



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

Tuesday, January 3, 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 5:04 PM.

B.1. **SUBJECT:** PUBLIC EMPLOYEE PERFORMANCE EVALUATION -
Title: City Manager; Authority: Government Code Section 54957

B.2. **SUBJECT:** CONFERENCE WITH REAL PROPERTY NEGOTIATORS -
Property: 636, 638, and 640 West Main Street, APN: 031-134-003;
Agency Negotiator: Stephanie Dietz, City Manager; Negotiating
Parties: Caleb Medifind and City of Merced; Under Negotiation: Price
and Terms of Payment

B.3. **SUBJECT:** PUBLIC EMPLOYEE
DISCIPLINE/DISMISSAL/RELEASE/COMPLAINT; Authority:
Government Code Section 54957

Clerk's Note: Council Member ORNELAS recused himself on Item B.3.

Clerk's Note: Council adjourned from Closed Session at 6:00 PM.

C. CALL TO ORDER

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

C.1. Invocation - Monika Grasley, Lifeline Community Development Corporation

The Invocation was delivered by Monika GRASLEY of the Lifeline Community Development Corporation.

C.2. Pledge of Allegiance to the Flag

Monika GRASLEY 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 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 - Dr. Martin Luther King, Jr. - Day of Service

REPORT IN BRIEF

Mayor Serratto will present the proclamation.

Mayor SERRATTO presented the Dr. Martin Luther King Day of Service Proclamation to members of the Martin Luther King Celebration committee.

G. WRITTEN PETITIONS AND COMMUNICATIONS

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

Oral Communication - Colton DENNIS and Sargeez TEIMOORSHAHI.

H. ORAL COMMUNICATIONS

Cathy DUNHAM, Merced - spoke on a personal story between her son and the Merced Police Department.

Pastor Ronald DUNHAM, Merced - spoke on police accountability due to personal incident.

Linda DASH, Merced - spoke on Downtown Merced and the DART Program for Merced Police Department.

Necola ADAMS, Merced - spoke about getting a Community Center on a property located on Loughborough Drive.

Mayor SERRATTO briefly responded.

Tom HANSBURY, on Behalf of Razzari Center, Merced - commented on the homeless issue on Auto Drive and spoke in support of continuing DART team.

Amirali FARIDRAD, Merced - spoke on the benefits of keeping the DART Team.

Gilbert FELIX, on Behalf of Assemblywoman Esmeralda SORIA, Merced - spoke on Assemblywoman Esmeralda SORIA'S swear-in.

Adam LANE, Merced - shared issues the LGBT Community faces in Merced.

Trish OSTERHOUT, Merced - discussed issues between law enforcement and the Transgender community.

Gloria SANDOVAL, Merced - spoke on total votes the candidates received in all districts, district population size, and climate change.

Priya LAKIREDDY, Merced - raised concerns of road and sidewalk infrastructure.

Victoria ESPINOZA, Merced - spoke on police accountability.

Odela FLORES, Merced - discussed issues the homeless face and spoke in support of the Merced DART team.

Candice ADAM-MEDIFIND, Executive Director of Healthy House, Merced - spoke in support of the Merced DART team.

Rick WENDLING, Merced - spoke on federal government actions, drug issues, and mental health in Merced County.

Pangcha VANG, Merced - spoke on the definition of public safety and discussed in reallocating funds to mental health staff or housing.

Steven GRAHAM, Merced - spoke on the un-housed, quality police officers, and in support of the Merced DART team.

I. CONSENT CALENDAR

Item I.11. Authorization to Appropriate Grant Funding in the Amount of \$977,647 from State of California, Board of State and Community Corrections for the California Violence Intervention and Prevention Program; Approval of a Supplemental Appropriation in the Amount of \$83,800 from Measure Y Parks & Recreation 20%; Adopting Resolution 2023-02 of the City Council of the City of Merced Amending the Classification Plan by Adding Four Peer Support Specialist Positions, Adding the Job Description and Establishing the Salary Range for the Peer Support Specialist; and Allocating the Four Peer Support Specialist to the California Violence Intervention and Prevention Program; was pulled for separate consideration.

