



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 15, 2020

6:00 PM

A. CLOSED SESSION ROLL CALL

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

Absent: 1 - Council Member Fernando Echevarria

B. CLOSED SESSION

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

B.1. SUBJECT: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure to Litigation pursuant to Government Code section 54956.9(d)(2) and 54956.9(e)(2) the Existing and Facts and Circumstances Include, But is Not Limited to, On June 11, 2020, a letter was received by Elisa L. Paster, Glaser Weil, Regarding Denial of Appeal of Conditional Use Permit (CUP) #1238 and Site Plan Review #455, Alleging Potential Violation of the State's Housing Accountability Act Which Will Allegedly Subject the City to Significant Legal Liability and Financial Liability: (1) case

B.2. SUBJECT: CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Property: Surface Water Purchase, Merced, CA; Agency Negotiator: Stephanie Dietz, Assistant City Manager; Negotiating Parties: John Sweigard Representing Merced Irrigation District and City of Merced and; Under Negotiation: Price and Terms of Payment

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 Organization: American Federation of State, County, and Municipal

Employees (AFSCME) Council 57; Local 2703; Merced Association of City Employees (MACE). AUTHORITY: Government Code Section 54957.6

B.5. 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

B.6. SUBJECT: PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE; Authority: Government Code Section 54957

B.7. 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 5:59 PM.

C. CALL TO ORDER

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

C.1. Invocation- Father Ryan Bradley, St. Luke's Anglican Church

There was no invocation.

C.2. Pledge of Allegiance to the Flag

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

D. ROLL CALL

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

Absent: 1 - Council Member Fernando Echevarria

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. CEREMONIAL MATTERS

F.1. SUBJECT: Proclamation - Juneteenth

REPORT IN BRIEF

Received by Allen Brooks, NAACP President

Mayor MURPHY presented the Juneteenth Proclamation to NAACP President Allen BROOKS.

G. WRITTEN PETITIONS AND COMMUNICATIONS

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

Oral Communications - Chantel HOPPER and Brad BARKER.

Agenda Item J.6. - Camila GARCIA, Rachel MARTIN, Brad BARKER, Emmalee HORN, Supriya PATEL, Nancy PEREZ, Nathan BARONE, Jim DAVIDSON, Kamilah LINDSEY, Kaitlin DOOLITTLE, Allison JONES-NORTON, Jamie REEVES, Raveena SINGH, Selena MATRANGA, Rafael ESPARZA, Emily PICHOT, Nick HAGE, Joshua KADUTHODIL, Sidra GOLDMAN-MELLOR, Saga DARNELL, Shiloh GREENE, Lorraine RAMOS, Michelle YEUNG, Nathan MANN, Caleb HAMPTON, Liza MILLER, Anna GUERGUIRVA, Demitra BORRERO, Jammin SHIH, and Elizabeth SAMON.

H. ORAL COMMUNICATIONS

Rick WENDLING, Merced - spoke on COVID-19.

Dennis EVANS, Merced - spoke on constructive wetlands.

Levonnie PHILLIPS, Merced - spoke on the purchase of the Sun-Star building.

Gloria SANDOVAL, Merced- spoke on COVID-19 and unemployment in Merced.

Tabeshi ZAIDA, Merced- spoke on cannabis funding.

Jesse ORNELAS, Merced- spoke on the allocation of funds, Black Lives Matter movement, and resources for the youth of Merced.

Madalynn CASTILLO, Merced- spoke on the reallocation of funds to youth services, homeless, and services for sexual assault victims.

Malcolm MANN, Merced - spoke on underprivileged minorities in Merced and asked for the resignation of Council Member Fernando ECHEVARRIA.

Emily, Merced - read a poem she wrote about life on the South Side of Merced.

Tania, Merced- asked for the resignation of Council Member Fernando ECHEVARRIA.

Nelly, Merced- spoke on the reallocation of funds from the Police Department to other resources such as community based programs, school counselors, and after school programs.

Dejia MANN, Merced- spoke on the resignation of Council Member ECHEVARRIA, defunding police, and reevaluating the budget.

Kathyn FISCHER, Merced - spoke on the actions of Council Member ECHEVARRIA during the Black Lives Matter Rally and the allocation of funds.

Kathelynn BISHOP, Merced- spoke on the actions of Council Member ECHEVARRIA, the actions of Merced Police during the arrest of William COLBERT, and asked to redirect funds from police to other community resources.

