



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 6, 2021

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 5:03 PM.

Clerk's Note: Pursuant to Assembly Bill 361, Council Member SHELTON and Mayor Pro Tempore BLAKE participated in the Closed Session virtually.

B.1. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; Eugene Drummond v. City of Merced; Workers Compensation Case Number ADJ15080750; AUTHORITY: Government Code Section 54956.9(d)(1)

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)

B.3. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure Litigation Pursuant to Paragraph (2) of Subdivision (d) of Government Code section 54956.9: (1) Potential Case Regarding the Northern Portion of the Arbor Walkway

Clerk's Note: Council Member ORNELAS recused himself from this item due to the proximity of his work to this location.

Clerk's Note: Council adjourned from Closed Session at 5:42 PM.

C. CALL TO ORDER

Mayor SERRATTO called the Regular Meeting to order at 6:01 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 SHELTON and Mayor Pro Tempore BLAKE participated in the Regular Meeting virtually. Council Member PEREZ arrived to the Regular Meeting at 6:49 PM.

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: Certificate of Recognition for the Wolverine Youth Football Champions

REPORT IN BRIEF

Presented by Council Member Jesse Ornelas.

Council Member ORNELAS presented a certificate of recognition to the Wolverine youth football team for their championship season.

G. WRITTEN PETITIONS AND COMMUNICATIONS

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

Item J.1. - Christian ARANA, Leonard FRANCO, Jeff NEGRETE, and Brian ARECHIGA.

H. ORAL COMMUNICATIONS

Clerk's Note: The following comment was received via voicemail.

Anonymous - spoke about the lack of order and decorum at the previous meeting.

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

Robert DAVENPORT, Merced - spoke about sidewalk repairs needed.

Albert GRANADOS, Merced - spoke about the Albion Soccer Club.

Kelli PARREIRA, Merced - spoke about the Albion Soccer Club.

Fernando AGUILERA, Merced - spoke about the Albion Soccer Club and the Soccer Academy.

Connie COONS, Merced - spoke about the Child Protective Services and lack of accountability.

I. CONSENT CALENDAR

Items I.4. Approval of an Application and Agreement with BridgePay for Credit Card Payments, I.5. Approval of an Agreement for Services with Environmental Science Associates (ESA) for Environmental Services and a Deposit and Reimbursement Agreement with University Vista Master Plan, LLC, Relating to the Annexation of the University Vista Project to the City of Merced, I.15. Adoption of a Resolution Authorizing the Merced Police Department to Apply for a Grant in the Amount of \$99,409.08 Through the San Joaquin Valley Air Pollution Control District's Public Benefit Grants Program to Purchase Two Electric Vehicles, Four Electric Bicycles, and Two 3-wheel Patrollers and Approval to Accept the Grant Funding if Awarded, I.16. Approval to Accept the Department of Justice 2021 Bulletproof Vest Partnership Grant in the Amount of \$11,931.84 to Cover 50% of the Purchase Cost of New Vests and Authorization to Utilize the Use of Pooled Cash to Cover the Purchase Cost Which will be Reimbursed from the Grant Proceeds, and I.17. Adoption of a Resolution Accepting \$20,000 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; were pulled for separate consideration.

Approval of the Consent Agenda

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

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

No: 0

Absent: 1 - Council Member Perez

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 November 2021**

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$34,000 and of Public Works contracts under \$76,875.

This Consent Item was approved.

I.3.**SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of October 29, November 1, and November 5, 2021**

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic

Development/Parking Authority - Adopt a motion approving the meeting minutes of October 29, November 1, and November 5, 2021.

This Consent Item was approved.

I.19.

SUBJECT Approval of Professional Services Agreements with Mead & Hunt, Inc., and RS&H California, Inc., to Provide Planning, Engineering, and Environmental Consulting Services for the Merced Yosemite Regional Airport's Improvement Projects in a not Exceed Amount of \$750,000 for Each Contract Based on the Consultant Hourly Rates Listed Within Each Respective Agreement for the Contract Period Ending December 31, 2026

REPORT IN BRIEF

Considers approving two (2) Professional Services Agreements for Planning, Engineering, and Environmental Consulting Services for the Merced Yosemite Regional Airport's Improvement Projects. The services provided under these agreements will be funded from individual Improvement Project budgets as the projects occur through the contract period ending December 31, 2026, at the hourly rates set forth in each respective agreement.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Professional Services Agreements, for a contract period ending December 31, 2026, with Mead & Hunt, Inc., and RS&H California, Inc., to provide Planning, Engineering, and Environmental Consulting Services for the Merced Yosemite Regional Airport's Improvement Projects in the amount not to exceed \$750,000 each; and,
- B. Authorizing the City Manager or Deputy City Manager to sign the necessary documents.

