



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

Tuesday, September 3, 2024

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 6 - Mayor Matthew Serratto, Mayor Pro Tempore Bertha Perez, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Shane Smith, and Council Member Fue Xiong

Absent: 1 - Council Member Ronnie DeAnda

B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:09 PM.

B.1.

SUBJECT: CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Reinero v. City of Merced, et al., Case Number 18CV-03052 Pursuant to California Government Code Section 54956.9(d)(1)

B.2.

SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Property: Mansionette Drive and Yosemite Avenue, Merced, CA APN 231-040-021; Agency Negotiators: D. Scott McBride, City Manager, Frank Quintero, Deputy City Manager, Venus Rodriguez, Finance Officer and Craig J. Cornwell, City Attorney; Negotiating Party: V. Beglinger, Cox Castle Under Negotiation: Price and Terms of Payment Pursuant to California Government Code Section 54956.8

B.3.

SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS -
Property: 615 W. 15th Street, Merced, CA APN 031-360-060; Agency Negotiator: D. Scott McBride, City Manager; Frank Quintero, Deputy City Manager; Venus Rodriguez, Finance Officer; Craig J. Cornwell, City Attorney; Negotiating Parties: California High Speed Rail Authority, Under Negotiation: Appraisal of Property Pursuant to California Government Code Section 54956.8

B.4.

SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS -
Property: 755 W. 15th Street, Merced, CA APN 031-360-029; Agency Negotiator: D. Scott McBride, City Manager; Frank Quintero, Deputy

City Manager; Venus Rodriguez, Finance Officer; Craig J. Cornwell,
City Attorney; Negotiating Parties: California High Speed Rail
Authority; Under Negotiation: Appraisal of Property Pursuant to
California Government Code Section 54956.8

B.5. SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Property: 3400 Parsons Ave, Merced, CA APN 006-150-002; Agency
Negotiators: D. Scott McBride, City Manager, Frank Quintero, Deputy
City Manager, Venus Rodriguez, Finance Officer and Craig J.
Cornwell, City Attorney; Negotiating Party: AT&T Mobility; Under
Negotiation Under Negotiation: Price and Terms of Payment Pursuant
to California Government Code Section 54956.8

B.6. SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS -
Property: 3033 G Street, Merced, CA APN 007-350-009; Agency
Negotiator: Frank Quintero, Deputy City Manager; Under Negotiation:
Price and Terms of Payment Pursuant to California Government Code
Section 54956.8

B.7. SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency
Designated Representatives: City Manager Scott McBride, Deputy City
Manager Frank Quintero, Finance Officer Venus Rodriguez, Human
Resources Manager Suzanne Fierro, LCW Legal Representative Che
Johnson, and LCW Legal Representative Michael Jarvis; Unrepresented
Management AUTHORITY: Government Code Section 54957.6

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

C. CALL TO ORDER

Mayor SERRATTO called the Regular Meeting to order at 6:06 PM.

C.1. Invocation - Don Caballero, Ace Overcomers

The Invocation was delivered by Don CABALLERO of Ace Overcomers.

C.2. Pledge of Allegiance to the Flag

Don CABALLERO led the Pledge of Allegiance to the Flag.

D. ROLL CALL

Present: 6 - Mayor Matthew Serratto, Mayor Pro Tempore Bertha Perez, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Shane Smith, and Council Member Fue Xiong

Absent: 1 - Council Member Ronnie DeAnda

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:** Proclamation - Attendance Awareness Month

REPORT IN BRIEF

Presented to a representative of the Merced City School District.

Mayor SERRATTO presented the Attendance Awareness Month Proclamation to Superintendent Juliana STOCKING from Merced City School District.

G. WRITTEN PETITIONS AND COMMUNICATIONS

Clerk's Note: This email was received for the following agenda item and forwarded to Council prior to the meeting.

Public Comment: Angela LARA.

H. PUBLIC COMMENT

Xerxes ZANGENCH, Merced - shared concerns of the dangerous intersection on Willowbrook Drive and Stonybrook Avenue and asked Council to utilize Proposition 33 for rent control.

Cynthia KELLY, Merced - spoke on the dangers of Feline diseases and an upcoming cat/kitten Vaccination Clinic event.

Ye THAO, Merced - shared details of a funeral service held by the Hmong Community and thanked Mayor SERRATTO for his attendance.

