover the Appropriation Until Grant Funds are Reimbursed

**REPORT IN BRIEF**

Considers approving to accept and appropriate \$24,973 in grant funds from the California Fire Foundation (CFF) under their 2023 Statewide Climate-Related Wildfire & Disaster Prevention and Preparedness grant; and approving the use of pooled cash to cover the appropriation until grant funds are reimbursed.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Accepting \$24,973 from California Fire Foundation's 2023 Statewide Climate-Related Wildfire & Disaster Prevention and Preparedness grant, increasing revenue and appropriating the same in Fund 1000-General Fund-Fire, Project GR240016; and,
- B. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed; and,
- C. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- D. Authorizing the City Manager or Deputy City Manager to execute all documents, including any amendments.

This Consent Item was approved.

I.11.

**SUBJECT:** Approval to Accept and Appropriate Grant Funds from the Department of Homeland Security, Federal Emergency Management Agency (FEMA) Fiscal Year 2022 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the Amount of \$8,903,616

**REPORT IN BRIEF**

Considers approving to accept and appropriate Grant Funds from the

Department of Homeland Security, Federal Emergency Management Agency (FEMA) Fiscal Year 2022 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the Amount of \$8,903,616.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Accepting \$8,903,616 from SAFER Grant for Fire Department personnel and fringe benefits; and,

B. Appropriating \$2,763,888 in Fiscal Year 2023-24 for personnel and fringe benefits in Fund 1000-General Fund-Fire, project GR240017 for the first year of the grant; and,

C. Increasing the revenue budget in Fiscal Year 2023-24 for \$2,763,888 in Fund 1000-General Fund-Fire, project GR240017 for the first year of the grant; and,

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

E. Authorizing the City Manager or Deputy City Manager to execute all necessary documents, including any amendments; and,

F. Authorizing the use of pooled cash until grant funds are reimbursed.

**This Consent Item was approved.**

**I.12.**

**SUBJECT:** Approval to Waive the Competitive Bidding Requirements and Authorizing the Purchase of Self-Contained Breathing Apparatus (SCBA) and Associated Equipment for the Fire Department Through Cooperative Purchasing Agreements with Sourcewell and LN Curtis and Sons, in an Amount not to Exceed \$927,144.46, Based Upon Standardization and the Proprietary Nature of the Equipment and Approval of Exhibit A of Memorandum of Understanding (MOU) Between the City of Merced and the City of Atwater

**REPORT IN BRIEF**

Considers approving to waive the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving the purchase of SCBA's and associated equipment in

the amount not to exceed \$927,144.46, through the government procurement program Sourcwell. Also approves "Exhibit A" an amendment to the MOU table based upon actual disbursement.

#### **RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210 due to utilizing a cooperative purchase agreement through Sourcwell, a government procurement program; and,
- B. Approving the purchases of SCBAs and associated equipment in an amount not to exceed \$927,144.46 from LN Curtis and Sons through Sourcwell contract #032620-LNC in Fiscal Year 2023/2024; and,
- C. Approving "Exhibit A", an amendment to the MOU table based upon actual disbursement between the City of Merced and the City of Atwater; and,
- D. Authorizing the City Manager or the Deputy City Manager, to execute the necessary documents or contracts that are approved as to form by the City Attorney; and,
- E. Authorizing the Finance Officer to make the necessary budget adjustments.

**This Consent Item was approved.**

**I.13.**

**SUBJECT:** Approval to Waive the Competitive Bidding Requirement to Allow for the Purchase of Standardized Equipment and Approval of User Agreement from Cellebrite Inc. for a Total Amount of \$37,725.13

#### **REPORT IN BRIEF**

Considers approving to waive the competitive bidding requirement pursuant to Merced Municipal Code section 3.04.210 for purchases necessary for standardization of particular types of equipment. Also, the approval to purchase equipment from Cellebrite Inc. for Cellebrite Guardian premium annual subscription service and equipment for a total amount of \$37,725.13.

