



# 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, February 1, 2021

6:00 PM

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#### A. CLOSED SESSION ROLL CALL

**Present:** 7 - Mayor Matthew Serratto, Mayor Pro Tempore Kevin Blake, Council Member Fernando Echevarria, Council Member Delray Shelton, Council Member Bertha Perez, Council Member Jesse Ornelas, and Council Member Sarah Boyle

**Absent:** 0

#### B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:31 PM.

**Clerk's Note:** Mayor SERRATTO recused himself from the Closed Session due to the proximity of his residence to the agenda item.

##### 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: In the Matter of the Inspection of 1050 Rambler Road Merced County Superior Court Case No. 20CV-00847

**Clerk's Note:** Council adjourned from Closed Session at 5:56 PM.

#### C. CALL TO ORDER

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

##### C.1. Invocation - Lamar Henderson, All Dads Matter

The invocation was delivered by Lamar HENDERSON from All Dads Matter.

##### C.2. Pledge of Allegiance to the Flag

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

#### D. ROLL CALL

**Present:** 7 - Mayor Matthew Serratto, Mayor Pro Tempore Kevin Blake, Council Member Fernando Echevarria, Council Member Delray Shelton, Council Member Bertha Perez, Council Member Jesse Ornelas, and Council Member Sarah Boyle

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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 \$400.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$100.00 each month as a part of the adopted budget and Resolution 2020-86. 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 - Teen Dating Violence Awareness and Prevention Month**

#### **REPORT IN BRIEF**

Received by a representative from the Valley Crisis Center.

Mayor SERRATTO presented the proclamation for Teen Dating Violence Awareness and Prevention Month to Taylor ALANDZES from Valley Crisis Center.

### **F.2.                    SUBJECT: Proclamation - Black History Month**

#### **REPORT IN BRIEF**

Received by the NAACP President, Allen Brooks.

Council Member SHELTON presented the proclamation for Black History Month to Allen BROOKS, NAACP President.

### **F.3.                    SUBJECT: Recognition of Youth Council Members**

#### **REPORT IN BRIEF**

Recognition of Youth Council Members Shiwani Lata and Mayra Lua Reyes for their service.

Mayor SERRATTO and Council recognized the contributions of outgoing Youth Council Members Shiwani LATA and Mayra REYES.

### **F.4.                    SUBJECT: Recognition of Local Boxing Champion Jesus Chiquito Haro III**

**REPORT IN BRIEF**

Recognizes local boxing champion Jesus Chiquito Haro III for his boxing achievements and his work with the youth of the community.

Council Member ORNELAS and Council recognized the boxing achievements and work with Merced youth by local boxing champion Jesus Chiquito HARO II.

**G. SPECIAL PRESENTATIONS**

**G.1.****SUBJECT: Presentation From the Merced County Association of Governments**

**REPORT IN BRIEF**

Merced County Association of Governments Executive Director Stacie Guzman will give a brief update to Council.

MCAG Executive Director Stacie GUZMAN gave a brief presentation to Council updating them on the functions of MCAG and local projects that are currently in progress.

**H. WRITTEN PETITIONS AND COMMUNICATIONS**

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

Oral Communications - Carolyn NEWMAN

Item J.10. - J.A. THOMAS

**I. ORAL COMMUNICATIONS**

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

Mary MERCADO, Merced resident - requested crosswalk improvements.

Joyce DALE, Merced resident - spoke on the proposed Charles HUDDLESTON business grant program.

Ling YING, New Hmong Center - spoke on equity for all ethnicities.

Robbie HUDDLESTON, Merced resident - spoke in opposition to the Charles HUDDLESTON business grant program.

