



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/Successor Agency to the Redevelopment Agency

Monday, December 18, 2023

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 5:02 PM.

Clerk's Note: Council Member ORNELAS arrived to Closed Session at 5:07 PM.

- B.1.** SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Scott McBride; Employee Organizations: Merced Police Officers' Association (MPOA) and Merced Association of Police Sergeants (MAPS). AUTHORITY: Government Code Section 54957.6
- B.2.** SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Scott McBride; Employee Organizations: International Association of Fire Fighters, Local 1479. AUTHORITY: Government Code Section 54957.6
- B.3.** SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Scott McBride; Unrepresented Management AUTHORITY: Government Code Section 54957.6
- B.4.** SUBJECT: CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative(s): City Manager Scott McBride; Employee Organizations: American Federation of State, County, and Municipal Employees (AFSCME) Council 57 and Merced Association of City Employees (MACE). AUTHORITY: Government Code Section 54957.6

B.5. SUBJECT: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED
LITIGATION Initiation of Litigation Pursuant to Government Code
Section 54956.9 (d)(4): one (1) Potential Case

B.6. SUBJECT: CONFERENCE WITH LEGAL COUNSEL - EXISTING
LITIGATION Pursuant to Paragraph (1) of Subdivision (d) of
Government Code Section 54956.9, City of Merced et al v. State of
California, et al, Superior Court of California County of Merced, Case
No. 23CV-03845 Case Status Update

Clerk's Note: Council adjourned from Closed Session at 5:55 PM.

C. CALL TO ORDER

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

C.1. Invocation - Pastor Juan Ochoa, Calvary Assembly of God

The Invocation was delivered by Pastor Juan OCHOA of the Calvary
Assembly of God.

C.2. Pledge of Allegiance to the Flag

Pastor Juan OCHOA 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. SPECIAL PRESENTATIONS

F.1.**SUBJECT: Presentation from the Merced County Registrar of Voters**

REPORT IN BRIEF

A presentation will be given by the Merced County Registrar of Voters.

Merced County Registrar of Voters Melvin LEVEY gave a slideshow presentation providing an update to Council on the Merced County Registrar of Voters Department.

Council and Mr. LEVEY discussed the investigated reports regarding the previous election, documents posted on the department's website, the proofing process, staff accountability, the department's implementation of recommendations from the Grand Jury, details of the redistricting, and the new training program for all employees in the department.

G. CEREMONIAL MATTERS

G.1.**SUBJECT: Oath of Office - City Attorney, Craig Cornwell**

REPORT IN BRIEF

The Mayor will swear in City Attorney, Craig Cornwell.

Mayor SERRATTO gave the Oath of Office to Craig CORNWELL and announced him as the new City Attorney for the City of Merced.

Mr. CORNWELL thanked the Council, City staff, his family, and all those in attendance.

Members of the public congratulated Mr. CORNWELL for his appointment.

H. WRITTEN PETITIONS AND COMMUNICATIONS

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

Oral Communications: Steven DONAHUE.

Agenda Item L.1.: John MASON.

Agenda Item M.2.: Debbie ALEXANDER, Roberto ALVARADO, Jean ARAGON, Debra BONNER, Concerned Citizen, Peggy CLAUSE,

Sebastien CSAPO, Keith ENSMINGER, Mary FRAG-NITO-LIRA, Don GRAHAM, Denis KENSHALO, Carol KRUMM, Jena LIBECKI, Mary MIGLIAZZO, Beth MILIKEN, Lee PEVSNER, Concerned Citizen, Belen SALGADO, Kimberly SELLECK, Robin SHEPARD, Gloria BRINSFIELD SMALL, Melissa SMITH, and Janie SUNDGREN.

I. ORAL COMMUNICATIONS

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

Concerned Citizen, Merced - spoke in opposition of the First Responder Fee.

Steven DONAHUE, Merced - spoke on details of the First Responder Fee and in opposition of the fee.

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

Rick WENDLING, Merced - spoke on Council Members violating their Oath of Office.

Josh PEDROZO, Merced County District 2 Supervisor, Merced - congratulated Craig CORNWELL on his appointment, spoke on concerns of County pockets in South Merced, and a collaboration with City.

