



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, March 21, 2022

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 6 - Mayor Matthew Serratto, Mayor Pro Tempore Kevin Blake, Council Member Fernando Echevarria, Council Member Delray Shelton, Council Member Jesse Ornelas, and Council Member Sarah Boyle

Absent: 1 - Council Member Bertha Perez

B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:00 PM.

B.1. **SUBJECT:** PUBLIC EMPLOYMENT - TITLE: City Attorney;
AUTHORITY: Government Code 54957

B.2. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; James Lodwick v. City of Merced; Workers Compensation Case Number ADJ12352285 and ADJ12352286;
AUTHORITY: Government Code Section 54956.9(d)(1)

Clerk's Note: Council adjourned from Closed Session at 5:56 PM.

C. CALL TO ORDER

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

C.1. Invocation - Pastor Ella-Luna Garza, United Methodist Church

The invocation was delivered by Pastor Ella LUNA-GARZA from United Methodist Church.

C.2. Pledge of Allegiance to the Flag

Council Member ECHEVARRIA led the Pledge of Allegiance to the Flag.

D. ROLL CALL

Present: 7 - Mayor Matthew Serratto, Mayor Pro Tempore Kevin Blake, Council Member Fernando Echevarria, Council Member Delray Shelton, Council Member Bertha Perez, Council Member Jesse Ornelas, and Council Member Sarah Boyle

Absent: 0

Clerk's Note: Pursuant to Assembly Bill 361, Council Member PEREZ participated in the Regular Meeting Virtually.

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

E. REPORT OUT OF CLOSED SESSION

There was no report.

F. CEREMONIAL MATTERS

F.1. **SUBJECT:** City of Merced Fire Department Swearing in Ceremony for Newly Promoted Fire Engineer Tom Sletto and Newly Promoted Fire Marshall Manuel Abeyta

REPORT IN BRIEF

Fire Chief Derek Parker will swear in a newly promoted Fire Engineer and a newly promoted Fire Marshall.

Fire Chief Derek PARKER swore in Fire Marshal Manuel ABEYTA and Fire Engineer Tom SLETO.

F.2. **SUBJECT:** Recognition of Local Amateur Boxer Rene "Hulk" Martinez for his National Silver Gloves Championship

REPORT IN BRIEF

Accepted by Rene Martinez.

Clerk's Note: This item was moved to a future meeting.

F.3. **SUBJECT:** Recognition of The American Legion for Their Continued Support of Youth Baseball and Youth Softball Programs in the City of Merced

REPORT IN BRIEF

Accepted by Members of the American Legion Post 83.

Mayor SERRATTO presented a certificate to American Legion Post 83 for their continued support of youth sports in Merced.

F.4.

SUBJECT: Proclamation to Honor Golden Valley Health Centers' 50th Anniversary

REPORT IN BRIEF

Received by a representative from Golden Valley Health Centers.

Council Member SHELTON presented a certificate honoring Golden Valley Health Centers' 50th Anniversary to staff from their Merced location.

G. WRITTEN PETITIONS AND COMMUNICATIONS

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

Oral Communications - Sue CARTER and John SMUCKER.

H. ORAL COMMUNICATIONS

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

Florence LAMBERT, Merced SPCA - spoke about abandoned cats at Applegate Park.

Steve DONAHUE - requested a change in air service providers at the airport.

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

Rick WENDLING, Merced - spoke about the pandemic.

Ann STEVENS, Merced - spoke about traffic issues in her neighborhood.

Victoria ESPINOZA, Merced - spoke about a recent homicide.

Pangcha VANG, Merced - asked about the timeline for the annexation of UC Merced.

I. CONSENT CALENDAR

Items I.4. Acceptance of the Housing Successor Agency Annual Compliance Report for Fiscal Year 2020-21 Pursuant to Health and Safety Code Section 34176.1(f) Including, but not Limited to, Housing Asset Fund Activities, Compliance with Expenditure and Surplus Limits, Real Property

Assets and Loans Receivable, and I.5. Adoption of Amended Resolution for the Public Facilities Impact Fee Administrative Policy A-32; were pulled for separate consideration.

Approval of the Consent Agenda

A motion was made to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

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

REPORT IN BRIEF

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

RECOMMENDATION

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

This Consent Item was approved.

I.2. SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of February 7, 2022

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 February 7, 2022.

This Consent Item was approved.

I.3. SUBJECT: Information Only - Planning Commission Minutes of August 18, September 8, October 6 and 20, 2021

RECOMMENDATION

For information only.

This Consent Item was approved.

I.6.