Will KELLY, Merced - spoke on the William COLBERT incident and asked to reallocate funds from police to other resources in the community.

Gabriela SPIVA, Merced - spoke on the actions of Council Member ECHEVARRIA during the Black Lives Matter rally and on the city budget.

Melinda GONZALES, Merced- spoke on the actions of Council Member ECHEVARRIA and asked for his resignation.

Kelly TURNER, Merced - spoke on the playground slide at McNamara Park and asked Council to invest in the youth.

Rick SANDFORD, Merced - spoke on past behavior from Council members and disciplinary actions from the Mayor.

Damaris SEAY, Merced - asked for change in the City of Merced and spoke on police brutality.

Allen BROOKS, Merced - spoke on creating a budgeting committee.

Rochelle ABRIL, Merced - asked Council to provide youth services programs, and also to provide constructive, positive prevention programs for the youth of Merced.

Jada ROBINSON, Merced - asked Council to help community members of Merced.

Robbie DEAN, Merced - spoke on racial inequality and asked Council Members to do outreach with community members.

Cheryl LYLES, Merced - Asked the Council to make a positive impact in Merced and spoke about Council Member ECHEVARRIA's actions at the Black Lives Matter rally.

Kendra AVERY, Merced - spoke on racial inequality in the community and Council Member ECHEVARRIA's behavior at the Black Lives Matter rally.

Alejandro, Merced - spoke on Council responsibility and racial equality.

Eric FLORES, Merced - spoke on the Measure Y funding allocation.

William COLBERT, Merced - spoke on police brutality.

Verdie MANN, Merced- spoke on the playground slide at McNamara park and racial inequality in the community.

Anthony, Merced - spoke on racial equality.

Jesse ORNELAS, Merced - spoke on the rage of the civilians of Merced and asked Council to make a change to cultivate a good relationship with the community.

Merced Resident - spoke on the absence of Council Member ECHEVARRIA during the Council Meeting and asked for his resignation.

Merced Resident - spoke on keeping UC Merced graduates interested in remaining in Merced after graduation.

Breanne ROGGE, Merced - asked for the Council to listen to the

community members and make the necessary changes in the funding allocation.

Mercedes PINEDA, Merced - spoke on change from Council.

Sofia FIGUEROA, Merced - asked that the Council make Council Member ECHEVARRIA accountable for his actions.

Jade GASTELO- spoke on reallocating the funds from police towards other resources.

Angelina GALVAN, Merced - spoke on reallocating the funds from police to the community and asked for a change in the Council.

Daniel HERNANDEZ, Merced - asked to fund programs and youth resources.

Merced resident - gave a testimony on racial inequality and police brutality.

I. CONSENT CALENDAR

Items I.4. Waiver of Competitive Bidding Requirement for Professional Services and Approval of a Two-Year Agreement with Giftbar, LLC. in the Amount of \$500,000 to be Allocated and Held in Trust by the Service Provider and Distributed in Accordance with the Terms and Conditions of the Program and Accept and Appropriate a Fiscal Sponsorship of \$250,000 from the Central Valley Opportunity Fund, and Appropriate \$287,000 from the Economic Development Opportunity Fund to Establish the Proposed City of Merced Gift Card Program and the Associated Administrative Costs and Item I.14. Approval of Award of Construction Bid to Bowen Engineering and Environmental for the Well Site 3 Tank Removal, Project No. 117047, in the Amount of \$318,000; were pulled for separate consideration.

Approval of the Consent Agenda

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

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

No: 0

Absent: 1 - Council Member Echevarria

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:** Acceptance of the CARES Act Grant Offer, Grant Number 3-06-0152-026-2020, Issued by the Federal Aviation Administration for the Merced Regional Airport, in the Amount of \$3,364,156

REPORT IN BRIEF

Considers accepting a \$3,364,156 CARES Act Grant awarded by the Federal Aviation Administration for use at the Merced Regional Airport.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a grant agreement between Federal Aviation Administration (FAA) and the City of Merced; and,

B. Approving acceptance of grant funds and increasing Airport Fund revenue account 561-1303-321.37-00 in the amount of \$3,364,156; 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 all necessary grant documents.

This Consent Item was approved.