Christan SANTOS, Merced - spoke on details of the Professional Growth and Retention Act, the Lao New Year event, and wished everyone a Happy Holidays.

Colton DENNIS, Merced - spoke on details of the Farewell Reception Caminos Exhibit event and the Annual Mardi Gras Fundraiser event.

Josue HERRERA, Merced - spoke on police investigation, accountability of the officer involved shooting, and police patterns.

Steve ROUSSOS, Merced - spoke on details of the Merced City Stewardship Council meetings that assist community members to speak during Council meetings.

Japjeet Singh UPPAL, Merced - thanked Council for the Chick-Fil-A and spoke on local governments advocating for global issues.

J. CONSENT CALENDAR

Agenda Items J.3. Authorization to Accept \$46,169 in Grant Funds from the 2023 Edward Byrne Justice Assistance Grant (JAG) Program for the Merced Police Department to Purchase Supplies for SWAT and a Computer for the Real Time Crime Center, J.5. Adoption of a Resolution for an Exemption to CalPERS 180-Day Wait Period to Hire a Temporary Planning Manager to Fill a Critical Need in the Planning Department Pursuant to Government Code Sections 7522.56 and 21224, J.6. Assignment and Assumption of Easement for Arbor Walkway South to City of Merced, and J.12. Approval to Waive the Competitive Bidding Requirements and Approve the Purchase of Two Traffic Signal Detection Systems from Iteris, Inc., in the Amount not to Exceed \$51,000; were pulled for separate consideration.

Mayor SERRATTO and City Attorney Craig CORNWELL discussed stepping out for recusal on an item.

Approval of the Consent Agenda

A motion was made by Council Member Boyle, seconded by Mayor Pro Tempore Perez, 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

J.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.

J.2. SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority/Successor Agency to the

Redevelopment Agency Meeting Minutes of April 3, 2023, October 16, 2023, November 6, 2023

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 April 3, 2023, October 16, 2023, and November 6, 2023.

This Consent Item was approved.

J.4.

SUBJECT: Approval of First Amendment to the Agreement for Professional Services with Precision Civil Engineering, Inc. for Various Zoning Code Updates

REPORT IN BRIEF

Considers approving the First Amendment to the Agreement for Professional Services with Precision Civil Engineering, Inc., extending the completion date to prepare various Zoning Code updates.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the First Amendment to Agreement for Professional Services with Precision Civil Engineering, Inc. (PCE), extending the completion date to align with the extended grant end date to prepare various Zoning Code updates; and,

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

This Consent Item was approved.

J.7.

SUBJECT: Approval of an Interdepartmental Memorandum of Understanding (IMOU) Between the City of Merced Housing Division and the City of Merced Engineering Department in an Amount not to Exceed \$107,432; and Approval to Award a Bid to the Lowest Responsive Bidder, Taylor Backhoe Service, Inc. dba

TBS Contractors, for Project CP240046 - CDBG Mini Park ADA
Improvements, in the Amount of \$91,119.38

REPORT IN BRIEF

Considers approving an Interdepartmental Memorandum of Understanding (IMOU) between the Housing Division and the Engineering Department for administration of Community Development Block Grant (CDBG) public facility improvement project funding; and considers approving to award a Construction Contract to the Lowest Responsive Bidder, Taylor Backhoe Service, Inc. dba TBS Contractors, in the amount of \$91,119.38.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Interdepartmental Memorandum of Understanding (IMOU) between the Housing Division and the Engineering Department for administration of 2022 Community Development Block Grant (CDBG) funds in the amount not to exceed \$107,432, for use towards Engineering Department project costs (\$102,432) and Housing Division activity delivery costs (\$5,000), as approved and amended in the 2022 Annual Action Plan; and,

B. Awarding the CDBG Mini Park ADA Improvements, Project No. CP240046, to the Lowest Responsive Bidder, Taylor Backhoe Service, Inc. dba TBS Contractors, in the amount of \$91,119.38; and,

C. 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 with Taylor Backhoe Service, Inc. dba TBS Contractors; and,

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

This Consent Item was approved.

J.8.

