



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, May 4, 2020

6:00 PM

A. CLOSED SESSION ROLL CALL

Present: 7 - Mayor Mike Murphy, Mayor Pro Tempore Matthew Serratto, Council Member Kevin Blake, Council Member Fernando Echevarria, Council Member Anthony Martinez, Council Member Jill McLeod, and Council Member Delray Shelton

Absent: 0

B. CLOSED SESSION

Mayor MURPHY called the Closed Session to order at 5:00 PM.

Clerk's Note: Council Member Blake arrived at 5:15 PM.

Clerk's Note: This Closed Session was held via video conference per Governor NEWSOM's Executive Order N-29-20.

B.1. **SUBJECT:** CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Property: 3033 G Street, Merced, CA APN 007-350-009; Agency Negotiator: Frank Quintero, Director, Economic Development; Negotiating Parties: Doug Collins Representing Merced City School Districts and City of Merced and; Under Negotiation: Price and Terms of Payment

B.2. **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Steve Carrigan; Employee Organization: American Federation of State, County, and Municipal Employees (AFSCME) Council 57; Local 2703; International Association of Fire Fighters, Local 1479; Merced Association of City Employees (MACE). AUTHORITY: Government Code Section 54957.6

B.3. **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Steve Carrigan; Employee Organizations: Merced Association of Police Sergeants. AUTHORITY: Government Code Section 54957.6

B.4. **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency

Designated Representative: City Manager Steve Carrigan; Employee
Organizations: Merced Police Officers' Association (MPOA).
AUTHORITY: Government Code Section 54957.6

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

C. CALL TO ORDER

Mayor MURPHY called the Regular Meeting to order at 6:01 PM.

Clerk's Note: The Regular Meeting was held via video conference per Governor NEWSOM's Executive Order N-29-20 and roll call votes were taken.

C.1. Invocation - Maggie Fuentes, Merced Police Chaplain

The invocation was delivered by Maggie FUENTES, Chaplain of the Merced Police Department.

C.2. Pledge of Allegiance to the Flag

Mayor MURPHY led the Pledge of Allegiance to the Flag.

D. ROLL CALL

Present: 7 - Mayor Mike Murphy, Mayor Pro Tempore Matthew Serratto, Council Member Kevin Blake, Council Member Fernando Echevarria, Council Member Anthony Martinez, Council Member Jill McLeod, and Council Member Delray Shelton

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 \$20.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$50.00 each month as a part of the adopted budget and Resolution 1975-37. 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. WRITTEN PETITIONS AND COMMUNICATIONS

This item was combined with Oral Communications. The Clerk's Office received multiple emails and voicemails.

G. ORAL COMMUNICATIONS

The following comments were provided via email:

Michael BELLUOMINI, Merced - asked about the status of the property negotiations on 3033 "G" street regarding Closed Session item B.1.

Melinda XIONG, Martha and Leticia, Merced - addressed homelessness in the community.

Renae DEJAGER, Merced - asked about the reopening of small businesses and loss of income.

Natalie GALASSO, Merced - stated concerns regarding the closure of her small business and other local businesses.

Lori MILLER, Merced - encouraged the reopening of local dental offices as well as other businesses.

Jeanine HALL, Merced - asked Council to consider the reopening of beauty salons and barbershops.

Martha SOUZA, Merced - asked Council to consider reopening salons and small businesses.

Jannita SMYK, Merced - stated safety procedures and encouraged the reopening of salons.

Becky DRUM, Merced - stated the concerns of closures and reopening of businesses.

Kristy MARISCAL, Merced - asked to reopen salons.

Candace BARTHOLOMEW, Merced - asked to reopen salons.

Alexandra GRANADOS, Merced - asked for an opportunity to reopen her business and other local businesses.

Hispanic Chambers Of Commerce, Merced - stated offering local resources and helping City officials with the reopening of businesses.

Laurie NORTON, Merced - asked to reopen salons.

Linda, Merced - stated her concerns about residents not wearing masks.

Dan HULTGREN, Merced - stated citizens should decide for themselves the measures they are comfortable making.

Melanie COLE, Merced - asked to open Merced.

The following comments were provided via voicemail:

Brian BOUCHE, Merced - encouraged the reopening of businesses.

Monica VILLA, Merced - thanked everyone for helping house her and other homeless citizens in Merced.