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**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving to waive the competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code for standardization of equipment; and,

B. Approving the purchase of Cellebrite Guardian premium annual subscription service and equipment in the amount of \$37,725.13; and,

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

**This Consent Item was approved.**

**I.14.**

**SUBJECT:** Approval of Street Closure Request with the Use of City Owned Property Located at Bob Hart Square Submitted by Merced Main Street Association for the 2023 Annual Christmas Parade on December 2, 2023 From 10:00 A.M. Until 8:00 P.M.

**REPORT IN BRIEF**

Considers approving the use of City streets on December 2, 2023, for the Christmas Parade.

**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 "O" Streets, "O" Street from West Main Street to 20th Street including side streets, the city owned property known as Bob Hart Square as requested by Mike Waite of the Merced Main Street Association for the 2023 Christmas Parade on Saturday, December 2, 2023.

**This Consent Item was approved.**

**I.15.**

**SUBJECT:** Approval of Street Closure Request Submitted by Liza Servin for the 2023 Central California Band Review on November 11, 2023 from 5:00 A.M. Until 2:30 P.M.

**REPORT IN BRIEF**

Considers approving the use of City streets on November 11, 2023 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 2023 Central California Band Review scheduled Saturday, November 11, 2023. 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.16.

**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 John Cox with the County of Merced for the 2023 Veterans Day Parade on November 11, 2023, from 7:00 A.M. Until 7:00 P.M.

#### REPORT IN BRIEF

Considers approving the use of City streets on November 11, 2023, 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 Street at Martin Luther King Jr Way, and West Main Street at "O" Street as requested by John Cox, Merced County Veterans Services for the 2023 Veterans

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Day Parade on Friday, November 11, 2023.

This Consent Item was approved.

I.8.

**SUBJECT:** Approval of a Supplemental Appropriation in Fund 4028-Cypress Terrace Maintenance District in the Amount of \$13,000 and Fund 4029-Las Brisas Maintenance District in the Amount of \$10,100 and Approval of an Agreement for Landscape Maintenance Services with Central Valley Lawnsapes, Inc., for Maintenance of Various Maintenance Districts, in an Annual Amount of \$361,560 for a Thirty-Three (33) Month Term Beginning October 3, 2023, Through June 30, 2026, with an Option to Extend the Agreement for Three (3) Additional One (1) Year Term(s)

**REPORT IN BRIEF**

Considers approving supplemental appropriations in Fund 4028-Cypress Terrace Maintenance District in the amount of \$13,000 and Fund 4029-Las Brisas Maintenance District in the amount of \$10,100, and approving a professional services agreement with Central Valley Lawnsapes, Inc., for maintenance services at various Maintenance Districts, including Quail Creek, West Creek Homes, Silverado, Oakmont #3, Northwood Village, Village Landing, Sunset West, Downtown, Ridgeview Meadows, Fahrens Park I, Mansionette, Cypress Terrace, Las Brisas, Paulson Place, Fahrens Park II, La Bella Vista, Davenport, Sequoia Hill, Sky Moss, Lowes, Yosemite Gateway, and Vista Del Sol.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Approving a supplemental appropriation from the unreserved, unencumbered fund balance in Fund 4028-Cypress Terrace Maintenance District in the amount of \$13,000; and,
- B. Approving a supplemental appropriation from the unreserved, unencumbered fund balance in Fund 4029-Las Brisas Maintenance District in the amount of \$10,100; and,
- C. Approving a Services Agreement Landscape Maintenance with Central Valley Lawnsapes, Inc., in the annual amount of \$361,560, to provide landscape maintenance services at various Maintenance Districts for thirty-three months, with an option to renew for a maximum

of (3) three additional one-year periods, effective October 3, 2023; and,

D. Authorizing the City Manager or Deputy City Manager to sign the necessary documents and execute up to three (3) future 1-year contract extension amendments for a not-to-exceed limit of a 3% annual increase over the prior year expenditure.

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

Council Member SMITH recused himself due to the awardee being a client of his firm.

Council and Director of Public Works Ken ELWIN discussed awarding the bid to a local contractor.

