



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, June 1, 2020

6:00 PM

A. CLOSED SESSION ROLL CALL

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

Present: 6 - Mayor Mike Murphy, Mayor Pro Tempore Matthew Serratto, Council Member Fernando Echevarria, Council Member Anthony Martinez, Council Member Jill McLeod, and Council Member Delray Shelton

Absent: 1 - Council Member Kevin Blake

B. CLOSED SESSION

Mayor MURPHY called the Closed Session meeting to order at 5:02 PM.

B.1. **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: City Manager Steve Carrigan; Employee Organization: International Association of Fire Fighters. AUTHORITY: Government Code Section 54957.6

B.2. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure to Litigation pursuant to Government Code section 54956.9(d)(2): (1) case

Clerk's Note: Council adjourned from Closed Session at 5:53 PM.

C. CALL TO ORDER

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

C.1. Invocation - Joel Dorman, First Baptist Church

The invocation was delivered by Joel Dorman, First Baptist Church.

C.2. Pledge of Allegiance to the Flag

Council Member SHELTON led the Pledge of Allegiance to the Flag.

D. ROLL CALL

Present: 6 - Mayor Mike Murphy, Mayor Pro Tempore Matthew Serratto, Council Member Fernando Echevarria, Council Member Anthony Martinez, Council Member Jill McLeod, and Council Member Delray Shelton
Absent: 1 - Council Member Kevin Blake

E. REPORT OUT OF CLOSED SESSION

There was no report.

F. WRITTEN PETITIONS AND COMMUNICATIONS

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

G. ORAL COMMUNICATIONS

Dennis EVANS, Merced - spoke on constructive wetlands.

Monica VILLA, Merced - had a moment of silence in honor of George Floyd and also spoke on homelessness in Merced.

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

Linton WOLLEN, Merced - made suggestions to improve the Merced airport with stimulus funds.

Michael BELLUOMINI, Merced - spoke on the Public Hearing comment process.

Netanya HERNANDEZ, Merced - spoke on the removal of police officers who arrested William COLBERT.

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

Merced Resident - spoke on possible investigation on the William COLBERT case, public safety, and defunding the police.

Merced Resident - spoke on police brutality.

Carla GARDUNO, Merced - ask for the termination of police officers involved in the William COLBERT arrest.

H. CONSENT CALENDAR

Items H.4. Adoption of Resolution Terminating the Local Emergency Declared by the Director of Emergency Services on March 13, 2020 Pursuant to Merced Municipal Code Chapter 8.20 and H.5. Measure V

Regional Project Funding Agreements with Merced County Association of Governments to Receive Measure V Funds for the Highway 59 Widening Phase 1 (Agreement No. 20180913SD_L) and Highway 59 Black Rascal Bridge Project (Agreement No. 20180913SD_M); were pulled for separate consideration.

Approval of the Consent Agenda

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

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

No: 0

Absent: 1 - Council Member Blake

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 May 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 a Supplemental Appropriation in the Amount of \$359,047 from the Unencumbered, Unreserved General Fund Balance for the Approved FLSA Settlement Costs with International Fire Fighters Association, Local #1479

REPORT IN BRIEF

Approving a supplemental appropriation in the amount of \$359,047 from the unencumbered, unreserved General Fund balance to cover the approved FLSA Settlement costs with Fire Fighters Local.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a supplemental appropriation in the amount of \$359,047 from the unencumbered, unreserved General Fund balance to cover the approved Settlement costs with International Fire Fighters Association, Local#1479; and

B. Authorizing the Finance Officer to make any necessary budget adjustments necessary and distribute the payments as indicated in the settlement agreement.

This Consent Item was approved.

H.6.

SUBJECT: Approval of 3-Year Agreement with Granicus, LLC for Agenda Management and Workflow, Board and Commission Management, and Webstreaming Services in a Total Amount not to Exceed \$101,784.26

REPORT IN BRIEF

Considers approving a 3-year agreement with Granicus, LLC. for automating agenda workflow, minutes, board and commission management and webstreaming services.