I.3. **SUBJECT:** Acceptance and Appropriation of Grant Funding in the

Amount of \$250 for FY 2020 from United States Tennis Association
Northern California

REPORT IN BRIEF

Considers accepting and appropriating grant funding in the amount of \$250 from USTA for HITS tennis equipment grant.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting grant funds from USTA NorCal and increasing revenue in account 024-1209-360-02-01 - Recreation Programs- Contributions and Donations in the amount of \$250; and,

B. Appropriating the same to account 024-1209-542-29-00 - Recreation Programs-Supplies and Services; and,

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

This Consent Item was approved.

I.5.

SUBJECT: Extension of the Memorandum of Understanding with Merced Association of City Employees (MACE) for the Term of January 1, 2020 until December 31, 2020

REPORT IN BRIEF

Considers approving the extension of the Memorandum of Understanding with Merced Association of City Employees (MACE) for the term January 1, 2020 until December 31, 2020.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2020-37**, a Resolution of the City Council of the City of Merced, California, approving Memorandum of Understanding with the Merced Association of City Employees; and authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

I.6.

SUBJECT: Extension of the Memorandum of Understanding with AFSCME District Council 57 Local 2703 (Merced City Employees Association) for the Term of January 1, 2020 until June 30, 2021

REPORT IN BRIEF

Considers approving the extension of the Memorandum of Understanding with AFSCME District Council 57 Local 2703 (Merced City Employees Association) for the term January 1, 2020 until June 30, 2021.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2020-36**, a Resolution of the City Council of the City of Merced, California, approving Memorandum of Understanding with the AFSCME (MCEA) District Council 57 and authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

I.7.

SUBJECT: Approval of Supplemental Appropriation in the Amount of \$95,000 Due to Increased Worker's Compensation Claims Activity in Fiscal Year 2019-2020

REPORT IN BRIEF

Considers approving a supplemental appropriation in Fund 666-Worker's Compensation by \$95,000. This adjustment is necessary due to higher than projected worker's compensation claims activity than what was originally budgeted for in fiscal year 2019-2020.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a transfer of \$95,000 from Fund 672 Support Services to Fund 666-Worker's Compensation; and,

B. Approving a supplemental appropriation of \$95,000 in Fund 666-Worker's Compensation; and,

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

This Consent Item was approved.

I.8.

SUBJECT: Approve the Local Agreement to Provide Firefighting Services to the Madera-Mariposa-Merced Unit (MMU) of CAL FIRE, to Provide Assistance by Hire (ABH) Utilization of Local Government Firefighting Resources to Augment CAL FIRE

Resources in Support of the State's Mission within the State
Responsibility Areas (SRA) of the MMU When the Need Arises

REPORT IN BRIEF

Considers the authorization to approve the local firefighting services agreement between the City of Merced and the Madera-Mariposa-Merced Unit (MMU) of CAL FIRE.

RECOMMENDATION

City Council - Adopt a motion approving the CAL FIRE Madera-Mariposa-Merced Unit's 2020 Local Government Assistance by Hire Agreement and authorizing the City Manager or the Assistant City Manager to execute all necessary documents.

This Consent Item was approved.

I.9.

SUBJECT: Approval of Memorandum of Understanding for the Merced County Operational Area Hazardous Materials Response Team (Merced City Fire Department, Merced County Fire Department, Atwater Fire Department, and Los Banos Fire Department)

REPORT IN BRIEF

Considers the authorization to approve the Memorandum of Understanding for the Merced County Operational Area Hazardous Materials Response Team, which is comprised of: Merced City Fire Department, Merced County Fire Department, Atwater Fire Department and the Los Banos Fire Department.

RECOMMENDATION

City Council - Adopt a motion approving the Memorandum of Understanding and authorizing the City Manager or the Assistant City Manager to execute all necessary documents.

This Consent Item was approved.

I.10.

SUBJECT: Office of Emergency Services - Authorization to Submit a Letter of Interest to Cal OES Requesting the Assignment of a Type VI Fire Engine

REPORT IN BRIEF

Approves authorization to submit a letter of interest to Cal OES requesting the assignment of a Type VI fire engine.

RECOMMENDATION

City Council - Adopt a motion authorizing the submission of a letter to Cal OES requesting the assignment of a Type VI fire engine.

This Consent Item was approved.

I.11.