This Consent Item was approved.

I.6.

SUBJECT: Award of Bid to Merced Chevrolet, for the Purchase of Two 4x4 Mid-Size Pickup Trucks for the Engineering Department, Two 4X2 Mid-Size Pickup Trucks for the Building Department, and One 4x2 Mid-Size Pickup Truck for the Parks Department, for a Total Cost not to Exceed \$137,924

REPORT IN BRIEF

Considers awarding the bid to Merced Chevrolet for the purchase of two 4x4 mid-size pickups and three 4x2 mid-size pickups to support the growing vehicle needs of the Engineering, Inspection Services, and Parks Departments.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid to Merced Chevrolet for the supply of two 4x4 mid-size pickup trucks and three 4x2 mid-size pickup trucks, for a total amount not to exceed \$137,924; and,

B. Authorizing the City Manager or the Deputy 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.

This Consent Item was approved.

I.7.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Authorizing the Purchase of Up To Five (5) Budgeted Fleet Vehicles, Depending on Availability, Through Cooperative Purchasing Agreements with Sourcewell, Including One Rear Loader Refuse Truck for \$237,974.34, Two Side Loader Refuse Trucks for \$301,340.56 Each, and One Front Loader Refuse Truck for \$275,484.18 from Ruckstell California Sales Co., as well as One Leaf Vacuum Truck for \$242,891.84 from Municipal Maintenance Equipment (M.M.E.)

REPORT IN BRIEF

Considers authorizing to waive competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 to purchase currently budgeted and Council approved fleet vehicles 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 and authorizing the purchases to be made with cooperative purchase agreements through

Sourcewell, a government procurement program; and,

B. Approving the purchase of one rear loader refuse truck in the amount of \$237,974.34, plus applicable sales tax, from Ruckstell California Sales Co. through Sourcewell contract # 112014-NWY; and,

C. Approving the purchase of two side loader refuse trucks in the amount of \$301,340.56 each, plus applicable sales tax, from Ruckstell California Sales Co. through Sourcewell contract # 112014-NWY; and,

D. Approving the purchase of one front loader refuse truck in the amount of \$275,484.18, plus applicable sales tax, from Ruckstell California Sales Co. through Sourcewell contract # 112014-NWY; and,

E. Approving the purchase of one Xtreme Vac leaf vacuum truck in the amount of \$242,891.84 from Municipal Maintenance Equipment (M.M.E.) through Sourcewell contract # 031121-ODB; and,

F. Authorizing the City Manager or the Deputy City Manager to execute any necessary documents for the purchases specified above, the Finance Officer to make the appropriate budget adjustments and City Buyer to issue the Purchase Orders, and approval of change orders not to exceed 10% of the total purchase price.

This Consent Item was approved.

I.8.

SUBJECT: Award Bid to Santos Ford for the Purchase of One New Four-Door Sport Utility Vehicle for the Public Works Administration Department in the Amount of \$31,105.00

REPORT IN BRIEF

Considers awarding the bid to Santos Ford for the purchase of one new four-door sport utility vehicle as a replacement for the Public Works Administration Department.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid to Santos Ford for the supply of one new four door sport utility vehicle in the amount of \$31,105; and,

B. Authorizing the City Manager or Deputy City Manager to execute the

necessary documents, the City Buyer to issue the Purchase Order, and to approve change orders not to exceed 10% of the total purchase price.

This Consent Item was approved.

I.9.

