



CITY OF MERCED

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

Minutes

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

Monday, November 4, 2019

6:00 PM

A. STUDY SESSION ROLL CALL

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

Clerk's Note: Council Members BLAKE and SHELTON arrived to the Study Session at 5:48 PM.

Present: 7 - Mayor Pro Tempore Anthony Martinez, Mayor Mike Murphy, Council Member Kevin Blake, Council Member Jill McLeod, Council Member Matthew Serratto, Council Member Delray Shelton, and Council Member Fernando Echevarria

Absent: 0

B. STUDY SESSION

B.1. SUBJECT: Study Session to Discuss and Provide Direction Regarding the City of Merced Employee Compensation Study

REPORT IN BRIEF

Study Session for an employee compensation study.

RECOMMENDATION

Provide staff direction as needed.

Director of Human Resources and Koff & Associates Consultant Kate KANEKO gave a slide show presentation on the City of Merced Employee Compensation Study.

Council and Ms. KANEKO discussed the number of comparator agencies, UC Merced as a comparator agency, policy items, criteria comparison score, and labor adjustment. They also discussed adjusting the comparator agencies.

Chad ENGLERT, International Fire Fighters Association, Merced - spoke on the comparator agencies.

Matt BECKMAN, Public Works - Sewer Collection System Worker, Merced - spoke on the comparator agencies.

Council and Ms. KANEKO continued discussion on the comparator agencies.

A motion was made by Mayor Murphy, seconded by Council Member Serratto, to direct staff to remove the City of Santa Maria and add the City of Modesto to the comparator agency list and add FSLA to the Policy Items. The motion carried by the following vote:

Aye: 5 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member McLeod, Council Member Serratto, and Council Member Echevarria

No: 0

Absent: 0

Abstain: 2 - Council Member Blake, and Council Member Shelton

C. CALL TO ORDER

Mayor MURPHY called the Regular Meeting to order at 6:05 PM.

C.1. Invocation - Carol Madruga, Congregation of Etz Chaim

The invocation was delivered by Carol MADRUGA from the Congregation of Etz Chaim.

C.2. Pledge of Allegiance to the Flag

Mayor Pro Tempore MARTINEZ led the Pledge of Allegiance to the Flag.

D. ROLL CALL

Present: 7 - Mayor Pro Tempore Anthony Martinez, Mayor Mike Murphy, Council Member Kevin Blake, Council Member Jill McLeod, Council Member Matthew Serratto, Council Member Delray Shelton, and Council Member Fernando Echevarria

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 \$20.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$50.00 each month as a part of the adopted budget and Resolution 1975-37. The members of the Parking Authority and the Public Financing and Economic Development Authority receive no compensation.

E. SPECIAL PRESENTATIONS

E.1. **SUBJECT: Presentation From the Merced County Association of Governments**

REPORT IN BRIEF

Merced County Association of Governments Executive Director Stacie Dabbs Guzman will give a presentation.

Merced County Association of Governments (MCAG) Executive Director Stacie DABBS GUZMAN gave a slide show presentation on MCAG activities.

Monica VILLA, Merced - spoke on the great work MCAG is doing.

Necola ADAMS, Merced - asked about the green waste use for energy.

Ms. DABBS GUZMAN explained the process of green waste and organics to produce different types of energy.

F. WRITTEN PETITIONS AND COMMUNICATIONS

There were none.

G. ORAL COMMUNICATIONS

Jose DELGADILLO, Merced - thanked Council for appointing him to the Planning Commission.

Necola ADAMS, Merced - spoke on the success of the Merced County Nut Festival.

Monica VILLA, Merced - spoke on an upcoming event and encouraged everyone to attend. She also thanked Council Member SERRATTO for the Town Hall he held in the Loughborough Neighborhood.

Dewayne YOUNG, Merced - spoke on the Feld of Honor event.

H. CONSENT CALENDAR

Items H.9. First Amendment to the Professional Services Agreement with Dudek Consulting and First Amendment to the Deposit and Reimbursement Agreement with University Village Merced, LLC for the Preparation of the Environmental Impact Report (EIR) for the Proposed Annexation at the Northeast Corner of Yosemite Avenue and Gardner Road and H.10. Adoption of Resolution Denying the Appeal Filed by Joe Englanoff on Behalf of Merced Holdings, L.P. of the Planning Commission's Decision to Deny Conditional Use Permit #1231 to Allow the Construction of 428 Efficiency Dwelling Units and 18,000 Square Feet of Retail at the Southeast Corner of Yosemite Avenue and McKee Road; were pulled for separate consideration.