SUBJECT: Authorization to Waive the Competitive Bidding Requirements and Approval of the Purchase of Parts, Equipment, Supplies, and Services Necessary for Public Works Maintenance and Operations from Horizon Distributors, Inc., in the Amount not to Exceed \$80,000; and J A Momaney Services, Inc., in the Amount not to Exceed \$150,000 through June 30, 2022

REPORT IN BRIEF

Considers waiving the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving the purchase of various parts, equipment, supplies, and services for Public Works maintenance and operations.

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 an annual supplies and services agreement; and,

B. Approving the agreement with Horizon Distributors, Inc. for purchase of irrigation parts, equipment, and supplies in the amount not to exceed \$80,000 in Fiscal Year 2021/2022; and,

C. Approving the agreement with J A Momaney Services, Inc., for purchase of traffic signal and streetlight parts, equipment, and materials in the amount not to exceed \$150,000 in Fiscal Year 2021/2022; and,

D. Authorizing the City Manager or the Deputy City Manager, to execute the necessary documents or contracts that are approved as to form by the City Attorney, and/or purchase orders.

This Consent Item was approved.

I.7.

SUBJECT: Approval of a First Amendment to Professional Services Agreement for Sports Officiating, Scorekeeping, and Scheduling with Merced Area Sports Officials (MASO) in an Additional Amount of \$8,640, for a Total Contract Amount of \$35,390

REPORT IN BRIEF

Considers approving a first amendment to professional services agreement for sports officiating, scorekeeping, and scheduling with Merced Area Sports Officials (MASO) with an additional amount of \$8,640.

RECOMMENDATION

City Council - Adopt a motion approving a first amendment to Professional Services agreement for sports officiating, scorekeeping, and scheduling with Merced Area Sports Officials (MASO) with an additional amount of \$8,640, and, authorizing the City Manager or the Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.8.

SUBJECT: Authorization to Waive the Competitive Bidding Requirement to Allow Piggybacking onto County of Riverside Agreement #8084445 and #7754679 for Microsoft Licensing of Software and Subscriptions to Crayon Software and Microsoft for a Period of April 1, 2022, to March 31,2025 in a not to Exceed Amount of \$215,202.00 and Approving Contract Documents

REPORT IN BRIEF

Authorization to Waive the Competitive Bidding due to piggybacking onto County of Riverside Agreement #8084445 and #7754679 for Microsoft Licensing of Software and Subscriptions to Crayon Software and Microsoft for a Period of April 1, 2022, to March 31,2025 in a not-to-exceed amount of \$215,202.00 and approving Contract Documents.

RECOMMENDATION

City Council - Adopt a motion:

- A. Waiving the City's competitive bid requirements as stated in Section 3.04.210 due to piggybacking and approving contract documents; and,
- B. Authorizing the City Manager or Deputy City Manager to execute all necessary documents; and,
- C. Authorizing the Finance Officer to make necessary interfund transfers; and,

D. Authorizing the City Manager or the Deputy City Manager to execute future contract amendments that do not exceed 125% of the total agreement value for the three-year duration of the agreement; and,

E. Authorizing the Finance Officer to make necessity budget adjustments for future contract amendments; and,

F. Authorizing the Finance Officer to transfer any required funds to the PC Replacement Fund and appropriate to be used explicitly for encumbrances and expenditures of new software licenses or subscriptions during the agreement; and,

G. Approving the Agreements with Microsoft for software Licenses and Subscriptions.

This Consent Item was approved.

I.4.

SUBJECT: Acceptance of the Housing Successor Agency Annual Compliance Report for Fiscal Year 2020-21 Pursuant to Health and Safety Code Section 34176.1(f) Including, but not Limited to, Housing Asset Fund Activities, Compliance with Expenditure and Surplus Limits, Real Property Assets and Loans Receivable

REPORT IN BRIEF

Annual Report summarizing Housing Successor activity for the City of Merced in Fiscal Year 2020-21 per California Senate Bill (SB) 341, which requires the City to prepare an annual report on the City's compliance with Housing Successor requirements imposed by Health and Safety Code Section 34176.1(f).

RECOMMENDATION

City Council - Receive and file the Housing Successor Agency Annual Report for Fiscal Year 2020-21.

Mayor SERRATTO pulled this item due to a request from the public.

Development Services Director Scott MCBRIDE gave a brief presentation on the Housing Successor Agency Annual Compliance Report.

Council and Mr. MCBRIDE briefly discussed upcoming supportive housing projects.

Fue XIONG, Merced - commented on the report.

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

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

I.5. SUBJECT: Adoption of Amended Resolution for the Public Facilities Impact Fee Administrative Policy A-32

REPORT IN BRIEF

Amend Resolution 2022-07, adopted by City Council on February 7, 2022, to correct omissions in Exhibit A (Administrative Policy A-32) that did not reflect changes adopted previously by City Council on October 18, 2021.

