



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

Tuesday, February 21, 2023

6:00 PM

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 5:02 PM.

Clerk's Note: Council Member XIONG arrived to Closed Session at 5:12 PM and Mayor Pro Tempore PEREZ arrived to Closed Session at 5:48 PM.

B.1. **SUBJECT:** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager; Authority: Government Code Section 54957

B.2. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure Litigation Pursuant to Paragraph (2) of Subdivision (d) of Government Code section 54956.9: (1) Potential Case

Clerk's Note: Council Member SMITH recused himself from Agenda Item B.2. due to a conflict of interest.

B.3. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Section 54956.9: One (1) Potential Case

B.4. **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Paragraph (1) of Subdivision (d) of Government Code section 54956.9, Name of Case: City of Merced, City of Los Banos, and City of Atwater, Petitioners, vs. Merced County Association of Governments, Respondents

B.5. SUBJECT: CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; Eugene Drummond v. City of Merced; Workers Compensation Case Number 211021274; AUTHORITY: Government Code Section 54956.9(d)(1)

B.6. SUBJECT: CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; Paul Thompson v. City of Merced; Workers Compensation Case Number 17687346; AUTHORITY: Government Code Section 54956.9(d)(1)

B.7. SUBJECT: CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION; Rodney Court v. City of Merced; Workers Compensation Case Number 19774107, 19782964, and 19785618 AUTHORITY: Government Code Section 54956.9(d)(1)

Clerk's Note: Mayor SERRATTO recused himself from Agenda Item B.7. due to a conflict of interest.

Clerk's Note: Council adjourned from Closed Session at 6:00 PM.

C. CALL TO ORDER

Mayor SERRATTO called the Regular Meeting to order at 6:04 PM.

C.1. Monika Grasley, Lifeline Community Development Corporation

The Invocation was delivered by Monika GRASLEY of the Lifeline Community Development Corporation.

C.2. Pledge of Allegiance to the Flag

Monika GRASLEY led the Pledge of Allegiance to the Flag.

D. ROLL CALL

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 Teen Dating Violence Awareness and Prevention Month Proclamation to Jackie from Valley Crisis Center.

G. 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.3.: Steven DONAHUE.

H. ORAL COMMUNICATIONS

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

Lynn BARRERA, Merced - expressed her concerns on stray animals and the conditions of the streets in South Merced.

Clerk's Note: The following speakers appeared in person.

Chad ENGLERT, Merced - gave a video presentation on the Fire OPS 101 event and invited Council.

Cindy RAMOS, Merced - spoke on the public availability of information regarding affordable housing projects.

Robert DYLINA, Merced - spoke on the history and details of rent control.

Victoria ESPINOZA, Merced - spoke in recognition of Sophia MASON, thanked Detectives PINNEGAR and ODOM for their work on the case, and asked Council to recognize Sophia MASON and her family.

I. CONSENT CALENDAR

Agenda Items I.5. Approval of a Second Amendment to Agreement for Legal Services with Lozano Smith, LLP, in an Amount not to Exceed

\$300,000 and I.11. Adoption of a Resolution Setting a Public Hearing for Monday, March 20, 2023, to Vacate the 60-Foot-Wide Right-of-Way for Streets within the Paseo Subdivision, Generally Located at the Northwest Corner of G Street and Bellevue Road (Vacation #22-04); were pulled for separate consideration.

Approval of the Consent Agenda

A motion was made by Council Member Boyle, seconded by Council Member Smith, 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

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 - Site Plan Review Minutes of December 15, 2022

RECOMMENDATION

For information only.

This Consent Item was approved.

I.3. SUBJECT: Information Only - Planning Commission Minutes of December 7, 2022

RECOMMENDATION

For information only.

This Consent Item was approved.

I.4.

SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of October 3, 2022

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 October 3, 2022.

This Consent Item was approved.

I.6.

SUBJECT: Approval of Second Amendment to Agreement for Consultant Services with Chandler Asset Management to Provide Investment Portfolio Management Services for an Additional Two Years

REPORT IN BRIEF

Considers approval of the Second Amendment to Agreement with Chandler Asset Management to provide investment portfolio management services for an additional two years.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the Second Amendment to Agreement with Chandler Asset Management for Investment Advisory Services; and,

B. Authorizing the City Manager to execute all necessary documents.

This Consent Item was approved.

I.7.

