



# 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/Successor Agency to the Redevelopment Agency

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Monday, October 16, 2023

6:00 PM

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#### A. CLOSED SESSION ROLL CALL

**Present:** 7 - Mayor Matthew Serratto, Mayor Pro Tempore Bertha Perez, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Ronnie DeAnda, Council Member Shane Smith, and Council Member Fue Xiong

**Absent:** 0

#### B. CLOSED SESSION

Mayor SERRATTO called the Closed Session to order at 5:32 PM.

**Clerk's Note:** Council Member SMITH arrived to Closed Session at 5:35 PM and Council Member BOYLE arrived to Closed Session at 5:39 PM.

**B.1.** **SUBJECT:** PUBLIC EMPLOYEE APPOINTMENT - TITLE: City Attorney; AUTHORITY: Government Code 54957

**B.2.** **SUBJECT:** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Attorney; Authority: Government Code Section 54957

**Clerk's Note:** Council adjourned from Closed Session at 5:50 PM.

#### C. CALL TO ORDER

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

Invocation - Ella Luna-Garza, United Methodist Church, Merced

The Invocation was delivered by Pastor Ella LUNA-GARZA of the United Methodist Church.

Pledge of Allegiance to the Flag

Pastor Ella LUNA-GARZA led the Pledge of Allegiance to the Flag.

#### D. ROLL CALL

**Present:** 7 - Mayor Matthew Serratto, Mayor Pro Tempore Bertha Perez, Council Member Jesse Ornelas, Council Member Sarah Boyle, Council Member Ronnie DeAnda, Council Member Shane Smith, and Council Member Fue Xiong

**Absent:** 0

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. SPECIAL PRESENTATIONS**

### **F.1.                    SUBJECT: Presentation on the Young Legislators Program 2023**

#### **REPORT IN BRIEF**

Presented by Arturo Ramirez from State Senator Anna Caballero's Office.

Field Representative of State Senator Anna CABALLERO's office Arturo RAMIREZ gave a slideshow presentation on the Young Legislators Program 2023.

Council and Mr. RAMIREZ discussed the steps to get involved with the program.

## **G. CEREMONIAL MATTERS**

### **G.1.                    SUBJECT: Proclamation - Domestic Violence Awareness Month**

#### **REPORT IN BRIEF**

Accepted by a representative from Valley Crisis Center and members of the Merced Police Department.

Mayor SERRATTO presented the Domestic Violence Awareness Month Proclamation to Lupe GARCIA from Valley Crisis Center, Police Chief Craig GUNDLACH, Lieutenant Leon PINTABONA, Lieutenant Dan DABNEY, and Lieutenant Tony APONTE from the Merced Police Department.

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**G.2.** **SUBJECT: Proclamation - Fire Prevention Month**

**REPORT IN BRIEF**

Accepted by a representative of the Merced Fire Department.

Mayor SERRATTO presented the Fire Prevention Month Proclamation to Fire Chief Derek PARKER from the Merced Fire Department.

**G.3.** **SUBJECT: Recognition of Rudolfo Coronado for Winning Lowrider Truck of the Year at the Las Vegas Super Show with His Truck "One Bad Plum"**

**REPORT IN BRIEF**

Accepted by Rudolfo Coronado.

Mayor SERRATTO and Council Member ORNELAS recognized Rudolfo CORONADO.

**H. WRITTEN PETITIONS AND COMMUNICATIONS**

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

Agenda Item K.1.: Stephen PECK and Mai VUE.

Agenda Item L.1.: Steven DONAHUE.

**I. ORAL COMMUNICATIONS**

Cindy KELLY, Merced - asked for more information regarding K-9 Sam's retirement, lack of transparency, and public trust.

Rick WENDLING, Merced - spoke on taxation, land distribution, and housing in Merced.

Sharyl ELGIN, Merced - asked Council for their assistance on traffic and lighting issues on East 21st Street and Glen Avenue.