**Clerk's Note:** Mayor Pro Tempore PEREZ stepped out during the vote.

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

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

**No:** 0

**Absent:** 0

**Abstain:** 2 - Mayor Pro Tempore Perez, and Council Member Smith

**I.17.**

**SUBJECT:** Approval of a Supplemental Appropriation in the Amount of \$218,468 from the Unreserved, Unencumbered Fund Balance of Fund 2001-Measure C to Purchase Equipment for Seven (7) Police SUVs, Two (2) Police Trucks and Three (3) Unmarked Sedans and Approval to Waive the Competitive Bidding Requirement for the Purchase of Standardized Equipment from Rugged Depot

**REPORT IN BRIEF**

Considers approving a Supplemental Appropriation in the amount of \$218,468 from the unreserved, unencumbered fund balance of Fund 2001-Measure C to purchase equipment for seven (7) Police SUVs, two (2) Police Trucks and three (3) unmarked sedans. Also consider approval to waive competitive bidding requirements for the purchase of standardized equipment from Rugged Depot for \$79,982.67.



## RECOMMENDATION

**City Council** - Adopt a motion:

A. Approving a Supplemental Appropriation in the amount of \$218,468 from the unreserved, unencumbered fund balance of Fund 2001-Measure C for the purchase of equipment for seven (7) Police SUVs, two (2) Police Trucks and three (3) unmarked sedans; and,

B. Approving to waive the competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code for standardization of equipment from Rugged Depot for \$79,982.67; and,

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

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

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

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

**A motion was made by Council Member Smith, 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:** Public Hearing - Sign/Zoning Ordinance Amendment #23-04, Initiated by the City of Merced; This Application Involves Repealing Chapter 17.36 - Signs from the Merced Municipal Code and Replacing Chapter 20.62 - Signs in its Entirety with a Comprehensive Update to the Existing Sign Regulations

## REPORT IN BRIEF

This application involves repealing Chapter 17.36 - Signs from the Merced Municipal Code and replacing Chapter 20.62 - Signs in its entirety with a comprehensive update to the ordinance that would place all sign regulations in one chapter, bring the Sign Ordinance into compliance with recent court rulings, and make the sign requirements consistent throughout the City. The new ordinance would include new definitions, new regulations for sign area, temporary signs, digital/LED signs, signs in the public right-of-way, billboards, regional signs, freeway signs, and various other sign regulations. The proposed sign ordinance would categorize signs into four main types: permanent building signs, permanent freestanding signs, temporary building signs, and temporary freestanding signs. Each type of sign would be regulated by quantity, size, shape, type of illumination and location. Additionally, minor amendments to Chapter 20.90.020 - "Definitions" would be made to bring this section into compliance with the definitions provided in Chapter 20.62.

#### **RECOMMENDATION**

**City Council** - Adopt a motion:

A. Adopting a Categorical Exemption for Environmental Review #23-27; and,

B. Introducing **Ordinance 2549**, an Ordinance of the City Council of the City of Merced, California, Amending Chapter 20.62 - "Signs," Chapter 20.90.020 "Definitions," and Repealing Chapter 17.36 - "Sign" of the Merced Municipal Code to Establish New Sign Regulations Within the City of Merced.

Acting Planning Manager Julie NELSON and QK, Inc. Consultant Steve BRANDT gave a slideshow presentation on the Sign/Zoning Ordinance Amendment #23-04.

Mayor SERRATTO opened the Public Hearing at 7:17 PM and subsequently closed the Public Hearing at 7:17 PM due to lack of public comments.

Council Member SMITH discussed the revision of the Sign/Zoning Ordinance.

**A motion was made by Council Member Smith, 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. REPORTS

**Clerk's Note:** Council took a recess at 7:20 PM and returned at 7:26 PM.

### K.1.

**SUBJECT:** Adoption of a Resolution for Calling a Special Election for March 5, 2024 for the Purpose of Placing a Ballot Measure Before the Voters to Renew the Existing Half Cent Sales Tax for Public Safety and Roads and Requesting the Merced County Board of Supervisors to Consolidate Said Election with the Statewide Primary Election Being Held on the Same Date

#### REPORT IN BRIEF

Considers adopting a Resolution Calling a March 5, 2024 Special Municipal Election for the purpose of placing a measure on the ballot regarding the renewal of a half-cent sales tax for public safety and roads and requesting the County Board of Supervisors to consolidate the City's election with the Statewide Primary Election being held on the same date.

