



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, August 5, 2024

6:00 PM

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 5:01 PM.

Clerk's Note: Council Member XIONG arrived to Closed Session at 5:02 PM, Council Member BOYLE arrived to Closed Session at 5:04 PM, and Mayor SERRATTO arrived to Closed Session at 5:09 PM.

B.1. **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

B.2. **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; Employee Organizations: Merced Police Officers' Association (MPOA) and Merced Association of Police Sergeants (MAPS). AUTHORITY: Government Code Section 54957.6

B.3. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Significant Exposure to Litigation: Four (4) Cases: Pursuant to California Government Code Section 54956.9

- B.4.** **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION City of Merced v. California Department of Fish and Wildlife, et al. MSC Case No. 23CV-03845 Pursuant to California Government Code Section 54956.9(d)(1)

Clerk's Note: Council adjourned from Closed Session at 5:44 PM.

C. CALL TO ORDER

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

- C.1. Invocation - Pastor 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, 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

There was no report.

F. CEREMONIAL MATTERS

- F.1.** **SUBJECT:** Recognition to the City of Merced and Precision Civil Engineering for the City of Merced's Pre-Approved Duplex and Triplex Program

REPORT IN BRIEF

Presented by the Central Section of the California Chapter of the American Planning Association and accepted by the City of Merced and Precision

Civil Engineering.

Central Section of the California Chapter of the American Planning Association recognized the City of Merced Planning Department and Precision Civil Engineering for the pre-approved duplex and triplex program.

G. SPECIAL PRESENTATIONS

G.1. **SUBJECT: Presentation from PG&E on Affordability and Rates**

REPORT IN BRIEF

Presented by Nathan Alonzo, Local Government Affairs Pacific Gas & Electric Company.

Government Affairs Representative for Pacific, Gas, and Electric (PG&E) Nathan ALONZO gave a slideshow presentation on the affordability and rates with PG&E.

H. WRITTEN PETITIONS AND COMMUNICATIONS

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

Public Comment: Chloe COURTNEY and Sharyl ELGIN.

I. PUBLIC COMMENT

Police Chief Steven STANFIELD - shared details of National Night Out.

City of Atwater Police Chief Michael SALVADOR - thanked the City of Merced and the Merced Police Department for the City of Atwater's Fourth of July event.

Mr. SALVADOR presented an award to Mr. STANFIELD.

Sandra WESTFALL, Merced - spoke on behalf of Sharyl ELGIN and shared concerns of the street lights and speeding vehicles on 25th Street.

Mayor SERRATTO and City Manager Scott MCBRIDE suggested to communicate with Police Sergeant Nathan MCKINNON, Deputy Director of Public Works Juan OLMOS, and the Traffic Committee, and stated that the City is in contact with Sharyl ELGIN.

James REESE, Merced - shared details of Neighbors Unidos events and suggested we open a bowling alley.

Mayor SERRATTO suggested to speak to Deputy City Manager Frank QUINTERO.

Merced County Supervisor Josh PEDROZO, Merced - shared details of the Board of Supervisors meeting and the Public Hearing for the public safety tax measure.

Maria CALDERON, Merced - spoke on a petition regarding the industrial development in South Merced.

LaTanya RICHARD, Merced - spoke on a petition regarding the industrial development in South Merced, shared concerns of South Merced, and bringing more medical providers.

Ashley Marie SUAREZ, Merced - shared details of the petition regarding the industrial development in South Merced and spoke on the needs of South Merced.

Curtis THOMAS, Merced - shared details and data of pedestrian and bicycle rider safety.

J. CONSENT CALENDAR

Agenda Item J.6. Approval of Six-Month Lease Extension Between the City of Merced and USPS (United States Postal Service) at the Bell Station (415 W. 18th Street) was pulled for separate consideration.

Approval of the Consent Agenda

A motion was made by Council Member Boyle, seconded by Council Member Smith, 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

J.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.

J.2.

SUBJECT: Information Only Contracts for the Month of July 2024

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.

J.3.

SUBJECT: Information Only - Traffic Committee Minutes of May 14, 2024

RECOMMENDATION

For information only.

This Consent Item was approved.

J.4.