**J. CONSENT CALENDAR**

Items J.5. Authorization to Submit Three Separate Federal Emergency Management Agency (FEMA) Fiscal Year (FY) 2020 Grant Applications: (1) Assistance to Firefighters Grant (AFG) with an Estimated Total Project Cost of \$1,060,000; (2) Fire Prevention & Safety Grant (FP&S) with an Estimated Total Project Cost of \$9,374; and (3) Staffing for Adequate Fire and Emergency Response (SAFER) with an Estimated Project Cost of \$4,258,668, J.7. Adoption of a Resolution to Allow Qualified Participants to Pay the Transient Occupancy Tax Payments for the Quarters Due on January 31, 2021, April 30, 2021, and July 31, 2021 with a Credit Card Without Assessing the Payor the Credit Card Convenience Fee as Requested by the Merced Hotel Motel Association, J.10. Approval of a Temporary Encroachment Permit #20-01 to Permit UC Merced to Install Banners on Various Light Poles Within the City for Three (3) Years with Authorization to Extend for an Additional Two (2) Years Upon Written Request by the Applicant and Approval of the City Manager, and J.12. Approval of Memorandum of Understanding Between the City of Merced and the County of Merced by and Through the Merced County Probation Department for the Establishment of a Collaborative Working Relationship Among the Parties and to Document the Responsibilities of Each Party Relative to the Provision of the Community Service Program (CSP); were pulled for separate consideration.

## Approval of the Consent Agenda

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

**Aye:** 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

**No:** 0

**Absent:** 0

## J.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.

J.2.

**SUBJECT:** Information-Only Contracts for the Month of January 2021

**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.

J.3.

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

**RECOMMENDATION**

For information only.

This Consent Item was approved.

J.4.

**SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of August 17, September 8, September 21, and October 5, 2020

**REPORT IN BRIEF**

Official adoption of previously held meeting minutes.

**RECOMMENDATION**

**City Council/Public Financing and Economic**

**Development/Parking Authority** - Adopt a motion approving the meeting minutes of August 17, September 8, September 21, and October 5, 2020.

This Consent Item was approved.

J.6.

**SUBJECT:** Accept and File Community Facilities District (CFD) Nos. 2003-1 (Bellevue Ranch East), 2003-2 (Services), 2005-1 (Bellevue Ranch West), 2006-1 (Moraga of Merced) Annual Disclosure Reports for Fiscal Year 2019-2020

**REPORT IN BRIEF**

The continuing annual disclosure reports contain certain CFD information required to be filed annually by the City per Security and Exchange Commission (SEC) rule 15c2-12(b) and Government Code

sections 50075-50077 and 53410-53412.

**RECOMMENDATION**

**City Council** - Adopt a motion accepting and filing the CFD Annual Disclosure Reports for Fiscal Year 2019-2020 for CFD Nos. 2003-1 (Bellevue Ranch East), 2003-2 (Services), 2005-1 (Bellevue Ranch West), 2006-1 (Moraga of Merced).

**This Consent Item was approved.**

**J.8.**

**SUBJECT:** Approval of San Joaquin Valley Air Pollution Control District Grant Contract for the Agricultural Tractor Replacement Incentive Program and Accepting Grant Revenue in the Amount of \$155,881.91 to Fund 674 - Fleet Replacement Fund

**REPORT IN BRIEF**

Considers approving a San Joaquin Valley Air Pollution Control District (SJVAPCD) Grant Contract for the Agricultural Tractor Replacement Program for the replacement of one tractor at the Wastewater Treatment Plant (WWTP) and accepting revenue in the amount of \$155,881.91 to be deposited in Fund 674 - Fleet Replacement.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving Heavy-Duty Engine Program Funding Agreement for the San Joaquin Valley Air Pollution Control District (SJVAPCD) Agricultural Tractor Replacement Program for the replacement of one tractor at the Wastewater Treatment Plant (WWTP); and,

B. Accepting grant funds from the SJVAPCD Incentive Program in the amount of \$155,881.91 to account 674-1103-324-02-00, project 242115; and,

C. Authorizing the City Manager or designee to sign the necessary documents; and,

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

**This Consent Item was approved.**

**J.9.**

**SUBJECT:** Adoption of a Resolution Setting a Public Hearing for Monday, March 1, 2021, to Vacate a 32-Foot-Wide Strip of

Right-of-Way, Containing Approximately 19,627.87 Square Feet,  
Generally Located Approximately 330 Feet North of Yosemite  
Avenue Between Mansionette Drive and Sandpiper Avenue  
(Extended) (Vacation #21-01)

**REPORT IN BRIEF**

Set a public hearing for March 1, 2021, to vacate a 32-foot-wide strip of right-of-way, containing approximately 19,627.87 square feet, generally located approximately 330 feet north of Yosemite Avenue between Mansionette Drive and Sandpiper Avenue (extended).