#### RECOMMENDATION

**City Council** - Adopt a motion:

A. Adopting **Resolution 2023-73**, a Resolution of the City Council of the City of Merced, California, calling a Special Municipal Election to be held on March 5, 2024, for the Purpose of Submitting a Ballot Measure to renew the half cent sales tax for public safety and roads; and, requesting that the Board of Supervisors of the County of Merced, California provide for the consolidation of a Special Municipal Election and a Ballot Measure with the Statewide Primary Election to be held on March 5, 2024; and,

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

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

thereto.

Acting City Manager Scott MCBRIDE and Interim City Attorney Brian DOYLE gave a brief description on the adoption of the Resolution calling for a Special Election.

Council, Mr. DOYLE, and Mr. MCBRIDE discussed voting against the proposed resolution, election code referenced in the Staff Report, the election process, timeline of events after adopting this resolution, and policy direction.

Steven GRAHAM, Merced - spoke in support of the proposed Resolution, the moral and ethical duty of Council Members, and voting yes to support the public safety departments of the City of Merced.

Mike MURPHY, Committee for a Safer Merced, Merced - asked Council to get the ballot measure on the election and to endorse Measure C.

Priya LAKIREDDY, Committee for a Safer Merced, Merced - asked Council to support the Resolution calling for a Special Election and the community needs.

Mary CAMPER, Merced - asked Council to show support for their community and the Special Election.

Council and Mr. DOYLE discussed the lack of police department employees, Measure C, potentially postponing calling for a Special Election, a City run Election, and details of the motions made by Council.

**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:** Merced Police Department Facility Usage

### REPORT IN BRIEF

Presentation depicting the facilities used by the Merced Police Department.

**RECOMMENDATION**

Information only.

Chief of Police Craig GUNDLACH gave a slideshow presentation on the Merced Police Department's facility usage.

Council and Mr. GUNDLACH discussed the locations uses, details of the South Station, and dimensions of the Grogan facility.

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

**K.3.**

**SUBJECT:** In-Lieu Fees and Regional Housing Needs Allocation (RHNA) Unit Production Plan Policy Amendments

**REPORT IN BRIEF**

Presentation on In-Lieu Fees following City Council's guidance and possible amendments to the RHNA Unit Production Plan.

**RECOMMENDATION**

**City Council** - Consider the report and provide more defined direction on elements to include in future resolution to adopt in lieu fees.

Management Analyst Leah BROWN, RSG Consultant Suzy KIM, and Brandon FENDER gave a slideshow presentation on the In-Lieu Fees and Regional Housing Needs Allocation (RHNA) unit production plan policy amendments.

Council, Mrs. BROWN, Ms. KIM, and Mr. FENDER discussed the feasible fees recommended from the study, feedback with local developers, and details of the feasible amount for unincorporated areas.

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

Jeneen BARAKAT, Merced - urged Council to uphold current Resolution requirements for affordable housing.

Pangcha VANG, Merced - spoke on the housing crisis and asked to keep the affordable housing rate at 12 percent and the In-Lieu fee at 10 percent.

Andrew DE MELLO, Merced - urged Council to not make any changes to Agenda Item K.3.

Steve ALLEN, Merced - asked Council to uphold the current resolution requirements for affordable housing.

Joshua BOUMAN, Merced - urged Council to vote no on reducing the figure on Agenda Item K.3.

Ian HIPPENSTEELE, Merced - urged Council to uphold the current Resolution requirements for affordable housing and spoke on the current housing crisis.

Albert DIBENEDETTO, Merced - spoke on the housing crisis and urged Council to uphold the current Resolution requirements.

Whitney, Merced - urging Council to keep the household figures on Agenda Item K.3.

Sejin, Merced - urged Council to uphold the Resolution requirements for affordable housing, spoke on the UC Merced expanding the housing range, and asked for more affordable housing.

Pedro RAMIREZ, Merced - urged Council to uphold the Resolution requirements for affordable housing and spoke on the housing crisis.

Taylor FUGERE, Merced - urged Council to uphold the Resolution requirements for affordable housing and spoke on the increasing challenges of finding affordable housing.