SUBJECT: Adoption of a Resolution Opting to Participate in the National Opioid Settlement(s) and Authorizing the City Manager to Execute the Necessary Settlement Agreements

REPORT IN BRIEF

Adopting a Resolution authorizing the City Manager or designated representative to opt-in and to execute any and all documents necessary to opt-in and participate in the two National Opioid Settlement(s): one with the three major opioid distributors, Cardinal Health Inc., McKesson Corp., and AmerisourceBergen Corporation; and, the second with Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson. The documents include, but are not limited to, the Proposed California State Subdivision Agreement Regarding Distribution and Use of Settlement Funds - Distributor Settlement, Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds - Janssen Settlement, and related Settlement Participation Forms.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2021-111**, A Resolution of the City Council of the City of Merced, California, Opting to Participate in the National Opioid Settlement(s) and Authorizing the City Manager to Execute the Necessary Settlement Agreements.

This Consent Item was approved.

I.10.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Approval of 3-Year Agreement with Granicus, LLC for Renewal of Existing Agenda Management and Workflow, Board and Commission Management, Live Streaming Services, Web Site hosting, e-Communication Messaging, and Addition of Community Engagement Platform in a Total Amount of \$222,174.40

REPORT IN BRIEF

Considers authorizing a waiver of competitive bidding requirement pursuant to Merced Municipal Code Section 3.04.210 for a 3-year agreement with Granicus, LLC for renewal of existing agenda management and workflow, board and commission management, live

streaming services, web site hosting, e-communication messaging, and addition of community engagement platform in a total amount of \$222,174.40.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code section 3.04.210

B. Approving a 3-year agreement with Granicus LLC. for agenda management and workflow, board and commission management, web site hosting, e-communication messaging platform, community engagement platform, and Live streaming services in a total amount of \$222,174.40; and,

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

This Consent Item was approved.

I.11.

SUBJECT: Adoption of a Resolution Approving a Master License Agreement ("MLA") Template to Utilize City-Owned Vertical Infrastructure Within the City's Public Right-of-Way for Small Cell Telecommunication Facilities

REPORT IN BRIEF

Considers the adoption of a resolution approving a template for a master license agreement for small cell telecommunication facilities on City-owned vertical infrastructure within the public right-of-way; and authorize the City Manager or Deputy City Manager to execute MLAs with wireless telecommunication providers.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2021-108**, a Resolution of the City Council of the City of Merced, California, approving a Master License Agreement (MLA) template to utilize City owned vertical infrastructure within the City's public right-of-way for small cell telecommunication facilities; and,

B. Authorizing the City Manager or the Deputy City Manager to execute future MLAs with telecommunication carriers and execute all necessary documents; and,

C. Authorizing the Finance Offer to collect revenue and appropriate funds from all MLAs.

This Consent Item was approved.

I.12.

SUBJECT: Approval of a Lease Agreement with Advanced Air, LLC, to Provide Commercial Air Service at the Merced Yosemite Regional Airport from January 1, 2022 Through December 31, 2025

REPORT IN BRIEF

Approve a lease from January 1, 2022, to December 31, 2025, at the Merced Yosemite Regional Airport between the City of Merced and Advanced Air, LLC.

RECOMMENDATION

City Council - Adopt a motion approving the lease agreement with Advanced Air, LLC; and authorizing the City Manager or Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.13.

SUBJECT: Approval of an Agreement for Use of City Right-of-Way with Peter Tinetti, and/or Marilyn Tinetti, Trustee of the Living Trust of Peter Tinetti and Marilyn Tinetti, as to an Undivided 1/3 Interest; Stephen G. Tinetti and/or Joan M. Tinetti, Trustee of the Stephen G. Tinetti and Joan M. Tinetti Living Trust Dated 05/21/1997, as to an Undivided 1/3 Interest; and Robertine T. Benson, Trustee of the Benson Family Trust Dated 09/11/2002, as to an Undivided 1/3 Interest and the City of Merced for 855 West 15th Street

REPORT IN BRIEF

Consider approving the Agreement for Use of City Right-of-Way with owners of the property located at 855 West 15th Street for private improvements that encroach into the City right-of-way on 15th Street.

RECOMMENDATION

City Council - Adopt a motion approving the agreement for use of City right-of-way with the property owners at 855 West 15th Street and authorizing the City Manager or Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.14.