SUBJECT: Approval of Fourth Amendment for Elevator Maintenance Services with TK Elevator Corporation in the Amount of \$25,621.92 for the July 1, 2024 to June 30, 2025 Contract Term, for a Total Contract Amount of \$101,965.92

REPORT IN BRIEF

Considers approving a fourth amendment for elevator maintenance services with TK Elevator Corporation in the amount of \$25,621.92 for the 24/25 Fiscal Year.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Fourth Amendment with TK Elevator Corporation for Elevator Maintenance Services for an annual not-to-exceed amount of \$25,621.92; and,

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

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

This Consent Item was approved.

J.5.

SUBJECT: Authorize City Manager to Execute a Professional Services Agreement with Merced Area Sports Officials, Inc., for Officiating and Scorekeeping Services for Fiscal Year 2024-25 Recreation Leagues in the Amount not to Exceed \$44,842

REPORT IN BRIEF

Considers authorizing the City Manager to execute an annual Professional Service Agreement with Merced Area Sports Officials not to exceed \$44,842 for officiating and scorekeeping services for adult and youth sports programs, including youth basketball and flag football, adult fall and summer softball, and adult basketball.

RECOMMENDATION

City Council - Adopt a motion:

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

B. Approving a Professional Services agreement with Merced Area Sports Officials not to exceed \$44,842; and,

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

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

This Consent Item was approved.

J.7.

SUBJECT: Approval of a Professional Services Agreement with Goodwin Consulting Group for Special Tax Services Related to Annexations to the Community Facilities District (CFD) in an Amount not to Exceed \$100,000

REPORT IN BRIEF

Considers approving a Professional Services Agreement with Goodwin Consulting Group for special tax services related to annexations to the Community Facilities Districts (CFD) in an amount not to exceed \$100,000 for a contract period ending June 30, 2026.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a Professional Services Agreement with Goodwin Consulting Group, Inc. to prepare the Rate and Method of Apportionment for Community Facilities Annexations in an amount not to exceed \$100,000; and,
- B. Authorizing the City Manager to execute the necessary documents; and,
- C. Authorizing the Finance Officer to make the necessary budget adjustments.

This Consent Item was approved.

J.8.

SUBJECT: Approval of a Memorandum of Understanding with the Merced Police Officer Association (MPOA) with a Term of August 5, 2024, Through June 30, 2027

REPORT IN BRIEF

Considers approving a Memorandum of Understanding with Merced Police Officers Association (MPOA) with a term of August 5, 2024, through June 30, 2027.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving **Resolution 2024-80**, a Resolution of the City Council of the City of Merced, California, approving Memorandum of Understanding with the Merced Police Officers Association (MPOA); and,
- B. Authorizing the City Manager to make non-substantive modifications subject to City Attorney approval and to execute the necessary documents; and,
- C. Authorizing the Finance Officer to make the necessary budget adjustments and move positions into different funding sources if determined necessary.

This Consent Item was approved.

J.9.

SUBJECT: Adoption of a Resolution Accepting \$63,654 in Grant Funds from the California Department of Alcoholic Beverage Control for the Police Department to Conduct Enforcement Operations with the Goal of Reducing Underage Drinking and Other Alcohol Crimes Related to Underage Drinking

REPORT IN BRIEF

Considers approving to accept grant funds from the California Department of Alcoholic Beverage Control offered to the Merced Police Department in the amount of \$63,654 for the Merced Police Department to conduct enforcement operations.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2024-81**, a Resolution of the City Council of the City of Merced, California, accepting a grant award from the California Department of Alcoholic Beverage Control Alcohol Policing Program and,

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

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

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

This Consent Item was approved.

J.10.

SUBJECT: Approval to Waive the Competitive Bidding Requirement and Approval to Authorize the City Manager to Execute a 1-Year User Agreement with Cellebrite, Inc. for Cellebrite Guardian Premium Annual Subscription Service and a Cellebrite Dongle Kit with Annual Subscription Service in an Amount not to Exceed \$44,923.75

REPORT IN BRIEF

Considers approving an agreement with Celebrite, Inc. to allow staff to extract forensic evidence from cellular telephones with the latest technology. This request can be accomplished by waiving the

competitive bidding requirement pursuant to Merced Municipal Code section 3.04.210 for purchases necessary for standardization of equipment. This agreement for Cellebrite Guardian premium annual subscription service and a Cellebrite Dongle kit with annual subscription service does not exceed the total sum of \$44,923.75.