RECOMMENDATION

City Council - Adopt a motion approving a 3-year agreement with Granicus LLC. for agenda management and workflow, board and commission management, and webstreaming services in a total amount not to exceed \$101,784.26; and authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

H.7.

SUBJECT: Distribution of the 2020 Wahnnetta Hall Trust Funds in the Amount of \$6,337 to the Sole Applicant Kiwanis Club of Greater Merced to Operate and Maintain a Mini Train in Applegate Park

REPORT IN BRIEF

Considers approving the Wahnnetta Hall Trust Funds application of the Kiwanis Club of Greater Merced in the amount of \$6,337 to be used to

operate and maintain the train at Kiddieland in Applegate Park.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving an allocation of the 2020 Wahneta Hall Trust funds of \$6,337 to the Kiwanis Club of Greater Merced; and,

B. Authorizing a supplemental appropriation of \$221 from the unreserved fund balance of Fund 795 - Wahneta Hall Trust Fund to account 795-1903-592-29-00; and,

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

This Consent Item was approved.

H.8.

SUBJECT: Extension of the Memorandum of Understanding with Merced Fire Fighters, Local 1479 (Fire) for the Term of January 1, 2020 until June 30, 2021

REPORT IN BRIEF

Considers approving the extension of the Memorandum of Understanding with Merced Fire Fighters, Local 1479 (Fire) for the term January 1, 2020 until June 30, 2021.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2020-29**, a Resolution of the City Council of the City of Merced, California, approving Memorandum of Understanding with the International Fire Fighters Association Local #1479; and authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

H.9.

SUBJECT: Approval of Agreement for Professional Services with Ameripride Uniform Services, Inc., in the Annual Amount of \$65,592 for Uniform Rental and Cleaning Services of Work Apparel and Miscellaneous Items for a Two (2) Year Term Beginning July 1, 2020 Through June 30, 2022, with an Option to Extend the Agreement for Three (3) Additional One (1) Year Term(s)

REPORT IN BRIEF

Considers approving an agreement with Ameripride Uniform Services,

Inc., in the annual amount of \$65,592 for uniform rental and cleaning services of work apparel and miscellaneous items for the Public Works Department.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the agreement for professional services with Ameripride Uniform Services, Inc., in the annual amount of \$65,592 for uniform rental and cleaning services of work apparel and miscellaneous items for a period of two-years, with an option to renew for a maximum of (3) three additional one-year periods; and,

B. Approving future amendments to adjust the number of uniforms and miscellaneous items provided based on staffing levels, or changes in uniform safety and visibility needs; and,

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

This Consent Item was approved.

H.10.

SUBJECT: Adoption of a Resolution Authorizing Fiscal Year 2020-21 Annual Special Tax Rates for Community Facilities District (CFD) No. 2003-2 (Services)

REPORT IN BRIEF

Considers setting the Annual Special Tax Rates for Fiscal Year 2020-21 for Community Facilities District (CFD) No. 2003-2 (Services) for the City of Merced.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2020-28**, a Resolution of the City Council of the City of Merced, California, acting as the legislative body of the Community Facilities District No. 2003-2 (Services) of the City of Merced, authorizing the establishment of an annual special tax for said district for Fiscal Year 2020-2021.

This Consent Item was approved.

H.11.

SUBJECT: Approval of Two Separate Agreements for the Harvesting and Brokerage of Wastewater Treatment Plant Land Application Crops with McLaughlin Hay Service, Inc., in the Annual Amount of \$250,000 for Harvesting Services and San Joaquin Hay

Grower's Association for Brokerage Services; Each Agreement for a Two (2) Year Term Beginning June 1, 2020 Through May 31, 2022, with an Option to Extend the Agreements for Two (2) Additional One (1) Year Term(s)

REPORT IN BRIEF

Considers approving two separate agreements, one with McLaughlin Hay Service, Inc., in the amount of \$250,000, for harvesting services and the other with San Joaquin Hay Grower's Association for brokerage services of Wastewater Treatment Plant Land Application fodder crops.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the agreement for harvesting services with McLaughlin Hay Service, Inc., for the harvesting of the Wastewater Treatment Plant Land Application Area fodder crops; and,
- B. Approving the agreement for brokerage services with San Joaquin Valley Hay Grower's Association for the brokerage of said crops; and,
- C. Authorizing the City Manager or the Assistance City Manager to execute the necessary documents.