Approval of the Consent Agenda

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

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 December 2022**

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$36,000 and of Public Works contracts under \$82,718.

This Consent Item was approved.

- I.3. **SUBJECT: Information Only - Bicycle and Pedestrian Advisory Minutes of October 25, 2022**

RECOMMENDATION

For information only.

This Consent Item was approved.

- I.4. **SUBJECT: Information Only - Planning Commission Minutes of November 9, 2022**

RECOMMENDATION

For information only.

This Consent Item was approved.

- I.5. **SUBJECT: Information Only - Site Plan Review Minutes of November 10, 2022**

RECOMMENDATION

For information only.

This Consent Item was approved.

- I.6. **SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of August 1, 2022, August 8, 2022, and August 15, 2022**

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic Development/Parking Authority - Adopt a motion approving the meeting minutes of August 1, 2022, August 8, 2022, and August 15, 2022.

This Consent Item was approved.

- I.7. SUBJECT: Adoption of a Resolution of Intent Regarding Annexation No. 22 into Community Facilities District (CFD) No. 2003-2 (Services), Approving a Deposit and Reimbursement Agreement for Annexation No. 22, and Setting a Public Hearing for January 17, 2023, Annexation No. 22 Consists of Approximately 39.35 Acres of Land Generally Located on the East Side of G Street, Approximately 1,100 Feet North of Cardella Road

REPORT IN BRIEF

Requests the City Council to adopt a Resolution of Intent to annex 39.35 acres of land generally located on the east side of G Street, approximately 1,100 feet north of Cardella Road (CFD Annexation No. 22) into the City's CFD for Services (CFD 2003-2), including the approval of a Deposit and Reimbursement Agreement for the annexation; accept the petition, consent, and waiver for Annexation No. 22; and set a public hearing and election for January 17, 2023.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting **Resolution 2023-01**, a Resolution of Intention of the City Council of the City of Merced, acting as the Legislative Body of the City of Merced Community Facilities District No. 2003-2 (Services), declaring its intention to annex area to said district and authorize the levy of a special tax within said annexation and approving a certain agreement related thereto; and,
- B. Setting the Public Hearing for January 17, 2023; and,
- C. Accepting the Petition, Consent and Waiver from CEB Holdings, LLC for Annexation No. 22; and,
- D. Accepting the deposit amount of \$25,000 in Fund 150, increasing the revenue and appropriating the same to cover the cost of Community Facilities District formation and related expenditures for Annexation No. 22; and,
- E. Authorizing the City Manager or Deputy City Manager to execute the Deposit and Reimbursement Agreement.

This Consent Item was approved.

- I.8. SUBJECT: Revise Merced Youth Council District Boundaries to Reflect City Council District Boundaries Instead of Measure C

District Boundaries

REPORT IN BRIEF

Considers revising the current representative districts for the Merced Youth Council which mirror those established by Measure C and approve modifying Youth Council representative districts to mirror City Council Districts 1 through 6 as indicated by adopted City Council District maps.

RECOMMENDATION

City Council - Adopt a motion approving the request by Merced Youth Council to revise the Merced Youth Council district boundaries to reflect the boundaries for Merced City Council Districts 1, 2, 3, 4, 5 & 6 as adopted by Merced City Council in April 2022.

This Consent Item was approved.

I.9.

SUBJECT: Approval of a Third Amendment to Professional Services Agreement with Stantec Consulting Services, Inc. for Engineering Design Services for the Wastewater Treatment Facility Phase VI Improvements for an Additional Amount not to Exceed \$635,200 and a Total Contract Amount of \$2,760,900

REPORT IN BRIEF

Considers authorizing a third amendment to a Professional Services Agreement with Stantec Consulting Services, Inc., for construction phase engineering services of wastewater treatment facility improvement upgrades in an additional amount not to exceed \$635,200 and a total contract amount of \$2,760,900.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Third Amendment to a Professional Services Agreement with Stantec Consulting Services, Inc., in the not to exceed additional amount of \$635,200; and,

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

This Consent Item was approved.

