



# 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

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Monday, August 3, 2020

6:00 PM

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#### A. CLOSED SESSION ROLL CALL

**Clerk's Note:** Council Member SHELTON arrived to the Closed Session at 5:35 PM.

**Present:** 5 - Mayor Mike Murphy, Mayor Pro Tempore Matthew Serratto, Council Member Anthony Martinez, Council Member Jill McLeod, and Council Member Delray Shelton

**Absent:** 2 - Council Member Kevin Blake, and Council Member Fernando Echevarria

#### B. CLOSED SESSION

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

**Clerk's Notice:** Closed Session was held via video conference as provided for by Governor Newsom's Executive Order N29-20.

**B.1.** **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS - Agency Designated Representatives: Mayor and City Council Members. Unrepresented Employee: Interim City Manager; Authority: Government Code Section 54957 and 54957.6

**B.2.** **SUBJECT:** PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT - Title: Interim City Manager; AUTHORITY: Government Code 54957

**B.3.** **SUBJECT:** CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Property: 690 W. 16th Street and 710 W. 16th Street, Merced, CA; Agency Negotiator: Stephanie Dietz, Acting City Manager, City of Merced; Negotiating Parties: Transit Joint Powers Authority of Merced County and City of Merced and; Under Negotiation: Price and Terms of Payment

**Clerk's Note:** Council adjourned from Closed Session at 5:44 PM.

#### C. CALL TO ORDER

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

**Clerk's Note:** The Regular Meeting was held via video conference as provided for by Governor Newsom's Executive Order N29-20.

C.1. Invocation - Bruce Metcalf, Merced Rescue Mission

The Invocation was presented by Bruce METCALF from the Merced Rescue Mission.

C.2. Pledge of Allegiance to the Flag

Mayor MURPHY led the Pledge of Allegiance.

**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

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**

Mayor MURPHY announced that by a 5-0 vote (BLAKE, ECHEVARRIA absent) the Council appointed Stephanie DIETZ as Interim City Manager.

**F. CEREMONIAL MATTERS**

**F.1. SUBJECT: Proclamation - National Health Center Week**

**REPORT IN BRIEF**

Presented to Yamilet Valladolid, Manager of Government Affairs Golden Valley Health Centers.

Mayor MURPHY read the Proclamation for National Health Center Week.

Yamilet VALLADOLID, Manager of Government Affairs for Golden Valley Health Centers accepted the proclamation.

**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.

Agenda Item H. Oral Communications - Jose NAVA

Agenda Item J.1. - Sandra HAYE

Agenda Item K.1. - Sandra HAYE Diana ODUM GUNN

## H. ORAL COMMUNICATIONS

**Clerk's Note:** This item was combined with Agenda Item G. Written Petitions and Communications.

## I. CONSENT CALENDAR

Agenda item I.7. Measure Y Fund Allocation in the Amount of \$206,525 for Recreation Programming and Park, Zoo, One Time Events and Youth Center Upgrades was pulled for separate consideration.

### Approval of the Consent Agenda

A motion was made by Council Member McLeod, seconded by Council Member Echevarria, 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

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

#### REPORT IN BRIEF

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

#### RECOMMENDATION

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

**This Consent Item was approved.**

### I.2. **SUBJECT:** Information Only - Bicycle and Pedestrian Advisory Committee Meeting Minutes of December 10, 2019

**RECOMMENDATION**

For information only.

This Consent Item was approved.

I.3.

**SUBJECT:** Information Only - Traffic Committee Minutes of March 10, 2020

**RECOMMENDATION**

For information only.

This Consent Item was approved.

I.4.

**SUBJECT:** Information-Only Contracts for the Month of July 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.

I.5.

**SUBJECT:** Authorization to Accept \$80,000 in Grant Funds from the California Office of Traffic Safety to Conduct DUI Checkpoints, DUI Saturation Patrols, Traffic Safety Enforcement, Along with Purchasing Children Bicycle Helmets and DUI Checkpoint Supplies as Part of the 2020 California Office of Traffic Safety Selective Traffic Enforcement Program (STEP) Grant