**RECOMMENDATION**

**City Council** - Adopt a motion adopting **Resolution 2021-05**, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate a 32-foot-wide strip of right-of-way, containing approximately 19,627.87 square feet, generally located approximately 330 feet north of Yosemite Avenue between Mansionette Drive and Sandpiper Avenue (extended) (Vacation #21-01), and setting time and place for Public Hearing.

**This Consent Item was approved.**

**J.11.**

**SUBJECT:** Approval of the California Department of Transportation (CALTRANS) Disadvantaged Business Enterprise (DBE) Implementation Agreement for Federally Funded Construction Projects for Fiscal Year 20/21

**REPORT IN BRIEF**

The City intends to receive federal financial assistance from the U.S. Department of Transportation (DOT) through the California Department of Transportation (Caltrans), and as a condition of receiving this assistance, the City will sign the California Department of Transportation Disadvantaged Business Enterprise Implementation Agreement.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the California Department of Transportation (CALTRANS) Disadvantaged Business Enterprise (DBE) Implementation Agreement for Federally Funded Construction Projects.

**This Consent Item was approved.**

**J.13.**

**SUBJECT:** Second Reading and Final Adoption of an Ordinance

Amending Sections 10.28.230 "No Parking Zones," and 10.16.010 "Speed Limits" to Include, but not be Limited to, Adding No Parking Along the North and South Sides of Eagle Street, Adopt a 25 mph Speed Limit on El Portal Between McKee Rd. and Parsons Ave., and to Add No Parking Zones on All Four Quadrants of K St. and the BNSF Crossing

**REPORT IN BRIEF**

Second reading and final adoption of an Ordinance to amend sections 10.16.010 and 10.28.230 of the Merced Municipal Code.

**RECOMMENDATION**

**City Council** - Adopt a motion adopting **Ordinance 2520**, 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" of the Merced Municipal Code.

**This Consent Item was approved.**

**J.7.**

**SUBJECT:** Adoption of a Resolution to Allow Qualified Participants to Pay the Transient Occupancy Tax Payments for the Quarters Due on January 31, 2021, April 30, 2021, and July 31, 2021 with a Credit Card Without Assessing the Payor the Credit Card Convenience Fee as Requested by the Merced Hotel Motel Association

**REPORT IN BRIEF**

Considers allowing qualified participants to pay the Transient Occupancy Tax (TOT) payments with a credit card without assessing the payor the credit card convenience fee from January 19, 2021 through July 31, 2021.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Adopting **Resolution 2021-07**, a Resolution of the City Council of Merced, California, authorizing the City Manager to provide economic assistance related to the economic impacts of COVID-19 and to allow qualified participants to pay the transient occupancy tax with a credit card without assessing the payor the credit card convenience fee; and,

B. Authorizing the Finance Officer to administer the waivers; and,



C. Approving a supplemental appropriation of \$15,000 from the unencumbered, unreserved fund balance of the General Fund in order to pay the additional credit card fees.

Mayor SERRATTO pulled this item to allow for public comments to be heard.

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

Manny, Hotel Motel Association - thanked the Council for waiving the credit card fees.

Nick PATEL, Days Inn Merced - thanked the Council for waiving the credit card fees.

Jerry PATEL, Studio 6 Motel - thanked Council for waiving the credit card fees.

Edwin KAINTH, Hotel Motel Association - thanked Council for helping local motel business owners.

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

**Aye:** 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

**No:** 0

**Absent:** 0

**J.10.**

**SUBJECT:** Approval of a Temporary Encroachment Permit #20-01 to Permit UC Merced to Install Banners on Various Light Poles Within the City for Three (3) Years with Authorization to Extend for an Additional Two (2) Years Upon Written Request by the Applicant and Approval of the City Manager

**REPORT IN BRIEF**

Considers approving a temporary encroachment permit to allow UC Merced to install banners on various light poles within the City.