RECOMMENDATION

City Council - Adopt a motion approving **Amended Resolution 2022-07**, An Amended Resolution of the City Council of the City of Merced, California, Amending Administrative Policy and Procedure A-32 Regarding Public Facilities Impact Fees.

Mayor SERRATTO pulled this item due to a request from staff.

Planning Manager Kim ESPINOSA gave a brief report on new language being added to the policy.

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

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

J. PUBLIC HEARINGS

J.1. SUBJECT: Public Hearing to Consider the Introduction of an Ordinance Amending Chapter 1.17 Entitled "City Council Districts" of the Merced Municipal Code

REPORT IN BRIEF

Public Hearing to consider the introduction of an Ordinance amending chapter 1.17 entitled "City Council Districts" of the Merced Municipal Code.

RECOMMENDATION

City Council - Adopt a motion introducing **Ordinance 2538**, An Ordinance of the City Council of the City of Merced, California, amending chapter 1.17 entitled "City Council Districts" of the Merced Municipal Code.

City Manager Stephanie DIETZ gave a brief introduction regarding the ordinance to codify the City Council Districts.

Mayor SERRATTO opened and subsequently closed the Public Hearing at 6:58 PM due to lack of public comment.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Boyle, to introduce Ordinance 2538. The motion carried by the following vote:

Aye: 4 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Shelton, and Council Member Boyle

No: 3 - Council Member Echevarria, Council Member Perez, and Council Member Ornelas

Absent: 0

K. REPORTS

K.1. SUBJECT: Report and Presentation on Ada Givens Pool Rehabilitation

REPORT IN BRIEF

Provide a report to seek direction from City Council on the Ada Givens Pool Rehabilitation.

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 a statement of services agreement; and,

B. Approving a supplemental appropriation of \$170,000 from the unreserved and unencumbered balance in the General Fund and/or Fund 085-Measure Y Parks and Recreation for project 122011 Ada Givens Pool Restoration; and,

C. Approving a Statement of Services Agreement with Dale Butterworth Pools, for the rehabilitation of the Ada Givens Pool; and,

D. Authorizing the City Manager or Deputy City Manager to execute the necessary documents and to approve change orders not to exceed 10% of the total contract.

City Engineer Michael BELTRAN gave a presentation regarding the potential rehabilitation of the Ada Givens swimming pool which included the current state of the pool, upgrades needed for ADA compliance, upgrades needed to the current restrooms, and pool equipment repair and maintenance costs.

Council, Mr. BELTRAN and Parks and Community Services Director Christopher JENSEN discussed the need to get the pool operational for public use, the costs associated with bringing the pool up to ADA compliance, and the ongoing maintenance and staffing costs.

Fue XIONG, Merced - suggested the use of Measure Y discretionary funding to complete the upgrades.

Sheng XIONG, Leadership Council - suggested Council use Measure Y discretionary funding for the project.

Council discussed the project and agreed to use Measure Y discretionary funding.

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

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

K.2.

SUBJECT: Acceptance of the 2021 General Plan Annual Report Summarizing the Status of the Merced Vision 2030 General Plan and the Steps Taken to Implement the General Plan Policies and Implementation Actions and Acceptance of the 2021 Housing Element Annual Progress Report Summarizing the City's Progress in Meeting the City's Share of Regional Housing Needs and the Goals and Policies of the Housing Element Including Number of Entitlements, Permits, and Certificates of Occupancy for All Housing Types

REPORT IN BRIEF

Accepts for information only the 2021 General Plan Annual Progress Report and the 2021 Housing Element Annual Progress Report and allows the public an opportunity to provide oral testimony and written comments regarding the 2021 Housing Element Annual Progress Report.

RECOMMENDATION

City Council - Adopt a motion accepting the 2021 General Plan Annual Report and the 2021 Housing Element Annual Progress Report for information only.

Senior Planner Julie NELSON gave a slideshow presentation on the 2021 General Plan Annual Report summarizing the status of the Merced Vision 2030 General Plan and the 2021 Housing Element Annual Progress Report regarding the City's progress in meeting the City's share of regional housing needs.

Pangcha VANG, Merced - commented on the need for more affordable housing in the City of Merced.

Fue XIONG, Merced - commented on meeting the housing need for very low to low income population in Merced.

Sheng XIONG, Leadership Council - spoke about housing inequities and the need for more affordable housing.

Council briefly discussed the reports.

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

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0

K.3.

SUBJECT: Report for Discussion on Preliminary Annexation Application #21-03 for Robert and Kimber Lee Rogina

REPORT IN BRIEF

The City Council will be asked to evaluate Preliminary Annexation Application #21-03 for Robert and Kimber Lee Rogina, 151 acres of

mixed-use development on the west side of G Street at Old Lake Road.

RECOMMENDATION

City Council - Adopt a motion indicating general support for an official annexation application being processed by Robert and Kimber Lee Rogina.