**REPORT IN BRIEF**

Considers accepting grant funding from the California Office of Traffic Safety offered to the Merced Police Department in the amount of \$80,000 from the Selective Traffic Enforcement Program (STEP) Grant to conduct DUI Checkpoints, DUI Saturation Patrols, Pedestrian/Bicycle Enforcement, Traffic Safety Enforcement, along with conducting assemblies for middle schools, and purchasing children bicycle helmets.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Accepting the grant and increasing the revenue budget in account 035-1016-324.01-02 by \$80,000; and,

B. Appropriating the same to Fund 035-Police Office of Traffic Safety

Grant Fund; and,

C. Approving the use of pooled cash until reimbursement from the grant is received; and,

D. Authorizing the City Manager to execute the necessary documents.

**This Consent Item was approved.**

**I.6.**

**SUBJECT:** Extension of the Memorandum of Understanding with Merced Association of Police Sergeants 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 Association of Police Sergeants for the term January 1, 2020 until June 30, 2021.

**RECOMMENDATION**

**City Council** - Adopt a motion approving **Resolution 2020-54**, a Resolution of the City Council of the City of Merced, California, approving Memorandum of Understanding with the Merced Association of Police Sergeants and authorizing the City Manager or the Assistant City Manager to execute the necessary documents.

**This Consent Item was approved.**

**I.8.**

**SUBJECT:** Correct Typographical Errors on Fiscal Year 2020-21 Annual Special Tax Rate (Exhibit A) for Community Facilities District (CFD) No. 2003-2 (Services) of the City of Merced

**REPORT IN BRIEF**

Considers amending Exhibit A of Resolution No. 2020-28, authorizing the establishment of Annual Special Tax Rates for Fiscal Year 2020-21 to correct typographical errors for Improvement Areas 12 and 26.

**RECOMMENDATION**

**City Council** - Adopt a motion approving **Resolution 2020-47**, 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, amending Resolution No. 2020-28 to correct Exhibit A thereto relating to the Annual Special Tax for said district for Fiscal Year 2020-2021.

This Consent Item was approved.

I.9.

**SUBJECT:** Waiving the Competitive Bidding Requirements and Authorize the Purchase of Ten (10) Budgeted Fleet Vehicles, Including One Asphalt/Patch Truck from M.M.E./PB Loader for \$193,846.80, Two 6-Yard Dump Trucks from M.M.E./PB Loader for \$132,750.52 Each, Two 12-Yard Dump Trucks from M.M.E./PB Loader for \$144,053.98 Each, One Street Sweeper from Municipal Maintenance Equipment (M.M.E.) for \$311,621.44, One Large Water Service Truck from National Auto Fleet Group Through American Truck & Trailer Body (AT&TB) for \$243,300.54, One Rear Loader Refuse Truck from Ruckstell CA. Sales for \$231,790.12, and Two Side Loader Refuse Trucks from Ruckstell CA. Sales for \$300,060.60 Each Through Cooperative Purchasing Agreements with Sourcewell

#### **REPORT IN BRIEF**

Considers authorizing a waiver of competitive bidding requirement pursuant to Merced Municipal Code Section 3.04.210 to purchase ten currently budgeted and Council approved fleet vehicles through the government procurement program Sourcewell.

#### **RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the purchase of one asphalt/patch truck in the amount of \$193,846.80 from M.M.E./PB Loader through Sourcewell contract #052417-PBL; and,

B. Approving the purchase of two 6-yard dump trucks in the amount of \$132,750.52 each from M.M.E./PB Loader through Sourcewell contract #052417-PBL; and,

C. Approving the purchase of two 12-yard dump trucks in the amount of \$144,053.98 each from M.M.E./PB Loader through Sourcewell contract #052417-PBL; and,

D. Approving the purchase of one street sweeper model A9 in the amount of \$311,627.44 from Municipal Maintenance Equipment (M.M.E.) through Sourcewell contract # 122017-SZW; and,

E. Approving the purchase of one large water service truck in the amount of \$243,300.54 from National Auto Fleet Group through American Truck & Trailer Body (AT&TB) through Sourcewell contract # 081716-NAF; and,

F. Approving the purchase of one rear loader refuse truck in the amount of \$231,790.12 from Ruckstell Ca. Sales through Sourcewell contract # 112014-NWY; and,

G. Approving the purchase of two side loader refuse trucks in the amount of \$300,060.60 each from Ruckstell Ca. Sales through Sourcewell contract # 112014-NWY; and,

H. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code section 3.04.210 and authorizing the purchases to be made with cooperative purchase agreements through Sourcewell, a government procurement program; and,

I. Authorizing the City Manager or the Assistant Manager to execute any necessary documents for the purchases specified above, the Finance Officer to make the appropriate budget adjustments and City Buyer to issue the Purchase Orders.