Kai, Merced - urged Council to keep Resolution requirements as is.

Lauren OLIVA, Merced - urged Council to uphold the current Resolution requirements for more affordable housing.

Astrid, Merced - spoke on the cost of living in Merced and urged Council to uphold the current Resolution requirements for more affordable housing.

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

Josue HERRERA, Merced - urged Council to maintain or strengthen the 12

percent zoning requirements, 12 percent of the In-Lieu fees, and spoke on details of the housing crisis.

Parker SMITH, Merced - spoke on strengthening the current housing policy and opposed consulting with developers.

Xerxes ZANGENCH, Merced - asked Council to vote no on Agenda Item K.3. and spoke on affordable housing.

Josiah BEHARRY, Merced - spoke on assisting low-income households and gave suggestions on how to assist with affordable housing.

Sid LAKIREDY, Merced - spoke on developers in Merced, the price of land, and the percentages of fees proposed.

Benjamin HUEFUR, Merced - spoke on Merced citizens not being able to afford housing.

Shyam GUPTA, Merced - urged Council to uphold the current Resolution requirements for affordable housing.

Carlo MCCALLICH, Merced - spoke on affordable housing being feasible to the citizens of Merced.

**Clerk's Note:** Council took a recess at 9:01 PM and returned at 9:08 PM.

Moe JAUOD, Merced - spoke on the fee increasing the price of homes.

Ernie OCHOA, Merced - spoke on the Conference for the Association of Realtors, history of housing crisis, and the cost of housing today.

David SHULTZ - spoke on rows of tents, makeshift homes on the streets, and asked Council to ensure housing is affordable.

Hope, Merced - gave statistics on crime costs comparing housing to school costs and spoke on affordable housing.

Leo NICHORSTER-COOK, Merced - spoke on working-class people unable to afford housing and to get opinions of the working-class.

Henry HICKMAN, Merced - spoke in favor of affordable housing.

**Clerk's Note:** Council took a recess at 9:26 PM and returned at 9:31 PM.

Rauneel CHAUDHARY, Merced - urged Council to uphold the current Resolution requirements for affordable housing and spoke on affordable housing.

Ari HUFFMAN, Merced - urged Council to uphold the current Resolution rate for low-income housing to be built alongside market-rate housing and spoke on affordable housing.

Madeline HARRIS, Merced - spoke on getting input from the community regarding in-lieu fees and low-income housing development.

Jasmine OKINCHA, Merced - spoke on the challenges working college students face.

Emanuelle OCHOA, Merced - spoke on Merced needing more housing units and a potential First-Time Home Buyer down payment assistance program.

Ale, Merced - spoke on the issues in Merced such as affordable housing and poverty.

Robert DYLINE, Merced - spoke on state laws for developing housing and suggestions for the In-Lieu fees.

Sebastian CERVANTES, Merced - spoke on low-income citizens.

Council and Acting City Manager Scott MCBRIDE discussed the housing crisis, UC Merced building student housing, future and current development in Merced, subsidized housing, details of the policy to set the In-Lieu fee, current housing projects, percentages of different-income housing in the RHNA, restrictions for developers, outside city home buyers, and funds allocated to the City for affordable housing.

**Clerk's Note:** Council Member XIONG made a motion to increase 12.5% to 15% to include all areas of Merced, including the new annexation areas, to match the 10% requirement areas to 15%, and provide no exemptions and no split requirements. The motion failed for a lack of second.

Council and Ms. KIM also discussed the production requirement fee, modifying the RHNA allocation, adjustment of In-Lieu fees based off area, and amending the motion by Council Member SMITH.



A motion was made by Council Member Smith, seconded by Council Member Boyle, to reduce production requirement to 5%, waive the In-Lieu fee for infill development, make policy applicable to new annexation areas, exempting multi-family residential projects. The In-Lieu fee will be set to \$5,000 single-family homes per lot in AB 3312 areas, \$1,000 for South Merced (South of Bear Creek) residential projects, \$2,000 single family homes per lot in North Merced to be reviewed 12 months from now, with all funds being allocated to the City's Affordable Housing Fund. 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

## L. BUSINESS

### L.1.

**SUBJECT:** City Council Re-Consideration Regarding the Re-Opening of the Commercial Truck Parking Lot Located at S. West Avenue and Stuart Drive and Increasing the Fine for Commercial Trucks Illegally Parked in Residential Districts

#### REPORT IN BRIEF

Staff is seeking direction from the City Council concerning the re-opening of the commercial truck parking lot and raising the amount of the fine for commercial trucks illegally parking in residential areas from \$43.00 to \$150.00 per citation.