SUBJECT: Authorization to Accept \$39,276 in Grant Funds from the 2021 Edward Byrne Justice Assistance Grant (JAG) Program for the Police Department to Equip a Police Vehicle as a Community Outreach and Recruitment Vehicle, Upgrade Video Camera System for Police Interview Rooms, and Cover Consulting Costs for the Transition from the Uniform Crime Reporting Summary Process to the National Incident Based Reporting System

REPORT IN BRIEF

Considers accepting grant funding from the US Department of Justice offered to the Merced Police Department in the amount of \$39,276 from the 2021 Edward Byrne Justice Assistance Grant (JAG) program to equip a police vehicle as a community outreach and recruitment vehicle, upgrade the video camera system for the police interview rooms, and consulting costs for the transition from the Uniform Crime Reporting Summary process to the National Incident Based Reporting System.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting the grant and increasing the revenue budget in account 050-1025-321.17-00 by \$39,276, and appropriating the same to Fund 050; and,

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

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

This Consent Item was approved.

I.18.

SUBJECT: Authorization for the Fire Department to Submit a Grant Application to the Federal Emergency Management Agency (FEMA) Fiscal Year 2021 Assistance to Firefighters Grant (AFG) Program to Fund Replacement of an End-of-Life Station Alerting System, Training Courses with Employee Backfill Covered, Medical Equipment, and Assessment Vehicle with an Estimated Total Project Cost of \$1,100,000 with FEMA Providing 90% of the Project Cost and the City Providing the 10% Local Match

REPORT IN BRIEF

Authorizing the Fire Department to submit a grant application to the Federal Emergency Management Agency (FEMA) Fiscal Year 2021 Assistance to Firefighters Grant (AFG) Program to fund replacement of an end-of-life station alerting system, training courses with employee backfill covered, medical equipment, and an assessment vehicle with an estimated total project cost of \$1,100,000 with FEMA providing 90% of the project cost and the City providing the 10% local match.

RECOMMENDATION

City Council - Adopt a motion authorizing the submittal of a grant application to the Federal Emergency Management Agency (FEMA) Fiscal Year 2021 Assistance to Firefighters Grant (AFG) Program with an estimated total project cost of \$1,100,000 with FEMA providing 90% of the project cost and the city providing the 10% local match.

This Consent Item was approved.

I.4.

SUBJECT: Approval of an Application and Agreement with BridgePay for Credit Card Payments

REPORT IN BRIEF

Approving an Application and Agreement with Bridge Pay for online credit card payments

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Application and Agreement with BridgePay; and,
- B. Authorizing the City Manager or Deputy City Manager to execute the necessary documents; and,
- C. Authorizing the Finance Officer to make any necessary budget adjustments.

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

Rene GUTIERREZ, Merced - asked Council to allow credit card payment at the Zoo.

A motion was made by Council Member Boyle, 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 Blake, Council Member Echevarria, Council Member Shelton, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 1 - Council Member Perez

I.5.

SUBJECT: Approval of an Agreement for Services with Environmental Science Associates (ESA) for Environmental Services and a Deposit and Reimbursement Agreement with University Vista Master Plan, LLC, Relating to the Annexation of the University Vista Project to the City of Merced

REPORT IN BRIEF

Considers entering into an agreement for services with Environmental Science Associates (ESA), in the amount of \$855,493 to perform environmental services for the annexation of the University Vista project (290 acres at the northwest corner of Bellevue and Lake Roads) to the City of Merced, and entering into a deposit and reimbursement agreement with University Vista Master Plan, LLC, in the amount of \$941,042 to fund the ESA contract and to reimburse for City staff time to manage the contract.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving an Agreement for Services with Environmental Science Associates (ESA), in the amount of \$855,493 to perform environmental services for the annexation of the University Vista project to the City of Merced; and,

B. Approving a Deposit and Reimbursement Agreement with University Vista Master Plan, LLC, in the amount of \$941,042 to cover the cost of the consultant contract (\$855,493) and staff time (\$85,549) for the administration of the environmental review process and contract; and,

C. Approving an increase of revenue in the amount of \$855,493 to Account 017-0804-360-01-02-Other Revenue Developers and appropriating \$855,493 to Account 017-0804-512-17-00-Professional Services for payment to Environmental Science Associates; and,

D. Approving an increase in revenue in the amount of \$85,549 to

Account 017-0804-331-01-11-Cost Recovery; and,

E. Authorizing the City Manager or Deputy City Manager to execute the agreements.

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

Sheng XIONG, Leadership Council for Justice and Accountability - spoke about the recent pre-annexation process as it relates to affordable housing that is required in the City.