SUBJECT: Approval of an Instructional Services Agreement with the Merced Community College District to Provide Credit Fire Classes for Students Aspiring a Future or Advancement in the Fire Professions

REPORT IN BRIEF

Considers approving an Instructional Services Agreement with the Merced Community College District to provide credit fire classes for students aspiring a future or advancement in the fire professions.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving an Instructional Services Agreement with the Merced Community College District to provide credit fire classes for students aspiring a future or advancement in the fire professions; and,

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

This Consent Item was approved.

I.8.

SUBJECT: Approval to Accept the Department of Justice 2022 Bulletproof Vest Partnership Grant in the Amount of \$21,912.88 to Cover 50% of the Purchase Cost of New Vests and Authorization to Utilize the Use of Pooled Cash to Cover the Purchase Cost Which will be Reimbursed from the Grant Proceeds

REPORT IN BRIEF

Accept grant award for reimbursement of bulletproof vest expenses.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting the grant; and,

B. Authorizing the use of pooled cash to cover the appropriation until grant funds are reimbursed; and,

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

This Consent Item was approved.

I.9.

SUBJECT: Accept and Appropriate Additional \$3,253.82 in Grant Funding from the San Joaquin Valley Air Pollution Control District

Incentive Program

REPORT IN BRIEF

Considers accepting and appropriating additional grant funding in the amount of \$3,253.82 from the San Joaquin Valley Air Pollution Control District (SJVAPCD) to reimburse the City for the purchase of electric vehicles.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting and Increasing the revenue budget in account 001-1002-324.02-00-Project 243027 by \$3,254; and,
- B. Appropriating the same to 001-1002-523.43-00-Project 243027; and,
- C. Authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

I.10.

SUBJECT: Approval of a Professional Services Agreement with Goodwin Consulting Group for Special Tax Services Related to Annexations to the Community Facilities District (CFD) in an Amount not to Exceed \$100,000

REPORT IN BRIEF

Considers approving a Professional Services Agreement with Goodwin Consulting Group for special tax services related to annexations to the Community Facilities Districts (CFD) in an amount not to exceed \$100,000 for a contract period ending June 30, 2024.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a Professional Services Agreement with Goodwin Consulting Group, Inc. to prepare the Rate and Method of Apportionment for Community Facilities Annexations in an amount not to exceed \$100,000; and,
- B. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

This Consent Item was approved.

I.5.

SUBJECT: Approval of a Second Amendment to Agreement for Legal Services with Lozano Smith, LLP, in an Amount not to Exceed \$300,000

REPORT IN BRIEF

Considers approving a second amendment to agreement for legal services with Lozano Smith, LLP, in an amount not to exceed \$300,000.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a second amendment to agreement for legal services with Lozano Smith, LLP in an amount not to exceed \$300,000 and,

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

Mayor SERRATTO pulled this item at the request of staff.

Clerk's Note: Acting City Attorney Travis LINDSEY recused himself due to current employment with Lozano Smith, Inc.

Clerk's Note: There was no Council discussion.

A motion was made by Council Member Boyle, seconded by Council Member Ornelas, 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

I.11.

SUBJECT: Adoption of a Resolution Setting a Public Hearing for Monday, March 20, 2023, to Vacate the 60-Foot-Wide Right-of-Way for Streets within the Paseo Subdivision, Generally Located at the Northwest Corner of G Street and Bellevue Road (Vacation #22-04)

REPORT IN BRIEF

Considers adopting a Resolution to set a public hearing for March 20, 2023, to vacate the 60-Foot-Wide Right-of-Way for Streets within the Paseo Subdivision, generally located at the northwest corner of G Street and Bellevue Road.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2023-11**, A Resolution of The City Council of The City of Merced, California, declaring its Intention to Vacate the 60-Foot-Wide Right-Of-Way Dedicated for Streets within Portico Drive, Montage Drive, Promenade Avenue, Countryside Avenue, Mosaic Avenue, and Savannah Avenue within the Paseo Subdivision generally located at the Northwest Corner of G Street and Bellevue Road (Vacation #22-04) and setting a time and place for a Public Hearing.

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

Clerk's Note: Council Member BOYLE recused herself due to a conflict of interest of an employer.

Clerk's Note: There was no Council discussion.

A motion was made by Council Member Ornelas, seconded by Mayor Pro Tempore Perez, 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 DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

Abstain: 1 - Council Member Boyle

J. REPORTS

J.1.