H. CONSENT CALENDAR

Items H.8. Adoption of a Resolution Continuing the Declaration of a Local Emergency Related to COVID-19 as Proclaimed by the Director of Emergency Services on March 13, 2020 and the City Council on March 16, 2020 and H.10. Approval of First Amendment to an Agreement for Professional Services with Chabin Concepts, Inc., to Expand the Scope of Service in an Additional Amount of \$30,000 for a Total Contract Amount not to Exceed \$80,000.00; were pulled for separate consideration.

Approval of the Consent Agenda

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

Aye: 7 - Mayor Murphy, Mayor Pro Tempore Serratto, Council Member Blake, Council Member Echevarria, Council Member Martinez, Council Member McLeod, and Council Member Shelton

No: 0

Absent: 0

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

REPORT IN BRIEF

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

RECOMMENDATION

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

This Consent Item was approved.

H.2. **SUBJECT: Information-Only Contracts for the Month of April 2020**

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$32,000 and of Public Works contracts under \$70,939.

This Consent Item was approved.

H.3.

SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of April 6, 2020

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 April 6, 2020.

This Consent Item was approved.

H.4.

SUBJECT: Approval of Amendment to Agreement for Professional Services with Provost and Pritchard Engineering Group, Incorporated, for a Groundwater Monitoring Well and Municipal Well Sampling Services in the Amount of \$15,380 for FY2019/20, Plus \$13,000 Annually for Fiscal Years 2020/21 and 21/22 for a Total Amount not to Exceed \$41,380

REPORT IN BRIEF

Considers authorizing an amendment to an agreement for environmental remediation services in a total amount of \$41,380.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a contract amendment with Provost and Pritchard Engineering Group, Inc. in the amounts of \$15,380 for fiscal year FY 2019/20, and \$13,000 annually for each of fiscal years FY 2020/21, and FY 2021/22 to provide groundwater well sampling services; and,

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

This Consent Item was approved.

H.5.

SUBJECT: Adoption of Resolution Approving the Stoneridge South, Phase 2 Subdivision - Final Map 5380 for 32 Single-Family Lots, Generally Located East of G Street, Between Winder Avenue and Mission Avenue, and the Approval of the Subdivision Agreement for Stoneridge South, Phase 2 Subdivision

REPORT IN BRIEF

Considers the approval of Final Map #5380 for 32 single-family lots, generally located east of G Street, between Winder Avenue and Mission Avenue, and the Subdivision Agreement for Stoneridge South, Phase 2.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving **Resolution 2020-22**, a Resolution of the City Council of the City of Merced, California, approving the Final Subdivision Map for the Stoneridge South, Phase 2 Subdivision (#5380); and,

B. Approving the Subdivision Agreement for Stoneridge South, Phase 2; and,

C. Authorizing the City Manager or the Assistant City Manager to execute the subdivision agreement.

This Consent Item was approved.

H.6.

SUBJECT: Adoption of Resolution Allowing the Designation of an Authorized Agent to File an Application and Execute Documents Required to Obtain Disaster Relief Assistance from the California Covid -19 Pandemic (DR-4482)

REPORT IN BRIEF

Considers approving a Resolution allowing the designation of an authorized agent to file an application and execute documents required to obtain disaster relief assistance from the California Covid-19 Pandemic (DR-4482).

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2020-21**, a Resolution of the City Council of the City of Merced, California, designation of authorized agent to file applications and execute

documents required to obtain disaster relief assistance.

This Consent Item was approved.

H.7.

SUBJECT: Authorization to Accept a Monetary Donation from the California Community Foundation in the Amount of \$1,080,000 to Assist in the Purchase of Real Property for the Childs and B Street Transit-Oriented Development (TOD) Affordable Housing Project and Approve the Associated Donation Acceptance Agreement

REPORT IN BRIEF

Considers accepting a monetary donation of \$1,080,000 from the California Community Foundation to assist in the purchase of land for the Childs and B Street TOD Affordable Housing Project and approving the associated Donation Acceptance Agreement.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting donation and increasing revenue in the amount of \$1,080,000 and appropriating the same in Fund 070 Housing Administration;

B. Authorizing the City Manager or the Assistant City Manager as designee, to execute all necessary agreements and documents; and

C. Authorizing the Financer Officer to make necessary budget adjustment.

This Consent Item was approved.

H.9.

