



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, December 2, 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 SERRATTO called the Closed Session to order at 5:30 PM.

Clerk's Note: Council Member XIONG arrived to Closed Session at 5:34 PM.

B.1.

SUBJECT: CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION *City of Merced v. Merced-Mariposa District Council of St. Vincent De Paul Society*, et al., Case Number 18CV-03052 Pursuant to California Government Code Section 54956.9(d)(1)

Clerk's Note: Council adjourned from Closed Session at 5:54 PM.

C. CALL TO ORDER

Mayor SERRATTO called the Regular Meeting to order at 6:03 PM.

C.1. Invocation - Debbie Croft, Alpha Pregnancy Center

The Invocation was delivered by Debbie CROFT of the Alpha Pregnancy Center.

C.2. Pledge of Allegiance to the Flag

Council Member DEANDA 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. WRITTEN PETITIONS AND COMMUNICATIONS

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

Public Comment: TaShandra BELLAMY.

G. PUBLIC COMMENT

Steven GRAHAM, Merced - wished everyone a Happy Holidays and thanked the outgoing Council Members.

Cindy KELLY, Merced - spoke on the donations received to the Merced SPCA and shared information on the programs they will reinstate.

Director of Parks and Community Services Chris JENSEN, Merced - shared details of the Community Engagement meeting regarding the General Vang Pao park.

Rhonda BATSON, Merced - shared various upcoming community events in Merced.

H. CONSENT CALENDAR

Clerk's Note: There were no Consent Items pulled for separate consideration.

Clerk's Note: Agenda Items H.5. and H.6. required five affirmative votes from Council.

Approval of the Consent Agenda

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

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

REPORT IN BRIEF

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

RECOMMENDATION

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

This Consent Item was approved.

H.2. SUBJECT: Information Only Contracts for the Month of November 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.

H.3. SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority/Successor Agency to the Redevelopment Agency Meeting Minutes of May 20, 2024, and June 3, 2024

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic Development/Parking Authority/Successor Agency to the

Redevelopment Agency - Adopt a motion approving the meeting minutes of May 20, 2024, and June 3, 2024.

This Consent Item was approved.

H.4.

SUBJECT: Approval of a Three-Year Contract for RecTrac Management Software, Support, Hosting, and Migration Services with Vermont Systems in the Amount of \$54,154 and a 5% Contingency of \$2,708 for a Total Contracted Amount of \$56,862

REPORT IN BRIEF

Considers approving to waive the competitive bid process and approving procurement through Vermont Systems' multiyear contract in a not to exceed amount of \$56,862.

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; and,
- B. Approving the Services Agreement with Vermont Systems; and,
- C. Approving the Hosting Services Agreement (HSA) with Vermont Systems; and,
- D. Approving the PayTrac Payment Services Addendum (PTPSA) with Vermont Systems; and,
- E. Approving the Sub-Merchant Application and Agreement (SMAA) with Vermont Systems; and,
- F. Approving the Terms of Service (TOS) with Vermont Systems; and,
- G. Approving the Annual Services Quote with Vermont Systems; and,
- H. Approving the Hardware Quote with Vermont Systems; and,
- I. Authorizing the City Manager or designee to execute the necessary documents.

This Consent Item was approved.

H.5.

SUBJECT: Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(049) for Use of \$114,842 in Post-Programming CMAQ Carryover Apportionment to Supplement the Construction Phase Funding for Project No. CP190043 - Motel Drive Multi-Use Path

REPORT IN BRIEF

Considers accepting \$114,842 in Post-Programming CMAQ Carryover Apportionment for construction of an eight-foot-wide concrete pedestrian/bicycle multi-use pathway along Motel Drive from Merced Avenue to Carol Avenue.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting Post-Programming CMAQ Carryover Apportionment funds; increasing revenue in Fund 5005-Street and Signal CIP in the amount of \$114,842 in Fiscal Year 2023-24 and appropriating the same to Project No. CP190043 for costs associated with the construction of the Motel Drive Multi-Use Path; 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.

This Consent Item was approved.

H.6.

SUBJECT: Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant CML-5085(050) for Use of \$30,117 in Post-Programming CMAQ Carryover Apportionment to Supplement the Construction Phase Funding for Project No. CP190069 - Sidewalks R Street, S Street, T Street, and Stuart Drive

REPORT IN BRIEF

Considers accepting \$30,117 in Post-Programming CMAQ Carryover Apportionment for construction of sidewalks located on R Street, S Street, T Street, and Stuart Drive.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting Post-Programming CMAQ Carryover Apportionment funds; increasing revenue in Fund 5005-Street and Signal CIP in the amount of \$30,117 in Fiscal Year 2023-24 and appropriating the same to Project No. CP190069 for costs associated with the construction of sidewalks located on R Street, S Street, T Street, and Stuart Drive; 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.

This Consent Item was approved.

H.7.

SUBJECT: Approval of Allocation of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program Resources and Approval of Associated Subrecipient Agreements with Sierra Saving Grace (\$60,000), and Harvest Time (\$40,000) the Respective Programs Approved with the Adopted 2024 Annual Action Plan

REPORT IN BRIEF

Considers approving and authorizing Program Year 2024-25 Community Development Block Grant (CDBG) Subrecipient Agreements with Sierra Saving Grace for \$60,000 and Harvest Time for \$40,000.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a Subrecipient Agreement for the program identified in the 2024 Annual Action Plan using Fiscal Year 2024-25 CDBG funds with Sierra Saving Grace in the amount of \$60,000 for the "Emergency Assistance" Program; and,
- B. Approving a Subrecipient Agreement for the program identified in the 2024 Annual Action Plan using Fiscal Year 2024-25 CDBG funds with Harvest Time for the "Food 4 You" program in the amount of \$40,000; and,
- C. Authorizing the City Manager to execute, and if necessary, direct staff to make non-material modifications to the agreements and

exhibits.