I. CONSENT CALENDAR

Agenda Items I.5. Consider Approving a Design Professional Services Agreement with Melton Design Group, Inc for the Design of General Vang Pao Park and Aletha June All-Inclusive Playground, I.6. Award of Bid to

Garton Tractor Inc, for the Purchase of One (1) Compact Track Loader and Hopper Sweeper in the Amount not to Exceed \$80,381.01 as a Vehicle Replacement for the Wastewater Treatment Facility, and I.8. Approval to Authorize the City Manager to Issue a Purchase Order to Vac-Con, Inc., for the Purchase of One (1) Vac-Con Truck for \$730,866.29 as a Vehicle Replacement for the Wastewater Treatment Plant; were 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: 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member Smith, and Council Member Xiong

No: 0

Absent: 1 - Council Member DeAnda

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 August 2024**

REPORT IN BRIEF

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

This Consent Item was approved.

I.3. **SUBJECT: Adoption of Resolution Approving the City's 2024 Biennial Review and Revisions to the Conflict-of-Interest Code**

REPORT IN BRIEF

Considers adopting a Resolution with amendments to the City's Conflict

of Interest Code, as required by the Political Reform Act.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2024-87**, a Resolution of the City Council of the City of Merced, California, Re-Adopting the City's Conflict of Interest Code and Rescinding Resolution 2022-61.

This Consent Item was approved.

I.4.

SUBJECT: Approval of the Second Amendment to the Agreement for Professional Services with Kristin Lowell, Inc. for Services Related to the Creation of a Tourism Based Improvement District for the City of Merced

REPORT IN BRIEF

Considers approving the Second Amendment to the Agreement for Professional Services with Kristin Lowell, Inc. extending the contract term to December 31, 2024.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Second Amendment to the Agreement for Professional Services with Kristin Lowell, Inc., extending the contract term to align with the completion of the Tourism Based Improvement District Project; and,

B. Authorizing the City Manager to execute the agreements and any necessary documents.

This Consent Item was approved.

I.7.

SUBJECT: Authorizing the Purchase of One Stationary Compactor Unit for \$98,843.76 from Wastequip, LLC for the Refuse Department Through a Cooperative Purchasing Agreement with Sourcewell

REPORT IN BRIEF

Considers authorizing the purchase of One (1) Stationary Compactor Unit for \$98,843.76 from Wastequip, LLC for the Refuse Department's use. This opportunity was identified through the government procurement program Sourcewell.

RECOMMENDATION

City Council - Adopt a motion:

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

B. Approving the purchase of one stationary compactor unit in the amount of \$98,843.76 from Wastequip, LLC, through Sourcewell contract # 040621-WQI; and,

C. Authorizing the City Manager to execute any necessary documents for the purchase specified above; and,

D. Authorizing the issuance of a Purchase Order, and approval of change orders not to exceed 10% of the total purchase price.

This Consent Item was approved.

I.9.

SUBJECT: Approval to Assign Renne Public Policy Group's Service Agreements for Legislative Advocacy and Grant Writing Services to California Public Policy Group (CPPG)

REPORT IN BRIEF

Considers approving the assignment of Renne Public Policy Group's Service Agreements for legislative and grant writing services to California Public Policy Group (CPPG).

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the assignment of Renne Public Policy Group's Service Agreements for legislative advocacy and grant writing services to California Public Policy Group (CPPG); and,

B. Approving the 2nd Amendment to the Service Agreement with California Public Policy Group assigning legislative advocacy; and,

C. Approving the 1st Amendment to the Service Agreement with California Public Policy Group assigning the grant writing services; and,

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

This Consent Item was approved.

I.10.

SUBJECT: Approval of a Custodial Agreement with Principal Bank to Provide Institutional Securities Custody Services for a Three (3) Years, with Two Additional One (1) Year Terms for a Total up to Five (5) Years for an Annual Amount not to Exceed \$15,000

REPORT IN BRIEF

Considers approving a Custodial Agreement with Principal Bank to provide Institutional Securities Custody Services for a three (3) Year, with two additional (1) year terms for a total of up to 5 years in an amount not to exceed \$15,000 annually.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Custodial Agreement with Principal Bank to provide Institutional Securities Custody Services for three (3) Years, with two additional (1) year terms, total up to 5 years terms for an amount not to exceed \$15,000 annually; and,

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

This Consent Item was approved.

I.11.

SUBJECT: Approval of the 2025 Cafeteria Plan Renewal Regarding Employees' and Retirees' Health and Welfare Benefits Including Medical, Dental, Vision, Disability, Life and Flexible Spending

REPORT IN BRIEF

Considers approving the renewal of the 2025 Cafeteria Plan regarding employees' and retirees' health and welfare benefits.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the employees' health and welfare benefits cafeteria plan renewal for calendar year 2025; and,

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

This Consent Item was approved.