Approval of the Consent Agenda

A motion was made by Council Member Blake, seconded by Council Member McLeod, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0

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

REPORT IN BRIEF

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

RECOMMENDATION

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

This Consent Item was approved.

H.2. **SUBJECT:** Information-Only Contracts for the Month of October 2019

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$32,000 and of Public Works contracts under \$70,939.

This Consent Item was approved.

H.3. **SUBJECT:** Information Only - Planning Commission Meeting Minutes of June 5, 2019

RECOMMENDATION

For information only.

This Consent Item was approved.

H.4. **SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of

October 7, 2019

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic Development/Parking Authority - Adopt a motion approving the meeting minutes of October 7, 2019.

This Consent Item was approved.

H.5.

SUBJECT: Adoption of Resolution Amending the Classification and Pay Plan, Approving the New Job Classification of Housing Program Manager and Adding the Wastewater Treatment Plant Operator Trainee Back to the Classification Plan Along with Changing the Job Title of Mechanic III to Lead Mechanic

REPORT IN BRIEF

Considers approving the new job classification of Housing Program Manager, deleting the classification of Housing Program Supervisor and adding back the Wastewater Treatment Plant Operator Trainee which was inadvertently deleted during the approval of the Citywide Classification Study and Re-Titling the Mechanic III as Lead Mechanic.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2019-74**, a Resolution of the City Council of the City of Merced, California amending the classification plan by amending the personnel allocation in the Housing Division by deleting one Housing Program Supervisor and adding one Housing Program Manager Position, and adding the job description and establishing the salary range for Housing Program Manager; and,

B. Approving a Supplemental Appropriation in the amount of \$25,000 from Fund 017-Development Services as a direct service charge to Fund 070-Housing Administration for the new Housing Manager's time spent on non-grant housing related activities; and,

C. Approving the addition of the Wastewater Treatment Plant Operator Trainee position back in to the City's job classifications; and,

D. Approving the new title of Lead Mechanic which will replace the title of Mechanic III in the City's job classification.

This Consent Item was approved.

H.6.

SUBJECT: Acceptance of a One-Time Payment of \$2,250 for the Initial Fifteen (15) Year Conduit Lease of 50 Linear Feet on Canal Street from CVIN, LLC dba VAST NETWORKS, a Competitive Local Exchange Carrier with the Option to Renew the Contract in 5 Year Increments

REPORT IN BRIEF

Considers entering into a fifteen (15) year conduit lease agreement to CVIN, LLC dba VAST NETWORKS, a Competitive Local Exchange Carrier with the option to renew the contract in 5-year increments and the acceptance of a one-time payment in the amount of \$2,250.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the lease agreement with CVIN, LLC dba VAST NETWORKS; and,

B. Increasing the revenue budget in account 672-0403-360-01-01 by \$2,250 and appropriating the same to account 672-0403-512-29-00; and,

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

This Consent Item was approved.

H.7.

SUBJECT: Acceptance of Department of Justice 2019 Bulletproof Vest Partnership Grant in the Amount of \$21,118.00 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

Accept grant award for reimbursement of bulletproof vest expenses.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting and increasing the revenue budget in the amount of \$21,118 in account 061-1026-324-37-00 and appropriating the same amount in grant funds to account 061-1026-522.29-00 for 50% of the costs associated with the purchase of bulletproof vests; and,

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

C. Authorizing the Police Department and the City Manager to execute the necessary documents.

This Consent Item was approved.

H.8.

SUBJECT: Approval of Street Closure Request Submitted by Merced Main Street Association for the 2019 Annual Christmas Parade on December 7, 2019 From 12:00 P.M. Until 7:00 P.M.

