



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, September 19, 2022

6:00 PM

A. CLOSED SESSION 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

B. CLOSED SESSION

Mayor SERRATTO called Closed Session to order at 5:01PM.

Clerk's Note: Council Member ECHEVARRIA recused himself from Item B.1.

B.1. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (e) of Section 54956.9: (1) case

B.2. **SUBJECT:** CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Property: 157 Hawk Drive, APN 059-420-012; Agency Negotiator: Frank Quintero, Deputy City Manager; Negotiating Parties: Russell Leitch Representing Dkota Investments and City of Merced; Under Negotiation: Price and Terms of Payment

B.3. **SUBJECT:** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Attorney; Authority: Government Code Section 54957

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

C. CALL TO ORDER

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

C.1. Invocation - Bruce Metcalf, Rescue Mission

The Invocation was delivered by Bruce METCALF from the Rescue Mission.

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

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: Proclamation - Constitution Week

REPORT IN BRIEF

Received by a representative of the Daughters of the American Revolution the Merced River Chapter.

Mayor SERRATTO presented a proclamation to Lynda ROLAND, of the Daughters of the American Revolution the Merced River Chapter.

F.2. SUBJECT: Proclamation - Mexican Independence Day

REPORT IN BRIEF

Received by a representative of the Mexican Consulate.

Mayor SERRATTO, Council Member PEREZ, Council Member ECHEVARRIA, and Council Member ORNELAS presented the Mexico Independence Day Proclamation to Adriana GONZALEZ-CARRILLO of the Mexican Consulate.

F.3. SUBJECT: Recognition of the Merced SKIP Water Polo Team

REPORT IN BRIEF

The City Council will recognize members of the Merced SKIP Water Polo team for their achievements.

Mayor SERRATTO presented certificates of recognition to members of the Merced SKIP Water Polo Team for their second place finish earning the Silver Medal.

G. WRITTEN PETITIONS AND COMMUNICATIONS

Clerk's Note: There were no emails or voicemails.

H. ORAL COMMUNICATIONS

Rick WENDLING, Merced - commented on the ARPA grant funding and Council's budget.

Nancy YOUNG-BERGMAN, Merced - spoke on the October Fest fundraiser in Merced.

Ana Maria FABIAN, Merced - spoke on renovation of South Merced, explained that her street does not have sidewalks, speed limit signs, drains, and public lighting.

Council Member PEREZ briefly assisted translating for Ms. FABIAN.

Mayor SERRATTO stated City Manager Stephanie DIETZ will follow up with her.

Martina BEDOLLA, Merced - spoke on her recent living situation and stated that the cost of rent is rising.

Victoria ESPINOSA, Merced - spoke on the situation with Lieutenant Emily Foster, the Merced Police Department, and for an independent investigation of the Police Department from the Attorney Generals Office.

I. CONSENT CALENDAR

I.5. Considers a Lease Agreement for the 27th and K (Central) Youth Center with Challenged Family Resource Center for Daytime Children's All-Inclusive Programming for a One Year Term with an Option to Extend the Term for an Additional Term of Two Years, I.10. Acceptance of Grant Award for a Maximum of \$977,647 From the Board of State and Community Corrections (BSCC) and the California Violence Intervention and Prevention (CalVIP) Program for a Three-Year Pilot Program, in Partnership with Merced County Probation, to Provide Prevention and

Early Intervention Services to Youth Through the Pathways to Success Program, I.16. Approval to Waive the Competitive Bidding Requirement to Allow for the Cooperative Purchasing Under NASPO California State Contract #7-20-70-45-04 and Standardization from Stalker Radar Applied Concepts, Inc. for a Total Amount of \$143,318.80, I.17. Approval of a Three (3) Year Agreement with Merced Community College District for the Professional Services of a Police Administrator for the 2022/23, 2023/24 and 2024/25 Fiscal Years; were pulled for separate consideration.

Approval of the Consent Agenda

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Boyle, 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:** Information Only - Site Plan Review Minutes of October 8, 2020, November 12, 2020, December 10, 2020, January 14, 2021, and February 11, 2021

RECOMMENDATION

For information only.

This Consent Item was approved.