This Consent Item was approved.

H.12.

SUBJECT: Second Reading and Final Adoption of Ordinance Adding Chapter 17.64, "Electric Vehicle Charging Systems," to the Merced Municipal Code, Including Definitions, Permitting Process and Installation Requirements

REPORT IN BRIEF

Second reading to add Section 17.64 of Merced Municipal Code. Sections 17.64.010 Definitions, 17-64.020 Permitting Process, and 17.64.030 Installation Requirements.

RECOMMENDATION

City Council - Adopt a motion adopting **Ordinance 2515**, an Ordinance of the City Council of the City of Merced, California, Adding Chapter 17.064, "Electric Vehicle Charging Systems" of the Merced Municipal Code.

This Consent Item was approved.

H.4.

SUBJECT: Adoption of Resolution Terminating the Local
Emergency Declared by the Director of Emergency Services on
March 13, 2020 Pursuant to Merced Municipal Code Chapter 8.20

REPORT IN BRIEF

Asking the City Council to Terminate the Local Emergency Declared by the Director of Emergency Services.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2020-26**, a Resolution of the City Council of the City of Merced, California, Terminating the Local Emergency Declared by the Director of Emergency Services on March 13, 2020 Pursuant to Merced Municipal Code Chapter 8.20.

City Manager Steve CARRIGAN asked Council to consider terminating the Local Emergency Order.

Council Members MARTINEZ, SHELTON, and SERATTO agreed on cancelling the Local Emergency Order and recommended taking precautionary steps when reopening.

Mayor MURPHY spoke on the emergency plan and also spoke on the City Manager responsibilities and role when reporting emergency situations to Council.

Monica VILLA, Merced - spoke on Council policy and staff accountability and thanked Mayor MURPHY for performing his duties as Mayor.

Merced Resident - spoke on policy and procedures to City of Merced Staff.

Council discussed the role of the City Manager in emergency situations and the timing in which items should be brought to Council for confirmation.

Gabriella SPIVA, Merced - addressed the conduct of Council Member ECHEVERRIA during the meeting.

Dennis EVANS, Merced - spoke on Council's proactive approach during the pandemic.

A motion was made by Council Member Shelton, seconded by Mayor Pro Tempore Serratto, to terminate the local emergency declaration. The motion

carried by the following vote:

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

No: 0

Absent: 1 - Council Member Blake

H.5.

SUBJECT: Measure V Regional Project Funding Agreements with Merced County Association of Governments to Receive Measure V Funds for the Highway 59 Widening Phase 1 (Agreement No. 20180913SD L) and Highway 59 Black Rascal Bridge Project (Agreement No. 20180913SD M)

REPORT IN BRIEF

Consider authorizing a Measure V Regional Funding Agreements with Merced County Association of Governments to receive Measure V Regional funds for the Highway 59 Widening Phase 1 and Highway 59 Black Rascal Bridge Projects.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Measure V Regional Funding Agreement for the Highway 59 Widening Phase 1; and,

B. Approving the Measure V Regional Funding Agreement for the Highway 59 Black Rascal Bridge Project, with Merced County Association of Governments; and,

C. Authorizing the use of pooled cash for expenditures until City receives reimbursement funds; and,

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

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

Mayor Pro Tempore SERRATTO pulled this item to highlight the improvements on Highway 59.

A motion was made by Mayor Pro Tempore Serratto, seconded by Council Member Shelton, that this Consent Item be approved. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Blake

I. PUBLIC HEARINGS

I.1.

