



CITY OF MERCED

City Council Chamber
Merced Civic Center
2nd Floor
678 W. 18th Street
Merced, CA 95340

Minutes

City Council/Public Finance and Economic Development Authority/Parking Authority

Tuesday, September 8, 2020

6:00 PM

A. CLOSED SESSION ROLL CALL

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

Absent: 0

B. CLOSED SESSION

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

Clerk's Note: The Closed Session was held via video conference as provided for by Governor Newsom's Executive Order N-29-20.

- B.1.** **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Paragraph (1) of Subdivision (d) of Government Code section 54956.9, Name of Case: Travis Lawrie v. City of Merced; 20CV-02335
- B.2.** **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: Interim City Manager Stephanie Dietz; Employee Organizations: Merced Police Officers' Association (MPOA). AUTHORITY: Government Code Section 54957.6
- B.3.** **SUBJECT:** CONFERENCE WITH LABOR NEGOTIATORS -- Agency Designated Representative: Interim City Manager Stephanie Dietz; Unrepresented Management AUTHORITY: Government Code Section 54957.6
- B.4.** **SUBJECT:** CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Property: Surface Water Purchase, Merced, CA; Agency Negotiator: Stephanie Dietz, Interim City Manager, City of Merced; Negotiating Parties: Merced Irrigation District and City of Merced and; Under Negotiation: Price and Terms of Payment

- B.5.** **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 5:55 PM.

C. CALL TO ORDER

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

Clerk's Note: The Regular Meeting was held via video conference as provided for by Governor Newsom's Executive Order N-29-20.

- C.1. Invocation - Al Schaap, Gateway Church

The Invocation was delivered by Pastor Al SCHAAP from Gateway Church.

- C.2. Pledge of Allegiance to the Flag

The Pledge of Allegiance was led by Council Member MCLEOD.

D. ROLL CALL

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

Absent: 0

D.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority and the Public Financing and Economic Development Authority. City Council members receive a monthly stipend of \$20.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$50.00 each month as a part of the adopted budget and Resolution 1975-37. The members of the Parking Authority and the Public Financing and Economic Development Authority receive no compensation.

E. REPORT OUT OF CLOSED SESSION

Mayor MURPHY stated there was no report but that Council would adjourn back to Closed Session at the end of the Regular Meeting.

F. CEREMONIAL MATTERS

- F.1.** **SUBJECT:** Volunteer of the Year Awards

REPORT IN BRIEF

Council Members nominated a volunteer within their district and the Mayor nominated one at-large volunteer to highlight those who have given back to

their community.

Mayor MURPHY briefly described the Volunteer of the Year Awards.

Clerk's Note: A video was shown with each Council Member nominating and each recipient commenting on the award.

District 1 - Zuleika QUIRALTE-REYES

District 2 - Rafael VEGA

District 3 - Wayne and Victoria EISENHART

District 4 - Monika MODEST

District 5 - Monika GRASLEY

District 6 - Rich GIPSON

At-Large - Robert "Zilla" GARCIA

Council thanked all of the volunteers.

F.2.

SUBJECT: Proclamation - Childhood Cancer Awareness Month

REPORT IN BRIEF

The Childhood Cancer Awareness Month Proclamation will be presented.

Council Member BLAKE read the proclamation for Childhood Cancer Awareness Month.

G. WRITTEN PETITIONS AND COMMUNICATIONS

There were none.

H. ORAL COMMUNICATIONS

There were none.

I. CONSENT CALENDAR

Item I.5. Considers a Lease Agreement for the 27th and K (Central) Youth Center with Restorative Justice League for Afterschool Youth Programming for a One Year Term with an Option to Extend the Term for an Additional Term of Two Years; was pulled for separate consideration.

Approval of the Consent Agenda

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

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

No: 0

Absent: 0

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

REPORT IN BRIEF

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

RECOMMENDATION

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

This Consent Item was approved.

I.2. SUBJECT: Information-Only Contracts for the Month of August 2020

REPORT IN BRIEF

Notification of awarded Non-Public Works contracts under \$33,000 and of Public Works contracts under \$71,862.

This Consent Item was approved.

I.3. SUBJECT: Information Only - Planning Commission Meeting Minutes of June 17 and 24, 2020

RECOMMENDATION

For information only.

This Consent Item was approved.

I.4. SUBJECT: 2020 Local Agency Biennial Notice

REPORT IN BRIEF

Accept and file the 2020 Local Agency Biennial Notice to review the City's Conflict of Interest Code.