SUBJECT: Adopt a Resolution to Adhere to the Merced County Regional Waste Management Authority (MCRWMA) Flow Control Policy Regarding Organic Waste Disposal

REPORT IN BRIEF

Considers adopting a Resolution authorizing agreement to the Merced

County Regional Waste Management Authority's Flow Control Policy regarding organic waste disposal to aid in the Senate Bill (SB) 1383 compliance.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2023-13**, Resolution of the City Council of the City of Merced, California, to Adhere to the Merced County Regional Waste Management Authority (MCRWMA) Flow Control Policy.

Recycling Coordinator Monique GAMA, Consultant Kyle LORETO, and Consultant Phillip MAINOLFI gave a slideshow presentation on the Merced County Regional Waste Management Authority (MCRWMA) flow control policy and details of SB 1383.

Council, Mr. LORETO, Mrs. GAMA, City Manager Stephanie DIETZ, and Mr. MAINOLFI discussed the different methods to process compost and covering the waste in the landfill, community participation and outreach, maintaining cost efficiency, the amount of green waste in Merced, and the average percentage of organic waste in a household.

A motion was made by Council Member Smith, seconded by Mayor Pro Tempore Perez, 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.2.

SUBJECT: Mid-Year Budget Review for Fiscal Year 2022-2023, General Fund Supplemental Appropriations and Budget Amendments in Various Funds Totaling \$3,230,337; and Requesting Direction on American Rescue Plan Act Allocation

REPORT IN BRIEF

Presents the Fiscal Year 2022-2023 Mid-Year Financial Report, seeks approval of General Fund Supplemental Appropriations and Budget Amendments in Various Funds totaling \$3,230,337, and requesting Direction on American Rescue Plan Act Allocation.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the addition of a full time Deputy Finance Officer for a two-month period; and,
- B. Approving a transfer from Fund 674 Fleet Replacement to the General Fund in the amount of \$338,000 and appropriating the same to 001-0901-523.43-00; and,
- C. Approving a Supplemental Appropriation from the unreserved, unencumbered General Fund balance in the amount of \$152,000 and appropriating the same to 001-0901-523.43-00; and,
- D. Approving a Supplemental Appropriation from the unreserved, unencumbered General Fund balance in the amount of \$55,000, transferring to Fund 063-Bell Station and appropriating the same; and,
- E. Approving the addition of one Assistant Engineer and deleting one Engineering Technician IV; and,
- F. Approving a Supplemental Appropriation in Fund 061-Measure C from the unreserved, unencumbered Fund Balance in the amount of \$222,687 to repay HUD ineligible project costs; and,
- G. Approving increase to revenue in Fund 018-CDBG in the amount of \$222,687 to accept repayment of HUD ineligible project costs; and,
- H. Approving the reduction of transfers from Gas Tax Funds (009, 010, 011, and 065) to Fund 022- Streets Maintenance totaling \$500,000; and,
- I. Approving transferring \$500,000 from Fund 076-2030 Gas Tax (SB1) to Fund 022- Streets Maintenance in the amount of \$500,000; and,
- J. Approving a Supplemental Appropriation from the unreserved, unencumbered General Fund balance in the amount of \$53,432 and appropriating to Vehicle O&M; and,
- K. Approving an increase to revenue in Fund 670-Fleet Management in the amount of \$500,000 from various funds to cover fuel shortage (expense allocation provided in the discussion); and,
- L. Approving **Resolution 2023-12**, A Resolution of the City Council of the

City of Merced, California, Declaring the Infeasibility of using Public Bidding to Purchase Certain Vehicles and Authorizing Limited Direct Purchases; and,

M. Approving a Supplemental Appropriation from the unreserved, unencumbered General Fund Balance in the amount of \$254,407 due to the flood emergency; and,

N. Approving a Supplemental Appropriation from the unreserved, unencumbered Fund Balance in Fund 061-Measure C in the amount of \$11,753 due to the flood emergency; and,

O. Approving a Supplemental Appropriation from the unreserved, unencumbered Fund Balance in Fund 017-Development Services in the amount of \$10,000 due to the flood emergency; and,

P. Approving a Supplemental Appropriation from the unreserved, unencumbered Fund Balance in Fund 553-Wastewater Operations in the amount of \$1,072,394 due to the flood emergency; and,

Q. Approving a Supplemental Appropriation from the unreserved, unencumbered Fund Balance in Fund 558-Refuse Operations in the amount of \$106,528 due to the flood emergency; and,

R. Approving a Supplemental Appropriation from the unreserved, unencumbered Fund Balance in Fund 670-Fleet Operations in the amount of \$7,568 due to the flood emergency; and,

S. Providing Direction on the American Rescue Plan Act funding allocation; and,

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

Finance Officer Venus RODRIGUEZ and City Manager Stephanie DIETZ gave a mid-year review of the Fiscal Year 2022-2023 budget, discussed the additions and changes to staff positions, detailed supplemental appropriations and budget amendments in various funds, and gave an update on the American Rescue Plan Act (ARPA) funds.