Belinda BURNETT, Merced - asked Council to look into speed limits in residential areas, spoke on Measure C, and thanked public safety personnel.

Christan SANTOS, Representative of Congressman John DUARTE - spoke on the Walk to End Alzheimers event, the University of California,

Merced success, and Congressman John DUARTE's support for Israel.

Necola ADAMS, Merced - spoke on the Nut Festival and continuing to bring events to Merced.

Blanca OJEDA, Merced - spoke on rental prices and affordable housing.

## J. CONSENT CALENDAR

Agenda Items J.5. Approval of a Professional Services Agreement with Hildebrand Consulting, LLC, for a Sewer and Water Rate Study in the Amount not to Exceed \$83,250, J.6. Approval of the Professional Services Agreements with Interwest Consulting Group Inc., CSG Consultants Inc., and Bureau Veritas North American Inc. for Building Services Including, but not Limited to, Plan Checking and Inspection Services, for a Term of Two (2) Years with an Option to Extend for One (1) Additional Year, in an Amount not to Exceed Funds Available in the Budget as Adopted or Amended, J.9. Authorization to Set a Public Hearing for November 20, 2023, for the Introduction and Adoption of a Resolution Establishing the Fire Department's Emergency Medical Fee Schedule, J.10. Approval and Authorization for the City Manager to Execute Agreements Regarding Police Canines; Sam, Stas, and Tank; and their Respective Handlers to Transfer Liability and Ownership and Accept these Retired Canines as Pets, J.11. Approval to Waive the Competitive Bidding Requirements and Award Thunderbird Maintenance, Inc the Contract for Graffiti Abatement Services in an Amount not to Exceed \$264,747.60 in the First Year, and J.13. Approval of an Agreement with Leibold McClendon & Mann, P.C. to Provide Special Council Legal Services to the City of Merced as Successor Agency; were pulled for separate consideration.

### Approval of the Consent Agenda

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

**Aye:** 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

**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 - Site Plan Review Minutes of August 31, 2023

**RECOMMENDATION**

For information only.

**This Consent Item was approved.**

**J.3.**

**SUBJECT:** Information Only - Planning Commission Minutes of September 6, 2023

**RECOMMENDATION**

For information only.

**This Consent Item was approved.**

**J.4.**

**SUBJECT:** Approval of City Council/Public Financing and Economic Development/Parking Authority/Successor Agency to the Redevelopment Agency Meeting Minutes of March 6, 2023, March 13, 2023, August 28, 2023, September 15, 2023, and September 18, 2023

**REPORT IN BRIEF**

Official adoption of previously held meeting minutes.

**RECOMMENDATION**

**City Council/Public Financing and Economic Development/Parking Authority/Successor Agency to the Redevelopment Agency** - Adopt a motion approving the meeting minutes of March 6, 2023, March 13, 2023, August 28, 2023, September 15, 2023, and September 18, 2023.

This Consent Item was approved.

J.7.

**SUBJECT:** Approval to Distribute the 2022-23 Wahneta Hall Trust Funds in the Amount of \$2,395 to the Kiwanis Club of Greater Merced to Operate and Maintain a Mini Train in Applegate Park

**REPORT IN BRIEF**

Considers approving the disbursement of the Wahneta Hall Trust Fund to the Kiwanis Club of Greater Merced in the amount of \$2,395 to be used to operate and maintain the train at Kiddieland in Applegate Park.

**RECOMMENDATION**

**City Council** - Adopt a motion approving an allocation of the 2022-23 Wahneta Hall Trust Funds of \$2,395 to the Kiwanis Club of Greater Merced per the Recreation and Parks Commission recommendation.

This Consent Item was approved.

J.8.