RECOMMENDATION

City Council - Adopt a motion accepting and filing the 2020 Local Biennial Notice; and, directing staff to return the amended Conflict of Interest Code within 90 days of this date for final adoption by City

Council.

This Consent Item was approved.

I.6.

SUBJECT: Adoption of Resolution Approving the 2020/2021 Local Transportation Fund (LTF) Claim Form in the Amount of \$86,853 to be Filed with the Merced County Association of Governments (MCAG)

REPORT IN BRIEF

Approves and accepts \$86,853 in Local Transportation Funds (LTF) from Merced County Association of Governments (MCAG) for the Highway 59 and 16th Street Right Turn Channelization project.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2020-57**, a Resolution of the City Council of the City of Merced, California, approving the Local Transportation Fund (LTF) Claim to be filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2020/2021; and,

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

This Consent Item was approved.

I.7.

SUBJECT: Selection of the Highway 59 and 16th Street Turn Channelization as the Eligible Roadway Project and Submittal of 2019/2020 Regional Surface Transportation Program (RSTP) Exchange Funds Claim Form in the Amount of \$77,731 to be Filed with the Merced County Association of Governments (MCAG) to Fund a Portion of the Project

REPORT IN BRIEF

Selects the Highway 59 and 16th Street Right Turn Channelization project and authorizes staff to complete the FY 2019/2020 Regional Surface Transportation (RSTP) Claim Form in the amount of \$77,731 for submittal to the Merced County Association of Governments (MCAG).

RECOMMENDATION

City Council - Adopt a motion:

- A. Selecting the Highway 59 Right Turn Channelization project; and,
- B. Directing staff to complete the 2019-2020 RSTP claim form by listing the selected project and corresponding project costs; and,
- C. Adopting **Resolution 2020-62**, a Resolution of the City Council of the City of Merced California, authorizing the City Manager to file the Regional Surface Transportation Program (RSTP) Exchange Funds claim for Fiscal Year 2019-2020; and,
- D. Authorizing the Finance Officer to make necessary budget adjustments for Fiscal Year 2020-2021.

This Consent Item was approved.

I.8.

SUBJECT: Approval of Addendum to the Existing Memorandum of Understanding (MOU) Between the City of Merced and Merced Union High School District (MUHSD) for Police Services in the District's Four (4) High Schools for a Term of Three Years, Fiscal Year 2019 - 2022, with an Option to Extend the Term for One Additional Year

REPORT IN BRIEF

Requests council approval of an addendum to the existing MOU between Merced Union High School District and the City of Merced temporarily reducing Police Services at the District's four (4) high schools.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the addendum to the existing Memorandum of Understanding between the City of Merced and Merced Union High School District to provide police services in the District's four high schools; and,
- B. Authorizing the City Manager or the Assistant City Manager to execute the agreement; and,
- C. Authorizing the Finance Officer to make the appropriate budget adjustments.

This Consent Item was approved.

I.9.

SUBJECT: Waiving the Competitive Bidding Requirements to Standardize Equipment and Authorize the Purchase of New Police Department Radio Communications Equipment in the Amount Not to Exceed \$180,000

REPORT IN BRIEF

Considers authorizing the purchase of new Motorola radio communications equipment up to a not to exceed amount of \$180,000 and waiving the competitive bidding requirement to purchase from a single vendor/brand to allow for the standardization of equipment.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the competitive bidding requirements as stated in Section 3.04.210 of the Merced Municipal Code due to standardization; and,

B. Approving the purchase of Motorola brand communications equipment and accessories through J's Communications, Inc. in a not to exceed amount of \$180,000.

This Consent Item was approved.

I.10.

SUBJECT: Approval of an Agreement with Merced Community College District Contract for the Professional Services of a Police Administrator for the 2020/21 Fiscal Year in the Amount of \$234,554.44

REPORT IN BRIEF

Considers approving an agreement between the City of Merced Police Department and the Merced Community College District for police administrative services at the District's campuses.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Memorandum of Understanding between the City of Merced and the Merced Community College District to provide police services in the District's campuses; and,

B. Authorizing the City Manager to execute the agreement; and,

C. Authorizing the Finance Officer to make the appropriate budget

adjustments.

This Consent Item was approved.

I.5.

SUBJECT: Considers a Lease Agreement for the 27th and K (Central) Youth Center with Restorative Justice League for Afterschool Youth Programming for a One Year Term with an Option to Extend the Term for an Additional Term of Two Years

REPORT IN BRIEF

Considers a lease agreement for the 27th and K (Central) Youth Center to Restorative Justice League for afterschool youth programming.

RECOMMENDATION

City Council - Adopt a motion approving the contract with Restorative Justice League for afterschool youth programming at the Central Youth Center.