This Consent Item was approved.

I. PUBLIC HEARINGS

- I.1. **SUBJECT:** Public Hearing and Adoption of a Resolution to Consider Public Input Regarding the Establishment and Levying of an Assessment for the Formation of a Tourism Based Improvement District (TBID) as Authorized in Merced City Council Resolution 2024-92

REPORT IN BRIEF

The Council is being asked to hold a public hearing for public input regarding the establishment and levying of an assessment to create a Tourism Businesses Improvement District (TBID) as contained in Merced City Council Resolution 2024-92.

RECOMMENDATION:

City Council - Adopt a motion:

- A. Adopting **Resolution 2024-112**, a Resolution of the City Council of the City of Merced, California, Declaring Results of the Majority Protest Proceedings and Establishing the Tourism Business Improvement District; and,
- B. Adopting and approving the Merced Tourism Business Improvement District Management Plan; and,
- C. Approving the Assessment for the Merced Tourism Business Improvement District; and,
- D. Authorizing the City Manager to execute necessary documents; and,
- E. Approving the creation of Fund 4951-TBID and allowing the Finance Officer to make the necessary increases to revenue and expense budget for Fiscal Year 2024-25 TBID Assessments.

Deputy City Manager Frank QUINTERO, Economic Development Associate Amanda WILLIAMS, and Consultant Kristen LOWELL gave a slideshow presentation on the establishment of the Merced Tourism Business Improvement District (TBID).

Council discussed details of the tax amount.

Mayor SERRATTO opened the Public Hearing at 6:21 PM.

Edwin KAINTH, Merced - thanked the Hotel Motel Association and Council, spoke on TBID bringing more tourism, and asked for a one-time payment of \$250,000.

Mayor SERRATTO stated, "we are not agendized for this action, it would have to be done moving forward to the next budget."

Mayor SERRATTO closed the Public Hearing at 6:23 PM.

Council discussed the TBID benefits for District 1.

Clerk's Note: Recommendation E required five affirmative votes from Council.

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 DeAnda, and Council Member Smith

No: 1 - Council Member Xiong

Absent: 0

J. ACTION ITEMS

J.1.

SUBJECT: Approval of a Supplemental Appropriation in the General Fund of Unspent Funding Received Through the National Opioid Settlement Program Plus Interest in the Amount of \$199,452.04 for Opioid Abatement Program Expenditures

REPORT IN BRIEF

Consider approving a Supplemental Appropriation in the General Fund of Unspent Funding Received Through the National Opioid Settlement Program plus interest in the amount of \$199,452.04 for Opioid Abatement Program Expenditures.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a Supplemental Appropriation of \$199,453 from National Opioid Settlement plus interest in the General Fund-Police Department; and,
 - B. Authorizing the acceptance of any future Opioid Settlement revenues and appropriating those amounts for Opioid Abatement program expenditures; and,
 - C. Authorizing the Finance Officer to make necessary budget adjustments; and,
 - D. Authorizing the City Manager to execute the necessary documents.
- Chief of Police Steven STANFIELD and Police Lieutenant Jose BARAJAS discussed the approval of a supplemental appropriation for the National Opioid Settlement Program for Opioid Abatement Program Expenditures.

Clerk's Note: There was no Council discussion.

Clerk's Note: Recommendations A and B required five affirmative votes from Council.

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: 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.2.

SUBJECT: Approving a Design & Build Professional Services Agreement with All About Building, Inc. for the Design & Construction of Work Outlined at Merced Applegate Zoo in a not to Exceed Amount of \$1,800,000

REPORT IN BRIEF

Considers approving the agreement for site design and construction of work outlined in the Design & Build Services Agreement for an amount not to exceed \$1,800,000 with All About Building, Inc.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Design Build Professional Services agreement with All About Building, Inc., in a not to exceed amount of \$1,800,000 for design and construction services; and,

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

Director of Parks and Community Services Chris JENSEN gave a slideshow presentation on the Design and Build Professional Services Agreement with All About Building, Inc. for the design and construction of work at the Merced Applegate Zoo.

Council, Mr. JENSEN, and City Attorney Craig CORNWELL discussed the support of the Merced Applegate Zoo, the annual amount of visitors, details of the contingency amount, the proposed work, details of the exterior fence, details of the amended contract language, and the vision for Kiddieland and Applegate Park.

A motion was made by Council Member Smith, 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 Boyle, Council Member DeAnda, and Council Member Smith

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

Absent: 0

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.

Mayor SERRATTO spoke on the Vacant Building ordinance coming back and requested to discuss and finalize the One Voice event at the December 16, 2024, Council meeting.

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 DEANDA shared his medical update.

Council Member ORNELAS shared details of five youth boxers going to the Championship in Compton, California and two Football teams in Merced winning the Superbowl in their League.

Council Member SMITH congratulated incoming members and wished everyone a Happy Holidays.

Council Member BOYLE thanked Public Safety for their response to numerous incidents in the community.

Mayor SERRATTO thanked the Police and Fire Department for their hard work, the Rescue Mission for their Thanksgiving Dinner, and reported on attending the Christmas Tree Lighting. He also thanked First Responders for their work around the community and congratulated Merced High School Freshman Eleanor HAMPTON for qualifying for the State Championship.

L. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 6:51 PM.

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

Aye: 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0