SUBJECT: Award Bid to Ferguson Enterprises LLC and PACE Supply Corp., and Approve Issuance of Purchase Orders (PO) in a not to Exceed Amount of \$400,000 for Year One, and \$435,000 for Year Two for the Purchase of Waterworks Supplies

REPORT IN BRIEF

Considers awarding the waterworks supplies' bid by line item to Ferguson Enterprises LLC and PACE Supply Corp. in accordance with the attached price list, which shows the low bidder highlighted in green for each item for years one and two. Considers approving the issuance of POs to each vendor for the procurement of waterworks supplies in a not-to-exceed amount of \$400,000 in combined purchases for calendar year 2024, and \$435,000 for calendar year 2025 to account for potential inflation of about 8%.

RECOMMENDATION

City Council - Adopt a motion:

- A. Awarding the bid for the supply of water works supplies to Ferguson Enterprises LLC and PACE Supply Corp.; and,
- B. Authorizing the Purchasing Supervisor to issue POs to each vendor for 2024 and 2025 for a not-to-exceed amount of \$400,000 and \$435,000 respectively; and,
- C. Authorizing the City Manager and Deputy City Manager to execute the necessary documents; and,
- D. Authorizing the Finance Officer to make the necessary budget adjustments.

This Consent Item was approved.

J.9.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Authorizing the Purchase of One Front Loader Refuse Truck for \$364,147.91 for the Refuse Department Through a Cooperative Purchasing Agreement with Sourcewell

REPORT IN BRIEF

Considers approving to waive the competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 to purchase a currently budgeted and Council approved fleet vehicle 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 purchase to be made with a cooperative purchase agreement through Sourcewell, a government procurement program; and,
- B. Approving the purchase of one Front Loader Refuse Truck in the amount of \$364,147.91 from Ruckstell California Sales Co., Inc., through Sourcewell contract # 091219-NWY; and,
- C. Authorizing the City Manager or the Deputy City Manager to execute any necessary documents for the purchase specified above; and,
- D. Authorizing the Finance Officer to make the appropriate budget adjustments; and,
- E. Authorizing 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.

J.10.

SUBJECT: Award Bid to Pac Machine Company for the Purchase of One New Godwin Portable Engine Driven 6-inch Self-Priming Pump in the Amount of \$57,372.50 for the Public Works Storm Division

REPORT IN BRIEF

Considers awarding the bid to Pac Machine Company for a Godwin portable engine driven 6-inch self-priming pump using approved 2023/2024 funds.

RECOMMENDATION

City Council - Adopt a motion:

- A. Awarding the bid to Pac Machine Company for a Godwin portable engine driven 6-inch self-priming pump in the amount of \$57,372.50; and,
- B. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents; and,

C. Authorizing the Finance Officer the make the necessary budget adjustments; and,

D. Authorizing the City Buyer to issue the Purchase Order(s), and approval of change orders not to exceed 10% of the total purchase price.

This Consent Item was approved.

J.11.

SUBJECT: Confirm Well 18 Repairs as an Urgent Necessity for the Preservation of Life, Heath and Property, and Ratify a Statement of Services Contract with Shannon Pump Company in the Amount of \$211,548.84

REPORT IN BRIEF

Staff requests City Council to confirm an urgent Statement of Services Contract with Shannon Pump Company for repairs necessary to return Well 18 to service, which was determined an urgent necessity due to multiple wells being out of service simultaneously.

RECOMMENDATION

City Council - Adopt a motion:

A. Declaring that the repair and return to service of Well 18 constitutes an urgent necessity for the preservation of life, health and property; and,

B. Ratifying the emergency Statement of Services Contract with Shannon Pump Company, including subsequent change orders, in the amount of \$211,548.84 for Well 18 Repairs; and,

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

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

This Consent Item was approved.

J.13.

SUBJECT: Second Reading and Final Adoption of an Ordinance Amending Sections 10.28.230 "No Parking Zones," 10.28.231, "No Truck Parking Zones," 10.28.275, "Disabled Persons - On-Street Parking," And 10.28.295, "Limited Time Parking Zones - Three

Hours” of the Merced Municipal Code

REPORT IN BRIEF

Second reading and final adoption of an Ordinance Amending Sections 10.28.230 “No Parking Zones,” 10.28.231, “No Truck Parking Zones,” 10.28.275, “Disabled Persons - On-Street Parking,” And 10.28.295, “Limited Time Parking Zones - Three Hours” of the Merced Municipal Code.