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 a Cellebrite Dongle kit with annual subscription service; and,

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

This Consent Item was approved.

J.11.

SUBJECT: Approval of a Third Amendment to Agreement for Legal Services with Best, Best & Krieger, LLP, in an Amount not to Exceed \$50,000

REPORT IN BRIEF

Considers approving a Third Amendment to an Agreement for Legal Services with Best, Best & Krieger, LLP in an amount not to exceed \$50,000.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Third Amendment to an Agreement for Legal Services with Best, Best & Krieger, LLP in an amount not to exceed \$50,000; and,

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

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

This Consent Item was approved.

J.12.

SUBJECT: Approval to Reject all Bids Received for Project No. CP170054 Cherokee Avenue Culvert Replacement

REPORT IN BRIEF

Considers rejecting all bids received to repair the culvert crossing under Cherokee Avenue at Black Rascal Creek and construction of a raised crosswalk across Cherokee Avenue for the multiuse path along Black Rascal Creek.

RECOMMENDATION

City Council - Adopt a motion:

A. Rejecting all bids received for Project No. CP170054 Cherokee Avenue Culvert Replacement due to inadequate funding and;

B. Directing staff to re-evaluate project design and re-bid the project.

This Consent Item was approved.

J.13.

SUBJECT: Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(060) for Use of \$404,479 in CMAQ Grant Funding for Project No. CP220064 - Parkwest and McGregor Sidewalk Improvements

REPORT IN BRIEF

Considers accepting \$404,479 in Federal CMAQ Grant funding for construction of sidewalks and ADA ramps on McGregor Street, Windsor Avenue, Home Avenue, Woodward Avenue, and Parkwest Avenue.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting CMAQ grant funds and increasing revenue in Fund 5005-Street and Signal CIP in the amount of \$404,479 and appropriating the same to Project No. CP220064-CMAQ Parkwest and McGregor sidewalk improvements located on McGregor Street, Windsor Avenue, Home Avenue, Woodward Avenue, and Parkwest

Avenue; and,

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

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

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

This Consent Item was approved.

J.14.

SUBJECT: Selection of Eligible Roadway and Safety Projects and Adoption of a Resolution Authorizing the City Manager to File the Regional Surface Transportation Program (RSTP) Exchange Fund Claim in the Amount of \$1,268,872 for Fiscal Year 2023-2024

REPORT IN BRIEF

Considers selecting the Right Turn Channelization on Highway 59 at 16th Street (CP140049), New Traffic Signal on Highway 59 at 16th Street (CP140052), Canal Street Watermain (CP210055), Santa Fe Strip Park Sidewalk (CP220021), R Street from Northwood Drive to Olive Avenue (CP220050), and Main Street Directional (CP230014) as Eligible Projects and authorizes staff to complete the Regional Surface Transportation Program (RSTP) Claim Form in the total amount of \$1,268,872 for submittal to Merced County Association of Governments (MCAG).

RECOMMENDATION

City Council - Adopt a motion:

A. Selecting Right Turn Channelization on Highway 59 at 16th Street (CP140049), New Traffic Signal on Highway 59 at 16th Street (CP140052), Canal Street Watermain (CP210055), Santa Fe Strip Park Sidewalk (CP220021), R Street from Northwood Drive to Olive Avenue (CP220050), and Main Street Directional (CP230014) Projects as the Eligible Projects; and,

B. Directing Staff to complete the 2023-2024 RSTP Claim Form by listing the selected projects and corresponding project costs; and,

C. Adopting **Resolution 2024-82**, a Resolution of the City Council of

the City of Merced, California, authorizing the City Manager to file the Regional Surface Transportation Program (RSTP) Exchange Funds claim for fiscal year 2023-2024; and,

D. Authorizing the Finance Officer to make necessary budget adjustments for Fiscal Years 2023-2024 and 2024-2025

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

This Consent Item was approved.

J.15.