**SUBJECT:** Approval to Waive the Competitive Bidding Requirements for Siddons-Martin Emergency Group for Apparatus Refurbishing; Total Amount not to Exceed \$250,000

**REPORT IN BRIEF**

Considers approving to waive the competitive bidding requirements for Siddons-Martin Emergency Group for apparatus refurbishing. The total amount not to exceed \$250,000.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210 for Sole Source; and,

B. Authorizing the purchase order with Siddons-Martin Emergency Group for apparatus refurbishing not to exceed \$250,000; and,

C. Authorizing the City Manager or the Deputy City Manager to execute the necessary documents; and,

D. Authorizing the Finance Officer to make the necessary budget

adjustments; and,

E. Authorizing the City Purchasing Supervisor to issue the Purchase Order.

This Consent Item was approved.

J.12.

**SUBJECT:** Approval of a Professional Service Agreement with Provost & Pritchard to Provide Environmental Consulting Services to the City of Merced as Successor Agency in a not to exceed amount of \$486,500

**REPORT IN BRIEF**

Considers approving a Professional Service Agreement with Provost & Pritchard to provide environmental consulting services to the City of Merced as the Successor Agency to the former Redevelopment Agency in a not to exceed amount of \$486,500.

**RECOMMENDATION**

**Successor Agency** - Adopt a motion:

A. Approving a Professional Service Agreement with Provost & Pritchard for consulting services through June 30, 2024, in a not to exceed amount of \$486,500 from the 2023-2024 Successor Agency Recognized Obligation Payment Schedule (ROPS); and,

B. Authorizing the Executive Director or designee to execute the necessary documents; and,

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

This Consent Item was approved.

J.14.

**SUBJECT:** Second Reading and Final Adoption of an Ordinance Amending Chapter 20.62 - "Signs," Chapter 20.90.020 "Definitions," and Repealing Chapter 17.36 - "Sign" of the Merced Municipal Code to Establish New Sign Regulations Within the City of Merced

**REPORT IN BRIEF**

Second Reading and Final Adoption Ordinance Amending Chapter

20.62 - "Signs," Chapter 20.90.020 "Definitions," and Repealing Chapter 17.36 - "Sign" of the Merced Municipal Code to Establish New Sign Regulations Within the City of Merced.

**RECOMMENDATION**

**City Council** - Adopt a motion adopting **Ordinance 2549**, an Ordinance of the City Council of the City of Merced, California, Amending Chapter 20.62 - "Signs," Chapter 20.90.020 "Definitions," and Repealing Chapter 17.36 - "Sign" of the Merced Municipal Code to Establish New Sign Regulations Within the City of Merced.

**This Consent Item was approved.**

**J.5.**

**SUBJECT:** Approval of a Professional Services Agreement with Hildebrand Consulting, LLC, for a Sewer and Water Rate Study in the Amount not to Exceed \$83,250

**REPORT IN BRIEF**

Considers approving a Professional Services Agreement with Hildebrand Consulting, LLC, to conduct a Sewer and Water Rate Study.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving a Professional Services Agreement with Hildebrand Consulting, LLC, in the amount not to exceed \$83,250, to prepare a comprehensive sewer and water rate study; and,

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

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

Mayor SERRATTO pulled this item at the request of the public.

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

Ashley MARIE, Merced - spoke on additional funding, lowering the water rates, and asked Council to ensure South Merced is included.

**Clerk's Note:** There was no Council discussion.



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

**Aye:** 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

**No:** 0

**Absent:** 0

**J.6.**

**SUBJECT:** Approval of the Professional Services Agreements with Interwest Consulting Group Inc., CSG Consultants Inc., and Bureau Veritas North American Inc. for Building Services Including, but not Limited to, Plan Checking and Inspection Services, for a Term of Two (2) Years with an Option to Extend for One (1) Additional Year, in an Amount not to Exceed Funds Available in the Budget as Adopted or Amended

**REPORT IN BRIEF**

Considers approving Professional Services Agreements with three consultants for planning and building services.