SUBJECT: Public Hearing - Vacation No. 20-01 for the Adoption of a Resolution Ordering the Vacation of a Sewer Lift Station Easement, Temporary Construction Access Easement, and a Public Utilities Easement Generally Located at the West End of the Property Located at 1610 West 16th Street

REPORT IN BRIEF

Continue the public hearing to July 20, 2020, for a request to vacate a 908-square-foot sewer lift station easement, a 980-square-foot temporary construction easement for the sewer lift station, and a 2,791-square-foot public utilities easement generally located on the west end of the property located at 1610 West 16th Street.

RECOMMENDATION

City Council - Open the continued Public Hearing and adopt a motion continuing the Public Hearing to the meeting of July 20, 2020.

City Engineer Michael BELTRAN requested that Council continue this item to the July 20, 2020 Council Meeting.

Mayor MURPHY opened the Public Hearing at 7:02 PM and requested that it be continued to the July 20, 2020 meeting.

A motion was made by Council Member Shelton, seconded by Mayor Pro Tempore Serratto, that this Public Hearing Item be continued to the July 20, 2020 Council Meeting. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Blake

I.2.

SUBJECT: Public Hearing - Affords the Interested Public an Opportunity to Provide Input on the Content of the City Council, Public Financing and Economic Development Authority and the Parking

Authority Fiscal Year 2020-21 Proposed Budget

REPORT IN BRIEF

Public Hearing to afford the interested public an opportunity to provide input on the content of the 2020-21 City Council, Public Financing and Economic Development Authority, and Parking Authority Proposed Budget.

RECOMMENDATION

City Council/Public Financing and Economic Development Authority/Parking Authority - It is recommended that the City Council/Authorities conduct the Public Hearing and provide direction to the City Manager on the content of the Fiscal Year 2020-21 Budget; and adopt a motion continuing the Public Hearing to the June 15, 2020 Council Meeting.

Finance Director Venus RODRIGUEZ gave a slide show presentation on the City of Merced Fiscal Year 2020/2021 Proposed Budget.

Council, City Manager Steve CARRIGAN and Ms. RODRIGUEZ discussed the budget sub-committee, the operations and revenue from local cannabis businesses, and the allocation of funds from cannabis revenue to Police, Fire, and Parks and Recreation.

Mayor MURPHY opened the Public Hearing at 7:42 PM.

Sheng XIONG, Merced - spoke on affordable housing.

Assistant City Manager Stephanie DIETZ and Development Services Director Scott MCBRIDE briefly discussed affordable housing in the community.

Allison GALLARDO, Merced - spoke on South Merced and asked Council to invest in the community.

Yadira HERNANDEZ, Merced - asked for reallocation of funds from the Police Department to invest in the youth.

Beatriz HERNANDEZ, Merced - asked Council to reallocate the funds from the Police Department for other resources in South Merced.

Radia QAISER, Merced - spoke on the Police Department's social media confidentiality policy.

Edward FLORES, Merced - spoke on the Police Department's social media page and the reallocation of funds.

Deja MANN, Merced - spoke on the reallocation of funds from the Police Department to other resources for the community.

Malcolm MANN, Merced - spoke on the Black Lives Matter Protest and the reallocation of funds to other resources for the youth of South Merced.

Gabriel SPIVA, Merced - spoke on the Black Lives Matter Protest and asked Council to reallocate funds from the Police Department to the South Merced community and on programs to improve the Merced Police Department.

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

Nathan MANN, Merced - asked to reallocate the funding from the Police Department to programs that will help Merced residents.

Moises VASQUEZ, Merced - spoke on the allocation of funds for the Police Department and asked Council to redirect funds from the police towards housing for low income tenants and neighborhood stabilization.

Amanda PEREZ, Merced - asked to reallocate police funds, and redirect funds to Merced residents with food security issues, affordable child care and resources for the homeless population in the city.

Shiloh GREEN, Merced - mentioned her concerns of the proposed budget, asked to allocate funds towards aiding Merced tenants who are facing displacement and residents with limited health insurance, and other community health safety programs.

Jose GARDUNO, Merced - asked to reallocate police funds and to invest in other city projects and public services.

Juan PEREZ, Merced - asked to reallocate police funds towards South Merced infrastructure.

Jamin SHIH, Merced - spoke on the proposed budget and asked to increase aid for community members, local businesses and community centers instead of the police.