I.12.

SUBJECT: Approval of a Resolution to Establish a New
Employer-Employee Relations Policy with the International Fire
Fighters Association Local 1479

REPORT IN BRIEF

Considers approving a Resolution to establish a new
Employer-Employee Relations Policy with the International Fire Fighters
Association Local 1479.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2024-89**, a
Resolution of the City Council of the City of Merced, California,
Establishing Employer-Employee Organization Relation Within the City
of Merced for Local 1479.

This Consent Item was approved.

I.13.

SUBJECT: Second Reading and Final Adoption of an Ordinance
Amending Section 10.28.235 "Motorcycle Parking", Section
10.28.330 "Thirty-Minute Parking Zones- Nine A.M. to Five P.M.",
Section 10.32.056 "Passenger Loading Zones - Permanent", and
Section 10.32.100 "Bus Zones-Location" of the Merced Municipal
Code

REPORT IN BRIEF

Second Reading and Final Adoption an Ordinance and approving
recommendations from the Traffic Committee to approve amending the
following to the Merced Municipal Code: "Motorcycle Parking- West
side of N Street", "Thirty-minute parking zones- Nine A.M. to Five P.M.
on the West side of N Street", "Passenger loading zones- Permanent
on the West side of N Street" and "Bus zones- Location on T Street".

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2567**, an
Ordinance of the City Council of the City of Merced, California,
Amending Section 10.28.235 "Motorcycle Parking", Section
10.28.330 "Thirty-Minute Parking Zones- Nine A.M. to Five P.M.",
Section 10.32.056 "Passenger Loading Zones- Permanent", and
Section 10.32.100 "Bus-Zones-Location" of the Merced Municipal
Code.

This Consent Item was approved.

I.5.

SUBJECT: Approving a Design Professional Services Agreement with Melton Design Group, Inc for the Design of General Vang Pao Park and Aletha June All-Inclusive Playground

REPORT IN BRIEF

Considers approving an agreement for community engagement, site planning, and Park Master Plan design services for General Vang Pao Park including Aletha June All Inclusive Playground on the corner of Cardella Road and Freemark Avenue.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Design Professional Services agreement with Melton Design Group, Inc, in the amount of \$319,165 for community engagement, site planning, and design services; and,

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

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

Council Member XIONG and Director of Parks and Community Services Christopher JENSEN discussed all efforts for community engagement and details of community meetings.

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

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

No: 0

Absent: 1 - Council Member DeAnda

I.6.

SUBJECT: Award of Bid to Garton Tractor Inc, for the Purchase of One (1) Compact Track Loader and Hopper Sweeper in the Amount not to Exceed \$80,381.01 as a Vehicle Replacement for the Wastewater Treatment Facility

REPORT IN BRIEF

Considers awarding the bid to Garton Tractor Inc. for the purchase of one Compact Track Loader and Hopper Sweeper for the Wastewater Treatment Facility.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid to Garton Tractor Inc, for the Purchase of one (1) Compact Track Loader and Hopper Sweeper for the Wastewater Treatment Facility, replacing vehicle E-1374, for a Total Cost not to Exceed \$80,381.01; and,

B. Authorizing the City Manager to execute the necessary documents, the City Buyer to issue the Purchase Order, and approval of change orders not to exceed 10% of the total purchase price.

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

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

Deputy Director of Public Works Juan OLMOS briefly discussed details of the purchase.

Clerk's Note: There was no Council discussion.

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

Aye: 5 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, and Council Member Xiong

No: 0

Absent: 1 - Council Member DeAnda

Recused: 1 - Council Member Smith

I.8.

SUBJECT: Approval to Authorize the City Manager to Issue a Purchase Order to Vac-Con, Inc., for the Purchase of One (1) Vac-Con Truck for \$730,866.29 as a Vehicle Replacement for the Wastewater Treatment Plant

REPORT IN BRIEF

Considers approving the purchase of one Vac-Con truck in the amount of \$730,866.29. Staff has identified the need to replace a vehicle, which will assist in the standardization of equipment through the cost savings of a government procurement program (Sourcewell).