I.10.

SUBJECT: Waiving the Competitive Bidding Requirement and

Awarding a Professional Services Agreement with ATI Restoration, LLC. for Emergency Services and Testing and Recommended Mitigation, Abatement and Demolition of the Stephan Leonard Building as a Result of a Structural Fire for an Amount not to Exceed \$115,525.93

REPORT IN BRIEF

Considers waiving the competitive bidding requirement as permitted by the Merced Municipal Code Section 3.04.210 and awarding a Professional Services Agreement with the ATI Restoration, LLC for emergency services and testing the recommended mitigation, abatement, and demolition at the Stephen Leonard Community Center not to exceed the amount of \$115,525.93. Services were provided on an emergency basis due to a structural fire.

RECOMMENDATION

City Council - Adopt a motion:

- A. Waiving the City's competitive bidding requirement as permitted by the Merced Municipal Code Section 3.04.210 for emergency service due to the potential environmental hazard to the community; and,
- B. Awarding a Professional Services Agreement for services and testing recommended mitigation, abatement, and demolition at the Stephen Leonard Building to ATI Restoration, LLC in an amount not to exceed \$115,525.93; and,
- C. Authorizing the City Manager or Deputy City Manager to execute the Agreement for Professional Services.

This Consent Item was approved.

I.11.

SUBJECT: Authorization to Appropriate Grant Funding in the Amount of \$977,647 from State of California, Board of State and Community Corrections for the California Violence Intervention and Prevention Program; Approval of a Supplemental Appropriation in the Amount of \$83,800 from Measure Y Parks & Recreation 20%; Adopting Resolution 2023-02 of the City Council of the City of Merced Amending the Classification Plan by Adding Four Peer Support Specialist Positions, Adding the Job Description and Establishing the Salary Range for the Peer Support Specialist; and Allocating the Four Peer Support Specialist to the California Violence Intervention and Prevention Program

REPORT IN BRIEF

Considers appropriating grant funds in the amount of \$977,647 from State of California Board of State and Community Corrections for the California Violence Intervention and Prevention Program, approval of a supplemental appropriation in the amount of \$83,800 from Measure Y Parks & Recreation 20%, considers authorizing the approval of a new job position of Peer Support Specialist, and approving the accompanying job description and salary range for said position.

RECOMMENDATION

City Council - Adopt a motion:

- A. Increasing revenue account in the General Fund-Office of Neighborhood Safety Division in the amount of \$977,647, and appropriating the same in the General Fund-Office of Neighborhood Safety Division; and,
- B. Approving a supplemental appropriation in the amount of \$83,800 in Fund 85 -Measure Y Parks & Rec 20%; and,
- C. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed; and,
- D. Adopting **Resolution 2023-02** a Resolution of the City Council of the City of Merced, California, amending the classification plan by updating the personnel allocation in the City Council/City Manager's Department by adding four Peer Support Specialists; and adding the job description and establishing the salary range for Peer Support Specialist; and,
- E. Allocating four Peer Support Specialists in the Office of Neighborhood Safety Division to be funded by the California Violence Intervention and Prevention Program; and,
- F. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- G. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

Mayor SERRATTO pulled this item due to a request from Council Member XIONG and Gloria SANDOVAL.

Gloria SANDOVAL, Merced - discussed considering hiring an employee with cultural background and that is bilingual.

Council, City Manager Stephanie DIETZ, Finance Officer Venus RODRIGUEZ spoke on changing the title name and the job description, consideration of hiring within a specific age group, salary ranges, changing the terms to the grant being received, timeline of consideration for changes being requested, policy regarding the hiring of underage employees, legal liability for age discrimination, funding estimate of pay, and grant terms.

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

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

No: 0

Absent: 0

J. REPORTS

J.1.

SUBJECT: Provide Staff Direction on the Public Participation Elements Staff Should Include in the Police Chief Recruitment Process

REPORT IN BRIEF

Allows City Council the opportunity to provide staff direction on the public participation elements, within GVP Ventures, Inc. scope of work, as part of the Police Chief Recruitment.