Cynthia HERNANDEZ, Merced - asked to allocate funds from police to other resources in the community.

Camilla GARCIA, Merced - spoke on the allocation of funds to police, asked to demilitarize police, requested taking resource officers out of school, and investing in the community and the youth.

Angela DUGAN, Merced - spoke on the allocation of funds from police to South Merced infrastructure.

Isaac GRIJALVA, Merced - spoke on defunding the police and investing in the youth of Merced.

Hannah CARRILLO, Merced - disagreed with the proposed 2020/2021 Budget and asked to defund police and invest in the community and the youth.

Daisy OROZCO, Merced - disagreed with the proposed 2020/2021 Budget and asked to use funds for residents who are in need during the pandemic and allocating funds to increase youth education.

Jasmine KENNY, Merced - asked to revise the proposed 2020/2021 Budget.

Jacqueline LEON, Merced - disagreed with the proposed 2020/2021 Budget and asked to invest in the community.

Carlos RODRIGUEZ, Merced - disagreed with the proposed Budget and asked to reconsider the allocation of funds and invest in the youth of Merced.

Oscar RAMOS, Atwater - spoke on the allocation of funds and use of the funds for other resources.

Justin WONG, Merced - asked to invest in the community and the youth of Merced.

Cassandra ESPINOZA, Merced - asked to defund the police and truly invest in the community, and requested a grocery store in South Merced.

Hannah DILLON, Merced - asked to defund the police and invest in other resources for the community.

Mayor MURPHY and City Attorney Phaedra NORTON discussed the similarities of all the emails that were submitted and recommended that all remaining emails be sent to Council and all names of those submitting

comment be read into the record.

Clerk's Note: The following citizens submitted comment via email regarding the proposed budget.

Jake MORENO, Ryan XAYARATH, Destiny NGUYEN, Randee, Jessica ARTEAGA, Luz SANDOVAL, Alessandra PEDRETTI, Justin WOOTTEN, Ian FLORES, Debra VILLALVAZO, Naoma ALAMRI, Amelia JOHNSON, Valerie MOORE, Aracely GARCIA-GONZALEZ, Luis AGUILAR, Edgar TOVAR, Angelica SARMIENTO, Baylen HERNANDEZ, Jasmine CASTILLO, Jennifer RODRIGUEZ, Francisco ORTIZ, Graciela SIERRA-MORENO, Teresa RUIZ, Yanira ESTRADA, Alen PALANCARES, Netanya HERNANDEZ, Jose MENDOZA, Keith TETANGO, Ivan SOTO, Ashley MONDO, Ashley REYES, Emily Jane MCTAVISH, Fue XIONG, Laura HERNANDEZ, Kia VANG, Liliana PRADO, Elizabeth SALMON, Michael BISCORNET, Alejandro JURADO, Diana VEGA, Esmeralda RUIZ, Martin VEGA, Enrique CERVANTES, and Eulalia GAMEZ.

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

Jose, Merced - spoke on his opposition of the funds allocated to police.

Merced Resident - spoke on her concerns of the allocation to police and asked to allocate funds to other resources in the community.

Carla GARDUNO, Merced - spoke on her opposition to the allocated funds to police.

Jorge GARCIA, Merced - spoke on his opposition of the proposed 2020/2021 budget.

Jennifer RAMOS, Merced - spoke on her disagreement to the proposed 2020/2021 budget.

Jas DIAZ, Merced - spoke on her opposition of allocation of funds to the police and asked to allocate funds to the youth of Merced.

Ted BARBER, Merced - asked to allocate funds to emergency housing funds, schools, public transportation, and parks.

Sierra VANG, Merced - asked to allocate funds to other community resources instead of police.

Miguel HERNANDEZ, Merced - spoke on his disagreement of the proposed 2020/2021 budget.

Natasha, Merced - asked not to fund the police and allocate funds to other resources in Merced.

Belinda PASILLAS, Merced - spoke on her disagreement of the proposed 2020/2021 budget.