RECOMMENDATION

City Council - Adopt a motion, adopting **Ordinance 2558**, an Ordinance of the City Council of the City of Merced, California, Amending Sections 10.28.230 “No Parking Zones,” 10.28.231, “No Truck Parking Zones,” 10.28.275, “Disabled Persons - On-Street Parking,” And 10.28.295, “Limited Time Parking Zones - Three Hours” of the Merced Municipal Code.

This Consent Item was approved.

J.6.

SUBJECT: Assignment and Assumption of Easement for Arbor Walkway South to City of Merced

REPORT IN BRIEF

Considers approving the Assumption of Easement of Arbor Walkway south located at 534 West Main Street to the City of Merced.

RECOMMENDATION

Successor Agency - Adopt a motion:

A. Approving the Assignment and Assumption of Easement to the City of Merced, a California Charter Municipal; and,

B. Authorizing the Executive Director or designee to execute the necessary documents.

Clerk's Note: Mayor SERRATTO moved Agenda Item J.6. to be heard before J.3.

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

Clerk's Note: Council Member ORNELAS recused himself due to the

proximity of his work place.

Clerk's Note: There was no Council discussion.

A motion was made by Mayor Pro Tempore Perez, 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 Perez, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

Abstain: 1 - Council Member Ornelas

J.3.

SUBJECT: Authorization to Accept \$46,169 in Grant Funds from the 2023 Edward Byrne Justice Assistance Grant (JAG) Program for the Merced Police Department to Purchase Supplies for SWAT and a Computer for the Real Time Crime Center

REPORT IN BRIEF

Considers authorizing to accept grant funding from the US Department of Justice offered to the Merced Police Department in the amount of \$46,169 from the 2023 Edward Byrne Justice Assistance Grant (JAG) program to purchase supplies for SWAT and a computer for the Real Time Crime Center.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting the grant; and,
- B. Approving the use of pooled cash until grant funds are reimbursed; and,
- C. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- D. Authorizing the Merced Police Department and the City Manager to execute all necessary documents.

Clerk's Note: Mayor SERRATTO moved Agenda Item J.6. to be heard before J.3.

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

Council Member XIONG requested a separate vote.

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

Aye: 5 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Boyle, Council Member DeAnda, and Council Member Smith

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

Absent: 0

Agenda Item J.5. SUBJECT: Adoption of a Resolution for an Exemption to CalPERS 180-Day Wait Period to Hire a Temporary Planning Manager to Fill a Critical Need in the Planning Department Pursuant to Government Code Sections 7522.56 and 21224

Mayor SERRATTO pulled this item at the request of City Attorney Craig CORNWELL.

Mr. CORNWELL requested to move Agenda Item J.5. to Agenda Item M, Business, due to the government code sections in the administrative report.

Clerk's Note: Council agreed to move Agenda Item J.5. to be heard as the first Business item under Agenda Item M.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, to move this item to Business. 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.12.

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Approve the Purchase of Two Traffic Signal Detection Systems from Iteris, Inc., in the Amount not to Exceed \$51,000

REPORT IN BRIEF

Considers approving to waive the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving the purchase of two traffic signal detection systems.

RECOMMENDATION

City Council - Adopt a motion:

- A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.4.210 for purchases necessary for standardization on particular types of equipment; and,
- B. Approving the purchase of traffic signal detection systems from Iteris, Inc., in the amount not to exceed \$51,000; and,
- C. Authorizing the City buyer to issue the purchase order(s); and,
- D. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

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

Council Member XIONG and Director of Public Works Ken ELWIN discussed the locations of stop lights, the amount of time the stop lights had issues, and the timeline of phasing stop lights out throughout the city.

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

K. PUBLIC HEARINGS

- K.1.** **SUBJECT: Adoption of a Resolution to Increasing the Fine for Commercial Trucks Illegally Parked in Residential Districts**

REPORT IN BRIEF

Considers adopting a Resolution approving the raising the bail schedule for commercial trucks illegally parking in residential areas, MMC 10.28.290, from \$43.00 to \$150.00 per citation.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2023-94**, a Resolution of the City Council of the City of Merced, California, Rescinding Resolution No. 2010-95 and Establishing Parking Penalties and Charges and Authorizing the City Manager to Implement Administrative Policies and Procedures for Processing Parking Citations.