SUBJECT: Approval of Additional Contingency in the Amount of \$36,300 for Additional Work Which is Reflected in Change Orders 1 and 2 with New Century Construction & Consulting Inc., for the Ada Givens Pool Restroom Rehabilitation Project Number CP220011 to Close out the Project

REPORT IN BRIEF

Considers approving an increase to the contingency in the amount of \$36,300 for Project No. CP220011 - Ada Givens Pool Restroom Rehabilitation. This will be the final increase to close out the project.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Final Change Orders 1 and 2 with New Century Construction & Consulting Inc., with an increase in contingency of \$36,300 for a total contingency amount of \$43,300, which is approximately 18.6% of the original contract amount; and,

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

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

This Consent Item was approved.

J.16.

SUBJECT: Approval of Two Agreements for Professional Services with Provost and Pritchard Engineering Group, Inc., for the PCE (Tetrachloroethylene) Groundwater Project No. CP250057 in an Amount of \$240,000 and a PCE Reporting in an Amount of \$38,000

REPORT IN BRIEF

Considers approving two separate Professional Services Agreements for environmental remediation services and required monitoring reports for the PCE (Tetrachloroethylene) Groundwater Project in an amount of \$278,000.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Agreement for Professional Services (cleanup contract) with Provost and Pritchard Engineering Group, Inc., in the amount of \$240,000 for PCE (Tetrachloroethylene) groundwater cleanup; and,
- B. Approving the Agreement for Professional Services (reporting contract) with Provost and Pritchard Engineering Group, Inc., in the amount of \$38,000 for report drafting; and,
- C. Authorizing the City Manager to execute necessary documents; and,
- D. Authorizing the Finance Officer to make necessary budget adjustments.

This Consent Item was approved.

J.6.

SUBJECT: Approval of Six-Month Lease Extension Between the City of Merced and USPS (United States Postal Service) at the Bell Station (415 W. 18th Street)

REPORT IN BRIEF

Considers approving a six-month lease extension with USPS for office space at Bell Station, with a monthly rental rate of \$5,563.25.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Lease Extension Agreement with the United States Postal Service for office space at the Bell Station with a monthly rate of \$5,563.25; and,
- B. Authorizing the City Manager to execute all necessary documents; and,
- C. Authorizing Finance Officer to make the necessary budget

adjustments.

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

Council Member XIONG and Deputy City Manager Frank QUINTERO discussed complications of the Bell Station location and the transitioning process.

A motion was made by Council Member Ornelas, seconded by Mayor Pro Tempore Perez, 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. PUBLIC HEARINGS

K.1.

SUBJECT: Continued Public Hearing to Receive Public Comment Regarding the U.S. Department of Housing and Urban Development (HUD) 2024 Annual Action Plan; Final Determination and Award of Project Funding Pending HUD Approval and Approval of the Draft 2024 Annual Action Plan; Authorization to Complete and Submit the Final Plan to HUD for Approval; and Authorize City Manager to Execute all Related Documents and Agreements with HUD to Implement the Plan

REPORT IN BRIEF

Provides opportunity for the Public to comment on available funds, project funding, and other topics relating to the 2024 Annual Action Plan; Requests Council's final determination and award of 2024 project funding and approval of the Draft 2024 Annual Action Plan, to enable final completion and submittal of the 2024 Annual Action Plan to HUD before the HUD deadline; and Authorizes the City Manager to execute all related agreements and documents and the Finance Officer to perform necessary appropriations of HUD funds.

RECOMMENDATION

City Council -

A. Re-open, conduct, and close the Public Hearing, to receive public comment regarding the use of available CDBG and HOME funding and other related areas of interest regarding the 2024 Annual Action Plan; and,

City Council - Adopt a motion:

B. Adopting **Resolution 2024-83**, A Resolution of the City Council of the City of Merced, California, Approving the 2024 HUD Annual Action Plan and Certifying Compliance with the Requirements of the Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Programs; and,

C. Allocating CDBG and HOME funding to proposed subrecipient projects as originally presented at the June 3, 2024, public hearing, and including the public service funding direction received by Council, and including minor changes to funding amounts as listed in this Administrative Report, contingent upon HUD's final approval and provided all National Objectives and other related HUD requirements, including environmental clearances, are met for each project, to enable final completion of the Annual Action Plan and its submittal to HUD before the regulatory deadline; and,

D. Authorizing staff to finalize and complete all sections of the plan and work with HUD for final submission, minor changes, and approval of the plan and all activities; authorize the City Manager to execute all related documents and certifications, including agreements with HUD; and, authorize the Finance Officer to perform any necessary financial management actions necessary to accept and appropriate funding when received from HUD.