SUBJECT: Approval of an Agreement for Professional Services with Stantec Consulting Services, Incorporated, for Engineering Design Services for the Wastewater Treatment Facility Phase VI Upgrades for a Total Amount not to Exceed \$451,900

REPORT IN BRIEF

Considers authorizing an agreement for professional services with Stantec Consulting Services, Incorporated, for preliminary design of wastewater treatment facility upgrades in a total amount of \$451,900.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving an agreement for professional services (engineering design services) with Stantec Consulting Services, Incorporated, in the amount of \$451,900; and,

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

This Consent Item was approved.

I.12.

SUBJECT: Approving the Fifth Amendment to the Professional Services Agreement with Stantec Consulting Services, Inc., for Additional CEQA/EIR and Assessment District Formation Efforts for the City of Merced Wastewater Collection System (Sewer) Master Plan Update

REPORT IN BRIEF

Considers approving a fifth amendment to an agreement with Stantec Consulting Services, Inc., for additional CEQA/EIR related efforts, including development of a second administrative draft environmental impact report, addressing the project level nature approach specifically relating to the air quality and greenhouse gas (GHG) sections and additional efforts related to the potential assessment district formation.

RECOMMENDATION

City Council - Adopt a motion approving a fifth amendment to professional services agreement with Stantec Consulting Services, Inc., in the additional amount of \$61,500 for the City of Merced Sewer Master Plan Update; and, authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

This Consent Item was approved.

I.13.

SUBJECT: Approval of Professional Services Agreement Through December 31, 2021, with AARC Consultants, LLC, to Conduct a Risk and Resilience Assessment and Prepare an Emergency Response Plan for Merced's Drinking Water System in an Amount not to Exceed \$109,775.00

REPORT IN BRIEF

Considers approving a professional services agreement with AARC Consultants, LLC, for a Risk and Resilience Assessment and Emergency Response Plan in compliance with Section 2013 of the America's Water Infrastructure Act of 2018.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a professional services agreement with AARC Consultants, LLC, in the amount of \$109,775, to conduct a Risk and Resilience Assessment and prepare an Emergency Response Plan; and

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

This Consent Item was approved.

I.15.

SUBJECT: Adoption of a Resolution Re-Certifying the Updated City of Merced's Sewer System Management Plan for the Period of June 2020 Through June 2025

REPORT IN BRIEF

Requests the City Council to re-certify the updated Sewer System Management Plan.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2020-38, A** Resolution of the City Council of the City of Merced, California, re-certifying the updated City of Merced's Sewer System Management Plan.

This Consent Item was approved.

I.4.

SUBJECT: Waiver of Competitive Bidding Requirement for Professional Services and Approval of a Two-Year Agreement with Giftbar, LLC. in the Amount of \$500,000 to be Allocated and Held in Trust by the Service Provider and Distributed in Accordance with the Terms and Conditions of the Program and Accept and Appropriate a Fiscal Sponsorship of \$250,000 from the Central Valley Opportunity Fund, and Appropriate \$287,000 from the Economic Development Opportunity Fund to Establish the Proposed City of Merced Gift Card Program and the Associated Administrative Costs

REPORT IN BRIEF

Considers establishing the City of Merced Gift Card Program through the approval of the Giftbar, LLC contract for services, authorizes the acceptance of a fiscal sponsorship and appropriation of \$250,000 from the Central Valley Opportunity Fund, and considers the appropriation of \$287,000 from the Economic Development Opportunity Fund to establish the City of Merced proposed Gift Card program and to cover the associated administrative costs.

RECOMMENDATION

City Council - Adopt a motion:

- A. Authorizing waiving of the competitive bidding requirement; and,
- B. Approving a contract for services with Giftbar, LLC in the amount of \$500,000, to be allocated and held in trust by the service provider and distributed in accordance with the terms and conditions of the program; and,
- C. Authorizing the acceptance of a fiscal sponsorship of \$250,000 from the Central Valley Opportunity Fund and appropriating the same to Fund 074-Economic Development Opportunity Fund; and,
- D. Authorizing the appropriation of \$287,000 In fund 074- Economic Development Opportunity Fund to establish the proposed City of Merced Gift Card program; and,

E. Providing direction to staff on the make-up of the small, local business participants; and,

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

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

Assistant City Manager Stephanie DIETZ gave a brief presentation on the program.

Council discussed the distribution of the gifts cards, the requirements that must be met by local businesses to participate, the simplicity of the program, and including as many businesses as possible.

A motion was made by Council Member McLeod, seconded by Council Member Blake, that this item be approved with no restriction on business types with an employee count to be 100 or fewer employees. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Echevarria

I.14.