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

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

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

Absent: 1 - Council Member Perez

I.15.

SUBJECT: Adoption of a Resolution Authorizing the Merced Police Department to Apply for a Grant in the Amount of \$99,409.08 Through the San Joaquin Valley Air Pollution Control District's Public Benefit Grants Program to Purchase Two Electric Vehicles, Four Electric Bicycles, and Two 3-wheel Patrollers and Approval to Accept the Grant Funding if Awarded

REPORT IN BRIEF

Consider adopting a resolution to authorize the MPD to apply for grant funding and accept grant funding if awarded in the amount of \$99,409.08 from the San Joaquin Valley Air Pollution Control District (SJVAPCD) to reimburse the City for the purchase of electric vehicles.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2021-92**, A Resolution of the City Council of the City of Merced, California, to apply for grant funding and accept grant funding, if awarded, in the amount of \$99,409.08 from the San Joaquin Valley Air Pollution Control District's Public Benefit Grants Program, and;

B. Authorizing the City Manager to execute necessary documents to apply for the grant funding; and,

C. Accepting the grant award and increasing the revenue budget in

account 001-1002-324.02-00 by \$99,410; and,

D. Appropriating the same to 001-1002-523.43-00; and,

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

F. Authorizing the City Manager to execute the necessary documents to accept the grant funding if awarded.

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

Fue XIONG, Merced - suggested a new agency to conduct traffic stops.

Clerk's Note: Items I.15, I.16. and I.17 were voted on with a single motion and vote.

A motion was made by Council Member Boyle, seconded by Council Member Shelton, that this agenda item be approved. 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

I.16.

SUBJECT: Approval to Accept the Department of Justice 2021 Bulletproof Vest Partnership Grant in the Amount of \$11,931.84 to Cover 50% of the Purchase Cost of New Vests and Authorization to Utilize the Use of Pooled Cash to Cover the Purchase Cost Which will be Reimbursed from the Grant Proceeds

REPORT IN BRIEF

Accept grant award for reimbursement of bulletproof vest expenses.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting and increasing the revenue budget in the amount of \$11,932 in account 061-1026-324-37-00 and appropriating the same amount in grant funds to account 061-1026-522.29-00 for 50% of the costs associated with the purchase of bulletproof vests; and,

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

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

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

Fue XIONG, Merced - asked for clarification on the need for new bulletproof vests.

A motion was made by Council Member Boyle, seconded by Council Member Shelton, that this agenda item be approved. 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

I.17.

SUBJECT: Adoption of a Resolution Accepting \$20,000 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 accepting grant funds from the California Department of Alcoholic Beverage Control offered to the Merced Police Department in the amount of \$20,000 for the Merced Police Department to conduct enforcement operations.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2021-110**, a Resolution of the City Council of the City of Merced, California, accepting a grant award from the California Department of Alcoholic Beverage Control Grant Assistance Program; and,

B. Accepting and increasing the revenue budget in account 001-1002-324.02-00 by \$20,000, and appropriating the same amount in Police Operations Division 001-1002; and,

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

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

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

Fue XIONG, Merced - suggested a new program to address teen drinking.

A motion was made by Council Member Boyle, seconded by Council Member Shelton, that this agenda item be approved. 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

J. PUBLIC HEARINGS

J.1.

SUBJECT: Public Hearing Regarding the Development of a Strategic Investment Plan for the American Rescue Plan Act (ARPA) Funding

REPORT IN BRIEF

Public Hearing to allow for additional input on the development of a Strategic Investment Plan by the City Council and Staff. Second Public Hearing with conceptual project list to allow for input from the community and direction from the City Council.

RECOMMENDATION

Provide staff direction on Projects to include in the ARPA Strategic Investment Plan.

City Manager Stephanie DIETZ gave a presentation regarding the development of a strategic investment plan for the American Rescue Plan Act (ARPA) funding and different available uses for the funding including affordable housing, a housing trust fund, Senate Bill 244, water conservation, broadband internet access, Applegate Zoo, Downtown renovations, Community Park 42, tourism, utility bill relief, job training, stimulus payments, youth programs, and potential non profit uses.