REPORT IN BRIEF

Considers allowing the use of City streets on December 7, 2019 for the Christmas Parade.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of East Main Street, from Cedar Avenue to "G" Street, West Main Street, from "G" to "O" Streets, "O" Street from West Main Street to 20th Street including side streets. An alternate route due to possible road closure for the El Capitan project will be East Main Street, from Cedar Avenue to "G" Street, West Main Street, from "G" to Canal Street, Canal Street from West Main Street to West 18th Street and West 18th Street from Canal Street to "O" Street including side streets as requested by Mike Waite of the Merced Main Street Association for the 2019 Christmas Parade on Saturday, December 7, 2019.

This Consent Item was approved.

H.11.

SUBJECT: Approval of a First Amendment to an Agreement for Legal Services with Lozano Smith, LLP, in an Amount not to Exceed \$90,000

REPORT IN BRIEF

Considers approving a first amendment to an agreement for legal services with Lozano Smith, LLP, in an amount not to exceed \$90,000.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a First Amendment to an agreement for legal services with Lozano Smith, LLP in an amount not to exceed \$90,000; and,
- B. Approving a supplemental appropriation from the unreserved, unencumbered General Fund balance in the amount of \$30,000; and,
- C. Authorizing the Finance Officer to make the necessary budget adjustment and City Manager or the Assistant Manager to execute the necessary documents.

This Consent Item was approved.

H.12.

SUBJECT: Approval of Professional Legal Services Agreement with Goldman, Magdalin & Krikes and Yrulegui & Roberts for Workers' Compensation Litigation Matters in an Amount not to Exceed the Approved Budget Allocation

REPORT IN BRIEF

Considers approval of Professional Legal Services Agreements with 1) Goldman, Magdalin & Krikes and 2) Yrulegui & Roberts for workers' compensation litigation matters.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Professional Legal Services Agreement with Goldman, Magdalin & Krikes; and,
- B. Approving the Professional Legal Services Agreement with Yrulegui & Roberts; and,
- C. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- D. Authorizing the City Manager or the Assistant City Manager to execute the Professional Legal Services Agreements with 1) Goldman, Magdalin & Krikes and 2) Yrulegui & Roberts.

This Consent Item was approved.

H.13.

SUBJECT: Approval of a Supplemental Appropriation from Fund 074, Economic Development Opportunity Fund, in the Amount of \$20,000.00 to Project 119063 to Secure and Complete the Abatement at 636 W. Main Street and Authorization for the City Manager or Designee to Take the Necessary Action(s) to Complete the Abatement

REPORT IN BRIEF

Staff is asking Council to consider adding \$20,000.00 to Project 119063 to secure the site and complete the abatement of all nuisance conditions including, backfilling a pit where the building once stood at 636 W. Main Street.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Supplemental Appropriation from the unreserved and unencumbered balance of Economic Development Opportunity-Fund 074, in an amount not to exceed \$20,000.00 to Project 119063; and,

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

C. Authorizing the City Manager or Designee to take the necessary action(s) to complete the abatement.

This Consent Item was approved.

H.9.

SUBJECT: First Amendment to the Professional Services Agreement with Dudek Consulting and First Amendment to the Deposit and Reimbursement Agreement with University Village Merced, LLC for the Preparation of the Environmental Impact Report (EIR) for the Proposed Annexation at the Northeast Corner of Yosemite Avenue and Gardner Road

REPORT IN BRIEF

Considers the first amendment to the Professional Services Agreement with Dudek Consulting and the Deposit and Reimbursement Agreement with University Village Merced, LLC for the preparation of the Environmental Impact Report for the proposed annexation at the northwest corner of Yosemite Avenue and Gardner Road.

RECOMMENDATION

City Council - Adopt a motion

- A. Approving the First Amendment to the Professional Services Agreement with Dudek Consulting; and,
- B. Approving the First Amendment to the Deposit and Reimbursement Agreement with University Village Merced, LLC; and,
- C. Approving an increase in revenue in the amount of \$7,044 to account 0017-0804-360-1-02 and appropriation the same to account 017-0804-512-17-001 Professional Services for payment to Dudek Consulting for planning services; and,
- D. Authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

Mayor MURPHY pulled this item to recused himself due to a conflict with his business.

Director of Community Development Scott MCBRIDE gave a brief report on this item.

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

Aye: 6 - Mayor Pro Tempore Martinez, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0

Abstain: 1 - Mayor Murphy

H.10.