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

Housing Program Supervisor Kim NUTT gave a slideshow presentation on the continued public hearing for the 2024 United States Department of Housing and Urban Development (HUD) Annual Action Plan.

Council, City Manager Scott MCBRIDE, and Ms. NUTT discussed potential infrastructure projects, the deadline for HUD, the time restraint on city staff, and community outreach.

Mayor SERRATTO opened the Public Hearing at 7:14 PM.

Sheila GARCIA, Harvest Time, Merced - spoke on details of the funding allocation and equitable distribution.

Dr. Yvonna BROWN, Walking By Faith, Merced - thanked Council for their consideration and shared details of the opening of a daycare.

Joe CARROLL, Sierra Saving Grace, Merced - spoke on Council's discussion and shared details of what the Sierra Saving Grace program does for the homeless community.

Melanie NATARAJAN, Sierra Saving Grace, Merced - shared a personal story of how Sierra Saving Grace as helped her secure housing.

Mayor SERRATTO closed the Public Hearing at 7:22 PM.

Council and Ms. NUTT discussed details of the funding allocation to housing projects, public service projects, and funding consideration for all projects.

A motion was made by Council Member Ornelas, seconded by Mayor Pro Tempore Perez, to allocate the following funds to Public Service Projects; \$60,000 to Sierra Saving Grace, \$40,000 Harvest Time, \$25,000 to Healthy House Within a MATCH Coalition, \$25,000 to Project Sentinel, Inc., \$20,000 to Lifeline CDC, \$10,000 to Merced Calvary Assembly of God, and \$25,425 to Walking By Faith DBA Serenity. 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

Council, Ms. NUTT, and Mr. MCBRIDE discussed details of the CDBG funding housing projects options, the acceptable uses of CDBG funds, providing guidelines, and details of the amendment process.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Ornelas, to approve with staff recommendation. 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

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, to adopt Resolution 2024-83. 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

L. ACTION ITEMS

L.1. **SUBJECT:** Review, Discuss, and Approve Fiscal Year 2024/2025 Community Funding Requests as Recommended by the City Council Budget Subcommittee

REPORT IN BRIEF

Review, discuss, and approve fiscal year 2024/2025 Community Funding requests as recommended by the City Council Budget Subcommittee.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the City Council Budget Subcommittee recommendations for fiscal year 2024/2025 Community Funding; and,
- B. Authorizing the City Manager to execute the necessary documents; and,
- C. Authorizing the Finance Officer to make the necessary budget adjustments.

Senior Management Analyst Jennifer FLACHMAN briefly discussed the fiscal year 2024-2025 Community Funding requests as recommended by the City Council Budget Subcommittee.

Council discussed the recommendations and shared thoughts of all community funding.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, to approve the City Council Budget Subcommittee recommendations for fiscal year 2024-2025 Community Funding. The motion carried by the following vote:

Aye: 4 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, and Council Member DeAnda

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

Absent: 0

Recused: 1 - Council Member Smith

Clerk's Note: Council took a recess at 7:52 PM and reconvened at 8:01 PM

L.2.

SUBJECT: Request to Authorize the City Manager to Execute Contract Change Order No. 3 with American Paving Co. for the Additional Construction of the Second Phase of Development at Community Park 42 (CP-42), in an Amount not to Exceed \$1,628,682.12 for Additional Work on Project Number CP220061 - Community Park 42 (CP-42)

REPORT IN BRIEF

Staff request authorization to waive the competitive bidding requirements for CP-42 for the construction of the second phase of development at CP-42, and request Council approve Contract Change Order No. 3 for additional fencing, field markings, goal posts, trees, Musco field lights, landscaping, and contract quantity adjustments in the amount of \$1,628,682.12.