Mayor SERRATTO opened the Public Hearing at 7:31 PM.

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

Yee, Merced resident asked that ARPA funding go towards low wage workers.

Rosa MARIA, Merced - asked the Council to use ARPA funding for a youth employment program and a universal basic income for youth.

Julissa RAMIREZ, Merced - asked for funding for a youth employment program and a basic income for youth.

Robert MARTIN, Merced - asked for funding for a youth employment program and basic income program for youth.

Osmer, Merced resident - asked for a youth employment program and basic income program for youth.

Ana, Merced - supported investing in youth jobs.

Luis, Merced - requested funding for youth employment and a basic income program for youth.

Carlos NAVA, Merced - requested funding for a youth employment program and a basic income program for youth.

Kam, Merced - requested Council use the funding for those most in need.

Ber XIONG, Merced - requested the use of ARPA funding for a youth employment program and a basic income program for youth.

Phillip, Merced - asked Council to prioritize ARPA funding for a youth employment and a basic income program for youth.

Anonymous - spoke in favor of a youth employment program and a guaranteed income program for impacted youth.

Brenda - urged the Council to support a youth employment program and guaranteed income program for youth.

Noelle ANDERSON, Merced - spoke in favor of affordable housing and premium pay for essential workers.

Anem, Merced - requested funding the youth.

Lou, Merced - requested ARPA funding for affordable housing and investing in youth.

Alexandra, Merced - requested Council fund a youth employment program and a guaranteed income program for youth.

Christina ACOSTA - requested Council use ARPA funds for a youth employment program and a guaranteed income program for impacted youth.

Nali, Merced - urged Council to fund a youth employment and guaranteed income program for youth.

Tonya - spoke in favor of a youth employment program and a guaranteed income program for youth.

Mr. MUNOZ, Merced - spoke in favor of using ARPA funding for childcare.

Nancy ORTIZ, Merced - requested the ARPA funding be used for childcare.

Linda, Merced - requested the use of ARPA funding for a youth employment program and a guaranteed income program for impacted youth.

Christina, Merced - requested a youth employment program and guaranteed income program for the youth.

Ramon RODRIGUEZ, Turlock - spoke in favor of a youth employment program and guaranteed income program for youth.

George VANG, Merced - spoke in favor of a youth employment program and a guaranteed income program for youth.

Eugene VANG, San Diego - spoke in favor of a youth employment program and a guaranteed income program for youth.

Miranda GRISWALD - urged the Council to use the funding on the most impacted community members.

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

Mary MERCADO, Merced - suggested using ARPA funding to support the youth with job training.

Daniel KAZAKOS, Merced - requested funding for childcare.

Kenra BRAGONIER, Merced - spoke about the need for funding at the library.

Jeremy VERAMENDI, Merced - suggested funding an affordable housing trust fund with ARPA funding.

Rene GUTIERREZ, Merced - spoke in favor of funding Community Park 42, youth programs and childcare.

Maya TOKMAN, Merced - requested funding for the Kids Discovery Station children's museum.

Angelo KIRILOV, Merced - requested funding for the Kids Discovery Station.

Karrie MOUA, Merced - requested funding for the Kids Discovery Station.

Pancha VANG, Merced - suggested ARPA funding for affordable housing and low income essential workers.

Robert DYLINEA, Merced - read a prepared statement from Eric HAMM regarding annexations, water conservation measures, and youth job training.

Steve ROUSSOS, Merced - requested that ARPA funding be used to assist with childcare costs.

Gloria SANDOVAL, Merced - asked Council to use the funding to assist the most vulnerable citizens.

Will KELLY, Merced - expressed support for many of the proposed uses for the ARPA funding.

Astrid MORALES, Merced - asked Council to use ARPA funding for a youth jobs training and a guaranteed youth income for those most impacted.

Liz, Merced - spoke in favor of a guaranteed youth income program.

Alane QUIEN, Merced - spoke in favor of funding for youth programs.

Lauren, Merced - expressed support for many of the proposed items and suggested a universal basic income for youth be funded.

Sheng XIONG, Leadership Council - expressed support for the ARPA funds being used for affordable housing and be on low wage workers.

Maria TERESA, Merced - asked for the support of essential workers with premium pay for farm workers.