**RECOMMENDATION**

**City Council** - Adopt a motion approving a temporary encroachment permit with UC Merced, to allow the placement of banners on City light poles in various locations and authorizing the City Manager or designee

to execute the necessary documents.

Mayor SERRATTO pulled this item due to public comment received via email from J.A. THOMAS.

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

**Aye:** 5 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, and Council Member Boyle

**No:** 2 - Council Member Perez, and Council Member Ornelas

**Absent:** 0

**J.12.**

**SUBJECT:** Approval of Memorandum of Understanding Between the City of Merced and the County of Merced by and Through the Merced County Probation Department for the Establishment of a Collaborative Working Relationship Among the Parties and to Document the Responsibilities of Each Party Relative to the Provision of the Community Service Program (CSP)

**REPORT IN BRIEF**

Considers the authorization to approve the memorandum of understanding between the City of Merced and the County of Merced by and through the Merced County Probation Department for the establishment of a collaborative working relationship among the parties and to document the responsibilities of each party relative to the provision of the Community Service Program.

**RECOMMENDATION**

**City Council** - Adopt a motion approving the memorandum of understanding and authorizing the City Manager or designee to execute all necessary documents.

Mayor SERRATTO pulled this item to allow public comments to be heard.

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

Claudia GONZALEZ - expressed concerns with the Memorandum of Understanding with Merced County Probation.

Council and City Manager Stephanie DIETZ discussed the Memorandum of Understanding, allowing access to City facilities to allow probationers to complete community service hours, and litter abatement services.

**A motion was made by Council Member Echevarria, seconded by Mayor Pro**

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**Tempore Blake, that this agenda item be approved. The motion carried by the following vote:**

**Aye:** 6 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, and Council Member Boyle

**No:** 1 - Council Member Ornelas

**Absent:** 0

**J.5.**

**SUBJECT: Authorization to Submit Three Separate Federal Emergency Management Agency (FEMA) Fiscal Year (FY) 2020 Grant Applications: (1) Assistance to Firefighters Grant (AFG) with an Estimated Total Project Cost of \$1,060,000; (2) Fire Prevention & Safety Grant (FP&S) with an Estimated Total Project Cost of \$9,374; and (3) Staffing for Adequate Fire and Emergency Response (SAFER) with an Estimated Project Cost of \$4,258,668**

**REPORT IN BRIEF**

Considers authorizing the submittal of three separate Federal Emergency Management Agency (FEMA) Fiscal Year (FY) 2020 grant applications: (1) Assistance to Firefighters Grant (AFG) with an estimated total project cost of \$1,060,000 for the purchase of portable radios and accessories; (2) Fire Prevention & Safety Grant (FP&S) with an estimated total project cost of \$9,374 for the purpose of acquiring fire investigation/arson equipment; and (3) Staffing for Adequate Fire and Emergency Response (SAFER) with an estimated project cost of \$4,258,668 for creating a relief pool of personnel to fill shift vacancies, while reducing overtime costs.

**RECOMMENDATION**

**City Council** - Adopt a motion authorizing the submittal of three separate Federal Emergency Management Agency (FEMA) FY 2020 Grant Applications: (1) Assistance to Firefighters Grant (AFG) with an estimated total project cost of \$1,060,000 for the purchase of portable radios and accessories; (2) Fire Prevention & Safety Grant (FP&S) with an estimated total project cost of \$9,374 for the purpose of acquiring fire investigation/arson equipment; and (3) Staffing for Adequate Fire and Emergency Response (SAFER) with an estimated project cost of \$4,258,668 for creating a relief pool of personnel to fill shift vacancies, while reducing overtime costs.

Fire Chief Derek PARKER gave a slideshow presentation on three different grants the Fire Department is seeking approval to apply for, the various equipment that can be obtained with the grant funds, the

implementation of a Paramedic Program within the department, and future needs of the Fire Department.