SUBJECT: Approval of Award of Construction Bid to Bowen Engineering and Environmental for the Well Site 3 Tank Removal, Project No. 117047, in the Amount of \$318,000

REPORT IN BRIEF

Considers awarding a contract in the amount of \$318,000 to Bowen Engineering and Environmental to remove the elevated water storage tank at Well Site #3 located at 511 West 12th Street.

RECOMMENDATION

City Council - Adopt a motion:

A. Awarding the bid for the Well Site 3 Tank Removal, Project No. 117047, to Bowen Engineering and Environmental, in the amount of \$318,000; and,

B. Authorizing the City Manager or the Assistant City Manager to execute the necessary documents and to approve change orders not to exceed 10% of the total contract.

City Manager Steve CARRIGAN recommended moving this item to a future date after re-bid of the project.

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

J. PUBLIC HEARINGS

Clerk's Note: Council took a recess at 8:31 PM and returned at 8:42 PM.

J.1.

SUBJECT: Public Hearing and Adoption of Resolution Granting a Certificate of Public Convenience and Necessity for Universal Protection Service LP to Operate a Private Patrol Service

REPORT IN BRIEF

Considers approving a Resolution granting and issuing a certificate of public convenience and necessity to Universal Protection Service LP.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2020-30**, a Resolution of the City Council of the City of Merced, California, granting a certificate of public convenience and necessity to Universal Protection Service LP.

Clerk's Note: Items J.1., J.2., J.3., and J.4. were combined as a single Public Hearing.

Police Lieutenant Alan WARD gave a brief presentation on the security companies wanting to do business within the City of Merced and the required background checks that were completed.

Mayor MURPHY opened and subsequently closed the Public Hearing for items J.1. through J.4. at 8:43 PM due to lack of public comment.

A motion was made by Council Member Blake, seconded by Council Member McLeod, that this agenda item be approved. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Echevarria

J.2.

SUBJECT: Public Hearing and Adoption of Resolution Granting a Certificate of Public Convenience and Necessity for Byakko Private Security Services Inc. to Provide Private Patrol Services

REPORT IN BRIEF

Considers approving a Resolution granting and issuing a certificate of public convenience and necessity to Byakko Private Security Services Inc.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2020-32**, a Resolution of the City Council of the City of Merced, California, granting a certificate of public convenience and necessity to Byakko Private Security Services Inc.

A motion was made by Council Member Blake, seconded by Council Member McLeod, that this agenda item be approved. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Echevarria

J.3.

SUBJECT: Public Hearing and Adoption of Resolution Granting a Certificate of Public Convenience and Necessity for Accolade Security Inc. to Operate a Private Patrol Service

REPORT IN BRIEF

Considers approving a Resolution granting and issuing a certificate of public convenience and necessity to Accolade Security Inc.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2020-33**, a Resolution of the City Council of the City of Merced, California, granting a certificate of public convenience and necessity to Accolade Security Inc.

A motion was made by Council Member Blake, seconded by Council Member McLeod, that this agenda item be approved. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Echevarria

J.4.

SUBJECT: Public Hearing and Adoption of Resolution Granting a Certificate of Public Convenience and Necessity for Security Enforcement Alliance to Operate a Private Patrol Service

REPORT IN BRIEF

Considers approving a Resolution granting and issuing a certificate of public convenience and necessity to Security Enforcement Alliance.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2020-31**, a Resolution of the City Council of the City of Merced, California, granting a certificate of public convenience and necessity to Security Enforcement Alliance.

A motion was made by Council Member Blake, seconded by Council Member McLeod, that this agenda item be approved. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Echevarria

J.5.

SUBJECT: Public Hearing on the Various Maintenance Districts' Engineer's Reports and Budgets for Fiscal Year 2020/2021 with Adoption of Resolutions for Approval, Confirmation, and Adoption of the Engineer's Reports for the Various Maintenance Districts as Originally Submitted or as Modified; and Approval of Abeyances for Maintenance Districts with Operating Reserve Balances Above the Amount Required by the Fund Balance Policy

REPORT IN BRIEF

Considers adopting a Resolution approving, confirming, and adopting Engineer's Reports and Budgets; and a Resolution approving abeyances for Districts with operating reserve balances above the amount required by the Fund Balance policy for the various Maintenance Districts after the close of the Public Hearing.