SUBJECT: Adoption of Resolution Denying the Appeal Filed by Joe Englanoff on Behalf of Merced Holdings, L.P. of the Planning Commission's Decision to Deny Conditional Use Permit #1231 to Allow the Construction of 428 Efficiency Dwelling Units and 18,000 Square Feet of Retail at the Southeast Corner of Yosemite Avenue and McKee Road

REPORT IN BRIEF

Provides Resolution for adoption to deny the appeal filed by Joe Englanoff, on behalf of Merced Holdings, L.P., of the Planning

Commission's denial of Conditional Use Permit #1231 per City Council direction on October 7, 2019.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2019-75**, a Resolution of the City Council of the City of Merced, California, denying an appeal by Joe Englanoff on behalf of Merced Holdings, L.P., concerning the action of the Planning Commission resulting in the denial of Conditional Use Permit #1231, and making certain findings in connection therewith.

Director of Community Development Scott MCBRIDE requested to have this item pulled to give a slide show presentation on the Appeal to the Conditional Use Permit for the Project on Yosemite and McKee Road.

Council Member BLAKE recused himself from this item due to the proximity of his residence.

A motion was made by Mayor Pro Tempore Martinez, seconded by Council Member Shelton, to approve the denial of the Conditional Use Permit without prejudice. The motion carried by the following vote:

Aye: 6 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0

Abstain: 1 - Council Member Blake

J.1.

SUBJECT: Authorization to Issue Community Facilities District No. 2006-1 (Moraga of Merced) of the City of Merced, 2019 Special Tax Refunding Bonds, in the Aggregate Principal Amount not to Exceed \$4,500,000, Authorizing the Sale of Such Bonds Upon Certain Terms and Conditions, Approving an Official Statement, Approving the Execution and Delivery of a Fiscal Agent Agreement, an Escrow Agreement, a Bond Purchase Agreement and a Continuing Disclosure Agreement, and Authorizing the Execution of Necessary Documents and Certificates and Related Actions

REPORT IN BRIEF

Considers refunding bonds for Moraga of Merced.

RECOMMENDATION

City Council - Acting as the Legislative Body of Community Facilities

District No. 2006-1 (Moraga of Merced) of the City of Merced, adopt a motion:

A. Adopting **Resolution 2019-76**, a Resolution of the City Council of the City of Merced, California, acting as the legislative body of Community Facilities District No. 2006-1 (Moraga of Merced) of the City of Merced authorizing the issuance of Community Facilities District No. 2006-1 (Moraga of Merced) of the City of Merced, 2019 special tax refunding bonds, in the aggregate principal amount not to exceed \$4,500,000, authorizing the sale of such bonds upon certain terms and conditions, approving an official statement, approving the execution and delivery of a fiscal agent agreement, an escrow agreement, a bond purchase agreement and a continuing disclosure agreement, and authorizing the execution of necessary documents and certificates and related actions; and,

B. Authorizing the City Manager or the Assistant City Manager or the City Attorney or the Finance Officer or the Mayor to execute necessary documents, certificates and related actions; and,

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

Clerk's Note: This item was moved to be discussed prior to the Public Hearing.

Finance Officer Venus RODRIGUEZ gave a presentation on the Community Facilities District No. 2006-1 (Moraga of Merced) 2019 Special Tax Refunding Bond.

Mayor Pro Tempore MARTINEZ and Ms. RODRIGUEZ discussed fees.

A motion was made by Council Member McLeod, seconded by Council Member Serratto, to approve Resolution 2019-76. The motion carried by the following vote:

Aye: 7 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0

I. PUBLIC HEARINGS

I.1. **SUBJECT: Public Hearing and Potential Introduction of Ordinance to Revise Park Hours and Amending Section 14.04.070 - Hours - Permits**

to Reflect Approved New Park Hours

REPORT IN BRIEF

Public Hearing regarding revision of park hours and update of Code of Ordinances Title 14, Chapter 14.04, Amending Section 14.04.070 - Hours - Permits.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2505**, an Ordinance of the City Council of the City of Merced, California, amending Section 14.04.070, "Hours - Permit," of the Merced Municipal Code regarding City parks.

Director of Recreation and Parks Joey CHAVEZ gave a brief report on the Proposed Park Hours.

Council Member SERRATTO and Mr. CHAVEZ discussed the lighted sports facilities.