Mayor MURPHY pulled this item for separate consideration due to public comment received.

Clerk's Note: The following comment was received by email.

Diana ODOM GUNN - spoke in support of the lease and welcomed new activity at the location.

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

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

No: 0

Absent: 0

J. PUBLIC HEARINGS

J.1.

SUBJECT: Continued Public Hearing to Allow Interested Persons to be Heard Prior to the Submittal of an Application to the United States Department of Housing and Urban Development (HUD) in the Amount of \$2,000,000 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 and Adopting City Council Resolution 2020-49 Approving a Conditional Commitment

of HUD 108 Loan Guarantee Funds, Authorizing the Loan Guarantee Application Submittal to HUD, and Authorizing the City Manager or the Assistant City Manager to Execute and Make Minor Modifications as Necessary on Behalf of the City of Merced

REPORT IN BRIEF

A continued Public Hearing to allow interested persons to be heard prior to the submittal of an application to the United States Department of Housing and Urban Development (HUD) in the amount of \$2,000,000 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 and Adopting City Council Resolution 2020-49 Approving a conditional commitment of HUD 108 Loan Guarantee Funds, Authorizing the Loan Guarantee Application Submittal, and authorizing the City Manager or the Assistant City Manager to execute and make minor modifications as necessary on behalf of the City of Merced.

RECOMMENDATION

City Council - Adopt a motion:

- A. Recommending that the City Council conduct the Public Hearing, receive any testimony given; and,
- B. Adopting **Resolution 2020-49**, a Resolution of the City Council of the City of Merced, California, approving a conditional commitment of HUD 108 Loan Guarantee Funds for the Childs and B Street Transit-Oriented Development Affordable Housing Project; and,
- C. Authorizing the Loan Guarantee Application; and,
- D. Authorizing the City Manager or the Assistant City Manager to execute and make minor modifications as necessary on behalf of the City of Merced.

Development Services Director Scott MCBRIDE gave a slideshow presentation on the project and the funding application.

Mayor MURPHY opened and subsequently closed the Public Hearing at 6:48 due to lack of public comment.

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

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

No: 0

Absent: 0

K. REPORTS

K.1. **SUBJECT:** Adoption of a Resolution for an Exemption to CalPERS 180-Day Wait Period to Hire a Temporary Payroll Supervisor to Fill a Critical Need in the Finance Department Pursuant to Government Code Sections 7522.56 and 21224

REPORT IN BRIEF

Considers the adoption of a resolution approving the hiring of Joni Vierra as an extra-help retired annuitant to perform the duties of a Payroll Supervisor under Government Code sections 7522.56 and 21224, effective September 14, 2020.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2020-58**, a Resolution of the City Council of the City of Merced, approving an exception to the CALPERS 180-day wait period pursuant to Government Code sections 7522.56 and 21224.

Finance Officer Venus RODRIGUEZ gave a presentation regarding the request to hire a temporary payroll supervisor position using the current supervisor who is set to retire.

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

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

No: 0

Absent: 0

L. BUSINESS

L.1. **SUBJECT:** Appointment to the Citizens' Stipend Setting Commission for District 5

REPORT IN BRIEF

Considers the appointment of an individual to the Citizens' Stipend Setting Commission for District 5.

RECOMMENDATION

City Council - Adopt a motion accepting nominations and appointing one individual to City Council District 5 to the Citizens' Stipend Setting Commission.

Council discussed the District 5 vacancy and nomination.

A motion was made by Mayor Pro Tempore Serratto, seconded by Council Member Blake, to appoint Baraka Carter (District 5) to the Citizens Stipend Setting Commission. The motion carried by the following vote:

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

No: 0

Absent: 0

L.2.

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 agreed that the next meeting would remain virtual.

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

Maria BREWARD - requested that all Council Members keep their cameras on at all times.

L.3.

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 more attention to McNamara Park and asked citizens to contact him.

Council Member SHELTON requested a future discussion on art projects in the City.

Council Member MARTINEZ requested an update on the Gateway retail project.

L.4.

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 commented on the youth going back to school.

Council Member ECHEVARRIA thanked the volunteers.

Mayor MURPHY commented on the groundbreaking at the new navigation center.

Council discussed adjourning the Regular Meeting in memory of Rich GIPSON and Tom SCHEIDT before adjourning back into Closed Session.

Clerk's Note: Council adjourned back into Closed Session at 7:16 PM.

M. ADJOURNMENT

Clerk's Note: Council adjourned from Closed Session and adjourned the Regular Meeting at 10:46 PM.

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

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

No: 0

Absent: 0