**This Consent Item was approved.**

**I.10.**

**SUBJECT:** Department of Water Resources Proposition 1 Grant Awarded to the Merced Integrated Regional Water Management Authority, Which Includes a City of Merced Project for Surface Water Irrigation to Parks and Weather Based Irrigation Controllers

**REPORT IN BRIEF**

The Merced Integrated Regional Water Management Authority (MIRWMA) has agreed to accept on behalf of its member agencies a Department of Water Resources Proposition 1 Grant which includes a City of Merced project for Surface Water Irrigation to Parks and Weather Based Irrigation Controllers.

**RECOMMENDATION**

For Information Only.

**This Consent Item was approved.**

**I.11.**

**SUBJECT:** Reimbursement Agreement With Virginia Smith Trust for

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City Staff Work Relating to Proposed Development Located South  
of the UC Merced Campus and East of Lake Road

**REPORT IN BRIEF**

Considers the approval of a Reimbursement Agreement with the Merced County Board of Education acting as Trustee for the Virginia Smith Trust (VST) for City staff work related to their proposed development east of Lake Road, south of the UC Merced Campus.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving a Reimbursement Agreement with the Merced County Board of Education acting on behalf of the Virginia Smith Trust (VST), in the amount of \$110,000 to cover the costs associated with the VST development project; and,

B. Approving an increase in revenue in the amount of \$110,000 to Account 017-0804-331.01-11-Special Services/Cost Recovery and appropriating the same in Fund 017-Development Services; and,

C. Authorizing the City Manager or the Assistant City Manager to execute the agreement; and,

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

**This Consent Item was approved.**

**I.12.**

**SUBJECT:** Rejection of the Bid Protest Submitted by ANV Contractors, Inc. and Approval of Award of Construction Bid and Approval of the General Construction Contract to Daguerre Construction for the Lab Building and Solid Handling Building Restrooms, Project No. 120025, in the Amount of \$86,000

**REPORT IN BRIEF**

Considers awarding a contract in the amount of \$86,000 to Daguerre Construction to construct a restroom in the Lab Building and a restroom in the Solid Handling Building.

**RECOMMENDATION**

**City Council** - Adopt a motion:



- A. Rejecting the Bid Protest Submitted by ANV Contractors, Inc.
- B. Awarding the bid for the Lab Building and Solid Handling Building Restrooms, Project No. 120025, to Daguerre Construction, in the amount of \$86,000; and,
- C. 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.

**This Consent Item was approved.**

**I.13.**

**SUBJECT:** Approval of an Agreement for Professional Services with Dokken Engineering, a California Corporation, for Project Approval, Environmental Documents (PA/ED), Plans, Specifications, and Estimates (PS&E) for the Highway 59 Phase 1 Widening and Highway 59 Bridges Over Black Rascal Creek Project for a Total Amount not to Exceed \$2,399,223.01

**REPORT IN BRIEF**

Considers approving a professional services agreement with Dokken Engineering, a California Corporation, for the PA/ED and PS&E for Highway 59 Widening Phase 1 and Highway 59 Black Rascal Bridge Project.

**RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Approving an agreement for professional services (environmental and engineering design services) with Dokken Engineering, a California Corporation, in the amount of \$2,399,223.01; and,
- B. Authorizing the City Manager or the Assistant City Manager to sign the necessary documents.

**This Consent Item was approved.**

**I.14.**

**SUBJECT:** Second Reading and Final Adoption of Ordinance Amending Sections 10.16.010 Speed Limits, 10.28.230 No Parking Zones, 10.28.275 On-Street Disabled Persons Parking, 10.28.370 Two-Way Stop Intersections and 10.32.057 Seven a.m. to Four p.m. Passenger Loading Zones

**REPORT IN BRIEF**

Second reading to amend sections 10.16.010, 10.25.230, 10.28.275, 10.28.370, and 10.32.057 of the Merced Municipal Code.