**RECOMMENDATION**

**City Council** - Adopt a motion:

A. Approving the contract for Professional Services with Interwest Consulting Group Inc., the term for services for two years with extension option for one additional year term, in an amount not to exceed funds available in the budget as adopted or as amended; and,

B. Approving the contract for Professional Services with CSG Consultants Inc., the term for services for two years with extension option for one additional year term, in an amount not to exceed funds available in the budget as adopted or as amended; and,

C. Approving the contract for Professional Services with Bureau Veritas North American Inc., the term for services for two years with extension option of one additional year term, in an amount not to exceed funds available in the budget as adopted or as amended; and,

D. Authorizing the Finance Officer to make the necessary budget

adjustments; and,

E. Authorizing the City Manager or Deputy City Manager to execute the above agreements.

Mayor SERRATTO pulled this item at the request of Council Member XIONG and Resident Belinda BURNETT.

**Clerk's Note:** Council Member SMITH recused himself due to Interwest Consulting Group being a client of his firm.

Council, Chief Building/Construction Project Official Denise FRAZIER, and Acting City Manager Scott MCBRIDE discussed the budgeted funds, lack of staffing, job vacancies in Development Services Department, and the usage of consulting services.

Belinda BURNETT, Merced - asked if the Consulting Groups are supplemental or continual work.

Ms. FRAZIER and Mr. MCBRIDE discussed job vacancies and movements in the Inspection Services Department and details of the Building Code.

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

**Aye:** 5 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, and Council Member DeAnda

**No:** 1 - Council Member Xiong

**Absent:** 0

**Abstain:** 1 - Council Member Smith

**J.9.**

**SUBJECT: Authorization to Set a Public Hearing for November 20, 2023, for the Introduction and Adoption of a Resolution Establishing the Fire Department's Emergency Medical Fee Schedule**

**REPORT IN BRIEF**

Considers setting a Public Hearing for November 20, 2023, for the purpose of introducing and adopting a Resolution establishing the Fire Department's Emergency Medical Fee Schedule.

**RECOMMENDATION**

**City Council** - Adopt a motion authorizing to set a Public Hearing for November 20, 2023, to consider introducing and adopting a Resolution establishing the Fire Department's Emergency Medical Fee Schedule.

Mayor SERRATTO pulled this item at the request of Council Member XIONG.

Council, Acting City Manager Scott MCBRIDE, and Fire Chief Derek PARKER discussed the possibility of moving the Public Hearing date further out, the Study Session regarding Merced County's Request For Proposal (RFP), and the community outreach.

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

**Aye:** 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

**No:** 0

**Absent:** 0

**J.10.**

**SUBJECT:** Approval and Authorization for the City Manager to Execute Agreements Regarding Police Canines; Sam, Stas, and Tank; and their Respective Handlers to Transfer Liability and Ownership and Accept these Retired Canines as Pets

#### **REPORT IN BRIEF**

Considers approving and authorizing the City Manager to execute agreements regarding Police Canines; Sam, Stas, and Tank; and their Respective Handlers to Transfer Liability and Ownership and accept these retired Police Canines as pets.

#### **RECOMMENDATION**

**City Council** - Adopt a motion:

A. Declaring police canines Sam, Stas and Tank as police service animals that have fulfilled their law enforcement purpose and allowing their handlers to purchase at a cost of \$1.00 (one dollar); and,

B. Approving transfer of ownership and liability for retired police canines to Angela Henke (K9 Sam), Tevon Prevostini (K9 Stas) and William McComb (K9 Tank); and,

C. Authorizing the City Manager or Deputy City Manager to execute the necessary documents; and,

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

Mayor SERRATTO pulled this item at the request of resident Florence LAMBERT.

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

Florence LAMBERT, Merced - spoke on the issue with K-9 Officer Sam's retirement.

Council, Interim Police Chief Craig GUNDLACH, Deputy City Manager Frank QUINTERO discussed the detailed description of each K-9's specialty, their retirement, K-9 Sam's appearance at the Community event, and ideas for health insurance for all K-9's.

Interim City Attorney Brian DOYLE suggested to not vote on health insurance for K-9 Officers.