Deputy City Manager Frank QUINTERO and Traffic Sergeant Nathan MCKINNON briefly discussed the history of commercial trucks illegally parked in residential districts and the adoption of a Resolution to increase the fine.

Mayor SERRATTO opened the Public Hearing at 7:16 PM.

Rick WENDLING, Merced - asked for the amount of semi-trucks that park illegally and to postpone increasing the fine for commercial trucks illegally parked in residential neighborhoods.

Dominic MILANO, Merced - spoke on educating citizens on parking facilities, cost of road maintenance, and the citations to the community before increasing the fine.

Mayor SERRATTO closed the Public Hearing at 7:19 PM.

Council, Mr. MCKINNON, and Police Chief Steven STANFIELD discussed the amount of citations given last year, the type of vehicles seen primarily, the impact on the roads, accessibility to businesses that require truck transport, ad campaigns for voluntary compliance, community outreach, and a designated parking space.

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

No: 0

Absent: 0

L. REPORTS

- L.1. **SUBJECT:** Provide Direction on Graffiti Abatement Request for Proposal and Public Art Request for Proposal, Prioritize Certain Public Amenities in the Public Art RFP Process

REPORT IN BRIEF

Considers a draft Graffiti Abatement Request for Proposals and Public Art Request for Proposals and provide staff with direction, as well as consider prioritizing certain public amenities for the Public Art Request for Proposals to serve as a deterrent to unauthorized graffiti.

RECOMMENDATION

City Council -

- A. Provide direction to staff on Graffiti Abatement Request for Proposals and Public Art Request for Proposals; and,
- B. Considers prioritizing certain public amenities for Public Art Request for Proposals as a deterrent to unauthorized graffiti.

City Manager Scott MCBRIDE, Public Information Officer Jennifer FLACHMAN, Police Chief Steven STANFIELD, and Police Lieutenant Dan DABNEY discussed the illegal graffiti around the city, art beautification projects, the direction by Council, the Request for Proposal (RFP) for graffiti abatement and public art.

Ursula VASQUEZ, Merced - spoke on potential preventative programs for at risk youth to restore Merced.

Colton DENNIS, Merced - spoke on more lighting, more opportunities for self-expression, and a potential mentorship program.

Council, Mr. DABNEY, Ms. FLACHMAN, and Mr. STANFIELD discussed further opportunities for public art, the graffiti abatement section of the Municipal Code, incorporating at-risk youth, past Council actions, graffiti agreement term, the projected timeline, the previous bidder, potential cost, locations of art districts, the process of locating a district, awarding an art project, lapse of services, connecting artists with young community

members, tagging on city-owned properties, partnering with Merced County Probation, and potentially working with the CalVIP program.

Council agreed on the graffiti agreement terms to end after three years with the option for two additional years and in the art component, prioritizing highly tagged areas.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Smith, for the graffiti agreement terms to end after three years with the option for two additional years and prioritize art projects in highly tagged areas. 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

L.2.

SUBJECT: Review and Discuss Potential Updates to Chapter 20.144.170 Regulations of Commercial Cannabis Activities - Commercial Cannabis Business Permits Update

REPORT IN BRIEF

Review and discuss potential updates to Chapter 20.44.170 Regulation of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required including consideration of cannabis consumption lounges, modifications to permitting process for non-retail cannabis business permits, establishing a process to allow for scoring changes in the event of an error, clarify timing for the established Cannabis Business Application List based on final determination of an appeal, and other amendments creating a separate chapter within the Zoning Code for Cannabis.

RECOMMENDATION

Review and provide Staff direction on revisions and/or next steps.

City Manager Scott MCBRIDE gave a slideshow presentation on an update to Chapter 20.144.170 the regulations of commercial cannabis activities and an update on commercial cannabis business permits.

Council and Mr. MCBRIDE discussed business selling alcohol and cannabis.

Steve ROUSSOS, Merced - spoke on the policy changes affecting the

community's youth and the effects of second-hand smoke.