RECOMMENDATION

City Council - Adopt a Motion:

A. Adopting **Resolution 2020-39**, a Resolution of the City Council of the City of Merced, California, approving, confirming, and adopting Engineer's Reports on Maintenance Districts; and,

B. Adopting **Resolution 2020-40**, a Resolution of the City Council of the City of Merced, California, approving, confirming, and adopting Engineer's Reports on Glenhaven Park, Quail Run, Sequoia Hill, and Sky Moss Maintenance Districts, including the adoption of temporary partial abeyance of assessments for each District.

Director of Public Works Ken ELWIN, gave a brief presentation on the Maintenance Districts Engineer's Budget, the different districts, and areas and items covered by the fees.

Council Member SERRATTO asked about the repairs to the downtown clock and also asked about other downtown items that may need repairs.

Mayor MURPHY opened Public hearing at 8:54 PM.

Rochelle ABRIL, Merced - spoke on restroom repairs needed at McNamara Park.

Robbie DEAN, Merced - spoke on evenly funding all parks throughout the city.

Mayor MURPHY closed Public Hearing at 9:00 PM.

Council Member SERRATTO spoke on possibly holding off on the repairs to the downtown and allocating the funds to other downtown projects.

A motion was made by Council Member Blake, seconded by Council Member McLeod, that this Public Hearing Item be approved with the exception of funding the downtown clock at this time. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Echevarria

J.6.

SUBJECT: Continued Public Hearing to Allow Interested Persons to be Heard Prior to Adoption of Resolutions Adopting the City Council, Public Financing and Economic Development Authority and Parking Authority Fiscal Year 2020-21 Budget with Revision(s), if any, and

Appropriation of the Revenue and Approval of the Capital Projects for
Each Respective Budget

REPORT IN BRIEF

Continued Public Hearing and adoption of the Fiscal Year 2020-21 City Council, Public Financing and Economic Development Authority, and Parking Authority Budget.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting **Resolution 2020-41**, Resolution of the City Council of the City of Merced, California, Adopting the Budget and Appropriating Revenue for Fiscal Year 2020-2021; and,
- B. Approving capital projects based upon the Planning Commission's June 10, 2020 finding of consistency of Capital Improvement Program with the General Plan and as modified by recalculation of carryover projects to reflect actual balances as of June 30, 2020.

Public Financing and Economic Development Authority - Adopt a motion:

- A. Adopting **Resolution PFA 2020-01**, Resolution of the City of Merced Public Financing and Economic Development Authority, Adopting the Budget and Appropriating Revenue for Fiscal Year 2020-2021; and,
- B. Approving capital projects based upon the Planning Commission's June 10, 2020 finding of consistency of Capital Improvement Program with the General Plan and as modified by recalculation of carryover projects to reflect actual balances as of June 30, 2020.

Parking Authority - Adopt a motion:

- A. Adopting **Resolution PA 2020-01**, Resolution of the City of Merced Parking Authority, Adopting the Budget and Appropriating Revenue for Fiscal Year 2020-2021; and,
- B. Approving capital projects based upon the Planning Commission's June 10, 2020 finding of consistency of Capital Improvement Program with the General Plan and as modified by recalculation of carryover projects to reflect actual balances as of June 30, 2020.

Finance Officer Venus RODRIGUEZ gave a presentation highlighting the

City Budget including recent changes in personnel, the changes due to the Covid-19 Pandemic, and recommended minimum balances.

Mayor MURPHY reopened Public Hearing at 9:15 PM.

Nancy REDING, Merced - spoke about the allocation of funds from Measure Y, asked Council to fund youth services, and the oversight committee for Measure Y.

Edward VASQUEZ, Merced - spoke on Measure Y and asked Council to invest the funds to the city parks and youth.

Christopher JENSEN, Merced - spoke on the committees for Measure Y and Measure C and also spoke on investing in the Parks and Recreation Department.

Jesse ORNELAS, Merced - spoke on funding the Parks and Recreation Department, investing in youth programming, and parks upkeep.

Sol RIVAS, Merced - spoke on funding Parks and Recreation Department with Measure Y tax dollars.

Demitra BORRERO, Merced- spoke on the 2020/2021 projected budget and asked to use funding for services that will help all Merced residents.

Marilyn MOCHEL, Merced- spoke on funding for youth services in South Merced and Loughborough area, the allocation of Measure Y funds, and working restrooms in South Merced parks.

Edward FLORES, Merced - spoke on allocating funds to Parks and Recreation with Measure Y revenue.