I.3. **SUBJECT:** Information Only - Bicycle and Pedestrian Advisory Minutes of December 15, 2020, February 23, 2021, April 27, 2021,

June 22, 2021, and August 24, 2021

RECOMMENDATION

For information only.

This Consent Item was approved.

I.4.

SUBJECT: Information Only - Building and Housing Board of Appeal Minutes of April 1, 2021, July 1, 2021, September 2, 2021, January 6, 2022, and February 3, 2022

RECOMMENDATION

For information only.

This Consent Item was approved.

I.6.

SUBJECT: Adoption of a Resolution Approving a Grant Agreement in the Amount of \$1,690,462 From Coronavirus Local Fiscal Recovery Funds as Established Under the American Rescue Plan Act, a Regulatory Agreement and Declaration of Restrictive Covenants, Notice of Affordability Restrictions and Agreement Containing Covenants with TwelveThirteen Homekey LP

REPORT IN BRIEF

Considers adopting a Resolution approving a Grant Agreement in the amount of \$1,690,462 from Coronavirus Local Fiscal Recovery Funds as established under the American Rescue Plan Act, a Regulatory Agreement and Declaration of Restrictive Covenants, Notice of Affordability Restrictions and Agreement Containing Covenants with TwelveThirteen Homekey LP and setting terms of affordability.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2022-60**, a Resolution of the City Council of the City of Merced, California, approving a Deed Restriction Covenant and Grant Agreement in the amount of \$1,690,462 from the Coronavirus Local Fiscal Recovery Funds as established under the American Rescue Plan Act, approving a Regulatory Agreement and Declaration of Restrictive Covenants, dated to match the date of property acquisition, Notice of Affordability Restrictions on Transfer of Property, and Agreement Containing Covenants Affecting Real Property with TwelveThirteen Homekey LP; and,

B. Authorizing the City Manager or Deputy City Manager to execute any and all agreements and documents to fulfill the terms and conditions of these grant agreements, and any future documents that may be necessary for the project, subject to the agreements and/or documents being approved as to form by the City Attorney.

This Consent Item was approved.

I.7.

SUBJECT: Approval of the Community Facilities Districts (CFD) Administration Professional Services Agreement with Goodwin Consulting Group, Inc. for a Three-Year Term, from November 4, 2022 to November 3, 2025, with a Renewal Option for Two Additional Years

REPORT IN BRIEF

Considers approving the Community Facilities Districts (CFD) Administration Professional Services Agreement with Goodwin Consulting Group, Inc. for a three-year term with an option to renew for two additional years.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the Professional Services Agreement for the administration of Community Facilities Districts (CFD) to Goodwin Consulting Group, Inc.; and,

B. Authorizing the City Manager or the Deputy City Manager to sign the necessary documents.

This Consent Item was approved.

I.8.

SUBJECT: Approval of the Professional Services Agreement with the Kiwanis Club of Greater Merced Foundation for a not to Exceed Amount of \$500,000 for American Rescue Plan Act (ARPA) Non-Profit Support Funding

REPORT IN BRIEF

Considers the approval of the Professional Services Agreement with the Kiwanis Club of Greater Merced Foundation for a not to exceed amount of \$500,000 for ARPA Non-Profit Support Funding.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Professional Services Agreement with the Kiwanis Club of Greater Merced Foundation for an amount not to exceed \$500,000 for ARPA Non-Profit Support Funding; and,
- B. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.9.

SUBJECT: Approval of the Professional Services Agreement with the Merced County Food Bank for a not to Exceed Amount of \$212,300 for American Rescue Plan Act (ARPA) Non-Profit Support Funding

REPORT IN BRIEF

Considers the approval of the Professional Services Agreement with the Merced County Food Bank for a not to exceed amount of \$212,300 for ARPA Non-Profit Support Funding.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Professional Services Agreement with the Merced County Food Bank for an amount not to exceed \$212,300 for ARPA Non-Profit Support Funding; and,
- B. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.11.

SUBJECT: Approval of a Proposed Purchase and Sale Agreement with Dkota Investments, Inc., for a ±3.1-Acre Site in the Airport Industrial Park for \$434,005.70 Located at 157 Hawk Drive Also Known as APN 059-420-012 for the Construction of a Warehouse Building

REPORT IN BRIEF

Considers the terms contained in the Purchase and Sale Agreement for the disposal of a 3.1-acre in the Airport Industrial Park for \$434,005.70 for the construction of an 11,478 square-foot warehouse building.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the terms of the Purchase and Sale Agreement with Dkota Investments, Inc.; and,
- B. Appropriating \$26,041 from the proceeds of the sale to pay for Real Estate Commission; and,
- C. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.12.