Council, Mr. MCBRIDE, and Police Chief Steven STANFIELD discussed state law on consumption lounges, the consumption of alcohol around youth, revenue stream of cannabis operated businesses, public safety of consumption lounges, the review of the Cannabis Ordinance, the amount of commercial cannabis business permits, and public safety steps for individuals driving under the influence of narcotics.

Ursula VASQUEZ, Merced - spoke on awareness of cannabis users, undiagnosed mental health, and education on abuse and recreational use.

Council and Mr. MCBRIDE discussed the general direction to city staff, the scoring process, and details of the state law on consumption lounges

Council agreed to give general direction for the following; reaching out to current cannabis businesses to see if they are interested in consumption lounges, modifying the section for non-retail cannabis businesses, updating the scoring process with the Scoring Subcommittee, and clarifying the timeline of the appeal process.

A motion was made by Mayor Pro Tempore Perez, 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 Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

M. BUSINESS

J.5.

SUBJECT: Adoption of a Resolution for an Exemption to CalPERS 180-Day Wait Period to Hire a Temporary Planning Manager to Fill a Critical Need in the Planning Department Pursuant to Government Code Sections 7522.56 and 21224

REPORT IN BRIEF

Considers adopting a Resolution approving the hiring of Julie Nelson as an extra-help retired annuitant to perform the duties of Planning Manager under Government Code sections 7522.56 and 21224, effective December 19, 2023.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2023-93**, a Resolution of the City Council of the City of Merced, California, for exemption to the 180-day wait period pursuant to Government Code sections 7522.56 and 21224.

Clerk's Note: Council agreed to move Agenda Item J.5. to be heard as the first Business item under Agenda Item M at the request of City Attorney Craig CORNWELL.

City Manager Scott MCBRIDE briefly discussed the adoption of the proposed Resolution to hire a temporary Planning Manager to fill a critical need in the Planning Department pursuant to Government Code Sections 7522.56 and 21224.

Clerk's Note: There was no Council discussion.

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

M.1.

SUBJECT: Mayor Serratto's Request for a Update on Storm Preparation Efforts

REPORT IN BRIEF

Mayor Serratto's request for an update on storm preparation efforts.

RECOMMENDATION

Provide direction to staff on the next steps.

City Manager Scott MCBRIDE and Director of Public Works Ken ELWIN discussed the flood event of 2022, updates of the Federal Emergency Management Agency (FEMA) reimbursement plan, and the daily storm efforts of the Public Works department.

Mayor SERRATTO, Mr. MCBRIDE, and Mr. ELWIN discussed the efforts to clean the Bear Creek area, reaching out to California Department of

Transportation regarding the clean-up area by the railway, and brief updates of all storm preparation efforts.

Clerk's Note: There was no formal vote taken, item was for information only.

Clerk's Note: Council took a recess at 8:50 PM and returned at 9:02 PM

M.2.

SUBJECT: Council Member Xiong's Request to Discuss a Resolution Calling for the Cease Fire

REPORT IN BRIEF

Council Member Xiong's request to discuss a Resolution calling for the cease fire.

RECOMMENDATION

Provide direction to staff on the next steps.

Council Member XIONG briefly discussed the request to discuss a Resolution calling for a cease fire, international government affairs, and the Hmong genocide.

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

Michael FLORES, Merced - spoke in opposition of Agenda Item M.2.

Dr. Armand CHOQUETTE, Merced - urged Council to not accept the proposed Resolution and spoke in opposition of the Agenda Item.

Lauren ARNEST, Merced - shared details of the war between Hamas and Israel.

Janet CASARENO, Merced - spoke against Agenda Item M.2.

Beverley SHIFT, Merced - shared details of the war between Hamas and Israel.

Jazz DIAZ, Merced - spoke in support of the cease fire Resolution and Palestine.

Jenna LEBUGHE, Merced - spoke in opposition of the cease fire Resolution.

Concerned Citizen, Merced - spoke against the proposed Resolution.

Jeanne ARAGON, Merced - spoke against Agenda Item M.2. proposed by Council Member XIONG.

Jonnie GARGAS, Merced - spoke in opposition of Agenda Item M.2.