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 authorizing the purchase to be made with a cooperative purchase agreement through Sourcewell, a government procurement program; and,

B. Approving the purchase of one Vac-Con Truck in the amount of \$730,866.29 from Vac-con, Inc., through Sourcewell contract # 101221-VAC replacing vehicle E-1379; and,

C. Authorizing the City Manager to execute any necessary documents for the purchase specified above; and,

D. Authorizing the issuance of the Purchase Order, and approval of change orders not to exceed 10% of the total purchase price.

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

Council Member XIONG and Deputy Director of Public Works Juan OLMOS discussed the cost difference.

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

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

No: 0

Absent: 1 - Council Member DeAnda

J. ACTION ITEMS

- J.1.** **SUBJECT: Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(051) for Use of \$80,600 in Post-Programming CMAQ Carryover Apportionment to Supplement the**

Construction Phase Funding for Project No. CP200043 - Sidewalks
Along Olive Avenue, Parsons Avenue, Alexander Avenue, and Hansen
Avenue

REPORT IN BRIEF

Considers accepting \$80,600 in Post-Programming CMAQ Carryover Apportionment for construction of sidewalks and ADA ramps on Olive Avenue from East Queen Circle to Parsons Avenue, Parsons Avenue from Olive Avenue to South of Hansen Avenue, and along Alexander Avenue from Nottingham Lane to Parsons.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting Post-Programming CMAQ Carryover Apportionment funds in the amount of \$80,600; and,

B. Approving a budget amendment increasing revenue in Fund 5005-Street and Signal CIP in the amount of \$80,600 and appropriating the same to Project No. CP200043 for costs associated with the construction of sidewalks on Olive Avenue, Parsons Avenue, Alexander Avenue, and Hansen Avenue; and,

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

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

Interim City Engineer Richard MADDOX briefly discussed the approval of Congestion Mitigation and Air Quality Improvement (CMAQ) funds for project number CP200043.

Council and Mr. MADDOX discussed the request for a list of all CMAQ projects and projects in Merced.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Smith, to approve Recommendation B. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member DeAnda

A motion was made by Council Member Ornelas, seconded by Council Member Smith, to approve Recommendations A, C, and D. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member DeAnda

J.2.

SUBJECT: Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(055) for Use of \$94,200 in Post-Programming CMAQ Carryover Apportionment to Supplement the Construction Phase Funding for Project No. CP210044 - Sidewalks on Nottingham Lane from Olive Avenue to Hansen Avenue, Tamworth Court, and Buckingham Court

REPORT IN BRIEF

Considers accepting \$94,200 in Post-Programming CMAQ Carryover Apportionment for construction of sidewalks on the east and west side of Nottingham Lane from Olive Avenue to Hansen Avenue, and the construction of sidewalks on Tamworth Court, Buckingham Court and an approximately 120-foot section along Alexander Avenue, and the installation of ADA ramps where necessary.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting Post-Programming CMAQ Carryover Apportionment funds; and,

B. Approving a budget amendment increasing revenue in Fund 5005-Street and Signal CIP in the amount of \$94,200 and appropriating the same to Project No. CP210044 for costs associated with the construction of sidewalks on Nottingham Avenue, Tamworth Court, and Buckingham Court; and,

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

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

Interim City Engineer Richard MADDUX briefly discussed the approval of

Congestion Mitigation and Air Quality Improvement (CMAQ) funds for project number CP210044.

Clerk's Note: There was no Council discussion.

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

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

No: 0

Absent: 1 - Council Member DeAnda

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, to approve Recommendations A, C, and D. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member DeAnda

J.3.

SUBJECT: Adoption of Resolution Approving the Administering Agency State Program Supplement No. F039 and Agreement Summary (E-76) for a Carbon Reduction Program (CRPL) Grant CML-5085(062), (Project No. CP250055), CRPL-Melody Lane Sidewalk Project for the use of \$36,679 in CRPL Grant Funding for Preliminary Engineering for the Melody Lane Sidewalk Project

REPORT IN BRIEF

Considers a resolution approving a California Department of Transportation Program Supplement for the use of \$36,679 in CRPL Grant funding for Preliminary Engineering for the Melody Lane Sidewalk Project.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2024-88**, a Resolution of the City Council of the City of Merced, California, approving Federal-Aid Projects Program Supplement Agreement No. F039; and,

B. Accepting CRPL grant funds in the amount of \$36,679 for preliminary

engineering costs associated with the design of the Melody Lane Sidewalk Project; and,

C. Approving a budget amendment in the amount of \$36,679 by increasing revenue and appropriating the same in Fund 5005-Street and Signal CIP (Project No. CP250055); and,

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

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

F. Authorizing the Finance Director to make the necessary budget adjustments.

Interim City Engineer Richard MADDUX briefly discussed the approval of Carbon Reduction Program (CRPL) funds for project number CP250055.