SUBJECT: Approval of a Three (3) Year Lease Agreement with James G. Moulton, Trustee, and Lynda S. Moulton, Trustee, for a 9,000 Square Foot Facility with Initial Base Rent of \$6,750/NNN Per Month and the Option to Extend for an Additional Three (3) Years

REPORT IN BRIEF

Considers approving a three-year lease agreement with James G. Moulton and Lynda S. Moulton for property to be utilized by criminal justice agencies in Merced County.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the lease agreement between the City of Merced and James G. Moulton, Trustee, and Lynda S. Moulton, Trustee; and,
- B. Authorizing the City Manager, the Deputy City Manager, or the Finance Office to make necessary adjustments and execute the document.

This Consent Item was approved.

I.13.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Approve Purchases of Parts, Equipment, Supplies, and Services Necessary for Public Works Maintenance and Operations from Evantec Corporation in the Amount not to

Exceed \$50,000; from Rentokil North America, Inc., dba Target Specialty Products, in the Amount not to Exceed \$100,000; and from Stockton Tri Industries, LLC, in the Amount not to Exceed \$75,000 Through June 30, 2023

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 annual supplies and services agreements; and,

B. Approving the agreement for Purchase of Goods with Evantec Corporation in the amount not to exceed \$50,000 in Fiscal Year 2022/2023; and,

C. Approving the agreement for Purchase of Goods with Rentokil North America, Inc., dba Target Specialty Products, in the amount not to exceed \$100,000 in Fiscal Year 2022/2023; and,

D. Approving the agreement for Purchase of Goods with Stockton Tri Industries, LLC, in the amount not to exceed \$75,000 in Fiscal Year 2022/2023; and,

E. Authorizing the City Manager or the Deputy City Manager, to execute the necessary documents or contracts, and to approve change orders up to the City Manager's purchasing authority.

This Consent Item was approved.

I.14.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Authorizing the Purchase of up to Four (4) Budgeted Pieces of Equipment, Depending on Availability, Through Cooperative Purchasing Agreements with Sourcwell, Including One Set of Mobile Column Jack Lifts for \$50,627.05 for the Fleet Department, Two Side Loader Refuse Trucks for \$394,125.19 Each (Total \$788,250.38) for the Refuse Department, as Well as One 10

Wheeled Dump Truck for \$175,478.00 for the Streets Department

REPORT IN BRIEF

Considers waiving 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 set of Mobile Column Jack Lifts in the amount of \$50,627.05 from ARI Phoenix, Inc., through Sourcewell contract #013020-ARP; and,

C. Approving the purchase of two Side Loader Refuse Trucks in the amount of \$394,125.19 each, for a Total Amount of \$788,250.38, from Ruckstell California Sales Co., Inc., through Sourcewell contract # 091219-NWY; and,

D. Approving the purchase of one 10 Wheeled Dump Truck in the amount of \$175,478.00, plus applicable sales tax, from PB Loader Corporation through Sourcewell contract # 080521-PBL; and,

E. 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.15.

SUBJECT: Approval to Waive the Competitive Bidding Requirement to Allow for the Purchase of Standardized Equipment and Approval of User Agreement from Cellebrite Inc. for a Total Amount of \$39,900.97

REPORT IN BRIEF

Considers waiving the competitive bidding requirement pursuant to Merced Municipal Code section 3.04.210 for purchases necessary for standardization of particular types of equipment. Also, the approval to purchase equipment from Cellebrite Inc. for Cellebrite Guardian premium annual subscription service and a Cellebrite Dongle kit with annual subscription service for a total amount of \$39,900.97.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving to waive the competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code for standardization of equipment; and,

B. Approving the purchase of Cellebrite Guardian premium annual subscription service and a Cellebrite Dongle kit with annual subscription service; and,

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

This Consent Item was approved.

I.18.