Concerned Citizen, Merced - spoke against the proposed Resolution.

Maidy MONTAGUE, Merced - spoke in opposition of Agenda Item M.2.

Concerned Citizen, Merced - stated her and her customers are opposed to Agenda Item M.2.

Jane FOURNIER, Merced - spoke in opposition of Agenda Item M.2.

Carol ROBERTS, Merced - spoke against the proposed Resolution.

Concerned Citizen, Merced - spoke against Agenda Item M.2.

Lynda KLAEGINERT, Merced - spoke in opposition to Agenda Item M.2. and stated many women are against it as well.

Laurie PRESCOL, Merced - spoke in opposition to Agenda Item M.2.

Tim CLAUSE, Merced - spoke against Agenda Item M.2.

Anne SHAFER, Merced - spoke on Council focusing on local issues.

Astrid, Merced - spoke in support of the cease fire.

Dr. Daniel MELLO, Merced - asked Council to adopt a Resolution calling for a cease fire.

Joanne, Merced - spoke in support of the Resolution calling for a cease fire.

Beverley BOMERSBACK, Merced - spoke in disapproval of Agenda Item M.2. and stated Council should focus on local issues.

Mayor SERRATTO briefly spoke on the Code of Conduct.

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

Rick WENDLING, Merced - shared details of Hamas and urged Council to look into supporters of this movement.

Cindy KELLY, Merced - spoke against the Resolution, stated this divides the community, and asked Council to focus on local issues.

Arnie LEVEY, Merced - spoke on details of the proposed Resolution and shared details of other international affairs.

Jack MOBLEY, Merced - urged Council to vote against the proposed Resolution and spoke on the Hmong and Mien community.

John HOFMANN, Merced - asked Council to look into this Resolution even-handedly and spoke on solving this issue.

Josue VIDAL, Merced - shared details of Gaza and called for a cease fire.

Philip ALLEN, Merced - asked Council to get trusted sources and spoke on the Vietnam veterans.

Sebastian CSAPO, Merced - spoke against advancing with the proposed Resolution.

Rauneel CHAUDHAY, Merced - urged Council to work on the Resolution calling for a cease fire and spoke on Palestine.

Gloria SANDOVAL, Merced - spoke on federal funds being allocated to war.

Jeneen BARAKAT, Merced - urged Council to continue the Resolution.

Priya LAKIREDDY, Merced - spoke on details of the Hamas and Israel war, asked to pass a Resolution to release hostages, and for Council to focus on local issues.

Keith EMMINGER, Merced - shared details of Israel and Palestine.

Nathan AVELAR, Merced - spoke on details of the Hamas and Israel war.

Mai YANG, Merced - spoke on freeing Palestine.

Eugene VANG, Merced - spoke on the Hmong community, anti-war, and asked for a cease fire.

Meche, Merced - asked Council to consider the proposed Resolution.

Sidney CORLEERY, Merced - expressed her support for the people in Palestine and the cease fire Resolution.

Aracely, Merced - spoke on the impact of local communities and urged Council to call for a cease fire.

Oscar TORRES, Merced - spoke in support of the proposed Resolution.

Edmundo ZARAGOZA, Merced - spoke in support of the Resolution calling for a cease fire and on Council getting involved in political affairs.

Noel, Merced - spoke in support for a cease fire.

Lupe A, Merced - spoke in support of a Resolution to end the genocide of Palestine.

Alexia ARMENDARIZ, Merced - encouraged Council to join other cities in adopting a Resolution calling for a cease fire.

David SHULTZ, Merced - spoke in support of the proposed Resolution.

Meredith VAN NATTA, Merced - spoke in support on the proposal to cease fire in Gaza and shared a personal story on a terrorist attack.

Ian HEPENSTEEL, Merced - spoke in support of the proposed Resolution.

Leo NIEHORSTER-COOK, Merced - shared details of the international matters and spoke in support of the call for a cease fire.

Cerena, Merced - spoke on the youth supporting a cease fire.

Crissy GALLARDO, Merced - voiced support for the Resolution calling for a cease fire.

Victor GALLARDO, Merced - spoke in support of Palestine, living in

peace, and calling for a cease fire.

Nalee XIONG, Merced - shared details of war and spoke in support for a cease fire.