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

**Aye:** 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

**No:** 0

**Absent:** 0

**J.11.**

**SUBJECT:** Approval to Waive the Competitive Bidding Requirements and Award Thunderbird Maintenance, Inc the Contract for Graffiti Abatement Services in an Amount not to Exceed \$264,747.60 in the First Year

**REPORT IN BRIEF**

Considers approving to waive the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving the contract with Thunderbird Maintenance, Inc for graffiti abatement services in the amount not to exceed \$264,747.60 for the

first year. This agreement is for a term of 5 years, with an annual cost adjustment of up to 5% for operational costs.

#### **RECOMMENDATION**

**City Council** - Adopt a motion:

A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210; and,

B. Approving one of the proposed bids and awarding the contract to Thunderbird Maintenance, Inc. for graffiti abatement services in an amount not to exceed \$264,747.60 in the first year, a 5-year term, with annual increases of up to 5% for operational costs; and,

C. Authorizing the City Manager or the Deputy City Manager, to execute the necessary documents or contracts that are approved as to form by the City Attorney; and,

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

Mayor SERRATTO pulled this item at the request of Council Member XIONG and the public.

Rick WENDLING, Merced - spoke against large contracts without competitive bidding.

Patricia PRATT, Merced - spoke on the increase of funds from the previous contract.

Ursula VASQUEZ, Merced - spoke on public art.

Crisantema GALLARDO, Merced - voiced support for investigating the contract, public art, and creative jobs for young people.

Council, Police Lieutenant Dan DABNEY, and Interim City Attorney Brian DOYLE discussed the bids received, the cost of previous and current contracts, the bidding process, contract terms, public art funding opportunities, graffiti/tagging issue, contractor partnering with artists, repetitive graffiti/tagging areas, and the termination clause.

**A motion was made by Council Member Ornelas, seconded by Council Member Xiong, to re-bid the contract. The motion carried by the following vote:**

**Aye:** 4 - Mayor Pro Tempore Perez, Council Member Ornelas, Council Member DeAnda, and Council Member Xiong

**No:** 3 - Mayor Serratto, Council Member Boyle, and Council Member Smith

**Absent:** 0

**J.13.**

**SUBJECT:** Approval of an Agreement with Leibold McClendon & Mann, P.C. to Provide Special Council Legal Services to the City of Merced as Successor Agency

**REPORT IN BRIEF**

Considers approving an agreement with Leibold McClendon & Mann, P.C. to provide Special Council Legal Services to the City of Merced as the Successor Agency to the former Redevelopment Agency.

**RECOMMENDATION**

**Successor Agency** - Adopt a motion:

A. Approving an agreement with Leibold McClendon & Mann, P.C. for legal services, in a not to exceed amount according to the annual Successor Agency Recognized Obligation Payment Schedule (ROPS); and,

B. Authorizing the Executive Director or designee to execute the necessary documents; and,

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

Mayor SERRATTO pulled this item at the request of Council Member XIONG.

Council Member XIONG and Deputy City Manager Frank QUINTERO discussed the cost for the not to exceed contract amount in the admin report and the legal services being provided.

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

**Aye:** 6 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, and Council Member Smith

**No:** 1 - Council Member Xiong

Absent: 0

## K. PUBLIC HEARINGS

### K.1.

**SUBJECT:** Public Hearing - Annexation and Rezoning Application #22-01, Initiated by the City of Merced, on Behalf of the Regents of the University of California, Property Owners; the Application Would Involve the Annexation of the University of California, Merced Main Campus as Described in the University of California, Merced 2020 Long-Range Development Plan (Dated March 2020) Consisting of Approximately 1,125 Acres to the City of Merced and Rezoning of the Property to "Public Facility" (P-F) as well as the Annexation of the 2-Mile Long Section of Bellevue Road Right-of-Way from the Current Merced City Limits at G Street to Lake Road (Approximately 14 acres) for a Total of 1,139 acres, as Allowed by Assembly Bill 3312 (Enacted in 2020) for a Total Annexation Area of 1,139 Acres. The University of California Campus is Generally Located at the Northeast and Southeast Corners of Bellevue and Lake Roads with a General Plan Designation of "School." This Request also Includes the Approval of Three Agreements Related to the Annexation of the University of California Merced Campus - 1) A Memorandum of Understanding Between the City of Merced and the Regents of the University of California Regarding Annexation of and the Provision of Public Services to the UC Merced Campus; 2) Amendment #1 to the Permanent Financing Capital Facilities Fee Agreement; and, 3) Amendment #1 to the Transportation Improvement Funding Agreement