Sheng XIONG, Merced - spoke on restrictive and affordable housing and mentioned the availability of affordable housing throughout Merced.

Gabriela SPIVA, Merced - recommended Council reevaluate the 2020-2021 proposed budget.

Kelly TURNER, Merced - asked about CDBG Funding, spoke on the investment in youth programming, and the McNamara youth center.

Michael BELLUOMINI, Merced - spoke about the language that was written in Measure Y and asked to increase the Parks and Recreation budget.

Alec, Merced - asked Council to reconsider the budget and reallocate from the Police Department to other services in the community.

Katie, Merced - spoke about police brutality and ask to remove resource officers from local schools.

Clerk's Note: The following comment was provided by voicemail.

Mylia, Merced - spoke on the reallocation of funds from police to other needed services in Merced.

Katie, Merced - asked Council to reconsider the proposed police budget to remove school resource officers.

Mayor MURPHY Closed Public Hearing at 9:53 PM.

Council discussed the general fund, implementing a hiring freeze on certain positions, Measure C and Measure Y tax revenue and funding allocations, other community resources to allocate funding towards in the 2020-2021 budget, and possibly allocating the additional 40% of Measure Y revenue to the Parks and Recreation department.

A motion was made by Council Member Blake, seconded by Mayor Pro Tempore Serratto, to adopt the budget as presented with allocation of the Measure Y funding to Parks and Recreation at 60%, Police at 20% and Fire at 20%, The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Echevarria

K. REPORTS

K.1.

SUBJECT: Continued Deliberation, Decision and Providing Direction Regarding the 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, and;

B. Providing 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.

Development Services Director Scott MCBRIDE gave a brief discussion and presentation of the deliberation continuance.

Richard HARRIMAN, representing the Appellant Casey STEED - discussed continuing this matter to an August City Council meeting to allow for preparation.

Elisa PASTER, representing the Applicant - asked to reopen the Public Hearing.

Mayor MURPHY and City Attorney Phaedra NORTON discussed and agreed on reopening the Public Hearing at a future meeting.

A motion was made by Council Member Shelton, seconded by Council Member McLeod, that the Public Hearing be reopened in full at the August 17, 2020 Council 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: 0

Absent: 1 - Council Member Echevarria

Recused: 1 - Council Member Blake

K.2.

SUBJECT: Report - Fourth of July Illegal Fireworks Enforcement Strategies and Public Outreach Campaign by the City of Merced and Adopt a Motion Approving the Placement of Banners on Light Poles in Downtown Merced and G Street to Support Prevention Efforts

REPORT IN BRIEF

Provides an update to the City Council on the City's efforts to combat illegal fireworks within the City limits and the public outreach efforts being made to deter people from using, selling and possessing illegal fireworks and approves the placement of banners on light poles in downtown Merced and G Street.

RECOMMENDATION

City Council - Adopt a motion receiving the informational report on the City's efforts to combat illegal fireworks and approving the request to place banners on light poles downtown and on G Street from June 16, 2020 to July 6, 2020.

Fire Chief Billy ALCORN gave a brief presentation of the Fourth of July Illegal Fireworks Enforcement and the outreach program to the public.

A motion was made by Council Member Blake, seconded by Council Member McLeod, that this Report Item be approved. The motion carried by the following vote:

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

No: 0

Absent: 1 - Council Member Echevarria

L. BUSINESS

L.1. SUBJECT: Request to Add Item to Future Agenda

REPORT IN BRIEF

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

Council Member SERRATTO requested to add an item regarding the Neighborhood Improvement Plan to a future meeting.

Mayor MURPHY requested to create a community group to review current Police policies and operations with a report back at a future meeting.

L.2. SUBJECT: City Council Comments

REPORT IN BRIEF

Provides an opportunity for the Mayor and/or Council Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the City and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the

legislative body under this section.

Council Member MARTINEZ spoke about attending El Capitan High School Graduation and a community protest at Courtyard Park.

Council Member MCLEOD thanked all community members for attending the meeting.

Mayor MURPHY commented on the virtual Town Hall organized by the NAACP.

Merced Resident - commended Council for the work and time invested in the community.

Clerk's Note: Council adjourned back into Closed Session at 11:22 PM and adjourned from Closed Session at 11:31 PM.

M. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 11:33 PM.

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

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

No: 0

Absent: 1 - Council Member Echevarria