Council, Mrs. RODRIGUEZ, and Mrs. DIETZ discussed the COVID-19 City expense, the Utility Bill Relief Program, the Water Conservation Program, and details of the encumbrance and expenditure dates.

Mrs. RODRIGUEZ continued her slideshow presentation discussing the storm and flood response funds and details of the Federal Emergency Management Agency (FEMA) application.

Madeline HARRIS, Leadership Counsel, Merced - asked that the staff report be available to the public, advocated for the Right-to-Counsel, affordable housing, flood repairs, and the Affordable Housing Trust Fund to be funded by ARPA, and public outreach.

Mrs. DIETZ stated that the staff report is on the City's website and available to the public.

Gloria SANDOVAL, Merced - asked for details on the Utility Bill Relief Program, Measure Y, flood reimbursement, victims of evictions due to recent flood events, increasing the Affordable Housing Trust Fund, and the levy repair.

Council, Mrs. RODRIGUEZ, and Mrs. DIETZ discussed recommendation items A-L.

A motion was made by Council Member Boyle, seconded by Council Member Ornelas, to approve Recommendation Items A through L. 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

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Ornelas, to approve Recommendation Items M through R and T. 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

Council, Mrs. DIETZ, and Mrs. RODRIGUEZ discussed potentially allocating funds to the Water Conservation Program, Youth Jobs Program, and other programs funded by ARPA, remaining ARPA funds, Measure C, and employee retention bonus.

Council agreed to bring back options for the following ARPA funded programs back in May: Water Conservation Appliance program, providing Merced Zoo options, CP42, Utility Bill Relief program, Youth Job Training, Affordable Housing Fund, and the Employee Salary Retention bonus.

A motion was made by Council Member Boyle, seconded by Mayor Pro Tempore Perez, to approve the Council direction provided to staff. 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.3.

SUBJECT: Aviation and Tourism Marketing Information, Airport Logo and Taglines for the Merced Yosemite Regional Airport

REPORT IN BRIEF

Staff to provide a presentation of Vela Marketing Firm's proposed aviation and tourism marketing information, airport logo and taglines for the Merced Yosemite Regional Airport.

RECOMMENDATION

City Council - Adopt a motion approving the aviation and tourism marketing information and airport logo for the Merced Yosemite Regional Airport as recommended by the Merced Regional Airport Authority.

Deputy City Manager Frank QUINTERO and Public Information Officer Jennifer FLACHMAN gave a slideshow presentation on the aviation marketing information, the airport logo, and taglines for the Merced Yosemite Regional Airport.

Council, Ms. FLACHMAN, and Mr. QUINTERO discussed the taglines and logos.

A motion was made by Council Member Ornelas, seconded by Mayor Pro Tempore Perez, 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

K. BUSINESS

K.1. **SUBJECT: Request to Display the Italian Flag in Bob Hart Square in Honor Italian Americans as Submitted by the Italo-American Lodge Beginning on October 1, 2023 Through October 31, 2023 and to Include this Request on the Annual Flag Calendar Adopted by the City Council**

REPORT IN BRIEF

Request from the Italo-American Lodge to Display the Italian Flag in Bob Hart Square on October 1, 2023 through October 31, 2023 in honor of Italian Americans and to include this request on the annual Flag Calendar adopted by the City Council.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the request to be added to the Flag Calendar for the 2023 year in accordance with Council Policy C-7 regarding the display of commemorative flags; and,

B. Bringing a Resolution back for adoption.

Mayor SERRATTO disclosed that he is a member of the Italo-American Lodge and cleared with Acting City Attorney Travis LINDSEY that this is not a conflict of interest.

Council Member ORNELAS asked if the Italo-American Lodge was present.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Ornelas, 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 DeAnda, Council Member Smith, and Council Member Xiong

No: 0

Absent: 0

Abstain: 1 - Council Member Boyle

K.2.