#### RECOMMENDATION

**City Council** - Adopt a motion adopting **Ordinance 2517**, an Ordinance of the City Council of the City of Merced, California, amending sections 10.16.010 "Speed Limits;" 10.28.230 "No Parking Zones;" 10.28.275 "Disabled Persons - On-Street Parking;" 10.28.370 "Two-Way Stop Intersections;" and 10.32.057 "Passenger Loading Zones - Locations - Seven a.m. to Four p.m." of the Merced Municipal Code.

**This Consent Item was approved.**

I.7.

**SUBJECT:** Measure Y Fund Allocation in the Amount of \$206,525 for Recreation Programming and Park, Zoo, One Time Events and Youth Center Upgrades

#### REPORT IN BRIEF

Considers how to allocate available Measure Y funds for various park, Zoo, and youth center maintenance and upgrades, one-time events, and new recreation programs.

#### RECOMMENDATION

**City Council** - Adopt a motion:

A. Approving the allocation of Measure Y funds in the amount of \$206,525 for the proposed park, Zoo, and youth center maintenance projects, one-time events, and new recreation programming; and,

B. Allowing the Finance Officer to make the necessary budget adjustments for the unprogrammed funds of \$206,525.

Council Member MARTINEZ pulled this item for separate consideration.

Interim City Manager Stephanie DIETZ gave a brief report on the recommendations made by the Recreation and Parks Commission regarding the use of Measure Y funding for various recreation projects and programs.

Recreation and Parks Director Joey CHAVEZ stated that the playground at McNamara Park needed repair and suggested this funding should be used for various one time fixes for other facilities in the City as well.

Council and Mr. CHAVEZ discussed and agreed that McNamara park warranted repairs and discussed the needs of other locations including the Sports Complex, the playground at Fahrens Park, and the Senior Center.

**Clerk's Note:** The following comment was received via voicemail.

Merced resident - suggested technology training programs for the youth.

**A motion was made by Council Member Martinez, seconded by Council Member McLeod, that this agenda item be approved with a full \$90,000 being used to fund McNamara Park repairs and no restrictions be in place for the \$1000 stipend for McNamara facilities. 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. PUBLIC HEARINGS

### J.1.

**SUBJECT:** Continued Public Hearing - United States (U.S.) Department of Housing and Urban Development (HUD) 2020-2024 Five-Year Consolidated Plan, Analysis of Impediments for Fair Housing Choice, and Fiscal Year 2020-2021 Annual Action Plan, and Direction from City Council on any Additional Community Outreach

#### REPORT IN BRIEF

Continuation of the Public Hearing from July 6, 2020, and July 20, 2020, in order to receive additional public comment on the U.S. Department of Housing and Urban Development (HUD) 2020-2024 Five-Year Consolidated Plan, Analysis of Impediments to Fair Housing Choice, and 2020 Annual Action Plan, and direction from the City Council on any Additional Community Outreach.

#### RECOMMENDATION

##### City Council -

A. Re-open the public hearing to receive any additional public input regarding the Draft 2020-2024 Five Year Consolidated Plan, Analysis of Impediments to Fair Housing, and the Draft 2020 Annual Action Plan, including the proposed expenditure of CDBG and HOME funds for Fiscal Year 2020-2021; and,

B. Close the public hearing after all public comments have been received.

C. Provide direction on any additional community outreach.

Director of Development Services Scott MCBRIDE gave a brief overview of the HUD 2020-2024 Five-Year Consolidated Plan and the process for the evening.

Mayor MURPHY opened the Public Hearing at 6:52 PM.

**Clerk's Note:** The following comment was received via voicemail.

Sheng XIONG, Leadership Council - spoke on the plan and the need for additional input from the public.

Mayor MURPHY closed the Public Hearing at 6:55 PM.

Council discussed and agreed that extending the timeline was acceptable.

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

**J.2.**

**SUBJECT:** Continued Public Hearing to Allow Interested Persons to be Heard on Proposed Submittal of an Application to the United States Department of Housing and Urban Development (HUD) for Financing Through the Section 108 Loan Guarantee Program for the Childs Court Apartments - Childs and B Street Transit Oriented Development (TOD) Affordable Housing Project

**REPORT IN BRIEF**

Continued Public Hearing to allow interested persons to be heard prior on the proposed application to the United States Department of Housing and Urban Development (HUD) for financing through the Section 108 Loan Guarantee Program for the Childs Court Apartments - Childs and B Street Affordable Housing Transit Oriented Development (TOD) Project.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Recommending that the City Council conduct the Public Hearing, receive any testimony given; and,

B. Close the Public Hearing.

Director of Development Services Scott MCBRIDE stated the reason the

applicant is requesting more funding for the project was that bids are coming back higher for goods and services during the pandemic. Mr. MCBRIDE stated that the noticing required a certain timeline and this item would be brought back at the August 17, 2020 City Council Meeting for final action.