Clerk's Note: There was no Council discussion.

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

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

No: 0

Absent: 1 - Council Member DeAnda

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Ornelas, to approve Recommendations A, C, D, E, and F. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member DeAnda

J.4.

SUBJECT: Authorization to Accept and Appropriate \$1,500,000 in American Rescue Plan Act (ARPA) Funds from Merced County for Community Park 42 North - Project CP250062

REPORT IN BRIEF

Considers authorizing to accept and appropriate \$1,500,000 in ARPA

funding from Merced County for the annexation, environmental review, design, and any other related costs for the northside of Community Park 42.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting American Rescue Plan Act (ARPA) funds from Merced County in the amount of \$1,500,000; and,

B. Approving a budget amendment to increase revenue in Fund 5000 by \$1,500,000 and appropriating the same to Fund 5000 (Project No. CP250062); and,

C. Approving the use of pooled cash until reimbursement is received from Merced County; and,

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

E. Authorizing the Finance Director to make the necessary budget adjustments.

Director of Parks and Community Services Christopher JENSEN briefly discussed the appropriation of \$1,500,000 in American Rescue Plan Act (ARPA) funds for Community Park 42 (CP-42) North.

Council Member XIONG and Mr. JENSEN discussed the process of encumbering ARPA funds and details of project management.

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

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

No: 0

Absent: 1 - Council Member DeAnda

A motion was made by Council Member Ornelas, seconded by Council Member Boyle, to approve Recommendation A, C, D, and E. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member DeAnda

J.5.

SUBJECT: Land Use Determination #24-01 - Finding of Public Convenience or Necessity for Kashmir, Inc., for Alcohol Sales for Off-Site Consumption for You See Liquor at 663 Fairfield Drive

REPORT IN BRIEF

This report provides options for the City Council to consider making a Finding of Public Convenience or Necessity (PCN), as required by the Department of Alcoholic Beverage Control (ABC) to issue a Type 21 alcohol license (allowing the sale of beer, wine, and spirits for off-site consumption) You See Liquor, located at 663 Fairfield Drive.

RECOMMENDATION

City Council - Adopt a motion approving the Finding of Public Convenience or Necessity to allow You See Liquor, located at 663 Fairfield Drive to obtain a Type 21 license for off-site consumption allowing the sale of beer, wine, and spirits (Option #1 as shown in the "Council Action" section of this Administrative Report).

Principal Planner Jonnie LAN and Assistant Planner Matt LIVINGSTON gave a slideshow presentation on Land Use Determination #24-01 and the finding of public convenience or necessity for off-site consumption of alcohol sales.

Council, Mr. LIVINGSTON, Ms. LAN, City Manager Scott MCBRIDE, and City Attorney Craig CORNWELL discussed details of the public necessity, the difference noted by You See Liquor, the Planning Commission's reason to deny, details of the location, all locations with a liquor license, the negative effects on the Merced Mall, potentially tabling the item for further questions to the applicant, and over saturation of alcohol sales in the proposed area.

A motion was made by Council Member Smith, seconded by Mayor Serratto, that this agenda item be continued to the next Council meeting. The motion failed by the following vote:

Aye: 2 - Mayor Serratto, and Council Member Smith

No: 4 - Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, and Council Member Xiong

Absent: 1 - Council Member DeAnda

A motion was made by Council Member Xiong, seconded by Mayor Pro Tempore Perez, that Council does not make a finding of public convenience or necessity. The motion carried by the following vote:

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

No: 2 - Mayor Serratto, and Council Member Smith

Absent: 1 - Council Member DeAnda

Council briefly discussed the reason for the motion being an over saturation of alcohol sales in the area.

K. BUSINESS

K.1. **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.

Clerk's Note: No future items were added.

K.2. **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 SMITH reported on attending the Lao Festival Boat Racing event and spoke on the pedestrian that was killed due to traffic safety.

Mayor Pro Tempore PEREZ reported on attending the Lao Festival Boat Racing event.

Council Member ORNELAS shared various upcoming youth sports events.

Mayor SERRATTO shared news on UC Merced being officially annexed into the city, reported on attending the Lao Festival Boat Racing event, and spoke on public outreach for traffic safety.

L. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 7:09 PM.

A motion was made by Council Member Boyle, seconded by Council Member Ornelas, that this Regular Meeting be adjourned. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member DeAnda