Council discussed the Assistance to Firefighters Grant (AFG) and the Fire Prevention & Safety Grant (FP&S), matching funds required, and equipment to be purchased with the funding.

**A motion was made by Council Member Perez, seconded by Mayor Pro Tempore Blake, to approve the AFG Grant and the FP&S Grant. The motion carried by the following vote:**

**Aye:** 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

**No:** 0

**Absent:** 0

Council and Chief PARKER continued the discussion with the Staffing for Adequate Fire and Emergency Response (SAFER) grant, the sustainability after the grant funds are expended, the deadline to apply for the grant, ways to generate funding to maintain the increased staffing, and possibly applying during a future grant cycle.

City Manager Stephanie DIETZ suggested staff work on the plan and come back to a future Council Meeting.

**A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Shelton, to deny the request to apply for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant. The motion failed by the following vote:**

**Aye:** 2 - Mayor Pro Tempore Blake, and Council Member Shelton

**No:** 5 - Mayor Serratto, Council Member Echevarria, Council Member Perez, Council Member Ornelas, and Council Member Boyle

**Absent:** 0

**A motion was made by Mayor Serratto, seconded by Council Member Ornelas, that this be continued to the March 1, 2021 Council Meeting to allow staff to work on the plan. The motion carried by the following vote:**

**Aye:** 5 - Mayor Serratto, Council Member Echevarria, Council Member Perez, Council Member Ornelas, and Council Member Boyle

**No:** 2 - Mayor Pro Tempore Blake, and Council Member Shelton

**Absent:** 0

## K. BUSINESS

- K.1.**                    **SUBJECT:** Adoption of a Resolution Selecting the City of Merced  
Nominee for the Merced County Seat to be Presented to the San  
Joaquin Valley Air Pollution Control District Governing Board

### REPORT IN BRIEF

Considers nominating one applicant for appointment to the San Joaquin Valley Air Pollution Control District Governing Board.

### RECOMMENDATION

**City Council** - Adopt a motion adopting **Resolution 2021-06**, a Resolution of the City Council of the City of Merced, California, selecting a nominee for appointment by the Special City Selection Committee to the San Joaquin Valley Air Pollution Control District Governing Board

Council briefly discussed the nominees for appointment to the San Joaquin Valley Air Pollution Control District Governing Board.

**A motion was made by Council Member Shelton, seconded by Council Member Perez, to nominate Council Member Fernando Echevarria for appointment to a seat on the San Joaquin Valley Air Pollution Control District Governing Board. The motion carried by the following vote:**

**Aye:** 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

**No:** 0

**Absent:** 0

- K.2.**                    **SUBJECT:** Discussion on the Format of Future City Council Meetings  
During COVID-19

### REPORT IN BRIEF

Discuss the format of City Council Meetings.

### RECOMMENDATION

Provide staff direction on the format of future City Council Meetings.

Council agreed to keep the next meeting in the same format.

- K.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 BLAKE asked to discuss Measure C at the upcoming City Council Strategic Planning Session.

**K.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 ECHEVARRIA discussed a community cleanup at McNamara Park and thanked City tree crews for cleanup of fallen trees due to the recent storm.

Council Member ORNELAS discussed a fundraiser for Covas restaurant.

Mayor SERRATTO discussed the homeless count, a swearing in for the Hispanic Chamber of Commerce, an upcoming Merced County Association of Governments meeting, the community cleanup in South Merced, a sponsorship for Sam Cafe, and the upcoming Virtual Town Hall Meetings.

**L. ADJOURNMENT**

**Clerk's Note:** The Regular Meeting was adjourned at 9:06 PM.

**A motion was made by Mayor Pro Tempore Blake, seconded by Council Member Shelton, that the meeting be adjourned. The motion carried by the following vote:**

**Aye:** 7 - Mayor Serratto, Mayor Pro Tempore Blake, Council Member Echevarria, Council Member Shelton, Council Member Perez, Council Member Ornelas, and Council Member Boyle

**No:** 0

**Absent:** 0