RECOMMENDATION

City Council - Adopt a motion:

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

B. Approving Contract Change Order No. 3 with American Paving Co. in the amount of \$1,628,682.12 and adding 35 working days for the change in scope of work; and,

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

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

Director of Parks and Community Services Christopher JENSEN briefly discussed the history and approval of Change Order Number 3 for a Construction Contract with American Paving Co. for Community Park 42 (CP-42).

Council and Mr. JENSEN discussed details of Phase 3, history of funding allocations and awards, lighting on the field, overall cost of CP-42, and Phase 2 cost estimate.

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

L.3.

SUBJECT: Approving a Professional Services Agreement for Municipal Advisor Services with Fieldman, Rolapp & Associates

REPORT IN BRIEF

Considers approving the Professional Services Agreement with Fieldman, Rolapp & Associates to provide municipal advisory services for Equipment Lease/Purchase and future services.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Professional Services Agreement with Fieldman, Rolapp & Associates (FRA) for municipal advisory services; and,
- B. Authorizing the City Manager to execute the necessary documents; and,
- C. Approving a supplemental appropriation in the amount of \$30,000 from the unencumbered, unreserved balance in Fund 2001-Measure C.

City Manager Scott MCBRIDE briefly discussed details of the Professional Services Agreement with Fieldman, Rolapp & Associates for municipal advisor services and the supplemental appropriation requirement.

Council, City Attorney Craig CORNWELL, Mr. MCBRIDE, and Finance Officer Venus RODRIGUEZ discussed taking action separately, upgrading the fire apparatus, fee structure of the agreement, the financing process, and the details of the bidding process.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, to approve Recommendation A. 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

A motion was made by Council Member Ornelas, seconded by Mayor Pro Tempore Perez, to approve Recommendation B. 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

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Ornelas, to approve Recommendation C. 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.4.

SUBJECT: Approval of a Supplemental Appropriation in the Amount of \$150,000 from the General Fund Unreserved, Unencumbered Fund Balance to Fund the First Amendment to Agreement for Special Services with Liebert Cassidy Whitmore for Labor Contract Negotiations and Employee Related Legal Services

REPORT IN BRIEF

Considers approving a supplemental appropriation from General Fund Unreserved, unencumbered Fund Balance in the amount of \$150,000 to fund the law firm of Liebert Cassidy Whitmore's continued representation of the City of Merced in matters related to labor contract negotiations and employee related legal services and authorize the City Manager to execute a First Amendment to Special Services Agreement with Liebert Cassidy Whitmore.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the supplemental appropriation from General Fund unreserved, unencumbered fund balance in the amount of \$150,000 in the City Attorney Division, to fund ongoing legal expenses related to labor contract negotiations and employee related legal services; and,
- B. Approving a First Amendment to an Agreement for Special Services with Liebert Cassidy Whitmore in an amount not to exceed \$150,000; and,
- C. Authorizing the City Manager to execute the necessary documents; and,
- D. Authorizing the Finance Officer to make necessary budget adjustments.

City Attorney Craig CORNWELL briefly discussed supplemental appropriation needed to fund the First Amendment with a Special Services Agreement with Liebert Cassidy Whitmore for labor contract negotiations.

Council, Mr. CORNWELL, City Manager Scott MCBRIDE, and Deputy City Manager Frank QUINTERO discussed the cost of the agreement, details of the services provided in the amendment, the time length the city will be using this consultant, and the history of attorneys used for services.

A motion was made by Council Member Ornelas, seconded by Mayor Pro Tempore Perez, to approve Recommendation A. 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

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, to approve Recommendation B, C, and D. 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

M. REPORTS

M.1. **SUBJECT:** Presentation from the City of Merced Fire Department on Fireworks

REPORT IN BRIEF

Merced Fire Department and Merced Police Department worked together to enforce the City of Merced Ordinance on fireworks. Chief Wilson will make a brief presentation on the public inputs and enforcement results. The presentation will include a summary of response activity for the 4th of July.

Interim Fire Chief Casey WILSON gave a slideshow presentation on the illegal fireworks enforcement campaign 2024 report.