Mayor MURPHY opened and subsequently closed the Public Hearing at 7:08 PM due to lack of public comment.

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

**J.3.**

**SUBJECT:** Public Hearing - Vacation No. 20-02 for the Adoption of a Resolution Ordering the Vacation of a 25-Foot-Wide Access Easement in Foothill Drive (Extended), a 25-Foot-Wide Temporary Access Easement Along the East Side of G Street at Foothill Drive (Extended), and a 15-Foot-Wide Road Right-of-Way Consisting of 1,432 Square Feet, Located Approximately 1,100 Feet East of G Street, North of Merrill Place (Extended) (Vacation #20-02)

#### **REPORT IN BRIEF**

Considers approving a Resolution to order the vacation of a 25-foot-wide access easement in Foothill Drive (extended), a 25-foot-wide temporary access easement along the east side of G Street at Foothill Drive (extended), and a 15-foot road right-of-way consisting of approximately 1,432 square feet located approximately 1,100 feet east of G Street, north of Merrill Place (extended).

#### **RECOMMENDATION**

**City Council** - Adopt a motion:

A. Adopting **Resolution 2020-51**, a Resolution of the City Council of the City of Merced, California ordering the vacation of a 25-foot-wide temporary access easement in Foothill Drive (extended) (Vacation #20-02); and,

B. Adopting **Resolution 2020-52**, a Resolution of the City Council of the City of Merced, California ordering the vacation of a 25-foot-wide temporary access easement along the east side of G Street at Foothill Drive (extended) (Vacation #20-02); and,

C. Adopting **Resolution 2020-53**, a Resolution of the City Council of the City of Merced, California ordering the vacation of a 15-foot-wide road right-of-way consisting of 1,432 square feet located approximately

1,100 feet east of G Street, north of Merrill Place (extended) (Vacation #20-02).

Planning Manager Kim ESPINOSA gave a slide show presentation on the proposed vacation of easements.

Mayor MURPHY opened the Public Hearing at 7:14 PM.

Applicant Rick TELEGAN addressed Council concerns with the project regarding safety.

Mayor MURPHY closed the Public Hearing at 7:18 PM.

**A motion was made by Council Member Echevarria, seconded by Mayor Pro Tempore Serratto, that this agenda 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: Public Hearing and Adoption of Resolution to Vacate a 315-Square-Foot Excess Portion of an Alley to the Adjacent Property at 1001 West 16th Street, Generally Located on the Northwest Corner of 16th Street and Q Street (Vacation #20-03)**

**REPORT IN BRIEF**

Considers vacating an excess portion of an alley at 1001 W. 16th Street.

**RECOMMENDATION**

**City Council** - Adopt a motion adopting **Resolution 2020-50**, a Resolution of the City Council of the City of Merced, California, ordering the vacation of a 315-square-foot excess portion of an alley to the adjacent property at 1001 West 16th Street, generally located at the northwest corner of 16th Street and Q Street (Vacation #20-03).

Planning Manager Kim ESPINOSA a brief slide show presentation on the vacation of a portion of an alley at 1001 West 16th Street.

Mayor MURPHY opened and subsequently closed the Public Hearing at 7:26 PM due to lack of public comment.

**A motion was made by Council Member Echevarria, seconded by Council Member Shelton, 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. REPORTS

### K.1.

**SUBJECT:** Approval to Accept Coronavirus Relief Funds from the State of California Department of Finance up to the Allocated Amount of \$1,088,029, Appropriating \$144,014 to Cover Expenditures Due to COVID-19 in Fiscal Year 2020-2021, and Approval of Policy Items Implemented During the COVID-19 Declared Local Emergency

#### REPORT IN BRIEF

Approving the acceptance of Coronavirus Relief Funds from the State of California Department of Finance up to the allocated amount of \$1,088,029, appropriating \$144,014 to cover expenditures due to COVID-19. In addition, this item seeks the Council's approval on two policy items implemented during the COVID-19 declared local emergency.