City Attorney Phaedra NORTON clarified the code sections that exclude bike and pedestrian paths.

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

Lee PEVSNER, Merced - spoke in support of this item and suggested winter hours to close at 6:00 PM.

Candice Adam MEDEFIND, Merced - spoke on her concerns with the proposed Ordinance.

Renee DAVENPORT, Merced - spoke on her concern about informing the public about the park hours.

Sair LARA, Merced - spoke in support of changing the park hours.

Monica VILLA, Merced - spoke on the use of basketball courts and the facilities that are lit.

Benjamin KURTZ, Merced - spoke on the activities that he would like to do in the park after hours.

Mayor MURPHY closed the Public Hearing at 7:11 PM.

Council discussed public safety, winter hours, notices, enforcement

strategy, and a trial period for the time change.

A motion was made by Council Member Blake, seconded by Council Member Echevarria, to change the summer hours from 6AM to 9PM and the winter hours from 6AM to 7PM. The motion carried by the following vote:

Aye: 4 - Council Member Blake, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 3 - Mayor Pro Tempore Martinez, Mayor Murphy, and Council Member McLeod

Absent: 0

Council and Mr. Chavez discussed the lighted facilities and the timing of when the lights are turned off.

A motion was made by Council Member Serratto, seconded by Council Member McLeod, to direct staff to bring information back regarding areas in the parks that have lighting. The motion carried by the following vote:

Aye: 5 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, and Council Member Serratto

No: 2 - Council Member Shelton, and Council Member Echevarria

Absent: 0

I.2.

SUBJECT: Public Hearing for Introduction of Ordinances Adopting Title 24, Parts 1-12 of the California Code of Regulation as the 2019 California Building and Fire Codes, and Local Amendments, for the City of Merced

REPORT IN BRIEF

Introduce Ordinances adopting Title 24, Parts 1-12 of the California Code of Regulations, referred to as the California Building Code, as the referenced Building and Fire Codes for the City of Merced.

RECOMMENDATION

City Council - Adopt a motion:

A. Introducing **Ordinance 2506**, an Ordinance of the City Council of the City of Merced, California, Amending Chapter 17.04, 'Building Code,' Article I Title, Sections 17.04.010, 17.04.050, 17.04.110, 17.04.120, 17.05.010, 17.06.010, 17.07.010, 17.09.010, 17.10.010, 17.12.010, 17.20.010, 17.24.010, 17.28.020, and 17.34.010 of the Merced Municipal Code to Adopt by Reference the 2019 California Building Code, 2019 Residential Code, 2019 Existing Building Code, 2019 Green Buildings

Standards Code, 2019 Historical Code, 2019 Energy Code, 2019 California Administrative Code, 2019 California Administrative Code, 2019 California Electrical, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, and 2019 Referenced Standards Code; and

B. Introducing **Ordinance 2507**, an Ordinance of the City Council of the City of Merced, California, Amending Chapter 17.32, "Fire Prevention Code", of the Merced Municipal Code.

Director of Development Services Scott MCBRIDE and Deputy Fire Chief Casey WILSON gave a brief presentation on the 2019 Building and Fire Code.

Mayor MURPHY opened and subsequently closed the Public Hearing at 7:42 PM due to a lack of public comment.

A motion was made by Mayor Pro Tempore Martinez, seconded by Council Member Blake, to Introduce Ordinance 2506 and Ordinance 2507. The motion carried by the following vote:

Aye: 7 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0

Clerk's Note: Council recessed at 7:45 PM and returned at 7:54 PM.

J. REPORTS

J.2.

SUBJECT: Draft Report of the Solid Waste Collection and Related Services Rate Study with R3 Consulting Group, Inc., and Request to Set a Public Hearing Following the Proposition 218 Notification

REPORT IN BRIEF

Presentation of the Draft Solid Waste Collection and Related Services Rate Study.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Solid Waste Collection and Related Services Rate Study

Report; and,

B. Selecting Scenario 3 and specifying with OR without an additional litter abatement program; and,

C. Authorizing staff to proceed with the Public Notification process following Proposition 218 guidelines; and,

D. Setting a Public Hearing for February 3, 2020, at 6:00 PM to approve the amended rates.

Recycling Coordinator Monique GAMA and R3 Consulting Group Consultant Garth SHULTZ gave a slide show presentation on Solid Waste Collection and Related Services Rate Study.