Giancarlo SERNA, Merced - spoke in support of demanding a cease fire and ending genocide.

Katherina BEELER, Merced - spoke on federal funds and in support for Palestine.

Julissa, Merced - spoke on history of the war and in support of the cease fire Resolution.

Ven - spoke in support of the cease fire in Palestine.

Ale, Merced - spoke in support for a Resolution to be drafted calling for a cease fire.

Josue HERRERA, Merced - spoke on the Hamas and Israel war, police violence, and the citizens that support the opposing party.

Pangcha VANG, Merced - spoke on the allocation of federal funds and asked Council to stand in solidarity with Palestine.

Council discussed the allocation of tax dollars, past adopted Resolutions, the memorial for the Japanese people, the war between Hamas and Israel, community unity, issues outside the City's jurisdiction, and other political matters.

Clerk's Note: Council Member SMITH made a motion to deny Agenda Item M.2.

Council continued to discuss current political matters.

A motion was made by Council Member Xiong, seconded by Council Member Ornelas, that this agenda item be approved. The motion failed by the following vote:

Aye: 2 - Council Member Ornelas, and Council Member Xiong

No: 4 - Mayor Serratto, Council Member Boyle, Council Member DeAnda, and Council Member Smith

Absent: 0

Abstain: 1 - Mayor Pro Tempore Perez

Clerk's Note: Council Member ORNELAS left the Regular Meeting at 11:19 PM.

Clerk's Note: Council took a recess at 11:20 PM and returned at 11:37 PM

M.3.

SUBJECT: Council Member Xiong's Request to Discuss the Land Use Plan for the Truck Parking Lot

REPORT IN BRIEF

Council Member Xiong's request to discuss the land use plan for the truck parking lot.

RECOMMENDATION

Provide direction to staff on the next steps.

Council Member XIONG briefly discussed the land use plan for the truck parking lot.

Council and City Manager Scott MCBRIDE discussed the contamination of the area and the information provided in the Administrative Report.

A motion was made by Council Member Smith, seconded by Council Member Boyle, that this agenda item be tabled to two Council Meetings. The motion carried by the following vote:

Aye: 4 - Mayor Pro Tempore Perez, Council Member Boyle, Council Member DeAnda, and Council Member Smith

No: 2 - Mayor Serratto, and Council Member Xiong

Absent: 1 - Council Member Ornelas

M.4.

SUBJECT: Introduction of City Council Designated Representative(s) to Various Organizations and Areas of Interest Related to City Business

REPORT IN BRIEF

Introduction of City Council Designated Representative assignments for 2024. Final assignments will be adopted by January 2024.

RECOMMENDATION

City Council - Information Only.

Council discussed Council assignments.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Smith, to continue the Council assignments as is. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Ornelas

M.5.

SUBJECT: Request to Add Item to Future Agenda

REPORT IN BRIEF

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

Clerk's Note: No future items were added.

Clerk's Note: Council Member XIONG left the Regular Meeting at 11:43 PM.

M.6.

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 reported on attending the General Vang Pao event and celebrated the Hmong community.

Mayor Pro Tempore PEREZ thanked everyone that attended the Council Meeting.

Council Member SMITH wished the community a Happy Hmong New Year, a Merry Christmas, Happy Hanukkah, Happy Kwanzaa and thanked police officers for working over-time for the Council Meeting.

Council Member BOYLE reported on attending the Operation Santa event, Assemblywoman Esmeralda SORIA's Holiday Open House event, the Merced Association of Realtors Dinner and Award Ceremony, the UC Merced Chancellor's Holiday Social, the South Merced walkthrough, the 7/11 Grand Opening, and the Hmong New Year event.

Mayor SERRATTO gave a shoutout to Merced's Applegate Zoo Lights Before Christmas event, the Sunset Drive lights, the 1213 V Street project, spoke on the fundraiser for long-term employee of Carl's Jr., Teri Lynn WHARTON, and reminded the community of traffic safety.

N. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 11:47 PM.

A motion was made by Council Member Boyle, seconded by Mayor Pro Tempore Perez, that this Regular Meeting be adjourned. 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: 0

Absent: 2 - Council Member Ornelas, and Council Member Xiong