#### RECOMMENDATION

**City Council** - Adopt a motion:

- A. Approving the acceptance of up to \$1,088,029 in Coronavirus Relief Funds from the State of California Department of Finance; and,
- B. Approving an appropriation in the amount of \$144,014 in order to cover COVID-19 expenditures in Fiscal Year 2020-2021; and,
- C. Approving the allocation of compensated time off (CTO) hours in the amount of \$537,805 to Essential Employees in Fiscal Year 2019-20; and,
- D. Approving the Administrative Leave paid hours in the amount of \$655,406 to City employees due to the closure of City Hall and other City facilities in Fiscal Year 2019-20; and,
- E. Authorizing the Finance Officer to make any necessary budget adjustments necessary.

City of Merced Finance Officer Venus RODRIGUEZ gave a presentation on the Coronavirus Relief Package from the State of California which included total dollar amount, the timeline that the funding would be released to the City, the accepted uses for the funds, and the time in which to use the

funding.

Council discussed the relief package and the need to seek reimbursement for the full amount allocated by the State.

**A motion was made by Council Member McLeod, 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.2.**

**SUBJECT: Consideration of the Recommendation by the Arts and Culture Advisory Commission for a Street Mural with the Phrase "Black Lives Matter" on Canal Street (South of Bob Hart Square) and Provide Staff Direction on the Development of a Street Mural Policy**

**REPORT IN BRIEF**

Request made from the NAACP, the Hispanic Chamber of Commerce, WeCed and the United Way, as the lead applicant, to the Arts and Culture Advisory Commission for a proposed street mural with the phrase "Black Lives Matter" on Canal Street. Also seeks direction on developing a policy for future street mural requests.

**RECOMMENDATION**

**City Council - Adopt a motion:**

A. Approving the Arts and Culture Advisory Commission's recommendation to support the proposed street mural of the phrase "Black Lives Matter" on Canal Street, south of Bob Hart Square; or

B. Provide staff direction on developing a policy for future street mural requests for review and recommendation by the Arts and Culture Advisory Commission for approval by the City Council which incorporates the government speech doctrine.

Jerome RASBERRY, Merced United Way - gave a presentation on the proposed street mural for the Black Lives Matter movement.

Council expressed support for the mural and agreed that a policy should be developed for public art projects as well.

City Attorney Phaedra NORTON briefly explained the Government Speech



Doctrine and the City Council's ability to select what type of message is displayed in public art.

Council and Mr. RASBERRY continued discussion on the length of time the street mural would be in place and an additional wall mural for the future.

Mayor MURPHY suggested bringing this item back to the next meeting to clarify the project duration.

**A motion was made by Council Member McLeod, seconded by Council Member Echevarria, that this agenda item be continued to the City Council Meeting of August 17, 2020. 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.3.**

**SUBJECT: Update and Final Report on Celebrate Safe Fireworks Campaign for 2020**

**REPORT IN BRIEF**

Provides a final report to City Council on the Celebrate Safe Fireworks Campaign from the Fire Chief and Police Chief.

**RECOMMENDATION**

Provide staff direction as needed on preparing the Celebrate Safe Fireworks Campaign for next year.

Fire Chief Billy ALCORN gave an update and final report on the Celebrate Safe fireworks campaign.

Council and Chief ALCORN discussed reasons why the July 4th holiday was more active this year, and ways to improve the campaign.

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

Joel KNOX, Merced - expressed disappointment in the enforcement of illegal fireworks violations.

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

**L. BUSINESS**

**L.1.                    SUBJECT: Appointments to the Arts and Culture Advisory Commission  
(1 At-Large) (1 Ex-Officio) and Recreation and Parks Commission (1)**

**REPORT IN BRIEF**

Accept nominations to fill the Arts and Culture Advisory Commission At-Large vacancy, Ex-Officio vacancy and a Recreation and Parks Commission vacancy.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Accepting nominations and appointing two individuals to serve as an At-Large member (term ending July 1, 2024) and an Ex-Officio member of the Arts and Culture Advisory Commission; and,

B. Accepting nominations and appointing an individual to serve as a member of the Recreation and Parks Commission, with a term date ending July 1, 2022.

Council briefly discussed the vacancies on the Arts and Culture Advisory Commission and the Recreation and Parks Commission.