SUBJECT: Approval of Purchase and Sales Agreement Between the City of Merced and El Capitan Hotel Merced, LLC Exchanging Public Artwork for a Strip of Land (Walkway) Located Immediately West of the El Capitan Hotel Between 609 and 629 W. Main Street

REPORT IN BRIEF

Considers approving the terms of sale for a 1,286-square-foot strip of land previously used as a walkway located between 609 W. Main Street and 629 W. Main Street in exchange for one or more pieces of public artwork.

RECOMMENDATION

City Council - Adopt a motion approving the purchase and sale

agreement between the City of Merced and El Capitan Hotel Merced, LLC, for the strip of land located between 609 W. Main Street and 629 W. Main Street (Assessor's Parcel Number 031-133-014); and, authorizing the City Manager or the Assistant City Manager to execute all the necessary documents.

This Consent Item was approved.

H.8.

SUBJECT: Adoption of a Resolution Continuing the Declaration of a Local Emergency Related to COVID-19 as Proclaimed by the Director of Emergency Services on March 13, 2020 and the City Council on March 16, 2020

REPORT IN BRIEF

Asking the City Council to reaffirm the Declaration of a Local Emergency Due to the Outbreak of the Novel Coronavirus as proclaimed by the Director of Emergency Services on March 13, 2020 and the City Council on March 16, 2020 pursuant to Merced Municipal Code Section 8.20.070 and the Emergency Services Act.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2020-23**, a Resolution of the City Council of the City of Merced, California, continuing the declaration of a local emergency related to COVID-19.

Council Member BLAKE pulled this item to request a staff report.

City Manager Steve CARRIGAN gave a brief presentation on the Resolution continuing the declaration of a local emergency related to COVID-19.

Council and Mr. CARRIGAN discussed reopening businesses, extending the declaration of a local emergency, the alternatives of not extending the local emergency, impacts on funding, proper emergency protocols, and the safety operations of businesses. They also discussed the continuity of the declaration of the local emergency and reopening businesses responsibly and strategically.

A motion was made by Council Member Blake, seconded by Council Member Martinez, to approve the continuation of the State of Emergency. The motion carried by the following vote:

Aye: 7 - Mayor Murphy, Mayor Pro Tempore Serratto, Council Member Blake, Council Member Echevarria, Council Member Martinez, Council Member McLeod, and Council Member Shelton

No: 0

Absent: 0

H.10.

SUBJECT: Approval of First Amendment to an Agreement for Professional Services with Chabin Concepts, Inc., to Expand the Scope of Service in an Additional Amount of \$30,000 for a Total Contract Amount not to Exceed \$80,000.00

REPORT IN BRIEF

Considers approving a first amendment to an agreement for professional services with Chabin Concepts, Inc., for an additional \$30,000.00 to the original agreement amount of \$50,000.00, with a total not to exceed \$80,000.00.

RECOMMENDATION

City Council - Adopt a motion approving a first amendment to an agreement of professional services with Chabin Concepts in an amount not to exceed \$80,000.00; and, authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

City Manager Steve CARRIGAN requested to remove this item from the agenda.

Clerk's Note: No formal action was taken on this item.

I. PUBLIC HEARINGS

I.1.

SUBJECT: Appeal of Conditional Use Permit (CUP) #1238 and Site Plan Review #455 Which Would Allow the Construction of a Mixed-Use Development, Including 218 Apartments, Approximately 22,000 s.f. of Retail Commercial Space, and Approximately 14,000 s.f. of Office Space on a 5.94-Acre Parcel Generally Located at the Southeast Corner of Yosemite Avenue and McKee Road

REPORT IN BRIEF

Considers an appeal of the Planning Commission's approval of Conditional Use Permit (CUP #1238) and Site Plan Review #455.

RECOMMENDATION

City Council - Adopt a motion:

A. Open the Public Hearing and hear all testimony regarding the appeal; and,

B. Close the Public Hearing; and,

C. Provide direction to staff regarding findings to grant or deny the appeal, with or without prejudice.

Council Member BLAKE recused himself from this item due to the proximity of his residence to the project.

Planning Associate Julie NELSON gave a slide show presentation on the Appeal of Conditional Use Permit (CUP) #1238 and Site Plan Review #455.

Council and City Attorney Phaedra NORTON discussed concerns and limitations of the project, as well as the Housing Accountability Act.

Mayor MURPHY opened the Public Hearing at 7:38 PM.

Clerk's Note: The Applicant and Appellant teleconferenced in to the meeting.

Richard HARRIMAN, representing the Appellant Casey STEED - spoke on the issues of the CUP project and Site Plan Review Findings.

Raj JOSHI, Applicant, - gave a slide show presentation on "The Hub" at Yosemite project.