SUBJECT: Award of Bid and Approval of Statement of Services Agreement with Straight Edge Roofing for Fire Station 51 Roof Replacement, Project No. 122075, in the Amount of \$141,500.00

REPORT IN BRIEF

Considers awarding a Statement of Services Agreement in the amount of \$141,500.00 to Straight Edge Roofing for the removal and replacement the roof for Fire Station 51.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the Fire Station 51 Roof Replacement Project No. 122075 to Straight Edge Roofing in the amount of \$141,500.00; and,

B. 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; and,

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

This Consent Item was approved.

I.5.

SUBJECT: Considers a Lease Agreement for the 27th and K (Central) Youth Center with Challenged Family Resource Center for Daytime Children’s All-Inclusive Programming for a One Year Term with an Option to Extend the Term for an Additional Term of Two Years

REPORT IN BRIEF

Considers a lease agreement for the 27th and K (Central) Youth Center to Challenged Family Resource Center for daytime children’s programming focused on all-inclusive play. The lease is termed for one year with an option to extend for an additional two years based on performance measures. The applicant received approval from the current tenant for daytime use and confirmed it would not interfere with current programming at the facility.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the contract with Challenged Family Resource Center for daytime children’s programming at the Central Youth Center; and,
- B. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

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

Council Member ORNELAS and Director of Parks and Recreation Christopher JENSEN briefly discussed the Restorative Justice League.

A motion was made by Council Member Ornelas, seconded by Council Member Perez, 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.10.

SUBJECT: Acceptance of Grant Award for a Maximum of \$977,647 From the Board of State and Community Corrections (BSCC) and the California Violence Intervention and Prevention (CalVIP) Program for a Three-Year Pilot Program, in Partnership with Merced County Probation, to Provide Prevention and Early Intervention Services to Youth Through the Pathways to Success Program

REPORT IN BRIEF

Considers accepting grant funding up to a maximum of \$977,647 from the Board of State and Community Corrections (BSCC) and the California Violence Intervention and Prevention (CalVIP) Program for a three-year pilot program, in partnership with Merced County Probation, to provide prevention and early intervention services to youth through the Pathways to Success Program.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting grant funds up to a maximum of \$977,647 from the Board of State and Community Corrections (BSCC) and the California Violence Intervention and Prevention (CalVIP); and,

B. Authorizing the City Manager or Deputy City Manager to execute the contract/standard agreement, including any amendments, and other necessary documents pertaining to the life of the grant.

Mayor SERRATTO pulled this item at the request of Council Member ORNELAS and Council Member ECHEVARRIA.

Council and City Manager Stephanie DIETZ discussed the original request for proposals, the location of the program, and fire repairs at Stephen Leonard.

A motion was made by Council Member Ornelas, 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.16.

SUBJECT: Approval to Waive the Competitive Bidding Requirement to Allow for the Cooperative Purchasing Under NASPO California State Contract #7-20-70-45-04 and Standardization from Stalker Radar Applied Concepts, Inc. for a Total Amount of \$143,318.80

REPORT IN BRIEF

Considers waiving the competitive bidding requirement pursuant to Merced Municipal Code section 3.04.210 for purchases necessary to standardize particular types of equipment and utilizing cooperative purchasing through NASPO. Also, the approval to purchase equipment from Stalker Radar Applied Concepts, Inc for a (6) traffic data collector, (4) handheld Lidar units, (3) vehicle-mounted radar units, (3) message board trailers, (3) SAM speed trailers (3) Pole Mounts, and (1) PGM traffic display board in the amount of \$143,318.80.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the City's competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code for standardization of equipment and cooperative purchasing; and,

B. Authorizing the use of the NASPO California State Contract #7-20-70-45-04 Cooperative Purchasing; and,

C. Approving the purchase of (6) traffic data collector, (4) handheld lidar units, (3) vehicle mounted radar unit, (3) message board trailers, (3) speed trailers, (3) Pole Mounts, and (1) traffic display board.

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

Council and Chief of Police Thomas CAVALLERO discussed the location of the equipment and how it works.

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

- I.17. SUBJECT: Approval of a Three (3) Year Agreement with Merced Community College District for the Professional Services of a Police Administrator for the 2022/23, 2023/24 and 2024/25 Fiscal Years

REPORT IN BRIEF

Considers approving an agreement between the City of Merced Police Department and the Merced Community College District for police administrative services at the District's campuses.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a Memorandum of Understanding between the City of Merced and the Merced Community College District to provide police services in the District's campuses; and,
- B. Authorizing the City Manager or Deputy City Manager to execute the agreement; and,
- C. Authorizing the Finance Officer to make the appropriate budget adjustments.