Fue XIONG, Merced - requested more funding for affordable housing and premium pay for essential workers.

Madeline HARRIS, Leadership Council - requested funding for an affordable housing trust fund and premium pay for essential workers.

Jocelyn NGO, Merced - questioned some of the items being funded for tourism and expressed support for funding youth programs.

Julissa RAMIREZ, Merced - spoke in support of funding for the youth.

Crisantema GALLARDO - spoke in favor of funding a youth jobs program and a guaranteed income program for impacted youth.

Adriana LOEZA, Merced - spoke in favor of funding youth programs.

Ale, Merced - requested funding for a youth jobs program and a universal basic income for youth.

Mayor SERRATTO closed the Public Hearing at 9:18 PM.

Council discussed the recommended use of the ARPA funding from the staff presentation, discussed moving funds to different items, the different areas of the community most in need, thanked the public for participating and thanked staff for the work completed.

Council briefly discussed affordable housing with Development Services Director Scott MCBRIDE.

Council briefly discussed a youth jobs program with Workforce Investment Director Erick SERRATO.

Council continued to discuss the various funding amounts for the proposed items.

A motion was made by Mayor Serratto, seconded by Mayor Pro Tempore Blake, that this agenda item be approved as amended. The motion failed by the following vote:

Aye: 3 - Mayor Serratto, Mayor Pro Tempore Blake, and Council Member Boyle

No: 4 - Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Ornelas

Absent: 0

Council continued to discuss the funding amounts.

Clerk's Note: The funding amounts discussed were as follows:

Affordable Housing - \$6.5 million
Water Conservation - \$2.5 million
Broadband Capital Improvement - \$2.65 million
Applegate Zoo - \$2 million
Downtown - \$1.75 million
Community Park 42 - \$5 million
Utility Bill Relief - \$1 million
Job Training - \$1 million
Stimulus Payment Program - \$1 million
Expanded Youth Services - \$250,000
Nonprofit Support - \$1.5 million
Ongoing COVID-19 Impacts - \$613,916

A motion was made by Council Member Shelton, seconded by Council Member Echevarria, that this agenda item be approved as amended. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 1 - Mayor Pro Tempore Blake

Absent: 0

Council and City Manager Stephanie DIETZ discussed how the jobs program would operate and who would be eligible, the stimulus program and who would be eligible, and potential grant applications with the state regarding universal basic income.

Clerk's Note: Mayor Pro Tempore BLAKE left the Regular Meeting at 10:36 PM.

J.2.

SUBJECT: Public Hearing to Reconsider Introduction of an Ordinance Amending Section 20.44.160 of the Merced Municipal Code Regarding Tobacco Sales Near Schools and Adoption of a Categorical Exemption (Zoning Ordinance Amendment #21-03), as Requested by Ashley Investments

REPORT IN BRIEF

The City Council will reconsider introducing an Ordinance, which failed to pass at the October 18, 2021, City Council meeting, amending Section 20.44.160 of the Merced Municipal Code Regarding Tobacco Sales Near Schools, which would more closely match the regulations for Commercial Cannabis Permits and allow for exceptions to be made under certain circumstances for tobacco retailers near youth-oriented facilities.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting a Categorical Exemption (Environmental Review #21-24); and,

B. Introducing **Ordinance 2535**, an Ordinance of the City Council of the City of Merced, CA, amending section 20.44.160 "Tobacco Sales Prohibited Near Schools" of the Merced Municipal Code regarding tobacco sales near schools and other sensitive uses.

Planning Manager Kim ESPINOSA gave a presentation regarding the reconsideration of the introduction of an ordinance amending section 20.44.160 of the Merced Municipal Code regarding tobacco sales near schools as requested by Ashley Investments.

Mayor SERRATTO opened the Public Hearing at 10:44 PM.

Sargiz ISAAC and Robin MCSTAY, Ashley Investments - discussed the proposed project and the need to adjust the ordinance in order to help with the funding of the project.

Adam KLIER, Merced - asked Council to not consider changing the ordinance based on a single project.

Sair LARA, Merced - expressed concern over a change in the ordinance.

Paul ISENBERG, Merced - expressed support for the project.

Ms. MCSTAY, Ashley Investments - offered rebuttal comments.