RECOMMENDATION

City Council - Adopt a motion providing staff direction on the public participation elements to include in the Police Chief Recruitment process.

City Manager Stephanie DIETZ, GVP Ventures, Inc. Representatives Valerie GAETA, Joel BRIDEN, and Brian HILL briefly introduced themselves and the Police Chief Recruitment Process.

Council, Mr. BRIDEN, Mrs. DIETZ discussed the importance of community input on the validity of the search, the final decision of who is hired, described the process in depth of online surveys, in-person sessions, and community panels.

Mrs. DIETZ requested recommendation of community members from Council to assist in this 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

K. BUSINESS

K.1. SUBJECT: Update on Town Hall Locations and Outreach Efforts

REPORT IN BRIEF

Updating the City Council on Town Hall locations and outreach efforts.

RECOMMENDATION

Provide direction on outreach efforts.

City Manager Stephanie DIETZ gave a brief introduction of the selection of Town Hall locations and community outreach.

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

Clerk's Note: Council took a recess at 7:30 PM and returned at 7:40 PM.

K.2. SUBJECT: Update on City Council Designated Representative(s) to Various Organizations and Areas of Interest Related to City Business

REPORT IN BRIEF

Update on City Council Designated Representative assignments for 2023.

RECOMMENDATION

City Council - Adopt a motion accepting City Council designated representatives to various organizations and areas of interests related to City Business.

Council and City Manager Stephanie DIETZ briefly discussed Council assignments and adjusted them accordingly.

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

K.3.

SUBJECT: Council Member Ornelas' Request for Council to Approve Having the City Send a Letter to the Attorney General's Office Asking for a Patterns and Practices Study

REPORT IN BRIEF

Council Member Ornelas' request for Council to approve having the City send a letter to the Attorney General's Office asking for a Patterns and Practices Study pursuant to City Council Administrative Policies and Procedures C-1. The study will look at the following: infrastructure, systemic issues, and internal policies that impact staff and community. The length of the study depends on the preliminary assessment which will determine the focus/scope. There is no financial cost for the study.

RECOMMENDATION

Provide direction to staff on next steps.

Council Member ORNELAS introduced the idea of sending a letter to the Attorney General's Office asking for a pattern and practice study.

Victoria ESPINOZA, Merced - spoke in support of sending a letter to the Attorney General's Office and police accountability.

Cathy DUNHAM, Merced - spoke in support, transparency, and police accountability.

Hope, Merced - urged Council to vote in favor of sending letter to Attorney General, spoke on transparency, accountability, and Merced's Municipal Code.

Lynn WHITE, Merced - spoke in support and oversight of the police department.

Pastor Ronald DUNHAM, Merced - spoke on oversight of accountability and in support of sending a letter.

Council discussed bringing this Agenda Item back once a Police Chief is hired, improving the Police Department, Measure C, getting more data

before moving on with this item, funds for this study, the timeline, who will be conducting the study, evaluating the Police Department, trust with the community and Police Department, and the impact this letter would have on police officer recruitment.

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

Aye: 4 - Mayor Pro Tempore Perez, Council Member Ornelas, Council Member DeAnda, and Council Member Xiong

No: 3 - Mayor Serratto, Council Member Boyle, and Council Member Smith

Absent: 0

K.4. 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 SMITH asked to discuss temporarily sunseting the DART team in the Merced Police Department.

City Manager Stephanie DIETZ stated that it does not require a future agenda item and will be discussed next day.

K.5. 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 PEREZ commented on not wanting the DART team to go away.

Council Member BOYLE wished everyone a Happy Holidays.

Council Member ORNELAS wished everyone a Happy Holidays and gave a shoutout to all City Workers working through the storms.

Council Member DEANDA wished everyone a Happy Holidays.

Mayor SERRATTO spoke on the DART team and thanked the Public Works department for their work.

L. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 8:33 PM.

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

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

No: 0

Absent: 0