SUBJECT: Approval of the City Council FY 2023/24 Goals and Priorities to Include Downtown & Economic Development, Housing & the Unhoused, Merced Unity Project, Natural Disaster/Flood Response, Parks & Recreation, Public Safety, Public Works & City Beautification, South Merced Study, and Quality of Life

REPORT IN BRIEF

Adoption of the FY 2023/24 Goals and Priorities to include Downtown & Economic Development, Housing & Homelessness, Merced Unity Project, Natural Disaster/Flood Response, Parks & Recreation, Public Safety, Public Works & City Beautification, South Merced Study, and Quality of Life.

RECOMMENDATION

City Council - Adopt a motion approving FY 2023/24 Goals and Priorities.

Madeline HARRIS, Leadership Counsel, Merced - spoke in support of the City looking into rent stabilization, a habitability program, anti-displacement programs, and city beautification efforts. She also spoke on the Measure C renewal, public safety issues in Merced, and industrial land uses.

Council and City Manager Stephanie DIETZ discussed clarifying the public works/city beautification section to include smaller neighborhood focus Community Facilities Districts (CFDs), public safety staffing and retention, Measure C, adding a city-wide retention evaluation in the Quality of Life section, and bid process for Measure C.

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

K.3.

SUBJECT: Council Member De Anda's Request to Reconsider

Sending the Letter to the Attorney General

REPORT IN BRIEF

Council Member De Anda's request to reconsider sending a letter to the Attorney General.

RECOMMENDATION

Provide direction to staff on next steps.

Council Member DEANDA explained the request to reconsider sending a letter to the Attorney General, the amount of officers on duty during one shift, and requested that the letter wait until the City hires a new Chief of Police.

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

Concerned Citizen, Merced - spoke on police officer accountability.

Clerk's Note: The following speakers appeared in person.

Cathy DUNHAM, Merced - expressed concerns of the reconsideration of sending the letter to the Attorney General and asked Council to continue sending the letter.

Ronald DUNHAM, Merced - spoke on accountability and transparency in Merced.

Victoria ESPINOZA, Merced - spoke on details of Merced police officers and spoke in opposition of the reconsideration of sending the letter to the Attorney General.

Pangcha VANG, Merced - spoke on the amount of complaints against police officers in Merced and Measure C.

Council and Acting City Attorney Travis LINDSEY discussed the current motion, the secondary request to submit a letter asking the Attorney General to wait until the City hires a Police Chief, how police officers are responding to calls, the confusion between agenda items, the Attorney General's response to the first letter, implementing process and procedures for Council meetings to avoid confusion, applying procedures for police officers responding to calls, the Police Chief hiring process, public safety employment retention, and details of Measure C.

A motion was made by Council Member DeAnda, seconded by Council Member Smith, to re-consider sending the letter to the Attorney General. The motion failed by the following vote:

Aye: 2 - Council Member DeAnda, and Council Member Smith

No: 5 - Mayor Serratto, Mayor Pro Tempore Perez, Council Member Ornelas, Council Member Boyle, and Council Member Xiong

Absent: 0

K.4. 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.

Clerk's Note: No future items were added.

K.5. 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 Martin Luther King Jr. Presentation event at the Theatre.

Council Member ORNELAS reported on attending the Martin Luther King Jr. Presentation event, spoke on the future WBC Youth Champion Meet and Greet event at Fruta Loca, and gave a shoutout to National Silver Gloves Champion Nina AZTECA.

Council Member XIONG asked City Manager Stephanie DIETZ to provide the budget powerpoint to the public and how the City will apply for grants for the Housing Trust Fund.

Mayor Pro Tempore PEREZ reported on attending the Martin Luther King Jr. March event.

Council Member SMITH reported on attending the Martin Luther King Jr. March and Presentation event.

Council Member BOYLE reported on checking out the City of Visalia's Downtown and spoke on the ribbon cutting for Fahrens Park.

Mayor SERRATTO reported on attending the UC Merced Pre-Law Society Meeting, Merced High FFA barbecue, spoke on Tzu Chi, an International Humanitarian Organization, assisting the flood victims, attended the Geo Reentry graduation, the Martin Luther King Jr. March event, Merced County Office of Education (MCOE) Graduation Ceremony, and the Clean-up Day event at Fahrens Park. He also spoke on the upcoming events, the Point-in-Time County event for Merced County, the Mercado event, and the Clean-Up Day at McNamara Park.

L. ADJOURNMENT

Clerk's Note: The Regular Meeting was adjourned at 9:19 PM.

A motion was made by Mayor Pro Tempore Perez, seconded by Council Member Boyle, 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