Mayor SERRATTO closed the Public Hearing at 11:00 PM.

Council briefly discussed the ordinance and the project in question.

A motion was made by Council Member Echevarria, seconded by Council

**Member Perez, to adopt a categorical exemption and introduce Ordinance 2535.
The motion carried by the following vote:**

Aye: 5 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 1 - Council Member Ornelas

Absent: 1 - Mayor Pro Tempore Blake

K. BUSINESS

K.1.

SUBJECT: Appointments to the Bicycle and Pedestrian Advisory Commission for One (1) Voting Member Replacement for District 5, One (1) Voting Member for the Vacant At-Large Seat and One Ex-Officio Member

REPORT IN BRIEF

Accepts nominations to fill one Commissioner vacancy in District 5, the At-Large seat and one Ex-Officio seat on the Bicycle and Pedestrian Advisory Commission.

RECOMMENDATION

City Council - Adopt a motion accepting nominations and appointing one individual to serve as Commissioner for District 5, one individual to serve as the At-Large Commissioner and one individual to serve as an Ex-Officio member.

Council briefly discussed the applicants.

A motion was made by Mayor Serratto, seconded by Council Member Boyle, to appoint the applicants as requested. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 1 - Mayor Pro Tempore Blake

K.2.

SUBJECT: Discussion on the Format of Future City Council Meetings During COVID-19

REPORT IN BRIEF

Discuss the format of City Council Meetings.

RECOMMENDATION

Provide staff direction on the format of future City Council Meetings.

Council briefly discussed potential changes to the meeting format.

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

Yee, Merced - asked Council keep the current voicemail system for public comment.

Pam, Merced - asked Council keep the current voicemail system.

Ber XIONG, Merced - urged Council to continue playing voicemails at the meeting.

Phillip, Merced - asked Council to keep playing voicemail messages at the meetings.

Lou, Merced - asked Council to continue the use of voicemails for public comment.

Ka XIONG, Merced - asked Council to keep playing voicemails at the meeting.

Linda, Merced - asked Council keep the existing voicemail system.

Ramon RODRIGUEZ, Turlock - asked Council to maintain the current voicemail system.

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

Sheng XIONG, Merced - stated that the voicemail system helps public participation.

Pangcha VANG, Merced - asked Council to maintain the voicemail system.

Astrid MORALES, Merced - urged Council to keep the voicemails at meetings.

Liz, Merced - stated support for keeping voicemails as part of the meetings.

Ruben PEREZ, Merced - asked Council to keep the voicemails.

Fue XIONG, Merced - stated that the voicemails should be played at meetings.

Sair LARA, Merced - stated that voicemails extend the meeting time and leave some people out.

Brenda GUTIERREZ, Merced - asked that Council vote on this item and not continue it to the next meeting.

Crisentema GALLARDO - asked Council to keep the voice messages at meetings.

Ale, Merced - asked Council keep the voicemails as part as the meeting.

A motion was made by Council Member Perez, seconded by Council Member Echevarria, to continue playing voicemails at each Council Meeting. The motion carried by the following vote:

Aye: 4 - Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Ornelas

No: 2 - Mayor Serratto, and Council Member Boyle

Absent: 1 - Mayor Pro Tempore Blake

K.3. SUBJECT: Request to Add Item to Future Agenda

REPORT IN BRIEF

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

Council Member ORNELAS requested an item to discuss the cost of violent crimes and an item to discuss the availability of mailing addresses for future mailers on January 18th.

K.4. SUBJECT: City Council Comments

REPORT IN BRIEF

Provides an opportunity for the Mayor and/or Council Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the City and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.

Council Member BOYLE reported attending the grand opening of the Chicken Shack.

Council Member ORNELAS reported attending the Merced College Football game, spoke about the Winter Solstice event at the Boys and Girls Club and requested the meeting be adjourned in memory of Ber LOR,

husband of former Supervisor Lee LOR, who recently passed.

Mayor SERRATTO reported on the latest community clean up.

L. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 11:45 PM.

A motion was made by Council Member Perez, seconded by Council Member Echevarria, that the meeting be adjourned in memory of Ber Lor. The motion carried by the following vote:

Aye: 6 - Mayor Serratto, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

No: 0

Absent: 1 - Mayor Pro Tempore Blake