#### REPORT IN BRIEF

Considers the annexation of the UC Merced Campus (approximately 1,125 acres) and a 2-mile-long section of Bellevue Road right-of-way from the existing City Limits at G Street to Lake Road (approximately 14 acres) for a total annexation area of 1,139 acres as allowed by Assembly Bill 3312. The report also considers the approval of three agreements between the City of Merced and the UC Regents of the University of California related to the annexation.

#### RECOMMENDATION

**City Council** - Adopt a motion:

A. Approving the Memorandum of Understanding by and between the City

of Merced and the Regents of the University of California Regarding Annexation of and the Provision of Public Services to the UC Merced Campus; and,

B. Approving Amendment #1 to the Transportation Improvement Funding Agreement; and,

C. Approving Amendment #1 to the Permanent Financing Capital Facilities Fee Agreement; and,

D. Approving **Resolution 2023-74**, A Resolution of the City Council of the City of Merced, California, approving Environmental Review #22-15, an *Addendum to the Merced Vision 2030 General Plan EIR*, for Annexation/prezoning Application #22-01 for the UC Merced Annexation, generally located at the northeast and southeast corners of Bellevue and Lake Roads as well as the 2-mile section of Bellevue Road Right-of-Way from the current Merced City Limits at G Street to Lake Road and approving Environmental Review #23-36 (Categorical Exemption) for the approval of the Memorandum of Understanding by and Between the City of Merced and the Regents of the University of California regarding Annexation of and the Provision of Public Services to the UC Merced Campus, Amendment #1 to the Permanent Financing Capital Facilities Fee Agreement, and Amendment #1 to the Transportation Improvement Funding Agreement; and,

E. Approving **Resolution 2023-75**, A Resolution of the City Council of the City of Merced, California, to the Local Agency Formation Commission for the annexation of the UC Merced Campus Generally located at the northeast and southeast corners of Bellevue and Lake Roads, as well as the 2-mile section of Bellevue Road Right-of-Way from the current Merced City Limits at G Street to Lake Road as allowed by Assembly Bill 3312; and,

F. Introducing **Ordinance 2557**, An Ordinance of the City Council of the City of Merced, California, Amending the Official Zoning Map by Prezoning the UC Merced Campus, generally located at the northeast and southeast corners of Bellevue and Lake Roads as Public Facility (P-F).

**Clerk's Note:** Council Member BOYLE disclosed that University of California, Merced (UC Merced) is her workplace and was advised that she can vote on this matter. Council Member SMITH disclosed that he is married to a UC Merced Professor and was advised by counsel and the Fair Political Practice Commission that he can issue an opinion and vote



on this matter.

Acting Planning Manager Julie NELSON gave a slideshow presentation on the UC Merced Annexation #22-01, Rezoning #22-01, the approval of the Memorandum of Understanding regarding the Annexation, and the amendment to the current Transportation Agreement.

Council, Mrs. NELSON, Acting City Manager Scott MCBRIDE discussed the timeline for the application with Local Agency Formation Commission (LAFCo), providing water, sewer, and fire services, the wastewater from UC Merced, and the Bellevue expansion cost/reimbursement plan.

Mayor SERRATTO opened the Public Hearing at 8:11 PM.

Daniel OKOLI, Vice Chancellor of UC Merced, Merced - spoke in support of the annexation, the collaboration between UC Merced and nearby government agencies, and expressed gratitude to city staff.