Clerk's Note: Interim City Attorney Kim FLORES recused herself from this item due to a business conflict. Deputy City Attorney Kim MADAYAG sat in as legal counsel.

Senior Planner Julie NELSON gave a slideshow presentation on the preliminary annexation application #21-03 for Robert and Kimber Lee Rogina detailing 151 acres of mixed-use development on the west side of G Street at Old Lake Road.

Council discussed the project merits and potential affordable housing units.

Steve BRANDT, representing the applicant - spoke about the application and working with the Council regarding affordable housing.

Kim ROGINA, applicant - spoke about the project and creating something the community needs.

Diane FUENTES, county resident - expressed concern with the timing and scope of the project.

Dan HOLMES, county resident - expressed concern with the density of the proposed housing and traffic issues.

Fue XIONG, Merced - urged Council to wait until affordable housing was addressed in the project.

Sheng XIONG, Leadership Council - requested more affordable housing and commented on the SB244 analysis.

Council discussed the project and the need for more housing.

A motion was made by Council Member Shelton, seconded by Mayor Pro Tempore Blake, expressing general support for the project. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 1 - Council Member Ornelas

Absent: 0

L. BUSINESS

L.1. **SUBJECT:** Discussion and Direction on the Appointment and Reappointment Process for Board and Commissions

REPORT IN BRIEF

Discuss and provide staff direction on the appointment and reappointment process for Board and Commissions.

RECOMMENDATION

Provide staff direction on the appointment and reappointment process for Board and Commissions.

Assistant City Clerk Jennifer LEVESQUE gave a slideshow presentation on the various boards and commissions in the City, the current and past practices for appointing individuals, and requested Council input on appointments going forward.

Council agreed that a yearly appointment process without interviews would be acceptable and that accepting applications for expiring terms without automatic reappointments would allow for other applicants to be considered.

Clerk's Note: No formal Council action or vote was taken on this item.

L.2. **SUBJECT:** Seeks City Council Direction to Continue the Adoption of Resolution Making Findings to Hold City Council, Commission, and Committee Meetings Using a Combination of In-Person/Virtual (Hybrid) Meetings Under Assembly Bill (AB) 361, if not, to Continue the Hybrid Changes Currently in Place and to Allow for Dais Seat Assignment Direction

REPORT IN BRIEF

Seeks City Council direction on the continuation of In-Person/Virtual City Council, Commission and Committee meetings by making the necessary findings that during a proclaimed state of emergency or that state or local officials have imposed or recommended measures to promote social distancing as outlined in AB 361. Should the City Council choose not to adopt the necessary findings, staff are seeking direction on retaining any of the hybrid changes currently in place. In addition, with the City Council returning to regular assigned seating, this item allows for the discussion of

future seat assignments.

RECOMMENDATION

City Council - Considers a motion:

A. Adopting **Resolution 2022-13**, a Resolution of the City Council of the City of Merced, California, making findings consistent with the requirements of AB 361 to allow for in-person/virtual (hybrid) public meetings; and,

B. Providing staff direction on the format of future City Council meetings including voicemails and posting of written comments; and

C. Provide staff direction on the future seat assignment of City Council Members for the remainder of 2022.

City Manager Stephanie DIETZ briefed Council on AB 361 and the current restrictions in place that are being lifted as COVID 19 cases continue to decline.

Sheng XIONG, Merced - spoke in favor of keeping voicemails as part of the meetings.

Fue XIONG, Merced - requested that Council keep the voicemails for public comments.

Pangcha VANG, Merced - expressed support for keeping voicemails.

Council discussed the current seating arrangement, returning to the in-person format of meetings, and whether or not to keep voicemails as part of the public comment.

Council agreed that staff would no longer need to post emails on the City website.

A motion was made by Council Member Perez, seconded by Council Member Ornelas, to allow voicemails of one minute in length to be played at Council Meetings . The motion carried by the following vote:

Aye: 4 - Mayor Serratto, Council Member Echevarria, Council Member Perez, and Council Member Ornelas

No: 3 - Mayor Pro Tempore Blake, Council Member Shelton, and Council Member Boyle

Absent: 0

L.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 ECHEVARRIA requested items to discuss cat trapping in Merced, and truck parking in District 2.

L.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 ORNELAS commented on the races held at the Merced County Fairground and potential health issues.

Council Member BOYLE commented on attending California Women of Agriculture luncheon and the upcoming San Jose Sharks Teal Top ribbon cutting.

Mayor SERRATTO commented on events at Applegate Park, an FFA fundraising event, and touring a local software company.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 9:20 PM.

A motion was made by Council Member Echevarria, seconded by Council Member Ornelas, that the meeting be adjourned in memory of Sophia Mason.

The motion carried by the following vote:

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 0