#### RECOMMENDATION

**City Council** - Provide direction to staff regarding the re-opening of the commercial truck parking lot and illegal commercial truck parking enforcement.

Deputy City Manager Frank QUINTERO gave a brief presentation on the re-consideration regarding the re-opening of the commercial truck parking lot and increasing the fine for commercial trucks illegally parked in residential areas.

Council, Mr. QUINTERO, and Traffic Sergeant Nathan MCKINNON discussed the fine fee amount, criminal behavior in the parking lot, security measures for the parking lot, allocating funds for next fiscal year, road dangers, increasing the fine after multiple violations, finding another location for truck parking due to health concerns, and division in Police Department handling the citations.

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

Beatriz, Merced - asked Council not to allow the commercial truck parking lot and spoke on the truck parking lot affecting residents.

Pangcha VANG, Merced - encouraged Council to not re-open the truck parking lot due to pollution, noise complaints, and safety concerns.

Andrew DE MELLO, Merced - asked Council to consider the impact L.1. will have on the South Merced community.

Ariella SOTELO, Merced - spoke in opposition of re-opening the truck parking lot due to the environmental issues and proximity of Riggs Ambulance.

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

Ashley Marie SUAREZ, Merced - spoke on concerns of re-opening the parking lot due to truck traffic, contaminating the land and homes, children in residential homes, families with asthma, and elders.

Monica SOTELO, Merced - spoke on investing in a traffic study, shared available truck parking lots in Merced County, and asked Council to vote no on re-opening the truck parking lot.

Steven GRAHAM, Merced - spoke on opening a Loves Station for commercial truck drivers and the garbage that truck drivers leave in open lots.

Council, Mr. MCKINNON, and Mr. QUINTERO discussed the issues the Police Department faces with truck drivers parking illegally in residential areas, amount of parking tickets, exploring speed limits with the Traffic Committee, escalating citation enforcers, and system to run plates.

**A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Ornelas, to keep the \$150 fee, to not re-open the truck parking lot, re-visit the escalating fee, refer this matter to the Traffic Committee to explore options, and to restrict parking on West Avenue from Eagle Street to Riggs Avenue. 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.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 SMITH requested to add the endorsement of Measure C on the November 20th agenda.

Council Member XIONG requested to evaluate the commercial parking lot land use on the December 18th agenda.

Council Member ORNELAS requested to explore providing water services to unincorporated areas on the November 6th agenda and a report with updates from the South Merced Subcommittee on the November 20th agenda.

Council discussed community outreach to unincorporated areas.

Mayor SERRATTO requested to discuss grant opportunities for a bike park in Fahrens Park on the November 6th agenda.

**L.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 reported on attending the Finding Common Ground Podcast for an interview and the Juvenile Justice Coordinating Council Subcommittee meeting.

Mayor Pro Tempore PEREZ thanked everyone for their presentations.

Council Member BOYLE reported on attending the Burgers and Brews Fest event, the Fahrens Park cleanup, and spoke on the upcoming 5K

event for Kiddieland.

Mayor SERRATTO reported on attending the League of Cal Cities Conference, the Burgers and Brews Fest event, a tour of all affordable housing projects in Merced with Senator Anna CABALLERO and Acting City Manager Scott MCBRIDE, and thanked Council Member SMITH and Mayor Pro Tempore PEREZ for being involved in the Shopping Cart Ordinance discussion. He also reported on attending the Restored Merced event and being a speaker at Farmdale Elementary School.

## M. ADJOURNMENT

**Clerk's Note:** The Regular Meeting was adjourned at 11:28 PM.

**A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Ornelas, that this Regular Meeting be adjourned. 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