**A motion was made by Mayor Murphy, seconded by Mayor Pro Tempore Serratto, to appoint Michelle Morgante to the At-Large seat on the Arts and Culture Advisory Commission. 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

**A motion was made by Mayor Pro Tempore Serratto, seconded by Council Member Echevarria, to appoint Eddie Rodriguez to the Ex-Officio seat on the Arts and Culture Advisory Commission. 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

**A motion was made by Mayor Pro Tempore Serratto, seconded by Council**

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**Member Echevarria, to apoint Douglas Piuser to the Recreation and Parks Commission. 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

**L.2.**

**SUBJECT:** Appointments to the Citizens' Stipend Setting Commission with 6 Members to be Appointed by District and 1 Member to be Appointed At-Large

**REPORT IN BRIEF**

Considers the appointment of individuals to the Citizens' Stipend Setting Commission.

**RECOMMENDATION**

**City Council** - Adopt a motion accepting nominations and appointing one individual to each of the six City Council Districts and one individual to be appointed at-large to the Citizens' Stipend Setting Commission.

Council discussed the applicants and the need to fill vacancies to convene this committee as required by the City Charter.

**A motion was made by Council Member Martinez, seconded by Council Member Echevarria, to appoint Alane Quien as the District 1 Member and Casey Steed as the At-Large Member . 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

**Clerk's Note:** After hearing Agenda Items L.3 and L.4, more appointments were made for Agenda Item L.2.

**A motion was made by Council Member Shelton, seconded by Mayor Pro Tempore Serratto, to appoint Cori Lucero as the District 6 member and Frank Giacolone as the District 5 member. 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

**L.3.**                    **SUBJECT:** Discussion on the Format of Future City Council Meetings  
During COVID-19 and Guidance for Other City Boards and  
Commissions

**REPORT IN BRIEF**

Discuss the format of City Council, Board, and Commission Meetings.

**RECOMMENDATION**

Provide staff direction on the format of future City Council, Board, and Commission Meetings.

Council discussed the format of Council Meetings and the various City commission meetings. Council agreed that the next meeting would be virtual and to have the discussion on virtual versus in person meetings at each meeting based on current numbers associated with the pandemic.

**A motion was made by Council Member McLeod, seconded by Council Member Shelton, that the August 17, 2020 be held virtually and discuss future meeting format at each 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

**L.4.**                    **SUBJECT:** Discussion on Attendance and Designation of Voting  
Delegate and Alternates for the 2020 League of California Cities  
Annual Conference - Annual Business Meeting, October 7 - October 9,  
2020, Virtual Event

**REPORT IN BRIEF**

To expedite the conduct of business at this important policy-making meeting, each City Council is asked to designate a voting representative and two alternates who will be present at the virtual meeting.

**RECOMMENDATION**

**City Council** - Adopt a motion designating one voting delegate and two alternate voting delegates to the League of California Cities Annual Conference General Business Meeting, scheduled for Friday afternoon, October 9, 2020 virtually.

Council briefly discussed the League of California Cities Annual Conference being held virtually and the need for a City voting delegate.

A motion was made by Mayor Murphy, seconded by Council Member McLeod, to appoint Mayor Pro Tempore Serratto as the voting delegate and Council Member Martinez as the alternate for the League of California Cities Annual Conference .  
The motion carried by the following vote:

**Aye:** 5 - Mayor Murphy, Council Member Echevarria, Council Member Martinez, Council Member McLeod, and Council Member Shelton

**No:** 1 - Mayor Pro Tempore Serratto

**Absent:** 1 - Council Member Blake

**L.5.****SUBJECT: Request to Add Item to Future Agenda**

**REPORT IN BRIEF**

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

Council Member ECHEVARRIA requested having the Volunteer of the Year award on a future meeting.

**L.6.****SUBJECT: City Council Comments**

**REPORT IN BRIEF**

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

Council Member MARTINEZ asked the public to stay safe during the pandemic.

Council Member ECHEVARRIA commented on State funding for Covid relief.

**Clerk's Note:** Council Member MCLEOD left the virtual meeting at 10:07 PM.

**M. ADJOURNMENT**

**Clerk's Note:** The Regular Meeting adjourned at 10:09 PM.

A motion was made by Mayor Pro Tempore Serratto, seconded by Council Member Echevarria, to adjourn the meeting. The motion carried by the following vote:

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

**No:** 0

**Absent:** 2 - Council Member Blake, and Council Member McLeod