Clerk's Note: The following Public Comment was provided via email.

Michael BELLUOMINI, Merced - spoke on changes to the design portion of the project.

Dene SILVEIRA, Merced - spoke on her opposition to the project location.

Earl WELCH, Merced - spoke on his opposition to the project.

Mr. HARRIMAN addressed the density of the project, traffic concerns, storm water and sewer management plans, and made recommendations.

Council and Mr. HARRIMAN discussed zoning and density of project.

Joe ENGLANOFF, Applicant, - addressed the prior project changes and compromises that were made at Council's request and his opinion of the benefits of the project.

Council and Mr. ENGLANOFF discussed changes to the project, community members concerns, housing for university students, and possible project modifications.

Mayor MURPHY closed the Public Hearing at 8:53 PM.

Council discussed the proposed project, possible modifications, and staff's recommendations.

Council Member MARTINEZ made a motion to approve the project as proposed which failed for lack of a second.

Council Member ECHEVARRIA made a motion to deny the project as proposed which failed for lack of a second.

Council discussed continuing this item to a future meeting and the need to provide clarity to the developer on what would be acceptable.

City Manager CARRIGAN suggested continuing this item.

A motion was made by Council Member Echevarria, seconded by Mayor Pro Tempore Serratto, to continue this item to allow further deliberation. The motion carried by the following vote:

Aye: 5 - Mayor Murphy, Mayor Pro Tempore Serratto, Council Member Echevarria, Council Member McLeod, and Council Member Shelton

No: 1 - Council Member Martinez

Absent: 0

Abstain: 1 - Council Member Blake

J. REPORTS

Clerk's Note: Council took a recess at 9:36 PM and returned at 9:46 PM.

J.1.

SUBJECT: Report to Council on Possible Measures to Assist Local Businesses and Residents Through a Proposed COVID-19 Recovery Plan

REPORT IN BRIEF

Report from Staff and the Council Subcommittee regarding a potential COVID-19 Recovery Plan to assist local businesses and residents due to the COVID-19 pandemic.

RECOMMENDATION

Provide additional direction to staff on elements to include in a COVID-19 Recovery Plan for future Council adoption and implementation.

City Manager Steve CARRIGAN gave a slide show presentation on the Proposed COVID-19 Recovery Plan.

Assistant City Manager Stephanie DIETZ gave a brief summary of the Voucher/Gift Card Program.

Finance Director Venus RODRIGUEZ gave a brief summary of the Utility Bill Credit and Hotel-Motel Association Request.

Mayor MURPHY requested discussing the proposed COVID-19 recovery plan and the Voucher/Gift Card Program first and stated he would need to recuse himself from the Transient Occupancy Tax (TOT) discussion due to a business conflict.

Council discussed their concerns regarding the voucher program, utility credit, and gift card proposed program. They also discussed the benefits for local businesses and residents.

Mayor MURPHY recused himself from the Transient Occupancy Tax (TOT) discussion due to a business conflict.

Mayor Pro Tempore SERRATTO and Mr. CARRIGAN discussed the Hotel-Motel Association's request for a ninety day deferral and potential waiver of penalties or late fees associated with the Transient Occupancy Tax.

Clerk's Note: The following Public Comments were provided via email.

Vic and Rick PATEL, Merced - spoke on hotel hardships due to COVID-19 and asked for temporary assistance.

Edwin KAINTH, Merced - spoke on the impacts in the hospitality industry due to COVID-19.

Clerk's Note: The following Public Comments were provided via voicemail.

Manny SHERMA, Merced - asked for COVID-19 hotel relief.

Dipen PATEL, Merced, - asked for business assistance.

A motion was made by Council Member Blake, seconded by Council Member Echevarria, to approve the Hotel-Motel 90 day deferral, no penalties waiver and

good financial standing with the city. The motion was carried by the following vote:

Aye: 6 - Mayor Pro Tempore Serratto, Council Member Blake, Council Member Echevarria, Council Member Martinez, Council Member McLeod, and Council Member Shelton

No: 0

Absent: 0

Abstain: 1 - Mayor Murphy

Clerk's Note: Mayor MURPHY rejoined the discussion on the COVID-19 Recovery Plan and Voucher/Gift Card Program.

Council continued discussing their concerns regarding the voucher program, utility credit, and gift card proposed program.

Clerk's Note: The following Public Comments were provided via email.

Mike QUISTIAN, Merced - spoke on the voucher program.