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

Council Member ECHEVARRIA, Chief of Police Thomas CAVALLERO, Police Captain Joseph WEISS discussed the urgency of passing this item, the expiration date of the contract, the new Chief of Police for the College, and the length of the agreement.

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

No: 0

Absent: 0

Abstain: 1 - Council Member Echevarria

J. PUBLIC HEARINGS

J.1.

SUBJECT: Public Hearing to Consider the Annexation of Certain Property into Community Facilities District (CFD) No. 2003-2 (Services), Calling and Holding a Special Election for Annexation No. 21 into CFD No. 2003-2 (Services; Canvassing the Results of the Election Held within Annexation No. 21 of Said District, and Annexing Annexation No. 21 to Said District and Authorizing the Levy of a Special Tax Within Said Annexation No. 21. Annexation No. 21 Consists of Approximately 5.94 Acres of Land Generally Located at the Southeast Corner of Yosemite Avenue and McKee Road

REPORT IN BRIEF

Hold a public hearing and election for annexation into Community Facilities District No. 2003-2 (Services) for the approximately 5.94 acres of land generally located at the southeast corner of Yosemite Avenue and McKee Road.

RECOMMENDATION

City Council - Adopt a motion:

- A. Holding a Public Hearing on the annexation of certain property into the CFD and the levy of special taxes; and,
- B. Adopting **Resolution 2022-56**, a Resolution of the City Council of the City of Merced, acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced determining the validity of prior proceedings, calling a special election related to Annexation No. 21; and,
- C. Holding an election; and,
- D. Adopting **Resolution 2022-57**, a Resolution of the City Council of the City of Merced acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced canvassing the results of the election held within Annexation No. 21 of said District; and,
- E. Adopting **Resolution 2022-58**, a Resolution of the City Council of the City of Merced acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced, annexing Annexation No. 21 to said district and authorizing the levy of a special tax within said Annexation No. 21.

Senior Planner Julie NELSON gave a presentation on an area being annexed into Community Facilities District 2003-2 (Services) and briefly

discussed the process.

Mayor SERRATTO opened and subsequently closed the Public Hearing at 7:05 PM due to lack of public comment.

Acting City Attorney James SANCHEZ briefly discussed that there was no major protest, therefore, Council has full authority to continue with Agenda Item J.1.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Perez, adopting Resolution 2022-56. 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

Assistant City Clerk Jennifer LEVESQUE opened the ballot and announced that the ballot was in favor of annexation into the CFD.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Perez, approving Resolution 2022-57 and Resolution 2022-58. 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. REPORTS

K.1. **SUBJECT: Adoption of a Resolution Approving the U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2021-22 and Authorizing Submittal of the CAPER to HUD**

REPORT IN BRIEF

Review and approve Housing Division activities as reported in the Draft 2021 Consolidated Annual Performance and Evaluation Report (CAPER) and authorize its submission to HUD.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2022-59**, A Resolution of the City Council of the City of Merced, California, approving the 2021-2022 Program Year Consolidated Annual Performance and Evaluation Report; and,

B. Authorizing the City Manager or Deputy City Manager to execute and, if necessary, make minor modifications to, the above-reference items and all associated documents as attached to this report; and,

C. Authorizing the Finance Officer to make necessary budget adjustments, if any.

Housing Program Supervisor Kim NUTT gave a slide show presentation on the Consolidated Annual Performance and Evaluation Report (CAPER) submission to HUD.

Council, Ms. NUTT, and City Manager Stephanie DIETZ spoke on various public outreach efforts, newspaper posting information, rent/mortgage assistance funds, the Child's and B St Project waiting list, outreach in South Merced, and commented on the Merced Sun-Star.

A motion was made by Council Member Perez, seconded by Council Member Boyle, approved Resolution 2022-59. 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: Report for Discussion on Reconsideration of Preliminary Annexation Application #22-01 for Branford Point Annexation

REPORT IN BRIEF

The City Council will be asked to reconsider support for Preliminary Annexation Application #22-01 for the Branford Point Annexation project, 47.7 acres of mixed-use development on the west side of Lake Road, south of Bellevue Road, which was originally reviewed by City Council on July 18, 2022.