Erin RICHIE, Merced - expressed her disagreement on the proposed budget.

Adriana, Merced - spoke on her opposition to the proposed budget.

Mayor MURPHY requested continuing the Public Hearing to the next Council Meeting.

Council discussed the proposed budget, unfunded City positions, the pandemic, Merced City schools, South Merced, affordable housing, the need for public safety, and on accountability and officers actions.

Council established a Sub-Committee consisting of Council Members MCLEOD, MARTINEZ and SERRATTO to review the Budget after it has been passed, and to re-evaluate it each quarter to update Council.

A motion was made by Council Member McLeod, seconded by Council Member Shelton, to continue the Public Hearing to the June 15th meeting and have the sub-committee report back in July. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Blake

J. REPORTS

Clerk's Note: Council took a recess at 9:09 PM and reconvened at 9:25 PM.

J.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. Providing direction to approve or disapprove Environmental Review #19-37 (Mitigated Negative Declaration) for Conditional Use Permit #1238 and Environmental Review #20-05 (CEQA Section 15162 Findings) for Site Plan Review #455.

B. Providing direction to staff regarding findings to grant or deny the appeal, with or without prejudice.

Development Services Director Scott MCBRIDE gave a presentation on the project.

Richard HARRIMAN, representing the Appellant Casey STEED - asked to have the applicant Raj JOSHI speak before his statement.

Michelle MORGANTE, Merced resident - spoke on the possible traffic congestion due to the project.

Raj JOSHI, applicant - asked to continue this item until the next Council Meeting to allow more time to come to an agreement with the appellant.

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

Michael BELLOUMINI, Merced - spoke on the reduction of the project scope, its size, and provided a redesigned plan.

Mr. HARRIMAN - mentioned the continuance of the project and requested having an in person meeting with the applicant. He also discussed the safety issues, parking and traffic congestion of the project.

Council and Mr. HARRIMAN addressed safety concerns as it relates to traffic entering and exiting the site.

Council and City Attorney, Phaedra NORTON recommended a continuance due to the circumstances presented for both parties involved.

A motion was made by Council Member McLeod, seconded by Council Member Shelton, to continue this item to the June 15, 2020 Meeting. The motion carried

by the following vote:

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

No: 1 - Council Member Echevarria

Absent: 1 - Council Member Blake

J.2.

SUBJECT: Adoption of a Resolution Temporarily Supplementing and Modifying Municipal Code Chapter 12.36, Restaurant Encroachment Permits, to Expand Outdoor Seating and Providing Staff Direction on Other Options and the Phasing of Those Options to Expand Outdoor Seating

REPORT IN BRIEF

The proposed Resolution allows for supplemental and modified changes to the City's Restaurant Encroachment Permit ordinance allowing restaurants and other food and beverage serving establishments to use City right-of-way to expand seating capacity.

RECOMMENDATION

City Council - Adopt a Motion:

A. Adopting **Resolution 2020-34**, a Resolution of the City Council of the City of Merced, California, supplementing the existing municipal code Chapter 12.36 of the Merced Municipal Code (Restaurant Encroachment Permits) to allow for additional outdoor seating;

B. Providing additional direction to staff on suggested phasing to expand outdoor seating for future City Council adoption and implementation; and,

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

Director of Economic Development Frank QUINTERO gave a presentation and asked Council to give guidance and direction for street closures and parklets.

Council expressed support of the expansion of outdoor seating for downtown restaurants and discussed the constraints of outdoor seating, permanent seating for outdoor dining, downtown parking, other street modifications that could assist downtown businesses.

A motion was made by Mayor Pro Tempore Serratto, seconded by Council Member McLeod, to adopt the Resolution. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Blake

J.3.

SUBJECT: Provide Staff Direction on Project Funding Proposals Received for Program Year 2019-2020 HUD Annual Action Plan Coronavirus Aid, Relief, and Economic Security (CARES) Act Community Development Block Grant Coronavirus (CDBG-CV) Funding; and Authorize Staff to Begin Negotiating Contracts for Services

REPORT IN BRIEF

Considers project applications for the prevention, preparation, and response to the COVID-19 Coronavirus that were submitted by community non-profit organizations for use of the additional HUD CDBG-CV funds amended into the Program Year 2019-2020 Annual Action Plan; and requests direction from the City Council on which proposals to approve and fund. Also considers an expedited contractual approval process to allow services to be implemented as quickly as possible, pending HUD approval and required environmental clearances.