Council, Police Chief Steven STANFIELD, and Mr. WILSON discussed the fee amount, potentially increasing the fine, discuss options at the Public Safety Subcommittee, the resources being used by departments for fireworks, enforcement efforts, the assistance of drones, and medical responding.

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

N. BUSINESS

N.1. **SUBJECT:** Remaining Tourism Based Improvement District Tasks and Schedule

REPORT IN BRIEF

Staff is presenting the tasks remaining and targeted completion dates to establish and form a Tourism Based Improvement District and is requesting direction to proceed from the City Council.

RECOMMENDATION

City Council - For Council discussion and direction.

Deputy City Manager Frank QUINTERO briefly described the Tourism Based Improvement District (TBID) tasks and schedule.

Council and Mr. QUINTERO discussed the Property-Based Business Improvement District (PBID) timeline and details of the proposed timeline.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Smith, to approve the Tourism Based Improvement District formation timeline. 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

N.2. **SUBJECT:** Appointments to the Regional Airport Authority (1 Seat)

REPORT IN BRIEF

Accept nominations to fill one vacancy on the Regional Airport Authority.

RECOMMENDATION

City Council - Adopt a motion accepting a nomination and appointing an individual to serve as a member of the Regional Airport Authority (1 seat); or,

Council discussed the vacancies and applicants for the Regional Airport Authority.

A motion was made by Council Member Boyle, seconded by Mayor Pro Tempore Perez, to appoint Seferino Silva to the member seat on the Regional Airport Authority for a full-term ending on July 1, 2027. 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

N.3. **SUBJECT:** Continued Annual Appointments to the Arts and Culture Advisory Commission (District 3 and One Ex-Officio)

REPORT IN BRIEF

Accept a nomination to fill the Arts and Culture Advisory Commission.

RECOMMENDATION

City Council - Adopt a motion accepting nominations and appointing individuals to serve as a member of the Arts and Culture Advisory Commission (District 3 and 1 Ex-Officio).

Council discussed the vacancies and applicants for the Arts and Culture Advisory Commission.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Ornelas, to appoint Glen Camarda to the District 3 seat on the Arts and Culture Advisory Commission for a full-term ending on July 1, 2028. 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

A motion was made by Council Member Boyle, seconded by Mayor Pro Tempore Perez, to appoint Jeremy Jenkins to the Ex-Officio seat on the Arts and Culture Advisory Commission for a partial-term ending on July 1, 2026. 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

N.4.

SUBJECT: Continued Annual Appointments to the Tax Transparency Commission (District 1)

REPORT IN BRIEF

Accept a nomination to fill the District 1 seat on the Tax Transparency Commission.

RECOMMENDATION

City Council - Adopt a motion accepting a nomination and appointing an individual to serve as a member of the Tax Transparency Commission (District 1).

Council discussed the vacancies and applicants for the Tax Transparency Commission.

A motion was made by Council Member Ornelas, seconded by Council Member Boyle, to appoint Amelia Johnson to the District 1 seat on the Tax Transparency Commission for a full-term ending on July 1, 2028. 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

N.5. 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 BOYLE requested to discuss the policy regarding the firework citations.

Council and City Attorney Craig CORNWELL agreed to work on amending the Ordinance and bring the item to the October 7th Council meeting.

Council Member XIONG requested to discuss details of the Capital Improvement Project process on the September 16th Council meeting.

Council Member ORNELAS requested a presentation on the efforts taken on getting a grocery store in South Merced and the policy agenda items for Council consideration to be heard on the October 7th Council meeting. Mr. ORNELAS also requested a presentation on the actions taken during the closing of Barnes and Nobles, on the Childs Avenue sidewalk project, and on the status and timeline on the Economic Development consulting firm to be heard on the October 21st Council meeting.

Council, Mr. CORNWELL, and City Manager Scott MCBRIDE discussed details of Council Member ORNELAS' requests.

Mayor SERRATTO requested a potential formation of a Subcommittee for traffic safety and a potential formation of a Subcommittee on roads to be heard on the September 16th Council meeting.

N.6. 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 DEANDA shared his medical update.

Council Member BOYLE reported on attending the YPN Rib Cook-Off event and Bear Creek clean-up events.

O. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 9:05 PM.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, 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