RECOMMENDATION

City Council - Adopt a motion indicating general support for an official annexation application being processed for the Branford Point project.

Planning Manager Kim ESPINOSA gave a slide show presentation on the

reconsideration of preliminary annexation application #22-01 for Branford Point Annexation.

Bonique ANDERSON, Applicant - gave a brief explanation of the annexation application #22-01 for Branford Point Annexation.

Will KELLY, Merced - spoke on affordable housing and in support of the Branford Point Annexation.

Sheng XIONG, Merced - spoke on the concerns of annexation application in South Merced and affordable housing.

Council and Director of Development Services Scott MCBRIDE discussed bringing investors to South Merced and a study in South Merced, and the final percentage of affordable housing units.

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

K.3.

SUBJECT: Provide City Council an Update on Utility Billing Delinquency

REPORT IN BRIEF

Providing an update on utility billing delinquency at the request of the City Council.

RECOMMENDATION

For Information-Only.

Finance Officer Venus RODRIGUEZ and Revenue and Customer Service Supervisor Michelle ZAMUDIO gave a slide show presentation on the Utility Billing Delinquency.

Council Member ECHEVARRIA, Mrs. RODRIGUEZ, and Mrs. ZAMUDIO discussed the shutoffs contributed to the decrease in delinquencies, public outreach, the qualifications of the ARPA utility relief funds, and how the Finance Department is working through different ownership situations.

Sheng XIONG, Merced - spoke on payment plans and in support of ARPA

utility relief funds.

Ms. RODRIGUEZ discussed the ARPA utility relief funding outreach.

Clerk's Note: Council did not take a formal vote, this agenda item was for information only.

K.4.

SUBJECT: Review, Discussion, and Direction Regarding Community Funding for Fiscal Year 2022/23

REPORT IN BRIEF

Review, discussion, and direction of the Community Funding Requests for FY 2022/23.

RECOMMENDATION

For information and discussion only.

Mayor SERRATTO introduced the Community Funding for Fiscal Year 2022/2023.

Necola ADAMS, Merced - spoke on the Nut Festival.

Council voted separately on Merced Youth Connect Club, Bear Creek Yacht Club, and United Way.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Perez, to approve all Community Funding organizations. 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

Clerk's Note: Mayor SERRATTO and Council Member ORNELAS recused themselves due to a conflict of interest.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Perez, to approve the amount for United Way and Merced Bear Creek Yacht Club. The motion carried by the following vote:

Aye: 5 - Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Boyle

No: 0

Absent: 0

Abstain: 2 - Mayor Serratto, and Council Member Ornelas

Clerk's Note: Council Member SHELTON recused himself due to a conflict of interest.

A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Perez, to approve the amount for Merced Youth Connect Club. The motion carried by the following vote:

Aye: 4 - Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Perez, and Council Member Boyle

No: 0

Absent: 0

Abstain: 3 - Mayor Serratto, Council Member Shelton, and Council Member Ornelas

L. BUSINESS

L.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.

Council Member PEREZ requested to remove the Press Box from the side of Council and require the press to have credentials.

A motion was made by Council Member Perez, seconded by Council Member Ornelas, to expedite Council Member Perez's request and to be placed on the October 3rd agenda. 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

Council Member ORNELAS requested for the Internal Police complaints to be sent to the Attorney General on the November 7th agenda.

L.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 BOYLE reported on attending the League of California Conference.

Council Member PEREZ spoke in memory of Luis DE LA CRUZ.

Council Member ECHEVARRIA spoke on the Pride Fest, Chivas Soccer game, Lynne BECCERRA taking over the South Merced TNR Program, thanked the gift he received, spoke in memory of Luis DE LA CRUZ, and South Merced.

Council Member ORNELAS spoke on a meeting with the Attorney General.

Council Member SHELTON spoke on the three-day Multi-Generational event.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 8:24 PM.

A motion was made by Council Member Perez, seconded by Mayor Pro Tempore Blake, that this Regular Meeting be adjourned in memory of Luis De La Cruz and Octavio Villanueva. 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