Council, Ms. GAMA, and Mr. SHULTZ discussed the recycling market, rate adjustment scenarios, services provided, litter abatement, and rates.

Benjamin KURTZ, Merced - asked if the residence were encouraged to cut down on waste if it would cut the cost.

Mr. SCHULTZ explained fixed cost and variable cost and waste trends.

Council continued discussing the rates.

Clerk's Note: Council directed staff to bring back variations of Rate Adjustment Scenarios with and without litter abatement.

K. BUSINESS

K.1.

SUBJECT: Council Member Echevarria's Request to Discuss Vaping Regulations and Sales in the City of Merced

REPORT IN BRIEF

Council Member Echevarria's Request to Discuss Vaping Regulations in accordance with Council Administrative Policies and Procedures C-1.

RECOMMENDATION

It is requested Council give staff direction on this item.

Council Member ECHEVARRIA gave a presentation on the dangers of vaping and flavored tobacco.

Dulce VELAZQUEZ, Merced - spoke on the tobacco industry and their

target audience.

Sair LARA, Merced - spoke on the issues of youth vaping.

Clerk's Note: Council directed staff to look into what other Cities, the State, and the Federal levels are doing on this issue.

K.2.

SUBJECT: Appointment - Regional Airport Authority

REPORT IN BRIEF

Consider appointing Robert Scoble to the Regional Airport Authority.

RECOMMENDATION

City Council - Adopt a motion appointing Robert Scoble to serve as a member of the Regional Airport Authority, to a seat with a term expiration of July 1, 2023.

Robert SCOBLE, Merced - spoke on his experience and qualifications for the Regional Airport Authority.

A motion was made by Council Member Echevarria, seconded by Mayor Pro Tempore Martinez, to appoint Robert Scoble to the Regional Airport Authority. The motion carried by the following vote:

Aye: 7 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0

K.3.

SUBJECT: Request to Add Item to Future Agenda

REPORT IN BRIEF

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

Council Member SHELTON requested to add an item on enhancing and branding downtown.

K.4.

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 BLAKE reported on attending Council Member SERRATTO'S Town Hall event.

Council Member ECHEVARRIA reported on attending a community Halloween party.

Council Member SHELTON reported on attending Council Member SERRATTO'S Town Hall event, the Merced County Nut Festival, the Fire Department's Annual Pancake Breakfast, and the Merced County Jail Ministry Annual Banquet Fundraiser.

MARTINEZ reported on attending the Mayor's Cup game, Council Member SERRATTO'S Town Hall, and the memorial for a former student. He also spoke on upcoming events.

Council Member SERRATTO reported on attending the Lights After Dark event, the Main Street Association meeting, the Quilts at UC Merced event, the Merced County Nut Festival, the Fire Department's Annual Pancake Breakfast, and an event at Club Mercedes. He also thanked everyone for attending his Town Hall.

Mayor MURPHY reported on attending the Merced County Association of Governments meeting, the Lights on After School event, the Merced County Nut Festival, the Merced Lao Family dinner, the Mayor's Cup game, Council Member SERRATTO'S Town Hall, the Fire Department's Annual Pancake Breakfast, the Bi-National Health Fair, and the homelessness working group meeting. He also spoke on upcoming events.

L. CLOSED SESSION

Clerk's Note: Council adjourned to Closed Session at 9:18 PM.

L.1.

SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Property: APN 059-240-081; Agency Negotiator: Frank Quintero, Director, Economic Development; Negotiating Parties: Mark Persico, Merced Designated Local Authority and City of Merced and; Under Negotiation: Price and Terms of Payment

Clerk's Note: Council adjourned from Closed Session at 9:26 PM.

M. REPORT OUT OF CLOSED SESSION

There was no report.

N. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 9:26 PM.

A motion was made by Council Member Shelton, seconded by Council Member Blake, to adjourn the Regular Meeting. The motion carried by the following vote:

Aye: 7 - Mayor Pro Tempore Martinez, Mayor Murphy, Council Member Blake, Council Member McLeod, Council Member Serratto, Council Member Shelton, and Council Member Echevarria

No: 0

Absent: 0