Stephen PECK, Virginia Smith Trust, Merced - spoke on the UC Merced Annexation, the development near UC Merced, thanked city staff, and asked for Council's support.

Mayor SERRATTO closed the Public Hearing at 8:17 PM.

**Clerk's Note:** There was no further discussion.

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

**Aye:** 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

**No:** 0

**Absent:** 0

## L. REPORTS

### L.1.

**SUBJECT:** SB 1100 - Brown Act Provisions Regarding Managing Meeting Disruptions

#### REPORT IN BRIEF

Discussion on the updated Brown Act provisions regarding managing

meeting disruptions.

#### **RECOMMENDATION**

Information - Only.

Interim City Attorney Brian DOYLE gave a slideshow presentation on Senate Bill 110, Brown Act Provisions regarding managing meeting disruptions.

Council and Mr. DOYLE discussed the City Charter, conflict of interest, the usage of foul language in the Council Chambers, and alternatives for meeting disruptions.

Gloria SANDOVAL, Merced - spoke on the five minute recess delays and the usage of curse words that assist citizens to express themselves.

Robert DYLINE, Merced - spoke on citizens disrespecting the Council meeting process and shared an event that took place at a previous Planning Commission meeting.

Pangcha VANG, Merced - spoke on freedom of speech.

Council and Mr. DOYLE discussed the Memorandum regarding other Commission or Board meetings, details of the code of conduct, definition of profanity, and previous events during the Council meeting.

**Clerk's Note:** There was no formal vote taken, item was for information only.

### **M. BUSINESS**

#### **M.1.**

**SUBJECT:** Council Member Ornelas' Request to Discuss a City Run Election

#### **REPORT IN BRIEF**

Council Member Ornelas' request to discuss a City run election.

#### **RECOMMENDATION**

Provide direction to staff on the next steps.

Council Member ORNELAS briefly discussed his concerns with the Merced County Registrar of Voters (ROV) past election mistakes and suggested to send a letter to them urging them to be transparent during the

election process.

Council discussed accountability, a possible report on the events that occurred with the Merced County ROV, and a presentation from Merced County ROV on efforts for the upcoming election.

Steven GRAHAM, Merced - voiced concerns of the cost for the city run election and adding this Agenda Item to a Council agenda.

Council agreed to have the Merced County ROV give a presentation on the updates and efforts for the upcoming election at a future Council meeting.

**M.2.**

**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 ORNELAS requested that the City collaborate with the County for citizens in unincorporated areas with water issues.

Council Member SMITH announced his withdrawal for the City to endorse Measure C.

**M.3.**

**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 DEANDA reported on attending the Fire Department's Pancake Breakfast event, CALTRANS widening Highway 99, the Black Rascal Creek bridges, and the Fire Department Town Hall.

Council Member ORNELAS reported on attending the Fire Department's Pancake Breakfast event, the Weaver School Pancake Breakfast event for the Marching Band, and attending the upcoming Fire Department Town Hall.

Council Member XIONG spoke on the Hamas and Israel war.

Council Member PEREZ reported on attending the Fire Department Town Hall.

Council Member SMITH reported on attending the UC Merced State of University event, the Fire Department's Pancake Breakfast event, the Fowler Junior High Band Review, and drove through Merced with incoming City Manager Scott MCBRIDE.

Council Member BOYLE reported on attending the Wolfstock Festival, the Fire Department's Pancake Breakfast event, the Highway 59 Project meeting, the UC Merced State of University event, and the Miss Merced Pageant event.

Mayor SERRATTO thanked the street crew and Interim Police Chief Craig GUNDLACH for all his work in the City.

## N. ADJOURNMENT

**Clerk's Note:** The Regular Meeting was adjourned at 9:10 PM.

**A motion was made by Council Member Boyle, seconded by Mayor Pro Tempore Perez, that this Regular Meeting be adjourned. The motion carried by the following vote:**

**Aye:** 7 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, Council Member DeAnda, Council Member Smith, and Council Member Xiong

**No:** 0

**Absent:** 0