Merced County Hispanic Chamber - spoke in support of the proposed COVID-19 recovery plan.

Clerk's Note: The following Public Comments were provided via voicemail.

Marilyn MOCHER, Merced - spoke on the proposed COVID-19 recovery plan, reopening businesses; public safety, and health concerns.

Shavona MORALES, Merced - spoke on the COVID-19 recovery plan and financial assistance for local residents.

A motion was made by Council Member Blake, seconded by Council Member Echevarria, to continue further discussion on the Small Business Program, Rental Subsidy and Food Bank. The motion carried by the following vote:

Aye: 7 - Mayor Murphy, Mayor Pro Tempore Serratto, Council Member Blake, Council Member Echevarria, Council Member Martinez, Council Member McLeod, and Council Member Shelton

No: 0

Absent: 0

A motion was made by Council Member Blake, seconded by Mayor Pro Tempore Serratto, to continue further discussion on the One-time Utility Bill Rebate. The motion carried by the following vote:

Aye: 6 - Mayor Pro Tempore Serratto, Council Member Blake, Council Member Echevarria, Council Member Martinez, Council Member McLeod, and Council Member Shelton

No: 1 - Mayor Murphy

Absent: 0

A motion was made by Mayor Murphy, seconded by Council Member Blake, to continue further discussion on the Voucher/Gift Card Program. The motion carried by the following vote:

Aye: 6 - Mayor Murphy, Mayor Pro Tempore Serratto, Council Member Blake, Council Member Echevarria, Council Member McLeod, and Council Member Shelton

No: 1 - Council Member Martinez

Absent: 0

K. BUSINESS

K.1. SUBJECT: Mayor Pro Tempore Serratto's Request to Discuss Eviction Concerns

REPORT IN BRIEF

Mayor Pro Tempore Serratto request to discuss the eviction concerns pursuant to City Council Administrative Policies and Procedures C-1.

RECOMMENDATION

Provide direction to staff to evaluate possible solutions to eviction concerns within the City of Merced.

Mayor Pro Tempore SERRATTO discussed state, judicial and private sector policies designed to limit and prevent evictions, possible protections against evictions, eviction moratorium, real state community outreach, and also suggested creating a sub-committee for further recommendations.

Council discussed preventions of evictions, reasonable qualifications, eviction prevention time period, and landlord concerns.

Clerk's Note: The following Public Comments were provided via email.

Thung CHANG, Merced - spoke on recommendations of rental and utility

assistance for residents and small businesses, and an eviction moratorium.

Nu-Chong LEE, Merced - spoke on an eviction moratorium.

Blanca OJEDA, Merced - spoke on tenant protections, renters concerns, and housing relief funds.

Ellie LASALLE, Merced - spoke on evictions.

Gloria SANDOVAL, Merced - spoke on personal health, community well being, financial obligations, and economic impacts of the pandemic.

Sheng XIONG, Merced - spoke on tenant protection programs, eviction moratorium, recommendations for a recovery plan, and support of local businesses.

Amy HANG, Merced - spoke in support of an eviction moratorium.

Clerk's Note: The following Public Comments were provided via voicemail.

Tatiana VIZCAINO, Merced - spoke on supporting prevention of increasing rent.

Ma VANG and Kit MYERS, UC Merced Faculty- spoke in support of an eviction moratorium.

A motion was made by Mayor Pro Tempore Serratto, seconded by Council Member Blake to appoint Mayor Pro Tempore Serratto and Council Member Echevarria to a subcommittee and to report back at a future meeting.

Aye: 7 - Mayor Murphy, Mayor Pro Tempore Serratto, Council Member Blake, Council Member Echevarria, Council Member Martinez, Council Member McLeod, and Council Member Shelton

No: 0

Absent: 0

K.2.

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.

No future items were added.

K.3. **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 MARTINEZ expressed support for the community.

Council Member ECHEVARRIA commented on an upcoming fundraiser and the upcoming Cinco De Mayo holiday.

Council Member MCLEOD expressed support for the community.

Mayor MURPHY thanked all community members.

L. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 11:57 PM.

A motion was made by Mayor Murphy, seconded by Council Member McLeod, to adjourn the Regular Meeting. The motion carried by the following vote:

Aye: 7 - Mayor Murphy, Mayor Pro Tempore Serratto, Council Member Blake, Council Member Echevarria, Council Member Martinez, Council Member McLeod, and Council Member Shelton

No: 0

Absent: 0