RECOMMENDATION

City Council - Adopt a motion:

- A. Identifying and Approving submitted funding request applications for CDBG-CV and CDBG project funding for the Prevention of, Preparation for, and Response to the COVID-19 Coronavirus; and,
- B. Allocating new CDBG-CV and reallocated CDBG funding sources to the projects approved in A above, pursuant to the Amended Program Year 2019-2020 Annual Action Plan; and,
- C. Directing staff to negotiate contracts for service, pursuant to the applications and funding source allocations approved and allocated in A and B above; and,
- D. Authorizing the City Manager or the Assistant City Manager to execute all associated documents and contractual agreements for services to allow for an expedited approval process, pursuant to HUD and City Attorney approval; and,

E. Requesting staff return to the City Council with Information Only contracts as they are executed and implemented; and,

F. Authorizing the Finance Officer to make any necessary budget adjustments.

Development Services Director Scott MCBRIDE gave an update on the applications received for funding and discussed the available funding.

Council discussed the various uses for the funding and the timeline for use of the funds.

Sheng XIONG, Merced - spoke in favor of the allocation of funds for rental assistance.

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

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

No: 0

Absent: 1 - Council Member Blake

J.4.

SUBJECT: Report - Allows for Public Input on Various Maintenance Districts' Engineer's Reports and Budgets for Fiscal Year 2020/2021 During the Public Meeting

REPORT IN BRIEF

Considers public input on the various Maintenance Districts' budgets during the public meeting, without taking action on the determination of assessment levy until the close of the public hearing scheduled for Monday, June 15, 2020.

RECOMMENDATION

City Council - Adopt a motion seeking public input on the Fiscal Year 2020/2021 Maintenance Districts' budgets, without taking action until the public hearing is closed on June 15, 2020.

Director of Public Works Ken ELWIN gave a presentation on the Fiscal Year 2020/2021 Maintenance Districts Budgets.

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

J.5.

**SUBJECT: Sub-Committee Report on Efforts Regarding a Possible
Eviction Moratorium**

REPORT IN BRIEF

Mayor Pro Tempore Serratto and Council Member Echevarria make up the Council Sub-Committee tasked with researching ideas and issues surrounding evictions and certain restrictions within California related to COVID-19. This item allows for a report of their findings and recommendations moving forward.

RECOMMENDATION

Provide direction to staff on recommendations related to a possible Eviction Moratorium.

Mayor Pro Tempore SERRATTO gave a presentation on a possible eviction moratorium.

Council discussed an eviction moratorium, promoting first time home buyer programs, and encouraged home ownership.

Assistant City Manager Stephanie DIETZ mentioned the CDBG home ownership program, grants, and resources that are available to first time homeowners.

Sheng XIONG, Merced - asked about next steps of the subcommittee and offered support for the program.

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

Nathan MANN, Merced - spoke on the eviction moratorium, recommended Council use funds for struggling Merced residents instead of offering a first time home ownership program.

Council discussed the current state of evictions and home ownership.

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

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

No: 0

Absent: 1 - Council Member Blake

K. BUSINESS

K.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.

There were no requests.

K.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 ECHEVARRIA commended the Police Department for their recent arrests.

Council Member MARTINEZ spoke about the needs of seniors and discussed recent peaceful protests.

Mayor Pro Tempore SERRATTO spoke about the struggles the Country is going through.

Council Member MCLEOD thanked citizens for attending and speaking.

Council Member SHELTON thanked members of the community for attending.

Mayor MURPHY thanked those attending the meeting and for the peaceful protests.

L. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 11:38 PM.

A motion was made by Council Member McLeod, seconded by Council Member Echevarria, to adjourn the regular meeting. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Blake